

## **CITY OF APOPKA**

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**Minutes of the regular City Council meeting held on July 6, 2016, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Doug Bankson  
Commissioner Kyle Becker  
City Attorney Cliff Shepard  
City Administrator Glenn Irby

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

**INVOCATION:** Mayor Kilsheimer introduced Pastor Kevin Goza of Trinity Baptist Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on July 4, 1776, the Continental Congress formally adopted the Declaration of Independence, which proclaimed the independence of the newly formed United States of America from Great Britain and its King. The Declaration came just over a year after the first shots were fired at Concord signaling the start of the Revolutionary War. The War would last five years until the American victory at York Town. In 1783, the United States became a free and independent Nation with the signing of the Treaty of Paris. He asked everyone to remember the many sacrifices of our founding fathers and the great patriots who sought to establish our great Nation as he led in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

1. City Council meeting June 1, 2016.
2. City Council workshop meeting June 15, 2016.
3. City Council meeting June 15, 2016.

**MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve the June 1, 2016, June 15, 2016, and June 15, 2016, City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

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

#### **Proclamations:**

1. Water for People Week Proclamation  
Mayor Kilsheimer read a proclamation recognizing Water for People Week, and presented it to Tim Brodeur.
2. Recreation and Parks Month Proclamation  
Mayor Kilsheimer read a proclamation recognizing Recreation and Parks Month and presented it to David Burgoon, Recreation Director.

**Employee Recognition:**

1. Five Year Service Award - Justin Rawls - Fire/Suppression – Mayor Kilsheimer said Justin began working for the City on June 10, 2011 as a Firefighter First Class and that is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Justin for his years of service.
2. Ten Year Service Award - Rogers Beckett - Community Development – Rogers was not present and his award will be presented at another time.
3. Ten Year Service Award - Juan Moreno Jr. - Public Services/Grounds Maintenance – Juan was not present and his award will be presented at another time.
4. Ten Year Service Award - Billy Preston Jr. - Public Services/Sanitation – Billy was not present and his award will be presented at another time.
5. Fifteen Year Service Award - Andrew King - Police/Support Services – Andrew was not present and his award will be presented at another time.
6. Fifteen Year Service Award - Marciana Williams - Public Services/Fleet Management – Marciana was not present and her award will be presented at another time.
7. Twenty Year Service Award - William Alvord - Public Services/Fleet Management – William was not present and his award will be presented at another time.
8. Thirty-Five Year Service Award - Robert Elmquist - Public Services/Design Engineering – Bob began working for the City on June 9, 1981, as a laborer for Wastewater. On June 9, 1982, he was reclassified to Wastewater Plant Operator Trainee, and on September 7, 1982, he passed his test and became a Certified Wastewater Plant Operator C. Bob was promoted on August 7, 1986, to Wastewater Treatment Plant Supervisor. September 12, 1990, he was reclassified to Assistant Water Resources Superintendent, then effective October 1, 1993, Bob was reclassified to Water Resource Superintendent, April 27, 1997, he was reclassified to Project Coordinator for Design Engineering, and then on October 1, 2003, he was reclassified to Senior Project Coordinator. On December 16, 2005, Bob's title was changed to Senior Project Coordinator and Plan Review, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Bob for his years of service.

**Presentations:**

**1. Announcement of newly sworn in Police Officers**

Mayor Kilsheimer announced that four new Police Officers were sworn in last week. He recognized Aaron Gerardi, Lauren Hart, Brian Sorrells, and Tim Wallace welcoming them to the Apopka Police Department.

