

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on December 16, 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 Cliff Shepard  
City Administrator Glenn Irby

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

**INVOCATION:** Commissioner Ruth introduced James Delgado with Apopka High School, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on December 19, 1776, Thomas Payne published *The Phamplet American Crisis*, pamphlet series, which is credited with inspiring George Washington's battle worn troops to victory just days after its publication. Following months of defeats and brutally cold weather, Washington worried that most of his army would return when their service contracts expired on December 31<sup>st</sup>. Payne's, message of perseverance arrived with little time to spare and General Washington commanded that the pamphlet be read aloud to the beleaguered troops. The message was well received and the newly inspired troops crossed the Delaware to defeat the Hessians and General Cornwallis in a series of battles from Christmas to January 2<sup>nd</sup>. He asked that everyone remember the bravery, courage, and dedication of those who fought to win the freedom of our Nation as he led in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

1. City Council meeting December 2, 2015.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve the December 2, 2015 City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

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

Presentations:

1. **Donation of \$2,500 presented to James Delgado on behalf of the Apopka High School Academic Consortium of Scholars.**

Mr. Delgado said the Academic Consortium of Scholars recognizes students for their academics just like the athletes are recognized. They are provided apparel items based on academics. He thanked the City for the donation and recognition.

**2. Recognition of the Apopka High School Bowling team on their third consecutive year winning the state championships.**

Mayor Kilsheimer read a proclamation recognizing the Apopka High School Bowling team for their third consecutive year of winning the state championship and presented each member with a medal.

**3. Alonzo Williams Park Architectural presentation.**

Glenn Irby, City Administrator, said the City is in the process of applying for a CDBG grant for \$750,000 and replacing the building at Alonzo Williams Park. At a recent Council meeting, staff was directed to contract with CH2M Hill to design a new community building, which is necessary to complete the grant application. He advised the architect will make a presentation and any recommended changes to the plans will be made and the final plans will be presented at the January 6, 2016 meeting.

Adam Dolsak, Architect with CH2M Hill, said they have worked collaboratively with city staff to develop the proposed design concept for Alonzo Williams Park. He reviewed renderings of the proposed community center with both on street and off street parking. The proposed building will have restrooms accessible from outside, as well as restrooms accessible from inside the building. There is a proposed covered drop off area, reading room, media room, community space, and concession room, as well as a reception area, study space, and office space. The building is designed to accommodate a maximum of 100 throughout the entire building.

Mayor Kilsheimer opened the meeting to public comment.

Pastor King said this has been a long time coming and asked consideration be given to making the walls moveable.

Ray Shackelford called upon the council to do a budget amendment and do the project now rather than waiting and utilize the grant when it comes.

Mayor Kilsheimer advised that the Federal Government grant process would not allow this.

Francina Boykin said this is a step in the right direction for two very historical people, Alonzo Williams who was the first black Commissioner of this community, and it being on the street of M.A. Board. She stated she was at the park on Sunday for the Christmas give away by Marvin Zanders Funeral Home, this being the first time she had ever entered the existing building for which she was disappointed and this is the right thing to do.

Isadora Dean commented on the floor plan and inquired if it would be possible to place a door in the reading room. She also suggested there be more than one exit.

Ray Shackelford reiterated doing a budget amendment for this project.

Mayor Kilsheimer said they will take all comments into consideration and there will be a

final presentation on January 6, 2016.

**CONSENT (Action Item)**

1. Approve the Disbursement Report for the month of November, 2015.
2. Authorize a \$1,500.00 donation from Law Enforcement Trust Funds to Central Florida Crimeline.
3. Authorize a \$2,500.00 donation from Law Enforcement Trust Funds to Harbor House of Central Florida.
4. Authorize the disposal of surplus equipment/property and removal of property from the Police department's inventory.
5. Authorize the presentation of service weapon to retiring police lieutenant John McConnell.
6. Authorize the purchase of one Bus through the Florida Department of Education School Bus Contract #2015-01.
7. Public Risk Management of Florida Health Trust & ING Employee Benefits Group Disclosure Agreement.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve the 7 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 2467 – Second Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2467**

**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 SETTLEMENT (0-1 DU/5 AC) TO “CITY” COMMERCIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF CLARCONA ROAD, SOUTH OF WEST KEENE ROAD, COMPRISING 9.4 ACRES MORE OR LESS, AND OWNED BY TECHNOLOGY PROPERTY LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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 Arrowsmith to adopt Ordinance No. 2467. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

2. Ordinance 2468 – Second Reading – Change of Zoning. The City Clerk read the title as follows:

### **ORDINANCE NO. 2468**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” P-D (ZIP) TO “CITY” C-3 (WHOLESALE COMMERCIAL) (0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF CLARCONA ROAD, SOUTH OF WEST KEENE ROAD, COMPRISING 9.4 ACRES MORE OR LESS, AND OWNED BY TECHNOLOGY PROPERTY LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE**

Mayor Kilsheimer advised this was a quasi-judicial hearing. The affected parties were sworn in.

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 Ruth to adopt Ordinance No. 2468. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

3. Ordinance 2469 – Second Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

### **ORDINANCE NO. 2469**

**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 PARKS/RECREATION TO INDUSTRIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing.

Pastor King shared information he had while visiting the property, showing photos of the notice of rezoning lying on the ground. In response to his inquiry as to how the community affected by this is notified, David Moon gave the requirements of the first and second hearings being advertised, the property is posted, and notices are mailed to residents' within 300 feet of the property. Pastor King expressed concern of this being changed from recreation to manufacturing and suggested the council vote no.

Alice Nolan said she went to the property and Pastor King spoke of her concerns. She saw the notice on the ground and thought it was trash. She stated in driving home, she saw a

large sign on Orange County property and suggested we have eye level signage when posting notices.

Francina Boykin said she has been speaking to residents in the area of the property being rezoned. She inquired if people in the County would have received notification, to which Mr. Moon responded in the affirmative, if they were within 300 feet of the parcel.

Lamar Hughley said he purchased his home in 1984 and was against this property. He said he was against the rezoning of this property. He affirmed he is a Pop Warner coach and there is a need for Parks and Recreation property. He urged the council to leave it the way it is and utilize it for children.

Ray Shackelford said he was amazed this is city property with the cement block and old tires stored on it. He said the city needed to take responsibility and clean this land. He stated while he was for jobs, he felt it to be unfair to place industrial in a neighborhood and may not be in the best interest of the people in the southern part of the city.

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

Commissioner Arrowsmith pointed out on the map that this property backs up to current industrial property and was contiguous to industrial. He stated there was residential to the east. When asking if this was within the boundaries of a HUB zone, Mr. Moon advised he did not have that information available this evening.

Discussion was held regarding the HUB zones and industrial land use. Also, Mr. Moon advised the city can place restrictions on the use.

Commissioner Dean affirmed he had a problem with this and the location. He said bringing in the jobs was fine, but it needed to be in another location.

Mayor Kilsheimer said all the views were well understood. He stated he supports this project.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Dean to table Ordinance No. 2469 to the January 20, 2016 meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

4. Ordinance 2470 – First Reading – Change of Zoning.

**ORDINANCE NO. 2470**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR (PARKS/RECREATION) TO I-1 (RESTRICTED INDUSTRIAL) (0.60 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR**

**DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR,  
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**MOTION by Commissioner Arrowsmith, seconded by Commissioner Ruth to table Ordinance No. 2470 to the January 20, 2016 meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

5. Ordinance 2471 – Second Reading – Change of Zoning. The City Clerk read the title as follows:

**ORDINANCE NO. 2471**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” I-4 (ZIP) AND “CITY” I-1 TO PLANNED UNIT DEVELOPMENT (PUD/I-2); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND SOUTH OF HOGSHEAD ROAD, COMPRISING 19.4 ACRES MORE OR LESS, AND OWNED BY RAYNOR APOPKA LAND MANAGEMENT LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was quasi-judicial. The affected parties were sworn in.

Mayor Kilsheimer opened the meeting to a public hearing.

Bobby Reid spoke, again expressing concern regarding the possibility of fire.

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

**MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2471. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

6. Ordinance 2466 – First Reading – Large Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2466**

**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” MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD, NORTH OF W KELLY PARK ROAD, COMPRISING 44.26 ACRES, MORE OR LESS AND OWNED BY DIANE**

**REID-GOOLSBY, DEBRA REID-WILBARGER & DANIEL JOSHUA  
REID C/O DIANE REID-GOOLSBY; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon, Planning Manager, said this was a large scale land use amendment since it exceeds 10 acres. Following public hearings it will be transmitted to the state agency and they have 50 days to respond. Planning Commission and DRC both recommended approval.

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2466 at First Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**BUSINESS (Action Item)**

1. Consideration of Agreement for Sale & Purchase of Specific Property Owned by the City.  
This item was withdrawn.
2. Errol Estates land trade.

Mr. Irby advised by a previous owner and over a course of several months the Errol Estates' utility accounts became severely delinquent. At some point the golf course, common areas, and clubhouse were foreclosed and ownership reverted to the previous owner. This land swap is an attempt by the owner to satisfy the debt. The parcel is 11.22 acres and is located contiguous to Vick Road on the east side. Staff believes the trade would be worthwhile and requests direction to begin the process of transferring ownership/title of this property to the city.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to direct staff to execute the trade and removal of the liens. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

3. Council - There was no new or old business council.
4. Public

Nikki McGuire expressed concerns that her non-profit organization is not being supported by the City and provided a brief overview of the types of services the organization offers. She stated they've received donations from sponsors in and around the City however the City has not been willing to work with her.

Mayor advised that we will put her in touch with Dr. Jackson, the Neighborhood Services Coordinator regarding her request.

Ed Poirier thanked the Apopka Police Department for the recent Shop with a Cop event as well as the Fire Dept. for going beyond the call of duty. He expressed and reiterated his

concerns regarding the Apopka water.

Richard Wright spoke with regards to having lost his wife to cancer and expressed concerns of the water and if it could have been related.

Mayor Kilsheimer advised the city has had every test and consulted with the Department of Health and DEP and all tests have come back normal. He expressed condolences to Mr. Wright for his loss.

Ray Shackelford applauded the City's commitment to the budget as well as the efforts being made to ensure a successful Old Florida Outdoor Festival this year. He also commended Chief McKinley on his recent speech and applauded his efforts in seeking accreditation.

Young Kim commended Mayor Kilsheimer with his efforts in the visioning program but hopes that small businesses are not neglected in the process. He pointed out that America is founded on small businesses.

Jim Meadows stated that 6 months ago he stood here and presented proposal for community theater and wished to thank the Mayor, Council Members as well as staff, VFW, Apopka Chief and all local businesses and sponsors for making this all possible. He pledged to continue to bring entertainment to the City of Apopka.

**MAYOR'S REPORT** – Mayor Kilsheimer reported this past week was very festive with the Festival of Trees at City Hall, and the Christmas Parade was held on Saturday. The Winter Wonderland event was at Kit Land Nelson Park Saturday evening and there was a Bon Fire at Edwards Field. He stated the Festival of Trees raised \$6,000 and this will be divided between the Historical Society and AHA Players.

**NOT REQUIRING ACTION:** Mayor Kilsheimer announced having received a thank you letter to the City of Apopka Recreation Department from Birchmore Group.

**ADJOURNMENT** – There being no further business the meeting adjourned at 9:19 p.m.

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

ATTEST:

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