

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 3, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Clifford B. Shepard

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION – Commissioner Ruth introduced Pastor Doug Bankson, Victory Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on December 5, 1949, municipal elections were held in the Town of Apopka. Of the four candidates for Mayor, a young man named John H. Land won the race with 342 votes and thus began Mayor Land's legacy of public service. As you know, Mayor Land went on to serve as Apopka's Mayor for an unprecedented 63 years, during which time Apopka grew from a small town to the second largest city in Orange County. It just so happens, at that same December council meeting, the City Council petitioned the members of the Orange County School Board to name the proposed high school, Apopka Memorial High School, as a war memorial to those who sacrificed their lives and service of our Nation and that is how Apopka Memorial Middle School, at that same council meeting, was processed again. He asked everyone to reflect on Mayor Land's service to our community and to our City as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Lynn Pettingill – Police/Support Services – Five Year Service Award – Mayor Kilsheimer said Lynn began working for the City on November 9, 2009, as a Police Officer. On February 8, 2011, he was reclassified to Police Radio System Supervisor. Lynn was promoted to Police Lieutenant on August 8, 2011, which is his current position. Mayor Kilsheimer said Lynn was unable to attend and will be presented his award at a later time.

2. Scott J. Burk – Police/Support Services – Five Year Service Award – Mayor Kilsheimer said Scott started working for the City on November 16, 2009, as a Property and Evidence Technician. On December 19, 2009, he was reclassified to Forensic Science Technician, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Scott on his years of service to the City.

3. Erica F. Munoz – Police/Communications – Five Year Service Award - Mayor Kilsheimer said Erica began working for the City on November 17, 2009, as a Communication

Technician, which is her current position. Mayor Kilsheimer said Erica was unable to attend and will be presented her award at a later time.

4. Rafael F. Baez, Jr. – Police/Support Services – Five Year Service Award - Mayor Kilsheimer said Rafael started working for the City on November 30, 2009, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Rafael on his years of service to the City.

5. Scott E. Harrell – Fire/EMS – Ten Year Service Award - Mayor Kilsheimer said Scott began working for the City on November 3, 2004, as a Fire Fighter First Class, which is his current position. Mayor Kilsheimer said Scott was unable to attend and will be presented his award at a later time.

6. Christopher “Chris” N. Cameron – Fire/EMS – Ten Year Service Award - Mayor Kilsheimer said Chris started working for the City on November 4, 2004, as a Fire Fighter First Class. He was promoted to Fire Engineer November 4, 2010, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Chris on his years of service to the City.

7. Randall “Randy” C. Fernandez – Police/Support Services – Twenty-Five Year Service Award - Mayor Kilsheimer said Randy began working for the City on November 17, 1989, as a Fire Fighter. Randy was promoted on June 1, 1990, to Fire Fighter First Class. On November 1, 1993, he was promoted to Fire Engineer. Randy was promoted to Fire Lieutenant on January 27, 1998. On September 24, 2000, he was promoted to Fire Captain. Randy was promoted to Assistant Fire Chief on January 13, 2004. On March 1, 2006, he was promoted to Fire Chief. On August 26, 2007, Randy moved to Community Development as Administrative Projects Coordinator. On August 17, 2008, he was transferred to the Police Department as Police Commander. Randy had a title changed on October 1, 2009, when the “Police Commander” rank became “Police Lieutenant”. On January 11, 2011, he was promoted to Police Captain, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Randy on his years of service to the City.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on November 5, 2014, at 1:30 p.m.
2. Approve the minutes from the special City Council meeting held on November 5, 2014, at 3:30 p.m.
3. Authorize the issuance of a Peddler's Permit, to First American Fireworks, to sell State approved fireworks at 511 South Orange Blossom Trail, from December 15, 2014 until January 1, 2015.
4. Authorize the issuance of a Peddler's Permit to, TNT Fireworks, to sell State approved fireworks at 1700 South Orange Blossom Trail, from December 26, 2014 until January 1, 2015.

5. Authorize the issuance of a Peddler's Permit, to TNT Fireworks, to sell State approved fireworks at 2302-2444 East Semoran Boulevard from December 26, 2014 until January 1, 2015.
6. Award the contract, in the amount of \$920,000.00, to The Crom Corporation for the design and construction of the New Ground Storage Tank Number 4, for the Apopka Water Reclamation Facility.
7. Approve the Disbursement Report for the month of November 2014.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve seven Items of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2394 – FIRST READING - ANNEXATION** – Leslie & Nancy Hebert, property located at 3600 W. Kelly Park Road. (Parcel I.D. # 13-20-27-0000-00-046) (6.11 +/- acres)

The City Clerk read the title as follows:

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the First Reading of Ordinance No. 2394 and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 2. ORDINANCE NO. 2395 – FIRST READING - ANNEXATION – McCarthy McCollough, property located at 1505 W. Kelly Park Road. (Parcel I.D. # 08-20-28-0000-00-003) (8.51 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the First Reading of Ordinance No. 2395, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 3. ORDINANCE NO. 2396 – FIRST READING - ANNEXATION – Ahmed & Moira L. Al-Malt, properties located at 308, 316 & 318 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-271 (2.42 ac), 34-20-28-9550-00-270 (2.42 ac) & 34-20-28-9550-00-260) (3.00 ac) (Combined 7.84 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316, AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve the First Reading of Ordinance No. 2396, and hold it over for a

Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 4. ORDINANCE NO. 2397 – FIRST READING - ANNEXATION – Afzal & Sabiya Khan, properties located at 382 & 400 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-241 (2.44 ac) & 34-20-28-9550-00-231) (2.89 ac) (Combined 5.33 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN LOCATED AT 382, AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve the First Reading of Ordinance No. 2397, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 5. ORDINANCE NO. 2398 – FIRST READING - ANNEXATION – Guarda and Son, LLC, property located at 1240 Ustler Road; and authorize staff to proceed with an Interlocal Agreement with Orange County for Annexation of Enclaves. (Parcel I.D. # 34-20-28- 9550-00-200) (5.07 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this annexation would create an enclave and staff's recommendation is to enter into an Interlocal Agreement for Annexation of Enclaves with Orange County.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the First Reading of Ordinance No. 2398, hold it over for a Second Reading, and authorize staff to proceed with an Interlocal Agreement for Annexation of Enclaves with Orange County. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 6. RESOLUTION NO. 2014-16** - Granting a non-exclusive franchise, to Container Rental Company, for roll-off container collection and disposal of waste in the City of Apopka

The City Clerk read the title, as follows:

RESOLUTION NO. 2014-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO CONTAINER RENTAL COMPANY, TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve Resolution No. 2014-16, granting a non-exclusive franchise to Container Rental Company for roll-off container collection. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS – There were no Site Approvals.

DEPARTMENT REPORTS AND BIDS – There were no Department Reports.

MAYOR'S REPORT - Mayor Kilsheimer made note of how the City staff pulled together last week and contributed to Mayor Land's memorial service. The Police and Fire Departments stepped in and did everything asked of them. He expressed gratitude to the staff and community in the way they worked together to create a memorable and historic event.

Mayor Kilsheimer reported the new City Administrator, Glenn Irby, will start with the City of Apopka on January 7, 2015. He advised there have been 12 applicants for the Finance Director and after consulting with Mr. Irby, two applicants will be interviewed tomorrow. He stated he

plans to have a candidate to recommend to the Council at the next meeting on December 17, 2014.

Mayor Kilsheimer said at the last meeting Commissioner Dean asked for a report on diversity in hiring and contracting. Mayor Kilsheimer reported the following:

- According to our EEO statistics compiled by our Human Resources Department, we have 32 of 86 supervisory employees that are either women or minority status, which is approximately 37%.
- Regarding increasing minority participation in our contracting, there are a number of steps we would need to undertake. An ordinance would need to be enacted to address minority contracting goals. The first step towards passing that ordinance would be to conduct a study known as a “minority disparity study.” A joint study is currently being conducted by The City of Orlando, the Orlando Airport, Orange County, and Orange County Public Schools which is expected to take 18 months to complete. He explained the purpose of the “minority disparity study” is to determine if there is a disparity between the number of disadvantaged, minority owned, and women owned businesses within a local market area that are willing and able to provide these professional services. He advised he spoke with Kevin Walsh who manages the MBE program for the City of Orlando who explained this study is a very data driven process that provides the underlying justification for enacting such an ordinance. Mr. Walsh has offered to meet with Commissioners individually or as a group to outline the steps needed to pursue this.
- Regarding the City’s participation in sponsoring jobs for local youth; the City has participated in the program known as POPS (Professional Opportunities Program for Students) since its inception and we routinely host students each summer through this program. He also had several meetings with the South Apopka Ministerial Alliance, which is working on a longer-term initiative. They are working with Rod Love, an Apopka resident, to put forward a proposal that will make a funding request before the next session of the Florida Legislature on an idea of seeking matching contributions from both Orange County and the City of Apopka if he can obtain an allocation from the legislature directed toward this faith based initiative, creating a mechanism to use Career Source to fund youth obtaining jobs with 75% of their salaries funded through this program. This proposed program will also incentivize and provide small stipends for mentors for each of the youth participating in this proposed program. He also affirmed the vision for this program is a year-round operation.
- At the request of Mayor Kilsheimer, Mr. Jreij gave an update on the Martin’s Pond project, advising the first phase is complete for the purpose of providing stormwater for all of downtown. The second phase will be the boardwalk and 6th Street, and will be incorporated with the downtown development. Staff is currently working on the 6th Street design which will align it with 441 and a consultant is working on the design of the boardwalk. There will be two fountains and a walkway around the pond. He reported they are looking to have a bike trail from 4th Avenue connecting all the way to the pond area. This area will also be irrigated with reclaimed water. He affirmed the designs are 40 to 50% complete. He reiterated this project will be coordinated with the downtown development.

Mayor Kilsheimer reported the Festival of Trees will have their closing program this Sunday, December 7, 2014, and all proceeds benefit the Apopka Historical Society.

Mayor Kilsheimer reported Richard Anderson has asked for a list of legislative priorities for the next legislative session and he asked the Commissioners to bring forth any items they would like taken forward. He reviewed a number of items he would like to see included: funding for various wastewater and reclaimed water projects; ensuring any legislation regarding pension reform to protect the status of the standing of the City's pension plans; move up the West Orange Trail Phases IV and V on the priority list for construction, connecting them to the coast to coast connector trail; funding for a community pool; and preservation of the enterprise zone legislation.

In response to Commissioner Dean stating he appreciated all the work Mayor Kilsheimer did with regards to his requests, however, he did not hear a response with regards to plans for development from SR 441 to 10th Street, Mayor Kilsheimer advised part of that will be addressed when the community visioning is done. He stated staff has been asked to prepare a request for proposal for a communitywide visioning initiative.

Commissioner Velazquez said she was on the Enterprise Zone Committee and advised she had a resolution to bring forward supporting it.

Mayor Kilsheimer reported State Representative Jennifer Sullivan will be holding regular office hours at City Hall, as she is only being provided funds to have an office in Eustis. He affirmed there is no longer a local legislative office in the City of Apopka and he has requested Mr. Anderson to look into how to restore funds for a legislative office.

OLD BUSINESS

1. **COUNCIL** - There was no old business from the Council.
2. **PUBLIC** – Ray Shackelford applauded Mayor Kilsheimer for following up on the concerns expressed by Commissioner Dean at the last meeting. He stated he hoped all Commissioners will join Mayor Kilsheimer and Commissioner Dean in making sure we obtain results for “One Apopka for Progress” and showcase our children’s skills.

NEW BUSINESS

1. COUNCIL –

Commissioner Arrowsmith requested a copy of the employment agreement for the new City Administrator to which Mayor Kilsheimer said he would provide him with a draft as they were still discussing paid vacation time.

Commissioner Arrowsmith spoke with regards to an issue that occurred last week regarding pay checks and stated he couldn’t imagine a financial institution with deposits of the magnitude of the City of Apopka would return checks stating they should have been able to review the total aggregate the City has. He requested when our contract renews and also what the opt out clause is in the contract.

2. PUBLIC –

Isadora Dean spoke with regards to the child who was shot while in her home on 13th Street and inquired if the City had some collaboration and conversation with the County with regards to crime in what is called South Apopka to which Chief Manley advised they worked closely with the Orange County Sheriff's Department. He advised it had been reported to him prior to the meeting the shooter had been arrested. Mrs. Dean also inquired if there had been any recent studies with regards to annexing South Apopka.

Tenita Reid said while she was glad Mr. Irby was coming in as the City Administrator, she did not read where he had a maximum on his salary and felt in fairness to other employees there should be a maximum range.

In response to Commissioner Ruth's inquiry regarding if a commissioner makes a request for information could all the commissioners be provided that information, Mayor Kilsheimer said if appropriate, the clerk could be requested to send the information to all commissioners. City Attorney Shepard advised caution with this type of dialogue so not to violate Sunshine Law by sending individual e-mails.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:40 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk