

CITY OF APOPKA

Minutes of the regular City Council meeting held on June 19, 2019, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
Commissioner Alice Nolan
City Attorney Joseph Byrd
City Administrator Edward Bass

PRESS PRESENT: John Peery – The Apopka Chief
Reggie Connell – The Apopka Voice

INVOCATION: - Mayor Nelson called on Reverend James Hicks, Center of Faith Church, to give the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Lela Richardson, student with the Apopka Youth Works, who led in the Pledge of Allegiance. She said it was on June 19 that the Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas with news that the war had ended and the enslaved were now free. Note that this was two and a half years after President Lincoln's Emancipation Proclamation, which had become official January 1, 1863. This involved an absolute equality of personal rights and rights of property between former masters and slaves. Today Juneteenth commemorates African American freedom and emphasizes education and achievement. It is a day, a week, and in some areas a month marked with celebration.

AGENDA REVIEW – City Administrator Bass advised there were no changes.

PROCLAMATIONS:

1. Mayor Nelson read a Proclamation recognizing Drowning Prevention Week and presented it to Chrislie and Josean Velez who started Live for Brie Foundation, a nonprofit foundation for prevention of drowning, after having lost their 3-year old daughter, Brie, June 23, 2013 in a drowning accident.

Ms. Velez thanked Council for this proclamation and said this turns their tragedy into hope that they can save other children from drowning in honor of their daughter, Brie. She said they hope to save lives by paying for survival swimming lessons.

PUBLIC COMMENT:

Rod Olsen thanked Council for their involvement and time for all they do for the City. He said Commissioners Bankson, Smith, Becker, and Mayor Nelson all attended the Orange County Public Schools Work Session meeting and spoke regarding Apopka's needs in addressing our over-capacity. He stated school planning was a complicated process and the emphasis and importance is getting all of our proposed developments on the books with Orange County Public Schools is

critical. It is also important for every citizen to address funding issues with Tallahassee, stating Apopka is the fourth largest school district in the state, but at the 29th ranking with regard to funding.

CONSENT

1. Approval of alcohol sales at the Taste of Mexico event to be held on September 15, 2019
2. Authorize the purchase and installation of exterior lights and equipment for City Hall's portico in the amount of \$12,344.
3. Approve entertainment agreement with Birchmore Group for the July 4th event.
4. Authorize staff to execute a lease agreement renewal with Aunt Gingibread's Bakery, LLC.
5. Ratify the reappointments of Steve Hooks and Todd Bengtson to the Firefighter's Pension Board of Trustees
6. Authorize the issuance of blanket purchase orders.
7. Accept the May 2019 Disbursement Report.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve seven Items on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

BUSINESS

1. Authorize the Police Department to purchase two unmanned aircraft systems with police discretionary funds.

Chief McKinley said this is a request to authorize them to purchase two unmanned aircraft systems, commonly known as drones, using the police discretionary funds from towed vehicles used during criminal activity. He stated prior to starting a drone program, they felt it to be important to have a policy in place of which Council was provided a copy.

In response to Commissioner Bankson inquiring if there was liability insurance coverage should there be a claim for an unintentional recording, City Attorney Byrd advised the City's general liability insurance would cover.

Chief McKinley advised they intend to purchase a program called CAPE that captures everywhere the drone flies, metadata, and height of drone.

Mayor Nelson asked to make sure the policy includes the use for the Fire Department to locate hot spots on a building.

Chief McKinley said the policy has one area that will be changed where it states the "Police Chief, Deputy Chief, or designee" was changed to state "approved by a watch commander or higher rank."

Mayor Nelson opened the meeting to public comment. No one wishing to speak, he closed the public comment.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to authorize the purchase of two unmanned aircraft systems with police discretionary funds with the stated change to policy. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Approve the memorandum of agreement for the design criteria for access to the new St. John's River Water Management District Apopka Service Center to be located on Binion Road.

James Hitt, Community Development Director, said on December 19, 2018, the City did approve a Memorandum of Agreement with St. Johns River Water Management District (SJRWMD) to do an exchange of property. He stated approximately 29 acres was conveyed to the City of October 2018, and in May 2019, we conveyed 5-acres of what is known as the Binion Road property to SJRWMD for the purpose of their construction of the Apopka Service Center. He said this was the first Memorandum of Agreement (MOA) to start work on the design for access to the site. He advised there would be other MOA through this process. As part of the agreement, the City will pay for design and installation of turn lanes off Binion Road to the north side of the property and the access road leading into the property. He advised the access road would also serve the rest of the remaining 24 acres of the site. He stated at this point there are no allocated funds and this will be allocated through transportation funds and other resources and there will be allocated funds in the FY 2020 Budget. He affirmed the scrivener's error in item 2G was corrected from "County" to "City".

