

**APOPKA CITY COUNCIL AGENDA**  
January 18, 2017 7:00 PM  
**APOPKA CITY HALL COUNCIL CHAMBERS**  
Agendas are subject to amendment through  
5:00pm on the day prior to City Council Meetings

**CALL TO ORDER**

**INVOCATION - Pastor Jeanne Bowser of Word of Life Church**

**PLEDGE**

**APPROVAL OF MINUTES:**

1. City Council workshop December 13, 2016.
2. City Council meeting December 21, 2016.
3. City Council meeting January 4, 2017.

**AGENDA REVIEW**

**PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Public Comment Period:

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

Presentations:

1. Tree Climbing Championship presentation by The Davey Tree Expert Company. Adam J. Jackson

**CONSENT (Action Item)**

1. Acceptance of a grant award from the Orange County EMS Council.
2. Authorize the issuance of a blanket purchase order for inventory supplies to H. D. Supply Waterworks, Ltd.
3. Authorize the final extension of the contract for Professional Land Surveying and Mapping Services.
4. Authorize the appointment of Jackson Young to the Police Officers Pension Board.
5. Authorize the renaming of a portion of Recreation Way to Firehouse Lane.
6. Authorize a partial road closure for Marden Road to construct two new roundabouts.

**BUSINESS (Action Item)**

1. Final Development Plan/Plat – Magnolia Commerce Center – Quasi-Judicial David Moon
2. Replat – Cooper Palms Lots 10 and 11 – Quasi-Judicial David Moon

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2543 – Second Reading - Fire and Police Impact Fees Glenn A. Irby
2. Ordinance No. 2544 – Second Reading - Parks and Recreation Impact Fees Glenn A. Irby
3. Ordinance No. 2545 – Second Reading - Adjust Pension Board Member Terms Sharon Thornton
4. Ordinance No. 2546 – First Reading – Annexation at 1109 S. Park Ave. & 157 Rand Ct. – Legislative Kyle Wilkes
5. Ordinance No. 2547 – First Reading – Fisher Plantation Subdivision Annexation - Legislative James Hitt
6. Resolution No. 2017-02 – Quality Target Industry (QTI) Program – Qorvo James Hitt

**CITY COUNCIL REPORTS**

**MAYOR'S REPORT**

**ADJOURNMENT**

**MEETINGS AND UPCOMING EVENTS**

DATE	TIME	EVENT
January 23, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winder Garden
January 24, 2017	4:00pm – 8:00pm	KaBOOM! Lake Avenue Playground Design Sessions at the Fran Carlton Center
January 25, 2017	4:00pm – 6:00pm	City Council Workshop – LDC Update at the Apopka Community Center
February 1, 2017	1:30pm –	Council Meeting
February 2, 2017	5:30pm – 9:00pm	Food Truck Round Up
February 10, 2017	6:00pm – 10:00pm	Old Florida Outdoor Festival at the Apopka Amphitheater
February 11, 2017	11:00am – 10:00pm	Old Florida Outdoor Festival at the Apopka Amphitheater
February 14, 2017	5:30pm – 6:00pm	Planning Commission Meeting
February 15, 2017	7:00pm –	Council Meeting
February 27, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

**Backup material for agenda item:**

1. City Council workshop December 13, 2016.

## CITY OF APOPKA

---

### Minutes of the City Council Workshop held on December 13, 2016, at 1:00 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 Andrew Hand  
City Administrator Glenn Irby

**PRESS PRESENT:** John Peery - The Apopka Chief  
Reggie Connell, The Apopka Voice

Mayor Kilsheimer called the meeting to order and led in the Pledge of Allegiance.

### **DISCUSSION**

#### **Edwards Field/Splash Pad:**

Discussion was held regarding the Parks and Recreation Master Plan Committee who made recommendations to City Council. Mayor Kilsheimer advised the members of the committee were Chair Jerome Miller, Christine Bornstein, Eli Rivera, Danyiel Hunter-Yarbrough, Bill Spiegel, Tenita Reid, Justin Gomez, Bryan Richey, Larry Zwiig, Anita Boyd, and Matthew Hutchinson.

David Burgoon, Director of Parks and Recreation, said the budget approved by City Council on September 28, 2016, included a splash pad. He stated they were here to discuss the location for the splash pad and the amenities to be included. Staff recommends Kit Land Nelson Park as the best location for the splash pad. He reviewed the various locations taken under consideration and said the best option was determined to be Kit Land Nelson Park. He said they were looking to place the splash pad at the tennis courts and redo the racquetball courts into restrooms. He reviewed the layout for the other events and pointed out the restrooms would be a benefit to these events. By placing the splash pad in this location it would be easily accessible by the bike trail and bring more families to the park.

Following discussion, it was the consensus to move forward with the conception of placing the splash pad on the tennis courts with Commissioner Dean going on record against this location.

#### **John Land Statues:**

Mayor Kilsheimer said the artist has sent two letters to the Land family regarding placement of the statue on the front lawn. The artist has recommended the west side of the lawn across from the 9/11 memorial.

It was the consensus to wait for a response from the Land family.



**Ride/Share Ordinances 2510 and 2511:**

Mayor Kilsheimer said the city has postponed these ordinances multiple times to allow Lyft and Uber to respond to objections. He proposed moving forward with the ordinances as submitted by staff.

City Attorney Hand said Lyft did provide some edits and several of those were incorporated. Some of the edits were denied with regards to their request to remove significant protections pertaining to the drivers. He advised anything that dealt with the protection of the public remained in the ordinance.

The consensus was to proceed with the ordinances as drafted by staff.

**Eco-Tourism Initiative for Lake Apopka:**

Mayor Kilsheimer reviewed a PowerPoint presentation on Lake Apopka Restoration Center (LARC) that he and Paul Faircloth have been working on for approximately two years. He stated trends that are occurring in the tourism industry, along with the things happening with Lake Apopka and the Lake Apopka North Shore area, are all coming together at the same time. He said this will be an economic generator for our community for generations to come. He declared birding has taken off on the Lake Apopka North Shore area and the Audubon Society has stated the greatest diversity of bird species of any inland area in North America is on the Lake Apopka North Shore with more than 360 species of birds having been identified. He discussed the restoration of Lake Apopka stating the water quality has been restored to a great extent. He said there were some unique opportunities with the City of Apopka with some land the City purchased some years ago. He said this area's potential can be highlighted as a premier destination. He spoke of connecting guests with some type of water based adventure or experience on Lake Apopka and support the Lake Apopka Restoration Center by not only celebrating the comeback of the lake, but being an active participant in the ongoing restoration of the lake. He stated there could be research brought to the area on how to remove nutrients from the water column, stating this is the key issue in various areas throughout the State and United States. Their vision is to establish a new economic engine for Apopka and for Northwest Orange County that is centered on water research and nature based tourism. The goal is to create a plan that operates in concert with what SJRWMD is currently doing. If successful, this plan will create sustainable jobs with the creation of a nature inspired facility. He spoke of private/public partnerships and how the residents supported this during the visioning process. He reviewed various eco-tourism opportunities for this area. He stated the City of Apopka owns 45 plus acres in this area and discussed the possibility of realignment of Binion Road to consolidate this land. This land lies in a natural bluff that overlooks the North Shore of Lake Apopka and this would provide incredible opportunities. He said the next steps would be to entertain agreements with SJRWMD on the gateway birding park idea and operating within their management system, development an agreement with the City on how to undertake that idea, plan for public safety in the area, city and county agreements on whether to annex the north shore and realignment of Binion Road. There needs to be an RFQ drafted and work on the legal framework that allows the city to move forward with this and allows private partners to make commitments. He said this was a work in progress and there was a lot to pursue. He said it is felt a proposal or RFQ can be prepared sometime in 2017.

Mayor Kilsheimer said without objection they will continue work on this concept.

Council recessed at 3:09 p.m. and reconvened at 3:16 p.m.

**Apopka Begins and Ends with “A”:**

Mayor Kilsheimer said he wanted to bring the individuals here in a workshop session for Council to be able to ask questions. He said there were documents included in the packet including the document used to propose this idea more than a year ago, as well as updated data on school grades, and the final report submitted in July, 2016. He spoke of public schools and how they have children of all spectrums attending and our schools are providing the best education they can. He felt it would be great to do something to change the perception of Apopka schools and set out to encourage the community to embrace public education and the idea that it is up to the community to help our public schools deal with issues and meet goals. He spoke of City of Life and his involvement having chaired the board and utilization of facilitated discussions through community action teams. He stated facilitated discussion keeps the discussion on track and allows exploring an idea and quickly bringing solutions to problems. He stated attending the workshop from City of Life were Gerry Glynn, Richard Wyrick, and Allan Chernoff, as well as John Wright, Area Superintendent for the North Learning Community. He advised over the last year, community action teams were started at Lovell Elementary and Rock Springs Elementary Schools, with a plan to expand to other schools. He reviewed several examples of helping schools make accomplishments, including the donation of books in conjunction with Goodwill Industries.

John Wright, Area Superintendent Orange County Schools, said Orange County Public Schools has 202,000 students and they are the ninth largest school district in the United States. About 17,000 students reside in the Apopka corridor. He said their vision is to be the top producer of successful students in the Nation and their mission is to lead students to success through the support and involvement of communities and of families. He said this program goes hand in hand and aligns with their mission and work. He said each school has their own unique personality, culture, and challenges. He declared the community action teams are a place where the community can come together to look at what would help the school move to another level. He stated they were hoping to add Zellwood and Phyllis Wheatley as the next two schools for community action teams.

Commissioner Dean said according to the chart Wheatley and Zellwood were two of the lowest when it comes to academic scores. He expressed concerns with paying tax dollars on certain schools and neglecting other schools. He said he felt this was the responsibility of Orange County Public Schools to bring facilities up to the expectations and not the City’s responsibility.

Gerry Glynn, City of Life, handed out a report from the National League of Cities on improving public schools. He stated Commissioner Dean was correct, in that Orange County Public Schools is primarily responsible for the outcome of our academic success of students in Orange County. However, what he hears the Mayor suggesting is, you don’t want the Orange County Public School system deciding whether or not Apopka students get a priority. He declared you want the Apopka students to be a priority and to succeed above the schools in other communities. One way to do that is to leverage the resources that are here and ask the community what they can do to partner with the school system. He said the City of Life’s job over the past year has been to facilitate a conversation between the community and the schools to see where they can come together to make progress toward that goal. He declared the community is not replacing what the school system is doing, but finding what it is that are barriers for some of the schools getting to an

“A” and how can the community leverage their resources to have an impact on this.

Commissioner Becker said this was an important program and he supported it during the budget process. He said he would like to see a report on the success criteria and how it is gauged.

Commissioner Velazquez said she volunteered prior to this program and said the community action team makes a difference on the success.

Commissioner Bankson said it concerned him to take money from another area we have responsibilities and spending it on this program. He said looking at the grades, it was not a clear measure.

Mr. Glenn explained the funds are for the facilitator of the community action teams. The teams are made up of volunteers, principals, and teachers.

Mayor Kilsheimer said students from all schools feed into the two high schools which is why schools not in the city are supported. He inquired if the consensus was to provide direction to staff to move forward.

Commissioner Becker and Commissioner Velazquez both supported the program. Commissioner Bankson said it was a worthwhile program, but he saw other needs that weighs heavily on him that local taxes are for. Commissioner Dean said he would support it since the funds are going to a foundation.

**Fisher Plantation Annexation Referendum:** Jim Hitt, Community Development Director, advised there were approximately 81 homes in Fisher Plantation and residents are interested in annexation. He said rather than doing a person by person annexation, it is recommended to do a referendum with an opportunity to get this scheduled for April next year. Proper notification has to be given to the Supervisor of Elections and the City will pay for the election at an approximate cost of \$900. An ordinance will be brought to City Council for approval to move forward with the referendum and the annexation would be contingent upon approval of the referendum with a date certain placed in the ordinance.

Mayor Kilsheimer said hearing no objection, staff will be directed to proceed.

**ADJOURNMENT** – There being no further business the meeting adjourned at 4:48 p.m.

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

ATTEST;

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

**Backup material for agenda item:**

2. City Council meeting December 21, 2016.

CITY OF APOPKA

---

Minutes of the regular City Council meeting held on December 21, 2016, at 7:00 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 Sargeant - The Apopka Chief  
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Reverend Richard King who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on December 19, 1776, Thomas Paine published a pamphlet *The American Crisis*, which is credited with inspiring 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 home when their service contracts expired on December 31, 1776. Paine's message of perseverance arrived with little time to spare and General Washington commanded the pamphlet be read aloud to his 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. He asked everyone to 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 workshop November 30, 2016.
2. Groundbreaking MMI Marden Road Interchange December 1, 2016.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve the minutes of November 30, 2016, and December 1, 2016. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.**

AGENDA REVIEW

Glenn Irby, City Administrator, advised that Ordinance No. 2531 is to be pulled from the agenda

**MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to remove Ordinance 2531 from the agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

## PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

### Public Comment:

Katherine Marsh expressed concern regarding crime that has occurred at her home having had her jewelry box taken from her home in 2015, as well as another occurrence having an item removed from her garage as she was carrying groceries in. She said she has been a resident here since 1994 and has no desire to leave.

Naomi Grabish said she was eight years old and two years ago she wrote a letter to the Mayor regarding there being no Hanukah decorations. She stated we should think about everyone who lives in Apopka and she was disappointed that Apopka did not have a Menorah. She asked the City to put money in the budget so there can be a Menorah next year.

Erika Grabish, Naomi's mother, read a prepared statement stating she whole heartedly supports her daughter's efforts to ensure that true diversity of the City of Apopka is represented. She stated standing for diversity in every way possible, including our holiday decorations sends a message of true compassion of belief in a better world and in the real meaning of the words we speak every time we recite the Pledge of Allegiance. She also read a letter on behalf of Reverend Laura Viau of First Presbyterian Church offering support for Naomi.

Rod Love said the Apopka Task Force will be releasing its report in the very near future. He thanked the Commissioners that participated in the process. He acknowledged Bethune Cookman University for the time they contributed.

### CONSENT (Action Item)

1. Authorize a Capital Facility Fees Payment Agreement with Emerson North Townhomes (136 Units).
2. Authorize the closure of roads for the annual Martin Luther King Parade.
3. Approve the sale of alcohol at City events.
4. Authorize an expenditure from Federal Law Enforcement Trust Fund for an Annual National Conference.
5. Approve a part-time Accounting Clerk position in the Finance Department.
6. Authorize the purchase of an EMC Storage Array and appliance for the City's virtual environment.
7. Authorize the purchase of four Pumps for sanitary sewer pumping stations.
8. Authorize the purchase of vehicles for the Construction, Water Maintenance and Sewer Maintenance Divisions.
9. Authorize the purchase of a vactor truck for the Sewer Maintenance Division.
10. Award a bid to Providence Construction and Development for the Ocoee Apopka Road Reclaimed Water System extension.
11. Authorize a Reclaimed Water Main Oversizing Agreement with the Silver Oak subdivision developer.

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

## BUSINESS

### 1. Master Plan/Preliminary Development Plan – Vistas at Water’s Edge.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the city attorney.

David Moon, Planning Manager, provided a brief lead-in stating this was proposing the development of 147 single family residential lots and 21.52 acres of active and passive recreation space. He advised the entrance was off of Binion Road where it intersects with Harmon Road. There is also an emergency entrance to the south where Binion Road runs east to west. The applicant is providing a thirty foot landscape buffer along Binion Road, and the developer has agreed to construct an eleven foot wide multiuse trail within this landscape buffer. He pointed out other trail locations known as the east shore connectivity system. DRC and Planning Commission both recommend approval subject to the findings of the staff report.

In response to Commissioner Bankson, Mr. Moon advised the plan currently has a gated emergency access for emergency vehicles to Binion Road. He advised if Binion Road is realigned, the access to the site will be off site and the City will need to take planning action to ensure access to the south.

David Stokes was present on behalf of the applicant. He advised they had not yet determined if the garage would be a side or front entry. He also reviewed the location of the two dry retention ponds and swale, stating this meets SJRWMD standards.

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 approve the Master Plan/Preliminary Development Plan for Vistas at Water’s Edge, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

### 2. Final Development Plan – Tractor Supply.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the city attorney.

Mr. Moon provided a brief lead-in stating this was 19,000 square feet of retail. He reviewed the location and advised that DRC and Planning Commission recommend approval.

Jeremy Henderson was present on behalf of the applicant to answer any questions.

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 Bankson, to approve the Final Development Plan for Tractor Supply, as presented. Motion carried**

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2499 – Second Reading – Large Scale Future Land Use Amendment. The City Attorney read the title as follows:

**ORDINANCE NO. 2499**

**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” RURAL SETTLEMENT (0-1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE AND EAST OF GOLDEN GEM ROAD, COMPRISING 15.04 ACRES, MORE OR LESS AND OWNED BY JACK & JOYCE CRAVEY; 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 Becker, and seconded by Commissioner Velazquez to adopt Ordinance No. 2499. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

2. Ordinance No. 2510 – Second Reading – Code of Ordinances, Chapter 74 “Business Tax Receipts”. The City Attorney read the title as follows:

**ORDINANCE NO. 2510**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 74, ARTICLE IV, SECTION 74-104 OF THE CITY OF APOPKA CODE OF ORDINANCES PERTAINING TO “VEHICLES FOR HIRE” BY REMOVING LANGUAGE INDICATING THAT CITY COUNCIL APPROVAL IS REQUIRED FOR DRIVERS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND 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 Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2510. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**



3. Ordinance No. 2511 – Second Reading – Code of Ordinances, Chapter 86 “Vehicles for Hire”. The City Attorney read the title as follows:

**ORDINANCE NO. 2511**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATIONS OF TAXICABS AND CREATING REGULATIONS FOR TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND 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 Dean, and seconded by Commissioner Bankson to adopt Ordinance No. 2511. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

4. Ordinance No. 2531 – Second Reading – Annexation.  
This ordinance was removed from the agenda.
5. Ordinance No. 2532 – Second Reading – Small Scale Future Land Use Amendment. The City Attorney read the title as follows:

**ORDINANCE NO. 2532**

**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 (1 DU/ 10 AC) TO “CITY” RESIDENTIAL LOW SUBURBAN (3.5 DU/AC), FOR CERTAIN REAL PROPERTY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 0.302 ACRES MORE OR LESS, AND OWNED BY CENTRAL FLORIDA EXPRESSWAY AUTHORITY; 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. 2532. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

6. Ordinance No. 2533 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

**ORDINANCE NO. 2533**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” R-1A FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 0.302 ACRES MORE OR LESS, AND OWNED BY CENTRAL FLORIDA EXPRESSWAY AUTHORITY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Bankson, and seconded by Commissioner Dean to adopt Ordinance No. 2533. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

7. Ordinance No. 2534 – Second Reading – Comp Plan Amendment – Capital Improvements Element. The City Attorney read the title as follows:

**ORDINANCE NO. 2534**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; INCORPORATING THE ANNUAL UPDATE TO THE CITY’S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; 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. 2534. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

8. Ordinance No. 2535 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

**ORDINANCE NO. 2535**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE, EAST OF GOLDEN GEM ROAD,**

**COMPRISING 15.04 ACRES MORE OR LESS, AND OWNED BY JACK AND JOYCE CRAVEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing.

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 adopt Ordinance No. 2535. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

9. Ordinance No. 2536 – Second Reading – Small Scale Future Land Use Amendment. The City Attorney read the title as follows:

**ORDINANCE NO. 2536**

**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 RESIDENTIAL HIGH (0-15 DU/AC) TO COMMERCIAL (MAX 0.25), FOR CERTAIN REAL PROPERTY LOCATED AT 1351 TROPICANA CIRCLE, COMPRISING 6.4 ACRES MORE OR LESS, AND OWNED BY MARSHALL HOWARD; 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 Becker, and seconded by Commissioner Bankson to adopt Ordinance No. 2536. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

10. Ordinance No. 2537 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

**ORDINANCE NO. 2537**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF ORANGE BLOSSOM TRAIL, NORTH OF KENNETH STREET, COMPRISING 6.4 ACRES MORE OR LESS, AND OWNED BY MARSHALL HOWARD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Bankson, and seconded by Commissioner Becker to adopt Ordinance No. 2537. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

11. Ordinance No. 2538 – Second Reading – Small Scale Future Land Use Amendment. The City Attorney read the title as follows:

**ORDINANCE NO. 2538**

**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-MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC) TO “CITY” INDUSTRIAL (MAX 0.6), FOR CERTAIN REAL PROPERTY LOCATED AT 202 S HAWTHORNE AVE AND 300 W 2<sup>ND</sup> STREET, COMPRISING 0.74 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES 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 Dean, and seconded by Commissioner Velazquez to adopt Ordinance No. 2538. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

12. Ordinance No. 2539 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

**ORDINANCE NO. 2539**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-2 (ZIP) TO I-1 (RESTRICTED INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HAWTHORNE AVENUE, SOUTH OF 2<sup>ND</sup> STREET, COMPRISING 0.74 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Bankson to adopt Ordinance No. 2539. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

13. Ordinance No. 2540 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

**ORDINANCE NO. 2540**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” RCE-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2228 VICK RD., COMPRISING 4.77 ACRES MORE OR LESS, AND OWNED BY SOUTH PASS LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Becker, and seconded by Commissioner Velazquez to adopt Ordinance No. 2540. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

14. Ordinance No. 2541 – Second Reading – Right-of-Way Vacate. The City Attorney read the title as follows:

**ORDINANCE NO. 2541**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE PORTIONS OF UNNAMED RIGHT OF WAY; LOCATED EAST OF HERMIT SMITH ROAD AND SOUTH OF GENERAL ELECTRIC ROAD; AND IN SECTION 06, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND 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 Bankson, and seconded by Commissioner Dean to adopt Ordinance No. 2541. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS**

Commissioner Becker recognized the Apopka Raptors for having two age groups play in the national championship this past weekend.

MAYOR'S REPORT – Mayor Kilsheimer said this has been a good year and he thanked all of the elected officials for the spirited discussions. He stated they have worked through the budget and they have made a lot happen. He also said he was very appreciative of the City staff.

ADJOURNMENT – There being no further business the meeting adjourned at 8:01 p.m.

---

Joseph E. Kilsheimer, Mayor

ATTEST:

---

Linda F. Goff, City Clerk

**Backup material for agenda item:**

3. City Council meeting January 4, 2017.

## CITY OF APOPKA

---

**Minutes of the regular City Council meeting held on January 4, 2017, at 1:30 p.m., in the City of Apopka Council Chambers.**

**CITY OF APOPKA COLOR GUARD** - Mayor Kilsheimer called for the marching of the Colors, presented by the Apopka Color Guard. Color Guard members are: Apopka Police Department: Sergeant Steve Harmon, Officer Cliff MacDonald, Officer, Josean Velez-Cantres, and from the Apopka Fire Department: Firefighter Dwight Ashton, and Firefighter John McGuire.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer led in the Pledge of Allegiance. Sergeant Harmon called for the posting of the Colors.

### **APPROVAL OF MINUTES:**

1. City Council meeting December 7, 2016.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the December 7, 2016, City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**AGENDA REVIEW:** There were no changes to the agenda.

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

#### **Public Comment:**

Ray Shackelford suggested that as recreation programs and services are expanded, the City explore a private/public partnership with the Cooper's Sportsplex. He expressed concerns regarding transparency as related to the City of Life Foundation and Apopka Begins and Ends with "A" program. He pointed out his educational credentials and said he strongly resents the location of the "A" program and expressed concerns regarding fiscal accountability of this program. He declared this program was duplicating activities of the school advisory council, PTO, PTA, PTSA, or current school volunteer program. He commended the Apopka Task Force for their report.

Linda Laurendeau spoke of the water bills and how the webpage has changed, stating there was no account detail. She stated the account detail is utilized to look at leaks, if sprinklers are mis-programmed, etc. She declared this was very important to the citizens and also suggested adding the tax amount on the history. She also mentioned the KaBOOM! Grant on the Consent Agenda stating there was a policy that all community partners must not wear branded clothing.

Rod Love said Senator Galvano was sponsoring a bill that addresses water contaminants, pollution, addressing a mandatory reporting to the public when there are contaminants. He stated Pastor Smith posed a question to the Council several months ago regarding contaminants and who would be responsible for notification. He suggested there needed to be an ordinance that mandates notification of the public. He said he hosted a small business luncheon approximately a month ago and issues were discussed regarding how businesses can grow in Apopka and how minority and female owned businesses can take advantage of contract opportunities.



**Proclamation:** A proclamation was read by Mayor Kilsheimer acknowledging Arbor Day, and presented to David Burgoon, Recreation Director.

**Employee Recognition:**

**Five Year Service Award – Jose Posadas – Public Services/Facilities - Maintenance Worker I – 12/12/2011.** Jose began working for the City on December 12, 2011, as a Maintenance Worker I in Streets. On April 18, 2106, he transferred to facilities and became a Facility Maintenance Worker I, which is his current position. Jose was not present and his award will be presented at another time.

**Ten Year Service Award – Charles Stephenson – Public Services/Fleet - Fleet Superintendent – 12/12/2006.** Charles began working for the City on December 12, 2006, as an Equipment Mechanic. On August 29, 2016, he was appointed Interim Fleet Superintendent and on December 20, 2016, was promoted to the Fleet Superintendent position, which is his current position. Charles was not present and his award will be presented at another time.

**Ten Year Service Award – Ashley Sullivan – Police/Field Services - Police Officer – 12/15/2006.** Ashley began working for the City on December 15, 2006, as a Police Officer Trainee. On February 21, 2007, she became a Police Officer, which is her current position. Ashley was not present and her award will be presented at another time.

**Fifteen Year Service Award – Ben Mewhirter – Fire/EMS - Fire Engineer – 12/01/2001.** Ben began working for the City on December 1, 2001, as a Fire Fighter 1st Class. On October 1, 2015, he was promoted to Fire Engineer, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Ben on his years of service.

**Fifteen Year Service Award – Terrance “Terry” Hicks – Public Services/Utility Maintenance - Utility Service Worker II – 12/03/2001.** Terry began working for the City on December 3, 2001, as a Utility Service Worker I. On December 3, 2003, he was reclassified to Utility Service Worker II, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Terry on his years of service.

**CONSENT (Action Item)**

1. Authorize an agreement for Utility Bill Printing and Mailing Services with Municipal Code Corporation.
2. Authorize a Donation from the Law Enforcement Trust Funds to Kid's House Childrens Advocacy Center.
3. Authorize the acceptance of the KaBOOM! grant and approve the funding.
4. Authorize a partnership with the Orlando Magic for a Jr. Magic Basketball League.
5. Authorize a lease to own agreement for commercial equipment in the Recreation Department.
6. Authorize a contract amendment with the Department of Corrections for an inmate work squad.
7. Authorize the Purchase of two Bypass Pumps for sanitary sewer lift stations.
8. Authorize an Incubator Agreement with the University of Central Florida.
9. Authorize an agreement and funding with the City of Life Foundation.

Discussion was held on items one, three, four, eight, and nine. Item nine was pulled for separate action.

Mayor Kilsheimer opened the Consent Agenda to Public Comment.

Ray Shackelford applauded the Mayor for his focus on education, but stated the location of this program was in the wrong place. He said if giving tax money, the funds should go to the school advisory council, PTO, PTA, or PTSA.

Rod Love spoke of lack of communication with regards to the Orlando Magic basketball partnership, stating they have had discussions with law enforcement agencies regarding establishing basketball leagues. He expressed concern regarding the cost of the program. He stated with regards to Consent Agenda Item nine, he applauded efforts of trying to reach youth from an educational standpoint, but felt if the contract was put out to bid, this discussion would not be an issue.

Veronica Rodgers said she is the President of Phyllis Wheatley PTA and said everything the Mayor said was true. She said they have been doing the same thing at Phillis Wheatley without any help.

Isadora Dean said she totally supported education and she was very proud of Apopka schools. She stated she has taught many successful graduates and said the focus needs to be on the individual, not a matter of what grade the school is they are attending.

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

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

**MOTION by Commissioner Becker, and seconded by Commissioner Dean to approve Consent Agenda Item 9. Motion carried by a three-two vote with Mayor Kilsheimer, and Commissioners Velazquez and Becker voting aye, and Commissioners Dean and Bankson voting nay.**

The City Council recessed at 3:17 p.m. and reconvened at 3:26 p.m.

## **BUSINESS**

### **1. Preliminary Development Plan – Carriage Hill Residential Subdivision.**

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

David Moon, Planning Manager provided a brief lead-in of the Preliminary Development Plan for Carriage Hill residential subdivision. He reviewed the site location which is at the north end of Rogers Road on the east side of the road to the east of Wekiva Run residential community and north of Lester Ridge residential community. The proposed subdivision will have 73 lots with a minimum living area for the home of 1,500 sq. ft. The minimum lot area proposed by the applicant is a minimum of 9,000 sq. ft. lots. He pointed out limited development due to an aged sinkhole, but advised that access is required to that site so not to create a land block situation for that property owner. Planning Commission met on December 13, 2016 and recommended approval.

Discussion ensued regarding the sinkhole area and whether a fence or wall will be required around this area as well as the retention pond.

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 the Preliminary Development Plan for Carriage Hill, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

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

1. **Ordinance No. 2543 – First Reading – Fire and Police Impact Fees.** The City Clerk read the title as follows:

### **ORDINANCE NO. 2543**

**AN ORDINANCE OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, RELATING TO FIRE/EMS AND POLICE IMPACT FEES; ADOPTING FIRE/EMS AND POLICE IMPACT FEE STUDIES BASED ON CURRENT AND PROJECTED GROWTH; PROVIDING INTENT AND PURPOSE; PROVIDING FOR EXEMPTIONS, CREDITS, AND OTHER MATTERS PERTINENT TO IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

Glenn Irby, City Administrator, said the consultant from Public Resources Management Group (PRMG) was present to offer a presentation on both ordinances. He advised the Fire/EMS and Police impact fees being considered are new to the City, whereas the Parks and Recreation impact fees are being amended.

Henry Thomas, PRMG, said there were workshop meetings on each of these impact fees and he has been asked to go through the presentation for the benefit of the public. He advised some of the information and theory is the same for these, stating he would go through the entire presentation for Police and Fire and skip over the redundancy for Recreation. He reviewed PowerPoint presentations for the recommended impact fees. A copy of the presentation is available in the clerk's office. He reviewed comparison impact fees of other areas. He also explained if the City chose to, they could incrementally phase-in the fees to a full level over time. He advised that upon adoption of the ordinances, there is a 90 day grace period before any of these fees can be imposed. The proposed full impact fee for Police is \$747.00. The proposed full impact fee for Fire/EMS is \$708.00. Mr. Thomas went on to review the Parks and Recreation Services impact fees. He advised the existing Residential impact fee is \$241.05 and Hotel/Motel \$50.00. The proposed full impact fee for Residential is \$1,060.00. It is proposed not to charge the Hotel/Motel impact fee. In conclusion, he declared to be able to fund infrastructure demands and capital requirements that new development places on the City, impact fees have been found to be a valid and necessary funding source.

He said if these fees are continued to be maintained at artificially low levels, it will continue to place the burden of providing capital and infrastructure necessities on current residents, as opposed to the new growth that is creating the demand.

Mr. Irby advised the ordinances are structured to 80% of the impact fee resultant of the study. He stated staff was of the opinion the City needs to go to the full amount.

Mayor Kilsheimer opened the meeting to a public hearing.

Jeff Welch of Rochelle Holdings, said he was not a resident of the city, but he has been involved here for several years, most recently as the Chair of the Apopka Chamber of Commerce. He stated he has always found Apopka to be an amazing city and it is an incredible value. He said the City is in a great opportunity for growth and they are hoping their project at Kelly Park to be part of that growth. He stated one of the advantages of Apopka has been better city services, Fire and Police, yet at a more affordable rate. He expressed concern if set at 100% they may see some of this development come to a stop. He stated he understands new growth should not be a burden on existing residents, and urged Council to take a weighted measure at this and look at where they would fit in with the other communities.

Suzanne Kidd said Mr. Welch did mention a comparison with Ocoee, Winter Garden, and she also compared to Mount Dora. She stated looking at 100% implementation of the fee, if leaving out the other impact fees and only compare Police, Fire, and Recreation, Apopka will still be the lowest of those three.

Tenita Reid said impact fees help the residents and places the burden on the developers, many of whom do not live here. She spoke in support of these fees and the residents.

Rod Love said this warrants the Council stepping back and looking at the rates. He stated Apopka is growing as people love the small town feel and they also love that our taxes are not high. He stated with regard to Public Comment, it was placed at the beginning of the agenda so people did not have to wait through the entire meeting. He asked responses be allowed after public comment.

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

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Ordinance No. 2543 at First Reading and carry it over for a Second Reading, providing direction to staff to set the impact fee at 100%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

Commissioner Bankson inquired if they could address the public comments, in particular the comment brought up about notifying the public of different water issues.

Mayor Kilsheimer advised this was a separate discussion and there was time under Council Reports. He advised Governor Scott, within the past 60 days, issued a proclamation that any

environmental incident must be reported within twenty-four hours. He stated he would prefer to get through the agenda and have that open discussion under Council Reports.

Commissioner Becker said other cities under their public comment period prohibit any interaction or dialogue between the Council and public comments.

City Attorney Shepard advised it was not typical to provide immediate feedback to the public. As to when the feedback is provided, would be an individual decision of the body and is often done under the Council Reports.

2. **Ordinance No. 2544 – First Reading – Parks and Recreation Impact Fees.** The City Clerk read the title as follows:

**ORDINANCE NO. 2544**

**AN ORDINANCE OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, RELATING TO PARKS AND RECREATION IMPACT FEES; ADOPTING A PARKS AND RECREATION IMPACT FEE STUDY BASED ON CURRENT AND PROJECTED GROWTH; PROVIDING INTENT AND PURPOSE; PROVIDING FOR EXEMPTIONS, CREDITS, AND OTHER MATTERS PERTINENT TO PARKS AND RECREATION IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing.

Jeff Welch said we were using population projections based off of past and how the city grew. He said one of the key things is unincorporated Orange County and being in competition with them. If they City's impact fees grow to where it does not make sense to annex, then the general revenues will flatten out. He reiterated and said he agreed that new development should not impact existing residents. The general revenue growth coming from new homes being built and paying taxes was very important to the city staying fiscally sound.

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve Ordinance No. 2544 at First Reading and carry it over for a Second Reading, providing direction to staff to set the impact fee at 100%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

3. **Ordinance No. 2545 – First Reading – Adjust Pension Board Member Terms.** The City Clerk read the title as follows:

**ORDINANCE NO. 2545**

**AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF APOPKA, FLORIDA, AMENDING ARTICLE II, "GENERAL EMPLOYEES"**

**RETIREMENT SYSTEM” OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-23, BOARD OF TRUSTEES; AMENDING ARTICLE III, “FIREFIGHTERS’ RETIREMENT SYSTEM” OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-63, BOARD OF TRUSTEES; AMENDING ARTICLE IV, “POLICE OFFICERS’ RETIREMENT SYSTEM” OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-103, BOARD OF TRUSTEES; PROVIDING FOR DIRECTION TO THE CITY CLERK, FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

Sharon Thornton, Human Resource Director, said this ordinance was basically a housekeeping issue. All of the trustees were rotating on the same cycle and the Boards discussed having alternate rotations so not to end up with a completely new Board. The appointed positions will be adjusted so that the appointed positions and elected positions will be every other year.

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. 2545 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. **Resolution No. 2017-01 – Florida League of Cities Appointment.** The City Clerk read the title as follows:

**RESOLUTION NO. 2017-01**

**A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, URGING THE APPOINTMENT OF MUNICIPAL OFFICIALS TO THE 2017-18 CONSTITUTION REVISION COMMISSION, SUPPORTING THE PROTECTION OF MUNICIPAL HOME RULE; SUPPORTING THE POSITIONS OF THE FLORIDA LEAGUE OF CITIES, INC.; SUPPORTING THE APPOINTMENT OF FLORIDA LEAGUE OF CITIES PRESIDENT, BOCA RATON MAYOR SUSAN HAYNIE; PROVIDING AN EFFECTIVE DATE.**

Mayor Kilsheimer said this resolution supports the Florida League of Cities President, Boca Raton Mayor Susan Haynie as the Florida League of Cities representative on the Constitution Revision Commission.

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 Velazquez to approve Resolution No. 2017-01. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS**

Commissioner Becker said Mr. Love brings up a valid point and stated with the new website the City as an opportunity to be proactive in our notifications to residents. He stated the City needs to be very targeted and purposeful with our message on how we promote our water in the City of Apopka. He further pointed out that with regards to the KaBOOM! grant that there will be a banner recognizing sponsors and those contributing help with this project.

**MAYOR’S REPORT** – Mayor Kilsheimer said he read the Task Force report and suggested they may want to hold a series of workshop meetings on South Apopka, breaking up the topics such as annexation, economic development, and youth and criminal justice issues. He said hearing no objection, staff will be asked to move in that direction.

**ADJOURNMENT** – There being no further business the meeting adjourned at 4:35 p.m.

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

ATTEST:

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

**Backup material for agenda item:**

1. Tree Climbing Championship presentation by The Davey Tree Expert Company.

Adam J. Jackson





# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Presentation

MEETING OF: January 18, 2017  
FROM: Recreation  
EXHIBITS: Park Layout

**SUBJECT: FLORIDA CHAPTER ISA TREE CLIMBING CHAMPIONSHIP**

**REQUEST: HOST THE FLORIDA CHAPTER ISA TREE CLIMBING CHAMPIONSHIP IN KIT LAND NELSON PARK & HIGHLAND MANOR**

**SUMMARY:**

The Davey Tree Expert Company with the Florida Chapter of the International Society of Arboriculture (Florida ISA) requests the ISA Tree Climbing Championship be held in the City of Apopka. Upon City Council approval the event would take place February 16-19, 2017 at Kit Land Nelson Park and Highland Manor [7:00am-6:00pm each day].

The **International Tree Climbing Championship (ITCC)** series provides educational opportunities for arborists (through a safe, competitive event) to:

- Demonstrate proficiency in climbing based on judging criteria established from industry best practices and safety standards.
- Introduce new techniques and equipment in a controlled, safe environment for review by a qualified judging panel composed of industry experts.
- Encourage the use of industry safety standards and best practices to improve safety within the arborist community.
- Create an environment that allows for educational interaction between ISA members and other industry stakeholders, such as equipment manufacturers, suppliers, trainers, researchers, business owners, and field personal in order to increase worker safety and training.
- Provide public education about the industry and positive public exposure for the profession.

Professional tree climbing competitions are held around the world to provide a platform for arborists to learn about the latest in climbing techniques and innovations in equipment. They showcase the highest level of professional skills and safety, providing a competitive learning environment for those working in the industry.

Industry safety standards in nearly every participating country have benefited from these innovations. The events also instill a respect for the role of the tree climber and a strong focus for the individuals of the climber community to improve safety in the work environment for all tree care workers.

The competitions simulate working conditions of arborists in the field. Male and female competitors perform five different events during preliminary rounds. Each event tests a competitor's ability to professionally, and safely maneuver in a tree while performing work-related tree-care tasks in a timely manner. Competitive tree climbing also introduces the public to the skills professional tree climber

arborists must use for safe, professional tree work.

The **Florida Chapter TCC** is a regional competition that is held at a different location in Florida each year. The winners (1 male and 1 female) have several months to practice and hone their climbing skills in preparation to represent Florida at the upcoming ITCC where they will compete against other climbers from around the world.

Davey Tree Expert Company has submitted a Special Events Permit that has been reviewed and approved by the Development Review Committee on January 4, 2017. The layout following the staff report indicates the areas and trees in the park that would be utilized during the competition portion of the event. The outlying trees in this layout would be used for demonstrations, training and educational presentations.

An additional perk of the Championship being held at Kit Land Nelson Park would be the pruning and trimming of the trees during the event at no cost to the City. The scope of tree work provided would follow the ANSI-300 Pruning Standards and Tree Care, which includes removing any hazardous limbs, large dead wood, or crossing branches. All work done in the trees will follow strict safety guidelines while protecting the integrity of the trees. The trees used for the event would not be harmed or damaged in any way.

---

**FUNDING SOURCE:**

N/A

---

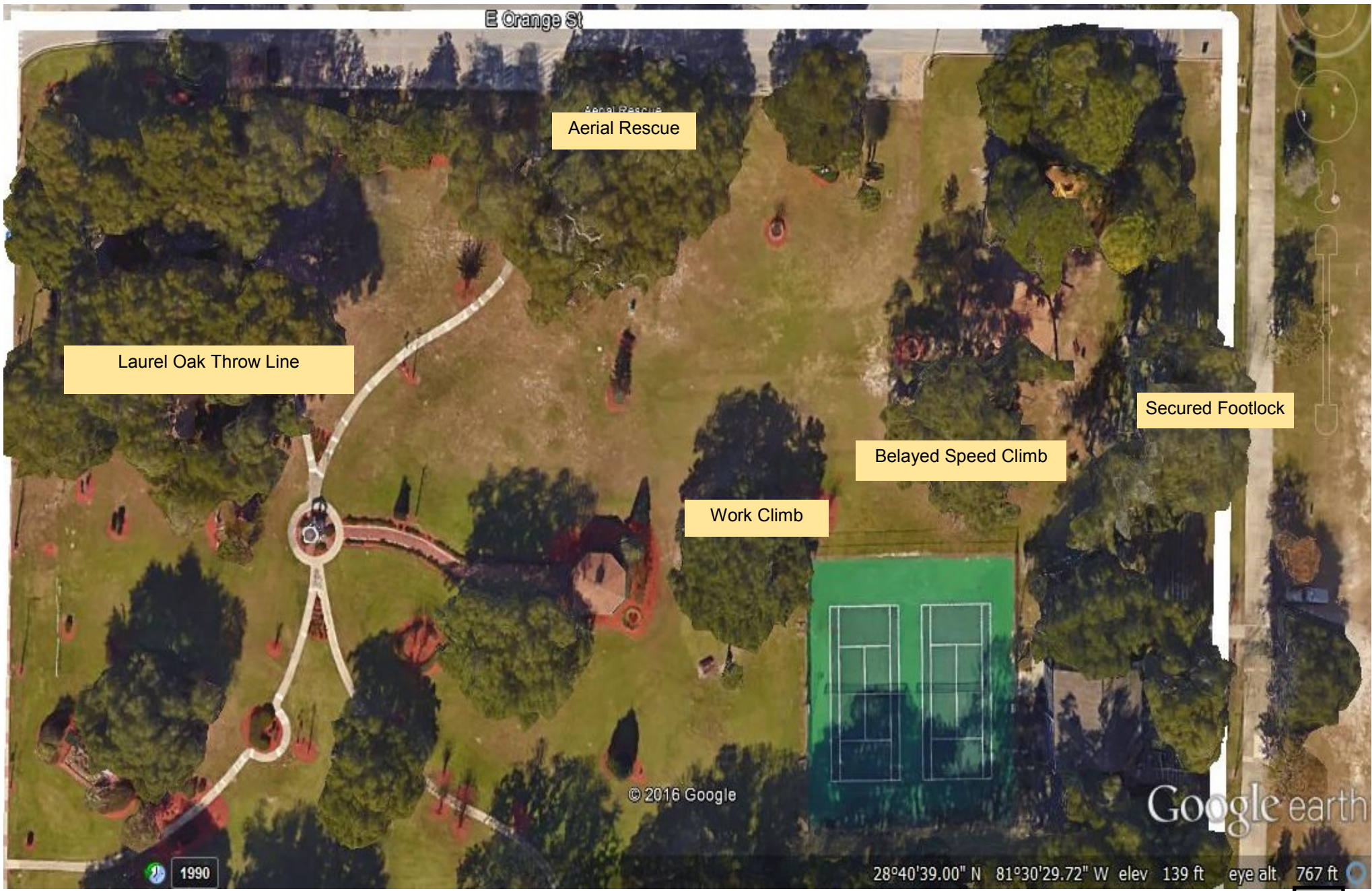
**RECOMMENDATION ACTION:**

Permission to host the Florida Chapter ISA Tree Climbing Championship at Kit Land Nelson Park & Highland Manor

---

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



E Orange St

Aerial Rescue

Laurel Oak Throw Line

Work Climb

Belayed Speed Climb

Secured Footlock

© 2016 Google

Google earth

1990

28°40'39.00" N 81°30'29.72" W elev 139 ft eye alt 767 ft

**Backup material for agenda item:**

1. Acceptance of a grant award from the Orange County EMS Council.





# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Appropriations/Donations/Grants

MEETING OF: January 18, 2017  
 FROM: Fire Department  
 EXHIBITS: Award Letter

**SUBJECT: EMS COUNTY GRANT AWARD**

**REQUEST: ACCEPTANCE OF A GRANT AWARD FROM THE ORANGE COUNTY EMS COUNCIL**

**SUMMARY:**

The Fire Department has been awarded an EMS County Grant from the Orange County EMS Council, in the amount of \$37,575.62. These funds will be used to purchase two Lucas Chest Compression Systems and accessories for the Fire Department. The implementation of the external compression devices will assist with the compression for someone experiencing cardiac arrest, will contribute to the improvement of the Department’s Return of Spontaneous Circulation (ROSC) performance, and provide additional safety for the crew during a resuscitation event.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Acceptance of the EMS County Grant Award, in the amount of \$37,575.62, from the Orange County EMS Council.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



**Office of Medical Director, Orange County EMS**

2002-A East Michigan Street, Orlando, Florida 32806  
Telephone (407) 836-8960 or Fax (407) 836-7625

January 9, 2017

Captain Wil Sanchez  
City of Apopka Fire Department  
175 East 5<sup>th</sup> Street  
Apopka, FL 32703

Dear Captain Sanchez:

The Orange County EMS Council and the EMS Finance Committee would like to congratulate you on the award of the EMS County Grant in the amount of \$37,575.62 for (2) Lucas Chest Compression Systems and accessories for the Apopka Fire Department and the County-wide EMS system.

The decision was based on a standard criteria and scoring process that was applied equally to all applicants. The Orange County EMS Finance Committee will oversee the grant awards and expects quarterly updates on costs and progress.

The purchasing process will begin on February 1, 2017. **All goods and services must be purchased by September 30, 2017 the end of the grant.** You will need to provide our office with three current quotes made out to the Office of the Medical Director for the educational materials and/or equipment to be purchased. Please send all information to Crystal Ford at [Crystal.Beatty@ocfl.net](mailto:Crystal.Beatty@ocfl.net) or you may contact her for additional information at 407-836-9392.

Please feel free to contact our office at 407-836-8960 for any questions regarding the grant money or the process of selection.

Sincerely,

A handwritten signature in black ink, appearing to read "CH" with "MD" written below it.

Christopher Hunter, M.D., Ph.D.  
Associate Medical Director  
Orange County EMS System  
On behalf of the  
Orange County EMS Council Board

**Backup material for agenda item:**

2. Authorize the issuance of a blanket purchase order for inventory supplies to H. D. Supply Waterworks, Ltd.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: PURCHASE OF UTILITY PIPE, FITTINGS, AND INVENTORY SUPPLIES FOR THE PUBLIC SERVICES DEPARTMENT**

**REQUEST: APPROVE THE ISSUANCE OF A BLANKET PURCHASE ORDER TO H. D. SUPPLY WATERWORKS, LTD.**

**SUMMARY:**

H. D. Supply Waterworks, Ltd., located in Orlando, Florida, carries numerous parts and materials relating to the Utility Industry, including but not limited to, pipe, valves, fittings, tools, meters, and equipment that are used in the daily operations of the Public Services Department Water Maintenance and Wastewater Maintenance Divisions.

The H. D. Supply contract is available via piggyback through the Orlando Utilities Commission Contract. The multi-agency aggregate volume on this contract affords the City competitive pricing that the City would not be able to obtain through a bid on its own.

Staff requests approval to issue a blanket purchase order to H. D. Supply Waterworks, Ltd., for the purchase of utility pipe, fittings and inventory supplies in the amount of \$1,500,000.

**FUNDING SOURCE:**

Water Fund – Inventory – FY 16/17 Budget.

**RECOMMENDATION ACTION:**

Approve the issuance of a blanket purchase order to H. D. Supply Waterworks, Ltd. for the purchase of utility pipe, fittings, and inventory supplies in the amount of \$1,500,000.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



**Backup material for agenda item:**

3. Authorize the final extension of the contract for Professional Land Surveying and Mapping Services.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: PROFESSIONAL LAND SURVEYING AND MAPPING SERVICES**

**REQUEST: APPROVE THE FINAL EXTENSION OF THE CONTRACT WITH SOUTHEASTERN SURVEYING & MAPPING CORP., FOR A PERIOD OF ONE YEAR**

**SUMMARY:**

On January 21, 2015, the City Council awarded a Professional Land Surveying and Mapping Services Contract to Southeastern Surveying & Mapping Corp. to provide consulting services beginning February 1 each year.

The contract was effective for one year and subject to renewal for two one-year extensions. The services will be performed on an as needed basis. This is the final extension of the contract.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve the final extension of the contract for consulting services for Professional Land Surveying and Mapping Services with Southeastern Surveying & Mapping Corp, for one year, at the same unit rate.

**DISTRIBUTION**

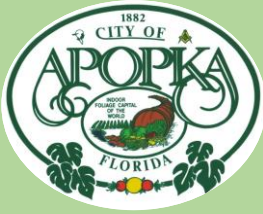
Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

**Backup material for agenda item:**

4. Authorize the appointment of Jackson Young to the Police Officers Pension Board.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
FROM: Mayor Kilsheimer  
EXHIBITS: Board Appointment  
Form, Résumé

**SUBJECT: APPOINT JACKSON YOUNG TO THE POLICE OFFICERS' RETIREMENT SYSTEM BOARD OF TRUSTEES.**

**REQUEST: APPOINT JACKSON YOUNG TO THE POLICE OFFICERS' RETIREMENT SYSTEM BOARD OF TRUSTEES FOR THE TERM ENDING FEBRUARY 19, 2018.**

**SUMMARY:**

Mayor Kilsheimer recommends appointment of Jackson Young, legal resident and banking executive, to the Police Officers' Retirement System Board of Trustees for the term ending February 19, 2018. Mr. Young is recommended to fill one of the two resident, appointed trustee positions, which has been vacant since February 2016. (Note: The adoption of Ordinance 2545, also included on the agenda for approval, will automatically extend the term end date to February 19, 2019.)

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Appoint Jackson Young to the Police Officers' Retirement System Board of Trustees for the term ending February 19, 2018.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



CITY OF APOPKA  
BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: January 9, 2017

Board(s) Desired:

1. Apopka Police Pension Board of Directors
2. \_\_\_\_\_
3. \_\_\_\_\_

Name:

JACKSON YOUNG

Address:

(Home) \_\_\_\_\_

(Bus.) \_\_\_\_\_

Phone:

(Home) \_\_\_\_\_

(Bus.) \_\_\_\_\_

Employer:

BankUnited

Position:

Corporate Lending, Senior Vice President

Education:

High School

Riverview High

College

Florida State University  
ROLLINS COLLEGE

Years Comp.

1991

1995

2003

Degree

High School Diploma

BA

MBA

1. Are you a City of Apopka resident? Yes  No
2. Are you a registered voter? Yes  No
3. Do you own property in Apopka? Yes  No
4. Are you currently serving on a City Board? Yes  No
5. Have you ever served on a City Board? Yes  No

If yes, when and which Board?

N/A

6. How long have you lived in Central Florida? Years 21

7. References:

Name Address Phone

Joe Kilsheimer \_\_\_\_\_

Erik Werner \_\_\_\_\_

(Continued on other side)

Work Experience: 21 years in the field of Banking and related finance in Central Florida. I started my career in 1995 with insurance and investment strategies.

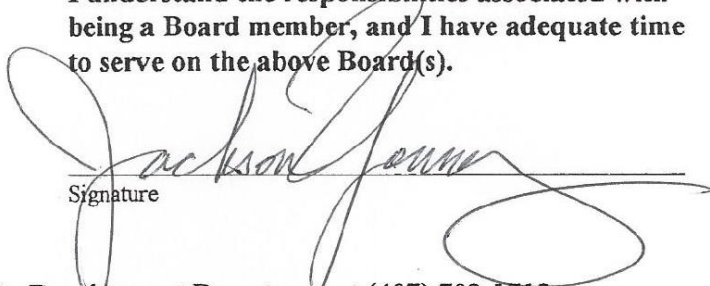
Community Involvement: I currently serve as a Cub Scout Den leader for pack 91 in Apopka. My prior involvement with the community comprise of Florida Hospital Foundation Board of Apopka, and Rollins College Alumni Board

Interests/Activities: Spending time with my family and friends. I enjoy being a mentor to the youth in my community.

Why do you want to serve on this/these Board(s)? As a resident of Apopka coupled with my experience in the financial industry, I feel I can best look out for the best interest of the pension program for the Apopka Police.

A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

  
Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office  
120 E. Main St.  
P.O. Drawer 1229  
Apopka, Florida 32704

\*\*\*\*\*NOMINATING BOARD USE ONLY\*\*\*\*\*

AIF Received	_____	Info to Staff	_____
AIF Acknowledged	_____	Mayor's Letter	_____
Forwarded to Mayor	_____	Other	_____
Council Action	_____		



**PROFILE**

A seasoned veteran of the Central Florida banking industry. For nearly 20 years, I have guided and consulted with emerging and high growth potential companies to achieve strategic business goals such as growth capital structures, working-capital needs, and exit strategies. I possess a deep understanding of best management practices in industries ranging from manufacturing and distribution; commercial construction; government related contractors; hospitality and entertainment; environmental services; and medical and related services. This experience, combined with my background in devising corporate banking strategies, makes me a trusted C-Level advisor. My consultative and analytical approach has led to numerous successful relationships on behalf of commercial and middle market revenue companies at vital growth stages by providing them with comprehensive corporate banking strategies and solutions.

**COMMERCIAL BANKING EXPERIENCE**

- **BankUnited, N.A.**  
Orlando, Florida 05/16 to Present  
  
*Senior Vice President, Corporate Lending III*  
Senior debt capital provider to middle market revenue companies, private and publicly traded corporation, government and municipalities, and healthcare entities within the Central Florida area. Lending relationships between \$7.0MM and \$75.0MM.
- **PNC Bank**  
Orlando, Florida 02/13 to 05/16  
  
*Vice President, Commercial Banking Relationship Manager*  
Commercial banking position specializing in developing new commercial and institutional relationships with annual revenue between \$10.0MM and \$50.0MM within the Central Florida area- Orange, Seminole, Osceola, Brevard, Volusia, Lake, Marion, and Alachua Counties.  
*Significant Accomplishments:*
  - 2014 received award for top revenue generated in Florida West through new relationships to PNC.
- **Fifth Third Bank**  
Orlando, Florida (01/07 to 02/13)  
  
*Vice President, Business Banking Relationship Manager III*  
Specialize in developing new relationships with companies that are in the emerging and high growth potential sector of commercial banking, which are typically companies with revenues up to \$20.0MM. In addition, I was involved in mentoring and coaching junior associate bankers on business development and interpersonal communication.  
*Significant Accomplishments:*
  - 2007 received award for generating the most in deposits; 2012 received award for the highest One Bank revenue with \$168,000 in 1<sup>st</sup> quarter; closed new treasury management relationship close to \$100,000 in annual revenue in 2<sup>nd</sup> quarter 2012; closed new relationship with over \$3.0MM in deposit, and \$1.5MM loan in 3<sup>rd</sup> quarter.  
*Vice President, Commercial Middle Market Relationship Manager III*  
Commercial middle market position specializing in developing new relationships for middle market companies with revenues from \$20.0MM to \$500.0MM. Using a one bank consultative approach, I assist in developing strategies with chief executive officers in identifying solutions to their business needs by providing a suite of product solutions ranging from credit, treasury services, wealth management, employee benefits, capital markets, merchant processing, payroll processing, and international. The position requires the relationship manager to originate new business, underwrite, cross sell, manage a loan portfolio, and to coordinate corporate initiatives.  
*Significant Accomplishments:*
  - Starting with a \$0 portfolio, I originated over \$111.0MM of initial credit commitments and over \$70.0MM initial funding through lead relationships and syndicate participant.
  - 2010 ranked 13th out of 300 commercial middle market bankers nationwide and 2<sup>nd</sup> in the State of Florida; 2008, 2009, and 2010 President's Excellence Award recipient
- **Regions Bank**  
Orlando, Florida (01/05 to 12/06)  
  
*Assistant Vice President, Commercial Relationship Manager*  
Commercial banking position specializing in managing the commercial banking relationships for both small and middle market companies; that is, companies with revenues from \$10.0MM to \$20.0MM. I specialized in equipment financing, lines of credit, letters of credit, owner occupied real estate financing, financing using derivative rate products, and working with cash management bank officer. The position required the relationship manager to business develop, underwrite, manage their loan portfolio, and make a minimum of 32 calls per month.
- **SouthTrust Bank**  
Orlando, Florida (10/03 to 12/04)  
  
*Assistant Vice President, Business Banking*  
Business banking business development officer in areas of C&I lending: commercial real estate (owner occupied,) commercial construction, and working capital financing. I helped facilitate the commercial business development with eight out of twenty-one financial centers in Orlando. My target market was small businesses with revenues from \$1.0MM to \$5.0MM. SouthTrust Bank was acquired by Wachovia.

- **Gold Bank**  
Bradenton, Florida (01/03 to 10/03)

*Commercial Bank Officer*

Performed business development in commercial lending areas of C&I, commercial real estate (owner occupied,) asset based lending, commercial construction, and even international letters of credit. The target market was businesses with revenues from \$1.0MM to \$10.0MM. The average loan size was \$600M. In addition to business development, I was responsible for underwriting my own credit requests and managing my own portfolio of loans. Gold Bank was acquired by M&I Bank.

*Significant Accomplishments:*

- Closed a \$18.0MM CREM loan request for a retail shopping mall with the following anchor tenants Dillard's, Nordstrom, and JC Penny's

- **Huntington National Bank**  
Orlando, Florida (01/00 to 02/02)

*Corporate Commercial Banking: Credit Analyst*

Performed financial analysis on corporate clients to determine the financial strength of a company with the potential of additional debt. The minimum amount of corporate lending was \$2.0MM. Huntington National Bank was acquired by SunTrust in Florida.

*Significant Accomplishments:*

- Underwrote a \$31.0MM *Guidance Line of Credit* for the largest grocery chain in the State of Florida. The loan was secured by the Company's privately held stock.

**RELATED FINANCIAL INDUSTRY EXPERIENCE**

- **Northwestern Mutual Financial Network Co./Robert W. Baird & Co.;** Orlando, Florida (10/95 to 12/99)
- **AmeriFactors;** Celebration, Florida; factoring company; (04/02 to 12/02)

**COMMUNITY AFFILIATIONS**

- Served on the Apopka Florida Hospital Foundation Board of Directors 2010-2012
- Served on the Rollins College Alumni Board of Directors 2004-2010
- Boy Scouts of Central Florida, and Girl Scouts of Citrus Council
- Manufacturing Association of Central Florida (MACF)
- Brevard County Economic Development Committee Executive Board of Directors
- Honorary Teacher for Orange County Public Schools
- Leadership Seminole 2012-2013
- Leadership Brevard 2013-2014

**EDUCATION**

- **Crummer Graduate School of Business at Rollins College, MBA,** Winter Park, Florida – February 2003
- **Florida State University, BA,** Tallahassee, Florida – April 1995



**Backup material for agenda item:**

5. Authorize the renaming of a portion of Recreation Way to Firehouse Lane.



# CITY OF APOPKA CITY COUNCIL

---

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: \_\_\_\_\_

MEETING OF: January 18, 2017  
FROM: Fire Department  
EXHIBITS: Aerial Photo

---

**SUBJECT: ROAD RENAMING**

**Request: AUTHORIZE THE RENAMING OF A PORTION OF RECREATION WAY TO FIREHOUSE LANE**

---

**SUMMARY:**

With the addition of Fire Station #5, which will be completed later this year, the Fire Department is requesting the renaming of a portion of Recreation Way, east of Jason Dwelley Parkway, to Firehouse Lane. The physical address of Fire Station #5 would be 1685 Firehouse Lane. This change will only affect two City buildings, Fire Station #5 and the City's Water Plant.

Staff will coordinate with the Orange County 911 system for the addressing of both Fire Station #5 and the existing City Water Plant location.

---

**FUNDING SOURCE:**

N/A

---

**RECOMMENDATION ACTION:**

The Fire Department requests council approval in renaming a portion of Recreation Way to Firehouse Lane.


































---

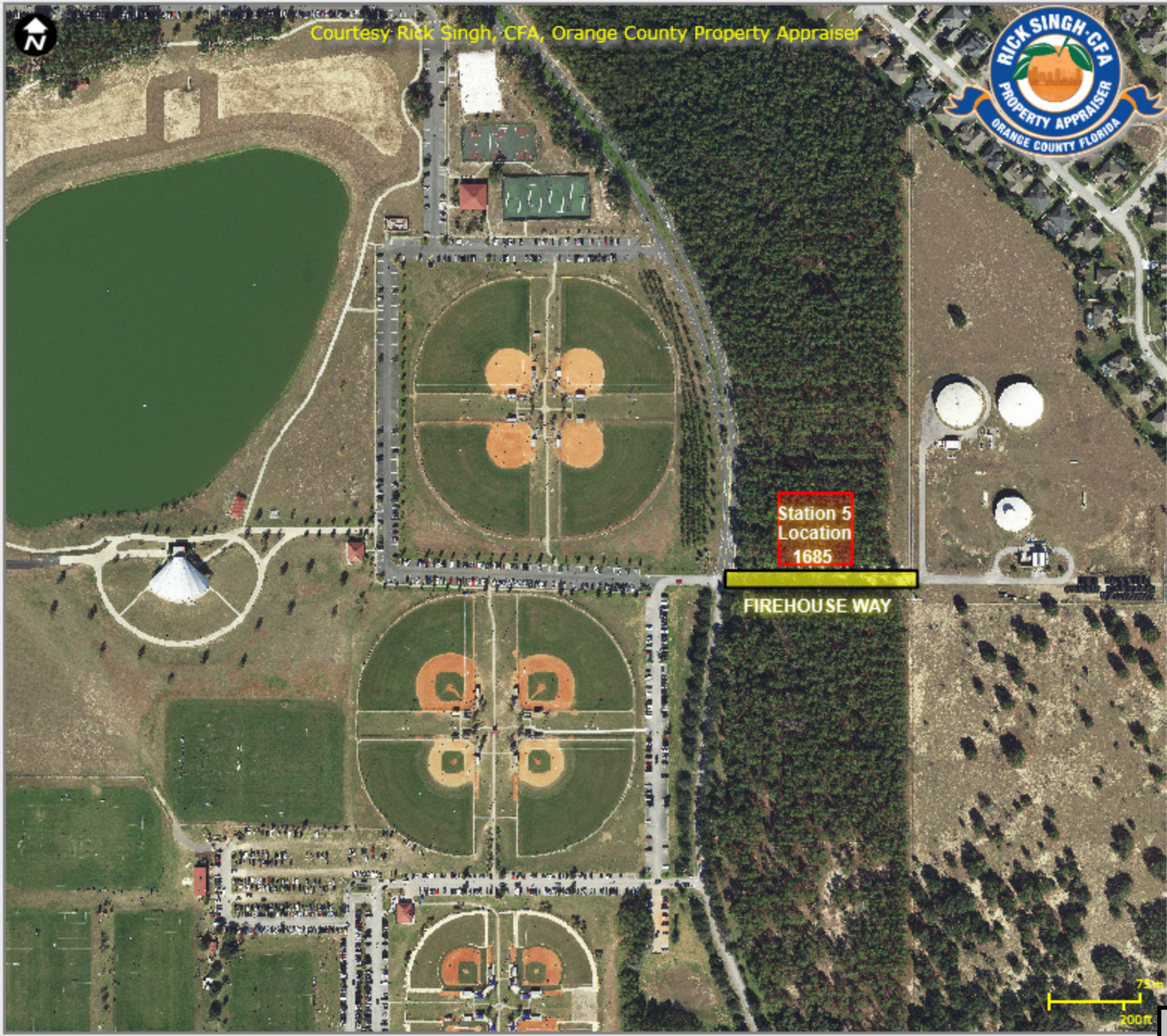
**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

-  Florida Turnpike
-  Interstate 4
-  Toll Road
-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
-  Toll Ramp
-  Interstate Ramp
-  One Way
-  Brick Road
-  Rail Road
-  Proposed SunRail
-  Block Line
-  Lot Line
-  Residential
-  Agriculture
-  Commercial/  
Institutional/  
Governmental
-  Institutional/Misc
-  Commercial/  
Industrial Vacant  
Land
-  Hydro
-  Waste Land
-  Agricultural  
Curtilage
-  County Boundary
-  Parks
-  Golf Course
-  Lakes and Rivers
-  Building
-  Power Plant



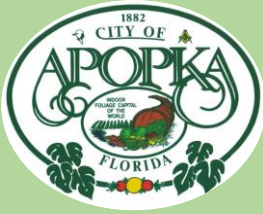
This map is for reference only and is not a survey.

Created: 1/9/2017

**Backup material for agenda item:**

6. Authorize a partial road closure for Marden Road to construct two new roundabouts.





# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
 FROM: Administration  
 EXHIBITS: Traffic Control Plans

**SUBJECT: MARDEN ROAD**

**REQUEST: PARTIAL ROAD CLOSURE FOR ROUNDABOUT CONSTRUCTION**

**SUMMARY:**

MMI Development has begun construction of the new SR414 Interchange project at Marden Road. This construction will result in two new roundabouts on Marden Road. One will be positioned on the north and south sides of the SR414 overpass on Marden Road. To reduce construction time a request has been made to temporarily close Marden Road both north and south of the overpass. To best accomplish this request the following requirements have been proposed:

- Two Variable Message Signs [VMS] will be placed on Marden Road a minimum of two weeks before the closure identifying the dates that the road will be closed. The VMS Boards will be located north and south of the overpass.
- VMS will also be placed on Ocoee Apopka Road and Keene Road in various locations near Marden Road warning motorists of impending and actual road closure.
- Multiple Detour Signs will be installed per the attached plans during construction when Marden Road is closed.

If directed by the Council, the closure would be begin on Wednesday February 15<sup>th</sup>, and re-open to public traffic on or before Wednesday, May 17<sup>th</sup>.

**FUNDING SOURCE:**

All expenses related to the closure are to be borne by the contractor.

**RECOMMENDATION ACTION:**

Authorize a Road closure for a portion of Marden Road during Roundabout construction and per the attached Traffic Control Plans and stipulations listed above.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

LEGEND

	SIGN "A"	M4-8A 24 X 18
	SIGN "B"	M4-9L 30 X 24
	SIGN "C"	M4-9R 30 X 24
	SIGN "D"	M4-8 24 X 12 M6-3 21 X 15

**MARDEN RD**

ADVANCE STREET NAME PLAQUES  
PER STANDARD HIGHWAY SIGNS;  
INSTALL ON ALL SIDE STREET DETOUR  
SIGN ASSEMBLIES

VMS MESSAGES (A)

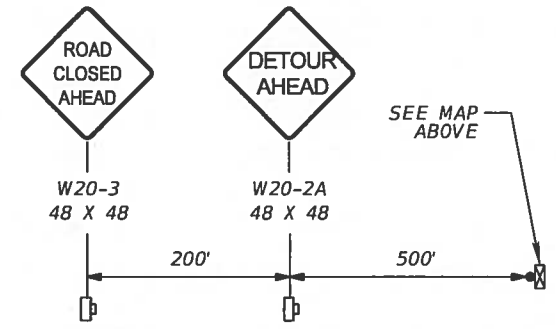
2 WEEKS PRIOR	MARDEN ROAD TO CLOSE	MARDEN ROAD CLOSED	DURING
	AT SR414 BRIDGE -DATE-	FOLLOW DETOUR	

VMS MESSAGES (B)

2 WEEKS PRIOR	MARDEN ROAD TO CLOSE	MARDEN ROAD CLOSED	DURING
	AT SR414 BRIDGE -DATE-	AT SR 414 BRIDGE	

PLACE ONE VMS EACH:  
ALONG MARDEN RD, 200' SOUTH OF KEENE RD  
ALONG OCOEE APOPKA RD, 500' SOUTH OF KEENE RD  
ALONG OCOEE APOPKA RD, 500' NORTH OF MARDEN RD  
ALONG KEENE RD, 500' EAST OF MARDEN RD

DETAIL [A]

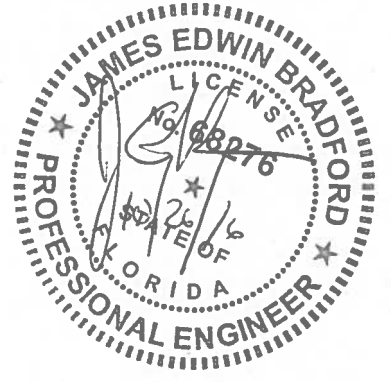
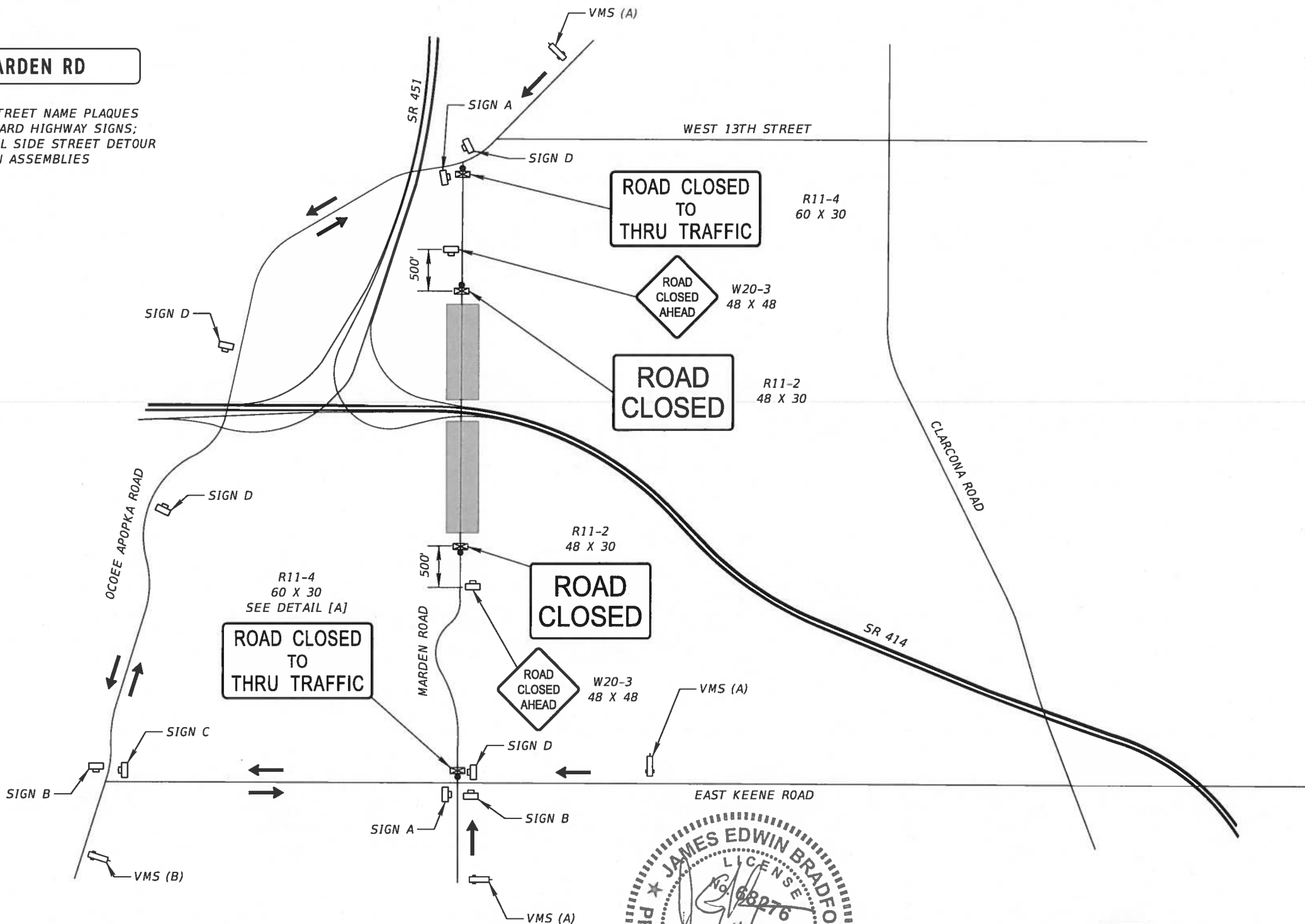


NOTES:

DETOUR MAY NOT BE USED CONCURRENTLY WITH ANY OTHER DETOURS OR CLOSURES

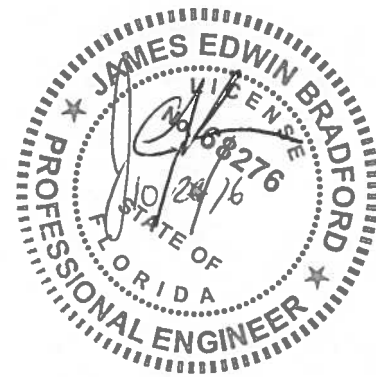
MARDEN ROAD SHALL NOT BE CLOSED EXCEPT AS NECESSARY TO CONSTRUCT THE PROPOSED ROUNDABOUTS

ROAD CLOSURE IS SUBJECT TO APPROVAL BY THE C.E.I. AND THE CITY OF APOPKA



**MARDEN ROAD DETOUR DETAILS**

DATE		DESCRIPTION		DATE		DESCRIPTION		JAMES E. BRADFORD, P.E. P.E. LICENSE NUMBER 68276 DEWBERRY ENGINEERS INC. 800 N. MAGNOLIA AVENUE, SUITE 1000 ORLANDO, FL 32803 CERTIFICATE OF AUTHORIZATION 8794	CENTRAL FLORIDA EXPRESSWAY AUTHORITY ROAD NO. SR 414 PROJEC 414-314	CENTRAL FLORIDA EXPRESSWAY AUTHORITY	TEMPORARY TRAFFIC CONTROL PLAN	SHEET NO.
												130



**SIGN "K"**

DETOUR WEST TOLL 414	DETOUR TO TOLL 429	M4-8 24 X 12	M4-8 24 X 12
		M3-4 24 X 12	M4-5 24 X 12
		FTP-80-06 36 X 48	FTP-80-06 36 X 48
		M6-2R 21 X 15	M6-2R 21 X 15

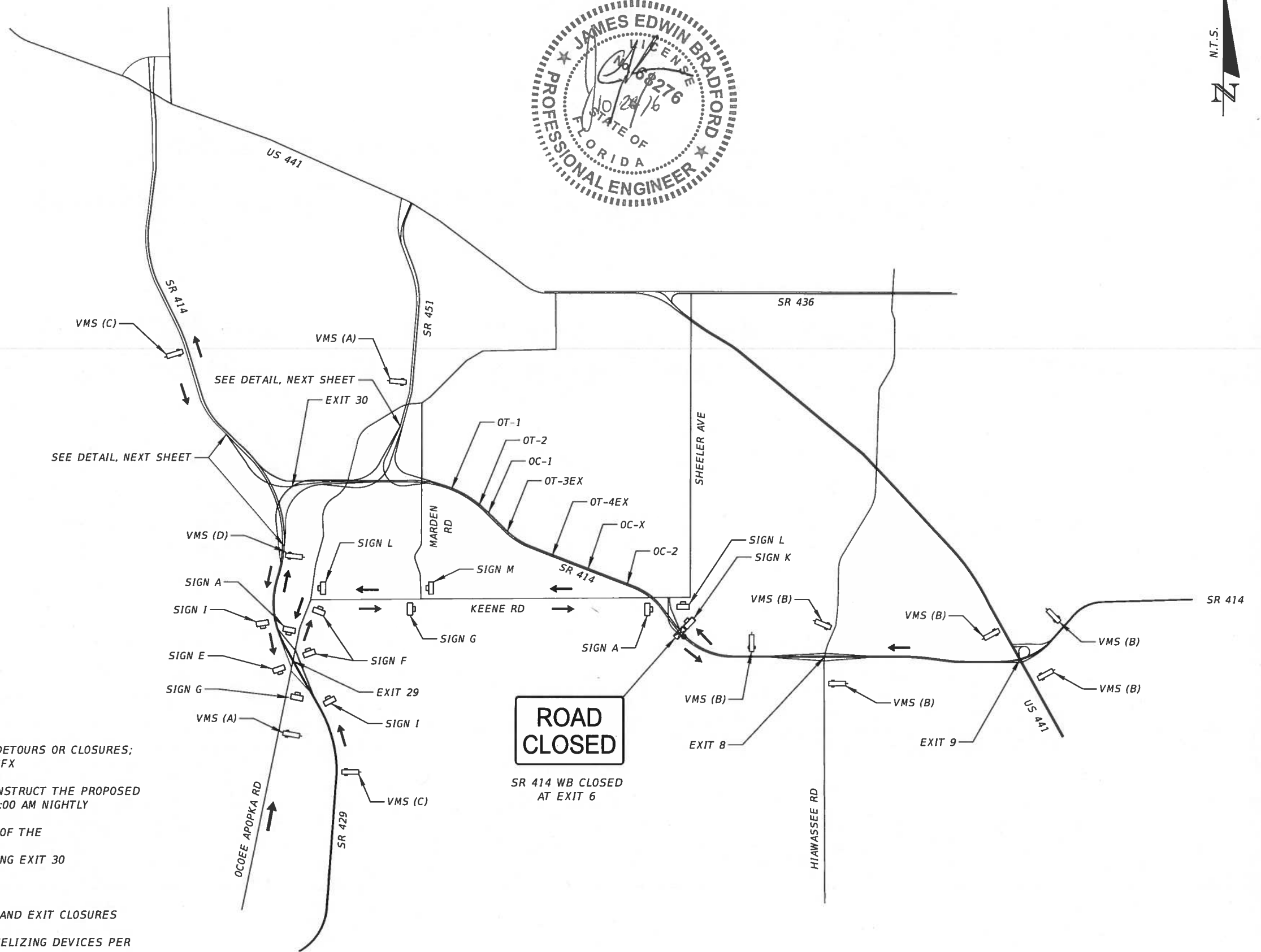
**SIGN "L"**

DETOUR WEST TOLL 414	DETOUR TO TOLL 429	M4-8 24 X 12	M4-8 24 X 12
		M3-4 24 X 12	M4-5 24 X 12
		FTP-80-06 36 X 48	FTP-80-06 36 X 48
		M6-1L 21 X 15	M6-1L 21 X 15

**SIGN "M"**

DETOUR WEST TOLL 414	DETOUR TO TOLL 429	M4-8 24 X 12	M4-8 24 X 12
		M3-4 24 X 12	M4-5 24 X 12
		FTP-80-06 36 X 48	FTP-80-06 36 X 48
		M6-3 21 X 15	M6-3 21 X 15



**NOTES:**

DETOUR MAY NOT BE USED CONCURRENTLY WITH ANY OTHER DETOURS OR CLOSURES; ROAD CLOSURE IS SUBJECT TO APPROVAL BY THE C.E.I. AND CFX

SR 414 SHALL NOT BE CLOSED EXCEPT AS NECESSARY TO CONSTRUCT THE PROPOSED SIGN STRUCTURES; CLOSURE IS RESTRICTED TO 2:00 AM TO 4:00 AM NIGHTLY

LANE CLOSURES PER INDEX 613 WILL REQUIRED IN ADVANCE OF THE ROAD AND EXIT CLOSURES:  
 SR 429 RIGHT LANE (AUXILIARY/EXIT ONLY) NB/SB APPROACHING EXIT 30  
 SR 414 WB ALL LANES APPROACHING EXIT 6  
 SR 451 SB LEFT LANE APPROACHING RAMP TO SR 414 EB

TRAFFIC CONTROL OFFICERS WILL BE REQUIRED AT ALL LANE AND EXIT CLOSURES

EXITS SHALL BE FULLY CLOSED TO TRAFFIC UTILIZING CHANNELIZING DEVICES PER INDEX 600-SERIES AND TYPE III BARRICADES

SEE NEXT SHEET FOR ADDITIONAL DETAILS

**SR 414 DETOUR DETAILS**

<table border="1"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				REVISIONS				DATE	DESCRIPTION	DATE	DESCRIPTION					JAMES E. BRADFORD, P.E. P.E. LICENSE NUMBER 68276 DEWBERRY ENGINEERS INC. 800 N. MAGNOLIA AVENUE, SUITE 1000 ORLANDO, FL 32803 CERTIFICATE OF AUTHORIZATION 8794		CENTRAL FLORIDA EXPRESSWAY AUTHORITY ROAD NO. SR 414 PROJEC 414-314		CENTRAL FLORIDA EXPRESSWAY AUTHORITY		<b>TEMPORARY TRAFFIC CONTROL PLAN</b>		SHEET NO. 131
REVISIONS																								
DATE	DESCRIPTION	DATE	DESCRIPTION																					

SIGN "A"

END  
DETOUR M4-8A  
24 X 18

SIGN "B"

DETOUR TO WEST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-4 24 X 12  
FTP-80-06 36 X 48  
M6-1L 21 X 15

SIGN "C"

DETOUR TO WEST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-4 24 X 12  
FTP-80-06 36 X 48  
M6-1R 21 X 15

SIGN "D"

DETOUR TO WEST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-4 24 X 12  
FTP-80-06 36 X 48  
M6-3 21 X 15

SIGN "E"

DETOUR TO EAST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-2 24 X 12  
FTP-80-06 36 X 48  
M6-1L 21 X 15

SIGN "F"

DETOUR TO EAST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-2 24 X 12  
FTP-80-06 36 X 48  
M6-1R 21 X 15

SIGN "G"

DETOUR TO EAST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-2 24 X 12  
FTP-80-06 36 X 48  
M6-3 21 X 15

SIGN "H"

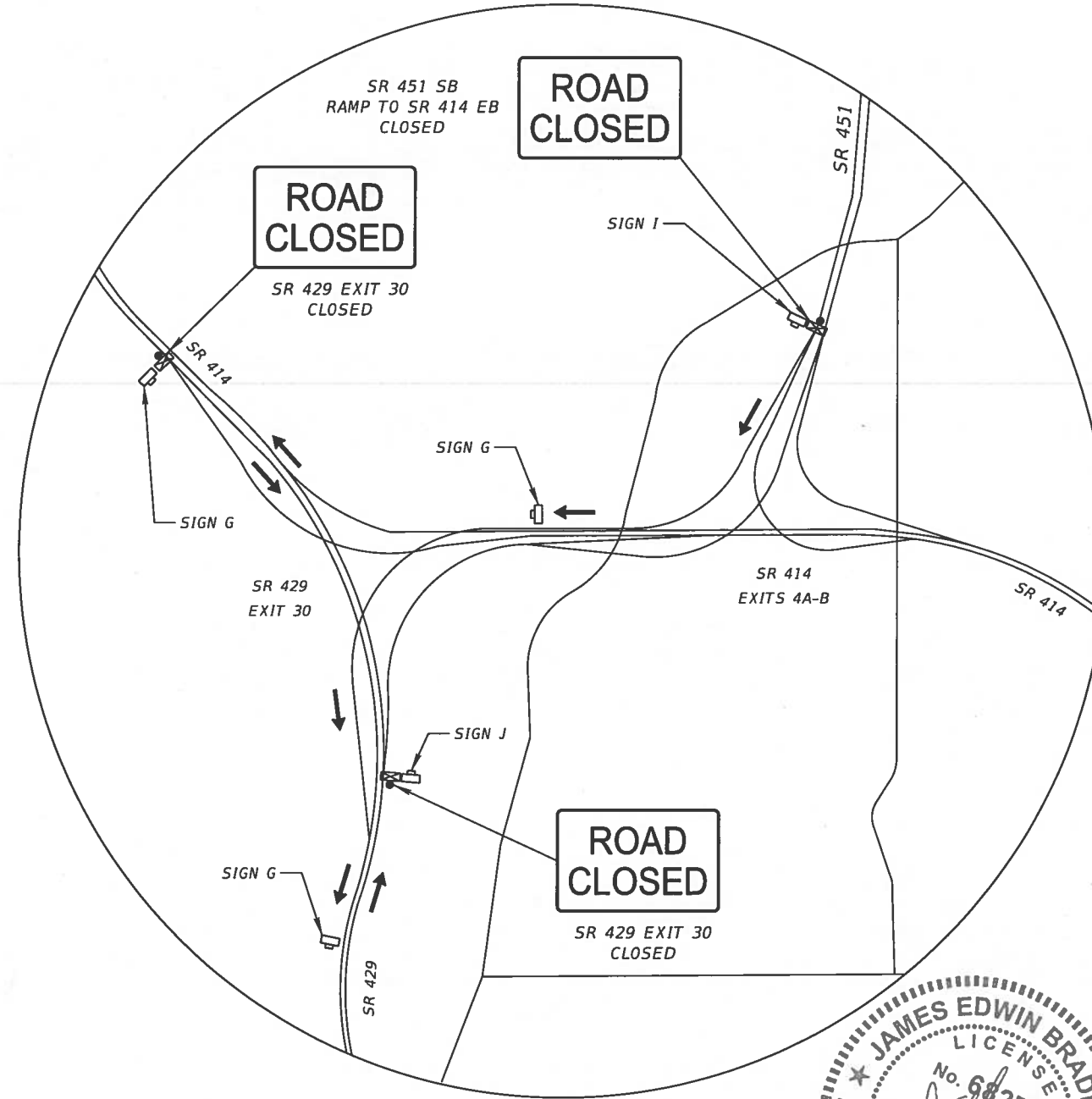
DETOUR TO EAST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-2 24 X 12  
FTP-80-06 36 X 48  
M6-2L 21 X 15

SIGN "I"

DETOUR TO EAST TOLL 414  
M4-8 24 X 12  
M4-5 24 X 12  
M3-2 24 X 12  
FTP-80-06 36 X 48  
M6-2R 21 X 15

SIGN "J"

DETOUR TO NORTH SOUTH 441  
M4-8 24 X 12  
M4-5 24 X 12  
M3-1 / M3-3 24 X 12  
M1-4 30 X 24  
M6-3 21 X 15



VMS MESSAGES (A)

1 WEEK PRIOR	DAY OF	DURING
SR 414 EB TO CLOSE	SR 414 EB CLOSED	SR 414 EB CLOSED
-DATE-	TONIGHT -TIME-	FOLLOW DETOUR

VMS MESSAGES (B)

1 WEEK PRIOR	DAY OF	DURING
SR 414 WB TO CLOSE	SR 414 WB CLOSED	SR 414 WB CLOSED
AT KEENE RD -DATE-	TONIGHT -TIME-	DETOUR USE EXIT 6

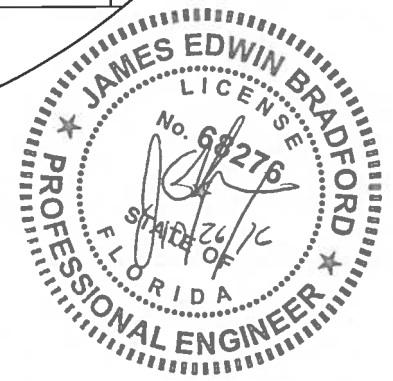
VMS MESSAGES (C)

1 WEEK PRIOR	DAY OF	DURING
EXIT 30 SR414 EB TO CLOSE	EXIT 30 CLOSED TONIGHT	EXIT 30 CLOSED
-DATE-	-TIME-	DETOUR USE EXIT 29

VMS MESSAGES (D)

1 WEEK PRIOR	DAY OF	DURING
EXIT 30 TO SR451 TO CLOSE	EXIT 30 TO SR451 CLOSED	EXIT 30 TO SR451 CLOSED
-DATE-	TONIGHT -TIME-	USE SR429 NB TO US441

PLACE ONE VMS EACH:  
 ALONG SR 429, 1500' NORTH OF EXIT 30  
 ALONG SR 429, 500' SOUTH OF EXIT 30  
 ALONG SR 429, 1500' SOUTH OF EXIT 29  
 ALONG SR 451, 1500' NORTH OF SR 414  
 ALONG SR 414, 500' EAST OF EXIT 6  
 ALONG SR 414, 500' EAST OF US 441  
 ALONG OCOEE APOPKA RD, 200' SOUTH OF EXIT 29  
 ALONG HIAWASSEE ROAD, 200' NORTH/SOUTH OF EXIT 8  
 ALONG US 441, 200' NORTH/SOUTH OF EXIT 9



DETAIL EXITS 30, 4A-B

SR 414 DETOUR DETAILS

REVISIONS				JAMES E. BRADFORD, P.E. P.E. LICENSE NUMBER 68276 DEWBERRY ENGINEERS INC. 800 N. MAGNOLIA AVENUE, SUITE 1000 ORLANDO, FL 32803 CERTIFICATE OF AUTHORIZATION 8794	CENTRAL FLORIDA EXPRESSWAY AUTHORITY		CENTRAL FLORIDA EXPRESSWAY AUTHORITY	TEMPORARY TRAFFIC CONTROL PLAN	SHEET NO. 132
DATE	DESCRIPTION	DATE	DESCRIPTION		ROAD NO.	PROJECT			
					SR 414	414-314			



**Backup material for agenda item:**

1. Final Development Plan/Plat – Magnolia Commerce Center – Quasi-Judicial

David Moon



# CITY OF APOPKA CITY COUNCIL

- \_\_\_ CONSENT AGENDA
- X PUBLIC HEARING
- \_\_\_ SPECIAL REPORTS
- X OTHER: Final Development Plan/Plat

MEETING OF: January 18, 2017  
 FROM: Community Development  
 EXHIBITS: Vicinity/Aerial Maps  
 Site/Landscape Plans

**SUBJECT: FINAL DEVELOPMENT PLAN AND PLAT FOR MAGNOLIA COMMERCE CENTER**

**REQUEST: APPROVE THE FINAL DEVELOPMENT PLAT AND PLAT FOR MAGNOLIA COMMERCE CENTER; AND ISSUE THE FINAL DEVELOPMENT ORDER.**

**SUMMARY:**

OWNER: Property Industrial Enterprises, LLC

APPLICANT: Michael R. Cooper

ENGINEER: Kenneth H. Ehlers, P.E.

LOCATION: 445 West 1st Street (North of 1<sup>st</sup> Street and east of Bradshaw Road)

PARCEL ID #: 09-21-28-7552-03-010

LAND USE: Commercial

ZONING: C-3

EXISTING USE: Vacant Land

PROPOSED USE: Commercial Warehouses (20,000 S.F.) w/ Office Space (2,455 S.F.)

TRACT SIZE: 2.43 +/- acres

BUILDING SIZE: 22,445 sq. ft. (Three (3) 7,485 S.F. Buildings)

FLOOR AREA RATIO: 0.21

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Industrial	IND-4	CSX Railroad
East (County)	Industrial	IND-4	CSX Railroad
South (City)	Industrial	I-1	Cooper Palms Sports Complex
West (City)	Industrial	I-1	Vacant Property

**ADDITIONAL COMMENTS:** The Magnolia Commerce Center - Final Development Plan proposes to construct three (3) 7485 S.F. buildings for a total of 22,445 square feet of warehouse and office space. A re-plat of the property will occur to eliminate any future potential conflict with the current antiquated plat and the previously vacated public right-of-way abutting the railroad track.

**PARKING AND ACCESS:** A total of 53 parking spaces are provided of which 3 are reserved as a handicapped parking spaces. Access to the site is provided by a driveway cut along Bradshaw Road and 1<sup>st</sup> Street.

**EXTERIOR ELEVATIONS:** The design of the building exterior shall be consistent with Section 4.2.1 of the Development Design Guidelines Commercial Design Standards.

**STORMWATER:** Stormwater run-off and drainage will be accommodated by an on-site retention pond through a cross access easement agreement. The off-site stormwater management system will be designed according to standards set forth in the Land Development Code.

**BUFFER/TREE PROGRAM:** A ten-foot landscape buffer is provided along Bradshaw Road and West 1<sup>st</sup> Street. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Total inches on-site:	0
Total number of specimen trees:	0
Total inches removed	0
Total inches retained:	0
Total inches required:	162
Total inches replaced:	162
Total inches post development:	162

**PUBLIC HEARING SCHEDULE:**

January 10, 2017 - Planning Commission (5:30 pm)  
 January 18, 2017 - City Council (1:30 pm)

**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the Magnolia Commerce Center – Final Development Plan and plat, subject to the findings of this staff report.

The **Planning Commission**, at its meeting on January 10, 2017, unanimously recommended approval of the Magnolia Commerce Center – Final Development Plan and plat, subject to the findings of this staff report.

**Recommended Motion:** Approval of the Magnolia Commerce Center – Final Development Plan and Plat, subject to the findings of this staff report; and issuance of the Final Development Order.

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

**Application:** Magnolia Commerce Center - Final Development Plan and Plat  
**Owner:** Property Industrial Enterprises, LLC  
**Engineer:** Kenneth H. Ehlers, P.E.  
**Parcel I.D. No:** 09-21-28-7552-03-010  
**Location:** 445 West 1<sup>st</sup> Street  
**Total Acres:** 2.43 +/- Acres



### VICINITY MAP





**Application:** Magnolia Commerce Center - Final Development Plan and Plat  
**Owner:** Property Industrial Enterprises, LLC  
**Engineer:** Kenneth H. Ehlers, P.E.  
**Parcel I.D. No:** 09-21-28-7552-03-010  
**Location:** 445 West 1<sup>st</sup> Street  
**Total Acres:** 2.43 +/- Acres



### AERIAL MAP

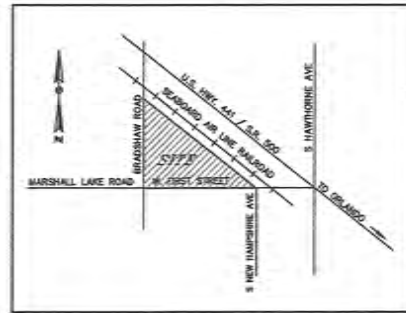




# FINAL SITE DEVELOPMENT PLAN

## MAGNOLIA COMMERCE CENTER 445 W. FIRST STREET APOPKA, FLORIDA 32703

NOVEMBER 10, 2016



### LOCATION MAP

NOT TO SCALE  
SEC. 09, TWN. 21 S, RNG. 28 E  
PARCEL ID # 09-21-28-7552-03-010

### CONTACT LIST:

#### GEOTECHNICAL/SOIL ENGINEER:

ARDAMAN AND ASSOCIATES, INC.  
8700 S. ORANGE AVENUE  
ORLANDO, FLORIDA 32859-3003  
ATTN: JASON M. PARKER, P.E.  
(407) 855-3860, FAX (407) 859-8121

#### GEOTECHNICAL/SOIL ENGINEER:

YOVAISH ENGINEERING SERVICES, LLC  
953 SUNSHINE LANE  
ALTA MONTE SPRINGS, FLORIDA 32714  
ATTN: DOUGLAS J. YOVAISH, P.E., PRINCIPAL ENGINEER  
(407) 774-9383, FAX (407) 478-8978  
E-MAIL: DOUG@YOVAISH.COM

#### TELEPHONE:

CENTURY LINK  
P.O., BOX 770339  
WINTER GARDEN, FLORIDA 34746  
ATTN: JOHN PIPKIN  
(407) 814-5246; FAX (407) 814-5320

#### ELECTRIC:

DUKE ENERGY OF FLORIDA, INC.  
452 EAST CROWN POINT  
WINTER GARDEN, FLORIDA 34746  
ATTN: LORI HERRING  
DISTRIBUTION DEPARTMENT  
(407) 646-8364 OR (407) 905-3365

#### GAS:

LAKE APOPKA NATURAL GAS  
1320 S. VINELAND ROAD  
WINTER GARDEN, FLORIDA 34778-3007  
ATTN: RICHARD W. GILLET  
MANAGER OF OPERATIONS  
(866) 656-2734, FAX (407) 877-3893

#### CABLE:

BRIGHTHOUSE NETWORKS  
1670 E. HIGHWAY 50, SUITE 200  
CLERMONT, FLORIDA 34711  
MARVIN L. USRY, JR.  
(866) 309-3279

#### WATER AND WASTEWATER SYSTEMS:

CITY OF APOPKA  
748 CLEVELAND STREET  
APOPKA, FLORIDA 32703  
ATTN: R. JAY DAVOLL, P.E., PUBLIC SERVICES DIRECTOR/CITY ENGINEER  
(407) 703-1731, FAX (407) 343-42648  
E-MAIL: JDAVOLL@APOPKA.COM

#### STORMWATER MANAGEMENT SYSTEM

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
601 SOUTH LAKE DESTINY ROAD, SUITE 200  
MAITLAND, FLORIDA 32751  
ATTN: ALEX ABOODI, ENGINEER III  
(407) 659-4853  
E-MAIL: ABOODI@SRWMD.COM

#### UTILITY LOCATIONS:

PRIOR TO EXCAVATION CALL  
ONE CALL UTILITY LOCATION SYSTEM  
(800) 432-4770

## ENGINEER

KENNETH H. EHLERS, P.E.  
PROFESSIONAL ENGINEERING SERVICES  
6034 FALCONBRIDGE PLACE  
MOUNT DORA, FLORIDA 32757  
(352) 383-2537 FAX (352) 383-2537, CELL (407) 448-3412  
E-MAIL: KEHLERS@COMCAST.NET

## OWNER

PROPERTY INDUSTRIAL ENTERPRISES, LLC  
ATTN: MICHAEL R. COOPER  
564 COOPER COMMERCE DRIVE, SUITE 500  
APOPKA, FLORIDA 32703-1229  
(407) 889-2510, FAX (407) 889-9993  
E-MAIL: COOPERDAT@AOL.COM

## SURVEYOR

NIETO WHITTAKER SURVEYING LLC  
ATTN: RALPH A. NIETO, PLS  
562 W. SPRINGTREE WAY  
LAKE MARY, FLORIDA 32746  
(386) 668-7332, FAX (386) 668-7337  
E-MAIL: R.NIETO6025@BELLSOUTH.NET

#### UTILITY LOCATIONS:

PRIOR TO EXCAVATION CALL  
ONE CALL UTILITY LOCATION SYSTEM  
PHONE (800) 432-4770

#### REAL PROPERTY DESCRIPTION:

LOTS 1 THROUGH 33, BLOCK C AND VACATED PORTION OF RUTH STREET LYING ALONG NE LINE OF BLOCK C, ROBINSON AND SAMUEL'S ADDITION TO APOPKA, ACCORDING TO THE PLAT THE [RECORDED IN PLAT BOOK 106, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

## INDEX OF DRAWINGS:

1. GENERAL NOTES
2. DEMOLITION AND EROSION CONTROL PLAN
3. SITE GEOMETRY PLAN
- 3A. SITE DISTANCE TRIANGLES
4. GRADING AND DRAINAGE PLAN
5. SITE UTILITY PLAN
- 5A. TYPICAL CROSS SECTIONS
6. STANDARD DETAILS
7. DRAINAGE DETAILS
8. GENERAL WATER DETAILS
9. GENERAL WATER DETAILS
10. WASTEWATER MAIN DETAILS
11. WATER METER DETAILS
12. WATER METER AND BACKFLOW DETAILS
13. WATER METER AND BACKFLOW DETAILS
14. MISCELLANEOUS DETAILS
15. PHOTOMETRIC PLAN
16. BOUNDARY AND TOPOGRAPHICAL SURVEY
17. LANDSCAPE PLAN
18. LANDSCAPE PLAN
19. IRRIGATION PLAN
20. IRRIGATION PLAN

12/25/16

*K. Ehlers*  
KENNETH H. EHLERS, P.E. REG #18243  
ENGINEER'S PROJECT (COOPER)

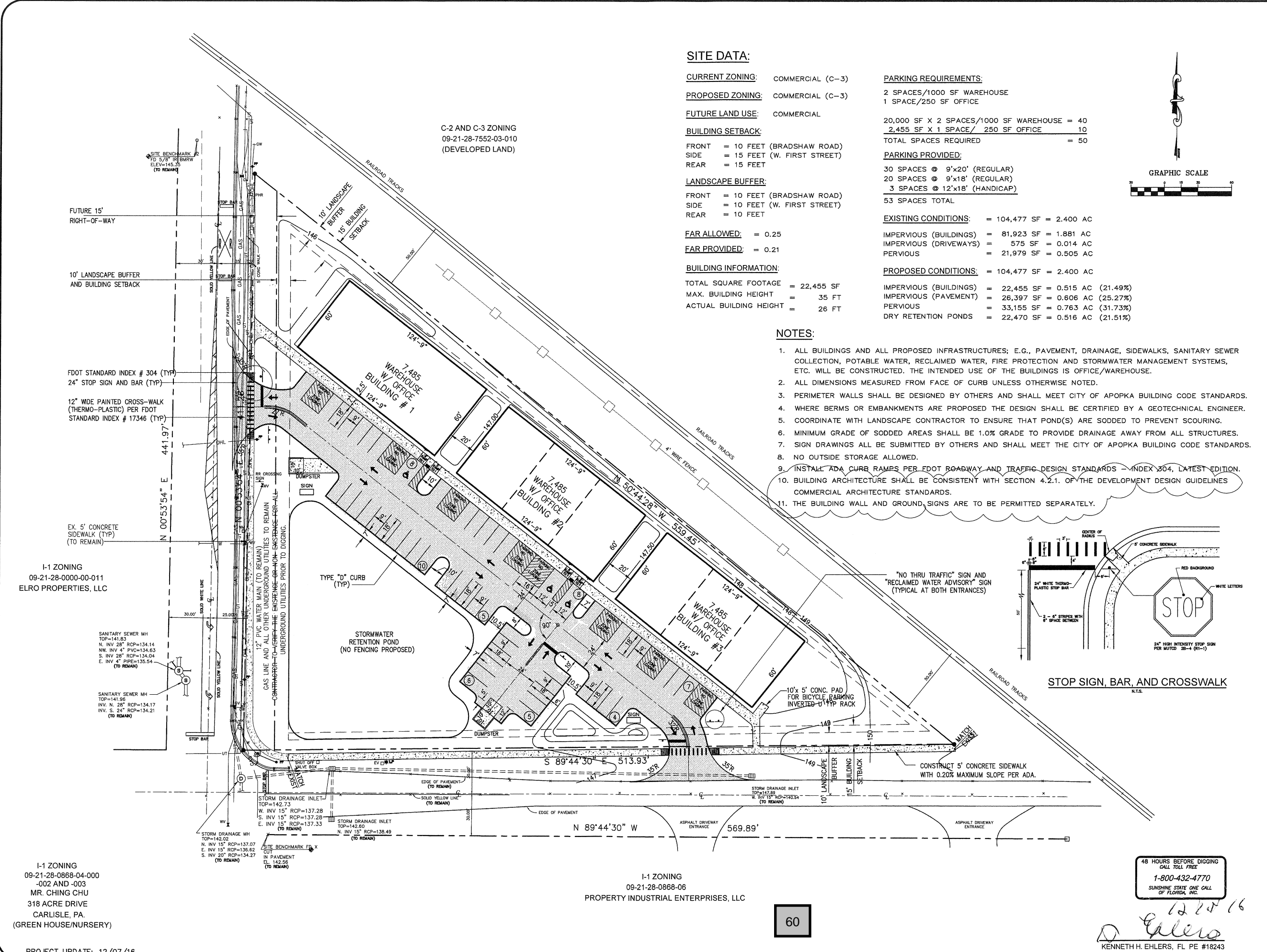
NO.	REVISION	DATE
1	PER CITY COMMENT	12/7/16
2		
3		
4		
5		
6		
7		

**KEN EHLERS, P.E.**  
CONSULTING ENGINEER  
6034 FALCONBRIDGE PLACE  
MOUNT DORA, FLORIDA 32757  
TEL 1-352-363-2537  
Fax 1-352-363-2537

**SITE GEOMETRY PLAN**

**MAGNOLIA COMMERCE CENTER DEVELOPMENT**  
PARCEL ID #09-21-28-7552-03-010  
APOPKA, FLORIDA

DRAWING NO. **3**  
JOB NO. 02006



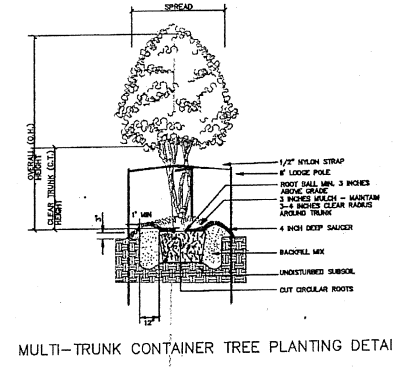
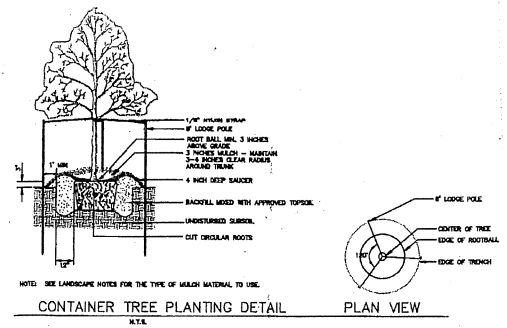
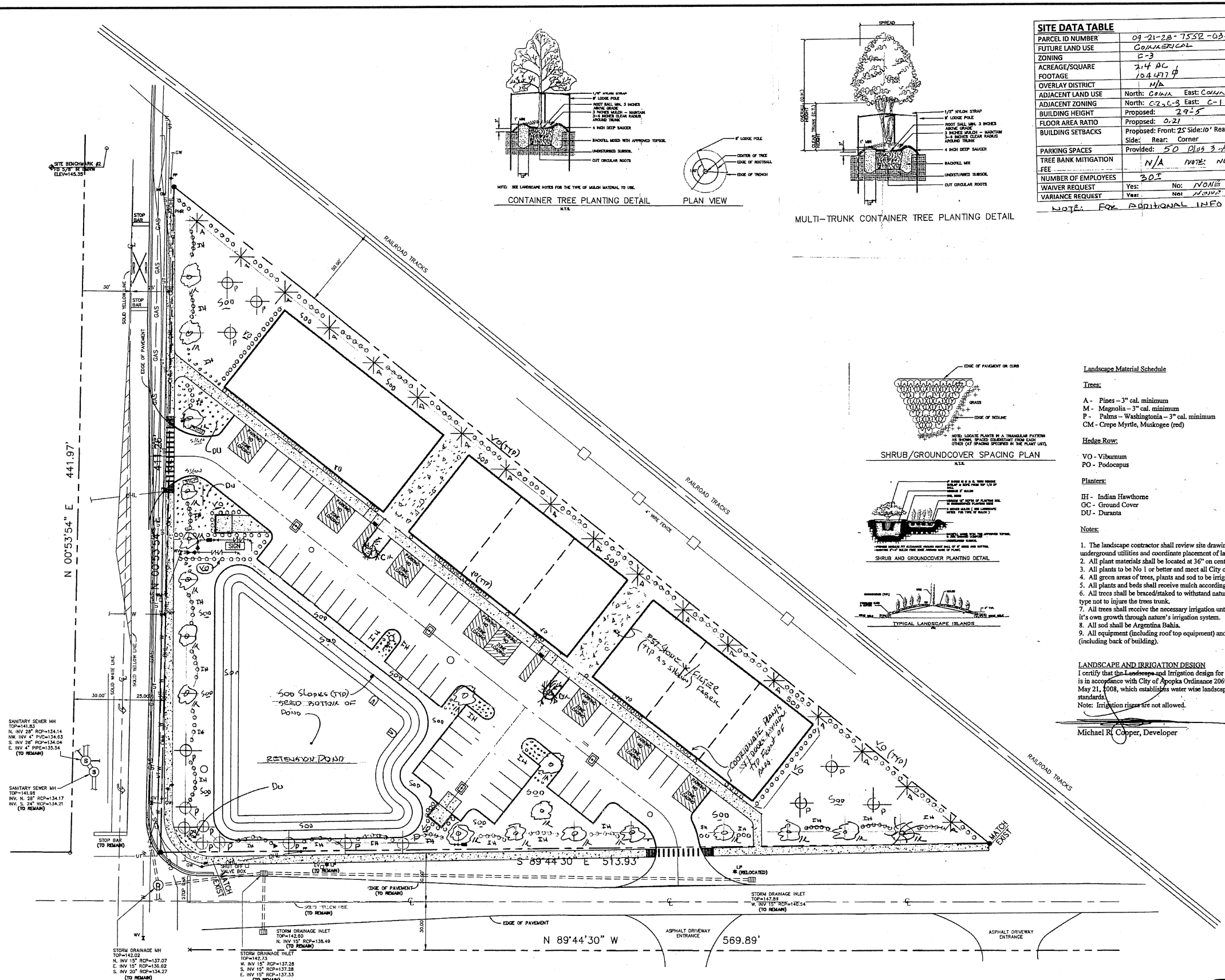
C-2 AND C-3 ZONING  
09-21-28-7552-03-010  
(DEVELOPED LAND)

I-1 ZONING  
09-21-28-0000-00-011  
ELRO PROPERTIES, LLC

I-1 ZONING  
09-21-28-0868-04-000  
-002 AND -003  
MR. CHING CHU  
318 ACRE DRIVE  
CARLISLE, PA.  
(GREEN HOUSE/NURSERY)

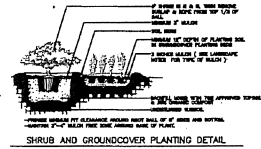
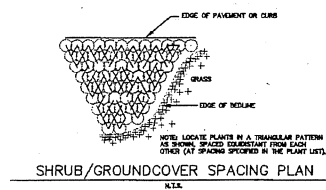
I-1 ZONING  
09-21-28-0868-06  
PROPERTY INDUSTRIAL ENTERPRISES, LLC





SITE DATA TABLE	
PARCEL ID NUMBER	09-21-28-7552-03-010
FUTURE LAND USE	COMMERCIAL
ZONING	C-3
ACREAGE/SQUARE FOOTAGE	7.4 AC 104,477 sq ft
OVERLAY DISTRICT	NA
ADJACENT LAND USE	North: COMM East: COMM South: INDUSTRIAL West: INDUSTRIAL
ADJACENT ZONING	North: C-3C-9 East: C-1 South: DUD West: I-1
BUILDING HEIGHT	Proposed: 29'-5" Max: 35'
FLOOR AREA RATIO	Proposed: 0.21 Max: 0.25
BUILDING SETBACKS	Proposed: Front: 25' Side: 10' Rear: 10' Corner: 25' Required: Front: 25' Side: 10' Rear: 10'
PARKING SPACES	Provided: 50 Plus 3-Handicap Required: 50 + 3/10
TREE BANK MITIGATION FEE	N/A NOTE: NO TREES
NUMBER OF EMPLOYEES	301
WAIVER REQUEST	Yes: No: NONE
VARIANCE REQUEST	Yes: No: NONE

NOTE: FOR ADDITIONAL INFO SEE DRAWING 3



**Landscape Material Schedule**

**Trees:**

- A - Pines - 3" cal. minimum
- M - Magnolia - 3" cal. minimum
- P - Palms - Washingtonia - 3" cal. minimum
- CM - Crepe Myrtle, Muskogee (red)

**Hedge Row:**

- VO - Viburnum
- PO - Podocarpus

**Planters:**

- IH - Indian Hawthorne
- GC - Ground Cover
- DU - Duranta

**Notes:**

- The landscape contractor shall review site drawings to determine the location of all underground utilities and coordinate placement of landscape materials accordingly.
- All plant materials shall be located at 36" on center.
- All plants to be No 1 or better and meet all City of Apopka Codes and Ordinances.
- All green areas of trees, plants and sod to be irrigated accordingly.
- All plants and beds shall receive mulch accordingly.
- All trees shall be braced/staked to withstand nature's wind forces. Type of brace shall be of type not to injure the tree trunk.
- All trees shall receive the necessary irrigation until the root systems and tree itself can sustain its own growth through nature's irrigation system.
- All sod shall be Argentina Bahia.
- All equipment (including roof top equipment) and utility boxes must be fully screened (including back of building).

**LANDSCAPE AND IRRIGATION DESIGN**

I certify that the Landscape and Irrigation design for this project is in accordance with City of Apopka Ordinance 2069 adopted May 21, 2008, which establishes water wise landscape and irrigation standards.

Note: Irrigation risers are not allowed.

Michael R. Copper, Developer

SANITARY SEWER MH  
TOP=141.83  
N. INV 28" RCP=134.14  
HW. INV 4" RCP=134.63  
S. INV 28" RCP=134.04  
E. INV 4" PIPE=135.04  
(TO REMAIN)

SANITARY SEWER MH  
TOP=141.88  
N. INV 28" RCP=134.17  
HW. INV 4" RCP=134.21  
(TO REMAIN)

STORM DRAINAGE MH  
TOP=142.02  
N. INV 15" RCP=137.07  
E. INV 15" RCP=136.62  
S. INV 20" RCP=134.27  
(TO REMAIN)

STORM DRAINAGE MH  
TOP=142.73  
N. INV 15" RCP=137.28  
S. INV 15" RCP=137.28  
E. INV 15" RCP=137.33  
(TO REMAIN)

STORM DRAINAGE INLET  
TOP=142.81  
N. INV 15" RCP=140.54  
(TO REMAIN)

LANDSCAPE PLAN  
SCALE 1" = 30'-0"

48 HOURS BEFORE DIGGING  
CALL TOLL FREE  
1-800-432-4770  
SUNSHINE STATE ONE CALL  
OF FLORIDA, INC.

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		

COOPER CONSTRUCTION CO  
564 COOPER COMM. DR  
APOPKA, FL 32703

LANDSCAPE PLAN

MAGNOLIA COMMERCE CENTER  
DEVELOPMENT

PARCEL ID #09-21-28-7552-03-010  
APOPKA, FLORIDA

DRAWING NO.

1-1

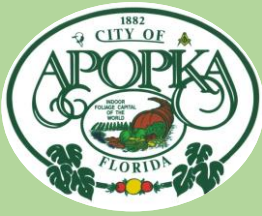
Job # 16001



**Backup material for agenda item:**

2. Replat – Cooper Palms Lots 10 and 11 – Quasi-Judicial

David Moon



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Plat

MEETING OF: January 18, 2017  
FROM: Community Development  
EXHIBITS: Vicinity/Aerial Maps  
Plat

**SUBJECT:** COOPER PALMS LOTS 10 AND 11 PLAT

**REQUEST:** APPROVE THE COOPER PALMS LOTS 10 AND 11 PLAT

**SUMMARY:**

OWNER: Property Industrial Enterprises, LLC  
APPLICANT: Michael R. Cooper  
SURVEYOR: Nieto-Whittaker Surveying, LLC c/o Ralph A. Nieto, P.S.M.  
LOCATION: South of West 2<sup>nd</sup> Street and west of South Hawthorne Avenue  
PARCEL ID #: 09-21-28-0868-01-260, 09-21-28-0868-01-250, 09-21-28-0868-01-240,  
09-21-28-0868-01-230, 09-21-28-1675-00-110 and 09-21-28-1675-00-120  
LAND USE: Industrial  
ZONING: I-1  
EXISTING USE: Vacant Land  
PROPOSED USE: Industrial Warehouses  
TRACT SIZE: 2.81 +/- acres

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Industrial	IND-4	CSX Railroad
East (City)	Commercial	C-2	Church
South (County)	Low Medium Density	R-2	Single Family Residential
West (City)	Industrial	I-1	Industrial Warehouse

**ADDITIONAL COMMENTS:** The Cooper Palms Lots 10 & 11 is proposing to combine lots 23, 24, 25 & 26 of Block “A” Bradshaw and Thompson’s addition into two individual parcels being incorporated into the Cooper Palms Plat. The applicant will be bring forth a Final Development Plan in the upcoming months for the construction of an industrial warehouses with offices.

**PUBLIC HEARING SCHEDULE:**

January 10, 2017 - Planning Commission (5:30 pm)  
 January 18, 2017 - City Council (1:30 pm)

---

**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the Cooper Palms Lots 10 & 11 – Plat, subject to the findings of this staff report.

The **Planning Commission**, at its January 10, 2017 meeting, unanimously recommended approval of the Cooper Palms Lots 10 & 11 – Plat, subject to the findings of this staff report.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**Application:** Cooper Palms Lots 10 & 11 - Plat  
**Owner:** Property Industrial Enterprises, LLC  
**Surveyor:** Nieto-Whittaker Surveying, LLC c/o Ralph A. Nieto, P.S.M.  
**Parcel I.D. No's:** 09-21-28-0868-01-260, 09-21-28-0868-01-250, 09-21-28-0868-01-240,  
09-21-28-0868-01-230, 09-21-28-1675-00-110 and 09-21-28-1675-00-120  
**Location:** South of West 2nd Street and west of South Hawthorne Avenue  
**Total Acres:** 2.81 +/- Acres



### VICINITY MAP





**Application:** Cooper Palms Lots 10 & 11 - Plat  
**Owner:** Property Industrial Enterprises, LLC  
**Surveyor:** Nieto-Whittaker Surveying, LLC c/o Ralph A. Nieto, P.S.M.  
**Parcel I.D. No's:** 09-21-28-0868-01-260, 09-21-28-0868-01-250, 09-21-28-0868-01-240,  
09-21-28-0868-01-230, 09-21-28-1675-00-110 and 09-21-28-1675-00-120  
**Location:** South of West 2nd Street and west of South Hawthorne Avenue  
**Total Acres:** 2.81 +/- Acres



### AERIAL MAP

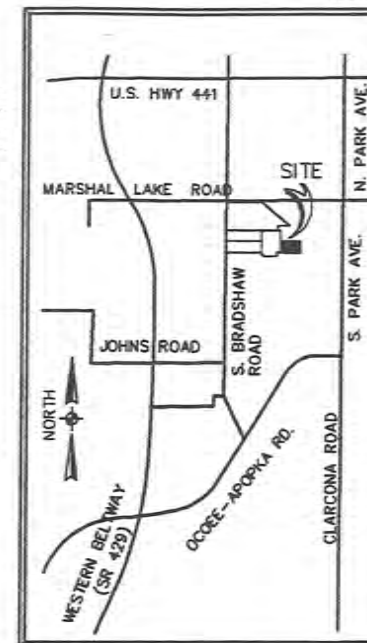




# COOPER PALMS LOTS 10 & 11

SHEET 1 OF 2

A REPLAT OF LOT 12 & A PORTION OF LOT 11 COOPER PALMS AS RECORDED IN PLAT BOOK 80, PAGES 110 AND 111 AND A REPLAT OF LOTS 23, 24 & 25 AND A PORTION OF LOT 26 BLOCK "A" BRADSHAW AND THOMPSON'S ADDITION TO APOPKA CITY, PLAT BOOK "B", PAGE 25 LYING IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



LOCATION MAP  
NOT TO SCALE

**DESCRIPTION (PER SURVEYOR):**

Lot 12 and a portion of Lot 11 Cooper Palms as recorded in Plat Book 80, pages 110 and 111 of the Public Records of Orange County, Florida and Lots 23 through 25, and a portion of Lot 26 Block "A" Bradshaw and Thompson's Addition to Apopka City as recorded in Plat Book "B", Page 25 of the Public Records of Orange County, Florida being more particularly described as follows:

Begin at the Southeast corner of Lot 12 Cooper Palms as recorded in Plat Book 80, pages 110 and 111 of the Public Records of Orange County, Florida, said point lying at the Point of Intersection of the west right-of-way line of South Hawthorne Avenue (a 60.00 foot right-of-way) and the North right-of-way line of W. 3rd Street (a 60.00 foot right-of-way); thence run N 89°48'31" W along the North Right-of-Way line of W. 3rd Street for a distance of 330.07 feet to the East line of Lot 9 Cooper Palm's Lots 7 and 8 as recorded in Plat Book 87, Pages 44 through 45 of the Public Records of Orange County, Florida; thence run N 00°11'29" E along said right-of-way line for a distance of 380.93 feet to a point on the South Right-of-Way line of W. 2nd Street; thence run S 89°48'31" E along said South Right-of-Way line for a distance of 230.64 feet to a point on the Westerly Right-of-Way line of CSX Transportation Inc. Railroad (formerly known as Central Florida Railroad); thence leaving said South Right-of-Way line run S 50°41'13" E along said Westerly Right-of-Way line for a distance of 137.55 feet to a point on the West Right-of-Way line of South Hawthorne Avenue; thence leaving said Westerly Right-of-Way run S 01°36'32" E along said West Right-of-Way line for a distance of 294.24 feet to the Point of Beginning.

Containing 2.819 acres, more or less.

**GENERAL NOTES;**

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF W. 2ND STREET AS BEING S 89°48'31" E, AN ASSUMED DATUM.
2. ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES; THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. -FS177.091(28)
3. ALL DRAINAGE EASEMENTS RESERVED OR NOTED ON THIS PLAT ARE PRIVATE UNLESS NOTED OTHERWISE.
4. THE PROPERTY AS DEPICTED HEREON IS HEREBY SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS, AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AT OFFICIAL RECORDS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.
5. THE POTABLE WATER, SEWER, RECLAIMED WATER, STORMWATER AND ROADWAY ARE TO BE OWNED, OPERATED AND MAINTAINED BY THE COOPER PALMS PROPERTY OWNERS ASSOCIATION, INC.
6. DEVELOPMENT RIGHTS OF THE JURISDICTIONAL WETLAND AREAS SHALL BE DEDICATED TO THE CITY OF APOPKA WITH OWNERSHIP AND MAINTENANCE BY THE COOPER PALMS PROPERTY OWNERS ASSOCIATION, INC.

ABBREVIATIONS	
(C)	= CALCULATED
CM	= CONCRETE MONUMENT
CLF	= CHAIN LINK FENCE
CONC	= CONCRETE
CL	= CENTERLINE
(D)	= DEED
EP	= EDGE OF PAVEMENT
ELEV	= ELEVATION
FND	= FOUND
IR	= IRON ROD
IP	= IRON PIPE
LB	= LICENSED BUSINESS
(M)	= MEASURED
NO ID	= NO IDENTIFICATION
ORB	= OFFICIAL RECORD BOOK
(P)	= PLAT
PS	= PLAT BOOK
PC	= POINT OF CURVATURE
PI	= POINT OF INTERSECTION
PG	= PAGE
PCP	= PERMANENT CONTROL POINT
POL	= POINT ON LINE
PRM	= PERMANENT REFERENCE MONUMENT
PRC	= POINT OF REVERSE CURVATURE
PT	= POINT OF TANGENCY
RP	= RADIUS POINT
R/W	= RIGHT-OF-WAY
REC	= RECOVERED

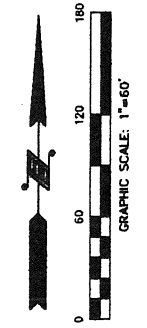
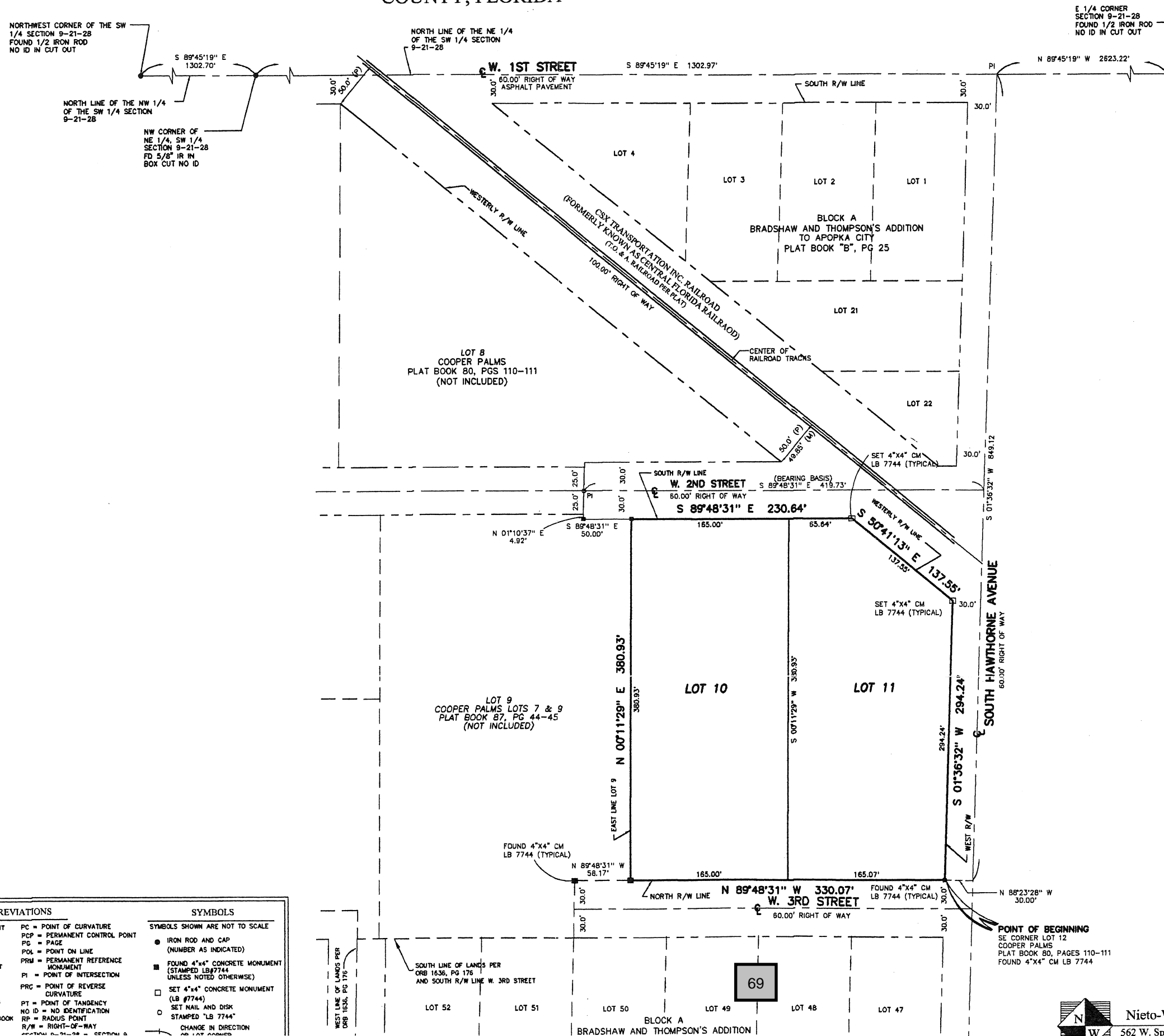
SYMBOLS	
SYMBOLS SHOWN ARE NOT TO SCALE	
●	FOUND IRON ROD AND CAP (NUMBER AS INDICATED)
■	FOUND 4"x4" CONCRETE MONUMENT (STAMPED LB#7744 UNLESS NOTED OTHERWISE)
□	SET 4"x4" CONCRETE MONUMENT (LB#7744)
○	SET NAIL AND DISK STAMPED "LB 7744"
↻	CHANGE IN DIRECTION OR LOT CORNER INDICATED BY "TICK" MARK
SECTION 9-21-28 = SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST	

PLAT BOOK	PAGE
COOPER PALMS LOTS 10 & 11	
<b>DEDICATION</b>	
KNOW ALL MEN BY THESE PRESENTS, That the limited liability corporation named below, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes therein expressed and dedicates	
IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be fixed hereto on.....	
PROPERTY INDUSTRIAL ENTERPRISES LLC. 517 COOPER OAKS COURT APOPKA, FL. 32703	
By..... MICHAEL R. COOPER, Managing Member	
Signed and sealed in the presence of:	
PRINTED NAME: .....	PRINTED NAME: .....
STATE OF.....FLORIDA.....COUNTY OF.....ORANGE.....	
THIS IS TO CERTIFY, That on.....	
before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared...MICHAEL R. COOPER...MANAGING MEMBER... of the above named limited liability corporation incorporated under the laws of the State of...FLORIDA... to me known to be the individuals and officers described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized; and that the said Dedication is the act and deed of said limited liability corporation.	
IN WITNESS WHEREOF, I have hereto set my hand and seal on the above date.	
NOTARY PUBLIC PRINTED NAME: .....	
My Commission Expires.....	
<b>QUALIFICATION AND STATEMENT OF SURVEYOR AND MAPPER</b>	
KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and Registered Land Surveyor, does hereby certify that on AUGUST 21, 2015, he completed the survey of the said lands shown in the foregoing plat and said survey was made under his responsible direction and that permanent reference monuments have been placed as required by Chapter 177, Florida Statutes; and that said land is located in the City of Apopka, Florida.	
Signed: .....	Date: .....
Printed Name: Ralph A. Nieto	
PSM #6025	
Nieto-Whittaker Surveying, LLC	
562 W. Springtree Way, Lake Mary, FL 32746	
Licensed Business #7744	
<b>CERTIFICATE OF REVIEWING SURVEYOR</b>	
Pursuant to Section 177.061, Florida Statutes, I have reviewed this plat for conformity to Chapter 177 of the Florida Statutes and that said plat complies with the technical requirements of that chapter; provided however, that my review does not include field verification of any of the coordinates, points or measurements shown on this plat.	
Signed: .....	Date: .....
Printed Name: .....	
Registration No. ....	
<b>CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION</b>	
THIS IS TO CERTIFY that on _____ the foregoing plat was approved by:	
Signed: .....	
printed name: .....	
Chairman	
<b>CERTIFICATE OF APPROVAL BY MUNICIPALITY</b>	
THIS IS TO CERTIFY that on _____ the foregoing plat was approved	
Signed: .....	Attest: .....
Mayor, City of Apopka	City Clerk
<b>CERTIFICATE OF APPROVAL BY CITY ENGINEER</b>	
THIS IS TO CERTIFY that on _____ the foregoing plat was examined and approved by:	
City Engineer: .....	Date: .....
<b>CERTIFICATE OF APPROVAL BY</b>	

\*NOTES: THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE



A REPLAT OF LOT 12 & A PORTION OF LOT 11 COOPER PALMS AS RECORDED IN PLAT BOOK 80, PAGES 110 AND 111 AND A REPLAT OF LOTS 23, 24 & 25 AND A PORTION OF LOT 26 BLOCK "A" BRADSHAW AND THOMPSON'S ADDITION TO APOPKA CITY, PLAT BOOK "B", PAGE 25 LYING IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



ABBREVIATIONS		SYMBOLS	
CM = CONCRETE MONUMENT	PC = POINT OF CURVATURE	SYMBOLS SHOWN ARE NOT TO SCALE	
CLF = CHAIN LINK FENCE	PCP = PERMANENT CONTROL POINT	● IRON ROD AND CAP (NUMBER AS INDICATED)	
CONC = CONCRETE	PG = PAGE	■ FOUND 4"x4" CONCRETE MONUMENT (STAMPED LB 7744 UNLESS NOTED OTHERWISE)	
E = CENTERLINE	POB = POINT ON LINE	□ SET 4"x4" CONCRETE MONUMENT (LB 7744)	
(D) = DEED	PRM = PERMANENT REFERENCE MONUMENT	○ SET NAIL AND DISK	
EP = EDGE OF PAVEMENT	PI = POINT OF INTERSECTION	○ STAMPED "LB 7744"	
ELEV = ELEVATION	PRG = POINT OF REVERSE CURVATURE	↔ CHANGE IN DIRECTION	
IR = IRON ROD	PT = POINT OF TANGENCY		
IP = IRON PIPE	NO ID = NO IDENTIFICATION		
LB = LICENSED BUSINESS	RP = RADIUS POINT		
(M) = MEASURED	R/W = RIGHT-OF-WAY		
ORB = OFFICIAL RECORD BOOK			
(P) = PLAT			

**Backup material for agenda item:**

1. Ordinance No. 2543 - Second Reading - Fire and Police Impact Fees

Glenn A. Irby



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
 FROM: Administration  
 EXHIBITS: Ordinance 2543 & 2544  
 Presentations & Studies

**SUBJECT: FIRE, POLICE AND RECREATION IMPACT FEES**

**REQUEST: ACCEPTANCE OF ORDINANCE 2543 BY VOTE OF THE CREATION OF NEW FIRE AND POLICE IMPACT FEES AND ACCEPTANCE OF ORDINANCE 2544 BY VOTE TO MODIFY EXISTING PARK AND RECREATION IMPACT FEES**

**SUMMARY:**

The City contracted with Public Resources Management Group [PRMG] to conduct a study needed to support its ability to charge impact fees on new construction for both Fire and Police future capital needs. It also contracted with them to study possible modifications to existing Parks and Recreation impact fees. All three completed studies have been previously discussed with Council in workshop settings. Following this staff report are the actual studies produced by [PRMG] along with PowerPoint presentations condensing the information found within each study.

As for the actual fees for Fire, Police and Parks and Recreation, the study supports charging the following impacts on new construction:

**Study Supported Police Impact Fees**

Single Family Residential Home	\$747.00	Per Dwelling Unit
Retail and Food Service	\$ 1.00	Per Square Foot
Office	\$ .29	Per Square Foot
Government, Institutional and Hotels	\$ .54	Per Square Foot
Industrial	\$ .07	Per Square Foot
All Others	\$ .41	Per Square Foot

**Study Supported Fire Impact Fees**

Single Family Residential Home	\$ 708.00	Per Dwelling Unit
Retail and Food Service	\$ .64	Per Square Foot
Office	\$ .49	Per Square Foot
Government, Institutional and Hotels	\$ .87	Per Square Foot
Industrial	\$ .07	Per Square Foot
All Others	\$ .44	Per Square Foot

## Study Supported Park and Recreation Impact Fees

Single Family Residential Home	\$1,060.00	Per Dwelling Unit
--------------------------------	------------	-------------------

*\*Impact Fees for Parks and Recreation can only be rationally charged to new construction of Single Family Residential Homes.*

The ordinances to be considered follow this staff report. As approved at the first reading on January 4, 2017, the fees reflect 100% of the study supported fees. It should be mentioned that impact fees are only levied on new construction and existing residents are not affected unless they construct a new home. Sales of existing homes and buildings are not affected either.

---

### **FUNDING SOURCE:**

N/A

---

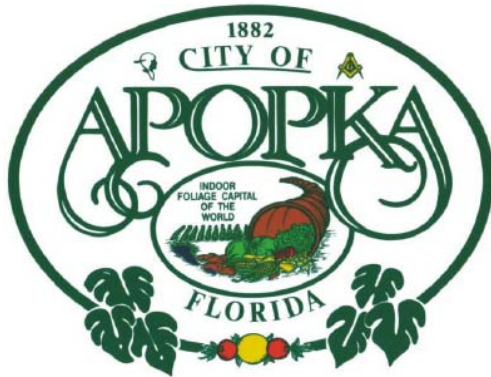
### **RECOMMENDATION ACTION:**

Vote to adopt the ordinances being presented to establish new Fire and Police Impact Fees and update existing Impact Fees for Parks and Recreation with direction to staff to increase costs shown in the ordinances to those supported by the Impact Fee Studies performed by PRMG.

---

### **DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



## Presentation to City of Apopka, Florida

# MUNICIPAL IMPACT FEE STUDY

Presented: October 4<sup>th</sup>, 2016

# PURPOSE OF THE STUDY

- ❖ Provide the Basis for Proposed Impact Fees for Municipal Services
  - Police Protection Services
  - Fire & EMS Rescue Services
  
- ❖ City Currently Does Not Charge Impact Fees for Municipal Services

# BACKGROUND

The Basis for Impact Fees and Related Criteria Have Been Developed Under Florida Statutes and Case Law.

❖ Dual Rational Nexus

- Relate Capital Needs to Growth
- Relate Capital Expenditures to Growth

❖ Revenue-Producing Ordinance

❖ Maintain Separate Accounting

# MAJOR OBJECTIVES AND CRITERIA

- ❖ Impact Fees Should be Based on the Capital Cost Requirements Anticipated for Providing Service to New Development
- ❖ Impact Fees Should be Based Upon Reasonable Level of Service Standards that Meet the Needs of the City
- ❖ Impact Fees Should Not be Used to Fund Deficiencies in Capital Needs of the City or Pay for Any Operating Costs



# IMPACT FEE STUDY TASKS

- ❖ **Compile Service Area Forecast**
- ❖ **Identify Level of Service Standards**
- ❖ **Review Existing Assets and Future Capital Needs**
- ❖ **Develop Proposed Impact Fee Alternatives**
- ❖ **Review Impact Fee Ordinance**

# FEE CALCULATION METHODOLOGY

- ❖ Identify Costs to Serve Future Growth
- ❖ Costs Allocated Between Residential and Non-Residential Classes Based on Service Calls
- ❖ Non-Residential Calls Allocated By Major Classes
- ❖ Total Allocated Costs Divided by Projected Change in Units
  - Housing Units / Non-Residential Sq. Ft. by Class
- ❖ Rate Calculated Per Unit of Growth
  - Residential Fee per Housing Unit
  - Non-Residential Fee by Major Class per Square Foot

# CITY SERVICE AREA FORECAST

## Existing and Projected Population and Dwelling Units [1]

<u>Year</u>	<u>Total Population</u>	<u>Total Dwelling Units</u>	<u>Average Persons Per Household</u>
2000	26,642	10,091	2.64
2010	41,542	15,707	2.64
2014	45,669	17,160	2.66
2016	47,695	17,921	2.66
2020	52,019	19,546	2.66
2021	53,160	19,975	2.66
2025	57,981	21,786	2.66
2040	80,286	30,167	2.66

[1] Based on the 2000 and 2010 U.S. Census and estimates for 2014 and 2040 as obtained from the Bureau of Economic and Business Research and Florida Housing Data Clearinghouse.



# SERVICE AREA FORECAST

## Projected Non-Residential Growth

<u>Year</u>	<u>Total Square Feet [1]</u>	<u>Cumulative Growth in Square Feet</u>	<u>Non-Res. Sq. Ft. Per Residential Dwelling Unit</u>
2016	13,396,353	N/A	748
2021	14,981,145	1,584,792	750
2029	18,061,486	4,665,133	750

[1] Amount shown based on the current estimate of approximately 748 sq. ft. of commercial development for every 1 unit of residential development going to approximately 750 sq. ft. per residential unit.

# POLICE PROTECTION SERVICES

## ❖ Existing Level of Service

- City Currently Provides 2.03 Police Officers per 1,000 Residents or 97 Sworn Officers
  - Level of Service in Fiscal Year 2014 was 1.97
  - City Recently Hired 7 New Officers Fiscal Year 2016
  - Current “Deficiency” to be Funded from General Fund
  - Target of 2.50 Officers per 1,000 Residents by 2021
- Total of 133 Sworn Officers Needed by 2021
- One Patrol Vehicle per Officer
  - Vehicle Take Home Program

# POLICE PROTECTION SERVICES

❖ **Total Capital Cost per Officer - \$156,674**

- Personnel and Other Equipment
- Patrol and Other Vehicles
- Systems and Software
- New Public Safety Complex
- Net of Grants and Contributions

❖ **14 Officers Required to Serve Growth through 2021**

<b>Projected Population in 2021</b>	<b>53,160</b>
<b>Targeted Minimum LOS per 1,000 Population</b>	<u><b>2.50</b></u>
<b>Total Officers Required by 2021</b>	<b>133</b>
<b>Current Officer Requirements (2.50 LOS)</b>	<u><b>119</b></u>
<b>Total Additional Officers to Serve New Growth</b>	<b>14</b>
<b>10</b>	



# POLICE PROTECTION SERVICES

## Existing and Proposed Residential Impact Fees

<u>Residential</u>	<u>Measure</u>	<u>Fee Amount</u>
Existing Impact Fee	N/A	N/A
<u>Proposed Rates</u>		
Proposed Impact Fee	Dwelling	\$747.00
Other Community Averages	Dwelling	\$338.28

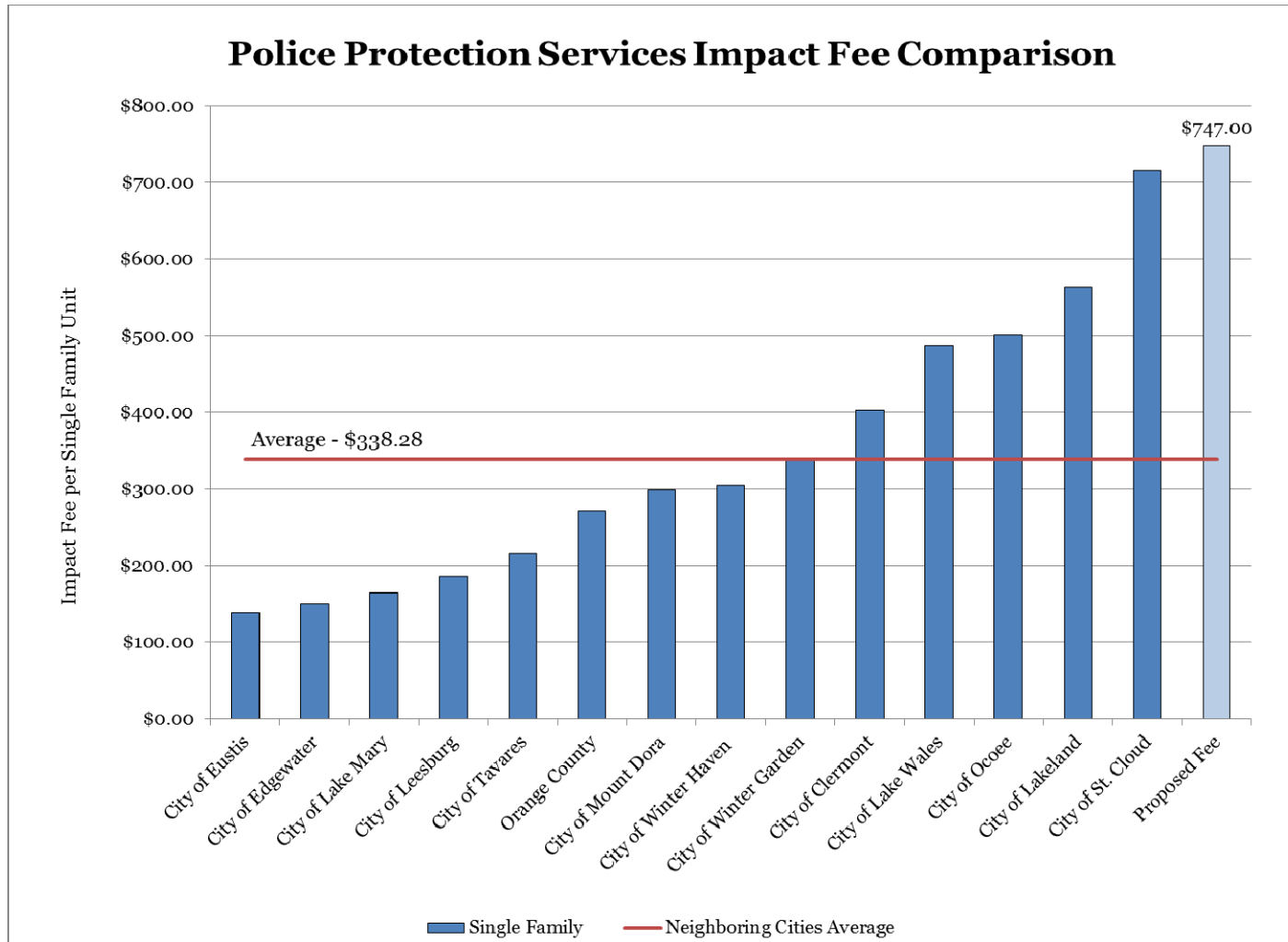


# POLICE PROTECTION SERVICES

## Existing and Proposed Non-Residential Impact Fees

<u>Non-Residential</u>	<u>Measure</u>	<u>Fee Amount</u>
Existing	N/A	N/A
<b><u>Proposed Rate</u></b>		
Retail & Food Service	Square Feet	\$1.000
Office	Square Feet	\$0.290
Government, Institutional, Hotels	Square Feet	\$0.540
Industrial	Square Feet	\$0.070
All Others	Square Feet	\$0.410

# POLICE PROTECTION SERVICES



# FIRE / EMS RESCUE SERVICES

## ❖ Level of Service Standards

- Maintain response times according to NFPA 1710 and ISO guidelines
  - Rated as Class 1 Department
  - In Top .09% of Country for Response Times
- City Currently Provides 1.70 Personnel per 1,000 Residents or 81 Firefighter/EMS Personnel
  - Target of 2.20 Firefighter/EMS Personnel per 1,000
  - Current “Deficiency” to be Funded from General Fund
  - Currently 4 Fire Stations are in Service
  - 2 Additional Stations to Come Online by 2021 (18 Firefighters per Station)
- 141 Total Required Personnel Through 2021

# FIRE / EMS RESCUE SERVICES

## ❖ Total Capital Cost per Firefighter - \$177,777

- Personal and Other Equipment
- Fire Engines, Rescue and Other Vehicles
- Systems and Software
- New Stations and Public Safety Complex
- Net of Grants and Contributions

## ❖ 36 Firefighters Required to Serve Growth

<b>Projected Population Serviceable W/ Stations 1-6</b>	<b>64,091</b>
<b>Targeted Minimum LOS per 1,000 Population</b>	<b><u>2.20</u></b>
<b>Total Firefighters Required by 2021</b>	<b>141</b>
<b>Current Personnel Requirements (2.20 LOS)</b>	<b><u>105</u></b>
<b>Total Additional Firefighters to Serve New Growth</b>	<b>36</b>

15



# FIRE / EMS RESCUE SERVICES

## Proposed Impact Fee Alternatives – Fiscal Year 2016

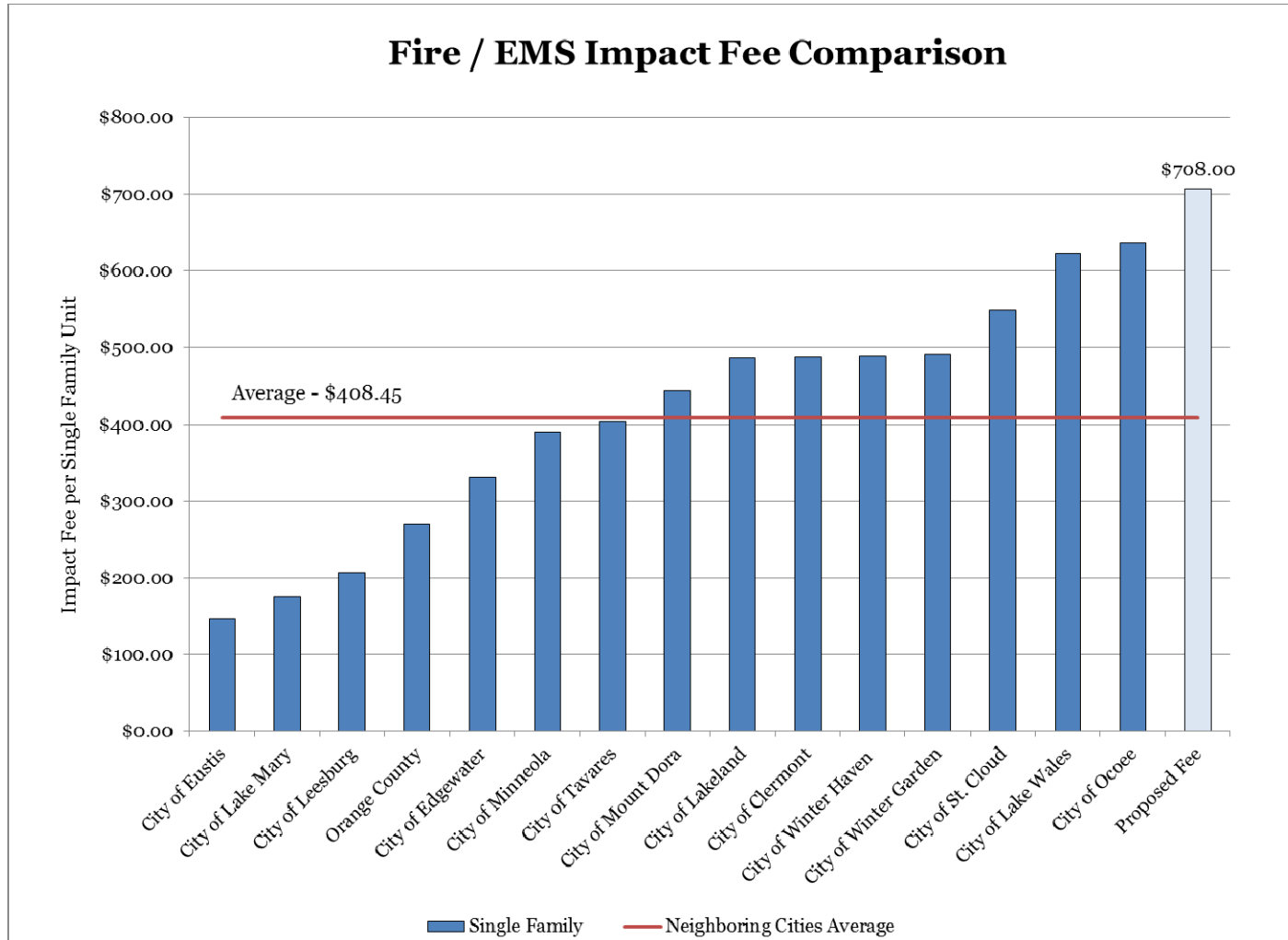
<b><u>Residential</u></b>	<b><u>Measure</u></b>	<b><u>Fee Amount</u></b>
Existing Impact Fee	N/A	N/A
<b><u>Proposed Rate</u></b>		
Proposed Impact Fee	Dwelling	\$708.00
Other Community Averages	Dwelling	\$408.45

# FIRE / EMS RESCUE SERVICES

## Existing and Proposed Non-Residential Impact Fees

<u>Non-Residential</u>	<u>Measure</u>	<u>Fee Amount</u>
Existing	N/A	N/A
<b><u>Proposed Rate</u></b>		
Retail & Food Service	Square Feet	\$0.640
Office	Square Feet	\$0.490
Government, Institutional, Hotels	Square Feet	\$0.870
Industrial	Square Feet	\$0.070
Catch-All	Square Feet	\$0.440

# FIRE / EMS RESCUE SERVICES





# Staff Proposed Impact Fee Levels

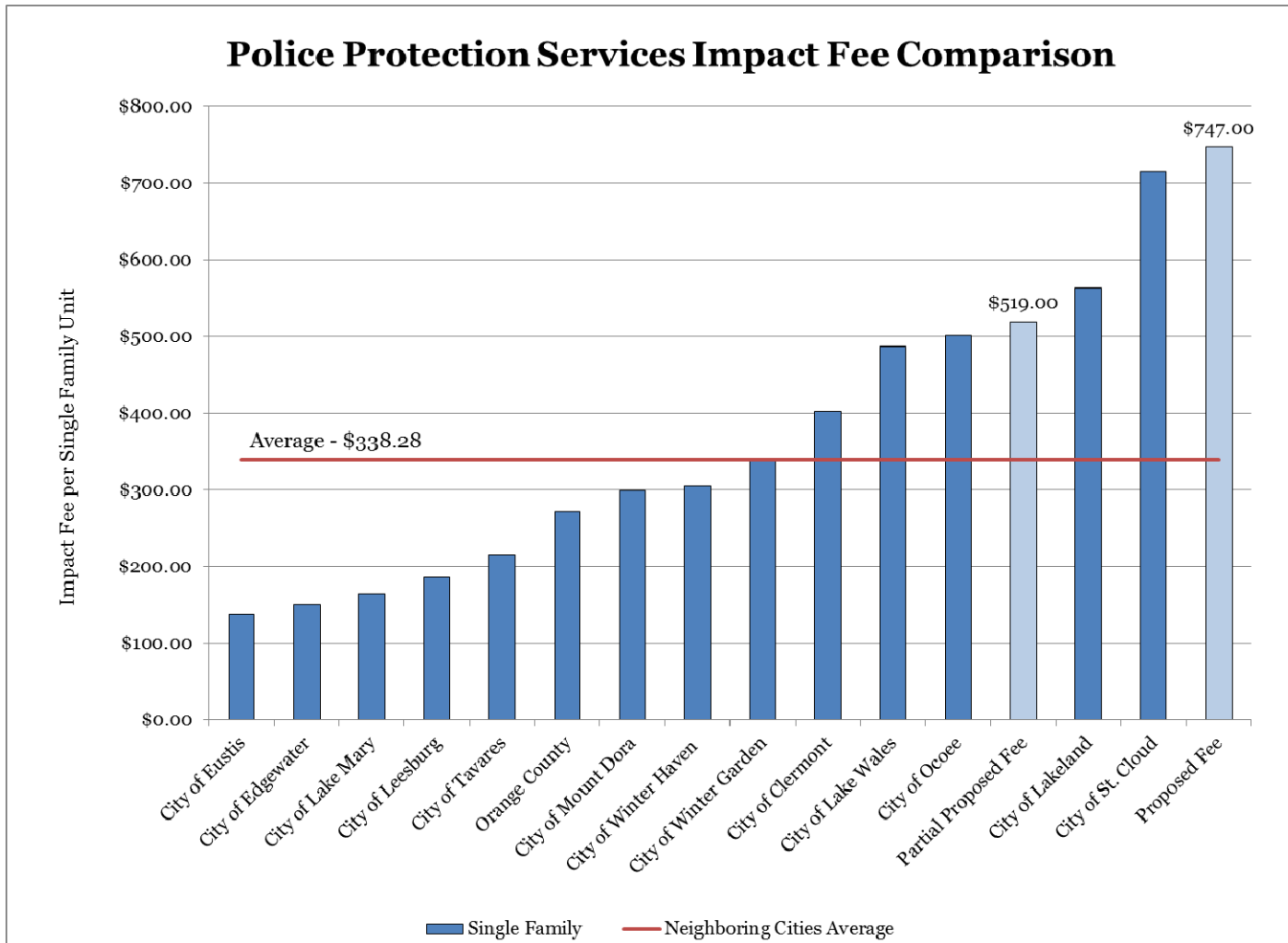
## Existing and Proposed Residential Impact Fees

<u>Residential</u>	<u>Measure</u>	<u>Fee Amount</u>
Existing Impact Fee	N/A	N/A
<b><u>Proposed Police Fee</u></b>		
Full Impact Fee	Dwelling	\$747.00
Staff Proposed Impact Fee [*]	Dwelling	<b>\$519.00</b>
<b><u>Proposed Fire/EMS Fee</u></b>		
Full Impact Fee	Dwelling	\$708.00
Staff Proposed Impact Fee [*]	Dwelling	<b>\$516.00</b>

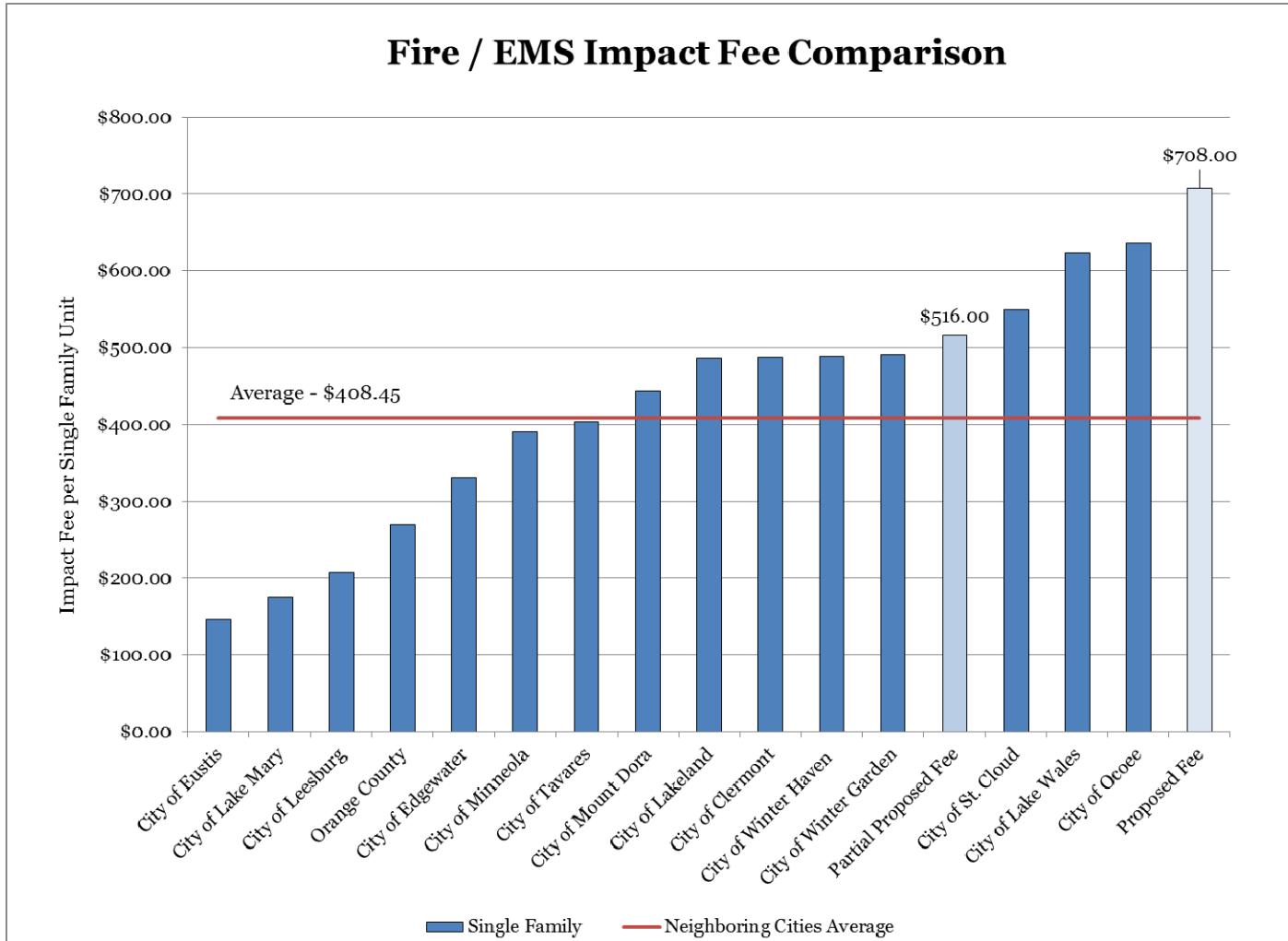
[\*] Fees can be incrementally phased-in to full level over time.



# POLICE PROTECTION SERVICES



# FIRE / EMS RESCUE SERVICES



# Single Family All-In Fee Comparison

Impact Fee Type	Orange County	Apopka Existing	Apopka Full Fee	Apopka Proposed
Police	\$271.00	N/A	\$747.00	\$519.00
Fire / EMS	270.00	N/A	708.00	516.00
Parks & Recreation [1]	971.00	\$241.00	<b>241.00</b>	<b>241.00</b>
Transportation [2]	3,761.00	3,101.00	3,101.00	3,101.00
Water (W/O RC) [2]	1,791.00	1,276.00	1,276.00	1,276.00
Wastewater [2]	<u>3,346.00</u>	<u>4,775.00</u>	<u>4,775.00</u>	<u>4,775.00</u>
<b>Total</b>	<b>\$10,410.00</b>	<b>\$9,393.00</b>	<b>\$10,848.00</b>	<b>\$10,428.00</b>

[1] Red amounts shown at current levels as study to develop proposed fees is currently ongoing.  
 [2] Fees shown remaining at existing level as the study was for Police and Fire only.



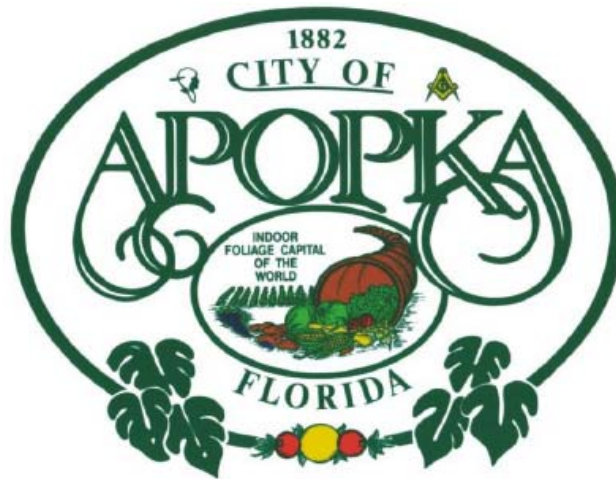
# RECOMMENDATIONS

- ❖ **Adopt Proposed Impact Fees**
  - Consider Percentage of Proposed Fee
  - Consider Appeal Process / Dispute Resolution
- ❖ **Review Fees Periodically (Every 3-5 Years)**
  - Development Trends
  - Capital Needs
  - Cost Allocation Process
- ❖ **Maintain Separate Accounting for Collection and Usage of Fees**



# Questions & Discussion

# CITY OF APOPKA, FLORIDA



## POLICE AND FIRE/RESCUE SERVICES IMPACT FEE STUDY

August 31, 2016



**Public Resources Management Group, Inc.**

*Utility, Rate, Financial, and Management Consultants*





August 31, 2016

Honorable Mayor and  
Members of the City Council  
City of Apopka  
120 E. Main Street  
Apopka, FL 32703

**Subject: Police and Fire/Rescue Services Impact Fee Study**

Ladies and Gentlemen:

We have completed our study of the municipal impact fees for police services and fire/rescue services for the City of Apopka (the "City") and have summarized the results of our analysis, assumptions, and conclusions in this report, which is submitted for your consideration. This report summarizes the basis for the proposed impact fees in order to provide funds to meet the City's capital expenditure requirements for such services allocable to growth.

During the course of the study, it was determined that the proposed impact fees should meet a number of goals and objectives. These goals and objectives primarily deal with fee sufficiency and level. Specifically, the major objectives considered in this study include:

- The Impact Fees should be sufficient to fund the projected capital requirements associated with providing service capacity related to new growth and development;
- The Impact Fees should not be used to fund deficiencies in operating or capital needs of the City, if any; and
- The Impact Fees should be based upon a reasonable level of service standards that meet the needs of the City and are comparable to industry standards.

The proposed police and fire/rescue services impact fees presented in this report should meet these objectives. As such, based on information provided by the City staff and the assumptions and considerations reflected in this report, Public Resources Management Group, Inc. considers the proposed fees to be cost-based, reasonable, and representative of the capital funding requirements of the City's police and fire/rescue services that are related to providing service to new development.

Honorable Mayor and Members of the City Council  
City of Apopka  
August 31, 2016  
Page 2

We appreciate the cooperation and assistance given to us by the City and its staff in the completion of the study.

Very truly yours,

**Public Resources Management Group, Inc.**



Henry L. Thomas  
Vice President



Shawn Ocasio  
Rate Consultant

HLT/dlc

**CITY OF APOPKA, FLORIDA**  
**POLICE AND FIRE/RESCUE SERVICES IMPACT FEE STUDY**

**TABLE OF CONTENTS**

Title	Page
Letter of Transmittal	
Table of Contents .....	i
List of Tables .....	iii
EXECUTIVE SUMMARY AND RECOMMENDATIONS .....	ES-1
Executive Summary .....	ES-1
SECTION 1 – INTRODUCTION .....	1-1
Introduction .....	1-1
Authorization .....	1-1
Criteria for Impact Fees .....	1-2
Impact Fee Methods .....	1-4
Summary of Report .....	1-4
SECTION 2 – SERVICE AREA .....	2-1
General .....	2-1
Population and Development Forecast .....	2-1
SERVICE CAPACITY Allocation .....	2-2
SECTION 3 – POLICE SERVICES IMPACT FEE ANALYSIS .....	3-1
General .....	3-1
Level of Service Requirements .....	3-1
Resource Needs Analysis .....	3-2
Design of Police Services Impact Fee .....	3-4
Police Services Impact Fee Assumptions .....	3-4
Impact Fee Calculation .....	3-5
Impact Fee Comparisons .....	3-6

**CITY OF APOPKA, FLORIDA**  
**POLICE AND FIRE/RESCUE SERVICES IMPACT FEE STUDY**  
**TABLE OF CONTENTS (cont'd.)**

Title	Page
SECTION 4 – FIRE RESCUE SERVICES IMPACT FEE ANALYSIS.....	4-1
General .....	4-1
Level of Service Requirements .....	4-1
Resource Needs Analysis.....	4-2
Design of Fire Rescue Services Impact Fee.....	4-3
Fire Rescue Services Impact Fee Assumptions.....	4-3
Impact Fee Calculation.....	4-4
Impact Fee Comparisons.....	4-5

**CITY OF APOPKA, FLORIDA**

**POLICE AND FIRE/RESCUE SERVICES IMPACT FEE STUDY**

**LIST OF TABLES**

<b>Table No.</b>	<b>Title</b>
<b><u>Service Area</u></b>	
2-1	Population Detail and Housing Elements
<b><u>Police Services Impact Fee Analysis</u></b>	
3-1	Summary of Existing Personnel
3-2	Summary of Personnel Equipment Costs
3-3	Summary of Vehicle Costs
3-4	Estimated Existing Capital Equipment, Vehicles, and Facilities Costs
3-5	Multi-Year Capital Improvement Program
3-6	Summary of Capital Improvement Program
3-7	Allocation of Service Calls among Customer Classes
3-8	Summary of Capital Costs to Provide Police Protection Services
3-9	Design of Police Protection Services Impact Fee
3-10	Police Protection Services Impact Fee Comparison
<b><u>Fire/Rescue Services Impact Fee Analysis</u></b>	
4-1	Summary of Existing Personnel
4-2	Estimated Existing Capital Equipment, Vehicles & Facilities Costs
4-3	Multi-Year Capital Improvement Program
4-4	Summary of Capital Improvement Program
4-5	Allocation of Service Calls among Customer Classes
4-6	Summary of Capital Costs to Provide Fire/EMS Rescue Services
4-7	Design of Fire/EMS Rescue Services Impact Fee
4-8	Fire/EMS Rescue Services Impact Fee Comparison

**CITY OF APOPKA, FLORIDA**

**POLICE AND FIRE/RESCUE SERVICES IMPACT FEE STUDY**

**EXECUTIVE SUMMARY AND RECOMMENDATIONS**

---

**EXECUTIVE SUMMARY**

The purpose of an impact fee is to assign, to the extent practical, growth-related capital costs to new development responsible for such costs. To the extent population growth and associated development requires capacity-related capital costs to provide municipal services, equity and modern capital funding practices suggest the assignment of such costs to the new development responsible for such costs. Thus, the collection of impact fees is an appropriate funding strategy that the city of Apopka (the "City") can use to help fund Police and Fire/Rescue services that will be required by new development.

Public Resources Management Group, Inc. ("PRMG") was retained by the City to develop proposed impact fees for Police and Fire/Rescue Service and this report summarizes the development of proposed impact fees associated with providing such services.

Based on the assumptions, considerations and discussions set forth in this report, the following summarizes the proposed impact fees for the single-family residential classification as follows:

<u>Municipal Service</u>	<u>Proposed Impact Fees</u>
Police Service	\$747.00
Fire/Rescue Service	\$708.00

The non-residential fees are based to the service attributes of each property. A detailed discussion on impact fees for both residential and non-residential properties is provided for in subsequent sections of this report. The following discussion is a summary of the findings and conclusions developed during our investigation, analyses, and preparation of the proposed fees:

1. The permanent residential population of the City based on estimates developed using Census data and growth estimates provided by City staff is estimated at 47,695 in 2016 and is projected to be approximately 80,826 by 2040, for an average annual growth rate of approximately 2.2%. The estimated total number of households is expected to increase from 17,921 (based on 2.66 persons per household today) to 30,167 for a net gain of 12,246 households during the forecast period from 2016 through 2040.
2. Based on discussions with the City's planning department, it is estimated that an additional 1,584,792 square feet of non-residential development is projected to be constructed during the next five years. Non-residential development is approximately 748 square feet per dwelling unit as of 2016.

3. The police and fire/rescue impact fees are proposed to be charged to both residential and non-residential properties. The proposed application method applies the impact fee per dwelling unit for the residential class and a fee per square foot for each of five (5) major classes of non-residential development. The utilization of this method of applying police and fire/rescue fees is common and is used to some degree by all local governments surveyed.
  
4. The level of service standard used for the development of the police services impact fee is the number of full-time patrol officers per 1,000 population. This standard is commonly used in the establishment of police services impact fees and, for the City, the target level is 2.50 full-time officers per 1,000 residents. The City currently provides 2.03 full-time officers per 1,000 and is planning on increasing its number of officers to meet this goal during the next five years. This standard target (2.50 full-time officers per 1,000 population) is generally consistent with the standards referenced in published state and national guidelines (e.g., Florida Department of Law Enforcement), and is comparable to staffing level ratios for other Florida communities. Based on the level of service standard, as of 2016, the City needs 119 sworn officers. The City currently has 97 sworn officers. In order to meet and maintain the targeted level of service the City would need to add 36 new sworn officers (22 to raise the currently provided level of service and 14 to accommodate new growth) by 2021 for a total of 133. Based on costs attributable to growth as outlined in Section 3, the following summarizes the proposed police services impact fees:

<u>Residential</u>	<u>Measurement</u>	<u>Existing</u>	<u>Single-Family</u>
Single-Family, Multi-Family, and Mobile Homes	Dwelling	N/A	\$747.00

<u>Non-Residential</u>	<u>Measurement</u>	<u>Existing</u>	<u>Proposed</u>
Retail and Food Service	1,000 Sq. Ft.	N/A	\$1,000.00
Office	1,000 Sq. Ft.	N/A	290.00
Government/Institutional/Hotels	1,000 Sq. Ft.	N/A	540.00
Industrial	1,000 Sq. Ft.	N/A	70.00
All Other	1,000 Sq. Ft.	N/A	410.00

5. The level of service standard used in the industry is the maintenance of a first response time of four (4) minutes or less per fire and rescue alarm. The City's Fire/Rescue Department is rated as a Class 1 Fire Department and is in the top one percent (1%) nationally for response time performance. The resources required to achieve this standard are the City's personnel, firefighting equipment, and fire stations. The City currently has 81 fire/rescue personnel and 4 fire stations. This staffing level is equivalent to 1.70 firefighter/rescue personnel per 1,000 population. The City will be increasing its currently provided level of service by adding an additional 24 firefighter/rescue personnel in the next few years in order to raise its level of service and comply with Occupational Safety and Health Administration ("OSHA") rules and National Fire Protection Association ("NFPA") guidelines on firefighter safety. The Fire/Rescue Department has plans to add two (2) new fire stations and thirty six (36) fire/rescue personnel by 2019. Based on costs attributable to



growth as outlined in Section 4, the following summarizes the proposed fire and rescue services impact fees:

<u>Residential</u>	<u>Measurement</u>	<u>Existing</u>	<u>Proposed Fee</u>
Single-Family, Multi-Family, and Mobile Homes	Dwelling	N/A	\$708.00

<u>Non-Residential</u>	<u>Measurement</u>	<u>Existing</u>	<u>Proposed</u>
Retail and Food Service	1,000 Sq. Ft.	N/A	\$640.00
Office	1,000 Sq. Ft.	N/A	490.00
Government/Institutional/Hotel	1,000 Sq. Ft.	N/A	870.00
Industrial	1,000 Sq. Ft.	N/A	70.00
All Other	1,000 Sq. Ft.	N/A	440.00

The subsequent sections of this report provide detailed discussions of the development of the proposed impact fees for police and fire/rescue services.

**(Remainder of page intentionally left blank)**

## SECTION 1

### INTRODUCTION

---

#### INTRODUCTION

The City of Apopka (the "City") is located in northwest Orange County 12 miles northwest of the City of Orlando, a major metropolitan area. The City comprises 30 square miles and is one of the fastest growing cities in Florida. The municipal services in demand include, among others, police and fire/rescue services. The City's population as of the 2010 Census was 41,542. The current population is estimated to be 47,695 in 2016. It is anticipated that the City will experience significant growth over the next several years. Based on growth projections obtained from the University of Florida's Bureau of Economic and Business Research and discussions with the City's Planning Department, the population is expected to grow to 80,286 by 2040.

In addition to new housing, the City also anticipates significant commercial development to continue to support existing and new residents. In order to meet this anticipated growth and development and to maintain current levels of service, the City will need to fund additional police and fire/rescue capacity to serve such development.

The City's does not currently charge impacts fees for municipal services other than water and wastewater service. In order to help fund police and fire/rescue service capacity required to serve new development, the City authorized Public Resources Management Group, Inc. ("PRMG") to develop proposed police and fire/rescue impact fees.

#### AUTHORIZATION

PRMG was authorized by the City to evaluate and develop police services and fire/rescue services impact fees pursuant to a letter agreement between the City and PRMG. The scope of work for this project, as defined in the letter agreement, was to:

1. For each service, review and analyze the capital requirements of the City that are needed to maintain the level of service standards for the police and fire/rescue functions. This analysis includes a review of: i) the existing and future facility and equipment inventory of each specific function; ii) service area population and development demographics and future needs; and iii) services provided by class of customers.
2. Where appropriate, develop a fee proposed to be charged to new development in order to recover the capital costs associated with providing police and fire/rescue services. This analysis includes the apportionment of costs among customer/development classifications, and the development of the fee per equivalent billing unit.
3. Develop a comparison of the impact fees and associated billing attributes for similar charges imposed by other neighboring jurisdictions.
4. Prepare a report that documents our analyses, assumptions, and conclusions for consideration by the City.

## CRITERIA FOR IMPACT FEES

The purpose of an impact fee is to assign, to the extent practical, growth-related capital costs to those new customers that benefit from the service capacity and facilities funded by such expenditures. To the extent new population growth and associated development requires capacity-related capital costs to provide municipal services, equity and modern capital funding practices suggest the assignment of such costs to the new development responsible for such costs rather than the existing population base. Generally, this practice has been labeled as "growth paying its own way."

Within the State of Florida, a recently adopted statute authorizes the use of impact fees. The statute was generally developed based on case law before the Florida courts and broad grants of power including the home rule power of Florida counties and municipalities. Section 163.31801 of the Florida Statutes was created on June 14, 2006, and amended in 2009 and 2011. This section is referred to as the "Florida Impact Fee Act." Within this section, the Legislature finds that impact fees are an important source of revenue for local government to use in funding the infrastructure necessitated by new growth. Section 163.31801 of the Florida Statutes, as amended, further provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at a minimum:

1. Require that the calculation of the impact fee be based on recent and localized data;
2. Provide for accounting and reporting of impact fee revenues and expenditures in a separate accounting fund;
3. Limit administrative charges for the collection of impact fees to actual costs;
4. Require that notice be provided no less than ninety (90) days before the effective date of an ordinance or resolution imposing a new or increased impact fee; and
5. Requires an affidavit addressed to the Auditor General that the utility has complied with this statute in the Comprehensive Annual Financial Statements.

This section is further reinforced through existing Florida case law and the Municipal Home Rule Powers Act that grants Florida municipalities the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, as limited by legislation or as prohibited by state constitution or general law. Florida courts have ruled that the Municipal Home Rule Powers Act grants the requisite power and authority to establish valid impact fees. The authority for Florida governments to implement valid system impact fees is further granted in the Florida Growth Management Act of 1985<sup>[1]</sup>.

---

[1] The Act allows for impact fees under land use regulation by stating:

*"This section shall be construed to encourage the use of innovative land development regulations which include provisions such as the transfer of development right, incentive and inclusionary zoning, planned unit development, capital charges, and performance zoning."*—Florida Statutes, § 163.3202(3).

The initial precedent for impact fees in Florida was set in the Florida Supreme Court decision, *Contractors and Builders Association of Pinellas Authority v. The City of Dunedin, Florida*. In this case, the Court's ruling found that an equitable cost recovery mechanism, such as impact fees, could be levied for a specific purpose by a Florida municipality as a capital charge for services. An impact fee should not be considered as a special assessment or an additional tax. A special assessment is predicated upon an estimated increase in property value as a result of an improvement being constructed in the vicinity of the property. Further, the assessment must be directly and reasonably related to the benefit that the property receives. Conversely, impact fees are not related to the value of the improvement to the property, but rather to the property's use of the public facility and the capital cost thereof.

Until property is put to use and developed, there is no burden upon servicing facilities and the land use may be entirely unrelated to the value or assessment basis of the underlying land. Impact fees are distinguishable from taxes primarily in the direct relationship between amount charged and the measurable quantity of public facilities or service capacity required. In the case of taxation, there is no requirement that the payment be in proportion to the quantity of public services consumed since tax revenue can be expended for any legitimate public purpose.

Based on Section 163.31801 of the Florida Statutes and existing Florida case law, certain conditions are required to develop a valid impact fee. Generally, it is our understanding that these conditions involve the following issues:

1. The impact fee must meet the "dual rational nexus" test. First, impact fees are valid when a reasonable impact or rationale exists between the anticipated need for additional capital facilities and the growth in population. Second, impact fees are valid when a reasonable association, or rational nexus, exists between the expenditure of the impact fee proceeds and the benefits accruing to the growth from those proceeds.
2. The system of fees and charges should be set up so that there is not an intentional windfall to existing users.
3. The impact fee should only cover the capital cost of construction and related costs thereto (engineering, legal, financing, administrative, etc.) for capacity expansions or other additional capital requirements that are required solely due to growth. Therefore, expenses due to rehabilitation or replacement of a facility serving existing customers (e.g., replacement of a capital asset) or an increase in the level of service should be borne by all users of the facility (i.e., existing and future users). Likewise, increased expenses due to operation and maintenance of that facility should be borne by all users of the facility.
4. The City should maintain an impact fee resolution that explicitly restricts the use of impact fees collected. Therefore, impact fee revenue should be set aside in a separate account, and separate accounting must be made for those funds to ensure that they are used only for the lawful purposes described above.

Based on the criteria above, impact fees that are summarized in subsequent sections of this report: i) will include only the cost of the capital facilities necessary to serve new customer

growth; ii) will not reflect renewal and replacement costs associated with existing capital assets of the City; and iii) will not include any costs of operation and maintenance of the facilities.

## **IMPACT FEE METHODS**

There are several different methods for the calculation of an impact fee. The calculation is dependent on the type of fee being calculated (e.g., water, wastewater, police, fire/rescue recreation services, transportation, etc.), available cost and engineering data, and the availability of other local data such as household and population projections, current levels of service, and other related items. The proposed impact fees reflected in this report are predominately based on a combination of two methods. These two methods are: i) the improvements-driven method; and ii) the standards-driven method. These methods have been utilized in the development of impact fees for local governments throughout Florida.

The improvements-driven method is an approach that utilizes a specific list of planned capital improvements over a period of time. For example, the fee may correspond to the level of capital improvements that have been identified in the capital improvements element of the Comprehensive Plan or capital improvement budget of the local government. The standards-driven method considers the City's capital needs required to maintain level of service standards for new development.

As one would expect, there are also disadvantages associated with the standards-driven method. The disadvantages include:

- i. The capital costs for the impact fee are not associated with anticipated or current capital needs as identified by the City's capital budget, thus increasing the potential of not providing a clear relationship between the fee and its use.
- ii. The development of the standard cost for capital facilities is based primarily on engineering, planning, and financial judgment, although this may be somewhat mitigated by the level of service standards included in the Comprehensive Planning Process.

The impact fees proposed herein for the police and fire/rescue services include the application of both the standards-driven and improvement-driven methods based on the capital improvement plan for the Police and Fire/Rescue Departments and staffing levels based on the City's current service level standards.

## **SUMMARY OF REPORT**

In addition to Section 1, this report has been subdivided into three (3) other sections. The following is a brief discussion of the remaining sections included in this report.

Section 2 – Service Area. This section of the report provides a general discussion of the residential and non-residential land use characteristics. Also presented in this section is the forecast of the residential dwelling units and non-residential development that is necessary in the design of the impact fees for the municipal services.

Section 3 – Police Services Impact Fee. This section discusses the development of the proposed impact fee for police services, including the capital requirements associated with providing such services, the methodology for the determination of the proposed fees, assumptions utilized in the design of the fees, and other factors associated with the fee determination.

Section 4 – Fire/Rescue Services Impact Fee. This section discusses the development of the proposed impact fee for fire/rescue services, including the capital requirements associated with providing such services, the methodology for the determination of the proposed fees, assumptions utilized in the design of the fees, and other factors associated with the fee determination.

**(Remainder of page intentionally left blank)**

## SECTION 2

### SERVICE AREA

---

#### GENERAL

This section provides a general discussion of the current service area, including population and housing statistics and other demographic information related to land use. Additionally, a discussion of the anticipated growth in population and associated growth in residential dwelling units and non-residential development is also contained in this section.

#### POPULATION AND DEVELOPMENT FORECAST

Regardless of the approach taken to formulate impact fees, it is necessary to develop a forecast of the population of the City in order to: i) have an appropriate planning horizon to ensure that capital improvement needs and costs are apportioned over a suitable growth segment; ii) link LOS requirements to the capital facility plan; and iii) identify any deficiencies in existing capital facilities related to the LOS standards and current population served.

As shown in Table 2-1 at the end of this section, the City's estimated total population as of 2016 was 47,695. Based on information provided by the City, it is estimated that the total population will approach approximately 80,286 residents by the year 2040. Thus, the population growth anticipated by the City is expected to be significant, approximately 2.2% on an average annual basis through the year 2040.

<b>Historical and Projected Population and Dwelling Units</b>			
Year	Total Population	Total Dwelling Units	Average Persons
			Per Occupied Dwelling Unit
2000 [1]	26,642	10,091	2.64
2010 [1]	41,542	15,707	2.64
2016	47,695	17,921	2.66
2040 [2]	80,826	30,167	2.66

[1] Amounts derived from the 2000 and 2010 Census.

[2] Amounts estimated based on information obtained from the University of Florida's Bureau of Economic and Business Research and discussions with the City's Planning Department.

Based on the assumption of continued commercial development and discussions with the City's Planning Department, the following estimates of future non-residential development were assumed for the purposes of this report:

<b>Estimated Growth in Non-Residential Development (Sq.Ft.)</b>	
	Projected 2021 [1]
Sq.Ft. of Building Space	
Commercial	1,584,972

[1] Based on discussion with the City's Planning Department, commercial development currently averages 748 square feet per person.



To the extent the projections of future development materially changes, it would then be appropriate for the City to re-evaluate the impact fees developed in this report.

### **SERVICE CAPACITY ALLOCATION**

In order to develop police and fire impact fees for non-residential categories, the capital costs are apportioned between residential and non-residential properties and by major non-residential service classifications. The apportionment is accomplished based on the relative number of police and fire/rescue service calls. Generally, the following results were observed:

#### Police:

- Calls for police services were approximately 70% residential and 30% non-residential in nature; and
- Non-residential calls were approximately 55% related to retail and food service, 5% related to office calls, 33% related to government, institutional, and hotels, and 7% related to industrial accounts/properties.

#### Fire:

- Calls for fire/rescue services were approximately 68% residential and 32% non-residential in nature; and
- Non-residential calls were approximately 33.5% related to retail and food service, 8% related to office calls, 51% related to government, institutional, and hotels, and 7.5% related to industrial accounts/properties.

**(Remainder of page intentionally left blank)**

## SECTION 3

### POLICE SERVICES IMPACT FEE ANALYSIS

---

#### GENERAL

This section provides a discussion of the development and design of the impact fee for police services. Included in this section is a discussion of the level of service requirements, capital costs included in the fee determination, and the design of the proposed impact fee for police services to be applied to new growth within the City.

#### LEVEL OF SERVICE REQUIREMENTS

In the evaluation of the capital facility needs for providing municipal services such as police protection, a level of service ("LOS") standard should be developed. Pursuant to Section 163.3164, Florida Statutes, the "level of service" means an indicator of the extent or degrees of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility or service. Essentially, the level of service standards are established in order to ensure that adequate facility capacity will be provided for future development and for purposes of issuing development orders or permits, pursuant to Section 163.3202(2)(g) of the Florida Statutes. As further stated in the Administrative Code, each local government shall establish a LOS standard for each public facility located within the boundary for which such local government has authority to issue development orders or permits. Such LOS standards are set for each individual facility or facility type and not on a system-wide basis.

Based on information provided by the City's Police Department, there currently are 97 sworn officers to serve a total population of 47,695 permanent residents as shown in Table 3-1. The current level of service is 2.03 full-time sworn officers per 1,000 population served. Based on discussions with the Police Department, the City's goal is to increase the provided level of service to 2.50 full-time sworn officers per 1,000, which is considered an appropriate LOS for police services. The City is planning on raising the currently provided level of service over the next five years with the addition of five new full-time sworn officers per year. Additionally the City will need to add an additional 14 officers to serve new growth through 2021. The City's targeted level of service is comparable with police staffing guidelines as published by state and national law enforcement agencies as follows:

- The Federal Bureau of Investigation, U.S. Department of Justice, Uniform Crime Report that indicated an average achieved standard of 2.4 police officers and 1 support personnel per 1,000 inhabitants for population areas in the Southern United States.
- The Florida Department of Law Enforcement recognizes a state average of 2.35 officers and 0.8 support personnel per 1,000 population.

**(Remainder of page intentionally left blank)**

Each full-time patrol officer requires a complement of personnel equipment, vehicles and other equipment, and base facilities, as follows:

*Personnel Equipment:*

- Each sworn officer must be equipped with uniforms, weapons, and other relevant personal equipment to perform his/her duties. A few of the basic issue items include, but are not limited to:
  1. Service weapons;
  2. Ballistic (protective) vest;
  3. Handcuffs and baton; and
  4. Portable radio.

*Vehicles and Other Equipment:*

- The department maintains a fleet of patrol and administrative vehicles to provide police protection services to the City. The City anticipates having to add fourteen (14) police officers by 2021 to keep pace with projected population growth while maintaining service levels. Generally, each vehicle must be equipped with relevant communications, detection / surveillance, and defensive equipment. Other mission essential equipment used in operations include communication, detection/surveillance and defensive equipment and also include radar units, crime prevention trailer, generators, and special weapons. These vehicles and equipment needs have been included in the impact fee calculation, which will allow the City to accrue a portion of costs over time from new growth.

*Base Facilities:*

- The City's capital improvement plan includes a new public safety facility to be shared by the Police and Fire/Rescue departments.

As discussed above, the City has made investments in police services, and plans to make future improvements that will serve new growth. Tables 3-5 and 3-6 at the end of this section provide a detailed listing of the existing and planned equipment, vehicles, and facilities, respectively. Before consideration of grant revenues, the combined investment totals approximately \$24.7 million as shown in Table 3-8.

## **RESOURCE NEEDS ANALYSIS**

Currently, the Police Department's targeted level of service standard equals one hundred and nineteen (119) sworn officers. As the City currently has ninety-seven sworn officers, the funding requirements associated with this difference of twenty-two officers is excluded from fee calculation. Based on the targeted level of service standards (2.50 officers per 1,000 population) and population projections for the City, it is anticipated that the City will need a police force of 133 sworn officers to provide police protection services by 2021. This represents an increase of fourteen (14) sworn officers over the existing staffing level needs as shown below:

Personnel Description	Number of Employees	
	Current LOS	Anticipated [*]
Full-Time Patrol Officers	119	133

[\*] Derived from Table 3-8. Personnel assumed at a population of 53,160 based on a level of service of 2.50 full-time patrol officers per 1,000 population.

The method used to develop the proposed Police Services Impact Fee is described in Section 1. The standards-driven method was used to determine the direct capital cost to equip and provide a portion of vehicle, headquarter, and other equipment costs for a full-time patrol officer. In the development of the capital cost required to serve new development, several capital cost parameters were recognized as shown in Table 3-8. The parameters include the costs of directly equipping the next increment of police protection services (i.e., a full-time patrol officer). These capital costs would include personnel equipment, vehicles, communication equipment, and other support related equipment and machinery. A final parameter deals with the cost recovery of the headquarters required to house the new patrol officers and support staff and includes investment in the land, buildings, and furnishings allocable to the police service function.

Tables 3-2 through 3-6 provide a breakdown of the individual cost items. Table 3-8 summarizes the estimated capital costs to equip a full-time patrol officer for the City recognizing the parameters described above. In addition to the \$24.7 million in existing and planned equipment, vehicles, and facilities, this study further considered cost free capital, or grants received by the police department in consideration of the net costs. As shown in Table 3-8, the City has received approximately \$975,000 in grant revenues for capital (operating grant revenues do not apply in this case) resulting in a lower projected cost per officer. The estimated capital cost including credit for cost free capital of an additional full-time sworn officer is \$156,674, including the cost of vehicles, other related equipment, and allocated headquarters costs. The following is a summary of the estimated capital cost required to equip and support a full-time patrol officer:

Summary of Capital Costs [1]	
	Average Cost per Officer
Machinery and Equipment	\$15,256
Major Vehicles	39,175
Office Equipment, Furniture, Computers And Existing Facilities	109,574
Subtotal	\$164,005
Grant Adjustments	(\$7,331)
Total Allocated Costs	\$156,674

[1] Derived from Table 3-8 and may not total due to rounding.

[2] Total projected costs assuming 133 officers total.

**(Remainder of page intentionally left blank)**

## DESIGN OF POLICE SERVICES IMPACT FEE

The method used to determine the police services impact fee was based upon a four-step process. Table 3-8 helps to illustrate the results of the approach. The following is a brief description of the method used in this study.

- Development of Total Capital Need – Based on population projections, level of service standards, and allocated incremental capital costs per patrol officer. This amount is the total allocated capital cost to serve the projected population growth.
- Allocation of Costs to Customer Classes – This step allocates the capital costs to equip a new patrol officer between the resident and non-residential land-uses based upon call demand. Therefore, some classes of land-use, which may incur few or no service calls, will carry a lower cost than other high-demand sectors such as retail and restaurants.
- Calculation of Cost per Equivalent Impact Fee Unit – Once the allocated costs are identified per land-use, they are summarized and presented on a unit of measure basis: per dwelling unit, per square foot. Table 3-9 provides a detailed listing of the proposed impact fees by land-use.

### Police Services Impact Fee Assumptions

The development of the police services impact fees required a number of assumptions. The major assumptions used in the development of the proposed impact fees are as follows:

1. In the development of the capital costs required to equip a full-time patrol officer, the capital costs of providing police protection services were allocated to establish the cost of serving the next incremental full-time patrol officer. The costs were allocated to the next increment of service (one full-time patrol officer) based on the following allocation parameters:
  - a. The direct cost of equipping one full-time patrol officer (e.g., personnel equipment) was allocated based on actual investments made by the City shown in Table 3-8. The new officers are not required to contribute a cost recovery to basic issue equipment, and it is the City's current policy to capitalize these costs.
  - b. Based on discussions with the police department, the current service level of patrol and administrative vehicles to a full-time patrol officer is considered reasonable for the purpose of this study. Based on discussions with the City's Police Chief, it is assumed that other mission-essential equipment, including radar units, generators, and special weapons, although not easily assignable per patrol officer, would be acquired in relation to the number of new patrol officers.
  - c. The City's existing police headquarters comprises 16,500 square feet or a current level of service of 170 square feet per existing patrol officer. Based on discussions with the Police Chief and City staff, the existing facility is considered built-out and is being replaced to accommodate new patrol officers as shown in Table 3-5. The new facility

is estimated to serve the City's needs through buildout. The current facility will remain as part of the department's training and storage facilities.

The total facility costs per new patrol officer are presented in Table 3-8 and are summarized as follows:

<b>Police Facilities Cost</b>	
Existing Facilities Cost per Patrol Officer	\$34,682
Proposed Facilities Cost per Patrol Officer	<u>74,892</u>
Total Facilities Cost per Patrol Officer	<u>\$109,574</u>

2. In the development of the capital costs per patrol officer, it was assumed that the targeted level of service be achieved by the City during forecast period. This level of service includes only the amount of full-time patrol officers to serve the general population of the City. As previously mentioned, the level of service assumed in this study is 2.50 full-time patrol officers per 1,000 of population.

### **Impact Fee Calculation**

Based on the above-referenced assumptions, the allocated capital facilities, and the population and land use projections of the City, the police services impact fees for the residential and non-residential customer classifications were developed. As shown in Table 3-9 at the end of this section, the cost per equivalent impact fee unit by customer classification was determined. The following summarizes the proposed changes to the residential police protection impact fees:

Single-Family (per Dwelling Unit) [*]	<u>Proposed</u> \$747
---------------------------------------	--------------------------

[\*] Includes multi-family and mobile homes.

Taking into account the methodology used for the determination of the fee and the estimates of the capital requirements, it is concluded that the proposed impact fee based on the City's LOS standard is reasonable. It should be noted that in the development of the fee per equivalent impact fee unit that no credits associated with developer land dedication or other similar activities have been recognized. It should also be noted that the proposed incremental capital improvements do not include any inflationary allowances.

In the development of the cost per equivalent impact fee unit, it was determined that the rate should be applied on a "per dwelling unit" basis for the residential class and primarily on a "per square footage" of commercial development for the non-residential class, as shown in Table 3-9. These factors are common throughout the state as the equivalent impact fee unit for fee determination. The use of these equivalency factors was based on discussions with the City, comparisons of fee applicability provisions of neighboring jurisdictions, and promotion of administrative simplicity.

## **IMPACT FEE COMPARISONS**

In order to provide the City additional information about the proposed impact fees, a comparison of the proposed residential fees for the City and those charged by other neighboring jurisdictions was prepared. Table 3-10 at the end of this section summarizes the impact fees for police services charged by other communities with the proposed rates of the City.

In addition, as shown in Table 3-10 for other communities, the fees charged to the residential class are applied using a "per dwelling unit" basis, which is consistent with the recommended fee applicability provisions of the City's proposed fees. For the non-residential class and, as previously discussed, the fees are applied on the basis of the amount of square foot of facility development. (This was consistent for all of the local governments surveyed.)

**(Remainder of page intentionally left blank)**



## SECTION 4

### FIRE RESCUE SERVICES IMPACT FEE ANALYSIS

---

#### GENERAL

This section provides a discussion of the development and design of the impact fee for fire rescue services. Included in this section is a discussion of the level of service requirements and capital costs included as the basis for the determination of the fee level and the design of the fee to be applied to new growth within the City.

#### LEVEL OF SERVICE REQUIREMENTS

It is the City's intent to maintain staffing levels that provide services to all developed areas in order to be able to respond to service calls within a specified time period to maintain Insurance Service Organization ("ISO") property insurance ratings in the community. As a practical matter, this response time standard (5 minutes and twenty seconds or less) is based upon recognized industry standards not only having to do with property protection, but also in providing Emergency Medical Support services ("EMS"). The department will continue to set appropriate goals related to service standards.

Generally, the level of service standard for fire rescue services and emergency medical services is based on response times in a first alarm situation. The City is committed to maintaining a high standard relative to average response time. The City's Fire Department is currently rated in the top one percent (1%) nationally. The resources required to maintain this high standard include the City's personnel, equipment, and fire stations. Presently, the City has 81 full-time personnel.

	Summary of Existing Personnel
Fire Chief	1.00
Deputy Fire Chief	1.00
Assistant Fire Chief	2.00
Fire Captain	1.00
Fire Lieutenant	1.00
Fire Engineer/Firefighter	27.00
EMS District Chief	3.00
EMS Lieutenant	12.00
EMS Engineer	8.00
EMS/Firefighter	25.00
<b>Total Personnel</b>	<b><u>81.00</u></b>

As shown above, the City currently has 81 fire/rescue personnel and 4 fire stations. This staffing level is equivalent to 1.70 firefighter/rescue personnel per 1,000 population. The City will be increasing its currently provided level of service by adding an additional 24 firefighter/rescue personnel in the next few years in order to raise its level of service and comply with Occupational Safety and Health Administration ("OSHA") rules and National Fire Protection Association ("NFPA") guidelines on firefighter safety. These regulations (OSHA CFR 1910.134(g)(4)(i) and 1910.134(g)(4)(ii)) and guidelines (NFPA 1500 8.8.2\* and 8.8.4) require

that team of a "minimum of four individuals" is required during "the initial states of an incident where only one crew is operating in the hazardous area at a working structural fire." The team is to be comprised of "two members working as a crew in the hazardous area and two standby members present outside this hazardous area available for assistance or rescue." The Fire/Rescue Department also has plans to add two (2) new fire stations and thirty six (36) fire/rescue personnel by 2019 to meet the service needs associated with new growth.

## **RESOURCE NEEDS ANALYSIS**

The method used to determine the fire rescue services impact fees is a hybrid of the improvements-driven approach and the standards-driven method with recoupment. The standards-driven method was utilized in the allocation of costs associated with major capital facilities that service the City's first alarm service area. The capital cost parameters include allocations for personnel equipment, vehicles, other direct firefighting and emergency medical equipment, and fire station and headquarter facilities. Personnel protection equipment such as helmets and bunker coats and trousers are mission-essential, a portion of these costs is included in fee determination since the City does capitalize equipment charges greater than \$1,000.

Table 4-2 reflects the existing facilities and equipment required to maintain the City's level of service, and Tables 4-3 and 4-4 provides the proposed facilities and equipment to maintain such standards. In addition to the \$27.4 million in existing and planned equipment, vehicles, and facilities, this study further considered cost free capital, or grants received by the fire department in consideration of the net costs. As further shown in Table 4-6, the City has received approximately \$256,000 in grants, resulting in a lower projected cost per firefighter/rescue personnel.

Table 4-6 summarizes the net costs on a per rescue personnel basis. As shown on Table 4-6, and summarized below, approximately \$27.1 million in total capital investments have been considered.

**(Remainder of page intentionally left blank)**

	Estimated Capital Costs Amount [*]
Capital Costs – Existing Facilities	\$11,689,440
Capital Costs – Proposed Facilities	15,668,547
Additional Costs or Adjustments	(256,000)
Total Capital Costs Recognized	<u>\$27,101,988</u>

[\*] Derived from Table 4-6.

## DESIGN OF FIRE RESCUE SERVICES IMPACT FEE

The method used to determine the fire rescue services impact fee was based upon the same process as was described for the determination of the police impact fee. Table 4-6 helps to illustrate the results of the approach. The following is a brief description of the method used in this study.

- Development of Total Capital Need – Based on discussions with the City and the Fire Department and the level of service requirements related to the maintenance of first response time, the planned facilities and related costs to serve future population was developed.
- Allocation of Costs to Customer Classes – This step allocates capital costs to provide fire rescue services between the residential and non-residential land-uses based upon call demand. Therefore, some classes of land-use, which incur few or no service calls, will carry a lower cost than other high-demand sectors such as bars and restaurants.
- Calculation of Cost per Equivalent Impact Fee Unit – Once the allocated base and variable costs are identified per land-use, they are summarized and presented on a unit of measure basis: per dwelling unit or per square foot. Table 4-7 provides a detailed listing of the proposed impact fees and their appropriate land-use and measures.

### Fire Rescue Services Impact Fee Assumptions

The development of the fire rescue services impact fees required several assumptions. The major assumptions used in the development of the proposed impact fees are as follows:

1. As previously mentioned, the level of service assumed in this report was to maintain current response time capability and increase firefighting personnel safety. This level of service is generally related to the location and proximity of available fire stations and the number of firefighters/rescue personnel and vehicles such that the response times can be achieved. Based on prospective demands and a need for two additional fire stations, the City will require 141 firefighters/rescue personnel by 2019. Based on staffing needs for firefighting/rescue personnel, the relationship appears to be adequate to maintain the first response LOS during the forecast period.
2. In the development of the total capital costs of providing fire rescue services through the forecast period, an estimate of the total capital costs required for such service was developed. The total capital costs were based on information provided by and discussions

with the City's Fire Department and the following summarizes the significant assumptions used in the fee determination:

- a. The direct cost of equipping one full-time firefighter/rescue personnel (e.g., personnel equipment) was allocated based on actual investments made by the City shown in Table 4-2. The new personnel are not required to contribute to basic equipment issued, and it is the City's current policy to capitalize those costs greater than \$1,000.
  - b. The City requires a fleet of emergency vehicles, equipment, and facilities to support existing and future fire rescue services. Table 4-2 provides the existing inventory of such resources in current dollars to derive the "buy-in" or "recoupment" cost per rescue personnel, since such capital assets along with future assets required will support the total population and staffing base in 2021.
  - c. The City addressed its needs based on future demand for vehicles, equipment, and facilities. Tables 4-3 and 4-4 itemize the planned improvements and purchases to maintain the service standards discussed earlier. Specifically, the City plans to construct, staff, and equip two new fire stations. Tables 4-3 and 4-4 lists the equipment and vehicle needs and estimated construction costs for future fire stations.
3. The estimated capital costs, allocable to all customer classes, were allocated between the residential and non-residential customer classes based on service call information. For the residential uses, the allocation is calculated per dwelling unit.

### Impact Fee Calculation

Based on the above-referenced assumptions, the allocated capital facilities considered necessary to maintain the level of service requirements, and the population and land use projections of the City, the fire rescue services impact fees for the residential and non-residential customer classifications were estimated. As shown in Table 4-7 at the end of this section, the cost per equivalent impact fee unit by customer classification was calculated. The following summarizes the proposed changes to the residential fire rescue impact fees:

Per Dwelling Unit [*]	Proposed
	\$708.00

[\*] Includes multi-family and mobile homes.

In the development of the cost per equivalent impact fee unit, it was determined that the rate should be applied on a "per dwelling unit" basis for the residential class and primarily on a "per square footage" of commercial development for the non-residential class. These factors are common throughout the state as the equivalent impact fee unit for fee determination. The use of these equivalency factors was based on discussions with the City, comparisons of fee applicability provisions of neighboring jurisdictions, and promotion of administrative simplicity.

## **IMPACT FEE COMPARISONS**

In order to provide the City additional information about the proposed impact fees, a comparison of the proposed fees for the City and those charged by other neighboring jurisdictions was prepared. Table 4-8 at the end of this section summarizes the impact fees for fire protection services charged by other communities with the proposed rates of the City.

In addition, as shown in Table 4-8 for other communities, the fees charged to the residential class are applied using a "per dwelling unit" basis, which is consistent with the recommended fee applicability provisions of the City's proposed fees. For the non-residential class and, as previously discussed, the fees are applied on the basis of the amount of square foot of facility development.

**(Remainder of page intentionally left blank)**

**CITY OF APOPKA, FLORIDA**

**POLICE AND FIRE/RESCUE SERVICES IMPACT FEE STUDY**

**LIST OF TABLES**

<b>Table No.</b>	<b>Title</b>
<b><u>Service Area</u></b>	
2-1	Population Detail and Housing Elements
<b><u>Police Services Impact Fee Analysis</u></b>	
3-1	Summary of Existing Personnel
3-2	Summary of Personnel Equipment Costs
3-3	Summary of Vehicle Costs
3-4	Estimated Existing Capital Equipment, Vehicles, and Facilities Costs
3-5	Multi-Year Capital Improvement Program
3-6	Summary of Capital Improvement Program
3-7	Allocation of Service Calls among Customer Classes
3-8	Summary of Capital Costs to Provide Police Protection Services
3-9	Design of Police Protection Services Impact Fee
3-10	Police Protection Services Impact Fee Comparison
<b><u>Fire/Rescue Services Impact Fee Analysis</u></b>	
4-1	Summary of Existing Personnel
4-2	Estimated Existing Capital Equipment, Vehicles & Facilities Costs
4-3	Multi-Year Capital Improvement Program
4-4	Summary of Capital Improvement Program
4-5	Allocation of Service Calls among Customer Classes
4-6	Summary of Capital Costs to Provide Fire/EMS Rescue Services
4-7	Design of Fire/EMS Rescue Services Impact Fee
4-8	Fire/EMS Rescue Services Impact Fee Comparison

**Section 2**  
**City of Apopka, Florida**  
**Municipal Impact Fee Study**

**List of Tables**

<u>Table</u>	<u>Description</u>
2-1	Population Detail and Housing Elements

**Table 2-1**  
**City of Apopka, Florida**  
**Municipal Impact Fee Study**

**Population Detail and Housing Elements [1]**

Line No.	Fiscal Year	Annual Average Rate	Total Population	Total Units	Average Pop. per Unit
1	2000	N/A	26,642	10,091	2.64
2	2010	4.54%	41,542	15,707	2.64
3	2014	2.40%	45,669	17,160	2.66
3	2016	2.19%	47,695	17,921	2.66
4	2020	2.19%	52,019	19,546	2.66
4	2021	2.19%	53,160	19,975	2.66
5	2025	2.19%	57,981	21,786	2.66
6	2040	2.19%	80,286	30,167	2.66

Footnotes

- [1] Based on the 2000 and 2010 U.S. Censuses and estimates for 2014 and 2040 as obtained from the University of Florida's Bureau of Economic and Business Research and Florida Housing Data Clearinghouse.



**Section 3**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**List of Tables**

<u>Table</u>	<u>Description</u>
3-1	Summary of Existing Personnel
3-2	Summary of Personnel Equipment Costs
3-3	Summary of Vehicle Costs
3-4	Estimated Existing Capital Equipment, Vehicles and Facilities Costs
3-5	Multi-Year Capital Improvement Program
3-6	Summary of Capital Improvement Program
3-7	Allocation of Service Calls Among Customer Classes
3-8	Summary of Capital Costs to Provide Police Protection Services
3-9	Design of Police Protection Services Impact Fee
3-10	Police Protection Services Impact Fee Comparison

**Table 3-1**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Summary of Existing Personnel**

Line No.	Description	Current Staff [1]	FY 2016 Budgeted [2]	Allocation to Future Officers	
				Allocation Basis	Achieved LOS
<b>Personnel</b>					
1	Police Chief	1.0	1.0		
2	Captains	4.0	4.0		
3	Lieutenants	6.0	6.0		
4	Sergeants	11.0	11.0		
5	Patrol & Other Sworn Officers	68.0	75.0		
6	<b>Total Sworn Officers</b>	90.0	97.0	Per 1,000 Population	2.03
7	Civilian and Administrative	35.0	35.0		
8	<b>Total Personnel</b>	125.0	132.0		
9	<b>Target Level of Service Per 1,000 Population</b>				2.50

Footnotes:

[1] Per assignment roster and discussions with Police Department Staff.

[2] Civilian and Administrative Personnel at a full-time equivalency as provided by the City.

**Table 3-2**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Summary of Personnel Equipment Costs**

Line No.	Description	Quantity Per Officer	Cost Per Item	Gross Cost Per Officer [1]	Adjustments	Net Cost Per Officer
<b>Officer Equipment:</b>						
1	Uniform Shirts	5.0	\$35.00	\$175.00	\$0.00	\$175.00
2	Uniform Pants	4.0	35.00	140.00	0.00	140.00
3	Coat	1.0	110.00	110.00	0.00	110.00
4	Rain Coat	1.0	110.00	110.00	0.00	110.00
5	Traffic Vest	1.0	45.00	45.00	0.00	45.00
6	Boots / Shoes	1.0	80.00	80.00	0.00	80.00
7	Hat	1.0	12.00	12.00	0.00	12.00
8	Badge / Pins	1.0	125.00	125.00	0.00	125.00
9	Duty Belt	1.0	65.00	65.00	0.00	65.00
10	Double Magazine Pouch	1.0	33.00	33.00	0.00	33.00
11	Holster	1.0	110.00	110.00	0.00	110.00
12	Glock 21	1.0	485.00	485.00	0.00	485.00
13	Gun Light	1.0	100.00	100.00	0.00	100.00
14	OC Spray	1.0	35.00	35.00	0.00	35.00
15	OC Pouch	1.0	22.00	22.00	0.00	22.00
16	Expandable Baton	1.0	75.00	75.00	0.00	75.00
17	Baton Holster	1.0	22.00	22.00	0.00	22.00
18	Glove Pouch	1.0	20.00	20.00	0.00	20.00
19	Radio Holder	1.0	35.00	35.00	0.00	35.00
20	Portable Radio	1.0	7,500.00	7,500.00	0.00	7,500.00
21	Conducted Energy Weapon (CEW)	1.0	1,100.00	1,100.00	0.00	1,100.00
22	CEW Holster	1.0	85.00	85.00	0.00	85.00
23	CEW Pouch	1.0	24.00	24.00	0.00	24.00
24	Belt Keepers	1.0	20.00	20.00	0.00	20.00
25	Stinger Flashlight	1.0	110.00	110.00	0.00	110.00
26	Flashlight Holster	1.0	35.00	35.00	0.00	35.00
27	Ballistic Vest	1.0	540.00	540.00	0.00	540.00
28	Universal Tool	1.0	85.00	85.00	0.00	85.00
29	Universal Tool Pouch	1.0	25.00	25.00	0.00	25.00
30	Forms Keeper	1.0	55.00	55.00	0.00	55.00
31	Laptop Computer	1.0	1,100.00	1,100.00	0.00	1,100.00
32	Long Gun (AR Platform)	1.0	1,100.00	1,100.00	0.00	1,100.00
33	Body Camera	1.0	1,000.00	1,000.00	0.00	1,000.00
34	<b>Total Projected Costs per Officer</b>			<u>\$14,578.00</u>	<u>\$0.00</u>	<u>\$14,578.00</u>

## Footnotes:

[1] As provided by the City's Police Chief in detail and estimated in 2015 dollars.

**Table 3-3**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Summary of Vehicle Costs**

Line No.	Description	Quantity Per Officer	Cost Per Item	Gross Cost Per Officer [1]	Adjustments	Net Cost Per Officer
<b>Vehicle Costs:</b>						
1	Vehicle (Sedan)	1.0	\$24,000	\$24,000	\$0	\$24,000
2	Lightbar with Opticom	1.0	2,300	2,300	0	2,300
3	Console	1.0	250	250	0	250
4	Sidelight / Sidekick	1.0	300	300	0	300
5	ION	4.0	75	300	0	300
6	Vertex Hideaway	4.0	60	240	0	240
7	Computer Base with Top	1.0	400	400	0	400
8	Armrest with Print and Mount	1.0	600	600	0	600
9	Dual Gun Rack (Shotgun / AR)	1.0	300	300	0	300
10	Push Bumber with Warning System	1.0	650	650	0	650
11	Prisoner Partition with Window Bars	1.0	850	850	0	850
12	Graphics	1.0	600	600	0	600
13	Window Tint	1.0	125	125	0	125
14	Remote Siren with Light Controller	1.0	600	600	0	600
15	Stinger Flashlight with Base	1.0	110	110	0	110
16	Charge Guard	1.0	70	70	0	70
17	Inverter	1.0	75	75	0	75
18	Security System	1.0	90	90	0	90
19	Installation with Shop Supplies	1.0	1,000	1,000	0	1,000
20	Stop Sticks	1.0	600	600	0	600
21	Fire Extinguisher and First Ait Kit	1.0	200	200	0	200
22	Side Warning Strip	1.0	600	600	0	600
23	Freight	1.0	750	750	0	750
24	<b>Total Projected Costs</b>			\$35,010	\$0	\$35,010

## Footnotes:

[1] As provided by the City's Police Chief in detail and estimated in 2015 dollars.

**Table 3-4**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Estimated Existing Capital Equipment, Vehicles and Facilities Costs**

Line No.	Description	Estimated Costs [1]	Number of Sworn Officers	Cost per Officer [2]
1	<b>Machinery &amp; Equipment</b>	\$1,312,020	90	\$14,578
2	<b>Major Vehicles</b>	\$3,150,900	90	\$35,010
3	<b>Other Capital Equipment and Facilities</b>			
4	Land and Building	\$2,001,086	133	\$15,046
5	Communication Systems	2,611,683	133	19,637
6	Total Other Police Department Equipment and Facilities	<u>\$4,612,768</u>		<u>\$34,682</u>
7	<b>Total Existing Capital Equipment, Vehicles and Facilities</b>	<u><u>\$9,075,688</u></u>		<u><u>\$84,270</u></u>

Footnotes:

- [1] Amounts for Machinery & Equipment and Major Vehicles were estimated based on cost per officer figures as provided by the City. Amounts for Other Capital Equipment and Facilities were based on assessed property values as provided by the City.
- [2] Amounts for Machinery & Equipment and Major Vehicles are based on information as provided by the City. Amounts shown for Other Capital Equipment and Facilities are based on the level of officers that existing facilities can support based on current capital projections.

**Table 3-5**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Multi-Year Capital Improvement Program [1]**

Line No.	Description	Six Year Total	Police Allocation	Allocated Total	Adjustments [2]	Adjusted Total	Officers Served [3]	Cost Per Officer
<b><u>Machinery and Equipment:</u></b>								
1	Portable Radios - For 7 New Officers	\$56,000	100.00%	\$56,000	(\$56,000)	\$0	7	\$0
2	Taser Weapon - For 7 New Officers	8,400	100.00%	8,400	(8,400)	0	7	0
3	Investigative Equipment	165,000	100.00%	165,000	0	165,000	119	1,387
4	Laptop Replacements	150,000	100.00%	150,000	0	150,000	119	1,261
5	Equipment Retirement Adjustments	(234,390)	100.00%	(234,390)	0	(234,390)	119	(1,970)
6	Subtotal Machinery and Equipment	\$145,010	100.00%	\$145,010	(\$64,400)	\$80,610	119	\$678
<b><u>Major Vehicles:</u></b>								
7	Police Vehicle Purchase (SUV) - Replacement of #822	\$40,000	100.00%	\$40,000	\$0	\$40,000	119	\$336
8	Police Vehicle Purchase (Pick-Up 4x4) - Replacement of #852	34,000	100.00%	34,000	0	34,000	119	286
9	Police Vehicle Purchase (SUV) - Replacement of #846	32,000	100.00%	32,000	0	32,000	119	269
10	Police Vehicle Purchase (SUV) - Replacement of #847	32,000	100.00%	32,000	0	32,000	119	269
11	Police Vehicle Purchase (Canine SUV) - Replacement of #1192	40,000	100.00%	40,000	0	40,000	119	336
12	Police Vehicle Purchase (Fusion) - Replacement of #1200	26,000	100.00%	26,000	0	26,000	119	218
13	Police Vehicle Purchase (Sedan) - Replacement of #1208	28,500	100.00%	28,500	0	28,500	119	239
14	Police Vehicle Purchase (Sedan) - Replacement of #1209	28,500	100.00%	28,500	0	28,500	119	239
15	Police Vehicle Purchase (CID Unmarked) - Replacement of #971	30,000	100.00%	30,000	0	30,000	119	252
16	Police Vehicle Purchase (CID Unmarked) - Replacement of #972	30,000	100.00%	30,000	0	30,000	119	252
17	Police Vehicle Purchase (CID Unmarked) - Replacement of #994	30,000	100.00%	30,000	0	30,000	119	252
18	Police SRO Vehicle Purchase (Mid SUV) - Replacement of #850	30,000	100.00%	30,000	0	30,000	119	252
19	Police Vehicle Purchase - (Sedan) - For 7 New Officers	199,500	100.00%	199,500	(199,500)	0	7	0
20	Vehicle Replacements	2,272,000	100.00%	2,272,000	0	2,272,000	119	19,092
21	Major Vehicle Retirement Adjustments	(2,157,132)	100.00%	(2,157,132)	0	(2,157,132)	119	(18,127)
22	Subtotal Major Vehicles	\$695,368	100.00%	\$695,368	(\$199,500)	\$495,868	119	\$4,165
<b><u>Land, Buildings and Other Capital Equipment:</u></b>								
23	Radio System Upgrade (Dispatch Shared with Fire)	\$262,000	44.00%	\$115,280	\$0	\$115,280	201	\$574
24	City Wide Data Refresh (Shared Project)	289,000	44.00%	127,160	0	127,160	201	633
25	Public Safety Complex	21,600,000	50.00%	10,800,000	0	10,800,000	201	53,731
26	Driving Course	500,000	100.00%	500,000	0	500,000	201	2,488
27	Inter-Subsystem Interconnect	2,000,000	44.00%	880,000	0	880,000	201	4,378
28	2nd Tower Site	3,400,000	44.00%	1,496,000	0	1,496,000	201	7,443
29	Communication Equipment	1,500,000	44.00%	660,000	0	660,000	201	3,284
30	Gun Range	2,000,000	100.00%	2,000,000	0	2,000,000	201	9,950
31	Land, Buildings and Other Capital Retirement Adjustments	(1,525,391)	100.00%	(1,525,391)	0	(1,525,391)	201	(7,589)
32	Subtotal Land, Buildings and Other Capital Equipment	\$30,025,609	50.13%	\$15,053,049	\$0	\$15,053,049	201	\$74,892
33	<b>Total Capital Improvement Program</b>	<b>\$30,865,987</b>	<b>51.49%</b>	<b>\$15,893,427</b>	<b>(\$263,900)</b>	<b>\$15,629,527</b>		<b>\$79,735</b>

**Footnotes:**

[1] Amounts shown as provided by the City.

[2] Amounts adjusted from calculations as they are accounted for on Tables 3-3 and 3-4.

[3] Future needs are calculated as follows:

Projected Population in 2040	80,286
Target LOS per 1,000 population	2.50
Total Police Personnel Required at Buildout	201
Total Existing Police Personnel at LOS	119
Total Additional Personnel Required to Serve Growth	82

**Table 3-6**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Summary of Capital Improvement Program**

Line No.	Description	Total Current Cost [1]	Police Officers Served [2]	Cost Per Officer [2]
1	Machinery and Equipment	\$80,610	119	\$678
2	Major Vehicles	495,868	119	4,165
3	Land, Buildings and Other Capital Equipment	15,053,049	201	74,892
4	Total Proposed Capital Equipment, Vehicles and Facilities	<u>\$15,629,527</u>		<u>\$79,735</u>

Footnotes:

[1] Amounts as provided by City staff and reflect adjustments for asset retirements as shown on Table 3-5.

[2] Amounts shown based on personnel information on Table 3-5.

**Table 3-7  
City of Apopka, Florida  
Police Protection Services Impact Fee Analysis**

**Allocation of Service Calls Among Customer Classes**

Line No.	Description	Number of Calls For Service			Traffic / Other [3]
		Total [1]	Residential	Non-Residential [2]	
<u>Total Calls for Fiscal Years 2014 - 2015</u>					
1	Number of Calls	89,530	62,671	26,859	5,481
2	Percent (%)	100.00%	70.00%	30.00%	N/A
3	Allocated Traffic / Other	5,481	3,837	1,644	
4	Percent (%)	100.00%	70.00%	30.00%	
5	Total Allocated Calls	95,011	66,508	28,503	
6	Percent (%)	100.00%	70.00%	30.00%	

Footnotes

[1] Amounts based on information provided by the City of Apopka Police Department.

[2] Based on discussions with the City, Non-Residential calls are distributed among the various subclasses as follows:

<u>Description</u>	<u>Percentage of Calls</u>
Retail and Food Service	55.00%
Office	5.00%
Government, Institutional and Hotels	33.00%
Industrial	7.00%
Total	100.00%

[3] Service calls for other and traffic related incidents assumed to be in direct proportion to Residential and Non-Residential calls.



**Table 3-8**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Summary of Capital Costs to Provide Police Protection Services**

Line No.	Description	Total Cost [1]	Total Personnel Requirements [2]	Average Cost per Personnel
<u>Recoupment Costs [3]</u>				
1	Machinery & Equipment	\$1,312,020	90	\$14,578
2	Major Vehicles	3,150,900	90	35,010
3	Other Capital Equipment & Facilities	4,612,768	133	34,682
4	Total Recoupment Costs	<u>\$9,075,688</u>		<u>\$84,270</u>
<u>Proposed Capital Additions [4]</u>				
5	Machinery & Equipment - CIP	\$80,610	119	\$678
6	Major Vehicles - CIP	495,868	119	4,165
7	Other Capital Equipment & Facilities - CIP	15,053,049	201	74,892
8	Total Proposed Costs	<u>\$15,629,527</u>		<u>\$79,735</u>
<u>Additional Cost or Adjustments [5]</u>				
9	Less Historical and Proposed Future Capital Grants [6]	(975,000)	133	(7,331)
10	Total Additional Costs or Adjustments	<u>(\$975,000)</u>		<u>(\$7,331)</u>
11	Total Capital Costs	<u><u>\$23,730,216</u></u>		<u><u>\$156,674</u></u>

Footnotes:

[1] Total estimated capital costs in Tables 3-4 and 3-6.

[2] Future needs are calculated as follows:

Projected Population in 2021	53,160
Target LOS per 1,000 population	<u>2.50</u>
Total Police Personnel Required by 2021	133
Total Required Police Personnel for 2016 (Based on LOS)	<u>119</u>
Total Additional Personnel Required to Serve Growth	14
Existing Personnel 2015	90
Projected Personnel for Build Out Population	201

[3] Amounts derived from Table 3-4.

[4] Amounts derived from Table 3-6.

[5] Amounts reflect credit for historical grant projected grants for equipment needs.

[6] Amounts based on information provided by the City.

<u>Description</u>	<u>Amounts</u>
Less Est. Historical Capital Grants Received for Equipment	(\$650,000)
Less Est. Proposed Future Capital Grants	<u>(325,000)</u>
Subtotal	(\$975,000)
Adjustment for Repair / Replacement Factor	100%
Recognized Portion of Grant Funding	<u><u>(\$975,000)</u></u>

**Table 3-9**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Design of Police Protection Services Impact Fee**

Line No.	Description	Total System	Residential	Non-Residential
1	Total Allocated Cost Per Full Time Officer	\$156,674		
2	Additional Officers Required to Serve Population			
3	Needs through Fiscal Year 2021	14		
4	Total Capital Costs [1]	<u>\$2,193,443</u>		
5	Less: Funds From Other Sources or Discount Factor	\$0		
6	Total Capital Costs Recovered From Impact Fees	<u>\$2,193,443</u>		
7	Allocation to Customer Classes			
8	Percent of Calls for Service [2]		70.00%	30.00%
9	Allocated Costs		<u>\$1,535,410</u>	<u>\$658,033</u>
10	Total Equivalent Impact Fee Units [3]			
11	Residential Dwelling Units		2,054	
12	Cost per Equivalent Impact Fee Unit		\$747.52	N/A
13	Rounded Fee		<u>\$747.00</u>	<u>N/A</u>
14	<u>Major Non-Residential Classes and Call Allocation</u>	<u>Non-Res. Cost</u>	<u>Non-Res. Sq. Ft. [4]</u>	<u>Non-Res. Rate</u>
15	Retail and Food Service - 55.00%	\$361,918	361,030	\$1.00
16	Office - 5.00%	32,902	112,139	0.29
17	Government, Institutional and Hotels - 33.00%	217,151	405,203	0.54
18	Industrial - 7.00%	46,062	706,419	0.07
19	Total	<u>\$658,033</u>	<u>1,584,792</u>	<u>\$0.41</u>

**Footnotes:**

- [1] Derived from Table Table 3-8. Reflects projected LOS requirements for 14 additional police officers at a capital cost of \$156,674 per Officer.
- [2] Based on information provided by the City's Police Department and shown on Table 3-7.
- [3] Amounts shown represent net increase in total residential dwelling units and non-residential construction (square feet) anticipated to be constructed by 2021 consistent with the capital expenditure projections for police protection services.

	Estimated Residential Population	Estimated Non-residential Sq. Ft.[a]
Total Res. Units/Sq. Ft. of Develop - Fiscal Year 20	19,975	14,981,145
Total Res. Units/Sq. Ft. of Develop - Fiscal Year 20	17,921	13,396,353
Difference (Anticipated Growth)	<u>2,054</u>	<u>1,584,792</u>

[a] Amount shown based on the current estimate of approximately 748 sq. ft. of commercial development for every 1 unit of residential development going to approximately 750 sq. ft. per residential unit.

**Table 3-9**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Design of Police Protection Services Impact Fee**

[4] The estimated allocation of existing non-residential sq. ft. was based on information provided by the City and is shown below:

Description	Sq. Ft. % Distribution	Sq. Ft. Allocation
Retail and Food Service	22.78%	361,030
Office	7.08%	112,139
Government, Institutional and Hotels	25.57%	405,203
Industrial	44.57%	706,419
Total	100.00%	1,584,792

**Table 3-10**  
**City of Apopka, Florida**  
**Police Protection Services Impact Fee Analysis**

**Police Services Impact Fee Comparison [1]**

Line No.	Description	Residential			Non-Residential (\$ per square foot)
		Single Family	Multi-Family	Mobile Home	
<b>City of Apopka</b>					
1	Existing	N/A	N/A	N/A	N/A
2	Proposed Rates	\$747.00	\$747.00	\$747.00	\$0.070 - \$1.000 per sq. ft.
<b><u>Other Florida Government Agencies:</u></b>					
3	City of Clermont	\$402.00	\$402.00	\$402.00 [2]	\$0.021 - \$3.602 per sq. ft.
4	City of Edgewater	150.66	100.10	82.55	\$0.1197 - \$0.3354 per sq. ft. [3]
5	City of Eustis	137.98	98.64	90.03	\$0.01523 - \$1.53667 per sq. ft. [3]
6	City of Kissimmee	N/A	N/A	N/A	N/A
7	City of Lakeland	563.00	425.00	263.00	\$0.02 - \$0.698 per sq. ft. [3]
8	City of Lake Mary	165.00	N/A	N/A	\$0.082 per gross sq. ft.
9	City of Lake Wales	486.43	426.55	N/A	\$0.030 - \$0.210 per sq. ft. [3]
10	City of Leesburg	186.00	186.00	186.00	\$0.155 per sq. ft.
11	City of Minneola	N/A	N/A	N/A	N/A
12	City of Mount Dora	298.52	776.14	N/A	\$0.07164- \$1.03287 per sq. ft. [3]
13	City of Ocoee	501.04	501.04	501.04	\$0.33 per sq. ft.
14	Orange County	271.00	319.00	263.00	\$0.032 - \$0.494 per sq. ft..
15	City of Orlando	N/A	N/A	N/A	N/A
16	City of St. Cloud	715.00	565.00	N/A	\$1.384 per sq. ft.
17	City of Tavares	215.37	163.87	108.86	\$0.00819 - \$1.02419 per sq. ft. [3]
18	City of Winter Garden	339.00	339.00	339.00	\$0.65 per sq. ft.
19	City of Winter Park	N/A	N/A	N/A	N/A
20	City of Winter Haven	304.97	N/A	N/A	\$0.3992 per sq. ft.
21	Other Florida Governmental Agencies' Average	\$338.28	\$358.53	\$248.39	

**Footnotes:**

[1] Unless otherwise noted, amounts shown reflect impact fees in effect March 2016. This comparison is intended to show comparable charges for similar service for comparison purposes only and is not intended to be a complete listing of all rates and charges offered by each listed municipality.

[2] Based upon the City's existing ordinance and procedures, one new mobile home is charged as one single family dwelling unit.

[3] Reflects the lowest and highest rate per square feet.

**Section 4**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**List of Tables**

<u>Table</u>	<u>Description</u>
4-1	Summary of Existing Personnel
4-2	Estimated Existing Capital Equipment, Vehicles & Facilities Costs
4-3	Multi-Year Capital Improvement Program
4-4	Summary of Capital Improvement Program
4-5	Allocation of Service Calls Among Customer Classes
4-6	Summary of Capital Costs to Provide Fire / EMS Rescue Services
4-7	Design of Fire / EMS Rescue Services Impact Fee
4-8	Fire / EMS Rescue Services Impact Fee Comparison

**Table 4-1**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Summary of Existing Personnel**

Line No.	Description	Current Staff [1]	FY 2016 Budgeted [2]	Allocation to Future Officers	
				Allocation Basis	Achieved Level of Service
<b>Personnel</b>					
1	Fire Chief	1.00	1.00		
2	Deputy Fire Chief	1.00	1.00		
3	Assistant Fire Chief	2.00	2.00		
4	Fire Captain	1.00	1.00		
5	Fire Lieutenant	1.00	1.00		
6	Fire Engineer / Firefighter	33.00	27.00		
7	EMS District Chief	3.00	3.00		
8	EMS Lieutenant	12.00	12.00		
9	EMS Engineer	7.00	8.00		
10	EMS / Firefighter	20.00	25.00		
11	<b>Total Personnel</b>	81.00	81.00	Per 1,000 Population	1.70
<b>Support</b>					
12	Administrative Assistant & Staff Assistant	2.00	2.00		
13	<b>Total Support</b>	2.00	2.00		
<b>Total</b>					
14	Firefighter/Rescue Division	83.00	83.00		
15	<b>Target Level of Service Per 1,000 Population</b>				2.20

Footnotes:

[1] Per personnel listing as obtained from City Staff.

[2] As obtained from the City's adopted FY 2016 Budget.

**Table 4-2**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Estimated Existing Capital Equipment, Vehicles & Facilities Costs**

Line No.	Description	Estimated Costs [1]	Number of Firefighters [2]	Average Cost Per Firefighter
1	<b>Machinery &amp; Equipment</b>	\$2,151,487	141	\$15,259
2	<b>Major Vehicles and Firefighting Equipment</b>	\$5,035,168	141	\$35,710
3	<b>Other Capital Equipment and Facilities</b>	\$4,502,786	141	\$31,935
4	<b>Total Existing Capital Equipment, Vehicles &amp; Facilities</b>	<u>\$11,689,440</u>		<u>\$82,904</u>

Footnotes:

- [1] Amounts shown based on fixed asset records as provided by the City.
- [2] Amounts for Machinery & Equipment and Major Vehicles & Firefighting Equipment are based on current department staffing levels. Amounts shown for Other Capital Equipment and Facilities are based on the level of personnel that existing facilities can support based on current capital projections.

**Table 4-3**  
**City of Apopka, Florida**  
**Fire / EMS Impact Fee Analysis**

**Multi-Year Capital Improvement Program**

Line No.	Description	Six Year Total [1]	Fire Allocation	Allocated Total	Adjustments	Adjusted Total	Firefighters Served [2]	Cost Per Firefighter
<b><u>Machinery and Equipment:</u></b>								
1	SCBA Bottle Replacement	\$19,000	100.00%	\$19,000	\$0	\$19,000	141	\$135
2	Cardiac Monitors / Defibrillators	128,950	100.00%	128,950	0	128,950	141	915
3	Stretcher Upgrades and Power Load Pro Devices for 6 Ambulances	325,925	100.00%	325,925	0	325,925	141	2,312
4	Air Compressor Station 5	45,000	100.00%	45,000	0	45,000	141	319
5	6 SCBA's for Engine 5 and Ambulance 5	36,000	100.00%	36,000	0	36,000	141	255
6	Bunker Gear for 15 New Firefighters	30,000	100.00%	30,000	0	30,000	141	213
7	Continuing SCBA Cylinder Replacement	21,000	100.00%	21,000	0	21,000	141	149
8	Continuing SCBA Cylinder Replacement	21,000	100.00%	21,000	0	21,000	141	149
9	6 SCBA's for Engine 6 and Ambulance 6	38,000	100.00%	38,000	0	38,000	141	270
10	Bunker Gear for 15 New Firefighters	37,500	100.00%	37,500	0	37,500	141	266
11	Other Capital Items	269,000	100.00%	269,000	0	269,000	141	1,908
12	Equipment Retirement Adjustments	(677,040)	100.00%	(677,040)	0	(677,040)	141	(4,802)
13	Subtotal Machinery and Equipment	\$294,335	100.00%	\$294,335	\$0	\$294,335	141	\$2,089
<b><u>Major Vehicles:</u></b>								
14	Fire Engine 5	\$650,000	100.00%	\$650,000	\$0	\$650,000	141	\$4,610
15	Ambulance 5	150,000	100.00%	150,000	0	150,000	141	1,064
16	Vehicle Emergency Lighting	6,000	100.00%	6,000	0	6,000	141	43
17	Ambulance 5 Equipment	50,000	100.00%	50,000	0	50,000	141	355
18	Public Education Officer Vehicle	31,500	100.00%	31,500	0	31,500	141	223
19	Engine 5 Equipment	70,000	100.00%	70,000	0	70,000	141	496
20	Brush Truck Station 5	60,000	100.00%	60,000	0	60,000	141	426
21	Staff Vehicle 1	40,000	100.00%	40,000	0	40,000	141	284
22	TNT Tools for Engine 5	30,000	100.00%	30,000	0	30,000	141	213
23	Thermal Imaging Cameras for Engine 5	15,000	100.00%	15,000	0	15,000	141	106
24	Fire Engine 6	750,000	100.00%	750,000	0	750,000	141	5,319
25	Ambulance 6	155,000	100.00%	155,000	0	155,000	141	1,099
26	Ambulance 6 Equipment	60,000	100.00%	60,000	0	60,000	141	426
27	Replace Engine #11 (1998)	700,000	100.00%	700,000	0	700,000	141	4,965
28	Brush Truck Station 6	60,000	100.00%	60,000	0	60,000	141	426
29	Staff Vehicle 2	40,000	100.00%	40,000	0	40,000	141	284
30	TNT Tools for Engine 6	30,000	100.00%	30,000	0	30,000	141	213
31	Thermal Imaging Cameras for Engine 6	15,000	100.00%	15,000	0	15,000	141	106
32	Replace Engine #4 (2001)	700,000	100.00%	700,000	0	700,000	141	4,965
33	Replace Ambulance A21	150,000	100.00%	150,000	0	150,000	141	1,064
34	Replace Ambulance A41	155,000	100.00%	155,000	0	155,000	141	1,099
35	Replace Ambulance A31	155,000	100.00%	155,000	0	155,000	141	1,099
36	Replace Ambulance A12	155,000	100.00%	155,000	0	155,000	141	1,099
37	Replace Ambulance A11	160,000	100.00%	160,000	0	160,000	141	1,135
38	Major Vehicle Retirement Adjustments	(1,794,086)	100.00%	(1,794,086)	0	(1,794,086)	141	(12,724)
39	Subtotal Major Vehicles	\$2,593,414	100.00%	\$2,593,414	\$0	\$2,593,414	141	\$18,395
<b><u>Land, Buildings and Other Capital Equipment:</u></b>								
40	Fire Station 5 Construction	\$1,300,000	100.00%	\$1,300,000	\$0	\$1,300,000	141	\$9,220
41	Station 5 Furniture / Equipment	65,000	100.00%	65,000	0	65,000	141	461
42	Fire Station 6 South	1,406,080	100.00%	1,406,080	0	1,406,080	141	9,972
43	Radio System Upgrade (Dispatch Shared with Police)	262,000	26.00%	68,120	0	68,120	177	385
44	City Wide Data Refresh (Shared Project)	289,000	26.00%	75,140	0	75,140	177	425
45	Inter-Subsystem Interconnect	2,000,000	26.00%	520,000	0	520,000	177	2,938
46	2nd Tower Site	3,400,000	26.00%	884,000	0	884,000	177	4,994
47	Public Safety Complex	21,600,000	50.00%	10,800,000	0	10,800,000	177	61,017
48	Communications Equipment	1,500,000	26.00%	390,000	0	390,000	177	2,203
49	Land, Buildings and Other Capital Retirement Adjustments	(2,727,541)	100.00%	(2,727,541)	0	(2,727,541)	177	(15,410)
50	Subtotal Land, Buildings and Other Capital Equipment	\$29,094,539	43.93%	\$12,780,799	\$0	\$12,780,799	168	\$76,205
51	<b>Total Capital Improvement Program</b>	<b>\$31,982,287</b>	<b>48.99%</b>	<b>\$15,668,547</b>	<b>\$0</b>	<b>\$15,668,547</b>		<b>\$96,689</b>

## Footnotes:

[1] Amounts shown as provided by the City.

[2] Future needs are calculated as follows:

Projected Population in 2040	80,286
Target LOS per 1,000 population	2.20
Total Fire Personnel Required at 2040	<u>177</u>
Total Existing Fire / EMS Personnel at LOS	105
Total Additional Personnel Required to Serve Growth	<u>72</u>
Estimated Firefighters in 2021	141



**Table 4-4**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Summary of Capital Improvement Program [1]**

Line No.	Description	Total Current Cost [1]	Firefighters Served [2]	Average Cost per Personnel [2]
1	Machinery and Equipment	\$294,335	141	\$2,089
2	Major Vehicles and Firefighting Equipment	\$2,593,414	141	\$18,395
3	Land, Buildings and Other Capital Equipment	\$12,780,799	168	\$76,205
4	Total Proposed Capital Equipment, Vehicles & Facilities	<u>\$15,668,547</u>		<u>\$96,689</u>

Footnotes:

[1] Amounts as provided by City staff and reflect adjustments for asset retirements as shown on Table 4-3.

[2] Amounts shown based on personnel information on Table 4-3.

**Table 4-5**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Allocation of Service Calls Among Customer Classes**

Line No.	Description	2013 - 2015 Total Number of Calls For Service		
		Total [1]	Residential	Non-Residential [2]
<u>EMS</u>				
1	Number of EMS Calls [1]	11,243	8,432	2,811
2	Percent (%)	100.00%	75.00%	25.00%
<u>Fire</u>				
3	Number of Fire Calls [1]	3,868	1,862	2,006
4	Percent (%)	100.00%	48.13%	51.87%
<u>Total</u>				
5	Number of Total Calls [1]	15,111	10,294	4,817
6	Percent (%)	100.00%	68.12%	31.88%

Footnotes:

[1] Amounts based on information provided by the City of Apopka Fire Department.

[2] Based on discussions with the City, Non-Residential calls are distributed among the various subclasses as follows:

<u>Description</u>	<u>Percentage of Calls</u>
Retail and Food Service	33.50%
Office	8.00%
Government, Institutional and Hotels	51.00%
Industrial	7.50%
Total	100.00%

**Table 4-6**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Summary of Capital Costs to Provide Fire / EMS Rescue Services**

Line No.	Description	Total Cost [1]	Total Personnel Requirements [2]	Average Cost per Personnel
<u>Recoupment Costs [3]</u>				
1	Machinery & Equipment	\$2,151,487	141	\$15,259
2	Major Vehicles & Fire Fighting Equipment	5,035,168	141	35,710
3	Other Capital Equipment & Facilities	4,502,786	141	31,935
4	Total Recoupment Costs	<u>\$11,689,440</u>		<u>\$82,904</u>
<u>Proposed Capital Additions [4]</u>				
5	Machinery & Equipment	\$294,335	141 [5]	\$2,089
6	Major Vehicles & Fire Fighting Equipment	2,593,414	141	18,395
7	Other Capital Equipment & Facilities	12,780,799	168 [5]	76,205
8	Total Proposed Costs	<u>\$15,668,547</u>		<u>\$96,689</u>
<u>Additional Cost or Adjustments</u>				
9	Less Historical Capital Grants Received	(\$256,000)	141	(\$1,816)
10	Total Additional Costs or Adjustments	<u>(\$256,000)</u>		<u>(\$1,816)</u>
11	Total Capital Costs	<u><u>\$27,101,988</u></u>		<u><u>\$177,777</u></u>

Footnotes:

[1] Total estimated capital costs in Tables 4-2 and 4-4.

[2] Future needs are calculated as follows:

Projected Population Serviceable with 6 Stations	64,091
Target LOS per 1,000 population	2.20
Total Fire Personnel Required	<u>141</u>
Total Existing Fire Personnel at LOS	105
Total Additional Personnel Required to Serve Growth	<u>36</u>
Existing Personnel	81
Projected Personnel for Build Out Population	177

[3] Amounts derived from Table 4-2.

[4] Amounts derived from Table 4-4.

[5] See Table 4-4 for personnel amount assumed.

[6] Amounts based on information provided by the City.

Description	Amounts
Less Est. Historical Capital Grants Received for Equipment	(\$256,000)
Less Est. Proposed Future Capital Grants	0
Subtotal	<u>(\$256,000)</u>
Adjustment for Repair / Replacement Factor	100%
Recognized Portion of Grant Funding	<u><u>(\$256,000)</u></u>

**Table 4-7**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Design of Fire / EMS Rescue Services Impact Fee**

Line No.	Description	Total System	Residential	Non-Residential
1	Total Allocated Cost Per Full Time Firefighter [1] Additional Firefighters Required to Serve Population	\$177,777		
2	Needs and Staff Stations 5 and 6	36		
3	Total Capital Costs	<u>\$6,399,966</u>		
4	Less: Funds From Other Sources	\$0		
5	Total Capital Costs Recovered From Impact Fees	<u>\$6,399,966</u>		
Allocation to Customer Classes				
6	Percent of Calls for Service [2]		68.12%	31.88%
7	Allocated Costs		<u>\$4,359,857</u>	<u>\$2,040,109</u>
Total Equivalent Impact Fee Units [3]				
8	Residential Dwelling Units		6,161	
9	Cost per Equivalent Impact Fee Unit		\$707.65	N/A
10	Rounded Fee		<u>\$708.00</u>	<u>N/A</u>
11	<u>Major Non-Residential Classes and Call Allocation</u>	<u>Non-Res. Cost</u>	<u>Non-Res. Sq. Ft. [4]</u>	<u>Non-Res. Rate</u>
12	Retail and Food Service - 33.50%	\$683,437	1,062,760	\$0.64
13	Office - 8.00%	163,209	330,103	0.49
14	Government, Institutional and Hotels - 51.00%	1,040,456	1,192,792	0.87
15	Industrial - 7.50%	153,008	2,079,478	0.07
16	Total	<u>\$2,040,109</u>	<u>4,665,133</u>	<u>\$0.44</u>

**Footnotes:**

- [1] Derived from Table 4-6. Reflects projected LOS requirements for 9 additional Firefighters/EMS personnel at a capital cost of \$177,777 per Firefighter.
- [2] Based on information provided by the City's Fire Department and summarized on Table 4-5.
- [3] Amounts shown represent net increase in total residential dwelling units and non-residential construction (square feet) anticipated to be constructed consistent with the capital expenditure projections for fire protection services.

	Estimated Residential	Estimated Non-residential [a]
Total Res. Units/Sq. Ft. of Development Serviceable with Stations 1 - 6	24,082	18,061,486
Total Res. Units/Sq. Ft. of Develop - Fiscal Year 2016	17,921	13,396,353
Difference (Anticipated Growth)	<u>6,161</u>	<u>4,665,133</u>

[a] Amount shown based on the current estimate of approximately 208 sq. ft. of commercial development for every 1 unit of residential development going to approximately 750 sq. ft. per residential unit.

**Table 4-7**  
**City of Apopka**  
**Fire / EMS Impact Fee Analysis**

**Design of Fire / EMS Rescue Services Impact Fee**

[4] The estimated allocation of existing non-residential sq. ft. was based on information provided by the City and is shown below:

<u>Description</u>	<u>Sq. Ft. % Distribution</u>	<u>Sq. Ft. Allocation</u>
Retail and Food Service	22.78%	1,062,760
Office	7.08%	330,103
Government, Institutional and Hotels	25.57%	1,192,792
Industrial	44.57%	2,079,478
Total	100.00%	4,665,133

**Table 4-8**  
**City of Apopka, Florida**  
**Fire Rescue Services Impact Fee Analysis**

**Fire Rescue Services Impact Fee Comparison [1]**

Line No.	Description	Residential			Non-Residential (\$ per square foot)
		Single Family	Multi-Family	Mobile Home	
<b>City of Apopka, Florida</b>					
1	Existing	N/A	N/A	N/A	N/A
2	Proposed Rates	\$708.00	\$708.00	\$708.00 [2]	\$0.070 - \$0.870 per sq. ft.
<b><u>Other Florida Government Agencies:</u></b>					
3	City of Clermont	\$487.00	\$487.00	\$487.00 [2]	\$0.781 per sq. ft.
4	City of Edgewater	330.51	143.77	330.51	\$0.0116 - \$0.241 per sq. ft. [3]
5	City of Eustis	146.72	104.88	95.73	\$0.01619 - \$1.634 per sq. ft. [3]
7	City of Kissimmee	N/A	N/A	N/A	N/A
8	City of Lakeland	486.00	367.00	228.00	\$0.017 - \$0.603 per sq. ft. [3]
9	City of Lake Mary	175.00	N/A	N/A	\$0.129 per gross sq. ft.
10	City of Lake Wales	623.01	543.66	N/A	\$0.030 - 1.05 per sq. ft. [3]
11	City of Leesburg	207.00	207.00	207.00	\$0.1174 per sq. ft.
12	City of Minneola	390.00	244.00	152.00	\$0.023 - \$0.025 per sq. ft. [3]
13	City of Mount Dora	443.81	228.63	N/A	\$0.0269 - \$2.27283 per sq. ft. [3]
14	City of Ocoee	636.00	636.00	636.00	\$0.47 per sq. ft.
15	Orange County	270.00	197.00	270.00	\$0.049 - \$0.297 per sq. ft..
16	City of Orlando	N/A	N/A	N/A	N/A
15	City of St. Cloud	549.00	359.00	N/A	\$0.719 per sq. ft.
17	City of Tavares	402.78	306.46	203.58	\$0.01532 - \$1.91538 per sq. ft. [3]
18	City of Winter Garden	491.00	491.00	491.00	\$0.85 per sq. ft.
19	City of Winter Park	N/A	N/A	N/A	N/A
20	City of Winter Haven	488.89	N/A	N/A	\$0.1631 per sq.ft.
21	Other Florida Governmental Agencies' Average	\$408.45	\$331.95	\$310.08	

**Footnotes:**

- [1] Unless otherwise noted, amounts shown reflect impact fees in effect March 2016. This comparison is intended to show comparable charges for similar service for comparison purposes only and is not intended to be a complete listing of all rates and charges offered by each listed municipality.
- [2] Based upon the City's existing ordinance and procedures, one new mobile home is charged as one single family dwelling unit.
- [3] Reflects the lowest and highest rate per square feet.

**ORDINANCE NO. 2543**

**AN ORDINANCE OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, RELATING TO FIRE/EMS AND POLICE IMPACT FEES; ADOPTING FIRE/EMS AND POLICE IMPACT FEE STUDIES BASED ON CURRENT AND PROJECTED GROWTH; PROVIDING INTENT AND PURPOSE; PROVIDING FOR EXEMPTIONS, CREDITS, AND OTHER MATTERS PERTINENT TO IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Council of the City of Apopka have studied the necessity for and implications of the adoption of an ordinance creating fire/EMS and police impact fees and have retained a professional consulting firm to prepare a study relating to fire and police impact fees (the “Study”) to determine the proportionate demand that new development generates for additional fire/EMS and police public safety facilities; and

**WHEREAS**, the Study has been presented to, and reviewed by, the Mayor and City Council of the City of Apopka, and it has been determined (1) that fire/EMS and police impact fees are necessary to offset the costs associated with meeting future demands for the City’s fire/EMS and police public safety facilities pursuant to the projections set forth in the Study; (2) that the fire/EMS and police impact fees bear a reasonable relationship to the burden imposed upon the City to provide fire/EMS and police public safety facilities to new City residents; (3) that fire/EMS and police impact fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional fire/EMS and police public safety facilities to be funded with fire/EMS and police impact fees and the benefits that accrue to new development paying the fees; and (5) that the amount of the fire/EMS and police impact fees are roughly proportional to the *pro rata* share of the additional fire/EMS and police public safety facilities needed to serve new development; and

**WHEREAS**, the costs of real property for use in fire/EMS and police facilities development and the costs of various facilities and equipment have been used by the City’s consultant in developing a development impact cost per land use type as set forth in the Study; and

**WHEREAS**, the decisions of the Mayor and City Council as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

**WHEREAS**, the City is projected to significantly grow in population and further economically develop in the future; and

**WHEREAS**, this Ordinance contains an administrative framework to ensure that the benefit of fire/EMS and police public safety facilities funded with fire/EMS and police impact fees will accrue proportionately to new development paying the fees; and

**WHEREAS**, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative land use regulations and impact fees by local governments to manage growth and to provide the necessary public facilities and for the imposition by local governments of impact fees on development to fund the capital cost of fire/EMS and police public safety facilities necessitated by such development; and

**WHEREAS**, under its home rule powers and pursuant to §163.31801, *Florida Statutes* and judicially created law, the City of Apopka may impose impact fees to ensure the well-being of its citizens; and

**WHEREAS**, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices and principles.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Apopka, Florida, as follows:

**SECTION 1.** Chapter 26, Article V of the Apopka Code of Ordinances is hereby created, entitled “Fire/EMS Impact Fees”:

**ARTICLE V. FIRE/EMS IMPACT FEES**

**Sec. 26-140.** Intent and Purpose.

(a) The city council expressly finds that the improvements and additions to the fire department to be funded by fire/EMS impact fees provide a benefit to all fire/EMS impact construction within the city that is in excess of the actual fire/EMS impact fees. The capital facilities funded by impact fees shall provide fire/EMS services to the new users within the city.

(b) The purpose of this article is to require payment of fire/EMS impact fees by those who engage in fire/EMS impact construction and to provide for the cost of capital improvements to the fire department which are required to accommodate such growth. This article shall not be construed to permit the collection of fire/EMS impact fees in excess of the amount reasonably anticipated to offset the demand on the city fire department generated by such applicable fire/EMS impact construction.



(c) The revision and re-imposition of a fire/EMS impact fee is to provide a source of revenue to fund the construction or improvement of the fire department necessitated by growth.

(d) City council hereby ratifies, adopts, and incorporates herein the "Municipal Impact Fee Study" dated August 31, 2016, prepared by PRMG as the city's fire/EMS impact fee study, particularly as the report relates to the allocation of a fair share of costs of public facilities required to provide fire prevention and protection services necessary to serve new development in the city.

(e) All impact fees established herein are calculated based on the city's most recent and localized data. Any future amendment to the amount of these impact fees shall be based on the city's most recent and localized data available at that the time of amendment.

**Sec. 12-141. Definitions.**

The following definitions shall apply to this Article:

*Fire/EMS Impact Construction* shall mean any improvement to land which shall generate the need for fire/EMS services.

*Nonresidential* includes all land uses not otherwise specified as residential or exempted as set forth herein. This shall include, but is not limited to day care facilities, residential care facilities, nursing homes, boarding houses, educational facilities, cultural facilities, churches, all commercial uses, all transient lodging and entertainment facilities except those which are temporary in nature, all automotive facilities and/or structures, all miscellaneous business uses and services and all industrial uses.

*Residential* includes single-family dwellings, duplex dwellings, mobile homes, multiple family dwelling units, accessory dwelling units, accessory residential structures.

**Sec. 12-142. Imposition.**

(a) Any person who seeks to develop real property located in the city by applying for a building permit, development order, or other permit for fire/EMS impact construction within the city shall pay the following fire/EMS impact fees which are based on the city's most recent and localized data:

*Fire/EMS Impact Fee Schedule*

TABLE INSET:

Development Type	Impact Fee
------------------	------------

Residential	
<i>Dwelling</i>	\$708.00
Non-residential	
<i>Retail and Food Service</i>	\$0.64 / Sq. Ft.
<i>Office</i>	\$0.49 / Sq. Ft.
<i>Government, Institutional, Hotels</i>	\$0.87 / Sq. Ft.
<i>Industrial</i>	\$0.07 / Sq. Ft.
<i>All Others</i>	\$0.44 / Sq. Ft.

(b) The city may charge an administrative charge for the collection of impact fees, however, in no event shall such administrative charge exceed the actual cost incurred by the city for collection of the impact fees. If the option to establish an administrative charge is exercised, then such administrative charge shall be set by resolution of City Council.

(c) No less than 90 days notice shall be provided to the public before the effective date of any amendment to this ordinance which imposes a new or increased impact fee.

(d) Any amendment to the amounts of the impact fees established herein shall be calculated based on the city's most recent and localized data.

**Sec. 12-143. Impact Fee Trust Account and Use of Monies.**

(a) There is established a trust account for the fire/EMS impact fees, designated as the "fire/EMS impact fee trust account," which shall continue to be maintained separate and apart from all other accounts of the city.

(b) The funds collected by reason of establishment of the fire/EMS impact fees in accordance with this Article shall be used solely for the purpose of acquisition of facilities and equipment determined to be needed to provide fire/EMS protection for new development within the City. Said funds shall not be used to maintain or repair existing fire facilities or equipment or to acquire facilities or equipment to serve existing development.

(c) The City shall spend funds on a first in, first out basis.

**Sec. 12-144.** Accounting Report and Periodic Adjustments.

The city administrator or designee shall provide an accounting report annually to the city council indicating the amount of fees collected under this article and the amount of fees distributed. The city council shall review the report of the city administrator or designee. The purpose of this review is to analyze use and availability of funds, as well as the effects of inflation on the actual costs of capital improvements, and to review and revise, if necessary, the fee charged new development to ensure it will not exceed its pro rata share for the reasonably anticipated expansion costs of capital improvements for fire/EMS services necessitated by new development.

**Sec. 12-145.** Exemptions.

(a) The following shall be exempt from payment of fire/EMS impact fees:

- (1) An alteration or expansion of an existing dwelling unit where no additional dwelling units are created and the use is not changed.
- (2) The construction of an accessory building or structure to a residential use which will not create additional uses or an increase in density of the residential development.
- (3) The replacement of an existing dwelling unit of the same type and use where no additional dwelling units are created.
- (4) The replacement of a lawfully permitted structure, the building permit for which was issued on or before the effective date of this ordinance, or the replacement of a structure that was constructed subsequent thereto and for which the correct fire/EMS impact fees which were owed at the time the building permit was applied for, were paid or otherwise provided for with a new structure of the same use and at the same location with no increase of density or intensity of development.
- (5) A building permit for which the fire/EMS impact fees have been or will be paid or otherwise provided for pursuant to a written agreement, zoning approval or development order pertaining to development which, by the specific written terms thereof, clearly and unequivocally was intended to provide for the full mitigation of impacts to fire/EMS public safety facilities by enforcement of the agreement, zoning approval or development order, and not by the application of this ordinance.
- (6) A building permit which pertains to residential development which does not result in any additional impact on fire/EMS public safety facilities and hence cannot be classified as fire/EMS impact construction; provided, however, that all development shall be

presumed to be fire/EMS impact construction and cause additional impacts on fire/EMS public safety facilities.

(7) An exemption must be claimed by the feepayer at the time of the issuance of a building permit development order, or other permit. Any exemption not so claimed shall be deemed irrevocably waived by the feepayer.

**Sec. 12-146.** Individual Calculation of Fire/EMS Impact Fees.

(a) In the event fire/EMS impact construction involves a particular land use, and it is unclear which land use category set forth herein applies, the city administrator or designee shall determine the impact to be generated by the proposed fire/EMS impact construction and shall calculate the appropriate fire/EMS impact fees utilizing the methodology contained in the fire/EMS impact fee study. The city administrator or designee shall utilize as a standard in this determination the impact assumed in the most similar fire/EMS impact fee land use category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event a fire/EMS impact construction involves more than one (1) fire/EMS impact fee land use category, the city administrator or designee shall calculate the fire/EMS impact fees based upon the impact to be generated by each separate fire/EMS impact fee land use category included in the proposed fire/EMS impact construction.

(c) The city council may adopt administrative regulations by resolution to ensure that any affordable housing unit that has received a certificate of affordability from the federal, state, or county government remains affordable.

**Sec. 12-147.** Conveyance of Land or Equipment and Impact Fee Credits; Transfer of Credits.

(a) In order to provide lands to meet the need for city fire department sites created by fire/EMS impact construction or to provide necessary city fire department capital equipment or facilities, a developer of fire/EMS impact construction may convey suitable land, capital equipment or facilities, to the city in lieu of paying the fire/EMS impact fee imposed herein, as agreed to by the city. However, no impact fee reduction shall exceed the amount of the fire/EMS impact fee imposed in this article.

(b) Any land, capital equipment, or facilities conveyed to the city in lieu of paying the fire/EMS impact fee imposed herein must be acceptable to the city in terms of suitable size, dimension, soil type, topography, location, accessibility and general character, type and specifications.

(c) Subject to the terms and conditions of this section, credit may be granted against the fire/EMS impact fee imposed herein for the conveyance of land, or capital equipment or facilities that is required pursuant to a development order or permit or made voluntarily in

connection with fire/EMS impact construction. Such conveyances, equipment or facilities shall be subject to the approval and acceptance of the city council.

(d) No credit shall be given for the conveyance of land, capital equipment or construction of facilities unless such property is conveyed in fee simple or a bill of sale is executed to the city without further consideration.

(e) Prior to issuance of a building permit, or if no building permit is required, prior to the issuance of the final development order, the applicant shall submit a proposed plan for conveyance or contributions to the city fire department to the city administrator or designee. The proposed plan shall include:

(1) A designation of the fire/EMS impact construction for which the plan is being submitted;

(2) A legal description of any land proposed to be conveyed and a written appraisal prepared in conformity with subsection (h) of this section;

(3) A list of the contemplated contributions to the fire department and an estimate of the proposed construction costs certified by a professional architect or engineer or an estimate of the proposed value of a proposed conveyance of capital equipment; and

(4) A proposed time schedule for completion of the proposed plan.

(f) Within sixty (60) days after receipt, the city administrator or designee shall recommend approval or denial of the proposed plan in accordance with subsection (g) of this section and, if approval is recommended, establish the amount of credit in accordance with subsection (h) of this section.

(g) In reviewing the proposed plan, the city administrator or designee shall determine:

(1) If such proposed plan is in conformity with needed contemplated improvements and additions to the fire department;

(2) If the proposed conveyance of land or capital equipment and construction by the applicant is consistent with the public interest; and

(3) If the proposed time schedule is consistent with the capital improvement program for the fire department.

(h) The amount of developer contribution credit shall be determined as follows:

(1) The value of conveyed land shall be based upon a written appraisal of fair market value as determined by a Member Appraisal Institute (MAI) appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this section and any applicable

administrative regulations, the appraisal shall be corrected and resubmitted. In the event the city administrator or designee accepts the methodology of the appraisal but disagrees with the appraised value, (s)he may engage another MAI appraiser at the city's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the city and the owner or applicant. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.

(2) The value of the construction of an improvement to the fire department or the value of conveyed capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements to the fire department, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the city unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost of construction. The cost of professional services shall be competitively bid in accordance with § 287.055, *Florida Statutes* in order to be eligible for impact fee credits; and

(i) If a proposed plan is approved for credit by the city, the applicant or owner and the city shall enter into a credit agreement which shall provide for:

(1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the city council, if any;

(3) The amount of the credit as determined in accordance with subsection (h) of this section.

(j) Credits shall expire twenty-four (24) months from the date of the credit agreement.

(k) A credit for the conveyance of land shall be granted at such time as the property has been conveyed to and accepted by the city. A credit for the construction of an improvement or conveyance of capital equipment to the fire department shall be granted at such time as the construction is completed, approved and accepted by the city or the time the capital equipment is approved and accepted by the city. The administration of said contribution credits shall be the responsibility of the city administrator or designee.

(l) Any applicant or owner who submits a proposed plan pursuant to this section and desires the issuance of a building permit or other final development order prior to approval of the proposed plan shall pay the applicable fire/EMS impact fee imposed herein. Any difference between the amount paid and the amount due, should the city

administrator or designee approve and accept the proposed plan, shall be refunded to the applicant or owner.

(m) The land or capital equipment or facilities conveyed or constructed, shall only provide improvements required to accommodate growth.

(n) The actual cost for processing of and fees for legal preparation or review of a credit agreement shall be paid by the applicant prior to acceptance of the agreement by city council.

(p) All or a portion of credits provided pursuant to this section may be transferred from one (1) fire/EMS impact construction site to another. Untimely requests to transfer credits shall not be considered, nor shall the city council consider a request to transfer any fire/EMS impact fee credits distributed by the city to any owner of record prior to the effective date of this subsection, unless the project was specifically approved at the time of submittal to allow the future transfer of such credits. The owners of the two sites shall submit a notarized agreement regarding the transfer which provides a legal description of both properties. The actual cost for processing of and fees for legal review of the agreement shall be paid by the parties prior to the city accepting the transfer. Costs for transferring credits shall be imposed by resolution of the city council. Upon acceptance by city council, the city shall notify both parties by certified mail, return receipt requested. The property owner surrendering the credit shall be responsible for paying impact fees imposed by this chapter when the property is developed.

**Sec. 12-148. Refund of Impact Fees Paid.**

(a) If a building permit or final development order expires or is canceled without commencement of the construction, the owner of record shall be entitled to a refund, without interest, of the impact fee. The owner of record shall submit an application for the refund to the city administrator, or designee, within one hundred eighty (180) days of the expiration of the permit or final development order. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application the city administrator shall issue the refund if it is clear the building permit or final development order has expired without the commencement of construction.

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the owner of record, be returned to such owner of record without interest provided that the owner of record submits an application for a refund to the city administrator or designee. This six-year period may be extended by action of the city council for up to an additional three (3) years. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such monies. The city council shall issue such refund if a determination is made that the impact fees were not expended or encumbered within the time specified.

**Sec. 12-149.** Appeals.

Any person who disagrees with a decision or interpretation of this chapter may appeal to the city administrator or designee by filing a written notice of appeal within ten (10) days after the date of the action or decision complained of. The written notice of appeal shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. The city administrator or designee shall consider all facts material to the appeal and render a written decision within thirty (30) days of receiving the appeal. Any person who disagrees with the decision of the city administrator or designee may appeal to the city council by filing a written notice of appeal with the city administrator's office setting forth concisely the decision appealed within ten (10) days after the date of the city administrator's decision. The appeal shall be set for the next available city council meeting for consideration. At the meeting the city council shall render a verbal decision. The minutes of the meeting shall constitute the city's final written decision and shall constitute final administrative review.

**SECTION 2.** Chapter 26, Article VI of the Apopka Code of Ordinances is hereby created, entitled "Police Impact Fees":

**ARTICLE VI. POLICE IMPACT FEES**

**Sec. 12-160** Intent and Purpose.

- (a) The city council expressly finds that the improvements and additions to the police department to be funded by police impact fees provide a benefit to all police impact construction within the city that is in excess of the actual police impact fees. The capital facilities funded by impact fees shall provide law enforcement services to the new users within the city.
- (b) The purpose of this article is to require payment of police impact fees by those who engage in police impact construction and to provide for the cost of capital improvements which are required to accommodate such growth. This article shall not be construed to permit the collection of police impact fees in excess of the amount reasonably anticipated to offset the demand on the city police department generated by such applicable police impact construction.
- (c) The revision and re-imposition of a police impact fee is to provide a source of revenue to fund the construction or improvement of the police department necessitated by growth.
- (d) City council hereby ratifies, adopts, and incorporates herein the "Municipal Impact Fee Study" dated August 31, 2016, prepared by PRMG as the city's police impact fee study, particularly as the report relates to the allocation of a fair share of costs of public facilities required to provide police protection services necessary to serve new development in the city.



(e) All impact fees established herein are calculated based on the city's most recent and localized data. Any future amendment to the amount of these impact fees shall be based on the city's most recent and localized data available at that the time of amendment.

**Sec. 12-161. Definitions.**

The following definitions shall apply to this Article:

*Police Impact Construction* shall mean any improvement to land which shall generate the need for police services.

*Nonresidential* includes all land uses not otherwise specified as residential or exempted as set forth herein. This shall include, but is not limited to day care facilities, residential care facilities, nursing homes, boarding houses, educational facilities, cultural facilities, churches, all commercial uses, all transient lodging and entertainment facilities except those which are temporary in nature, all automotive facilities and/or structures, all miscellaneous business uses and services and all industrial uses.

*Residential* includes single-family dwellings, duplex dwellings, mobile homes, multiple family dwelling units, accessory dwelling units, accessory residential structures.

**Sec. 12-162. Imposition.**

(a) Any person who seeks to develop real property located in the city by applying for a building permit, development order, or other permit for police impact construction occurring within the city shall pay the following police impact fees which are based on the city's most recent and localized data:

*Police Impact Fee Schedule*

TABLE INSET:

Development Type	Impact Fee
Residential <i>Dwelling</i>	\$747.00
Non-residential <i>Retail and Food Service</i>	\$1.00 / Sq. Ft.
<i>Office</i>	\$0.29 / Sq. Ft.

<i>Government, Institutional, Hotels</i>	\$0.54 / Sq. Ft.
<i>Industrial</i>	\$0.07 / Sq. Ft.
<i>All Others</i>	\$0.41 / Sq. Ft.

(b) The city may charge an administrative charge for the collection of impact fees, however, in no event shall such administrative charge exceed the actual cost incurred by the city for collection of the impact fees. If the option to establish an administrative charge is exercised, then such administrative charge shall be set by resolution of City Council.

(c) No less than 90 days notice shall be provided to the public before the effective date of any amendment to this ordinance which imposes a new or increased impact fee.

**Sec. 12-163.** Impact Fee Trust Account and Use of Monies.

(a) There is established a trust account for the police impact fees, designated as the "police impact fee trust account," which shall continue to be maintained separate and apart from all other accounts of the city.

(b) The funds collected by reason of establishment of the police impact fees in accordance with this Article shall be used solely for the purpose of acquisition of facilities and equipment determined to be needed to provide police protection for new development within the city. Said funds shall not be used to maintain or repair existing police facilities or equipment or to acquire facilities or equipment to serve existing development.

(c) The City shall spend funds on a first in, first out basis.

**Sec. 12-164.** Accounting Report and Periodic Adjustments.

The city administrator or designee shall provide an accounting report annually to the city council indicating the amount of fees collected under this article and the amount of fees distributed. The city council shall review the report of the city administrator or designee. The purpose of this review is to analyze use and availability of funds, as well as the effects of inflation on the actual costs of capital improvements, and to review and revise, if necessary, the fee charged new development to ensure it will not exceed its pro rata share for the reasonably anticipated expansion costs of capital improvements for police services necessitated by new development.

**Sec. 12-165.** Exemptions.

(a) The following shall be exempt from payment of police impact fees:

(1) An alteration or expansion of an existing dwelling unit where no additional dwelling units are created and the use is not changed.

(2) The construction of an accessory building or structure to a residential use which will not create additional uses or an increase in density of the residential development.

(3) The replacement of an existing dwelling unit of the same type and use where no additional dwelling units are created.

(4) The replacement of a lawfully permitted structure, the building permit for which was issued on or before the effective date of this ordinance, or the replacement of a structure that was constructed subsequent thereto and for which the correct police impact fees which were owed at the time the building permit was applied for, were paid or otherwise provided for with a new structure of the same use and at the same location with no increase of density or intensity of development.

(5) A building permit for which the police impact fees have been or will be paid or otherwise provided for pursuant to a written agreement, zoning approval or development order pertaining to development which, by the specific written terms thereof, clearly and unequivocally was intended to provide for the full mitigation of impacts to police facilities by enforcement of the agreement, zoning approval or development order, and not by the application of this ordinance.

(6) A building permit which pertains to residential development which does not result in any additional impact on police facilities and hence cannot be classified as police impact construction; provided, however, that all development shall be presumed to be police impact construction and cause additional impacts on police facilities.

(7) An exemption must be claimed by the feepayer at the time of the issuance of a building permit development order, or other permit. Any exemption not so claimed shall be deemed irrevocably waived by the feepayer.

**Sec. 12-166.** Individual Calculation of Police Impact Fees.

(a) In the event police impact construction involves a particular land use, and it is unclear which land use category set forth herein applies, the city administrator or designee shall determine the impact to be generated by the proposed police impact construction and shall calculate the appropriate police impact fees utilizing the methodology contained in the police impact fee study. The city administrator or designee shall utilize as a standard in this determination the impact assumed in the most similar

police impact fee land use category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event a police impact construction involves more than one (1) police impact fee land use category, the city administrator or designee shall calculate the police impact fees based upon the impact to be generated by each separate police impact fee land use category included in the proposed police impact construction.

(c) The city council may adopt administrative regulations by resolution to ensure that any affordable housing unit that has received a certificate of affordability from the federal, state, or county government remains affordable.

**Sec. 12-167.** Conveyance of Land or Equipment and Impact Fee Credits; Transfer of Credits.

(a) In order to provide lands to meet the need for police department sites created by police impact construction or to provide necessary city police capital equipment or facilities, a developer of police impact construction may convey suitable land, capital equipment or facilities, to the city in lieu of paying the police impact fee imposed herein, as agreed to by the city. However, no impact fee reduction shall exceed the amount of the police impact fee imposed in this article.

(b) Any land, capital equipment, or facilities conveyed to the city in lieu of paying the police impact fee imposed herein must be acceptable to the city in terms of suitable size, dimension, soil type, topography, location, accessibility and general character, type and specifications.

(c) Subject to the terms and conditions of this section credit shall be granted against the police impact fee imposed herein for the conveyance of land, capital equipment or facilities that is required pursuant to a development order or permit or made voluntarily in connection with police impact construction. Such conveyance, equipment or facilities shall be subject to the approval and acceptance of city council.

(d) No credit shall be given for the conveyance of land, capital equipment or construction of facilities unless such property is conveyed in fee simple or a bill of sale is executed to the city without further consideration.

(e) No impact fee reduction shall be allowed for private security measures or improvements with only an indirect benefit for police protection to the general public.

(f) Prior to issuance of a building permit, or if no building permit is required, prior to the issuance of the final development order, the applicant shall submit a proposed plan for conveyance or contributions to the police department to the city administrator or designee. The proposed plan shall include:

(1) A designation of the police impact construction for which the plan is being submitted;

(2) A legal description of any land proposed to be conveyed and a written appraisal prepared in conformity with subsection (h) of this section;

(3) A list of the contemplated contributions to the police department and an estimate of the proposed construction costs certified by a professional architect or engineer or an estimate of the proposed value of a proposed conveyance of capital equipment; and

(4) A proposed time schedule for completion of the proposed plan.

(g) Within sixty (60) days after receipt, the city administrator or designee shall recommend approval or denial of the proposed plan in accordance with subsection (h) of this section and, if approval is recommended, establish the amount of credit in accordance with subsection (i) of this section.

(h) In reviewing the proposed plan, the city administrator or designee shall determine:

(1) If such proposed plan is in conformity with needed contemplated improvements and additions to the police department;

(2) If the proposed conveyance of land or capital equipment and construction by the applicant is consistent with the public interest; and

(3) If the proposed time schedule is consistent with the capital improvement program for the police department.

(i) The amount of developer contribution credit shall be determined as follows:

(1) The value of conveyed land shall be based upon a written appraisal of fair market value as determined by a Member Appraisal Institute (MAI) appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this section and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the city administrator or designee accepts the methodology of the appraisal but disagrees with the appraised value, (s)he may engage another MAI appraiser at the city's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the city and the owner or applicant. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.

(2) The value of the construction of an improvement to the police department or the value of conveyed capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional

architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements to the police department, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the city unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost of construction. The cost of professional services shall be competitively bid in accordance with § 287.055, *Florida Statutes* in order to be eligible for impact fee credits; and

(j) If a proposed plan is approved for credit by the city, the applicant or owner and the city shall enter into a credit agreement which shall provide for:

(1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the city council, if any;

(3) The amount of the credit as determined in accordance with subsection (i) of this section.

(k) Credits shall expire twenty-four (24) months from the date of the credit agreement.

(l) A credit for the conveyance of land shall be granted at such time as the property has been conveyed to and accepted by the city. A credit for the construction of an improvement or conveyance of capital equipment to the police department shall be granted at such time as the construction is completed, approved and accepted by the city or the time the capital equipment is approved and accepted by the city. The administration of said contribution credits shall be the responsibility of the city administrator or designee.

(m) Any applicant or owner who submits a proposed plan pursuant to this section and desires the issuance of a building permit or other final development order prior to approval of the proposed plan shall pay the applicable police impact fee imposed herein. Any difference between the amount paid and the amount due, should the city approve and accept the proposed plan, shall be refunded to the applicant or owner.

(n) The land or capital facilities conveyed or constructed, or the equipment conveyed, shall only provide improvements required to accommodate growth.

(o) The actual cost for processing of and fees for legal preparation or review of a credit agreement shall be paid by the applicant prior to acceptance by city council.

(p) All or a portion of credits provided pursuant to this section may be transferred from one (1) police impact construction site to another. Untimely requests to transfer credits shall not be considered, nor shall the city council consider a request to transfer any police impact fee credits distributed by the city to any owner of record prior to the effective date

of this subsection, unless the project was specifically approved at the time of submittal to allow the future transfer of such credits. The owners of the two sites shall submit a notarized agreement regarding the transfer which provides a legal description of both properties. The actual cost for processing of and fees for legal review of the agreement shall be paid by the parties prior to the city accepting the transfer. Costs for transferring credits shall be imposed by resolution of the city council. Upon acceptance by the city council, the city shall notify both parties by certified mail, return receipt requested. The property owner surrendering the credit shall be responsible for paying impact fees imposed by this chapter when the property is developed.

**Sec. 12-168.** Refund of Impact Fees Paid.

(a) If a building permit or final development order expires or is canceled without commencement of the construction the owner of record shall be entitled to a refund, without interest, of the impact fee. The owner of record shall submit an application for the refund to the city administrator, or designee, within one hundred eighty (180) days of the expiration of the permit or final development order. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application the city administrator or designee shall issue the refund if it is clear the building permit or final development order has expired without the commencement of construction.

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the owner of record, be returned to such owner of record without interest provided that the owner of record submits an application for a refund to the city administrator or designee. This six-year period may be extended by action of the city council for up to an additional three (3) years. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such monies. The city council shall issue such refund if a determination is made that the impact fees were not expended or encumbered within the time specified.

**Sec. 12-169.** Appeals.

Any person who disagrees with a decision or interpretation of this chapter may appeal to the city administrator or designee by filing a written notice of appeal within ten (10) days after the date of the action or decision complained of. The written notice of appeal shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. The city administrator or designee shall consider all facts material to the appeal and render a written decision within thirty (30) days of receiving the appeal. Any person who disagrees with the decision of the city administrator or designee may appeal to the city council by filing a written notice of appeal with the city administrator's office setting forth concisely the decision appealed within ten (10) days after the date of the city administrator's decision. The appeal shall be set for the next available city council meeting for consideration. At the meeting the city council shall render a verbal decision.

The minutes of the meeting shall constitute the city's final written decision and shall constitute final administrative review.

**SECTION 3. Codification.** It is the intent of the City Council of the City of Apopka that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance; article and section numbers assigned throughout are suggested by the City, consistent with impact fee chapters of other municipalities.

**SECTION 4. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 5. Conflicts.** This Ordinance supersedes all previous Ordinances relating to fire and police impact fees previously adopted by the City of Apopka, and such Ordinances are hereby vacated and deleted in their entireties. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other existing ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**SECTION 6. Effective Date.** This Ordinance shall become effective on \_\_\_\_\_, 2017, or ninety (90) days from the date of the advertised notice for this Ordinance, pursuant to §163.31801, Florida Statutes.

**PASSED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2017, by the City Council of the City of Apopka, Florida.

READ FIRST TIME:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

READ SECOND TIME  
AND ADOPTED:

\_\_\_\_\_

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



ATTEST:

---

Linda G. Goff, City Clerk

APPROVED as to form and legality for  
use and reliance by the City of Apopka,  
Florida.

---

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING:

---

**Backup material for agenda item:**

2. Ordinance No. 2544 - Second Reading - Parks and Recreation Impact Fees

Glenn A. Irby



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
 FROM: Administration  
 EXHIBITS: Ordinance 2543 & 2544  
 Presentations & Studies

**SUBJECT: FIRE, POLICE AND RECREATION IMPACT FEES**

**REQUEST: ACCEPTANCE OF ORDINANCE 2543 BY VOTE OF THE CREATION OF NEW FIRE AND POLICE IMPACT FEES AND ACCEPTANCE OF ORDINANCE 2544 BY VOTE TO MODIFY EXISTING PARK AND RECREATION IMPACT FEES**

**SUMMARY:**

The City contracted with Public Resources Management Group [PRMG] to conduct a study needed to support its ability to charge impact fees on new construction for both Fire and Police future capital needs. It also contracted with them to study possible modifications to existing Parks and Recreation impact fees. All three completed studies have been previously discussed with Council in workshop settings. Following this staff report are the actual studies produced by [PRMG] along with PowerPoint presentations condensing the information found within each study.

As for the actual fees for Fire, Police and Parks and Recreation, the study supports charging the following impacts on new construction:

**Study Supported Police Impact Fees**

Single Family Residential Home	\$747.00	Per Dwelling Unit
Retail and Food Service	\$ 1.00	Per Square Foot
Office	\$ .29	Per Square Foot
Government, Institutional and Hotels	\$ .54	Per Square Foot
Industrial	\$ .07	Per Square Foot
All Others	\$ .41	Per Square Foot

**Study Supported Fire Impact Fees**

Single Family Residential Home	\$ 708.00	Per Dwelling Unit
Retail and Food Service	\$ .64	Per Square Foot
Office	\$ .49	Per Square Foot
Government, Institutional and Hotels	\$ .87	Per Square Foot
Industrial	\$ .07	Per Square Foot
All Others	\$ .44	Per Square Foot

## Study Supported Park and Recreation Impact Fees

Single Family Residential Home	\$1,060.00	Per Dwelling Unit
--------------------------------	------------	-------------------

*\*Impact Fees for Parks and Recreation can only be rationally charged to new construction of Single Family Residential Homes.*

The ordinances to be considered follow this staff report. As approved at the first reading on January 4, 2017, the fees reflect 100% of the study supported fees. It should be mentioned that impact fees are only levied on new construction and existing residents are not affected unless they construct a new home. Sales of existing homes and buildings are not affected either.

---

### **FUNDING SOURCE:**

N/A

---

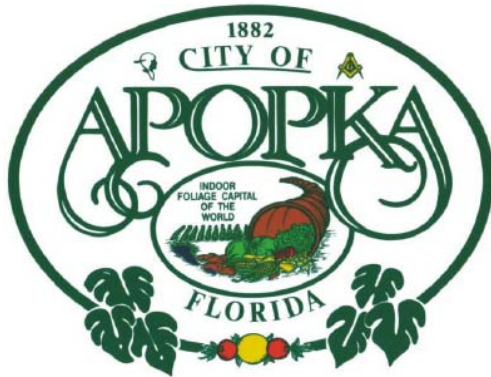
### **RECOMMENDATION ACTION:**

Vote to adopt the ordinances being presented to establish new Fire and Police Impact Fees and update existing Impact Fees for Parks and Recreation with direction to staff to increase costs shown in the ordinances to those supported by the Impact Fee Studies performed by PRMG.

---

### **DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



## Presentation to City of Apopka, Florida

# MUNICIPAL IMPACT FEE STUDY

Presented: November 2016

# PURPOSE OF THE STUDY

- ❖ Provide the Basis for Proposed Impact Fees for Municipal Services
  - Parks and Recreation Services
  
- ❖ City Currently Charges \$241.05 per Residential Unit and \$50.00 per Hotel/Motel Unit
  
- ❖ Fees In Place Since 1991
  - Review Was Performed In 2006 But Was Not Adopted By The City

# BACKGROUND

The Basis for Impact Fees and Related Criteria Have Been Developed Under Florida Statutes and Case Law.

❖ Dual Rational Nexus

- Relate Capital Needs to Growth
- Relate Capital Expenditures to Growth

❖ Revenue-Producing Ordinance

❖ Maintain Separate Accounting

# MAJOR OBJECTIVES AND CRITERIA

- ❖ Impact Fees Should be Based on the Capital Cost Requirements Anticipated for Providing Service to New Development
- ❖ Impact Fees Should be Based Upon Reasonable Level of Service Standards that Meet the Needs of the City
- ❖ Impact Fees Should Not be Used to Fund Deficiencies in Capital Needs of the City or Pay for Any Operating Costs



# IMPACT FEE STUDY TASKS

- ❖ **Compile Service Area Forecast**
- ❖ **Identify Level of Service Standards**
- ❖ **Review Existing Assets and Future Capital Needs**
- ❖ **Develop Proposed Impact Fee Alternatives**
- ❖ **Review Impact Fee Ordinance**

# FEE CALCULATION METHODOLOGY

- ❖ Identify Costs to Serve Future Growth
- ❖ Total Allocated Costs Divided by Projected Change in Units
  - Residential Housing Units
- ❖ Rate Calculated Per Unit of Growth
  - Residential Fee per Housing Unit

# CITY SERVICE AREA FORECAST

## Existing and Projected Population and Dwelling Units [1]

<u>Year</u>	<u>Total Population</u>	<u>Total Dwelling Units</u>	<u>Average Persons Per Household</u>
2000	26,642	10,091	2.64
2010	41,542	15,707	2.64
2014	45,669	17,160	2.66
2016	47,695	17,921	2.66
2020	52,019	19,546	2.66
2021	53,160	19,975	2.66
2025	57,981	21,786	2.66
2040	80,286	30,167	2.66

[1] Based on the 2000 and 2010 U.S. Census and estimates for 2014 and 2040 as obtained from the Bureau of Economic and Business Research and Florida Housing Data Clearinghouse.

# PARKS AND RECREATION SERVICES

- ❖ Existing Level of Service (LOS)
  - 3.0 Open-Space Acres per 1,000 Residents
  - City Currently Has Approximately 340 Acres of Open Space
    - Approx. 245.59 Acres of Developed Land
    - Approx. 94.01 Acres of Undeveloped Land
    - Current Surplus of Approximately 103 Compared to Required LOS (196 Acres if Including Undeveloped Land)
  - City Currently Provides 12 Different Facilities Which Include Outdoor Parks, Community Centers, Ballfields, etc.

# PARKS AND RECREATION SERVICES

## ❖ Summary of Capital Costs

● Cost of Existing Facilities –	\$26,130,911
● Cost of Future Facilities –	<u>8,099,960</u>
● Total Cost of Facilities –	34,230,871
● Grants & Contributions –	<u>(2,254,392)</u>
● Total Net Facilities Cost –	\$31,976,479

❖ Estimated Future Residential Units 2040 – 30,167

❖ Estimated Current Residential Units 2016 – 17,921

❖ Projected Growth in Residential Units – 12,246

- Percentage Allocable to New Growth – 40.59%

# PARKS AND RECREATION SERVICES

## ❖ Summary of Capital Costs

- Total Net Facilities Cost – \$31,976,479
- % Allocable to Growth – 40.59%
- Cost of Allocable Facilities – \$12,980,579

## ❖ Proposed Impact Fee Calculation

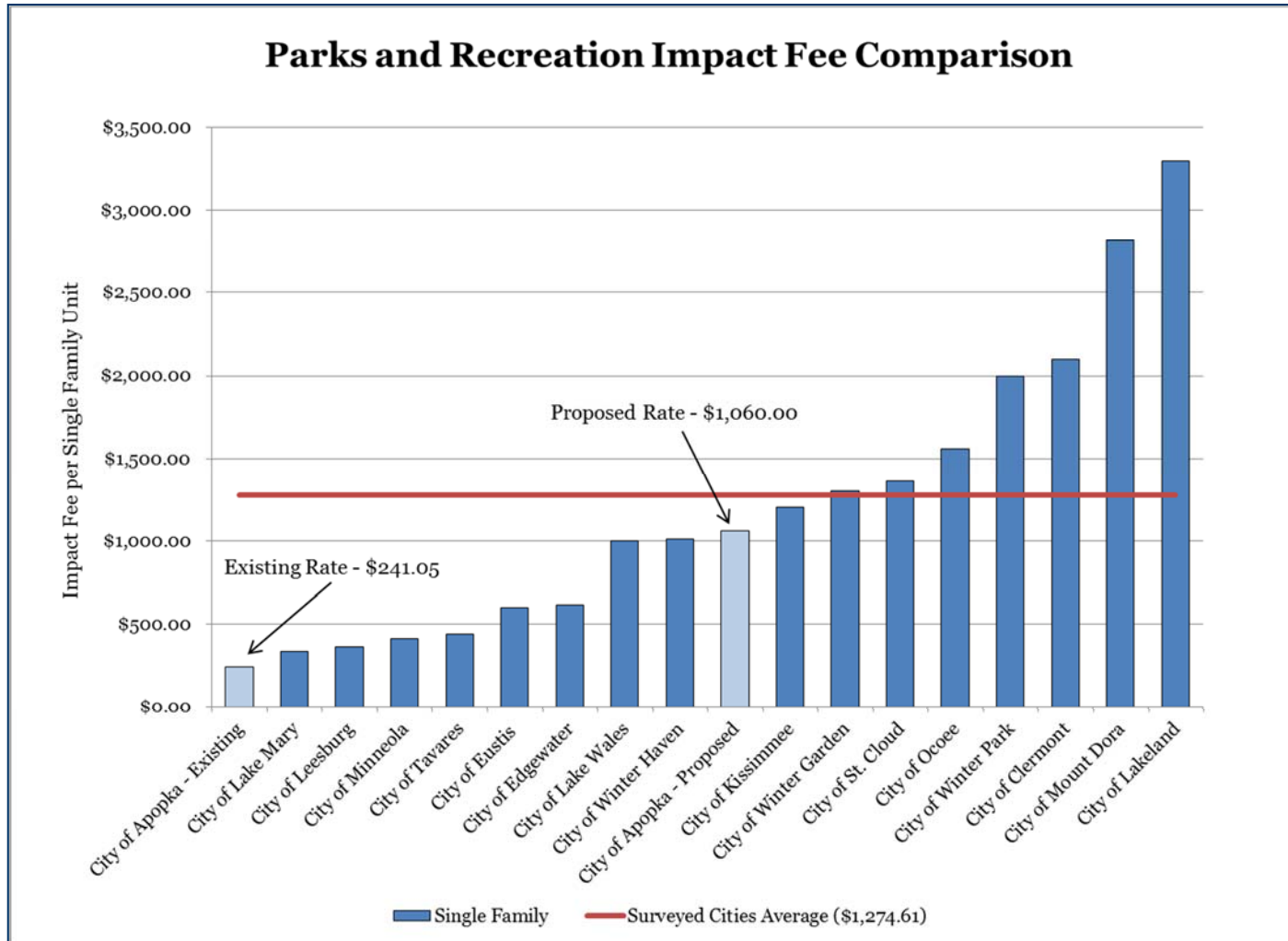
- Cost of Allocable Facilities – \$12,980,579
- Projected Growth in Units – 12,246
- Cost Per Unit – \$1,060.00

# PARKS AND RECREATION SERVICES

## Existing and Proposed Impact Fees

<u>Existing Rates</u>	<u>Measure</u>	<u>Fee Amount</u>
Residential Impact Fee	Dwelling	\$241.05
Hotel / Motel Impact Fee	Unit	\$50.00
<u>Proposed Rates</u>		
Residential Impact Fee	Dwelling	\$1,060.00
Hotel / Motel Impact Fee	N/A	N/A
Other Community Averages	Dwelling	\$1,274.61

# PARKS AND RECREATION SERVICES





# STAFF PROPOSED IMPACT FEE LEVELS

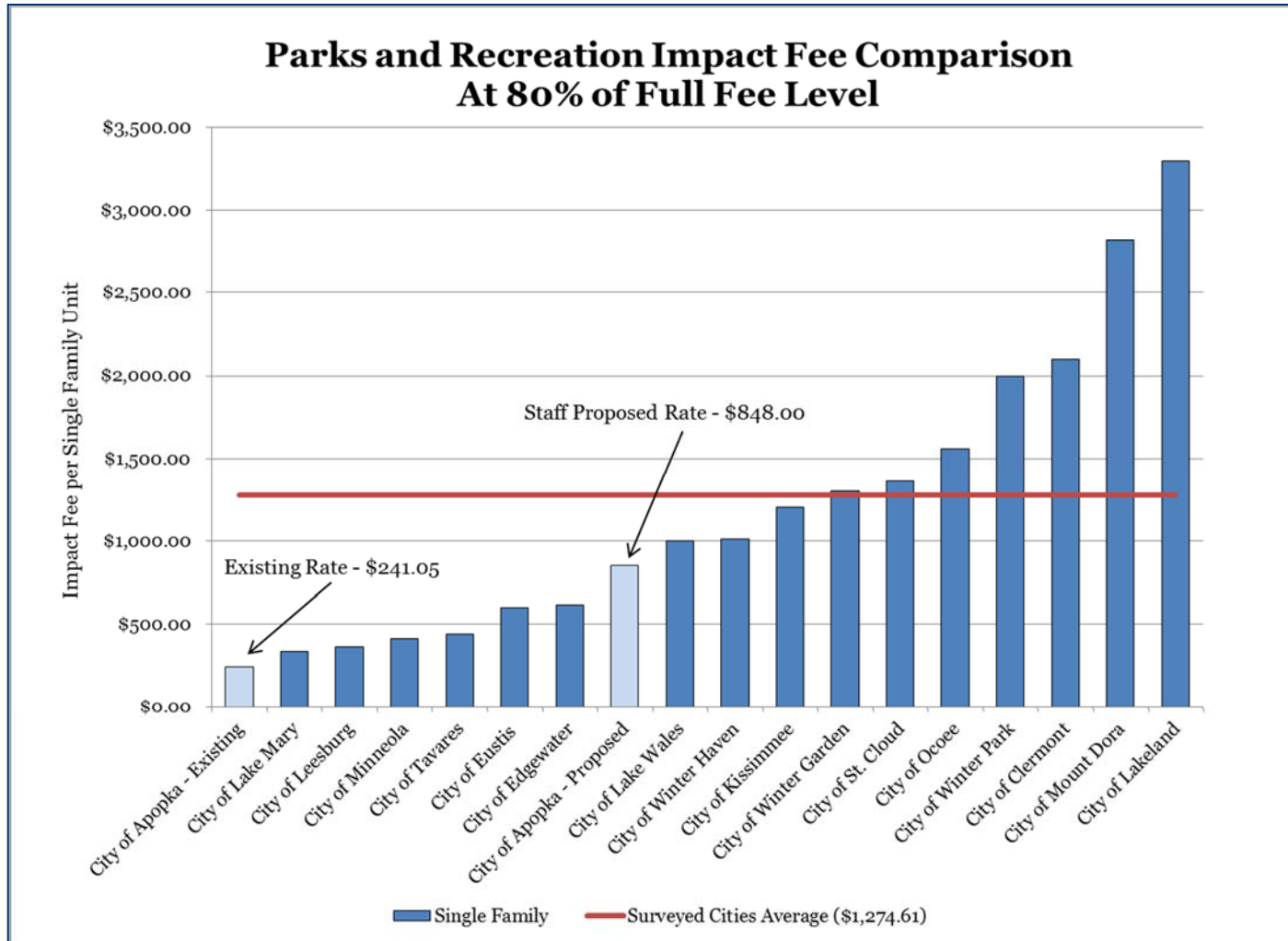
## Existing and Proposed Residential Impact Fees

<u>Residential</u>	<u>Measure</u>	<u>Fee Amount</u>
Existing Impact Fee	Dwelling	\$241.05
<b><u>Proposed Parks and Recreation Fee</u></b>		
Full Impact Fee	Dwelling	\$1,060.00
Staff Proposed Impact Fee [*]	Dwelling	\$848.00
Other Community Averages	Dwelling	\$1,274.61

[\*] Based on 80% of Full Fee Level being adopted. Fees can be incrementally phased-in to full level over time.



# PARKS AND RECREATION SERVICES



# SINGLE FAMILY ALL IN FEE COMPARISON

Impact Fee Type	Orange County	Apopka Existing	Apopka Full Fee	Staff Proposed
Police [1]	\$271.00	N/A	\$747.00	\$597.60
Fire / EMS [1]	270.00	N/A	708.00	566.40
Parks & Recreation [1]	971.00	\$241.00	1,060.00	848.00
Transportation [2]	3,761.00	3,101.00	3,101.00	3,101.00
Water (W/O RC) [2]	1,791.00	1,276.00	1,276.00	1,276.00
Wastewater [2]	<u>3,346.00</u>	<u>4,775.00</u>	<u>4,775.00</u>	<u>4,775.00</u>
<b>Total</b>	<b>\$10,410.00</b>	<b>\$9,393.00</b>	<b>\$11,667.00</b>	<b>\$11,164.00</b>

**[1]** Proposed Fees for Police, Fire and Parks & Recreation shown at 80% of full amount.

**[2]** Fees shown remaining at existing level as recent studies were for Police, Fire, and Parks & Recreation only.



# CONCLUSIONS

- ❖ **Impact Fees Are Necessary to Fund the Capital and Infrastructure Demands That New Development Places on the City**
- ❖ **Maintaining These Fees at Artificially Low Levels Has Placed, and Will Continue to Place, the Burden of Providing These Capital and Infrastructure Necessities on Current Residents As Opposed to the New Growth that Is Creating the Demand**

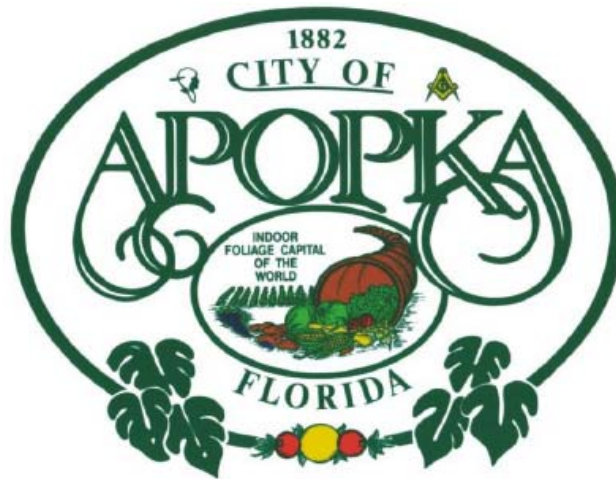
# RECOMMENDATIONS

- ❖ **Adopt Proposed Impact Fees**
  - Consider Percentage of Proposed Fee
  - Consider Appeal Process / Dispute Resolution
- ❖ **Review Fees Periodically (Every 3-5 Years)**
  - Development Trends
  - Capital Needs
  - Cost Allocation Process
- ❖ **Maintain Separate Accounting for Collection and Usage of Fees**



# Questions & Discussion

# CITY OF APOPKA, FLORIDA



## PARKS AND RECREATION IMPACT FEE STUDY

November 28, 2016



**Public Resources Management Group, Inc.**

*Utility, Rate, Financial, and Management Consultants*



November 28, 2016

Honorable Mayor and  
Members of the City Council  
City of Apopka  
120 E. Main Street  
Apopka, FL 32703

**Subject: Parks and Recreation Impact Fee Study**

Ladies and Gentlemen:

We have completed our study of the municipal impact fees for parks and recreation services for the City of Apopka (the "City") and have summarized the results of our analysis, assumptions, and conclusions in this report, which is submitted for your consideration. This report summarizes the basis for the proposed impact fees in order to provide funds to meet the City's capital expenditure requirements for such services allocable to growth.

During the course of the study, it was determined that the proposed impact fees should meet a number of goals and objectives. These goals and objectives primarily deal with fee sufficiency and level. Specifically, the major objectives considered in this study include:

- The Impact Fees should be sufficient to fund the projected capital requirements associated with providing service capacity related to new growth and development;
- The Impact Fees should not be used to fund deficiencies in operating or capital needs of the City, if any; and
- The Impact Fees should be based upon a reasonable level of service standards that meet the needs of the City and are comparable to industry standards.

The proposed parks and recreation impact fees presented in this report should meet these objectives. As such, based on information provided by the City staff and the assumptions and considerations reflected in this report, Public Resources Management Group, Inc. considers the proposed fees to be cost-based, reasonable, and representative of the capital funding requirements of the City's parks and recreation services that are related to providing service to new development.



Honorable Mayor and Members of the City Council  
City of Apopka  
November 28, 2016  
Page 2

We appreciate the cooperation and assistance given to us by the City and its staff in the completion of the study.

Very truly yours,

**Public Resources Management Group, Inc.**



Henry L. Thomas  
Vice President



Shawn Ocasio  
Rate Consultant

HLT/sao

**CITY OF APOPKA, FLORIDA**  
**PARKS AND RECREATION SERVICES IMPACT FEE STUDY**

**TABLE OF CONTENTS**

Title	Page
Letter of Transmittal	
Table of Contents .....	i
List of Tables .....	iii
EXECUTIVE SUMMARY AND RECOMMENDATIONS .....	ES-1
Executive Summary .....	ES-1
SECTION 1 – INTRODUCTION .....	1-1
Introduction .....	1-1
Authorization .....	1-1
Criteria for Impact Fees .....	1-2
Impact Fee Methods .....	1-4
Summary of Report .....	1-4
SECTION 2 – SERVICE AREA .....	2-1
General .....	2-1
Population and Development Forecast .....	2-1
SECTION 3 – PARKS AND RECREATION IMPACT FEES .....	3-1
General .....	3-1
Definition of Recreational Facilities .....	3-1
Level of Service Standards .....	3-2
Design of PARKS AND RECREATION Impact Fee .....	3-3
Parks and Recreation Impact Fee Assumptions .....	3-3
Parks and Recreation Impact Fee Calculation .....	3-4
Impact Fee Comparisons .....	3-4

**CITY OF APOPKA, FLORIDA**  
**PARKS AND RECREATION SERVICES IMPACT FEE STUDY**

**LIST OF TABLES**

Table No.	Title
	<b><u>Service Area</u></b>
2-1	Population Detail and Housing Elements
	<b><u>Parks and Recreation Services Impact Fee Analysis</u></b>
3-1	Inventory of City Parks and Recreational Facilities
3-2	Summary of Existing City Investments in Parks and Recreation
3-3	Summary of Capital Projects to Improve and Expand Recreation Services
3-4	Design of Parks and Recreation Impact Fee
3-5	Parks and Recreation Services Impact Fee Comparison



# **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

# CITY OF APOPKA, FLORIDA

## PARKS AND RECREATION SERVICES IMPACT FEE STUDY

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

---

#### EXECUTIVE SUMMARY

The purpose of an impact fee is to assign, to the extent practical, growth-related capital costs to new development responsible for such costs. To the extent population growth and associated development requires capacity-related capital costs to provide municipal services, equity and modern capital funding practices suggest the assignment of such costs to the new development responsible for such costs. Thus, the collection of impact fees is an appropriate funding strategy that the city of Apopka (the "City") can use to help fund Parks and Recreation services that will be required by new development.

Public Resources Management Group, Inc. ("PRMG") was retained by the City to develop proposed impact fees for Parks and Recreation Services and this report summarizes the development of proposed impact fees associated with providing such services.

Based on the assumptions, considerations and discussions set forth in this report, the following summarizes the proposed impact fees for the various City residential classifications as follows:

<u>Parks and Recreation Services</u>	<u>Proposed Impact Fees</u>
Single Family Residential / Unit	\$1,060.00
Condominium / Unit	\$1,060.00
Planned Unit Development / Unit	\$1,060.00
Multifamily / Unit	\$1,060.00
Retirement Community / Unit	\$1,060.00
Mobile Home / Unit	\$1,060.00
Hotel or Motel / Unit	N/A

The following discussion is a summary of the findings and conclusions developed during our investigation, analyses, and preparation of the proposed fees:

1. The permanent residential population of the City based on estimates developed using Census data and growth estimates provided by City staff is estimated at 47,695 in 2016 and is projected to be approximately 80,286 by 2040, for an average annual growth rate of approximately 2.2%. The estimated total number of households is expected to increase from 17,921 (based on 2.66 persons per household today) to 30,167 for a net gain of 12,246 households during the forecast period from 2016 through 2040.

2. The parks and recreation impact fees are proposed to be charged solely to residential properties. The current practice of collecting parks and recreation impact fees from hotels and motels, while historically utilized by the City, should be ended due to the difficulty of establishing a valid level of service rational nexus for the fee. The proposed application method applies the impact fee per dwelling unit for the residential classes (e.g. single family, multi family, condominium, retirement community, mobile homes, etc.). The utilization of this method of applying parks and recreation fees is common and is used to some degree by all local governments surveyed.
3. The level of service standard for parks, as adopted by the City in its Comprehensive Plan, is based on the amount of open space provided for such services. The current standard for this service is 3.0 acres per 1,000 population.

Based on an inventory of open space dedicated to parks, the City currently has a surplus of available open space, as it relates to the satisfaction of the level of service standards as of the current year.

4. The parks and recreation impact fee was based on both the estimated cost of facilities (buildings, ball fields, basketball courts, picnic facilities, etc.) planned to meet the recreational facility standards assumed for the City and historical capital costs. Based on the expected costs of these facilities and the level of service standard for recreational facilities, the cost per equivalent impact fee unit was determined.

The subsequent sections of this report provide detailed discussions of the development of the proposed impact fees for parks and recreation services.

**(Remainder of page intentionally left blank)**



# INTRODUCTION

## SECTION 1

### INTRODUCTION

---

#### INTRODUCTION

The City of Apopka (the "City") is located in northwest Orange County 12 miles northwest of the City of Orlando, a major metropolitan area. The City comprises 30 square miles and is one of the fastest growing cities in Florida. The municipal services in demand include, among others, parks and recreation services. The City's population as of the 2010 Census was 41,542. The current population is estimated to be 47,695 in 2016. It is anticipated that the City will experience significant growth over the next several years. Based on growth projections obtained from the University of Florida's Bureau of Economic and Business Research and discussions with the City's Planning Department, the population is expected to grow to 80,286 by 2040.

The City does currently charges impacts fees for parks and recreation services but has not updated these fees since 1991. In order to help fund parks and recreation service capacity required to serve new development, the City authorized Public Resources Management Group, Inc. ("PRMG") to develop proposed parks and recreation impact fees.

#### AUTHORIZATION

PRMG was authorized by the City to evaluate and develop parks and recreation impact fees pursuant to a letter agreement between the City and PRMG. The scope of work for this project, as defined in the letter agreement, was to:

1. For each service, review and analyze the capital requirements of the City that are needed to maintain the level of service standards for parks and recreation service. This analysis includes a review of the City's current and planned investment in parks and recreation facilities.
2. Where appropriate, develop a fee proposed to be charged to new development in order to recover the capital costs associated with providing parks and recreation services. This analysis includes the apportionment of costs among existing and future development, and the development of the fee per equivalent billing unit.
3. Develop a comparison of the impact fees and associated billing attributes for similar charges imposed by other neighboring jurisdictions.
4. Prepare a report that documents our analyses, assumptions, and conclusions for consideration by the City.



## CRITERIA FOR IMPACT FEES

The purpose of an impact fee is to assign, to the extent practical, growth-related capital costs to those new customers that benefit from the service capacity and facilities funded by such expenditures. To the extent new population growth and associated development requires capacity-related capital costs to provide municipal services, equity and modern capital funding practices suggest the assignment of such costs to the new development responsible for such costs rather than the existing population base. Generally, this practice has been labeled as "growth paying its own way."

Within the State of Florida, a recently adopted statute authorizes the use of impact fees. The statute was generally developed based on case law before the Florida courts and broad grants of power including the home rule power of Florida counties and municipalities. Section 163.31801 of the Florida Statutes was created on June 14, 2006, and amended in 2009 and 2011. This section is referred to as the "Florida Impact Fee Act." Within this section, the Legislature finds that impact fees are an important source of revenue for local government to use in funding the infrastructure necessitated by new growth. Section 163.31801 of the Florida Statutes, as amended, further provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at a minimum:

1. Require that the calculation of the impact fee be based on recent and localized data;
2. Provide for accounting and reporting of impact fee revenues and expenditures in a separate accounting fund;
3. Limit administrative charges for the collection of impact fees to actual costs;
4. Require that notice be provided no less than ninety (90) days before the effective date of an ordinance or resolution imposing a new or increased impact fee; and
5. Requires an affidavit addressed to the Auditor General that the utility has complied with this statute in the Comprehensive Annual Financial Statements.

This section is further reinforced through existing Florida case law and the Municipal Home Rule Powers Act that grants Florida municipalities the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, as limited by legislation or as prohibited by state constitution or general law. Florida courts have ruled that the Municipal Home Rule Powers Act grants the requisite power and authority to establish valid impact fees. The authority for Florida governments to implement valid system impact fees is further granted in the Florida Growth Management Act of 1985<sup>[1]</sup>.

---

[1] The Act allows for impact fees under land use regulation by stating:

*"This section shall be construed to encourage the use of innovative land development regulations which include provisions such as the transfer of development right, incentive and inclusionary zoning, planned unit development, capital charges, and performance zoning."*—Florida Statutes, § 163.3202(3).

The initial precedent for impact fees in Florida was set in the Florida Supreme Court decision, *Contractors and Builders Association of Pinellas Authority v. The City of Dunedin, Florida*. In this case, the Court's ruling found that an equitable cost recovery mechanism, such as impact fees, could be levied for a specific purpose by a Florida municipality as a capital charge for services. An impact fee should not be considered as a special assessment or an additional tax. A special assessment is predicated upon an estimated increase in property value as a result of an improvement being constructed in the vicinity of the property. Further, the assessment must be directly and reasonably related to the benefit that the property receives. Conversely, impact fees are not related to the value of the improvement to the property, but rather to the property's use of the public facility and the capital cost thereof.

Until property is put to use and developed, there is no burden upon servicing facilities and the land use may be entirely unrelated to the value or assessment basis of the underlying land. Impact fees are distinguishable from taxes primarily in the direct relationship between amount charged and the measurable quantity of public facilities or service capacity required. In the case of taxation, there is no requirement that the payment be in proportion to the quantity of public services consumed since tax revenue can be expended for any legitimate public purpose.

Based on Section 163.31801 of the Florida Statutes and existing Florida case law, certain conditions are required to develop a valid impact fee. Generally, it is our understanding that these conditions involve the following issues:

1. The impact fee must meet the "dual rational nexus" test. First, impact fees are valid when a reasonable impact or rationale exists between the anticipated need for additional capital facilities and the growth in population. Second, impact fees are valid when a reasonable association, or rational nexus, exists between the expenditure of the impact fee proceeds and the benefits accruing to the growth from those proceeds.
2. The system of fees and charges should be set up so that there is not an intentional windfall to existing users.
3. The impact fee should only cover the capital cost of construction and related costs thereto (engineering, legal, financing, administrative, etc.) for capacity expansions or other additional capital requirements that are required solely due to growth. Therefore, expenses due to rehabilitation or replacement of a facility serving existing customers (e.g., replacement of a capital asset) or an increase in the level of service should be borne by all users of the facility (i.e., existing and future users). Likewise, increased expenses due to operation and maintenance of that facility should be borne by all users of the facility.
4. The City should maintain an impact fee resolution that explicitly restricts the use of impact fees collected. Therefore, impact fee revenue should be set aside in a separate account, and separate accounting must be made for those funds to ensure that they are used only for the lawful purposes described above.

Based on the criteria above, impact fees that are summarized in subsequent sections of this report: i) will include only the cost of the capital facilities necessary to serve new customer

growth; ii) will not reflect renewal and replacement costs associated with existing capital assets of the City; and iii) will not include any costs of operation and maintenance of the facilities.

## **IMPACT FEE METHODS**

There are several different methods for the calculation of an impact fee. The calculation is dependent on the type of fee being calculated (e.g., water, wastewater, police, fire/rescue recreation services, transportation, etc.), available cost and engineering data, and the availability of other local data such as household and population projections, current levels of service, and other related items. The proposed impact fees reflected in this report are predominately based on a combination of two methods. These two methods are: i) the improvements-driven method; and ii) the standards-driven method. These methods have been utilized in the development of impact fees for local governments throughout Florida.

The improvements-driven method is an approach that utilizes a specific list of existing or planned capital improvements over a period of time. For example, the fee may correspond to the level of capital improvements that have been identified in the capital improvements element of the Comprehensive Plan or capital improvement budget of the local government. The standards-driven method does not utilize the cost of improvements based on anticipated needs as stated in the capital improvement plan but rather uses a set of theoretical standards to determine the cost of the improvements associated with new growth. For example, the standards-driven method used to calculate parks and recreation services impact fees would consider the cost of each additional acre required to maintain a level of service standard required by the City. As each community may not be reflective of survey results, a City may adopt its own standards, and many do so as part of the Comprehensive Plan. The primary difference between the two methodologies is how the capital costs, which must be recovered from the application of the fee, are calculated.

The impact fees proposed herein for parks and recreation services include the application of both the standards-driven and improvement-driven methods based on the capital improvement plan for the Parks and Recreation Department based on the City's current service level standards.

## **SUMMARY OF REPORT**

In addition to Section 1, this report has been subdivided into two (2) other sections. The following is a brief discussion of the remaining sections included in this report.

Section 2 – Service Area. This section of the report provides a general discussion of the residential land use characteristics. Also presented in this section is the forecast of the residential dwelling unit development that is necessary in the design of the impact fees for the municipal services.

Section 3 – Parks and Recreation Impact Fee. This section discusses the development of the proposed impact fee for parks and recreation service, including the capital requirements associated with providing such services, the methodology for the determination of the proposed fees, assumptions utilized in the design of the fees, and other factors associated with the fee determination.

**(Remainder of page intentionally left blank)**



# SERVICE AREA

## SECTION 2

### SERVICE AREA

---

#### GENERAL

This section provides a general discussion of the current service area, including population and housing statistics and other demographic information related to land use. Additionally, a discussion of the anticipated growth in population and associated growth in residential dwelling units is also contained in this section.

#### POPULATION AND DEVELOPMENT FORECAST

Regardless of the approach taken to formulate impact fees, it is necessary to develop a forecast of the population of the City in order to: i) have an appropriate planning horizon to ensure that capital improvement needs and costs are apportioned over a suitable growth segment; ii) link LOS requirements to the capital facility plan; and iii) identify any deficiencies in existing capital facilities related to the LOS standards and current population served.

As shown in Table 2-1 at the end of this section, the City's estimated total population as of 2016 was 47,695. Based on information provided by the City, it is estimated that the total population will approach approximately 80,286 residents by the year 2040. Thus, the population growth anticipated by the City is expected to be significant, approximately 2.2% on an average annual basis through the year 2040.

<b>Historical and Projected Population and Dwelling Units</b>			
Year	Total Population	Total Dwelling Units	Average Persons Per Occupied Dwelling Unit
2000 [1]	26,642	10,091	2.64
2010 [1]	41,542	15,707	2.64
2016	47,695	17,921	2.66
2040 [2]	80,826	30,167	2.66

[1] Amounts derived from the 2000 and 2010 Census.

[2] Amounts estimated based on information obtained from the University of Florida's Bureau of Economic and Business Research and discussions with the City's Planning Department.

To the extent the projections of future development materially changes, it would then be appropriate for the City to re-evaluate the impact fees developed in this report.

**(Remainder of page intentionally left blank)**

**Section 2**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**List of Tables**

<b>Table</b>	<b>Description</b>
2-1	Population Detail and Housing Elements

**Table 2-1**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Population Detail and Housing Elements [1]**

Line No.	Fiscal Year	Annual Average Rate	Projected Total Population	Total Residential Units	Average Pop. per Unit
1	2000		26,642	10,091	2.64
2	2010	4.54%	41,542	15,707	2.64
3	2014	2.40%	45,669	17,160	2.66
3	2016	2.19%	47,695	17,921	2.66
4	2020	2.19%	52,019	19,546	2.66
5	2025	2.19%	57,981	21,786	2.66
6	2040	2.19%	80,286	30,167	2.66

Footnotes

- [1] Based on the 2000 and 2010 U.S. Censuses and estimates for 2014 and 2040 as obtained from the University of Florida's Bureau of Economic and Business Research and Florida Housing Data Clearinghouse.





# **PARKS AND RECREATION IMPACT FEES**

## SECTION 3

### PARKS AND RECREATION IMPACT FEES

---

#### GENERAL

This section provides a discussion of the development and design of the proposed impact fees for parks and recreational services. Included in this section is a discussion of adopted level of service ("LOS") standards, facility requirements, and related capital costs included as the basis for the fee determination, and the design of the fee to be applied to new growth within the City.

#### DEFINITION OF RECREATIONAL FACILITIES

The Florida Department of Environmental Protection ("FDEP") has identified seven classifications or categories of parks. The seven classifications are: i) Equipped play area and tot lot; ii) neighborhood park; iii) community park; iv) urban open space; v) urban-district park; vi) regional park; and vii) beach access site. There are specific site guidelines for the recreational classifications that are basically directed towards size, accessibility, and population requirements. The following is a discussion of selected site guidelines as identified by the FDEP:

Equipped Play Area and Tot Lot – These recreational areas generally consist of open areas with play apparatus for school age or preschool children. Usually, these areas range in size from one-quarter to one acre and serve neighborhoods of between 500 and 2,500 people. Recommended facilities include playground equipment, benches and picnic tables, landscaping and open space.

Neighborhood Park – These recreational areas generally consist of a variety of facilities designed for the specific needs of the neighborhood. This park is usually considered as a "walk-to" park where access is directed towards the local residents of the neighborhood. The park is usually designed to serve a radius of up to a half mile and has a size ranging from five to ten acres (i.e., approximately two acres per 1,000 people). Recommended facilities include playground equipment, recreational buildings, multipurpose courts, sports fields, picnic areas, and open space.

Community Park – These recreational areas are considered as "ride-to" parks and are located on major collector or arterial streets. This type of park is designed to serve the needs of four to six neighborhoods or generally a radius of up to three miles. It is recommended that this type of park be a minimum of twenty (20) acres based on a minimum standard of two (2) acres per 1,000 population. Just as the neighborhood park is designed to serve the needs of the neighborhood, a community park is designed to meet the needs of the surrounding community. Recommended facilities may include swimming pools, ball fields, tennis courts, playground equipment, multipurpose courts, recreation buildings, sports fields, and other associated equipment. The park should also include allowances for open space, adequate parking, and landscaping. The facilities included in the neighborhood park may also be included in a community park.

Urban Open Space – These areas are landscaped or natural open areas usually located within built-up areas and may serve a variety of population sizes based on the size of the open space.

The principal function of these areas is to provide a buffer to congested environments. Facilities for this type of park may include benches, commemorative structures, trails, and paths.

The foregoing recreational facilities may also be classified into two categories: resource-based and activity-based. Resource-based sites and facilities are defined as those centered around particular natural resources. These sites provide opportunities for activities such as picnics, hiking, water sports, fishing or just exploring nature. Activity-based recreational sites and facilities are defined as those developed for the enjoyment of particular commercial or non-commercial activities. These sites include facilities for basketball, baseball, football, soccer, golf, amusement parks, arcades, water parks, and senior citizen centers.

Historically, neighborhood parks and community parks have comprised most of the public recreational facilities within the City. The activities associated with these parks are provided in the form of an amphitheater, playgrounds, picnic areas, walking trails, tennis and basketball courts, soccer and baseball fields, and other athletic activities. Involvement within the City is further encouraged through community centers. The City's existing public recreational facilities provide diverse recreational opportunities for all residents.

### LEVEL OF SERVICE STANDARDS

Since 1986, the City has maintained a LOS for recreational open space including a set of guidelines for recreational facilities. With respect to open space, and as referenced in the City's Comprehensive Plan, the City has adopted an LOS standard of three (3) acres per 1,000 residents. The City currently owns and maintains an extensive inventory of parks. The City currently has approximately 340 total acres (245.59 developed acres and 94.01 undeveloped acres) considered applicable toward its recreation space level of service. City owned facilities include Community Parks (220.00 developed acres and 94.01 undeveloped acres), Neighborhood Parks (11.84 developed acres), and Special Use Facilities (13.75 developed acres). Based on the current estimated population of 47,695, the City has a surplus of 102.51 acres (or 196.52 if including undeveloped acreage). The City's buildout population is currently estimated at 80,286 residents, which will require approximately 240.86 acres of open space.

#### Summary of Current LOS Surplus/(Deficiency)

Description	Fiscal Year 2016	Projected Fiscal Year 240
Estimated Total Population	47,695	80,286
Open Space LOS	3.0 Acres per 1,000 Population	3.0 Acres per 1,000 Population
Required Acres	143.08 Acres	240.86 Acres
Current Inventory (Developed)[*]	245.59 Acres	245.59 Acres
Current Surplus / (Deficiency)	102.51 Acres	4.73 Acres

[\*] As shown on Table 3-1.

In addition to open space, the City's Comprehensive Plan also includes goals and objectives relating to recreational facilities. The Comprehensive Plan indicates under Section VI Recreation and Open Space Element the City's goal to make an effort to provide recreational facilities at the levels based on the guidelines published in the Florida's Statewide Comprehensive Outdoor Recreation Plan. It is assumed that the projects included in the capital plan, which served as the basis for the impact fees, were developed based on the objectives of the City's Comprehensive Plan regarding recreation facilities.

## **DESIGN OF PARKS AND RECREATION IMPACT FEE**

A blend of the standards-driven and the improvements-driven methods was used to determine the Recreation impact fee. With this approach, the standards-driven method was used in determining the facilities required to provide the City's level of service standards for recreation. The improvements-driven method can be used to allocate these costs to the population served, which in this case are the number of households at buildout. When combined with the estimated cost of the existing facilities, the total capital investment in recreation facilities can be projected and allocated per household on a system-wide "buy-in" basis. It should be noted that in the development of the proposed impact fees, the total cost or capital investment in facilities is reduced by grants and other funding contributions. The following is a brief description of the three-step process used in this study:

- Development of Total Capital Need – Based on the City's cost of developing existing and future park facilities, and population projections, the total cost to serve the City's residents is developed.
- Development of Equivalent Impact Fee Units – This step develops the estimated number of equivalent impact fee units such that a specific rate can be developed. This municipal service is applicable only to the residential class and the equivalent unit is considered to be a resident dwelling unit.
- Calculation of Cost per Equivalent Impact Fee Unit – Once the total capital costs allocable to the future growth of the City and the per customer equivalent impact fee units were estimated, the cost per equivalent impact fee unit was calculated.

### **Parks and Recreation Impact Fee Assumptions**

In the development of the recreation facility component of the recreation impact fees, several assumptions were required. The major assumptions used in the development of the impact fees are as follows:

1. The recreation impact fee was calculated using a blend of the standards-driven and improvements-driven methods. The standards-driven method was used in determining the recreation needs of the City and it was assumed that the projects detailed in the City's capital improvements plan incorporated the standards within the design of the various recreation facilities noted in the plan. The improvements-driven method refers to the allocation of the cost of these facilities to the projected growth in population through buildout.
2. The total cost of the existing recreation facilities, planned improvements to those facilities, and future parks is \$34,230,871 based on data provided by City staff as shown on Tables 3-2 and 3-3.
3. City staff has provided data indicating a total of \$2,254,392 in contributions from other sources, including grants and donations, which have been or are projected to be received

toward the funding of the City's recreation facilities. The contributions from other sources were included as a credit in the calculation of the recreation impact fee.

4. The fee per residential unit was based on the buildout population discussed in Section 2 by of 80,286 residents.

**Parks and Recreation Impact Fee Calculation**

Based on the above-referenced assumptions, the recreation facility impact fee as calculated on Table 3-4 was determined as follows:

<b>Calculation of Parks and Recreation Impact Fee</b>	
Description	Amount
Projected Population in 2040	80,286
Estimated Current Population	47,695
Projected Remaining Growth in Population through 2040	32,591
Projected Remaining Growth in Population through 2040	32,591
Estimated Persons Per Residential Unit	2.66
Projected Remaining Growth in Residential Units through 2040	12,246
Projected Population in 2040	80,286
Estimated Persons Per Residential Unit	2.66
Projected Residential Units in 2040	30,167
Projected Remaining Growth in Residential Units through 2040	12,246
Projected Residential Units in 2040	30,167
Percentage of Cost of Facilities Attributable to Growth	40.59%
Total Cost of Recreation Facilities	\$34,230,871
Total Contributions From Other Sources	(2,254,392)
Total Cost After Contributions from Other Sources	\$31,976,479
Total Cost After Contributions from Other Sources	\$31,976,479
Percentage of Cost of Facilities Attributable to Growth	40.59%
Cost of Facilities Allocated to Growth	\$12,980,579
Cost of Facilities Allocated to Growth	\$12,980,579
Projected Remaining Growth in Residential Units through 2040	12,246
Average Cost of Recreational Facilities Per Residential Unit	\$1,060.00

**IMPACT FEE COMPARISONS**

In order to provide the City additional information about the proposed impact fees, a comparison of the proposed fees for the City and those charged by other jurisdictions was prepared. Table 3-5 at the end of this report summarizes the impact fees for recreational services charged by other communities with the proposed rates of the City. Please note that each community may establish a different LOS standard to meet its demographic needs for recreation facilities and activities. The City can anticipate variances between other communities.

**Section 3**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**List of Tables**

<u>Table</u>	<u>Description</u>
3-1	Inventory of City Parks and Recreational Facilities
3-2	Summary of Existing City Investments in Parks and Recreation
3-3	Summary of Capital Projects to Improve and Expand Recreation Services
3-4	Design of Recreation Impact Fee
3-5	Parks and Recreation Impact Fee Comparison

**Table 3-1**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Inventory of City Parks and Recreational Facilities [1]**

Line No.	Facility Classification	Acres	Activity	Facilities
1	<b>Special Use Facilities</b>	<b>33.08</b>		
2	Museum of the Apopkans	0.62	Active	Museum with Artifacts
3	Connelly Property [2]	2.70	N/A	Open Space
4	Apopka Community Center	1.72	Active	Main Room
5				Private Meeting Room
6				Full Commercial Kitchen
7				Restrooms
8				On and Off Site Parking
9				Audio / Visual Equipment
10				Dance Floor
11	Stage			
12	Highland Manor	11.41	Active	Open Space / Wedding Venue / Ballroom
13	McBride Estate [2]	16.63	N/A	Open Space
14	<b>Community Parks</b>	<b>220.00</b>		
15	Apopka Athletic Complex	13.72	Active	Soccer Fields
16				Softball Fields
17				Concession Stand
18				Operations Building
19	Doctors Dog Park	5.12	Passive	Park Benches
20				Water Fountains
21				Pet Shower
22				Pet Memorial Bridge
23	Edwards Field / Kit Land Nelson Park	13.86	Active	Picnic Area
24				Gazebo
25				Tennis Courts
26				Racquetball Courts
27				Playground
28				Multi-purpose Fields
29				Overflow Parking for Fran Carlton Center
30				Historical Grandstand
31				Open Grassy Area
32	Northwest Recreation Complex	182.70	Active	Soccer Fields
33				Softball Fields
34				Baseball Fields
35				Multi-purpose Fields
36				Sand Volleyball Courts
37				Outdoor Basketball Courts
38				Tennis Courts
39				Walking Trail
40				Amphitheater
41				Playground
42				Concession Stands

**Table 3-1**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Inventory of City Parks and Recreational Facilities [1]**

Line No.	Facility Classification	Acres	Activity	Facilities
43				Lightning Protection System
44	Fran Carlton Center	4.60	Active	Community Center
45				Lightning Protection System
46	<b>Neighborhood Parks</b>	<b>11.84</b>		
47	Alonzo Williams Park	3.23	Active	Neighborhood Community Center
48				Outdoor Basketball Courts
49				Multi-purpose Fields
50				Playground
51				Lightning Protection System
52	Dream Lake Park	1.46	Passive	Lakefront Picnic Area
53				Picnic Tables
54				Shoreline Access
55	Lake Avenue Park	1.15	Active	Open Space
56				Picnic Area
57	Former Little League Site	6.00	Active	Baseball Fields
58				Concession Stand
59				Building with Offices
<b><u>Summary</u></b>				
60	Special Use Facilities	33.08		
61	Community Parks	220.00		
62	Neighborhood Parks	11.84		
63	Adjustments for Facilities Not for Public Use	(19.33)		
64	<b>Total</b>	<b><u>245.59</u></b>		

**Footnotes**

[1] Inventory as provided by the City and in service as of September 30, 2015.

[2] The facility is currently not designated for public use and, based on discussions with City staff, will be taken out of the City inventory.



**Table 3-2**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Facility	Activity	Equipment	Excluded	
<b>Fixed Assets</b>									
<b>Land</b>									
1	Land, Edward Field	\$20,003	Land	\$20,003	\$0	\$0	\$0	\$0	\$20,003
2	Land, Williams Park	16,790	Land	16,790	0	0	0	0	16,790
3	Land, Williams Park	14,107	Land	14,107	0	0	0	0	14,107
4	Land, Apopka Athletic Complex	82,609	Land	82,609	0	0	0	0	82,609
5	Land, High School Athletic Complex	245,859	Land	245,859	0	0	0	0	245,859
6	Land Improvements	14,358	Land	14,358	0	0	0	0	14,358
7	Land, Collins Property	60,000	Land	60,000	0	0	0	0	60,000
8	Land, Dream Lake Park	7,000	Land	7,000	0	0	0	0	7,000
9	Land, Lake Avenue Park	32,000	Land	32,000	0	0	0	0	32,000
10	Land, Museum of the Apopkans	24,600	Land	24,600	0	0	0	0	24,600
11	Land, Connelly Property	190,000	Land	190,000	0	0	0	0	190,000
12	Land, Highland Manor	2,028,063	Land	2,028,063	0	0	0	0	2,028,063
13	Land, McBride Estate	100,000	Land	100,000	0	0	0	0	100,000
14	<b>Land Total</b>	<b>\$2,835,389</b>		<b>\$2,835,389</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,835,389</b>
<b>Buildings</b>									
15	Racquet Ball Court Improvements	\$7,000	Facility	\$0	\$7,000	\$0	\$0	\$0	\$7,000
16	Water Cooler	950	Facility	0	950	0	0	0	950
17	Recreation Building	7,980	Facility	0	7,980	0	0	0	7,980
18	Building	52,372	Facility	0	52,372	0	0	0	52,372
19	Building	417,968	Facility	0	417,968	0	0	0	417,968
20	Tiles & Installation	3,720	Facility	0	3,720	0	0	0	3,720
21	Apopka Athletic Complex	190,750	Facility	0	190,750	0	0	0	190,750
22	Museum of the Apopkans	4,250,000	Facility	0	4,250,000	0	0	0	4,250,000
23	Connelly Property	162,141	Facility	0	162,141	0	0	0	162,141
24	Apopka Community Center	2,017,928	Facility	0	2,017,928	0	0	0	2,017,928
25	Highland Manor	2,840,657	Facility	0	2,840,657	0	0	0	2,840,657
26	McBride Estate	58,251	Facility	0	58,251	0	0	0	58,251
27	<b>Building Total</b>	<b>\$10,009,716</b>		<b>\$0</b>	<b>\$10,009,716</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,009,716</b>
<b>Infrastructure</b>									
28	Roof Patio	\$6,215	Activity	\$0	\$0	\$6,215	\$0	\$0	\$6,215
29	Roof Overhang, Rec Center	2,200	Activity	0	0	2,200	0	0	2,200
30	Bathroom Improvement (Ada)	4,031	Activity	0	0	4,031	0	0	4,031
31	Tennis Court	11,949	Activity	0	0	11,949	0	0	11,949
32	Sidewalk	6,155	Activity	0	0	6,155	0	0	6,155
33	Nw Parking Lot Modifications	7,985	Activity	0	0	7,985	0	0	7,985
34	Sidewalks	11,572	Activity	0	0	11,572	0	0	11,572
35	Grading - Softball Fields	1,500	Activity	0	0	1,500	0	0	1,500
36	Edwards Field Improvements	18,067	Activity	0	0	18,067	0	0	18,067
37	Dugouts	2,000	Activity	0	0	2,000	0	0	2,000
38	Lighting For Basketball	2,000	Activity	0	0	2,000	0	0	2,000
39	Shuffleboard Courts (2) (Not in service / excluded from fee)	1,871	Excluded	0	0	0	0	1,871	1,871
40	Edwards Field Improvements	4,600	Activity	0	0	4,600	0	0	4,600
41	Fence & Installation	4,650	Activity	0	0	4,650	0	0	4,650
42	Resurface Basketball Courts	3,325	Activity	0	0	3,325	0	0	3,325
43	Playground Equipment	19,015	Activity	0	0	19,015	0	0	19,015
44	Playground Equipment	24,455	Activity	0	0	24,455	0	0	24,455
45	Mulch & Rr Ties	1,215	Activity	0	0	1,215	0	0	1,215
46	Mulch & Rr Ties	1,215	Activity	0	0	1,215	0	0	1,215
47	Trees	1,240	Activity	0	0	1,240	0	0	1,240
48	Fence	2,251	Activity	0	0	2,251	0	0	2,251
49	Lighting	57,691	Activity	0	0	57,691	0	0	57,691
50	Williams Park Improvements	25,442	Activity	0	0	25,442	0	0	25,442
51	Volleyball Court Lights	15,220	Activity	0	0	15,220	0	0	15,220
52	Benches - Dugouts	4,512	Activity	0	0	4,512	0	0	4,512
53	Irrigation System	9,713	Activity	0	0	9,713	0	0	9,713
54	Fence, Chain Link	4,390	Activity	0	0	4,390	0	0	4,390
55	Lighting	7,851	Activity	0	0	7,851	0	0	7,851
56	Softball Field	5,149	Activity	0	0	5,149	0	0	5,149
57	Resurface Basketball Court	2,797	Activity	0	0	2,797	0	0	2,797
58	Fence, Chain Link	23,417	Activity	0	0	23,417	0	0	23,417
59	Lighting	106,437	Activity	0	0	106,437	0	0	106,437
60	Irrigation System	28,941	Activity	0	0	28,941	0	0	28,941
61	Soccer Field Improvements	6,735	Activity	0	0	6,735	0	0	6,735
62	Fence, Chain Link	1,708	Activity	0	0	1,708	0	0	1,708
63	Playground Construction	3,861	Activity	0	0	3,861	0	0	3,861
64	Sidewalks/Landscape @ Buckhan Pond	12,432	Activity	0	0	12,432	0	0	12,432
65	Playground	26,496	Activity	0	0	26,496	0	0	26,496
66	Septic Tank System	2,200	Activity	0	0	2,200	0	0	2,200
67	Fence, Chain Link	9,000	Activity	0	0	9,000	0	0	9,000
68	Dog Park Structures	40,217	Activity	0	0	40,217	0	0	40,217
69	Nw Parking Lot & Ballfields	6,943,840	Activity	0	0	6,943,840	0	0	6,943,840
70	Amphitheater	2,283,533	Activity	0	0	2,283,533	0	0	2,283,533
71	Roadway Extension	27,668	Activity	0	0	27,668	0	0	27,668
72	Comdial 1024 Key Service	1,966	Activity	0	0	1,966	0	0	1,966
73	Comdial 1024 Key Service	1,445	Activity	0	0	1,445	0	0	1,445
74	Recreation Facility, Ponkan	350,000	Activity	0	0	350,000	0	0	350,000
75	Nw Recreation Facility	2,306,913	Activity	0	0	2,306,913	0	0	2,306,913
76	Sign, Three Colors	1,536	Activity	0	0	1,536	0	0	1,536

**Table 3-2**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Facility	Activity	Equipment	Excluded	
77	Dog Park Equipment	18,676	Activity	0	0	18,676	0	0	18,676
78	Soccer Goals	2,299	Activity	0	0	2,299	0	0	2,299
79	Soccer Goals	4,355	Activity	0	0	4,355	0	0	4,355
80	Soccer Goal	1,044	Activity	0	0	1,044	0	0	1,044
81	Pitching Mound	1,208	Activity	0	0	1,208	0	0	1,208
82	Pitching Mound	1,208	Activity	0	0	1,208	0	0	1,208
83	Jolly St Nick Display	6,015	Activity	0	0	6,015	0	0	6,015
84	Fence, Chain-Link W/ 3 20' Gates	30,697	Activity	0	0	30,697	0	0	30,697
85	Pavillions (3)	24,935	Activity	0	0	24,935	0	0	24,935
86	Baseball Scoreboard	1,882	Activity	0	0	1,882	0	0	1,882
87	Amphitheater Irrigation	1,241	Activity	0	0	1,241	0	0	1,241
88	Bleachers	1,595	Activity	0	0	1,595	0	0	1,595
89	Bleachers	1,175	Activity	0	0	1,175	0	0	1,175
90	Playground	27,576	Activity	0	0	27,576	0	0	27,576
91	Bleachers	2,571	Activity	0	0	2,571	0	0	2,571
92	Boldr-Trainr Bend Unit	37,083	Activity	0	0	37,083	0	0	37,083
93	Play Booster	46,904	Activity	0	0	46,904	0	0	46,904
94	Play Shaper	28,897	Activity	0	0	28,897	0	0	28,897
95	Soccer Goals	920	Activity	0	0	920	0	0	920
96	Soccer Goals	920	Activity	0	0	920	0	0	920
97	Soccer Goals	1,220	Activity	0	0	1,220	0	0	1,220
98	Soccer Goals	1,194	Activity	0	0	1,194	0	0	1,194
99	Bleachers	825	Activity	0	0	825	0	0	825
100	Drainage - Contributed	5,495	Activity	0	0	5,495	0	0	5,495
<b>101</b>	<b>Infrastructure Total</b>	<b>\$12,698,554</b>		<b>\$0</b>	<b>\$0</b>	<b>\$12,696,683</b>	<b>\$0</b>	<b>\$1,871</b>	<b>\$12,698,554</b>
	<b>Machinery &amp; Equipment</b>								
102	Sound System	\$8,171	Equipment	\$0	\$0	\$0	\$8,171	\$0	\$8,171
103	Sound System	2,340	Equipment	0	0	0	2,340	0	2,340
104	Field Striper	38,350	Equipment	0	0	0	38,350	0	38,350
105	Ice Machine	2,936	Equipment	0	0	0	2,936	0	2,936
106	Edger	1,700	Equipment	0	0	0	1,700	0	1,700
107	Vibratory Plate (Tamper)	1,522	Equipment	0	0	0	1,522	0	1,522
108	Field Lining Machine	1,750	Equipment	0	0	0	1,750	0	1,750
109	Field Lining Machine	1,750	Equipment	0	0	0	1,750	0	1,750
110	Furniture	4,206	Equipment	0	0	0	4,206	0	4,206
111	Room Dividers	11,033	Equipment	0	0	0	11,033	0	11,033
112	Portable Stage	5,800	Equipment	0	0	0	5,800	0	5,800
113	Portable Stage	4,858	Equipment	0	0	0	4,858	0	4,858
114	Portable Radio	909	Equipment	0	0	0	909	0	909
115	Portable Radio	909	Equipment	0	0	0	909	0	909
116	Portable Radio	1,500	Equipment	0	0	0	1,500	0	1,500
117	Router	1,300	Equipment	0	0	0	1,300	0	1,300
118	Router	1,300	Equipment	0	0	0	1,300	0	1,300
119	Floor Buffer	1,117	Equipment	0	0	0	1,117	0	1,117
120	Air Handlers	11,433	Equipment	0	0	0	11,433	0	11,433
121	Lightning Detection System	4,282	Equipment	0	0	0	4,282	0	4,282
122	Pressure Washer	14,024	Equipment	0	0	0	14,024	0	14,024
123	Radar Gun / Led Display	2,474	Equipment	0	0	0	2,474	0	2,474
124	Projector	2,475	Equipment	0	0	0	2,475	0	2,475
125	Air Conditioner For Bus	4,654	Equipment	0	0	0	4,654	0	4,654
126	Phone System Switch	1,070	Equipment	0	0	0	1,070	0	1,070
127	Audio Portable System	1,135	Equipment	0	0	0	1,135	0	1,135
128	Phone System Switch	810	Equipment	0	0	0	810	0	810
129	Phone Systm Switch	1,575	Equipment	0	0	0	1,575	0	1,575
130	Heat Pump	2,760	Equipment	0	0	0	2,760	0	2,760
131	Water Fountain	1,115	Equipment	0	0	0	1,115	0	1,115
132	Condensor, Straight Cool	1,255	Equipment	0	0	0	1,255	0	1,255
133	Condensing Unit	1,775	Equipment	0	0	0	1,775	0	1,775
134	Playground Equipment	20,943	Equipment	0	0	0	20,943	0	20,943
135	Air Handling Unit	1,492	Equipment	0	0	0	1,492	0	1,492
136	Air Handling Unit	1,492	Equipment	0	0	0	1,492	0	1,492
137	Refrigerator	1,100	Equipment	0	0	0	1,100	0	1,100
138	Air Conditioner System	8,425	Equipment	0	0	0	8,425	0	8,425
124	Lightning Detectors	11,826	Equipment	0	0	0	11,826	0	11,826
85	Lightning Detectors	19,589	Equipment	0	0	0	19,589	0	19,589
139	Software, Activity Registration	2,841	Equipment	0	0	0	2,841	0	2,841
140	Software, League Schedule	2,741	Equipment	0	0	0	2,741	0	2,741
141	Software, Family Reservation	2,841	Equipment	0	0	0	2,841	0	2,841
142	Computer	3,489	Equipment	0	0	0	3,489	0	3,489
143	Smart-Jack Data Outlets	1,125	Equipment	0	0	0	1,125	0	1,125
144	Computer Bridge	646	Equipment	0	0	0	646	0	646
145	Computer Upgrade	412	Equipment	0	0	0	412	0	412
146	Card, Ethernet 100	236	Equipment	0	0	0	236	0	236
147	Computer	1,746	Equipment	0	0	0	1,746	0	1,746
148	Computer W/ Printer	832	Equipment	0	0	0	832	0	832
149	Computer Work Station	1,149	Equipment	0	0	0	1,149	0	1,149
150	Computer	1,389	Equipment	0	0	0	1,389	0	1,389
151	Computer	0	Equipment	0	0	0	0	0	0
152	Software Upgrade	3,990	Equipment	0	0	0	3,990	0	3,990
153	T-1 Trunk Card	765	Equipment	0	0	0	765	0	765
154	Cash Register	849	Equipment	0	0	0	849	0	849
155	Cash Resigter	849	Equipment	0	0	0	849	0	849

**Table 3-2**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Facility	Activity	Equipment	Excluded	
156	Cash Register / Point Of Sale System	4,055	Equipment	0	0	0	4,055	0	4,055
157	Cash Register / Pos Syste,	6,522	Equipment	0	0	0	6,522	0	6,522
158	Cash Register / Point Of Sale System	3,950	Equipment	0	0	0	3,950	0	3,950
159	Copier, 10 Bin Sorter	2,797	Equipment	0	0	0	2,797	0	2,797
160	Copier	6,375	Equipment	0	0	0	6,375	0	6,375
161	Vehicle - Van	16,359	Excluded	0	0	0	0	16,359	16,359
162	Vehicle - Sedan	14,749	Equipment	0	0	0	14,749	0	14,749
163	Vehicle - Sedan	16,205	Equipment	0	0	0	16,205	0	16,205
164	Golf Cart	5,400	Equipment	0	0	0	5,400	0	5,400
165	Golf Cart	5,400	Equipment	0	0	0	5,400	0	5,400
166	Vehicle - Econoline Van	24,616	Equipment	0	0	0	24,616	0	24,616
167	Vehicle - Golf Cart	6,138	Equipment	0	0	0	6,138	0	6,138
168	Vehicle - Bus	43,674	Equipment	0	0	0	43,674	0	43,674
169	Vehicle - Bus	10,000	Equipment	0	0	0	10,000	0	10,000
170	Vehicle - Truck	14,060	Equipment	0	0	0	14,060	0	14,060
171	Vehicle - Bus, 44 Passenger	26,000	Equipment	0	0	0	26,000	0	26,000
172	Vehicle - Truck	14,864	Equipment	0	0	0	14,864	0	14,864
173	Vehicle - Van	20,715	Equipment	0	0	0	20,715	0	20,715
174	Field Groomer	9,490	Equipment	0	0	0	9,490	0	9,490
175	Mower, 15 1/2 Foot Tri Deck	8,100	Equipment	0	0	0	8,100	0	8,100
176	Utility Vehicle	22,965	Equipment	0	0	0	22,965	0	22,965
177	Turf Mower	42,959	Equipment	0	0	0	42,959	0	42,959
178	Deck Mower	12,061	Equipment	0	0	0	12,061	0	12,061
179	Unility Vehicle	4,950	Equipment	0	0	0	4,950	0	4,950
180	Blower, Walk-Behind	1,124	Equipment	0	0	0	1,124	0	1,124
181	Utility Vehicle	4,919	Equipment	0	0	0	4,919	0	4,919
182	Utility Vehicle	6,269	Equipment	0	0	0	6,269	0	6,269
183	Utility Vehicle	17,711	Equipment	0	0	0	17,711	0	17,711
184	<b>Machinery &amp; Equipment Total</b>	<b>\$605,483</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$589,124</b>	<b>\$16,359</b>	<b>\$605,483</b>
185	<b>PARKS AND RECREATION TOTAL</b>	<b>\$26,149,141</b>		<b>\$2,835,389</b>	<b>\$10,009,716</b>	<b>\$12,696,683</b>	<b>\$589,124</b>	<b>\$18,230</b>	<b>\$26,149,141</b>

## Footnotes

[1] Inventory as provided by the City and in service as of September 30, 2015.

**Table 3-3**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Summary of Capital Projects to Improve and Expand Recreation Services**

Line No.	Description	Project Cost [1]	Project Classification	Project Amount Includable in Fee
<b><u>7-Year Parks and Recreation CIP</u></b>				
1	Ford Focus Replacement	\$20,000	R&R	\$0
2	F-150 Truck Replacement	35,000	R&R	0
3	Small Bus Replacement	60,000	R&R	0
4	Northwest Concession, Bathroom, Sidewalks	300,000	New	300,000
5	Parking Lot - Little League Fields	510,000	New	510,000
6	Picnic Pavillions	300,000	New	300,000
7	Ball Field Renovations - NW	150,000	R&R	0
8	Fitness Equipment - Kit Land Nelson Park	33,460	New	33,460
9	Bleachers Covers Over Quad 3	60,000	New	60,000
10	Tennis Court Resurfacing - NW	50,000	R&R	0
11	Basketball Resurfacing - NW	50,000	R&R	0
12	Playground w/ Pavillion, Shad Structure - Lake Ave Park	350,000	New	350,000
13	Old Little League Fields New Park Construction [3]	400,000	New	400,000
14	Scoreboards for Quad	60,000	New	60,000
15	New Ball Fields (Soccer, Baseball, etc.)	2,200,000	New	2,200,000
16	Recreation Splash Pad at NWRC	400,000	New	400,000
17	Skate Park	300,000	New	300,000
18	Playground at Apopka Athletic Complex	75,000	New	75,000
19	Splash Pad w/ Restrooms - Kit Land Nelson Park	750,000	New	750,000
20	Parking Lot - NW	2,297,000	New	2,297,000
21	Alonzo Williams Park Renovations [3]	28,000	R&R	0
22	Alonzo Williams New Park Construction [3]	22,000	New	22,000
23	Kit Land Nelson Park Renovations [3]	3,700	R&R	0
24	Kit Land Nelson New Park Construcitions [3]	42,500	New	42,500
25	AAC Renovations [3]	200,000	R&R	0
26	Gymnasium / Aquatic Center [4]	20,000,000	New	0
27	Additional CIP Needs	\$0	R&R	0
28	Total Capital Improvements	<u>\$28,696,660</u>		<u>\$8,099,960</u>

## Footnotes:

- [1] Amounts provided by City staff, which represent improvements and upgrades to existing facilities and construction of new facilities which will serve existing and future residents of the City.
- [2] Amount based on the City's estimated build-out population as discussed in Section 2 of this report.
- [3] Project amounts are anticipated to be funded or partially funded by grants provided by the Florida Recreation Development Assistance Program (FRDAP)
- [4] The City may incur a General Obligation debt to fund the project (if approved) and the debt payments will be paid from property tax revenues.

**Table 3-4**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Design of Parks and Recreation Impact Fee**

Line No.	Description	Total Amount
<b><u>Development of Cost of Recreation Assets</u></b>		
1	Cost of Existing Land, Facilities and Activity Related Assets [1]	\$26,130,911
2	Cost of Future Land, Facilities and Activity Related Assets [2]	8,099,960
3	Total Cost of Recreation Assets	<u>\$34,230,871</u>
4	Total Cost of Recreation Assets	\$34,230,871
5	Less Estimated Contributions, Prior Grant Funded Facilities, and Non Public Usage [3]	(\$1,126,105)
6	Less Projected CIP Grants [3]	(505,760)
7	Less Gas Tax Funded Assets [3]	(40,845)
8	Less Street Impact Fee Funded Assets [3]	(581,682)
9	Net Cost of Recreation Assets	<u>\$31,976,479</u>
10	Projected Residential Units in 2040 [4]	30,167
11	Estimated Current Residential Units [4]	17,921
12	Projected Remaining Growth in Residential Units Through 2040	<u>12,246</u>
13	Percentage of Cost of Assets Allocable to Growth	40.59%
14	Net Cost of Recreation Assets	\$31,976,479
15	Percentage of Cost of Assets Allocable to Growth	40.59%
16	Cost of Facilities Allocable to Growth	<u>\$12,980,579</u>
<b><u>Impact Fee Calculation</u></b>		
17	Cost of Facilities Allocable to Growth	\$12,980,579
18	Projected Remaining Growth in Population Through 2040	<u>12,246</u>
19	Average Cost of Facilities Per Residential Unit	<u><u>\$1,060.00</u></u>

Footnotes:

[1] Amounts shown based on information obtained from City Staff as shown on Table 3-2.  
 [2] Amounts shown based on information obtained from City Staff as shown on Table 3-3.  
 [3] Grants, Contributions and Other Funding source amounts based on information provided by City Staff.  
 [4] Residential Unit amounts and projections based on amounts as shown on Table 2-1.

**Table 3-5**  
**City of Apopka, Florida**  
**Parks and Recreation Impact Fee Study**

**Parks and Recreation Services Impact Fee Comparison [1]**

Line No.	Description	Residential		
		Single Family	Multi-Family	Mobile Home
<b>City of Apopka [2]</b>				
1	Existing	\$241.05	\$241.05	\$241.05
2	Proposed	1,060.00	1,060.00	1,060.00
<b><u>Other Neighboring Cities:</u></b>				
3	City of Clermont	\$2,097.00	\$2,097.00	\$2,097.00
4	City of Edgewater	612.11	434.92	451.03
5	City of Eustis	599.27	428.38	390.93
6	City of Kissimmee	1,200.00	985.29	867.06
7	City of Lakeland	3,299.00	2,484.00	1,537.00
8	City of Lake Mary	335.00	335.00	335.00
9	City of Lake Wales	996.00	874.12	N/A
10	City of Leesburg	358.00	358.00	358.00
11	City of Minneola	410.00	307.00	N/A
12	City of Mount Dora	2,814.64	1,412.45	N/A
13	City of Ocoee	1,560.00	1,560.00	1,560.00
14	City of St. Cloud	1,362.00	1,093.00	N/A
15	City of Tavares	439.99	335.68	221.89
16	City of Winter Garden	1,300.00	1,159.00	874.00
17	City of Winter Haven	1,010.68	N/A	N/A
18	City of Winter Park	2,000.00	2,000.00	2,000.00
19	Other Florida Governmental Agencies' Average	\$1,274.61	\$1,057.59	\$971.99

**Footnotes:**

[1] Unless otherwise noted, amounts shown reflect impact fees in effect August 2016. This comparison is intended to show comparable charges for similar service for comparison purposes only and is not intended to be a complete listing of all rates and charges offered by each listed municipality.

[2] Amounts shown assume single family homes with three bedrooms, multi-family dwelling with two bedrooms, and mobile homes with two bedrooms.

**ORDINANCE NO. 2544**

**AN ORDINANCE OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, RELATING TO PARKS AND RECREATION IMPACT FEES; ADOPTING A PARKS AND RECREATION IMPACT FEE STUDY BASED ON CURRENT AND PROJECTED GROWTH; PROVIDING INTENT AND PURPOSE; PROVIDING FOR EXEMPTIONS, CREDITS, AND OTHER MATTERS PERTINENT TO PARKS AND RECREATION IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Council of the City of Apopka have studied the necessity for and implications of the adoption of an ordinance creating parks and recreation impact fees and have retained a professional consulting firm to prepare a study relating to parks and recreation impact fees (the “Study”) to determine the proportionate demand that new residential development generates for additional parks and recreation facilities; and

**WHEREAS**, the Study has been presented to, and reviewed by, the Mayor and City Council of the City of Apopka, and it has been determined (1) that parks and recreation impact fees are necessary to offset the costs associated with meeting future demands for the City’s parks and recreation facilities pursuant to the projections set forth in the Study; (2) that the parks and recreation impact fees bear a reasonable relationship to the burden imposed upon the City to provide park facilities to new City residents; (3) that parks and recreation impact fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional parks and recreation impact fees and the benefits that accrue to new development paying the fees; and (5) that the amount of the parks and recreation impact fees are roughly proportional to the *pro rata* share of the additional parks and recreation facilities needed to serve new development; and

**WHEREAS**, the costs of real property for use in parks and recreation facilities development and the costs of various facilities and equipment have been used by the City’s consultant in developing a development impact cost per land use type as set forth in the Study; and

**WHEREAS**, the decisions of the Mayor and City Council as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

**WHEREAS**, the City is projected to significantly grow in population and further economically develop in the future; and

**WHEREAS**, this Ordinance contains an administrative framework to ensure that the benefit of parks and recreation facilities funded with parks and recreation impact fees will accrue proportionately to new development paying the fees; and

**WHEREAS**, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative land use regulations and impact fees by local governments to manage growth and to provide the necessary public facilities and for the imposition by local governments of impact fees on development to fund the capital cost of parks and recreation facilities necessitated by such development; and

**WHEREAS**, under its home rule powers and pursuant to §163.31801, *Florida Statutes* and judicially created law, the City of Apopka may impose impact fees to ensure the well-being of its citizens; and

**WHEREAS**, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices and principles.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Apopka, Florida, as follows:

**SECTION 1.** Chapter 26, Article VII of the Apopka Code of Ordinances is hereby created, entitled "Parks and Recreation Impact Fees":

**ARTICLE VII. PARKS AND RECREATION IMPACT FEES**

**Sec. 26-180.** Intent and Purpose.

(a) The purpose of this article is to require payment of parks and recreation impact fees by those who engage in parks and recreation impact construction and to provide for the cost of capital improvements to the City which are required to accommodate such growth. This article shall not be construed to permit the collection of parks and recreation impact fees in excess of the amount reasonably anticipated to offset the demand on the city generated by such applicable parks and recreation impact construction.

(c) The revision and re-imposition of a parks and recreation impact fee is to provide a source of revenue to fund the construction or improvement of city parks and recreation necessitated by growth.

(d) City council hereby ratifies, adopts, and incorporates herein the "Parks and Recreation Impact Fee Study" dated November 28, 2016, prepared by PRMG as the city's parks and recreation impact fee study, particularly as the report relates to the allocation of a fair share of costs of public facilities required to provide parks and recreation necessary to serve new development in the city.



(e) All impact fees established herein are calculated based on the city’s most recent and localized data. Any future amendment to the amount of these impact fees shall be based on the city’s most recent and localized data available at that the time of amendment.

**Sec. 12-181.** Definitions.

The following definitions shall apply to this Article:

*Parks and Recreation Impact Construction* shall mean any residential improvement to land which shall generate the need for city parks and recreation.

*Residential* includes single family residences, condominiums, planned unit developments, multifamily, retirement communities, and mobile homes.

**Sec. 12-182.** Imposition.

(a) Any person who seeks to develop real property located in the city by applying for a building permit, development order, or other permit for parks and recreation impact construction within the city shall pay the following parks and recreation impact fees which are based on the city’s most recent and localized data:

*Parks and Recreation Impact Fee Schedule*

TABLE INSET:

Development Type	Impact Fee
Residential	
<i>Single Family Residential / Unit</i>	\$1,060.00
<i>Condominium / Unit</i>	\$1,060.00
<i>Planned Unit Development / Unit</i>	\$1,060.00
<i>Multifamily / Unit</i>	\$1,060.00
<i>Retirement Community / Unit</i>	\$1,060.00
<i>Mobile Home / Unit</i>	\$1,060.00
<i>Hotel or Motel / Unit - Not applicable</i>	

(b) The city may charge an administrative charge for the collection of impact fees, however, in no event shall such administrative charge exceed the actual cost incurred by the city for collection of the impact fees. If the option to establish an administrative charge is exercised, then such administrative charge shall be set by resolution of City Council.

(c) No less than 90 days notice shall be provided to the public before the effective date of any amendment to this ordinance which imposes a new or increased impact fee.

(d) Any amendment to the amounts of the impact fees established herein shall be calculated based on the city's most recent and localized data.

**Sec. 12-183.** Impact Fee Trust Account and Use of Monies.

(a) There is established a trust account for the parks and recreation impact fees, designated as the "parks and recreation impact fee trust account," which shall continue to be maintained separate and apart from all other accounts of the city.

(b) The funds collected by reason of establishment of the parks and recreation impact fees in accordance with this Article shall be used solely for the purpose of acquisition of facilities and equipment determined to be needed to provide parks for new development within the City. Said funds shall not be used to maintain or repair existing park facilities or equipment or to acquire facilities or equipment to serve existing development.

(c) The City shall spend funds on a first in, first out basis.

**Sec. 12-184.** Accounting Report and Periodic Adjustments.

The city administrator or designee shall provide an accounting report annually to the city council indicating the amount of fees collected under this article and the amount of fees distributed. The city council shall review the report of the city administrator or designee. The purpose of this review is to analyze use and availability of funds, as well as the effects of inflation on the actual costs of capital improvements, and to review and revise, if necessary, the fee charged new development to ensure it will not exceed its pro rata share for the reasonably anticipated expansion costs of capital improvements for parks and recreation services necessitated by new development.

**Sec. 12-185.** Exemptions.

(a) The following shall be exempt from payment of parks and recreation impact fees:

(1) An alteration or expansion of an existing dwelling unit where no additional dwelling units are created and the use is not changed.

(2) The construction of an accessory building or structure to a residential use which will not create additional uses or an increase in density of the residential development.

(3) The replacement of an existing dwelling unit of the same type and use where no additional dwelling units are created.

(4) The replacement of a lawfully permitted structure, the building permit for which was issued on or before the effective date of this ordinance, or the replacement of a structure that was constructed subsequent thereto and for which the correct parks and recreation impact fees which were owed at the time the building permit was applied for, were paid or otherwise provided for with a new structure of the same use and at the same location with no increase of density or intensity of development.

(5) A building permit for which the parks and recreation impact fees have been or will be paid or otherwise provided for pursuant to a written agreement, zoning approval or development order pertaining to development which, by the specific written terms thereof, clearly and unequivocally was intended to provide for the full mitigation of impacts to parks and recreation facilities by enforcement of the agreement, zoning approval or development order, and not by the application of this ordinance.

(6) A building permit which pertains to residential development which does not result in any additional impact on parks and recreation facilities and hence cannot be classified as parks and recreation impact construction; provided, however, that all development shall be presumed to be parks and recreation impact construction and cause additional impacts on parks and recreation facilities.

(7) An exemption must be claimed by the feepayer at the time of the issuance of a building permit development order, or other permit. Any exemption not so claimed shall be deemed irrevocably waived by the feepayer.

**Sec. 12-186.** Individual Calculation of Parks and Recreation Impact Fees.

(a) The city council may adopt administrative regulations by resolution to ensure that any affordable housing unit that has received a certificate of affordability from the federal, state, or county government remains affordable.

**Sec. 12-187.** Conveyance of Land or Equipment and Impact Fee Credits; Transfer of Credits.

(a) In order to provide lands to meet the need for city parks and recreation sites created by parks and recreation impact construction or to provide necessary city parks and recreation capital equipment or facilities, a developer of parks and recreation impact construction may convey suitable land, capital equipment or facilities, to the city in lieu of paying the parks and recreation impact fee imposed herein, as agreed to by the city. However, no impact fee reduction shall exceed the amount of the parks and recreation impact fee imposed in this article.

(b) Any land, capital equipment, or facilities conveyed to the city in lieu of paying the parks and recreation impact fee imposed herein must be acceptable to the city in terms of suitable size, dimension, soil type, topography, location, accessibility and general character, type and specifications.

(c) Subject to the terms and conditions of this section, credit may be granted against the parks and recreation impact fee imposed herein for the conveyance of land, or capital equipment or facilities that is required pursuant to a development order or permit or made voluntarily in connection with parks and recreation impact construction. Such conveyances, equipment or facilities shall be subject to the approval and acceptance of the city council.

(d) No credit shall be given for the conveyance of land, capital equipment or construction of facilities unless such property is conveyed in fee simple or a bill of sale is executed to the city without further consideration.

(e) Prior to issuance of a building permit, or if no building permit is required, prior to the issuance of the final development order, the applicant shall submit a proposed plan for conveyance or contributions to the city to the city administrator or designee. The proposed plan shall include:

(1) A designation of the parks and recreation impact construction for which the plan is being submitted;

(2) A legal description of any land proposed to be conveyed and a written appraisal prepared in conformity with subsection (h) of this section;

(3) A list of the contemplated contributions to the city and an estimate of the proposed construction costs certified by a professional architect or engineer or an estimate of the proposed value of a proposed conveyance of capital equipment; and

(4) A proposed time schedule for completion of the proposed plan.

(f) Within sixty (60) days after receipt, the city administrator or designee shall recommend approval or denial of the proposed plan in accordance with subsection (g) of this section and, if approval is recommended, establish the amount of credit in accordance with subsection (h) of this section.

(g) In reviewing the proposed plan, the city administrator or designee shall determine:

(1) If such proposed plan is in conformity with needed contemplated improvements and additions to the parks and recreation facilities;

(2) If the proposed conveyance of land or capital equipment and construction by the applicant is consistent with the public interest; and

(3) If the proposed time schedule is consistent with the capital improvement program for the parks and recreation.

(h) The amount of developer contribution credit shall be determined as follows:

(1) The value of conveyed land shall be based upon a written appraisal of fair market value as determined by a Member Appraisal Institute (MAI) appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this section and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the city administrator or designee accepts the methodology of the appraisal but disagrees with the appraised value, (s)he may engage another MAI appraiser at the city's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the city and the owner or applicant. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.

(2) The value of the construction of an improvement or the value of conveyed capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements to parkland, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the city unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost of construction. The cost of professional services shall be competitively bid in accordance with § 287.055, *Florida Statutes* in order to be eligible for impact fee credits.

(i) If a proposed plan is approved for credit by the city, the applicant or owner and the city shall enter into a credit agreement which shall provide for:

(1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the city council, if any;

(3) The amount of the credit as determined in accordance with subsection (h) of this section.

(j) Credits shall expire twenty-four (24) months from the date of the credit agreement.

(k) A credit for the conveyance of land shall be granted at such time as the property has been conveyed to and accepted by the city. A credit for the construction of an improvement or conveyance of capital equipment to the city shall be granted at such time

as the construction is completed, approved and accepted by the city or the time the capital equipment is approved and accepted by the city. The administration of said contribution credits shall be the responsibility of the city administrator or designee.

(l) Any applicant or owner who submits a proposed plan pursuant to this section and desires the issuance of a building permit or other final development order prior to approval of the proposed plan shall pay the applicable parks and recreation impact fee imposed herein. Any difference between the amount paid and the amount due, should the city administrator or designee approve and accept the proposed plan, shall be refunded to the applicant or owner.

(m) The land or capital equipment or facilities conveyed or constructed, shall only provide improvements required to accommodate growth.

(n) The actual cost for processing of and fees for legal preparation or review of a credit agreement shall be paid by the applicant prior to acceptance of the agreement by city council.

(p) All or a portion of credits provided pursuant to this section may be transferred from one (1) parks and recreation impact construction site to another. Untimely requests to transfer credits shall not be considered, nor shall the city council consider a request to transfer any parks and recreation impact fee credits distributed by the city to any owner of record prior to the effective date of this subsection, unless the project was specifically approved at the time of submittal to allow the future transfer of such credits. The owners of the two sites shall submit a notarized agreement regarding the transfer which provides a legal description of both properties. The actual cost for processing of and fees for legal review of the agreement shall be paid by the parties prior to the city accepting the transfer. Costs for transferring credits shall be imposed by resolution of the city council. Upon acceptance by city council, the city shall notify both parties by certified mail, return receipt requested. The property owner surrendering the credit shall be responsible for paying impact fees imposed by this chapter when the property is developed.

**Sec. 12-188. Refund of Impact Fees Paid.**

(a) If a building permit or final development order expires or is canceled without commencement of the construction, the owner of record shall be entitled to a refund, without interest, of the impact fee. The owner of record shall submit an application for the refund to the city administrator, or designee, within one hundred eighty (180) days of the expiration of the permit or final development order. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application the city administrator shall issue the refund if it is clear the building permit or final development order has expired without the commencement of construction.

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon

application of the owner of record, be returned to such owner of record without interest provided that the owner of record submits an application for a refund to the city administrator or designee. This six-year period may be extended by action of the city council for up to an additional three (3) years. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such monies. The city council shall issue such refund if a determination is made that the impact fees were not expended or encumbered within the time specified.

**Sec. 12-189.** Appeals.

Any person who disagrees with a decision or interpretation of this chapter may appeal to the city administrator or designee by filing a written notice of appeal within ten (10) days after the date of the action or decision complained of. The written notice of appeal shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. The city administrator or designee shall consider all facts material to the appeal and render a written decision within thirty (30) days of receiving the appeal. Any person who disagrees with the decision of the city administrator or designee may appeal to the city council by filing a written notice of appeal with the city administrator's office setting forth concisely the decision appealed within ten (10) days after the date of the city administrator's decision. The appeal shall be set for the next available city council meeting for consideration. At the meeting the city council shall render a verbal decision. The minutes of the meeting shall constitute the city's final written decision and shall constitute final administrative review.

**SECTION 2.** Codification. It is the intent of the City Council of the City of Apopka that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance; article and section numbers assigned throughout are suggested by the City, consistent with impact fee chapters of other municipalities.

**SECTION 3.** Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 4.** Conflicts. This Ordinance supersedes all previous Ordinances relating to parks and recreation impact fees previously adopted by the City of Apopka, and such Ordinances are hereby vacated and deleted in their entireties. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other existing ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**SECTION 5.** Effective Date. This Ordinance shall become effective on \_\_\_\_\_, 2017, or ninety (90) days from the date of the advertised notice for this Ordinance, pursuant to §163.31801, Florida Statutes.

**PASSED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2017, by the City Council of the City of Apopka, Florida.

READ FIRST TIME: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

READ SECOND TIME  
AND ADOPTED:

\_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Linda G. Goff, City Clerk

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

\_\_\_\_\_  
Clifford B. Shepard, City Attorney

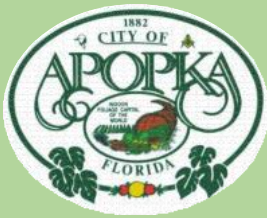
DULY ADVERTISED FOR PUBLIC HEARING:

\_\_\_\_\_



**Backup material for agenda item:**

3. Ordinance No. 2545 - Second Reading - Adjust Pension Board Member Terms Sharon Thornton



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: January 18, 2017  
FROM: General Pension Board  
EXHIBITS: N/A

**SUBJECT: ORDINANCE 2545 – AMENDING RETIREMENT BOARD ROTATION CYCLES.**

**REQUEST: SECOND READING AND ADOPTION OF ORDINANCE 2545.**

**SUMMARY:**

The administration of the City of Apopka, in conjunction with the boards of the Apopka Municipal Employees’ Pension Trust Funds, desires to amend the current terms of the fifth and resident trustees of the boards.

The plans currently have all board members serving in the same rotation cycles. The staggering of these appointed trustee positions will allow the boards to have intermediate rotations which help maintain a consistency on the boards.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Accept the second reading and adoption of Ordinance 2545.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ORDINANCE 2545**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ARTICLE II, "GENERAL EMPLOYEES' RETIREMENT SYSTEM" OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-23, BOARD OF TRUSTEES; AMENDING ARTICLE III, "FIREFIGHTERS' RETIREMENT SYSTEM" OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-63, BOARD OF TRUSTEES; AMENDING ARTICLE IV, "POLICE OFFICERS' RETIREMENT SYSTEM" OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-103, BOARD OF TRUSTEES; PROVIDING FOR DIRECTION TO THE CITY CLERK, FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, The City of Apopka, Florida has established the City of Apopka General Employees' Retirement Trust Fund, the City of Apopka Firefighters' Retirement Trust Fund and the City of Apopka Police Officers' Trust Fund for the benefit of its general, firefighter and police officer employees, respectively and their beneficiaries; and

**WHEREAS**, the City Council has determined that is in the best interest of the City and its employees to amend the retirement funds to provide staggered terms of office for members of the Boards of Trustees for each fund; and

**WHEREAS**, in order to implement the proposed changes, amendment of the City of Apopka General Employees' Retirement Trust Fund, Firefighters' Retirement Trust Fund and Police Officers' Trust Fund is required,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA THAT:**

**SECTION I. Amendment of Section 63-23.**

That Section 63-23, "Board of Trustees", of Article II, of Part II of the Code of Ordinances of the City of Apopka, is hereby amended to read as follows:

(Note: Strike-throughs and underlines represent additions and deletions, respectively):

**Sec. 63-23. - Board of trustees.**

- (a) That sole and exclusive administration of and responsibilities for the proper operation of the system and for making effective the provisions of this article is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom shall be the mayor and the city clerk, and two of whom shall be members of the system, who shall be elected by a majority of the general employees who are members of the system and who vote in said election. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the Apopka City Council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as herein

## ORDINANCE NO. 2545

provided and shall serve a two-year term unless he sooner vacates the office. Each member trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the city as a general employee or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as and vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. Notwithstanding anything herein to the contrary, effective [effective date] the term of office of the fifth trustee shall be extended for a single one-year period to provide for staggered terms of office. Thereafter, said trustee position shall serve for a period of two years, unless the member vacates the office as trustee. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

### **SECTION II.**        Amendment of Section 63-63.

That Section 63-63, "Board of Trustees", of Article III, of Part II of the Code of Ordinances of the City of Apopka, is hereby amended to read as follows:

(Note: Strike-throughs and underlines represent additions and deletions, respectively):

#### **Sec. 63-63. - Board of trustees.**

- (a) The sole and exclusive administration of and responsibilities for the proper operation of the retirement system and for making effective the provisions of this article is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Apopka City Council, and two of whom shall be members of the system, who shall be elected by a majority of the firefighters who are members of the system. DROP participants shall be eligible to be elected as a member trustee but may not vote for elected trustees. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the Apopka City Council. Upon receipt of the fifth person's name, the Apopka City Council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as herein provided and shall serve a two-year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the Apopka City Council at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the city as a firefighter or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. Notwithstanding anything herein to the contrary, effective [effective date] the term of office of the appointed, resident trustees shall be extended for a single one-year period to provide for

## ORDINANCE NO. 2545

staggered terms of office. Thereafter, each resident board members shall serve as trustees for a period of two years, unless he vacates his office as trustee. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

### **SECTION III. Amendment of Section 63-103.**

That Section 63-103, "Board of Trustees", of Article IV, of Part II of the Code of Ordinances of the City of Apopka, is hereby amended to read as follows:

(Note: Strike-throughs and underlines represent additions and deletions, respectively):

#### **Sec. 63-103. - Board of trustees.**

- (a) The sole and exclusive administration of and responsibilities for the proper operation of the retirement system and for making effective the provisions of this article is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Apopka City Council, and two of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the Apopka City Council. Upon receipt of the fifth person's name, the Apopka City Council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as herein provided and shall serve a two-year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the Apopka City Council at whose pleasure he shall serve. Each trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as but not vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. Notwithstanding anything herein to the contrary, effective [effective date] the term of office of the appointed, resident trustees shall be extended for a single one-year period to provide for staggered terms of office. Thereafter, each resident board members shall serve as trustees for a period of two years, unless he vacates his office as trustee. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

**SECTION IV. Directions to the City Clerk.**: That the City Clerk, or the City Clerk's designee, is hereby authorized to include this amendment in the Apopka Code of Ordinances of the

**ORDINANCE NO. 2545**

City of Apopka, Florida. The Clerk may make format changes as necessary to ensure consistency with the current Code protocol.

**SECTION V. Conflicts:** All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**SECTION VI. Severability:** If any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

**SECTION VII. Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING: \_\_\_\_\_

SECOND READING  
AND ADOPTION: \_\_\_\_\_

\_\_\_\_\_  
Joe Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Clifford Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING

**Backup material for agenda item:**

4. Ordinance No. 2546 – First Reading – Annexation at 1109 S. Park Ave. & 157 Rand Ct. – Legislative  
Kyle Wilkes



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER:

MEETING OF: January 18, 2017  
FROM: Community Development  
EXHIBITS: Exhibit "A" – Summary  
Ordinance No. 2546  
Vicinity Map

**SUBJECT: 2017 ANNEXATION – CYCLE NO. 1**

**REQUEST: FIRST READING OF ORDINANCE NO. 2546 – APOPKA HOLDINGS, LLC;  
AND HOLD OVER FOR SECOND READING & ADOPTION.**

**SUMMARY:**

OWNER: Apopka Holdings, LLC  
LOCATION: 1109 S Park Avenue & 157 Rand Court  
LAND USE: Refer to Exhibit "A"  
EXISTING USE: Refer to Exhibit "A"  
TRACT SIZE: 0.82 +/- acre

**ADDITIONAL COMMENTS:** The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December 30, 2016.

**DULY ADVERTISED:**

January 6, 2017 - 1/4 Page Public Hearing Advertisement  
January 13, 2017 - 1/4 Page Public Hearing Advertisement  
February 3, 2017 - Ordinance Headings Advertisement

**PUBLIC HEARING SCHEDULE:**

January 18, 2017 (7:00 pm) - City Council 1<sup>st</sup> Reading  
February 1, 2017 (1:30 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief



**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the annexation for properties owned by Apopka Holdings, LLC.

Accept the First Reading of Ordinance No. 2546, and Hold it Over for Second Reading and Adoption on February 1, 2017.

**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2017 ANNEXATION CYCLE # 1**

**TOTAL ACRES: 0.82 +/-**  
**ANNEXATION ORDINANCE NO.: 2546**

**Adopted this 1<sup>st</sup> day of February, 2017**

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>	<b>EXISTING USE</b>	<b>FUTURE LAND USE (COUNTY)</b>
2546	1	APOPKA HOLDING, LLC	1109 S. Park Avenue 157 Rand Court	15-21-28-7540-00-771 15-21-28-7540-00-772	0.41 <u>0.41</u> 0.82	SFR (1) Rooming House	Low Density Residential Max. 4du/ac

G:\CommDev\PLANNING ZONING\ANNEXATIONS\2017\Cycle 1\CC Packets

**ORDINANCE NO. 2546**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY APOPKA HOLDINGS, LLC LOCATED AT 1109 S PARK AVENUE and 157 RAND COURT; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, Apopka Holdings, LLC, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 1109 S Park Avenue and 157 Rand Court; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.82 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

ROBINSON & DERBYS ADD TO APOPKA B/40 THE N1/2 OF LOT 77 & N1/2 OF LOT 78, Containing 0.41+/- acre; AND

ROBINSON & DERBYS ADD TO APOPKA B/40 THE S1/2 OF LOTS 77 & 78, Containing 0.41+/- acre.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

SECTION V: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

**ORDINANCE NO. 2546**  
**PAGE 2**

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: January 18, 2017

READ SECOND TIME  
AND ADOPTED: February 1, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: January 6, 2017; January 13, 2017 & February 3, 2017

**ANNEXATION**  
**APOPKA HOLDINGS, LLC**  
**1109 S PARK AVENUE & 157 RAND COURT**



**Exhibit "A"**  
**Ord. # 2546**

**Parcel ID: 15-21-28-7540-00-771**  
**15-21-28-7540-00-772**

**Total Acres: 0.82 +/-**

**VICINITY MAP**



**Backup material for agenda item:**

5. Ordinance No. 2547 – First Reading – Fisher Plantation Subdivision Annexation - Legislative James Hitt



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: January 18, 2017  
FROM: Community Development  
EXHIBITS: Ordinance No. 2547

**SUBJECT: FISHER PLANTATION, ANNEXATION REFERENDUM**

**REQUEST: FIRST READING OF ORDINANCE NO. 2547 FOR ANNEXATION OF THE FISHER PLANTATION SUBDIVISION**

**SUMMARY:**

Over the last few years the City has received annexation requests from the residents of the Fisher Plantation subdivision. Discussions and meetings with the residents and homeowners indicate a significant majority of the residents support annexation; however, staff has been unable to secure the unanimous consent necessary to annex under the voluntary annexation provisions within Florida Statutes.

On December 13, 2016, the Apopka City Council authorized staff to initiate the process for conducting an annexation referendum for the Fisher Plantation subdivision. Staff has coordinated with the Orange County Supervisor of Elections Office, and the annexation referendum is scheduled to be held on April 11, 2017. This will be a mail-in referendum rather than completed at a polling location.

As part of the process, the Apopka City Council must adopt an ordinance proposing the annexation of Fisher Plantation. The ordinance becomes effective April 12, 2017, one (1) day after the referendum, providing that there is a majority vote for annexation.

LOCATION: Refer to Ordinance No. 2547, Exhibit "B" – Vicinity Map

EXISTING USE: 25.0 +/- Residential Acres (81 lots and tracts).

**ADDITIONAL COMMENTS:**

- A. Annexation will be on the basis of existing Orange County land use and zoning designations, with the process for City land use and zoning to occur at a later date.
- B. Ordinance No. 2547 Public Hearing Schedule:  
City Council (First Reading) - January 18, 2017, at 7:00 P.M.  
City Council (Second Reading & Adoption) - February 1, 2017, at 1:30 P.M.
- C. Duly advertised:            January 8, 2017 – Public Hearing Notice  
   January 27, 2017 – Ordinance Heading Ad

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Accept the First Reading of Ordinance No. 2547 and Hold it Over for Second Reading and Adoption on February 1, 2017.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**ORDINANCE NO. 2547**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ANNEXING CERTAIN UNINCORPORATED PROPERTY GENERALLY KNOWN AS FISHER PLANTATION, AND MORE PARTICULARLY DESCRIBED HEREIN, INTO THE CORPORATE LIMITS OF THE CITY OF APOPKA; PROVIDING FOR A REFERENDUM FOR APPROVAL BY THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Apopka has undertaken a study regarding the annexation of Fisher Plantation; and

**WHEREAS**, the City Council has determined that the total area to be annexed is contiguous to the City of Apopka boundary, is reasonably compact and is not included within the boundary of another municipality; and

**WHEREAS**, the City Council further determined that the area to be annexed is developed for urban purposes; and

**WHEREAS**, the City of Apopka is prepared to provide urban services to the area to be annexed; and

**WHEREAS**, this enabling ordinance and backup will be transmitted to the Board of County Commissioners for Orange County; and

**WHEREAS**, all prerequisites to annexation have been met.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA:**

**SECTION I: ANNEXATION OF UNINCORPORATED PROPERTY:** The corporate limits of the City of Apopka are hereby extended, amended and modified so as to annex and include the area referred to as Fisher Plantation, generally located northwest corner of Schopke Road and Lester-Schopke Road, more particularly described in Exhibit "A" (attached hereto and incorporated herein by this reference) and depicted in the map in Exhibit "B" (attached hereto and incorporated herein by this reference).

**SECTION II: REFERENCE BY REGISTERED ELECTORS:** This ordinance proposing to annex the property herein described to the corporate limits to the City of Apopka shall be submitted to a vote of the registered electors of the area herein proposed to be annexed. The referendum for the annexation shall be held April 11, 2017, with a mail ballot in a form substantially similar to that set forth in Exhibit "C" (attached hereto and incorporated herein by this reference). Such election shall be held in conformity with the laws and



ordinances now in effect and in conformance with the provisions of Chapter 171, Florida Statutes.

**SECTION III: SEVERABILITY:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

**SECTION IV: EFFECTIVE DATE:** This ordinance shall become effective April 21, 2017 provided there is a majority vote for annexation within the area proposed herein to be annexed.

**SECTION V: DIRECTIONS TO THE CITY CLERK:** Immediately upon the effective date of this Ordinance, the City Clerk shall file a certified copy of this Ordinance, along with the certified referendum election results, with the Clerk of the Circuit Court in and for Orange County; the Orange County Property Appraiser; and the Department of State of the State of Florida.

**PASSED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the City Council of the City of Apopka, Florida.

READ FIRST TIME: \_\_\_\_\_

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Linda G. Goff, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING

## FISHER PLANTATION ANNEXATION

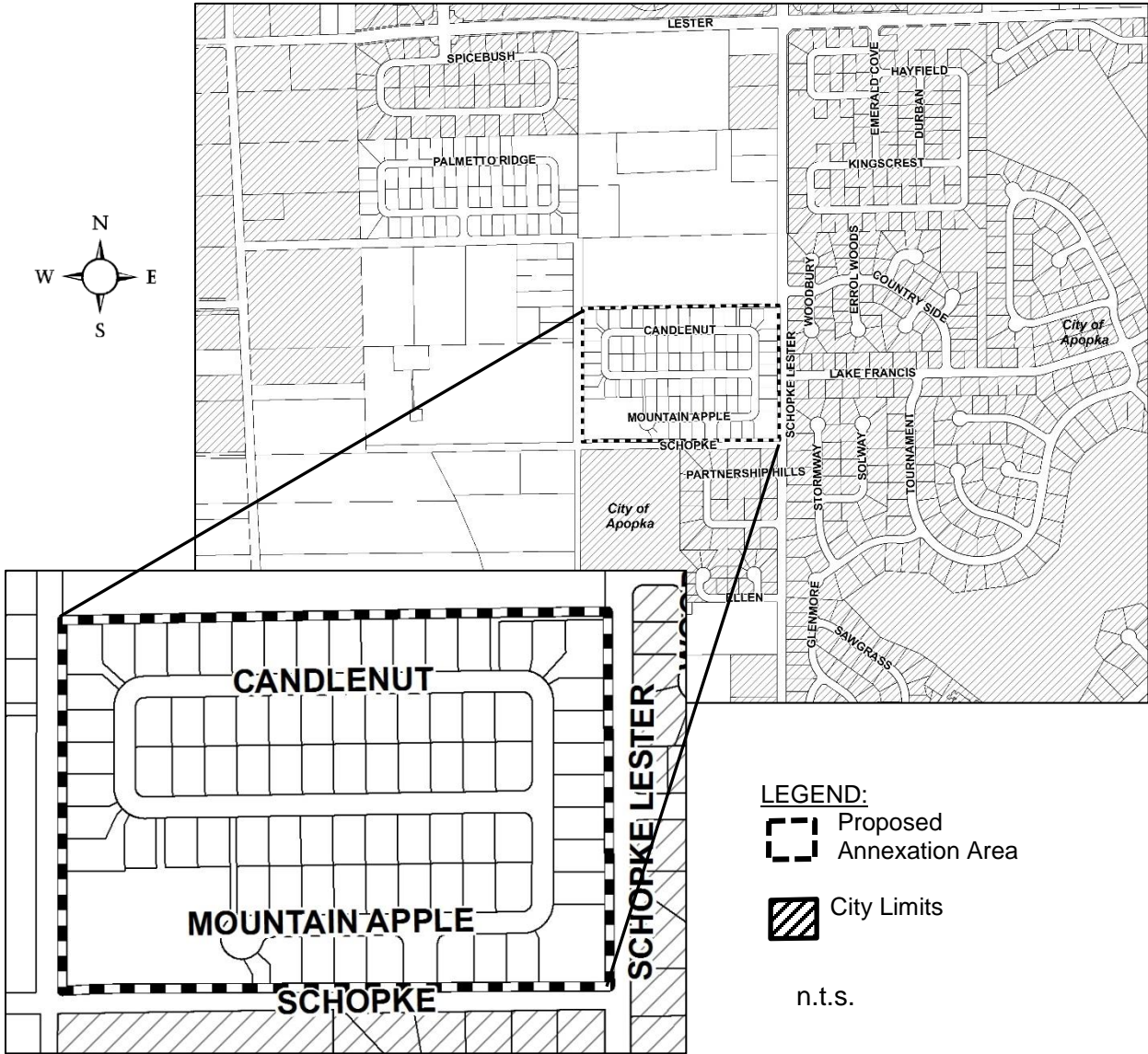
**Legal Description including acreage:**

That part of the Northeast  $\frac{1}{4}$  of Section 31, Township 20 South, Range 28 East, Orange County, Florida, being described as follows:

Commence at the Southeast corner of said Northeast  $\frac{1}{4}$ , as a point of reference; thence run N88° 39' 44"W, along the South line thereof, 1350.00 feet to the intersection of the South line of the Northeast  $\frac{1}{4}$  with the West right-of-way line of Schopke-Lester Road; Thence run N02° 14' 02"E, along said West right-of-way line of Schopke Road; Thence run N88° 39' 44"W, along said North line, 1259.99 feet to the East right-of-way line of Schopke Road; Thence run N02° 13' 57"E, along said East line, 864.39 feet; Thence run S88° 39' 44"E, parallel with the South line of the Northeast  $\frac{1}{4}$ , 1260.01 feet to the aforesaid West right-of-way line of Schopke-Lester Road; Thence run S02° 14' 02"W, along said West line, 864.39 feet to the point of beginning.

Containing 25 acres +/-

# Fisher Plantation Annexation – Vicinity Map



**SAMPLE BALLOT • PAPELETA DE MUESTRA**

**Official Special Annexation Referendum Election Ballot**  
**April 11, 2017**  
**Apopka, Florida**

**9904-0001**

**Papeleta Oficial Para la Elección Referendum Anexion Especial**  
**11 de abril de 2017**  
**Apopka, Florida**

99040001



- Instructions: To vote, fill in the oval completely (●) next to your choice. Use black ballpoint pen.
- If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.
- Instrucciones: Para votar, llene completamente el óvalo (●) al lado de su selección. Use bolígrafo de tinta negra.
- Si comete un error, pida una nueva papeleta. No lo taches, o puede que su voto no cuente.

**Fisher Plantation Subdivision**  
**Annexation Referendum**

The Apopka City Council has adopted Ordinance Number 2547 calling for annexation into the City of Apopka certain land located adjacent to the City and generally in the Fisher Plantation subdivision. The annexation will not occur unless a majority of registered electors in the area to be annexed casting ballots approve annexation.

- For annexation of property described in Ordinance Number 2547 of the City of Apopka.  
 Estoy de acuerdo con la anexión de las propiedades descritas en la Ordenanza Numero 2547 de la Ciudad de Apopka.
- Against annexation of property described in Ordinance Number 2547 of the City of Apopka.  
 Estoy en contra de la anexión de las propiedades descritas en la Ordenanza Numero 2547 de la Ciudad de Apopka.

**Subdivisión de Fisher Plantation**  
**Referéndum de Anexión**

El Consejo Municipal de la Ciudad de Apopka ha aprobado la Ordenanza Numero 2547 que propone la anexión a la Ciudad de Apopka ciertos terrenos adyacentes a la Ciudad en la subdivisión de Fisher Plantation. La anexión no procederá a menos que una mayoría de votantes inscritos del área ha ser anexada emitan su voto y aprueben la anexión.

SAMPLE BALLOT • PAPELETA DE MUESTRA • SAMPLE BALLOT

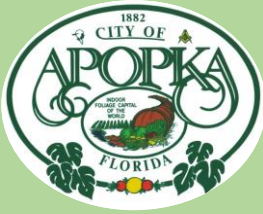
SAMPLE BALLOT • PAPELETA DE MUESTRA • SAMPLE BALLOT

**SAMPLE BALLOT • PAPELETA DE MUESTRA**

**Backup material for agenda item:**

6. Resolution No. 2017-02 – Quality Target Industry (QTI) Program – Qorvo

James Hitt



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: January 18, 2017  
 FROM: Administration  
 EXHIBIT(S): Resolution No. 2017-02  
 Sample QTI Payout

**SUBJECT: ECONOMIC DEVELOPMENT INCENTIVE – QORVO.**

**REQUEST: APPROVAL OF RESOLUTION NO. 2017-02 FOR QORVO’S ECONOMIC DEVELOPMENT INCENTIVE IN THE QUALIFIED TARGET INDUSTRY (QTI) PROGRAM**

**SUMMARY:**

**Qualified Target Industry (QTI) Program:**

This Resolution was originally approved by City Council on December 12, 2016. Once the Resolution was submitted to the Florida Department of Economic Opportunity (DEO), the DEO required some minor language changes to fit the Qualified Target Industry (QTI) State guidelines. Those changes include: The jobs created should read simply 100, rather than “approximately” 100 jobs; Clarifying in the title and body of the resolution that the amount funded through ad valorem tax abatement is \$60,000 which is 50% of the local match; That Orange County is providing the other 50%.

Qorvo US, Inc. designs and fabricates key electronics components for consumer devices and the defense industry. Qorvo recently was granted new contracts that will require physical expansion of the facility and the potential for the addition of 100 new jobs. However, they are in competition with another fabrication facility out of state. The company has already transferred one product line to this out of state facility. There is little distinction between the two sites based upon capabilities. Due to this circumstance upon this, the Apopka site must show other competitive advantages such as cost efficiency, supportive local governments and talented employees.

If successful, the expansion will consist of a 33,000 sq. ft. office addition with a 7,000 sq. ft. lab space and parking, to the existing facility. The project will create 100 new high-wage jobs in the City for primarily engineers (90), IT (2), Management (5) and Production (3) with an average site salary of \$83,900 and an average engineer salary on site of \$85,000. It is anticipated that up to 50% of the new employees will be hired locally.

The property tax incentive the state has a Qualified Target Industry (QTI) program that provides a reimbursement to a company that meets job creation criteria. Qorvo meets criteria for a \$6,000 per job reimbursement. Under this program, the state pays 80% of the cost (\$480,000) while the local government contributes 20%. Since we are approaching this as a partnership with Orange County, the city would be responsible for 10% or \$60,000 for the job creation and Orange County would cover the other half. Assuming all 100 jobs are created, the city would be ultimately responsible for \$60,000 over the life of the agreement or an average of \$7,500 per year.

The benefit of incentives of this nature is that it is entirely performance based. If the expansion does not occur or the jobs are not created the city has no obligation.

Exhibits:

- Resolution No. 2017-02
- Sample QTI Payout Schedule.

---

**FUNDING SOURCE**

**Budgeted Annually**

---

**RECOMMENDATION ACTION:**

Approve Resolution No. 2017-02 for Qorvo in the Qualified Target Industry (QTI) Program for job creation;

---

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**RESOLUTION NO. 2017-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, RECOMMENDING THAT QORVO FLORIDA, INC. BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; PROVIDING AN APPROPRIATION OF \$60,000 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2017-2024; PROVIDING FOR LOCAL FINANCIAL SUPPORT IN THE FORM OF AD VALOREM TAX ABATEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 1994, the Florida legislature passed legislation establishing a “Qualified Target Industry Tax Refund Program” (“QTI Program”) to encourage the creation of new high-wage job opportunities in Florida by providing “tax refunds” to qualified target industries; and

**WHEREAS**, the business under consideration is Qorvo Florida, Inc. (hereinafter “Qorvo”); and

**WHEREAS**, Qorvo was incorporated on January 3, 1979, and its parent is headquartered in Oregon; and

**WHEREAS**, Qorvo provides standard and custom product solutions for the mobile, infrastructure and defense markets, as well as strategic foundry services, and has design, manufacturing, applications engineering and sales/support facilities around the globe; and

**WHEREAS**, Qorvo has 6.9 billion dollars in assets, 1.2 billion dollars in working capital, 4 major manufacturing sites within the United States, 40+ sites worldwide, generates 3 billion dollars in revenue with no debt, and employees approximately 7,500 employees; and

**WHEREAS**, Qorvo seeks to expand its current manufacturing plant and design center in Apopka with a new 33,000 sq. ft. building that will house approximately 7,000 sq. ft. of research and design and prototype labs (the “Project”); and

**WHEREAS**, Qorvo will be increasing its production capacity and investing more than 40 million dollars in high tech semi-conductor fabrication equipment; and

**WHEREAS**, the “Project,” will create, 100 new high-wage jobs in the City for engineers and managers with an average private sector wage commitment of \$65,834, which is 150% of the Orange County average annual wage; and

**WHEREAS**, Qorvo intends to give hiring priority to qualified City residents and to also seek qualified minorities from the Central Florida area to fill its hiring needs; and



**WHEREAS**, alternative sites for the Project exist in the Greensboro, NC metropolitan area, and financial incentives play a critical role in Qorvo’s decision to establish the Project in Apopka rather than in Greensboro, NC.

**WHEREAS**, Qorvo has been identified as a Target Industry Business and, moreover, falls within one of the high-impact sectors designated under Florida Statute 288.108, specifically Advanced Manufacturing, and is eligible to apply for the Qualified Target Industry Tax Refund with a High-Impact Sector Bonus, pursuant to s.288.106; and

**WHEREAS**, competition for Qorvo exists outside of Florida, and financial incentives are necessary to ensure that the company expands its Project in the City of Apopka rather than elsewhere; and

**WHEREAS**, Apopka City Council hereby acknowledges that local financial support of 20% of the total tax refund of \$600,000 is required under the provisions of s.288.106, Florida Statutes, governing the State’s Qualified Target Industry Tax Refund Program; and

**WHEREAS**, Apopka City Council has agreed to participate in the provision of local financial support by committing \$60,000, which is 50% of the total required QTI local financial support; and

**WHEREAS**, Orange County has also agreed to pay 50% of the necessary local financial support.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA:**

**Section 1.** That Apopka City Council hereby recommends that Qorvo be approved as a Qualified Target Industry Business pursuant to s.288.106, Florida Statutes.

**Section 2.** Subject to the terms of this Resolution, the Apopka City Council hereby agrees to pay up to, but not to exceed SIXTY THOUSAND DOLLARS (\$60,000) which represents half of the necessary commitment of local financial support for the Qualified Target Industry Tax Refund Program.

**Section 3.** Be it further resolved that of the City of Apopka’s total local financial support, \$60,000 provided by ad valorem tax abatement will be provided in the form of ad valorem tax abatement granted to Qorvo pursuant to s.196.1995, Florida Statutes.

**Section 4.** The Apopka City Council’s promise to pay the amount specified in this Resolution is contingent upon (i) Qorvo receiving the designation as a “qualified target industry business” in connection with the QTI program, (ii) appropriation by the Apopka City Council in each applicable year authorizing payment of the revenues hereunder, and (iii) on an annual basis, award by the State of Florida of tax refunds under the QTI Program.

**Section 5.** Unless provided otherwise in this Resolution, the City shall pay the “local financial support” in the following amounts:

<u>Fiscal Year</u>	<u>Amount</u>
2016/2017 .....	\$ 3,000
2017/2018 .....	\$ 6,000
2019/2020 .....	\$ 9,000
2020/2021 .....	\$ 12,000
2021/2022 .....	\$ 12,000
2022/2023 .....	\$ 9,000
2023/2024 .....	\$ 6,000
2024/2025 .....	\$ 3,000
<b>TOTAL</b>	<b>\$ 60,000</b>

Such sums shall be paid from any legally available source or sources of revenue other than those specified in the QTI Program (or rules promulgated thereunder) as being ineligible for such purpose.

**Section 6.** In the event that Qorvo is approved by the State of Florida for tax refunds in an amount less than the estimated amount of \$600,000, the local financial support to be paid by the City shall be proportionately reduced so that the total tax refund awarded to Qorvo by the City will not exceed ten percent (10%) of the total tax refund awarded to Qorvo under the QTI Program.

**Section 7. Severability.** If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way shall affect the remaining portions of this resolution.

**Section 8. Effective Date.** This resolution shall take effect immediately upon its adoption.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2017, by the City Council  
of the City of Apopka, Florida.

APPROVED:

\_\_\_\_\_  
Joe Kilsheimer, Mayor

ATTEST:

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

## Sample QTI Payout Schedule

Number of Jobs	100	Input
QTI Award Amount	\$ 6,000	Calculation
Total QTI Refund	\$ 600,000	

	12/31/2017	12/31/2018	12/31/2019	12/31/2020	12/31/2021	12/31/2022	12/31/2023	12/31/2024	12/31/2025	Total
Jobs	20	20	20	20	20	-	-	-	-	100

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	Total
Phase I		\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000					\$ 120,000
Phase II			\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000				\$ 120,000
Phase III				\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000			\$ 120,000
Phase IV					\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000		\$ 120,000
Phase V						\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 120,000
Total Refund Payment	\$ -	\$ 30,000	\$ 60,000	\$ 90,000	\$ 120,000	\$ 120,000	\$ 90,000	\$ 60,000	\$ 30,000	\$ 600,000

State Contribution (80%)	\$ -	\$ 24,000	\$ 48,000	\$ 72,000	\$ 96,000	\$ 96,000	\$ 72,000	\$ 48,000	\$ 24,000	\$ 480,000
Local Contribution (20%)*	\$ 6,000	\$ 12,000	\$ 18,000	\$ 24,000	\$ 24,000	\$ 18,000	\$ 12,000	\$ 6,000	\$ -	\$ 120,000

Note: Refund payments are offset from the job creation by one year because the refund payment is made to the company after July 1 (the beginning of the state's fiscal year), the year following the job creation. For example, for jobs created 12/31/17, the refund payment would be made in July 2018. The first year's payout is the only exception for payout.

\* Apopka's share is half the local contribution