

## CITY OF APOPKA

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### **Minutes of the regular City Council meeting held on March 7, 2018, at 1:30 p.m., in the City of Apopka Council Chambers.**

PRESENT: Mayor Joe Kilsheimer  
Commissioner Diane Velazquez  
Commissioner Kyle Becker  
Commissioner Doug Bankson  
City Attorney Patrick Brackins  
City Administrator Glenn Irby

ABSENT; Commissioner Billie Dean

PRESS PRESENT: Teresa Sargeant - The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** - Mayor Kilsheimer introduced Reverend John Pallard of the Church of the Holy Spirit who gave the invocation. Mayor Kilsheimer asked for a moment of silence for Commissioner Dean who recently lost his daughter.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on March 1, 1961, President John F. Kennedy issued an executive order establishing the Peace Corps, following up on his inaugural address wherein he challenged America's youth to "*ask not what your country can do for you, ask what you can do for your country.*" The program was designed to promote world peace and a friendship by sending trained American volunteers to foreign nations to assist in development efforts. In all, more than 225,000 Americans have joined the Peace Corps since 1961, serving in 140 nations. He requested everyone to reflect on the selfishness of the Peace Corps volunteers who help promote peace through service to others as he led in the Pledge of Allegiance.

**AGENDA REVIEW:** Mr. Irby advised there were no changes.

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

#### Proclamations:

1. Art & Foliage Festival Weekend Proclamation was read by Mayor Kilsheimer acknowledging April 28 and 29, 2018 as Apopka Art & Foliage Festival Weekend in the City of Apopka. He then presented it to the Apopka Woman's Club.

#### Employee Recognition:

- ❖ Five Year Service Award – William “Chris” Connor – Public Services/Water Plant. Chris was not present and his award will be presented at another time.
- ❖ Ten Year Service Award – Rania Nakla – Public Services/Director's Office. Rania was not present and her award will be presented at another time.
- ❖ Ten Year Service Award – Sean Knapp – Fire/EMS. The Commissioners joined Mayor Kilsheimer in congratulating Sean on his years of service.
- ❖ Fifteen Year Service Award – Kristi Funke – Human Resources/Risk Management. The Commissioners joined Mayor Kilsheimer in congratulating Kristi on her years of service.

**Public Comment:**

Paul Pipitone said it has become really irritating putting up with all of the fireworks going off over the various holidays. He asked Council to somehow figure out this problem, stating if fireworks are against the law, then have the law enforced. He expressed concerns of turning left on Park Avenue to head north and asked for consideration of a traffic light in the area. He advised that he obtained a yard sale permit, but his signs were removed. He stated there needs to be a check and balance on these signs. He suggested permit numbers be placed on the yard sale signs.

Joann Castillo, President of the Apopka Woman's Club, requested that the construction on the splash pad be postponed until after the Art and Foliage Festival.

Ray Shackelford said he agreed with the sentiment expressed by the Mayor relating to the Dean family. He asked that the Dean family be kept in everyone's prayers.

**CONSENT (Action Item)**

1. Authorize Support Services for the 57th Annual Apopka Art & Foliage Festival.
2. Approve the sale of Apopka Youth Works (AYW) T-Shirts to benefit the AYW Scholarship Program.
3. Authorize an expenditure from Law Enforcement Trust Funds for the CRA, Community Outreach Program.
4. Accept and update signatories with Florida Community Bank.
5. Approve an Inmate Work Squad Contract with the Department of Corrections.
6. Approve the installation of inliner in the stormwater piping system by Layne Inliner.
7. Approve an interlocal agreement with Orange County for municipal separate storm sewer system permit activities.

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

**BUSINESS:**

1. Select a design/layout and award a contract to FreePort Fountains for RFP#2018-07 Design/Build of a Splash Pad at Kit Land Nelson Park.  
Mr. Irby advised Council directed staff to work with FreePort Fountains to come up with a layout for a Splash Pad in Kit Land Nelson Park. He advised there are three designs and at the Workshop held January 26, 2018, there seemed to be a consensus for option three. He advised this option has a bathing load of 60 and it is under budget by \$19,000. He said they would like to hold back this amount for any contingencies.

Discussion ensued regarding the construction starting on the Splash Pad with the Art and Foliage Festival scheduled the end of April. Mr. Irby advised that during any scheduled event, construction will cease and the large equipment will be removed and the area secured.

Mayor Kilsheimer directed staff to work with the Apopka Woman's Club to work out an alternative layout and provide accommodations for the foliage festival. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and

Bankson voting aye.

2. Approve the negotiation and award to Tindale Oliver for RFQ 2018-03 for Professional Transportation and Engineering Services.

Richard Earp, City Engineer, said this is for an update to the Transportation Impact Fee. The last time the fee was updated was in 2005 and this update will look at all of the changes that have occurred in the city and provide a recommended update. He advised we advertised for continuing consulting services and received three responses. Upon review, presentations, and ranking, it is recommended to approve staff moving forward with negotiations and award of the contract to Tindall Oliver.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve staff moving forward with negotiations and award of the contract to Tindall Oliver for Professional Transportation and Engineering Services. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.**

3. Approve an Interlocal Agreement between the City of Apopka and the City of Mount Dora to establish a utilities interconnect that will provide Mount Dora with surplus reclaimed water, with five year renewals.  
Jay Davoll, Public Services Director, said this is an Interlocal Agreement between Mount Dora and the City of Apopka. He advised Mount Dora approached the city regarding their needs for supplementing their reclaimed water system. One of the options they are pursuing is an area where they will have a large pond similar to the ponds the City of Apopka is building. Unfortunately, they do not have enough reclaimed water to always fill the pond and provide for the demand they have. They contacted the City of Apopka and received a grant from St. John's Water Management District to bring lines from their site to Golden Gem where we currently have reclaimed water. At the same time the City of Apopka is working on our system at Golden Gem and the timing should workout. He advised this was for the agreement with all the details to allow this supplementing.

In response to Commissioner Becker inquiring about the upsizing of the pipe, Mr. Davoll advised the upsizing was for the City of Apopka to make the pipe compatible with our system.

Mark Gradowski, Public Works Director, Mount Dora, said they are delighted to work with the City of Apopka on this agreement. He said Mount Dora is paying for the 16 inch pipe and Apopka will pay for any increase over the 16 inch pipe.

Following discussion, Mount Dora was in agreement to a ten year contract with five year renewals.

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve the Interlocal Agreement with Mount Dora to establish a utilities interconnect that will provide Mount Dora with surplus reclaimed water, with five year renewals. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.**

4. Accept the transfer of Rights of Way to and from the Central Florida Expressway Authority.

Mr. Davoll said staff has been working with the Central Florida Expressway (CFX), Florida Hospital Apopka, and Orange County to obtain the right-of-way necessary to extend Harmon Road east to Marden Road. CFX Right-of-Way Committee met on February 28, 2018 and recommended approval of the transfer of certain right-of-ways to the City of Apopka. The City will be conveying aerial rights for the CFX Bridge connecting Coral Hills Road across S.R. 414 and retain aerial rights over S.R. 414 and S.R. 429 bridge crossings. . CFX will consider the transfer at their meeting on March 8, 2018. Florida Hospital Apopka agrees to deed a portion of their property for right-of-way. The recommendation is to accept the transfers to and from CFX.

**MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to accept the transfer of right-of-ways to and from CFX as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.**

## **PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

1. Ordinance No. 2628 – Second Reading – Change of Zoning – Project: TGINF, LLC - Located at 501 Old Dixie Highway. The City Clerk read the title as follows:

### **ORDINANCE NO. 2628**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-1(COMMERCIAL) TO R-3 (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND EAST OF VICK ROAD, COMPRISING 15.8 ACRES MORE OR LESS, AND OWNED BY TGINF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR,SEVERABILITY,CONFLICTS,AND AN EFFECTIVE DATE.**

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

Phil Martinez, Planner, advised there have been no changes since the first reading.

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

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt Ordinance No 2628. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.**

2. Ordinance No. 2629 – Second Reading - Comprehensive Plan Amendment – Small Scale– Project: VBRO Enterprises, Inc. - Located at 41 East Lester Road. The City Clerk read the title as follows:

### **ORDINANCE NO. 2629**

**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” LOW DENSITY RESIDENTIAL TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF E. LESTER ROAD AND WEST OF ROCK SPRINGS ROAD, COMPRISING 0.84 ACRES MORE OR LESS, AND OWNED BY VBRO ENTERPRISES INC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Martinez advised there have been no changes since the first reading.

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. 2629. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.**

3. Ordinance No. 2630 – Second Reading – Change of Zoning –Project: VBRO Enterprises, Inc. - Located at 41 East Lester Road. The City Clerk read the title as follows:

**ORDINANCE 2630**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 AGRICULTURE TO “CITY” PLANNED UNIT DEVELOPMENT (COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST LESTER ROAD AND WEST OF NORTH ROCK SPRINGS ROAD, COMPRISING 3.36 ACRES MORE OR LESS, AND OWNED BY VBRO ENTERPRISES 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 clerk.

Mr. Martinez advised there have been no changes since the first reading.

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 adopt Ordinance No. 2630. Motion carried unanimously with Mayor Kilsheimer, and**

**Commissioners Velazquez, Becker, and Bankson voting aye.**

4. Ordinance No. 2631 – Second Reading - Comprehensive Plan Amendment – Small Scale Project: Iglesia Getsemani, Inc. - Located at 2575 West Orange Blossom Trail. The City Clerk read the title as follows:

**ORDINANCE NO. 2631**

**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 TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND SOUTH OF HIGHLAND AVENUE, COMPRISING 1.43 ACRES MORE OR LESS, AND OWNED BY IGLESIA EL GETSEMANI, INC.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Martinez advised there have been no changes since the first reading.

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. 2631. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

5. Ordinance No. 2632 – Second Reading – Change of Zoning – Quasi-Judicial Project: Iglesia Getsemani, Inc. - Located at 2575 West Orange Blossom Trail. The City Clerk read the title as follows:

**ORDINANCE NO. 2632**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM “COUNTY” C-1 (COMMERCIAL) TO “CITY” C-1 (COMMERCIAL) FOR CERTAIN REAL PROPERTY LOCATED AT 2575 W. ORANGE BLOSSOM TRAIL, COMPRISING 1.43 ACRES, MORE OR LESS AND OWNED BY IGLESIA GETESEMANI; 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 clerk.

Mr. Martinez said there have been no changes since the first reading.

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

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt Ordinance No. 2632. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.**

6. Ordinance No. 2634 – Second Reading – Change of Zoning – Project: A. D. Raulerson, Sr. & A. D. Raulerson, Jr. and Curtin & Karen Pumphrey - Located at 251 West Lester Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2634**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM “CITY” A-1 (ZIP) TO PUD (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF NORTH ROCK SPRINGS ROAD AND NORTH OF EAST LESTER ROAD, COMPRISING 23.41 ACRES MORE OR LESS, AND OWNED BY ADELBERT RAULERSON, SR. & AD RAULERSON, JR. AND CURTIS & KAREN PUMPHREY; 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 clerk.

Mr. Moon advised there have been no changes since the first reading.

Commissioner Becker reiterated the Land Development Code, Section 2.02.18 – B – 11 reads:  
*The minimum single-family lot size within any PUD shall be 70 feet in width at both the street (with the exception of lots on cult-de-sacs and curves which may be permitted a 40 percent reduction) and building lines with a site area of 7,500 square feet. For every 60-foot lot proposed, an equal number of lots a minimum of 85 feet in width are provided, but under no circumstances may more than 20 percent of the total number of lots in the PUD be less than 75 feet in width.*

Commissioner Becker said it was being contemplated that every single home is going to be 40 foot wide lots and this is contradictory to the Land Development Code, therefore, he cannot support it.

Commissioner Velazquez said she met with Mr. Moon due to her concern from the last Council meeting and asked how this would affect future developments and spoke of Silver Oak that was approved with different size lots.

Mr. Moon explained in the case of Silver Oak the lot diversity was 40, 50 and 70 foot wide

lots with 45 percent being 40 foot wide, 45 to 50 percent being 50 foot wide lots and 5 to 10 percent for the 70 foot wide lots.

Commissioner Velazquez said the younger generation was looking for different housing and smaller yards for less maintenance. This proposed development will be gated and the HOA will provide all of the landscaping and maintenance.

James Hitt, Community Development Director, said Commissioner Becker did quote the code exactly as it reads. He stated PUD's, just because of the nature and any other code allows for variances. This applicant is asking for a variance to reduce the size of the lot and he reiterated you can put variances within the PUD as it is being approved.

Commissioner Bankson said the increased buffer made this more positive for him. He said he understands the point of following the code, but having the amenities with a gated community helps to satisfy the variances for him.

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 Velazquez to adopt Ordinance No. 2634. Motion carried 3-1 with Mayor Kilsheimer, and Commissioners Velazquez and Bankson voting aye, and Commissioner Becker voting nay.**

#### **CITY COUNCIL REPORTS**

Commissioner Bankson said following the Town Hall meeting last evening he had a citizen approach him regarding a visibility issue at Sandpiper and Ustler Road. He stated now that we have direct control over the roadway, he wanted to bring attention to this matter. He said we also needed to address the sidewalk on the north side where a rail had been removed and is dangerous. He said the sidewalk was in very poor repair and needs to be looked into.

#### **MAYOR'S REPORT**

Mayor Kilsheimer reported a water main break occurred in Errol Estates last evening around 4:00 p.m. Employees had to be called back to work who worked from 4:00 p.m. through 1:00 p.m. today and some are still there working. He recognized the following employees for all of their efforts: Curtis Johnson, Utility Foreman, Terry Hicks, Utility Service Worker II, Dennis Misurale, Utility Service Worker II, Charlie Shaw, Utility Service Worker II, Angel Reyes, Utility Service Worker II, Roger Stewart, Utility Service Worker II, Derrick Clark, Utility Service Worker II, Kenny Gibson, Utility Service Worker I, Tim Romine, Utility Service Worker I, Scott Krouse, Water Plant Chief Operator, and Chris Connor, Water Plant Operator B.

**ADJOURNMENT** – There being no further business the meeting adjourned at 3:04 p.m.

ATTEST:

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



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