

CITY OF APOPKA

Minutes of the regular City Council meeting held on January 21, 2015, 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 Clifford B. Shepard
City Administrator Glenn Irby

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION – Commissioner Dean introduced Reverend Richard King, St. James AME Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on Monday, our nation remembered the life and works of Dr. Martin Luther King, Jr. who was born on January 15, 1929, in Atlanta, Georgia, the son of a Baptist minister. He went on to obtain a doctorate in theology. Dr. King advocated civil disobedience and nonviolent resistance to segregation. In 1955, Dr. King helped organize the first major protest of the Civil Rights Movement, the Montgomery Bus Boycott. Over the next several years, he staged many peaceful protests throughout the nation and became the voice of the Civil Rights Movement. In 1963, the March on Washington culminated in Dr. King's "I Have a Dream" speech. The following year, the Civil Rights Act of 1964 became law, the 24th amendment was ratified abolishing the poll tax, and Dr. King became the youngest recipient to win the Nobel Peace Prize. Tragically, his life came to an abrupt end on April 4, 1968, when he was assassinated in Memphis, Tennessee. Mayor Kilsheimer asked everyone to pause a moment to reflect on the legacy of Dr. King as he led in the Pledge of Allegiance.

Mayor Kilsheimer announced with this meeting being our first meeting starting at 7:00 p.m., the agenda will be rearranged so that those items advertised for 8:00 p.m. will be heard later in the meeting.

PRESENTATIONS

1. Arbor Day Proclamation – Mayor Kilsheimer read the proclamation and presented it to Jean Jreij, Public Services Director.

CONSENT AGENDA

1. Award the consulting services contract for Professional Land Surveying and Mapping Services to Southeastern Surveying & Mapping Corp., for one year with the option to extend the contract for two additional one-year extensions.
2. Authorize the Mayor to execute the cost-share agreement, between the City of Apopka and the Saint Johns River Water Management District, for the Trailer Haven Lane septic tank removal

project.

3. Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Rock Springs Ridge, Phase VII-B (102 Lots).

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the 3 items of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS

1. **MINOR FINAL DEVELOPMENT PLAN AMENDMENT – APOPKA WOODS SUBDIVISION** – Owned by Apopka Woods LLC, property located north of West McCormick Road and east of Irmalee Lane, for construction of a pre-cast decorative wall in lieu of the previously approved brick wall.

Jay Davoll, Community Development Director, gave a brief overview of the requested modification to the Final Development Plan. The applicant is requesting a change to the exterior wall to a pre-cast decorative wall in lieu of the previously approved brick wall. The Planning Commission, at its meeting on January 13, 2015, recommended approval, and staff recommends approval of the modification.

Jim Stelling, applicant, said the advantage to the precast wall is that it allows drainage of water underneath. He stated it is a good quality, strong wall, and requested approval.

Commissioners Velazquez and Ruth, and Mayor Kilsheimer disclosed having met with the applicant to review the wall.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the minor Final Development Plan amendment to the Apopka Woods subdivision. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS –

1. **Administrative Report** – Mayor Kilsheimer said the Administrative Report was included in the agenda packet and Mr. Irby was available for any questions.

MAYOR'S REPORT –

1. Appointment of Finance Director

Mayor Kilsheimer said they went through a process wherein a number of candidates were interviewed and the first candidate offered the job, after discussing with his wife, decided they did not desire to relocate. He affirmed the City went back into the market and after interviews,

decided to offer the position to Pamela Barclay, CPA. Ms. Barclay is currently the Finance Director for the City of Longwood. She has a long career in government and finance and is a certified government financial officer.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to ratify the appointment of Pamela Barclay to the position of Finance Director.

In response to concerns expressed by Pastor Hezekiah Bradford, Jr. regarding hiring practices that have taken place in the City of Apopka, and the disparity of hiring from the standpoint of the diversity of our community, Mayor Kilsheimer said he was mindful of this discussion and concern, and stated if the person they had originally offered the position to had accepted the job, his concerns would have been addressed. He reiterated he is mindful and these issues are being addressed and focused on.

Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

OLD BUSINESS

1. COUNCIL

RECONSIDERATION - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21- 28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00- 047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119)

David Moon, Planning Manager, said that based on a motion made at the last City Council meeting for the Council to further discuss the reconsideration of the PUD zoning application and that discussion will be based on whether the Council desires to have another hearing on that PUD zoning application. He confirmed that tonight’s discussion has not been advertised as a public hearing, therefore, the public has not been informed and noticed so that they have an opportunity to speak. He avowed should Council choose to reconsider this PUD ordinance they will need to announce and schedule a public hearing for February 18th in order to meet advertising requirements and send notices out to the property owners.

City Attorney Shepard said this project was initially approved under County zoning and rules, then annexed into the City, and was never followed through to completion to the point to proceed and pull permits. He stated that more recently they came through the process attempting to proceed with what had previously been approved by the County for a PUD type of zoning. This type of zoning is a contractual relationship with the City providing the opportunity for the City to ask for and obtain certain concessions in exchange for the zoning classification. He explained a PUD is a mixed-use category that you do not typically see in straight zoning. He reiterated this process went through the Planning Commission, then came before Council having been approved on the first reading, and on the second reading, failed by a three/two vote. He affirmed it is that version of the PUD being brought back before Council

to determine if they wish to reconsider. In the interim after that vote was taken, the applicant provided a new application for R-1AAA zoning, which is a straight zoning category and no conditions may be imposed, but must be reviewed as to whether it meets the criteria, and is consistent with the comprehensive plan. A motion was made, seconded, and voted on unanimously to have this come back before the Council to determine whether or not they wish to reconsider the PUD with all of the items previously negotiated, as opposed to the straight R-1AAA zoning category with none of those added amenities. He advised the limited issue for their decision is if the Council wishes to reconsider the vote. He affirmed a motion would need to be made by one of the three that voted against the PUD the last time in order to get the matter before the Council for a full public hearing.

Mayor Kilsheimer said he had been advised by staff if there were public comments on the merits of this tonight, those comments would fall outside the boundaries of the rules required for quasi-judicial hearings.

City Attorney Shepard advised it would not be part of the record the Council would need to consider at the time they have the actual hearing, and what is before Council at this time is procedural.

In response to Commissioner Arrowsmith inquiring about the possibility of an RCE (Residential Country Estate), City Attorney Shepard stated there are no setbacks, and it is consistent with the comprehensive plan, as well as being consistent with what is in the area, not because of existing zoning, rather due to existing use within the zoning. The surrounding neighborhoods that are in the City all have zoning designations that would be of a lot size similar to what has been proposed in the PUD, or under the R-1AAA zoning. The difference is the larger lot sizes of an acre or more were built so that there could be septic and are in the County. The change that has occurred over time is that sewer is now available and this development would be required to have sewer with the incurred costs. He affirmed the two concerns being expressed regarding this development were lot size and home size. He advised that under the RCE category, the minimum house size is 2,000 square feet, as opposed to what was previously negotiated. The smaller lot size in terms of what zoning would permit is exactly the way the other surrounding properties are zoned, but it is not how they were developed out. The second part of this analysis is the question of if this is unfair treatment to one land owner versus the others that have been allowed to develop in the area, which would be part of a dialogue or argument if it pursues.

Commissioner Arrowsmith said he would like to see a breakdown comparison with the three options, now including the RCE, which would give Council more insight as far as making a decision.

Miranda Fitzgerald, representing the applicant, said while RCE is consistent with the City's comprehensive plan it is not the only issue. She advised from a zoning context, if you look at the surrounding area, there is no City zoning in the entire area zoned RCE, although there is County zoning that is RCE and A1. One of her positions would be if forcing RCE on this site, it would be discriminatory. The County RCE zoning in the area is completely different criteria and with the Wekiva Rules in place, they cannot do septic on the site. She affirmed to bring sewer to this site, which is required, is a minimum of \$250,000 that the other developments

did not have to pay. She affirmed they would not accept RCE, given the fact they also have to have sewer by the St. John's Water Management District regulations.

Mayor Kilsheimer said what he understands is being proposed is a staff presentation on the three options, and that scenario would not be a formal public hearing. He stated if that was the Council's pleasure, staff can put together a presentation for the February 4, 2015 meeting, then at that point propose the fully advertised process.

Mr. Moon pointed out that on February 4, 2015 there is a hearing scheduled for the R-1AAA zoning application for this property, unless the applicant agrees to continue that item so that the three zoning categories previously referenced can be reviewed by Council.

Ms. Fitzgerald advised the applicant would be willing to continue the R-1AAA zoning application.

Mayor Kilsheimer reiterated the consensus of the Council was to have a full presentation by staff on the three zoning options available, the pros and cons of each, and that will provide guidance on how to proceed.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to instruct the staff to prepare a presentation for the February 4, 2015 meeting on the three options, PUD, R-1AAA, and RCE zoning with the pros and cons of each, Council discussion will be held and proceed from that basis. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PRESENTATIONS (cont.)

2. Ocoee Apopka Road Small Area Study - Presented by Littlejohn Engineering

Mr. Moon said Littlejohn Engineering would be providing a final presentation on the Ocoee Apopka Road Small Area Study. This study began in early summer of 2014 and was funded by five private property owners. He advised that after tonight's presentation, Phase I of a two part process is complete. He affirmed that part of the presentation this evening will address Littlejohn's recommendation for development standards and guidelines for the small study area. He explained there is a process the City must go through to adopt new development standards through a public hearing process. He advised the City Council will see a recommended moratorium ordinance in February for this small area, which will provide opportunity for staff to prepare the final development standards applicable to this area. The presentation tonight regarding development standards will be included as an exhibit in that ordinance so that the property owner can decide whether to follow those proposed development standards or wait until the end of the moratorium. He introduced Pat Tyeski and George Kramer of Littlejohn Engineering.

Pat Tyeski, Senior Planner for Littlejohn Engineering, gave a Power Point presentation on this small area study and provided a brief background of the process followed this past year. She stated they knew Florida Hospital was going to relocate from downtown to the west side of the

City at the convergence of the 429, 414, and 451 highways. She said with this relocation of the hospital, the City wanted to make sure any future growth in this area would be done in a manner that would result in quality development. They did an inventory and analysis of the area, looking at existing land use, reviewing the Comprehensive Plan, Future Land use Map and the current zoning. She affirmed the result of that analysis was that this was not an area that was going from a very rural low density zoning to a very intensive type of zoning. This area is already mixed-use development. Transportation was reviewed for the road network and access points. She advised they held several community workshops and based upon the input they came up with recommendations. She reviewed a map that showed the character of the area and said this area is right next to the trail that will connect to the Coast to Coast trail system. She gave different scenarios and examples of what could be developed in this area. A copy of the Power Point presentation is on file in the Community Development Department and the Clerk's Office.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2404 – FIRST READING – VACATE** – Letha Ellen Moore – Vacating a portion of a drainage and utility easement located at 2549 Woodside Ridge Drive. The City Clerk read the title as follows:

ORDINANCE NO. 2404

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT LOCATED AT 2549 WOODSIDE RIDGE DRIVE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the First Reading of Ordinance No. 2404, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

MAYOR'S REPORT – (cont.)

Mayor Kilsheimer introduced Robert Sargent, who was recently hired as the Public Information Officer for the City of Apopka and gave a brief background on Mr. Sargent.

OLD BUSINESS – (cont.)

- 2. PUBLIC** – There was no old business from the Public.

NEW BUSINESS

1. COUNCIL

Commissioner Dean expressed concern regarding the hiring practices in the City, stating Reverend Bradford touched on this matter earlier. He said every position that has been filled has been filled by whites and no position has been filled by anyone of color. He stated while the Mayor has the authority to hire and terminate, he felt the City should be looking at when and where to hire somebody that can move the City forward, such as a grant writer.

Mayor Kilsheimer said in terms of transparency, he has been involved in directly hiring four people, his Executive Assistant, City Attorney, City Administrator, and the Public Information Officer. He stated he hired an Executive Assistant he knew he could trust and had the background and experience to be able to manage that position. He affirmed the hiring of a new City Attorney went through a very open and transparent process with multiple advertisements and a process of a review panel that included an African-American, wherein the candidates were interviewed and selected Mr. Shepard as the top candidate. He went on to explain the City Administrator was also hired through a similar open and transparent process with an African-American also on that selection committee that narrowed the selection down to the top three candidates. He affirmed that he has been serving as the Interim City Administrator since September 17th and it is not possible for the Chief Executive Officer of the City to do the job of Public Information Officer in conjunction with all other duties.

In response to Commissioner Dean inquiring who was going to replace the prior Finance Director, Mayor Kilsheimer said the new Finance Director was just hired tonight. He advised there was a process with this position, and as previously mentioned, if the first person the job was offered to had accepted the position, he didn't think these questions would be asked. He further advised the City of Apopka has recently hired four police officers since he has taken office and at least two of those are African-Americans, and the Fire Department has hired an African-American. He affirmed we do not have a lot of vacancies in our Public Safety Departments because the City pays well and has a high retention rate of public safety personnel. He declared he has a commitment to looking for minority candidates.

Commissioner Ruth said he would like to see workshops set up on the Land Development Code and Comprehensive Plan to expedite the process.

Mayor Kilsheimer said several weeks ago the Council approved instructing staff to prepare proposals for a visioning program and this will be coming before the Council in the near future. He stated there will be workshops and community meetings with this visioning process.

2. PUBLIC

Pastor Bradford thanked the Mayor and Commissioners for attending the Martin Luther King Parade. He stated that while listening to discussion on development in the Apopka area, he did

not hear south of the railroad tracks mentioned and suggested a strip mall located two blocks south of City Hall would be a good project.

Eric Rollings, Soil and Water Conservation Board, introduced himself as a newly elected officer as well as Supervisor Daisy Morales and said they look forward to working with Apopka on environmental issues.

Terri Morrell said she was a community member of Piedmont Lakes and thanked the City of Apopka for repaving the entrances to their community. She stated she also wanted to request a completion of the crosswalk. She said recently there was an incident where a bicyclist was hit by a car exiting the community and this painting of the crosswalk is needed.

Rod Love said he listened to a lot of the discussion this evening and said he was excited about being an Apopkan. He stated in listening to Pastor Bradford and Commissioner Dean, he hears a lot of history and a lot of pain. He affirmed he is involved in pro-bono and charity work supporting the ministerial alliances, but he does not want anyone to leave here thinking this is a black and white issue, it is about history and pain. He stated he has confidence in the Mayor and Council, and encouraged the Mayor and Council to work together to be transformative. He said he looked forward to being part of the solution.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:55 p.m.

ATTEST:

_____/s/_____
Joseph E. Kilsheimer, Mayor

_____/s/_____
Linda F. Goff, City Clerk