Mayor Nelson opened the meeting to public comment. No one wishing to speak, he closed the public comment.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve the Memorandum of Agreement with SJRWMD for the Apopka Service Center. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Approval to purchase event cancellation insurance for the July 4th event.

Mayor Nelson said that last year the City had a \$2,500 policy and there was no deductible. The new event insurance has a substantial deductible, which is why this is before Council.

Brian Foreman, Parks and Recreation Director, said the new deductible is currently set at \$8,320. He stated it should be 10% and Kristi Funke, Rick Specialist has been working on it to have this reduced. At this time, he does not have a response from the insurance carrier. He advised the premium and deductible will be anywhere from \$8,000 to \$10,000. The event cost will be \$52,895, stating the bigger expense is the fireworks and entertainment, which is almost \$36,000. He advised there are some expenses we will not incur if cancelled early enough, but others we will have no choice. He affirmed, as Mayor Nelson alluded to, there has been no deductible in the past, so this was a surprise to the City. He recommended moving forward with the insurance, but felt it was worth bringing to Council for discussion.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the event cancellation insurance. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Road Closure - Brush Drive
Project: Tree removal at Northwest Recreation Complex
Location: Jason Dwelley Parkway to Rolling Hills Lane

Mr. Foreman said concerning removal of the Pine trees, due to the logistical needs of the contractor, and for the safety of the community, it is recommended that Brush Drive be closed from Jason Dwelley Parkway to Rolling Hills Lane for two days while completing the work. This is tentatively scheduled for Monday, July 8 – Tuesday, July 9, 2019. However, this is subject to change.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve the road closure of Brush Drive as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

- 1. Ordinance No. 2728 – Second Reading – Annexation – Public Right-of-Way – Pittman Road. - Project: Orange County Board of County Commissioners
Location: North of West Ponkan Rd., west of Mt. Sterling Ave.**
The City Clerk read the title as follows:

ORDINANCE NO. 2728

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 PUBLIC RIGHT-OF-WAY KNOWN AS PITTMAN ROAD, SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, AND COMPRISED OF APPROXIMATELY 5.5 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to adopt Ordinance No. 2728. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

- 2. Ordinance No. 2729 – Second Reading – Annexation – Public Right-of-Way – Sorrento Avenue. - Project: Orange County Board of County Commissioners
Location: West of Plymouth Sorrento Road, east of S.R. 429.**
The City Clerk read the title as follows:

ORDINANCE NO. 2729

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 PUBLIC RIGHT-OF-WAY KNOWN AS SORRENTO AVENUE, SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, AND COMPRISED OF APPROXIMATELY 1.37 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2729. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson said he was very pleased with the Orange County School Board meeting, stating there was a lot of great information and it was more working together. He declared we still need to advocate for Apopka. In follow-up with Melissa Byrd, our School Board Representative, and she said within a month there should be more information forthcoming.

Commissioner Smith said he was looking forward to taking the Police Chief one on one in basketball on Saturday.

Commissioner Becker said in follow-up to the OCSB meeting, he talked with the data staff and he mentioned a website; demographics.ocps.net. He said this was a great resource and there is an interactive map on this site. Commissioner Becker agreed that this meeting was very productive.

Commissioner Becker reported Lake Apopka Natural Gas District is celebrating its 60th Anniversary this year. He said the financials were good with the District and things were going well.

CITY ADMINISTRATOR'S REPORT – No report.

CITY ATTORNEY'S REPORT

City Attorney Byrd reported Roper and Roper filed a motion to dismiss in the ADA lawsuit, Price vs City of Apopka. He reviewed this motion this morning and said in looking at all the other cases decided, he feels very positive.

City Attorney Byrd provided an update on City of Apopka vs NEB, stating the complaint was filed, and a summons was issued on June 11, 2019, served on NEB and an individual on June 14, 2019. He advised we were still waiting to have service on 3 Rivers. He advised they will have approximately 21 days to respond.

City Attorney Byrd said the Commissioners received an email and one Commissioner shared this with Administration. This email was from Lauren Elam who as with a company that was overlooked

in this EMS billing. He said Captain Sanchez has provided a line-by-line response in this document. He affirmed that Captain Sanchez did exactly what needed to be done in this case, explaining that this company is involved in a lawsuit in the State of Kentucky and this is one of the main reasons for the decision not to go with them. This case is Credit Bureau Systems, Inc. vs Hared et al and Ms. Elam is named in this suit as when she left the company the complaint alleges she took proprietary information. He reiterated that Captain Sanchez did the exact right thing in this matter. He suggested the Commissioners give Captain Sanchez the opportunity to meet privately with each of them to go through this email with them.

MAYOR'S REPORT – Mayor Nelson reported he had a meeting last evening with the Coalition for the Homeless and they are working to put together a plan.

ADJOURNMENT: There being no further business the meeting adjourned at 7:51 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk