CITY OF APOPKA

Minutes of the regular City Council meeting held on October 21, 2015, at 7:00 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
Channel 13 News

INVOCATION – Mayor Kilsheimer introduced Joseph Richardson of the Central Florida Freethought Community who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on October 22, 1968, members of the Apopka Historical Society appealed to the City Council for use of a room on the second floor of City Hall to establish a museum. The council's vote was unanimous and the Apopka Historical Society quickly set up their museum in City Hall, where it remained for nearly 20 years. In 1987, looking for more space for growing exhibits, the museum relocated to the ground floor of the McBride Building. The Museum of the Apopkans is now situated in a modern log cabin structure constructed in 2001. It hosts an impressive display of the rich heritage and history of Apopka and serves an important role in preserving artifacts and presenting stories of the past. He asked everyone to remember those men and women who help preserve Apopka's history for future generations as he led in the Pledge of Allegiance.

PRESENTATIONS

1. AMMS Student presenting his proposed Eagle Scout Project: 9/11 Memorial.

   Christian Lamphere presented a proposal for his Eagle Scout Project for a 9/11 Memorial that will remember 9/11, but will also represent Apopka's history. He said the memorial will be five feet tall and he hopes to obtain a piece from the World Trade Center to place on the top. There will be four sides with plaques on each side: Side A will be a memorial for all those who died on September 11, 2001, Side B will have all the Fire Chiefs of Apopka since 1882, and another area for line of death duties, Side C will have the City's Mayors since 1882, and Side D will have all of the Police Chiefs since 1882 and an area for line of death duty. He plans on doing fund raising and accepting donations to fund the project.

   Mayor Kilsheimer said Christian is proposing placing the memorial on the front lawn of City Hall.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve the 9/11 Memorial Project on the front lawn of City Hall.

Ray Shackelford welcomed any opportunity for the future of our children and supports the project, but inquired if there was a cost associated with this and if so, it should be mentioned up front.

Phil Lamphere advised for an Eagle Scout project, the Eagle candidate has to raise the money themselves and there would be no cost to the city.

Al Tabron said he opposed the John Land Memorial and stated that money should be used for charitable organizations and things the youth want to do around the state or city. He further spoke about money that was paid out to Richard Anderson in sick leave and vacation days when he left stating those funds also should have been used in the city for charitable organizations.

Mayor Kilsheimer said this motion was regarding the Eagle Scout project being proposed by Christian Lamphere and he will be raising the money for this project. He suggested the matters Mr. Tabron brought up be discussed separately from this motion.

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

2. Week of the Family Proclamation – Presented to Lynn Whitcomb, Orange County Week of the Family. – Mayor Kilsheimer read the Week of the Family Proclamation and presented it to Lynn Whitcomb.

CONSENT AGENDA

1. Approve the minutes from a regular City Council meeting held on October 7, 2015, at 1:30 p.m.
2. Approve the Disbursement Report for the month of September, 2015.
3. Authorize issuance of a Vehicle-For-Hire Permit, to be valid for one year, to Extreme Limousine, Inc., owned by Cortland and Amy Decker, to operate a limousine service.
4. Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Hilltop Reserve, Phase 2, fka Marden Village, Phase 1, or Marden Road Subdivision.
5. Authorize the Community Development Director to issue a Closure and Post Closure Care Renewal Permit to Keene Road Landfill, Inc., a subsidiary of Waste Management, Inc., for Keene Road Landfill retroactive to August 6, 2015, and subject to the twenty-one (21) conditions included in the permit.
6. Accept a property donation from the St. Johns River Water Management District (SJRWMD).
7. Approval of Theresa Mott as the MetroPlan Orlando Community Advisory Committee member.
8. Authorize the Mayor or his designee to execute the VFW Management Agreement for the City Community Center.
9. Authorize the purchase of an integrated financial and operational software system, including

a multi-year maintenance and support agreement and authorize the mayor or designee to execute the contract and issue a purchase order to Edmunds & Associates, Inc. in the amount of $184,874.50.

Mayor Kilsheimer said Item #8 would be pulled to discuss separately.

Glenn Irby, City Administrator, reported this was the agreement between the City and the VFW that was held over from the last meeting pending property insurance coverage by the VFW. He advised that as of today they have turned in a certificate of insurance and a binder, but it was not complete. He spoke with Nelson's Insurance this afternoon and provided them with a list of items required. He recommended approving the agreement contingent upon providing to the city the insurance by 3:00 p.m. on Friday, October 23, 2015.