**2. Comprehensive Annual Financial Report from Moore Stephens Lovelace CPA's and Advisors – presentation moved to be heard under Business.**

**CONSENT (Action Item)**

1. Approval for the sale of alcohol for the Travis Tritt concert.
2. Approval for the sale of alcohol for the Debbie Turner Block Party.
3. Authorize the Sewer and Water Capacity Agreement for Silver Oaks Subdivision.
4. Accept notification of application for Edward Byrne Memorial Justice Assistance Grant Program
5. Authorize expenditure from Federal Law Enforcement Trust Fund to purchase in-car camera equipment

6. Approval of Recreation Youth Sports League fees.

Item six was pulled from the Consent Agenda for discussion and public input.  
Mayor Kilsheimer opened the meeting to public input.

Ed Walls, President, Apopka Youth Sports Association, said they believe these facilities were designed to be a positive benefit for tax paying and voting families of this community. He stated the Council is being asked to make decisions based on limited information that he claimed was inaccurate with regards to actual activities and actual cost. He affirmed they have partnered and worked hard over the last 30 years in this community to have a positive impact on the youth and hopes to have this rewarded by omitting fees. He reviewed and re-emphasized their financial contributions, concluding that based on these improvements, their fees should be covered for the next 10 – 15 years.

Ulaire Holliday said she was a representative of the Apopka Raptors football team and they were concerned about the fees being imposed on their team. She stated they use the fields at Dream Lake and the Apopka Ninth Grade Center and are being told they are to pay in excess of \$1,000 for fields that are not maintained and have deplorable conditions. She asked how and why they should be charged the same amount as other teams that have much better fields at the Northwest Recreation facility. She declared AAU was looking to bring the National Championship to Apopka which means revenue for the City. In addition, they were told they would not be able to collect money in the parking lot for entrance to the games. She asked Council to consider not imposing these fees on the youth leagues.

Wendell Davison said the fees being imposed on youth programs, in particular, football, are programs funded mostly by the parents who are taxpayers, and donation drives. He declared football is woven into the fabric of the City of Apopka. He stated the City did not have a football program in place to meet the needs of these three programs and he did not feel these organizations should be charged a fee for use of the facilities. He pointed out these programs keep the youth off of the streets and the impact of these programs have youth receiving scholarships to colleges and some that go on and play in the NFL who come back and give to this community. He reiterated the importance of these programs.

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

Commissioner Becker said the highest question being asked is whether or not the leagues should be charged. He stated football and little league have been the adopted sports programs of Apopka; but what do you say to kids that are part of a sport other than football or baseball and is this fair and equitable to them. He said that he supported the idea of charging everybody equally for the use of the facilities. He pointed out that there has been a loss of revenue in Parks and Recreation, stating you cannot continue to operate in that manner and still have quality fields. He declared, while he would love to have free access to leagues across the City, it is not economically viable.

Commissioner Bankson expressed concern with going through this prior to the budget process. He said we do need to address the equity and look at the big picture. If doing this during the budget process, they can review this and determine if it is valuable to Apopka and readjust our

budget, or the bottom line is we have to raise taxes to support it. He stated this is something that not everyone participates in, so, should it be fee based.

Commissioner Dean said we worked very hard on this scenario of fees for the Recreation Department and he looks forward to the City providing more recreational facilities. He stated we cannot arbitrarily do this without raising taxes. He affirmed that Apopka is one of the lowest tax based cities in Central Florida and we must look at possibly raising the millage during the budget process.

Commissioner Velazquez pointed out that the fee schedule agreed upon allowed for a step up fee base over the first three years. She inquired if there would be an ability to reevaluate this. She said she agreed with the fee schedule as it stands for the first year and stated we have to start somewhere.

Mayor Kilsheimer pointed out the fees are to be evaluated annually. He said they need to break apart the issues and one of the issues is budget, as Commissioners Dean and Bankson have referred to. He stated, as pointed out, the condition of the fields needs to be addressed and there are other programmatic items to address during the budget process. This issue today is mostly about equity and the idea of charging some leagues and others nothing.

In response to Commissioner Bankson pointing out that it has been stated the numbers presented are not accurate and if one sport has invested infrastructure in the fields, is there an equity of what has been placed into them, City Administrator Irby advised the numbers presented are accurate.

Mayor Kilsheimer asked the City Attorney if workshop meetings are meant for discussions between the Council and staff and not necessarily public input.

City Attorney Shepard advised that is typically the case, but you can take input if you choose to. Workshops are typically a session for Council and staff to discuss matters, but decisions are not being made at these meetings.

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve items one through five on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve item six on the Consent Agenda, recreation fees as presented by staff. Motion carried 3-2 with Mayor Kilsheimer, and Commissioners Velazquez, and Becker voting aye, and Commissioners Dean and Bankson voting nay.**

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

1. Ordinance No. 2499 – First Reading/Transmittal – Large Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2499**

**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” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE AND EAST OF GOLDEN GEM ROAD, COMPRISING 15.04 ACRES, MORE OR LESS AND OWNED BY JACK & JOYCE CRAVEY; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

Kyle Wilkes, Planner, gave a brief lead-in stating this is for a Large Scale future land-use map amendment. He reviewed the location of the property on the map stating it was recently annexed into the City of Apopka and requires a City future land-use designation to be assigned. The applicant is requesting the Rural Settlement future land-use designation which is compatible with the surrounding uses and the owner intends to use the property for single family residences. He explained that because this property is over 10 acres in size, it requires transmittal to the State Department of Economic Opportunity, after which time it will be returned for adoption and change of zoning request as well.

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

**MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Ordinance No. 2499 at First Reading and for transmittal to the State Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

2. Ordinance No. 2500 – First Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2500**

**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” COMMERCIAL (MAX. 3.0 FAR) TO “CITY” COMMERCIAL (MAX 0.25), FOR CERTAIN REAL PROPERTY LOCATED AT 312 OLD DIXIE HIGHWAY, COMPRISING 0.26 ACRES MORE OR LESS, AND OWNED BY SBKP LLC; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

Kyle Wilkes, Planner, said this is a small scale future land-use map amendment, stating this property was recently annexed into the City. The request is to change the future land-use map designation from “County” Commercial to “City” Commercial with a maximum floor area

ratio of 25%. He reviewed the location on the map and advised the request is consistent with the surrounding property. He advised the applicant intends to use the property for a professional office development.

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to approve Ordinance No. 2500 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

3. Ordinance No. 2501 – First Reading – Change of Zoning. The City Clerk read the title as follows:

**ORDINANCE NO. 2501**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-1 (ZIP) TO “CITY” C-1 (RETAIL COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 312 OLD DIXIE HIGHWAY, COMPRISING 0.26 ACRES MORE OR LESS, AND OWNED BY SBKP LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR,, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

Kyle Wilkes, Planner, said this was the zoning amendment that goes with the prior ordinance for future land-use. The request is for C-1 Retail Commercial and he advised Professional Office was a permitted use in this designation.

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Ordinance No. 2501 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

4. Ordinance No. 2502 – First Reading – Land Development Code – Development Design Guidelines. The City Clerk read the title as follows:

**ORDINANCE 2502**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE VI – “DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS” TO CREATE A NEW SECTION 6.09.00 ENTITLED “DEVELOPMENT DESIGN GUIDELINES;” PROVIDING FOR**

**DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon, Planning Manager, gave a brief lead-in stating this is the First Reading and a Second Reading will be scheduled for the Development Design Standards to be included in the Land Development Code. The City has been applying these Development Design Standards since 2000. The Planning Commission at their June 28, 2016, meeting recommended adoption of the Development Design Standards. He stated although these standards are 16 years old, they are still applicable in most cases. There are minor revisions within the document to bring it up to modern day standards, representing professional organization standards that are now effective today that were not previously. Staff recommends Council move forward with the First Reading and hold it over for a Second Reading. There will be opportunities in the near future for revisions to the Development Design Standards during the re-write of the Land Development Code.

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve Ordinance No. 2502 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

5. Ordinance No. 2505 – First Reading – Vacate – Utility Easement. The City Clerk read the title as follows:

**ORDINANCE NO. 2505**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 815 EAST SEMORAN BOULEVARD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon, Planning Manager, said the owner and applicant of the property at 815 East Semoran Boulevard is requesting City Council approve approximately a vacate of one and a half feet wide of an existing easement that runs under the shopping plaza building. There is an existing easement that straddles this building on both sides, and does not interfere with any existing sale of the building. There are no objections by the utility companies or the Development Review Committee. It is recommended to move forward with approval.

Mayor Kilsheimer advised this was a quasi-judicial hearing. The affected parties were not present. He opened the meeting to a public hearing. No one wishing to speak he closed the public hearing.

**MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to approve Ordinance No. 2505 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

6. Ordinance No. 2506 – First Reading – Change of Zoning. The City Clerk read the title as follows:

**ORDINANCE NO. 2506**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE SANDPIPER ROAD PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon, Planning Manager, said the applicant proposes to amend some roadway systems within the project. He reviewed maps that show the zoning and surrounding area, reviewing the proposed amendments, advising the average lot size will continue to be compatible with what Council previously approved. Development Review Committee and the Planning Commission both recommend adoption of the amendment.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

Commissioner Becker inquired if there was a turn lane going into the neighborhood, to which Mayor Kilsheimer responded in the negative.

David Stokes, Engineer on the project, stated as part of the Final Development Plan a left turn into the project will be added, but this is not currently on the plan. With regards to a right turn lane, the traffic study did not show one was warranted.

The applicant was available for any questions.

Mayor Kilsheimer opened the meeting to a public hearing.

Jack Cooper said this proposed amended plan was better than the prior plan. He stated no one opposed the proposed change at their HOA meeting.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Ordinance No. 2506 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

7. Resolution No. 2016-16: Public Participation Policy. The City Clerk read the title as follows:

**RESOLUTION NO. 2016-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY AND PROCEDURES FOR ADDRESSING THE CITY COUNCIL; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**



Mayor Kilsheimer said this was back for the second time. Public input will be placed at the front of the agenda, the thirty minute limit was removed and the input was left at four minutes.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Resolution No. 2016-16.**

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

**Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

## **BUSINESS**

### **1. Final Development Plan/Plat – 640 East 13<sup>th</sup> Street**

Mayor Kilsheimer advised this was quasi-judicial. Affected parties and witnesses were sworn in by the City Clerk.

David Moon, Planning Manager, said the request is to approve a 4,800 square foot building on approximately a .49 acre site located on the south side of Thirteenth Street and north of CSX rail line. The proposed site plan is for an industrial or construction company. It includes parking for employees, the 4,800 square foot building, and access to Thirteenth Street. There is parking for the larger vehicles, loading, and a dumpster location. Development Review Committee finds this to be consistent with the Land Development Code. On June 14, 2016, the Planning Commission reviewed the Final Development Plan and determined it to be consistent with the Comprehensive Plan and Land Development Code. He advised the Fire Department, as part of DRC, has no objection to the DRC recommendation and are aware of the proposed use and the potential storage of paint products at the site that are used as part of the construction activity for this business.

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

Mayor Kilsheimer advised he spoke with the Fire Chief earlier in the day with regards to the storage of paint.

Chief Carnesale advised the Fire Department does not have an objection to the storage of paints. He declared if there was a large amount or different types stored, they would be found on routine inspections.

Jack Caolo, Attorney for the applicant, said the applicant's concern is about the storage of paint. He stated it seems to be an unnecessary condition on this property as the applicable regulations for both environmental and hazardous material, already apply. Mr. Rivera uses water based paint, which is not hazardous, and he further commented that they do not plan to store paint. He reiterated this is already covered under other regulations.

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve the Final Development Plan for 640 East 13<sup>th</sup> Street without the condition of prohibiting the storage of paint. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

## **2. Final Development Plan – Copart**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

David Moon, Planning Manager, said this request is for approval of the Copart Final Development Plan and issuance of the Final Development Order. The construction plans and Preliminary Development Plan were previously approved by City Council with a condition for a Development Agreement that placed special design and use standards on the property, which the applicant has signed and recorded. He reviewed the location on a map and stated the existing building will be renovated into office space for the internet sales of damaged vehicles and equipment. DRC found this to be consistent with the Preliminary Development Plan and the Development Agreement and recommends approval.

In response to a concern by Commissioner Dean, Bill Burkett of Burkett Engineering, stated the vehicles are placed on the gravel parking areas by lifts and Copart being very environmentally efficient will wrap any vehicles that leak so they cannot leak into the environment or subsurface.

**MOTION by Commissioner Dean, and seconded by Commissioner Velazquez to approve the Final Development Plan for Copart. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

## **3. Council**

### **a. Development Review Process.**

Mark Reggentin, Community Development Director, said one of the important roles of the Community Development Department is coordination of the Development Review Process. He stated as they build toward a comprehensive economic development strategy, it is critical to have our operational and administrative procedures in order to facilitate a process that is fair and works for everyone, including City staff, the development community, public, City Council, and the Planning Commission. Based on discussions he has had with staff and others during his first few months here, it seems there are some improvements that can be made in this process. Although we are looking at revisions of the Land Development Code as a whole, it is important when issues are identified, they be addressed in the short term. He reviewed the current process for the Development Review Committee (DRC) and their timeline for reviewing projects, stating it can take five to six months to get through the entire process. He gave several examples of potential problems with this time frame. He said the goals for the proposed DRC process are straight forward, needing to be an open process with applicants understanding the process and requirements to achieve approvals. It needs to be expeditious so not to affect the property owner, developer, or City. He went through the proposed process for DRC, recommending

several changes to include having the submittal due by the first of the month and the DRC meeting at the end of the month. He differentiated the development review process from the comprehensive plan amendment and zoning process. He advised the changes described were development friendly and allow staff adequate review time. If implemented, the approval timeframe can be reduced for many applications for a more efficient timeframe, cutting in half for a well-organized review.

Mayor Kilsheimer said, with no objections, staff will proceed with drafting an ordinance outlining this process.

Council recessed at 3:41 p.m. and reconvened at 3:47 p.m.

**Presentation: Comprehensive Annual Financial Report (CAFR) from Moore Stephens Lovelace CPA's and Advisors**

Bill Blend, Moore Stephens Lovelace, gave an overview of the CAFR and the required communications about their responsibility in performing the audit within audit standards. He reported there were no difficulties encountered, no corrected or uncorrected misstatements, no disagreements with management and management did provide a representation letter. He went on to review the independent audit and advised the City received a unmodified opinion which is the highest level of assurance you can receive without the financial statements. He explained that last year, being their first year, the City received several findings under the internal control and he had mentioned at that time that some of those findings would be repeated because of the audit process and they would still be impacted. All the findings have either been resolved or will be resolved by the completion of the next audit. He reported there were no issues as it relates to compliance with federal regulations for grants. The independent accountants report was reviewed which is related to the investment policy which had no issues.

Eddie Casanetta provided an overall financial highlight of where the City stands. He said this year was the first year of implementation of GASB 68, which requires all local governments to report on their financial statements their net pension liability. This is the reason for a big reverse of the unassigned fund balance in the current year. He gave an overview of the General Fund stating the total assets are roughly \$16 million and total Liabilities \$4.5 million. He provided an overview of the various funds. A copy of the CAFR is on file in Finance, the City Clerk's office, and available on the City's website.

**4. Public**

Veronica Rogers provided an update on the progress of Phyllis Wheatly Elementary School PTA and said for the first time in ten years they were able to provide a holiday party with each child receiving a gift. They held a basketball clinic in February with more than twenty participants, and several other events. She challenged everyone to get involved and participate in the schools, as this is very much needed. She stated the more we do to help our children, if just giving one hour a week, it makes a difference. She encouraged all to contact the principals and teachers of the schools to get involved.

Commissioner Bryan Nelson reported Orange County Board of County Commissioners unanimously approved the appointment of Steve White of Porkies to the CRA Board. He

provided an update on the Lake Apopka North Shore, stating he and Commissioner Becker helped in the planting of some Cypress trees. He also announced County staff is progressing adequately on the annexation of the North Shore of Lake Apopka. He also advised Alice Nolan was appointed to the Orange County Parks and Recreation Board.

Rod Love said he was here to represent his father-in-law regarding the issue regarding the story by Channel 9 on water contamination. He stated they were very concerned regarding that story and was interested to hear from the City.

Kevin Burgess, Assistant Public Services Director, said the matter Mr. Love was referring to was the Anuvia Plant matter. He advised this was an issue, but it is resolving very quickly. He explained they are a fertilizer plant using bio-solids to make fertilizer and the main item of concern in their process is nitrogen, with the main component being ammonia. They started discharging in April and became heavy in May. He pointed out this is wastewater and has nothing to do with drinking water. The wastewater staff backtracked when we started to experience upsets on the wastewater treatment plant and identified the source. They were immediately brought in to discuss their process and also went to their site to conduct tests on samples. Anuvia assured the City it was a malfunction in their system and they were quickly resolving the matter. Mr. Burgess issued a cease and desist order on June 3, 2016, and they were given twenty-four hours to respond. They requested a meeting and presented a solution, therefore, it was accepted and did not see the cease and desist order through. He advised an upset like this does not recover quickly and could take seven to ten days. Therefore, we started to discharge to our sprayfields, explaining our storage ponds can store nine million gallons of substandard water. He went on to explain issues with the discharge to sprayfields and advised DEP's response has been positive with regards to the discharge, as the discharge was secondary treated wastewater. He advised the issue will be the nitrogen levels and they will continue to test as required. He stated there were six miles of force lines that the Anuvia was the only ones using at this time. He reported our plant came back into compliance July 1, 2016, and is back to normal operating conditions. There will be twenty-four hour composite sampling done on Anuvia four days a week for the next four weeks. They are also being placed on a compliance schedule per DEP rule and provide strict timelines they will be required to meet. He explained there are groundwater monitoring wells on the wastewater plant site and they are sampled quarterly.

Mr. Love also expressed concern regarding fairness and being equitable with regards to facilities and the payment of their use.

Reverend Alexander Smith expressed concern with water contamination, stating although there was no immediate danger to the aquifer, but in ten to fifteen years it could pose a health problem and who would be responsible.

Mr. Burgess again pointed out the groundwater wells at the wastewater plant are 75 feet deep and they are monitored and sampled quarterly. He advised they are required to do nitrate sampling to drinking water annually.

Isadora Dean inquired about the status of the CDBG grant for Alonzo Williams Park, to which Mr. Irby advised this information will be available in November. She also expressed concern

about the heat and getting the splash pad and activities, such as a skate park in the City, for the youth.

Commissioner Becker inquired about the Parking Ordinance Committee.

Mayor Kilsheimer advised an email was sent out today to members and they would be meeting soon. He advised that in the past, unless there were complaints, they did not go out to arbitrarily write tickets.

## **MAYOR'S REPORT**

Mark Reggentin provided an update regarding the City Center, reporting they are in the final stages of negotiations for the development agreement. It has been sent back to Taurus for final review and should be coming to Council very soon.

Glenn Irby, City Administrator, discussed setting up a workshop with Taurus and whether to hold a special meeting following.

It was the consensus of the Council to set July 13, 2016, at 4:00 p.m. for the workshop and vote at the regular Council meeting on July 20, 2016, rather than holding a special meeting.

**ADJOURNMENT** – There being no further business the meeting adjourned at 5:05 p.m.

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

ATTEST:

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