CITY OF APOPKA

Minutes of the regular City Council meeting held on November 3, 2015, 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 Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Bethany Rodgers, Orlando Sentinel

INVOCATION – Commissioner Arrowsmith introduced Pastor Hicks of the Center of Faith Church, Inc., who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on the eleventh hour of the eleventh day of the eleventh month in 1918, fighting ceased between Germany and the Allied Nations when the armistice went into effect. This heralded the end of World War I and the year following, November 11th was commemorated as Armistice Day, a day filled with solemn pride and the heroism of those who died in the country's service during World War I. The day was dedicated to be the cause of World Peace. In 1954, Congress changed the name of the holiday to Veterans Day to honor American Veterans of all wars. He asked everyone to remember our Veterans for their patriotism, love of country, willingness to serve, and their sacrifice for the common good as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES

1. City Council meeting October 21, 2015.

   MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve the minutes from the City Council meeting of October 21, 2015. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Employee Recognition:

1. Martha Glass, Administrative Services – Ten Year Service Award - Martha began working for the City on October 18, 2005, as the Mayor's Secretary. She was reclassified on October 1, 2007, to Museum Technician. Martha's title Changed on October 1, 2009, to Receptionist. On October 18, 2011, Martha was reclassified to Secretary I, which is her current position. Council joined Mayor Kilsheimer in congratulating Martha on her years of service.

2. Heather O'Bryan, Communications/Police Department – Ten Year Service Award - Heather started with the City on October 25, 2005, as a Communication Technician,

which is her current position. Heather was not present and will be presented her award at another time.

3. Acie “Tom” McCall – Utility Construction/Public Services – Fifteen Year Service Award - Tom began working for the City on October 2, 2000, as a Utility Service Worker I. On August 1, 2001, his title changed to Utility Service Worker II. Tom was reclassified on December 6, 2004, to Construction Foreman, which is his current position. Council joined Mayor Kilsheimer in congratulating Tom on his years of service.

4. Angel Reyes – Utility Construction/Public Services – Fifteen Year Service Award – Angel started working for the City on October 2, 2000, as a Utility Service Worker I. He was reclassified to Utility Service Worker II on October 15, 2001, which is his current position. Angel was not present and will be presented his award at another time.

Presentations:

1. Donation presented to the Debbie Turner Cancer Care & Resource Center.
   Mayor Kilsheimer explained for the second year, during the month of October staff could contribute $5.00 and wear pink and jeans on Wednesday. He announced just over $800 was raised by the employees and the City is matching that amount. A check was presented to Debbie Turner.

   Debbie Turner thanked the City and the Police Department for starting this two years ago as they do run on sponsorship and donations. She advised they paid for 220 mammograms in October, and an additional 100 women’s needs were taken care of during the month of October.

2. Artist to present renditions of the Mayor Land Statues – Mr. Pasha was not able to be here and will be presenting the renditions at an Ice Cream Social on Thursday evening sponsored by the John Land Community Trust.

3. National League of Cities (NLC) Service Line Warranty Program
   Lee Zell was present to discuss the NLC Service Line Warranty Program explaining this is a program offered to citizens that receive city utilities. The Utility Service Partner is the company that administers this program. The program is of no cost to the city. Coverage is available for water lines and sewer lines, as well as indoor plumbing. He advised they provide an incremental revenue stream to the city for the partnership. Their marketing approach is three times a year by mail only. He explained this is voluntary and the customer can choose what coverage they would like to have.

   Mr. Irby advised this program would apply to any customer connected to the city’s utility services.

   Dale Fenwick inquired what the ratio of losses to premium was and if there was a financial stability rating to which Mr. Zell explained this was a national program and they were 100% liquid. He advised the State of Florida classifies this as a warranty program, not an insurance program.

Phil Zakszewski stated the city should not be endorsing any type of insurance or warranty program.

Tenita Reid spoke in support of the warranty program. She inquired if this would cover blocked sewer lines due to tree roots and if it covered overhead indoor plumbing.

Mr. Zell responded in the affirmative regarding blocked sewer lines and overhead plumbing.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to approve and move forward with the National League of Cities Service Line Service Program. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

CONSENT

1. Approve December 23, 2015, as the CY16 Floating Holiday
2. Appointments to the Public Risk Management Board of Directors.
3. Renewal of the Merchant Processing Agreement – First Card Merchant Services Company.
4. Renewal of the Non-Ad Valorem Assessment Administration Agreement – Orange County Property Appraiser.
5. Amendment #1 to inmate work squad Contract #WS950 – Department of Corrections.
6. Approval to purchase batting cages for the Northwest Recreation Complex.
7. Approve the Purchase of a Crash Investigation and Traffic Citation Software for the Police Department.
8. Authorize the presentation of service weapon to retiring police Captain Matthew Gibbs.

Items 6 & 7 were pulled for discussion.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the 8 items on the Consent Agenda.

Ray Shackelford stated the dollar amounts should be placed on the agenda.

Alice Nolan said she was very grateful the City does put money into the Recreation Department for the youth, but she feels the baseball fields have received a lot recently. She declared these are not used as much by City organizations as much as it is by an outside organization. She said the soccer fields are lacking in lighting and people who go there have to take their own chairs. She felt this money could be used somewhere different within the Recreation Department.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS

1. Resolution 2015-24 – Invocation Policy for City of Apopka meetings. The City Clerk read the title as follows:

RESOLUTION NO. 2015-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, REGARDING A CEREMONIAL OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COUNCIL MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDNANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Kilsheimer said at the last meeting we had an invocation by the Central Florida Freethought Community and very shortly thereafter received a letter from the Freedom from Religion Foundation in Wisconsin. He said it has become clear and apparent that if we desire to continue the practice of having invocations prior to our meetings, we should have an approved policy.

Cliff Shepard, City Attorney, read from the Supreme Court opinion that makes this an issue. He stated the basic premise is that messages that are all of one faith only are not going to meet constitutional principles. Once providing for an opening invocation, it needs to be inclusive of other faiths and non-faiths. He advised this policy is taken from the most recent policy of the Town of Greece, which was modified to comport with the Supreme Court ruling after they won their case, and one he believes will be upheld by the Supreme Court. He advised his goal is to have a policy in place that would not have to be defended. He would advocate to a moment of silence so not to worry about who may come to the podium and offend anyone. He declared he understands if it is chosen to continue with the invocation, then a policy would be needed.

Mayor Kilsheimer said he would like to preserve the right of having an invocation. He suggested we may want another couple of weeks to review the language with regards to how specific it should be.

Commissioner Arrowsmith agreed it should continue, and agreed in postponing this to the next meeting to be able to further review the matter.

Commissioner Dean suggested going to having a moment of silent prayer and everyone can pray in their own religion.

Mayor Kilsheimer opened the meeting to a public hearing.

Pat McGuffin said he lives in the City of Apopka and this is his legal address. He said they do not have to pay attention to what other municipalities want, as they are not in the City of Apopka. He suggested an ordinance be constructed that states if you have a religious establishment so ruled by the IRS that has a premise in the City of Apopka, then they can be a participant.

Dale Fenwick also lives within the City of Apopka and said he wanted to thank the Mayor for his leadership on this issue. Likewise, he feels it to be important when crafting the policy of who is eligible to be on the database, that it be restricted to representatives of groups who assemble in the City of Apopka to discuss or further their religious perspective. He declared the biggest difference is defining who is eligible to be on the list and whether it should be restricted to just the City of Apopka or groups that gather to advance religious purposes. He said he agrees with taking time to get it right.

Linda Laurendeau said she has been coming to these meetings for over 12 years now and she recently gave an invocation a few months ago. She would like to make sure we preserve the right for people like her who did not come to represent any faith or organization, she came to represent her thoughts, feelings, and faith. She would like to make sure individual citizens of Apopka are welcome to come forward. She said when we say the Pledge of Allegiance, we are saying the pledge to the flag of the United States of America. She would like to see that reflected on our agenda..

Doug Bankson thanked the Mayor and Council and the City Attorney for his work. He said the attorney is trying to keep the City from unnecessary litigation. He agreed with Mr. Fenwick and said when the group was here at the last meeting, it was clear from the back of their shirts that they do not want prayer in public. He stated this is an issue in sincerity in the prayer. An invocation by definition is appealing to a higher power and asking of divine blessing upon our meetings. He affirmed he believed we could agree on a prayer invocation. He stated their goal is that they do not want anyone else to pray. He declared he was not intimidated by someone else's prayer as he believes in the power of the one he prays to.

Tenita Reid said the invocation given this evening was beautiful and if this is approved, there will be other invocations from a dark side. She said we have never been tested before like this. By having a moment of silence there would not be anyone offended.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to table Resolution No. 2015-24 to the next Council meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

NEW BUSINESS

1. Iberia Bank – Purchasing Card Service Agreement

   Pam Barclay, Director of Financial Services, said this service is an effort to streamline small dollar purchases, as well as capitalize on the rebate revenues available with credit card purchases. She obtained quotes from three banks that we currently do business with asking them to supply what their rebate and fees would be. The proposal presented by Iberia Bank was evaluated as the most advantageous to the City, including a flat rebate incentive of 1.25% and waiving certain fees. Staff recommends approval of the Purchasing Card Agreement with Iberia Bank and authorize the Mayor to execute the agreement on behalf of the City.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve the p-card agreement with Iberia Bank as presented.

Rod Love said this process will be beneficial to the city and he encouraged an RFP process to eliminate any questions.

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

2. First Southwest Company – Financial Advisory Agreement

Ms. Barclay requested Council approval for execution of a Financial Advisory Agreement with First Southwest Company. She advised during the next fiscal year the City will be reaching out to secure indebtedness for some high dollar capital projects such as the $50 million dollar sewer plant. She stated we needed to have a financial advisors on board for investment strategies and financial planning. This is piggy backing Orange City's financial agreement and relies upon their RFP process. We have an agreement presented for a three year term with a retainer of $4,800 which includes 72 hours per year of financial advisory services.

Discussion ensued regarding the process of piggy backing another organization.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve a financial advisory agreement with First Southwest Company subject them agreeing to a one year contract with the option to renew.

Ray Shackelford said the city's budget process was independent of other cities and the RFP process also should be independent.

Dave Rankin said in the past the city has utilized a financial advisor on capital improvements and this advisor was the PFM Group who is local and has a comfortable relationship with the city and should have had the opportunity to quote.

Motion carried by a 4/1 vote with Mayor Kilsheimer and Commissioners Arrowsmith, Velazquez, and Ruth voting aye and Commissioner Dean voting nay.

3. Council

Commissioner Velazquez inquired if the locks have been removed to give the AHA actors access to the bathroom facilities at the Community Center.

Artie Vecchio said this was discussed previously and no one said anything about these bathroom facilities not being locked. He advised these facilities are only unlocked when the museum is open. He advised the facility by the bar has an issue which is why it is locked.

4. Public

James Hicks said he wanted to bring to the City's attention the corner of Vick Road and Martin Street has become a very dangerous area and suggested the City consider a light in this area.

OLD BUSINESS

1. Final Development Plan – Cooper Palms Commerce Park – Fun Planners (Quasi-judicial)

   David Moon, Planning Manager, gave a brief lead in, stating Planning Commission held a special meeting on October 28, 2015, to accommodate expediting the hearing process for this applicant. At that meeting the Planning Commission recommended approval of the Final Development Plan. The plan includes a 39,000 square foot building located within the Cooper Palms Commerce Park. This business will employee somewhere between 15 and 35 employees. He advised DRC also recommended approval.

   MOTION by Commissioner Dean, and seconded by Commissioner Ruth, to approve the Final Development Plan for Fun Planners, Property Industrial Enterprises, LLC, and issue the Final Development Order. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Council – There was no old business by the Council

3. Public
   Mike Cooper thanked everyone for the Fun Planners project and said this project was great for the city.

   Tenita Reid expressed concerns regarding the traffic by Apopka High School when school was in process at Maine Street, stating the students are making a third lane in this area and travel very fast in this area.

MAYOR'S REPORT – Mayor Kilsheimer reported the City has received notification of receiving the certificate for achieving excellence in financial reporting, the GFOA Award, and this will be presented in the future.

John Ricketson announced the John Land Community Trust will be holding a fund raiser on November 5, 2015, at Highland Manor. On November 11, 2015, at 11:00 a.m. the VFW will be recognizing and honoring all veterans in the City of Apopka.

ADJOURNMENT –The meeting adjourned at 3:16 p.m.

______/s/______________________
Joseph E. Kilsheimer, Mayor

ATTEST:

____/s/______________________
Linda F. Goff, City Clerk