

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on March 16, 2016, at 7:00 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth  
City Attorney Cliff Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** Teresa Sargeant - The Apopka Chief  
Bethany Rodgers, Orlando Sentinel  
Dale Fenwick, The Apopka Voice

**INVOCATION:** Mayor Kilsheimer introduced Pastor Steven M. Jencks of Apopka Seventh-day Adventist Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said in a letter written 240 years ago this month Abigail Adams offered advice to her husband, John Adams, and members of the Continental Congress, as they debated the notion of declaring independence from England. Mrs. Adams counseled her husband not to forget the nation's women in the fight for independence. She wrote, "Remember the ladies, and be more generous and favorable to them. We will not hold ourselves bound by any laws in which we have no voice or representation." Her letter, written nearly 150 years before the passage of the 19<sup>th</sup> Amendment, which gave women the right to vote is viewed by historians as a foundational document in our Nation's fight for equal rights for women. He asked everyone to reflect on the pioneering spirit of Abigail Adams and the generations of women who followed the challenge conventions and create opportunities for generations as he led in the Pledge of Allegiance.

Mayor Kilsheimer acknowledged and congratulated all of the candidates in yesterday's Election, stating we are headed towards a Run-off Election. He thanked everyone who participated.

### **APPROVAL OF MINUTES:**

1. City Council regular meeting March 2, 2016.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the March 2, 2016 City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

### **PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT**

#### **Proclamations:**

1. FFA Proclamation – Mayor Kilsheimer read the Proclamation and presented it to the Future Farmers of America members.
2. Water Conservation Proclamation – Mayor Kilsheimer read the Proclamation and presented it to Kevin Burgess.

## **Presentations:**

### 1. Grow Apopka 2025 Vision Final Draft and Presentation

Debbie Love, Project Manager, Keith and Schnars, said communities go through a visioning process because so many grow in unusual ways, or ways they do not want to grow, and they want to have a vision for the future that has to be driven by the community. She reviewed all that went into this process, including the input that consisted of surveys and community meetings. She said the most common words that constantly came out were “grow” or “growth”, so this became the theme of the project. The ideas that came forward are shown in their report. She reviewed their plan and how it was formulated, vision statements, and illustrative concepts. She went over implementation and funding, stating staff has identified funding sources, and they have included some alternative potential funding sources the City can explore.

Bob Cambric, Keith and Schnars, said this was growing and building upon the foundation of Apopka, utilizing those things that are working well, and adding items the residents have asked for that would take Apopka to become a destination for visitors, as well as a continued enjoyment for the people who already live here. He pointed out they utilized the pillar concept developed by the Florida Chamber of Commerce to categorize the importance of issues the residents had looked at. The first and most important is Economic Development, creating and sustaining opportunities for people to have jobs and grow the economy in Apopka. Second is Infrastructure and Growth Leadership in dealing with the hardscape that makes the community work. He advised the third is Quality of Life and Quality Places, stating all vibrant and great communities have a connection among the residents and activities that add and enhance to being a resident as well as for visitors. The next category is Civic and Governance Systems, which is how the City operates and delivers services to residents. The final pillar is Talent Supply and Education. He pointed out that all of these are connected and support each other. He explained that for each pillar they have established an overreaching goal based on what the community put forward. He reviewed goals and strategies of the plan and relying on the assets such as Lake Apopka, Wekiva River, and Rock Springs. He spoke about the redesign of downtown and making it linked and connected to the Martin Pond area. He discussed being able to create development hubs, as well as addressing the issue of obtainable housing, public safety, and special events. A copy of the proposal is on file in the Clerk’s office, and is included in the agenda packet for this meeting

In response to Mayor Kilsheimer confirming that City Council should not take a vote this evening, Mr. Irby responded in the affirmative, explaining if there were any corrections, changes, additions, or subtractions, the Council would make those tonight and at the next meeting a Resolution will be brought forward to formally adopt it.

Commissioner Dean said with regards to looking at affordable housing, Homes in Partnership cannot get funding from Farmers Home Administration because Apopka is no longer considered a rural community.

Mr. Cambric said he was aware that Apopka no longer qualifies as a rural community under the HUD definition. However, that does not limit Homes in Partnership’s ability to build housing. He advised they were doing a partnership with Habitat for Humanity for the

apartments located on Thirteenth and Twelfth Streets. He said the plan talks about the City working with, encouraging, and assisting developers, and allowing for the delivery of housing that is the type of housing the residents are seeking.

Mayor Kilsheimer opened the meeting to public input.

David Emmel said he would like to talk about three items regarding the northwest hub that have not been addressed. He said the Department of Community Affairs originally recommended a half mile radius from Apopka's interchange node, but Apopka and Orange County determined one mile to allow for transition and compatibility to maintain the current rural nature. He referenced an Orange County Planning Division letter dated July 16, 2010, and reviewed objections in the Orange County letter sent to Department of Community Affairs. He spoke about form-based code and said we still did not have a form-based code and it dates back to 2011.

Mayor Kilsheimer said in this case Mr. Emmel was bringing up some very specific items with regards to the Kelly Park Crossings Development and the requirements the City agreed to when the Development of Regional Impact was approved and these were all still pending and valid issues. He stated the Visioning document is not going to be as specific as the conditions Mr. Emmel was trying to address.

Mr. Cambric said that Mr. Emmel was at the Community Visioning meeting and he alluded to the fact that three issues came up, one being his. During the visioning process, they met with people to find out how their needs could be addressed. Mr. Cambric stated, in this instance, the visioning document does do everything he talks about and went on to review these items within the vision document. He said once they get into the specifics of what the code says, then the conversation can happen about what the open space should be.

Mr. Moon advised that Mr. Emmel's property is several hundred feet outside the city limits that require other parcels to annex into the city before he could even approach the city with an application and request to annex into Apopka. He stated regarding the form-based code, there are plans to move forward with it.

Mitchell Koebke said in reference to the Visioning of Apopka, with regards to the sign, one concern brought up at the meeting is that the sign is just City of Apopka in regular print, and he stated if we were going to have this, the font from the City's logo should be used.

Natalie Rose Bell inquired with the 2025 Vision and the plans for additional housing on Thirteenth and Twelfth Streets, if Apopka would be annexing that particular area. She also expressed concern of a Rehab Hospital being placed on Park Avenue.

Mayor Kilsheimer said with regards to Hawthorne Village, Commissioner Dean has been working with Congressman Mica on the idea of getting funding. He stated there was late breaking initiative by the Habitat for Humanity in Seminole County and Apopka and the Habitat for Humanity in Orlando have joined forces within the last week to apply for a grant that would allow them to move forward on redevelopment of the Hawthorne Village site. As it stands, under their current plan it would stay in Orange County.

Jean Emmel said that their property is within a one mile radius of the Kelly Park Interchange, stating it does not matter that they are not in the city limits because of this one mile radius. She suggested the form-based code needs to be reviewed to understand what they are saying.

Vivian Bryant, President of the Orlando Housing Authority, spoke regarding properties they serve and said they would like to make sure these are included in the visioning plan.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

2. CDBG Second Public Hearing

Fred Fox, Fox Enterprises, gave a presentation and held a second public hearing on the Community Development Block Grant, reviewing proposed improvements to Alonzo Williams Park.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

3. Fair Housing Presentation

Mr. Fox reviewed the Fair Housing Act and reviewed the complaint process. In response to Commissioner Dean, he advised he was reviewing the Federal Fair Housing Act, and explained the State and City have both passed Fair Housing Acts.

**CONSENT (Action Item)**

1. Approve the submittal of the Florida Small Cities, CDBG application.
2. Approve the Disbursement Report for the month of February, 2016.
3. Approval for the sale of alcohol at the Crawfish, Seafood and Jazz Festival.
4. Approval for the sale of alcohol for the Cinco De Mayo Fiesta event.
5. Approval of a Petting Zoo at the Art & Jazz Festival.
6. Authorize and Support Services for the 55th Annual Art & Foliage Festival.
7. Authorize the purchase of artwork at 55th Annual Art & Foliage Festival.
8. Authorize the purchase of Shade Structure improvements for Northwest Recreation Complex.
9. Authorize the purchase of seven vehicles for the Public Services Department.
10. Authorize the funding for the mitigation of gopher tortoises and award a contract for consulting services.
11. Approve the contract, with DeYoung Law Firm, for Police legal services.
12. Award a construction contract, for one fire engine, to Rosenbauer America, LLC.

Items #4 and #9 were pulled for discussion only.

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the twelve items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2491– First Reading – Large Scale Future Land Use Amendment. The City Clerk read the title as follows:

## ORDINANCE NO. 2491

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” MEDIUM DENSITY RESIDENTIAL TO “CITY” COMMERCIAL (MAX. 0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 AND EAST OF MARDEN ROAD, COMPRISING 51.88 ACRES, MORE OR LESS AND OWNED BY EMERSON POINT PHASE 2, LLC; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon, Planning Manager, gave a brief lead in stating the application was to change approximately 51.88 acres to a Commercial land-use designation. Based on the size of the property, this is a Large Scale application and City Council’s action tonight, if they so choose, is to approve the ordinance on first reading and transmit the application to the Florida Department of Economic Opportunity for state agency review. The state agency will have sixty days to review and respond back to the City. He advised the property is located on the north side of State Road 414, east of Marden Road and is currently vacant. The Planning Commission met on March 8, 2016, and found the request to be consistent with the Comprehensive Plan and compatible with the character of the surrounding area, making the recommendation to approve the ordinance and transmit the application. DRC also reviewed and made the same conclusion and recommendations as the Planning Commission. The staff report will be filed with the minutes.

Ed Fore, Attorney representing the applicant, said they were excited about this project and feel commercial will bring a lot to this area. He stated they currently do not have a site plan, and will be back for a zoning change.

Mayor Kilsheimer opened the meeting to a public hearing.

Vivian Bryant, President of Orlando Housing Authority, said they serve not only City of Orlando residents, but also Orange County residents, and she expressed concern regarding the Marden Apartment Complex at 1541 Marden Meadows Court, which is 45 units of public housing, which are all three bedroom units. This is located right next to this large scale development. She stated they want to make sure there is no constructive taking of their property by placing this development right next to it.

Mr. Fore declared there were no plans for taking or encroaching on any surrounding land. He said current code requires sound and visual barriers between residential and commercial. They feel this will be an amenity to the residents. He stated they would be happy to meet with the Housing Authority to discuss the current plan, but at this time it is premature to say what they plan to build.

Francina Boykin said she and residents from her neighborhood received a certified notice about the zoning hearing at the Planning Commission last week and this was their first

knowledge of the Emerson Point Phase 2, LLC. She said individuals spoke about workshops leading up to the meeting last week and said they would like to be kept informed.

Mr. Fore said he believed what she was referencing were the small area study workshops that were conducted. He said this came up during the Planning Commission meeting. He affirmed they have not had any workshops and have followed the notice requirements as required by the city.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2491 at First Reading and authorize transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

Commissioner Arrowsmith said Mr. Wright had addressed this and said he was going to meet with the neighbors in the area.

Angel de la Portilla said that was during the discussion on the interchange and they did have some meetings with residents regarding the interchange, but nothing specific on this land-use change.

Mr. Moon advised that based on notification policies, a certified letter would have been mailed to all property owners within 300 feet of the property, regardless of jurisdiction and an advertisement in The Apopka Chief regarding public hearing dates.

2. Resolution 2016-07 – Long and short term objectives of the community development plan. The City Clerk read the title as follows

#### **RESOLUTION 2016-07**

#### **A RESOLUTION OF THE CITY OF APOPKA AUTHORIZING THE IMPLEMENTATION OF THE LONG TERM AND SHORT TERM OBJECTIVES OF THE CITY OF APOPKA COMMUNITY DEVELOPMENT PLAN.**

Jeff Plaughter, Facilities Administrator, advised this was standard language and is required as part of the CDBG grant application. This and the next two resolutions are part of the application process. The application is due April 25, 2016, and this will be the last meeting with regards to this grant.

Mayor Kilsheimer opened the meeting to public input. No one else wishing to speak, he closed the public input.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve Resolution 2016-07. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

3. Resolution 2016-08 – Authorizing funding from the General Fund. The City Clerk read the title as follows

**RESOLUTION 2016-08**

**A RESOLUTION AUTHORIZING THE USE OF FIFTY THOUSAND DOLLARS (\$50,000.00) OF FUNDING FROM THE CITY OF APOPKA GENERAL FUND UNDER PARKS AS LEVERAGE FOR THE SMALL CITIES NEIGHBORHOOD REVITALIZATION COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THE CITY IS SUBMITTING TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2015.**

Mayor Kilsheimer opened the meeting to public input. No one wishing to speak, he closed the public input.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve Resolution 2016-08. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

4. Resolution 2016-09 – Submit Application Grant. The City Clerk read the title as follows:

**RESOLUTION 2016-09**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2015.**

Mayor Kilsheimer opened the meeting to public input.

Ray Shackelford applauded the City for submitting this grant and stated we need more grants to minimize the burden on citizens. He said it was his understanding if the grant is not awarded, the \$50,000 will not be spent.

Mayor Kilsheimer responded in the affirmative.

No one wishing to speak, he closed the public input.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve Resolution 2016-09. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

5. Resolution No. 2016-11 – Non-exclusive franchise for roll-off container collection and disposal of waste. The City Clerk read the title as follows

**RESOLUTION NO. 2016-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROGRESSIVE WASTE SOLUTIONS, TO PROVIDE “ROLL-OFF” CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to public input. No one else wishing to speak, he closed the public input.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approved Resolution No. 2016-11. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

6. Resolution No. 2016-12 – The 55<sup>th</sup> Annual Arts & Foliage Festival. The City Clerk read the title as follows

**RESOLUTION NO. 2016-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING THAT THE CONCESSIONS AT THE ART & FOLIAGE FESTIVAL WILL BE HANDLED LARGELY BY LOCAL COMMUNITY, CIVIC AND RELIGIOUS ORGANIZATIONS, THAT NO PEDDLER LICENSES WILL BE ISSUED DURING THE FESTIVAL, AND THAT NO ANIMALS, LEASHED OR UNLEASHED, WILL BE ALLOWED IN KIT LAND NELSON PARK DURING THE FESTIVAL, EXCEPT IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).**

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Resolution No. 2016-12. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**BUSINESS**

1. Council – No new or old business from Council.
2. Public

Ray Shackelford said at the last Council meeting they were told that the City of Winter



Garden spent \$700,000 on their splash pad. He stated he had documentation from Winter Garden that states they only spent \$300,000 on this and he encouraged Council to do a budget amendment to move forward with a splash pad and skate park.

Francina Boykin said there was a need to resurface Marvin C. Zanders Avenue north of Seventh Street to Tenth Street and resurfacing of Hawthorne Avenue from south of Tenth Street. She said the patching was no longer working and just washing out. She also expressed concerns that there was only one park, Alonzo Williams Park, in that area.

Commissioner Dean said to hinge on what Dr. Shackelford said about the splash pad, the City has set aside funding for a splash pad and he would like to see the City find the extra funds in order to put in a splash pad.

Discussion ensued regarding a splash pad and location of which to place it. From the discussion, it was the consensus of the Council to explore the idea of soliciting bids.

Commissioner Arrowsmith said he has heard more recently about streets than he has about restaurants and nice places to shop. He asked about the priority list for paving and said we need to keep up with the infrastructure.

Mr. Irby advised that Public Services has a master plan underway identifying streets and sidewalks that need repair and from that list they will prioritize that will be used during the budget process.

## **MAYOR'S REPORT**

Mr. Irby reported the City has a Sales and Purchase Agreement in place with Taurus Southern Investments and that agreement states within 60 days a Developers Agreement will be created and presented to Council for approval. He advised we are at the end of that 60-day deadline, but they are very close in negotiating the final Developers Agreement. In a meeting Monday with Taurus they discussed asking Council to extend the initial 60-day deadline for an additional two 30-day deadlines. The current deadline ends on April 2, 2016. He advised they will not have a presentation ready by the tentative March 24, 2016 workshop. He asked to reschedule the March 24, 2016 workshop and to consider allowing two 30-day extensions to the Final Developers Agreement.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to extend to Taurus Southern Investments two 30-day extensions for negotiating the Final Developer's Agreement. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

It was the consensus of the Council to set April 14, 2016 as a tentative date to reschedule the workshop meeting that was scheduled on March 24, 2016 with Taurus Southern Investments.

**ADJOURNMENT** – There being no further business the meeting adjourned at 9:24 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST

\_\_\_\_\_/s/\_\_\_\_\_  
Linda F. Goff, City Clerk