

CITY OF APOPKA

Minutes of the regular City Council meeting held on June 1, 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: Teresa Sargent - The Apopka Chief
Kathi Belich – WFTV Channel 9
Reggie Connell – The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Reverend John Pallard of the Church of the Holy Spirit who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said before dawn on June 6, 1944, allied forces, under the direction of General Dwight Eisenhower, set Operation Overlord into motion. This operation was the largest military action in history and would become known as D-Day. More than 20,000 airborne troops, the largest airborne force ever assembled, were dropped behind Nazi posts in Normandy and hours later, more than 160,000 allied troops, supported by more than 5,000 ships & 13,000 aircraft, landed on 5 beaches along a heavily fortified 50 mile stretch of French coastland. More than 9,000 allied soldiers were killed or wounded in the action but allied forces went on to march across Europe to defeat Hitler. So today, as we recite the pledge, let us reflect on the bravery and sacrifice of those who fought and gave their lives for our freedom.

APPROVAL OF MINUTES:

1. City Council meeting May 4, 2016.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the Minutes of the City Council meeting of May 4, 2016. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Employee Recognition:

- ❖ Twenty Year Service Award – Kevin Burgess – Public Services. Kevin Burgess, Assistant Public Services Director began working at the City of Apopka on May 13, 1996 as a Wastewater Plant Operator B. Kevin was promoted March 31, 1997 to Water Plant Supervisor. On November 16, 2005, he was promoted to Plant Manager. On January 30, 2006, his title changed to Water Resources Operations Manager & on January 5, 2016, Kevin was promoted to Assistant Public Services Director, which is his current position.

Presentations:

1. Presentation of check to Debbie Turner Cancer Center.
Debbie Turner accepted for the Debbie Turner Cancer Center.
2. Presentation of check to New Journey Youth Center.
Danielle Hunter Yarborough accepted for the New Journey Youth Center.
3. Fire Department Career Academy Graduation Update.
Will Sanchez provided an update and a brief presentation.
4. MMI Development Update regarding Marden Rd. Improvements.
Mike Wright provided an update regarding the improvements to the Marden Road Interchange project and in an effort to bring Commissioner's Becker and Bankson up to speed on the project he provided a summary and review of his original presentation from February 2016. He stated that the project is on track and should have final construction plans available by mid-June of this year.

CONSENT (Action Item)

1. Approve the Disbursement Report for the month of April, 2016.
2. Authorize the disposal of surplus equipment/property.
3. Authorize the Peddlers Permit Application for Big Bang Fireworks, Inc. – Justin Driggers
4. Authorize the Peddlers Permit Application for First American Fireworks, Inc. – David Hostetler
5. Authorize the Peddlers Permit Application for First American Fireworks, Inc. – David Hostetler
6. Approve the Fifth Trustees appointment to the General Employees'; Police Officers'; and Firefighters' Pension Boards.
7. Approve the purchase of a new scoreboard at Northwest Recreation Complex.
8. Approve the use of Directional boring services for the installation of a reclaimed water main and a sewer force main.
9. Authorize the purchase and install of a perimeter security fencing for the Golden Gem Reclaimed Water Reservoir property.
10. Award the Architectural and Engineering Contract for design services of a new fire station & retain the top three firms as continuing service contract providers.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance 2485 – Second Reading – Large Scale - Future Land Use Amendment – The title was read by the Deputy City Clerk as follows:

ORDINANCE NO. 2485

**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 USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL TO “CITY” REDISENTIAL LOW SUBURBAN (0-3.5 U/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF ROGERS ROAD, NORTH OF LESTER ROAD, COMPRISING 30.5 ACRES, MORE OR LESS, AND OWNED BY JTD LAND AT ROGERS ROAD, 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 Velazquez and seconded by Commissioner Becker to adopt Ordinance No. 2485 at the Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance 2498 – Second Reading – Change of Zoning – The title was read by the Deputy City Clerk as follows:

ORDINANCE NO. 2498

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” R-1 (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF ROGERS ROAD, COMPRISING 30.5 ACRES MORE OR LESS, AND OWNED BY JTD LAND AT ROGERS ROAD, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

David Moon provided a brief lead in advising this was a change of zoning of approximately 30.5 acres at the north end of Rogers Road, north of Lester Road from County A-1 to City R-1 zoning. He advised the Planning Commission and DRC recommend approval of the zoning change. He advised this case currently has an active future land-use map amendment in process which will be brought before City Council on June 15, 2016. A copy of the staff report is on file in the clerk’s office.

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 adopt Ordinance No. 2498 at the Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance 2496 – First Reading – Small Scale – Future Land Use Amendment – The title was read by the Deputy City Clerk as follows:

ORDINANCE NO. 2496

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 COMMERCIAL (MAX. 0.15 FAR) TO RESIDENTIAL LOW (0.5 DU/AC), FOR CERTAIN REAL PROPERTY LOCATED AT 1078 SOUTH BINION ROAD, COMPRISING 3.0 ACRES MORE OR LESS, AND OWNED BY GAIL W. BROWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Kyle Wilkes provided a brief lead in and advised that this is a Small Scale Amendment to the Future Land use Element of the Apopka Comprehensive Plan. He advised that Staff recommends approval of the Amendment and provided the active future land-use map.

Mayor Kilsheimer 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. 2496 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance 2497 – First Reading – Change of Zoning – The title was read by the Deputy City Clerk as follows:

ORDINANCE NO. 2497

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” R-1a (RESIDENTIAL) FOR CERTAIN REAL PROPERTY LOCATED AT 1078 SOUTH BINION ROAD, COMPRISING 3.0 ACRES MORE OR LESS, AND OWNED BY GAIL W. BROWN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

Kyle Wilkes provided a brief summary of the Zoning change and advised that Staff recommends approval.

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 Dean to approve Ordinance No. 2497 at the First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

BUSINESS

1. Council

- a. Topic for Council Discussion: Public Comment Period.

Mayor Kilsheimer opened Council discussion regarding staff developing a policy for public comment. Mayor Kilsheimer explained that many surrounding municipalities take public comment at the beginning of their meetings. The consensus of Council was to have staff return to Council with a written public participation policy moving public comment to the beginning of the meeting.

- b. Approval of all Recreation Program & Rental fees.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve the Recreation Program & Rental fees. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- c. City Center Update.

Mark Reggentin, Community Development Director, provided an update as to the City Center. He stated that negotiations are going well and that Taurus requested extension of the purchase agreement. Discussion ensued as to whether we should provide two (2) thirty (30) day periods or one (1) 60 day period.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez to approve the extension of one (1) sixty (60) day period. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- d. Topic for Council Discussion: Lobbying/Special Projects Contract.

City Attorney Cliff Shepard provided a summary of the status of the Lobbying/Special Projects Contract between the City of Apopka and Richard D. Anderson. Attorney Shepard provided a copy of records he received from Florida Highway Patrol which included the arrest warrant and affidavit of Richard D. Anderson. He further summarized the details of the accident, which occurred on April 5, 2016, as well as pertinent portions of the probable cause affidavit from the witnesses. Attorney Shepard stated that the City was not notified of this accident by Mr. Anderson but was made aware of this through the media. Mayor acting

under the authority granted by the Charter of the City of Apopka, contacted Attorney Shepard to immediately suspend Mr. Anderson, as he was in breach of the City's lobbying contract. Attorney Shepard contacted Mr. Anderson to discuss and was told he would have his Attorney contact him. Attorney, Larry Brown contacted Attorney Shepard and discussed the allegations and whether Mr. Anderson could provide an affidavit stating he was not the driver of the car. Attorney Brown stated they would not provide an affidavit as it would violate Mr. Anderson's Fifth Amendment rights. It was the opinion of Attorney Shepard that Mr. Anderson's behavior is damaging to the reputation of the City as well as unbecoming of a lobbyist. Discussion ensued as to immediate termination of Mr. Anderson's contract as well as possible lawsuit to recover damages due to the City in the amount of double the remainder of the contract.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker to terminate the contract & further seek damages. Motion carried unanimously in roll call format with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Public

Gene Knight spoke about the sidewalks and stop signs around Christiana. Public Services Director, Jay Davoll provided an update as to the sidewalk issues and the progress being made.

MAYORS REPORT

Mayor asked Commissioner Velazquez to step in as an alternate for the Metroplan board meeting.

NOT REQUIRING ACTION

1. Thank you letter to the City of Apopka from the Bahia Shriners in Orlando.
2. Thank you letter to the City of Apopka from the Apopka Christian Ministerial Alliance.

_____/s/_____
Joseph E. Kilsheimer, Mayor

ATTEST:

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