CITY OF APOPKA

Minutes of the regular City Council meeting held on June 15, 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: John Peery - The Apopka Chief
Bethany Rodgers, Orlando Sentinel
Reggie Connell – The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Lisa Morgan of Word of Life Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on June 14, 1777, that the Continental Congress adopted a resolution stating that the flag of the United States be thirteen alternate stripes, red and white, and that the union be 13 stars, white in a blue field, representing a new constellation. Legend has it that General George Washington requested the stars be arranged in a circle, and the flag was nicknamed the Stars and Stripes. On June 14, 1877, the first Flag Day was held on the 100 anniversary of the adoption of the flag, and American flags were flown from all government buildings. Congress officially designated June 14 as Flag Day in 1949, a national day of observance. He asked everyone to reflect on the American ideals of freedom, hope, and opportunity that the Stars and Stripes represent as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES

1. **City Council Workshop meeting May 18, 2016**
2. **City Council meeting May 18, 2016**

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve the May 18, 2016 workshop and regular meeting minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Presentations:

1. **9/11 Monument Presentation**

   Christian Lamphere revealed he was still raising money for this project due to the piece from the World Trade Center (WTC) being larger than expected and any unforeseen problems that may occur while it is being constructed. Donations can be made to his gofundme account.

   Raymond Marsh, Building Official, said we were expecting a much smaller piece from the WTC and Commissioner Velazquez was able to obtain a much larger piece that they designed

around. He reviewed a composite photograph of the intended memorial that will be placed on the front lawn of City Hall. He explained the memorial piece will be placed on a block in the shape of a pentagon, and flower beds will reflect the field in Pennsylvania where one of the planes went down. There will be five different plaques: Fire, Police, Apopka's Mayors military, and the main plaque that will be placed at the northernmost point.

It was the consensus of the Council to move forward with this design.

2. **Copart check presentation to Christian Lamphere for his 9/11 Memorial Eagle Scout Project.**
   Mike Carson, National Property Manager for Copart, said they were present at the meeting where the piece from the World Trade Center was presented. He stated they were very moved by this, stating their company has a history of community development and involvement. Copart made a contribution to Christian Lamphere for his project in the amount of $2,400, as well as $1,000 to the Boy Scout Troop to be utilized at their discretion.

3. **UCF Colleges of Medicine Free Clinic Announcement.**
   Dr. Heather Peralta said nurses are members of the community and they are not just seen at the bedside. Her job is to teach nurses resources available in the community. She advised they have been working with the Farm Workers Association and they will be opening a free clinic in July for the farm workers, stating they are underserved, underrepresented, and they do not have ability to obtain healthcare. They will be providing this service in the evenings so that they can still do their jobs and receive care. They will be at the Farm Worker's Association Building on July 26 & 28, 2016 from 4:00 p.m. to 9:00 p.m. to provide healthcare to the uninsured farm workers of Apopka.

CONSENT (Action Item)

1. Approve the Disbursement Report for the month of May, 2016.
2. Authorize the Vehicle for Hire Permit Application for Charles ANR, LLC – Claude Charles.
3. Authorize presentation of service weapons to retiring members of Police Department.
4. Approval for the sale of alcohol for the Fireworks at the Amphitheater on Monday July 4, 2016.
5. Authorize the Sewer and Water Capacity Agreement for Maudehelen, Phase 4.
6. Authorize the purchase of a Vacuum Excavator Trailer for the Public Services Department.
7. Award the contract for Website Design Services to CivicPlus.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2466 – Second Reading – Large Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2466

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL (0-1 DU/10 AC) TO "CITY" MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD, NORTH OF W KELLY PARK ROAD, COMPRISING 44.26 ACRES, MORE OR LESS AND OWNED BY DIANE REID-GOOLSBY, DEBRA REID-WILBARGER & DANIEL JOSHUA REID C/O DIANE REID-GOOLSBY; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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 Dean, to adopt Ordinance No. 2466. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

2. Ordinance 2496 – Second Reading – Small Scale – Future Land Use Amendment – The City Clerk read the title as follows:

ORDINANCE NO. 2496

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL (MAX. 0.15 FAR) TO RESIDENTIAL LOW (0.5 DU/AC), FOR CERTAIN REAL PROPERTY LOCATED AT 1078 SOUTH BINION ROAD, COMPRISING 3.0 ACRES MORE OR LESS, AND OWNED BY GAIL W. BROWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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. 2496. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

3. Ordinance 2497 – Second Reading – Change of Zoning – The City Clerk read the title as follows:

ORDINANCE NO. 2497

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

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

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 Becker, to adopt Ordinance No. 2497 Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

4. Resolution 2016-16 - Adopting Public Participation Policy & Procedures for Addressing the City Council. The City Clerk read the title as follows:

RESOLUTION NO. 2016-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY AND PROCEDURES FOR ADDRESSING THE CITY COUNCIL; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mayor Kilsheimer said this was discussed a couple of weeks ago and stated in attending other county and municipal meetings he found that the public input at the beginning of the meeting was conducive to the efficient conduct of the meeting, bringing a sense of decorum and order to the meeting and he felt the City would benefit from this. He advised they reviewed policies from area municipalities and counties and the policy being proposed is in line with local agencies. He declared we were not trying to limit public comment, rather trying to have it at the beginning of the meeting. The Mayor can expand public comment, as well as a vote from three members of the Council.

Commissioner Becker said the City Charter, Section 2.08(c) states "The City Council shall determine its own rules in order of business." He stated we did not currently have spelled out rules and they were trying to build some framework and written process around that. He suggested the word "applause" be stricken from Section 6 (d) of the Resolution. He clarified that the portion of the current agenda, Business, Public, was being moved to the front of the meeting. He suggested eliminating the thirty minute time limit and keep four minutes for input.

Mayor Kilsheimer advised there would still be the opportunity to speak under public hearings for that specific item.

Commissioner Bankson said being effective and efficient was the goal and he would like to know if the general public felt they were being limited by having three versus four minutes. He added that three minutes was fairly standard in most other venues.

Discussion ensued regarding the speaker time limit of three or four minutes, as well as having a designated spokesperson on a specific item.

Mayor Kilsheimer opened the meeting to a public hearing.

Aida Gonzalez Campbell said she was speaking from her heart and stated three minutes from professional people was a good point, but for those who may have some type of handicap, three minutes was too short for them to speak. She stated she supported four minutes.

Ed Poirier said he has been here and has spoken a few times and he used all of his allotted time. He stated the real issue was for those that go over their time. He said commissioners were elected to listen to the people and it needs to remain four minutes.

Misha Corbett said her concern was solely with the thirty minute limit. She stated all should have the right to speak.

David Hoffman stated he and his family were opposed to the new proposal to reduce citizen time from four minutes to three minutes. He said on the surface it does look like an attempt to limit public input.

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

It was the consensus of the Council to bring Resolution 2016-16 back at the next meeting amended as follows: not limiting public input to thirty minutes, keep the speaker's time to four minutes, and strike the word "applause" under Section 6 (d) Disruptions and Decorum.

5. Resolution 2016-17 - Establish new bank depository and authorized signers. The City Clerk read the title as follows:

RESOLUTION NO. 2016-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, DESIGNATING FLORIDA COMMUNITY BANK (FCB) AS THE CITY DEPOSITORY; DESIGNATING THE ACCOUNTS TO BE MAINTAINED BY THE CITY; DESIGNATING OFFICIALS WHO ARE AUTHORIZED TO SIGN CHECKS, NOTES, DRAFTS, BILLS OF EXCHANGE, MONIES, ACCEPTANCE, ORDERS AND OTHER ITEMS OF ANY KIND; DESIGNATING OFFICIALS WHO ARE AUTHORIZED TO MAKE ENDORSEMENTS; DESIGNATING OFFICIALS AUTHORIZED TO BORROW MONEY; SETTING METHOD OF NOTICE OF CHANGE IN OFFICIALS; ESTABLISHING 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 approve Resolution No. 2016.17. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson, and Becker voting aye.

BUSINESS

1. Council

a. Not-for-Profit Business Tax Receipts

Mark Reggentin, Community Development Director, advised during recent Development Review Committee meetings, an issue has been discussed regarding business tax receipts and their relationship to non-profit organizations. Currently only for-profit businesses are required to obtain a business tax receipt and at that time certain items are reviewed and inspections performed to make sure businesses meet the current code. He explained they recently had a church submit to open a business for auto repair and tire shop to the back of the building. This type of business would typically be reviewed by Community Development and the Fire Department to make sure changes were compliant. He reported the presence of these types of incompatible uses without adequate protection presents certain problems with regards to safety of individuals in that use. They are currently working with this owner to resolve the issue. In going back and reviewing the code, no business tax is required from non-profits, however, they are required to complete the process without paying the fees so inspections can be conducted. He informed Council that they are completing a list of non-profits within the City that do not have business tax receipts and they will be sent a notice that they are required to go through this process in order to have everyone in compliance.

2. Public

Gregg Phillips advised the Apopka Little League and the City of Apopka will be hosting the Little League Intermediate Southeast Regional Tournament in July. The winner of this tournament heads to California for the Intermediate World Series. He stated the last three years they have hosted this tournament Little League International has commended this City and the Apopka Little League for running a great event and they have been asked to host this every year they can. He said they do need funds to put on this event and said each year the City and business owners have come through to help. He advised that due to funding they may be required to house the teams in Altamonte Springs this year rather than Apopka. He asked anyone able to please help them financially to host this tournament.

Rod Love addressed the issue of equity and fairness, asking if the City planned on providing services to non-profits and profits as it relates to use of facilities for free, as well as staff participating in the process. He stated a few weeks ago Apopka residents volunteered to come together as a result of the Apopka Task Force on Violence, meeting at the Fran Carlton Center. He stated they paid to use this facility and said this needs to apply across the board.

Ed Poirier said his wife was one of a number of people to die on Park Glen Circle and stated

he has been looking for help from the Department of Health and The Department of Environmental Protection. He has also reached out to the Mayor and Commissioners. He also has reached out to a researcher from UCF that seems to think there could possibly be cross contamination of feeder pipes. He wanted to place a map on the screen showing houses in his neighborhood where people have passed away or were currently sick.

Commissioner Velazquez inquired if Mr. Poirier had his neighbors' permission to display this information in public. She said she did not have a problem with his representing himself, but without their permission, it was not fair to do so.

Mr. Poirier said he respected that and he would explain without providing addresses or other information. He went on to explain there were issues near the retention pond and there were other people in his neighborhood that were very ill. He said he was looking for answers and would hope the City will continue to do the right thing.

Commissioner Bankson inquired if there was some means they could compare information, to which Mayor Kilsheimer advised Commissioner provide City Administrator Irby with the information and if a workshop is necessary, he can schedule one.

In response to Commissioner Becker asking what the City's responsibility is of water versus soil, Mr. Irby advised the water is the responsibility of the City and they recently published the required testing. He advised the soil was not in the City's responsibility to test.

Kevin Burgess, Assistant Director of Public Services, advised it was hydraulically impossible for anything to enter our water supply through the water distribution system and explained we discharge off our water plant at 68 psi and the minimum pressure required by DEP is 20 psi.

David Hoffman expressed concerns regarding the lobbyist work and accountability by Richard Anderson.

MAYOR'S REPORT

Mayor Kilsheimer reported the City is in the process of re-establishing the Community Redevelopment Agency (CRA) Board of Directors and asked Mr. Irby to review this matter.

Mr. Irby said we have a plan that governs how we spend the money with the CRA and the last time it was updated was 1993. He advised laws have changed since that time and our perspective and targets have also changed. The Board needs to be re-established which is comprised of the Mayor and City Commissioners, one at-will individual, and one individual appointed by the Board of County Commissioners. He stated the City Council is being asked to take into consideration reforming of the CRA Board, and to ratify an individual appointed by the Mayor. He reported the entire parcel of land for the City Center sits within the CRA boundary and the CRA Board, by law, has to review regarding the sale of the property.

Mayor Kilsheimer put forward the name of Pat McGuffin to be appointed to the CRA Board of Directors.

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to ratify the appointment of Pat McGuffin to the CRA Board of Directors.

Mayor Kilsheimer opened the meeting to public input.

Suzanne Kidd said what she was about to say was not meant in any way to cause embarrassment to anybody and had this information been in the agenda packet, she would have spoken privately about this matter. She affirmed that as chairperson of the Steering Committee, there were a number of members originally appointed that did not fulfill all of their duties of that committee and missed a great deal of those meetings.

Rod Love inquired if there was a provision that allowed commissioners to designate appointees on the CRA Board, to which Mayor Kilsheimer advised there was not.

Isadora Dean said she knew Mr. McGuffin very well and she had no objection to him. She asked why the boards were not listed on the website and citizens were not allowed to complete an application in order to be on a board.

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

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

Mayor Kilsheimer said he would like to bring forth a recommendation for Fire Chief. This position was advertised on May 25, 2016, for internal candidates. He reported there were three exceptionally qualified internal candidates that are dedicated to the City of Apopka. After conferring with the City Administrator, he appointed Charles Carnesale as the next Fire Chief for the City of Apopka. He read letters of recommendation from Orange County EMS Medical Director, Director of Health Services Department/Associate Medical Director of Orange County EMS, and the Fire Chief of Winter Garden. He asked Council to ratify this appointment.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to ratify the appointment of Charles Carnesale as the City of Apopka Fire Chief. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

NOT REQUIRING ACTION

1. Thank you letter to the City of Apopka from the North Orange Library.

ADJOURNMENT – There being no further business the meeting adjourned at 9:16 p.m.

_____

ATTEST: Joseph E. Kilsheimer, Mayor

_____

Linda F. Goff, City Clerk