

## **CITY OF APOPKA**

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### **Minutes of the regular City Council meeting held on June 17, 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  
Attorney Cliff Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** John Peery - The Apopka Chief

**INVOCATION** – Commissioner Dean introduced Elder Shirley Sharpe-Terrell, who gave the invocation.

**PLEDGE OF ALLEGIANCE** – Mayor Kilsheimer said 130 years ago today the Statue of Liberty arrived by ship at Bedloe Island in New York Harbor. The Statue was designed by Frenchmen Auguste Bartholdi and Gustave Eiffel and it was a gift to the people of America from the people of France to commemorate the 100<sup>th</sup> Anniversary of the Declaration of Independence. The copper and iron structure, which arrived in more than 350 pieces, was reassembled and dedicated in 1886 and she has stood watch over more than twelve million immigrants who have entered America through Ellis Island. Lady Liberty has become a symbol of America as a land of freedom, opportunity, and promise for immigrants. He asked everyone to reflect upon the American ideal of freedom, hope, and opportunity that Lady Liberty represents as he led in the Pledge of Allegiance.

### **PRESENTATIONS**

1. Recognition of Wekiva High School students Lauren Earnest, Tony Truong, Andy Obregon and teacher Chris Whitlow for competing in the Cooking Up Change national competition in Washington DC.

Mayor Kilsheimer recognized Wekiva High School students, stating last week three students and their Culinary Arts teacher traveled to Washington DC and toured the White House. As part of a national competition to create healthy and affordable school meals, nine teams from around the country competed in the Cooking Up Change national finals held in the U.S. Department of Education. Wekiva High School won a place in this competition by winning the local Cooking Up Change event in Orlando last December and that victory won their winning dish a place on the regular rotation of lunch menus of all Orange County Public Schools next year. He said the City of Apopka was proud to recognize these students and their achievements.

2. Advanced Institute for Elected Municipal Officials - Kathy Till, Florida League of Cities, acknowledged and presented certificates to Mayor Kilsheimer, Commissioner Diane Velazquez, and Commissioner Sam Ruth for completing the Advanced Institute for Elected Municipal Officials.
3. Leadership Orange - School Board Member Christine Moore presented Commissioner Diane Velazquez with a certificate for having completed the Leadership Orange class.
4. Apopka Community Theater - Jim Meadows presented a Power Point presentation on the AHA Apopka Community Theater stating their mission is *"To provide educational programs in the arts to the youth of the community,"* and *"To partner with other non-profit groups to mutually support shared interests."* They asked for support from the City of Apopka, requesting the use of the Apopka Community Center/VFW, Fran Carlton Center, and the Apopka Amphitheater. They also hope to utilize Apopka schools for the young AHA Players performances.

Mayor Kilsheimer said this will require a Council level decision with regards to their request that involves using the Apopka Community Center/VFW. This group has a plan that would require a total usage of 66 days for the exclusive use of the Community Center during those performances. He stated this would be a change in policy, as the VFW has had exclusive control over this building.

Mayor Kilsheimer opened the meeting to public input.

Ray Shackelford commended this organization for involving people in the community and said we needed to help this organization. He also encouraged not only limiting the VFW to this organization, but let it be available to all community based organizations as well.

Bill Spiegel inquired if Artie has been talked to about this and felt it would be a huge shock.

Mayor Kilsheimer responded in the affirmative.

Commissioner Arrowsmith said he would like to know more about this and how it will affect the whole community from a scheduling standpoint. He said they need to look at the total picture and not just one group.

Rod Love said he was elated and happy to hear about the theater. He stated the Council was to be commended for moving in this direction.

Isadora Dean said she also was elated the arts and theater program was being brought to our City. She stated she would volunteer with this group. She liked the fact that diversity will be included. She reiterated she hoped this would be opened to all organizations.

Robert Dove said as a former marine and his wife former air force, with a VFW museum in this building, he would think they would jump at the opportunity to bring the public's attention to the these veterans who have honored their country and sacrificed themselves.

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to allow the AHA Players Community Theater group use of the City facilities as requested, working with the City Administrator to iron out a concrete schedule. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on June 3, 2015 at 1:30 p.m.
2. Approve the minutes of Administrative Bid Opening No. 2015-05 for Apopka Northwest Recreation Complex Canopy Shade Structures held on May 27, 2015, at 10:15 a.m.
3. Authorize the issuance of a Peddler's Permit, to TNT Fireworks, to sell state approved fireworks at 1700 South Orange Blossom Trail, from June 24, 2015 until July 5, 2015.
4. Authorize the issuance of a Peddler's Permit, to TNT Fireworks, to sell state approved fireworks at 2302-2444 East Semoran Boulevard from June 24, 2015 until July 5, 2015.
5. Approve the first extension of the contracts for the consulting services for Geotechnical and Environmental Engineering Services with Ardaman and Associates, Inc. and Universal Engineering Sciences, for one year, at the same unit rate.
6. Acknowledge notification of the 2015 Justice Assistance Grant (JAG) application to purchase software and hardware to provide the ability to retrieve data from the Event Data Recorder (EDR).

Suzanne Kidd spoke with regards to Item 6, JAG application to purchase software and hardware to provide the ability to retrieve data from the Event Data Recorder and commended our Police Department for efforts to stay current, but expressed some concerns regarding privacy, and due process of who would be able to review this data.

Captain Fernandez said Ms. Kidd brings up some excellent points. He stated they will follow the law, as they do now, this will only allow for this process to be conducted in house.

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

## **LEGISLATIVE: ORDINANCES AND RESOLUTIONS**

1. ORDINANCE NO. 2436 - SECOND READING AND ADOPTION - Amending the Election Date, Runoff Date, and Qualifying Dates associated with the 2016 City General Election. [Ordinance No. 2436 meets the requirements for adoption having been advertised in The Apopka Chief on June 5, 2015.] The City Clerk read the title as follows:

**ORDINANCE NO. 2436**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE ELECTION DATE FOR THE 2016 CITY GENERAL ELECTION TO MARCH 15, 2016; CHANGING THE RUN-OFF ELECTION DATE FOR THE 2016 CITY GENERAL ELECTION; DESIGNATING THE DATES FOR QUALIFYING FOR THE 2016 CITY GENERAL ELECTION; AUTHORIZING THE CANVASSING OF BALLOTS FOR THE 2016 CITY GENERAL ELECTION AS OUTLINED IN SECTION 34-41, APOPKA CODE OF ORDINANCES; PROVIDING FOR NOTICE TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2436. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

2. RESOLUTION NO. 2015-11 - Amending the Procurement Policy to increase the Local Business Preference from 1% to 3%. The City Clerk read the title as follows:

**RESOLUTION NO. 2015-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CITY ADMINISTRATIVE POLICY FOR PROCUREMENT, SECTION 107.3.1.2, POLICY, I. INCENTIVE FOR LOCAL BUSINESSES, III. PURCHASING GUIDELINES, IV. LEVELS OF REQUIRED AUTHORITY, AND V. COMPETITIVE PRICING; PROVIDING FOR AN EFFECTIVE DATE.**

Glenn Irby, City Administrator, said this was the second attempt to change the Local Business Preference policy from 1% to 3%. Staff was previously asked to go back and provide numbers in regards to what this would mean for the City if increasing the percentage and that information is within the packets. Staff also opened this policy to also include quotes, stating city businesses will often quote on smaller items and by extending this preference to written quotations, it opens it more to the business community.

Commissioner Velazquez suggested on page 1, Section A, where it states "...the commodities shall be purchased"; changing the word "shall" to the word "may".

Mayor Kilsheimer opened the meeting to public input.

Suzanne Kidd said there were no local businesses that submitted bids in 2014, so the figures were purely hypothetical. She said this policy was good for two reasons: one it encourages all firms to bid as low as possible and it also encourages businesses to locate here to receive the preference.

Dale Fenwick said the analysis is this item was of no value. He encouraged Council to table the item as they have no idea how much this will cost the city.

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

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Resolution No. 2015-11 with the change of the word “shall” to the word “may” on page 1, Section A. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## **QUASI-JUDICIAL: ORDINANCES AND SITE APPROVALS**

1. ORDINANCE NO. 2435 – FIRST READING – CHANGE OF ZONING/SMALL LOT OVERLAY DISTRICT MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – Silver Oaks – owned by Tallman Development Company, c/o Ed Hampden; engineer is Poulos & Bennett, LLC, c/o Marc Stehli, P.E. – From R-3 to R-3/Small Lot Overlay District, for property located north of East Keene Road, west of South Sheeler Avenue (2220 S. Sheeler Road). (Parcel ID Nos. 22-21-28-0000-00-078, 22-21-28-0000-00- 079, 22-21-28-0000-00-081, 22-21-28-0000-00-082, 22-21-28-0000-00-105, 22-21-28- 0000-00-108, 22-21-28-0000-00-109, 22-21-28-0000-00-114, 22-21-28-0000-00-117, 22-21-28-0000-00-122) The City Clerk read the title as follows:

### **ORDINANCE NO.2435**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 TO R-3/SMALL LOT OVERLAY DISTRICT FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST KEENE ROAD, WEST OF SOUTH SHEELER AVENUE COMPRISING 50.83 ACRES MORE OR LESS AND OWNED BY TALLMAN DEVELOPMENT COMPANY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

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

David Moon, Planning Manager, provided an overview of the project and advised the applicant had a brief presentation following his report. The applicant is requesting the City Council to apply the small lot overlay district to the property. Council is requested to take action on five actions of his application. The applicant is requesting Council to change the zoning from R-3 to R-3/Small Lot Overlay District. The applicant has presented three waiver requests, and there is a Master Site Plan, Preliminary Development Plan. City Council will be asked to take action on each of these. He advised this was the first application for a Small Lot Overlay District. The ordinance for a Small Lot Overlay District limits the site to those that are assigned a residential high density future land use map designation and an R-3 zoning category. The proposed site is on the north side of Keene Road, west side of Sheeler

Avenue and comprises just over 50 acres. The current land use assigned to this property is high density residential with a zoning category of R-3, which means development could occur with apartment complex at 15 units per acre. The request before Council for the Small Lot Overlay District proposes 185 single family lots at a density of about 3.7 units per acre. The project is comprised of one hundred 50 ft. wide lots and eighty-five 40 ft. wide lots. The construction of the site is proposed in two phases. Open space must be a minimum of 30% which they comply with and there are 6.27 acres of parks. Parking has been a concern of City Council and each single family home must provide four parking spaces and there are an additional 71 parking spaces located throughout the community. He reviewed the layout of the lots and the proposed open space. The application meets the criteria set forth in the ordinance and with the general single family character of the surrounding area. The Homeowner's Association will be responsible for maintaining the front and corner lot yards of the 40 ft. wide lots. He reviewed the waiver requests. DRC and the Planning Commission did not object to the first waiver request for a 6 ft. high vinyl fence along the western and northern project line. However, DRC and the Planning Commission do not recommend approval of the second and third waiver requests with regards to pools and pool screens. Staff's report will be filed with the minutes.

Christian Swann, Co-founder and Executive Vice President of Surrey Homes, gave a presentation of the Silver Oak project. They are requesting swimming pools be allowed for specified 50 ft. lots, as well as screen enclosures. He reviewed preliminary renderings of the design styles. He stated that based on the proximity of the property, it is going to allow them to attract young professionals to this community. He said many homeowners do not want larger lots or the maintenance that comes with them. He affirmed the HOA would be maintaining all of the front yards, not just the 40 ft. lots. He reviewed which lots they are requesting pool enclosures.

In response to Commissioner Velazquez's request for providing some 70 ft. lots, Mr. Swann agreed to convert the 10 lots along Sheeler to 70 ft. lots.

Discussion ensued regarding pools and pool enclosures.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid said she was against vinyl fencing.

Dale Fenwick concurred vinyl fencing should not be allowed.

Wayne Reid said he was all for progress and success, but expressed concern regarding the fencing along the Hermann Engelmann Nursery area due to the way the land drops in that area.

Scott McKnight said his property was along one area they wanted to place a vinyl fence and stated he was against the vinyl fencing.

Bill Spiegel expressed concern regarding the possibility of a two-story home backing up to a one-story home with a pool.

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

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to deny the first waiver request to install a six foot high vinyl fence along the western and northern project line. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve the second waiver request to allow swimming pools for lots 50 feet wide or greater, as requested, with the addition of ten lots, (lots 42-51) along Sheeler being converted to 70 foot wide lots. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the third waiver to allow screened rooms for pools as per the applicant's architectural design proposal. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve the subdivision Master Plan and Preliminary Development Plan. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2435 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

The City Council recessed at 9:47 p.m. and reconvened at 9:51 p.m.

2. FINAL DEVELOPMENT PLAN/PLAT – Rock Springs Estates, owned by Rock Springs Estates; applicant is Pulte Group, c/o Doug Hoffman, P.E.; engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E., located south of West Lester Road, east of Vick Road. (Parcel ID Nos. 3-20-28-0000-00-015, 33-20-28-0000- 00-118, 33-20-28-0000-00-003)

Mayor Kilsheimer stated this was a quasi-judicial hearing and the witnesses were sworn in by the City Clerk.

Jay Davoll, Community Development Director and City Engineer, gave a brief lead in for the Rock Springs Estates project which is located at the southwest corner of Lester Road and Vick Road. He advised they would be paying \$580 into the tree fund. The applicant has already applied for the school capacity agreement. DRC and Planning Commission both recommend approval of the Final Development Plan and Plat. The staff report will be filed with the minutes.

Doug Hoffman, Pulte Group, said they appreciate consideration of this project and stated they were excited to be back in the City of Apopka developing.

Mayor Kilsheimer opened the meeting to a public hearing.

Dale Fenwick suggested the egress onto Lester Road be made a left turn only to relieve traffic on Vick Road.

Mr. Davoll advised both Lester and Vick Roads are under capacity and they meet the engineering standards, so it would not warrant this restriction.

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

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve the Final Development Plan/Plat for Rock Springs Estates. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

3. PLAT REVISION – Maudehelen, Ph. 3, owned by GK Maudehelen, LLLP; applicant/engineer Morris Engineering and Consulting, LLC, c/o Matthew J. Morris, P.E., for property located at 455 South Binion Road. (Parcel ID Nos. 07-21-28-0000- 00-004; 07-21-28-0000-00-052)

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

Jay Davoll, Community Development Director and City Engineer, gave a brief lead in for the Maudehelen Phase 3 plat revisions. Staff report will be filed with the minutes. DRC and Planning Commission recommend approval.

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

**MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve the plat revision for Maudehelen, Phase 3, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

#### **DEPARTMENT REPORTS AND BIDS**

1. Administrative Report - Glenn A. Irby, City Administrator, said the report was in the agenda packet and he would answer any questions.

**MAYOR'S REPORT** – Mayor Kilsheimer reported the Apopka Youth Work Program was off to a great start. We have 32 youth now employed working at various businesses through the City



of Apopka. They all received financial literacy training, all now have a bank account, and received a \$250 gift card they could use to purchase clothing. He reported the youth will be working for the next four weeks in this program.

### **OLD BUSINESS**

COUNCIL – There was no old business from the Council.

PUBLIC - There was no old business from the Public.

### **NEW BUSINESS**

COUNCIL – There was no new business from the Council.

### **PUBLIC**

Suzanne Kidd said as staff has been working hard on the next Fiscal Year's budget, she stated we will be embarking on the new Community Wide Visioning process and suggested Council take into consideration items that may come from this process and budget accordingly.

Ray Shackelford applauded staff, the Mayor and Council for supporting the youth program. He suggested money be set aside in the upcoming budget for the summer jobs program. He proposed holding discussion for setting aside \$2 million for economic development options south of 441.

Pastor Bradford thanked Mr. Irby for how hard he worked with the Ministerial Alliance to make the prayer breakfast the success it was. He stated he did an eight minute interview and received about an eight second spot on Channel 9 which aired something that was not his intent and he would like to apologize for. He thanked the Police Department for being proactive with their body cameras. He stated he would like to offer up an opportunity for the Council to move forward with some community development funding and the possibility of some grant funding.

**ADJOURNMENT** – There being no further discussion, the meeting adjourned at 10:20 p.m.

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

ATTEST:

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