MOTION by Commissioner Arrowsmith and seconded by Commissioner Ruth to approve Item #8, the management agreement with the VFW contingent upon providing insurance documentation by 3:00 p.m. on Friday, October 23, 2015.

In response to Mr. Shackelford inquiring if all organizations will be required to have insurance to use the Community Center, who is responsible for cleaning and what percentage of revenues the VFW will provide the city, Mr. Irby explained the VFW was a standalone organization that will be working with the city as a management team and will be serving alcohol. He further stated the VFW will clean the facility and they will provide 40% of revenues to the city.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the remaining 8 items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

LEGISLATIVE: ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2445 - SECOND READING & ADOPTION - Amending the Code of Ordinances of the City of Apopka, Chapter 63, "Retirement Systems," Article IV, "Police Officers' Retirement System," Section 63-105, "Contributions", and Section 63-106, "Benefit Amounts and Eligibility." The City Clerk read the title as follows:

ORDINANCE NO. 2445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 63, "RETIREMENT SYSTEMS", ARTICLE IV, "POLICE OFFICERS' RETIREMENT

SYSTEM," SECTION 63-105, "CONTRIBUTIONS," AND SECTION 63-106, "BENEFIT AMOUNTS AND ELIGIBILITY," PROVIDING FOR DIRECTIONS TO THE CITY CLERK, CONFLICTS, SEVERABILITY, 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 Arrowsmith, and seconded by Commissioner Ruth to adopt Ordinance No. 2445. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. ORDINANCE NO. 2451 - SECOND READING & ADOPTION - Amending the Code of Ordinances of the City of Apopka, Chapter 63, "Retirement Systems," Article III, "Firefighters' Retirement System," Section 63-65, "Contributions", and Section 63-66, "Benefit Amounts and Eligibility." The City Clerk read the title as follows:

ORDINANCE NO. 2451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA, CHAPTER 63, "RETIREMENT SYSTEMS," ARTICLE III, "FIREFIGHTERS' RETIREMENT SYSTEM," SECTION 63-65, "CONTRIBUTIONS," AND SECTION 63-66, "BENEFIT AMOUNTS AND ELIGIBILITY," PROVIDING FOR DIRECTIONS TO THE CITY CLERK, FOR CONFLICT, SEVERABILITY, 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 Velazquez to adopt Ordinance No. 2451. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. ORDINANCE NO. 2453 - SECOND READING & ADOPTION - Amending Chapter 22 "Buildings and Building Regulations," Apopka Code of Ordinances, Section 22-37, "Amendments. The City Clerk read the title as follows:

ORDINANCE NO. 2453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, "BUILDING CODE," SECTION 22-37, "AMENDMENTS" OF THE CITY OF APOPKA CODE OF ORDINANCES, IN COMPLIANCE WITH CHAPTER 553, F.S.; PROVIDING FOR ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK;

PROVIDING FOR CONFLICTS; 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 Ruth, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2453. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2454 – SECOND READING & ADOPTION - CODE OF ORDINANCES - Amending certain sections of Chapter 6, "Alcoholic Beverages" to provide for restrictions on possession or consumption in public places and/or on City parks or on City-owned property; providing for restrictions on consumption in vehicles; providing for location of sales on City-owned property; providing for possession in parking areas and lots. The City Clerk read the title as follows:

ORDINANCE NO. 2454

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA; PROVIDING FOR RESTRICTIONS ON POSSESSION OR CONSUMPTION IN PUBLIC PLACES AND/OR ON CITY PARKS OR ON CITY-OWNED PROPERTY; PROVIDING FOR RESTRICTIONS ON CONSUMPTION IN VEHICLES; PROVIDING FOR LOCATION OF SALES ON CITY-OWNED PROPERTY; PROVIDING FOR POSSESSION IN PARKING AREAS AND LOTS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, 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 Dean to adopt Ordinance No. 2454. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2455 - SECOND READING & ADOPTION - Amendment to Chapter 38 "Emergency Service" Article III for the Public Safety Radio Amplification System. The City Clerk read the title as follows:

ORDINANCE NO. 2455

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 38, "EMERGENCY SERVICES," ARTICLE III, "PUBLIC SAFETY 800 MHZ RADIO AMPLIFICATION SYSTEM," BY AMENDING THE TITLE; BY AMENDING THE FOLLOWING SECTIONS: SECTION 38-46

"PUBLIC SAFETY 800 MHZ RADIO COVERAGE REQUIREMENT"; SECTION 38-47 "AMPLIFICATION SYSTEMS ALLOWED"; SECTION 38-48 "ACCEPTANCE TEST PROCEDURE"; SECTION 38-49 "ANNUAL TEST PROCEDURE"; SECTION 38-50 "TEST RECORDS AND TECHNICAL DOCUMENTATION"; SECTION 38-53 "FEES"; SECTION 38-54 "PENALTIES"; PROVIDING FOR DIRECTION TO THE CITY CLERK, FOR CONFLICT, SEVERABILITY, 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 Arrowsmith, and seconded by Commissioner Ruth to adopt Ordinance No. 2455. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. ORDINANCE NO. 2456 – SECOND READING & ADOPTION - Amending the Code of Ordinances of the City of Apopka, Chapter 30, "Cemeteries", by repealing the entire chapter in its entirety and adopting a new Chapter 30, "Cemeteries". The City Clerk read the title as follows:

ORDINANCE NO. 2456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, CHAPTER 30 - CEMETERIES, IN ITS ENTIRETY, PROVIDING FOR REPEAL OF EXISTING CEMETERY REGULATIONS; PROVIDING FOR SEVERABILITY; CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid said she was against the new cemetery ordinance because of two parts of it, specifically Section 30-9, Decoration of Lots, #7 where the city reserves the right to remove items without notice, stating she felt this was unreasonable. She also disagreed with Section 30-10, Restricted Area, #2 where only one bouquet of flowers can be placed on a burial space. She said this was unreasonable and did not take other types of flowers in account. She stated the cemetery was beautiful just the way it is and many people will be upset when items are removed. She stated the criticism of a lack of enforcement of rules was unjustified and said this was out of compassion for the grieving families.

Ed Bowman said he brought this up some months ago and felt there has been some improvement in the articles being removed, but he disagreed it was a pretty cemetery. He said there were a lot of items that needed to be removed and he supported the ordinance.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez

to adopt Ordinance No. 2445. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

QUASI-JUDICIAL: ORDINANCES AND SITE APPROVALS

1. SUBDIVISION REPLAT COOPER PALMS COMMERCE PARK REPLAT LOTS 7 & 9 Property Industrial Enterprises, Inc., c/o Michael Cooper, located south of 1st Street, north of 3rd Street, east of South Bradshaw Road, and west of S. Hawthorne Avenue

   Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in.

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

   MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to approve the Subdivision Replat, Cooper Palms Commerce Park, Lots 7 & 9. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Dean voting aye.

2. FINAL DEVELOPMENT PLAN (MINOR) PLYMOUTH SOUTH POWER SUBSTATION Duke Energy Florida, LLC, c/o Poulos & Bennett, LLC, for property located at 620 Superior Commerce Boulevard. (Parcel ID #: 06-21-28-8468-04-002)

   Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in.

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

   MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to approve the Final Development Plan and waiver for the Plymouth South Power Substation, Duke Energy Florida, LLC. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Dean voting aye.

MAYOR'S REPORT – Mayor Kilsheimer reported he spoke with Richard Anderson, and the attorney for the city and the attorney for the developer on the Apopka City Center development are still negotiating a contract. He said one of the questions he receives often is what are the buildings going to look like. He reported he will be taking the architect and the developer on a tour in Apopka to view classic architecture in Apopka.

OLD BUSINESS

1. COUNCIL – There was no old business Council.

2. PUBLIC

Al Tabron expressed concerns regarding money paid out to Richard Anderson in his buy out as well as money being spent by the city on the John Land statues. He stated this money would be better spent on charities within the city.

NEW BUSINESS

1. COUNCIL

Commissioner Dean inquired of the status on Mr. Love's request for the city to look for some land for affordable housing.

Mayor Kilsheimer said there was some land across from Alonzo Williams Park that Mr. Love had inquired regarding building affordable housing. He advised upon staff investigating this, it was discovered there is a State Statute that requires a process wherein the land must be declared surplus, and a public hearing is required, along with other requirements.

Mr. Irby advised this would take some time to work through. Staff has an inventory of all land owned by the city that will need to be reviewed. Staff has researched the Statutes and there is a process to be followed that will take some time for transferring the ownership which first requires the property to be declared surplus.

2. PUBLIC –

Aiden Nolan said he participates with the Apopka High School Drama Department and they put on plays free of charge for the community. He stated they spend countless hours putting together the shows and this all costs money. For many years the City of Apopka has been sponsors and he was here to ask the City to be a sponsor.

Mayor Kilsheimer thanked Aiden and said his request would be taken under advisement.

Rod Love advised he did not have a client and the work his company was doing was pro bono. He said the City has donated to other nonprofits before and has set a precedent. His request is for affordable housing and beautification on the south side.

ADJOURNMENT – Pastor Doug Bankston gave a benediction. The meeting adjourned at 8:15 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk