CITY OF APOPKA

Minutes of the regular City Council meeting held on September 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

PRESS PRESENT: Roger Ballas - The Apopka Chief
Steve Hudak - The Orlando Sentinel
Various TV News Reporters and Cameramen

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Velazquez introduced Mrs. Virginia Bankson, Grandmother of Pastor Doug Bankson, and a recent graduate at Victory Church World Outreach Center with a Master of Arts & Theology. Mrs. Bankson gave the Invocation.

Mayor Kilsheimer said on this day in 1783, the American Revolution officially came to an end when representatives of the United States, Great Britain, Spain & France recognized the Treaty of Paris. The signing of this document marked the recognition of the United States as a Sovereign Nation for the first time, as Britain formally recognized the independence of the 13 colonies. He asked everyone to remember the bravery, courage, wisdom, and forethought of the Founding Fathers of our Nation, as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. **Justin R. Joseph – Fire/EMS – Five Year Service Award** - Mayor Kilsheimer said Justin began working for the City on August 17, 2009, as a Fire Fighter First Class, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Justin on his years of service to the City.

2. **Matthew C. Yoham – Fire/EMS – Five Year Service Award -** Mayor Kilsheimer said Matt was unable to attend and will be presented his award at a later time.

3. **Stephen D. Minchey – Police/Field Services – Ten Year Service Award -** Mayor Kilsheimer said Stephen began working for the City on August 2, 2004, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Stephen on his years of service to the City.

4. **Jeanne M. Green – Community Development – Twenty Year Service Award -** Mayor Kilsheimer said Jeanne was unable to attend and will be presented her award at a later time.

5. **Charles L. Carnesale – Fire Chief's Office – Twenty Five Year Service Award -** Mayor Kilsheimer said Chuck began working for the City on August 9, 1989, as a Communication Specialist I in the communication center. On January 9, 1990, he transferred to Fire as a Fire Fighter. Chuck was promoted to Fire Engineer on November 29, 2001. Chuck was promoted to Fire Lieutenant on March 2, 2005. On March 6, 2006, Chuck was promoted to Fire Captain. Then, on August 19, 2013, Chuck was promoted to Assistant Fire Chief, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Chuck on his years of service to the City.

PRESENTATIONS

1. **Hebni Nutrition Consultants, Inc. (HNC) -** Roniece Weaver, MS, RD, LD, Executive Director, developer of the original Soul Food Pyramid, a culturally sensitive food guide pyramid.

Ms. Weaver introduced everyone to the function and goals of Hebni Nutrition Consultants. She explained the focus on health and wellness, specifically with access to fresh fruits and vegetables. She announced the corporation's new program called "Fresh Stop."

Glen Providence, Business Developer, gave a presentation on the "Fresh Stop" program. The goal is to educate the public regarding healthy eating. He said "Fresh Stop" is a mobile farmers market of fresh vegetables and fruits which should launch in the next month. Lynx donated a retired bus for the program. The goal of the bus is to address nutritional disparities in Central Florida. The bus will be taken into 16 designated "food desert" areas of Orange County. The Apopka and South Apopka area will have stops based on feedback and input from the community.

Following Mr. Providence' presentation he requested $10,000 support from the City of Apopka to assist with the program, to which Mayor Kilsheimer said the request will be taken under advisement.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on August 20, 2014, at 8:00 p.m.
2. Approve the minutes from the City Council Budget Workshop held on August 20, 2014, at 5:15 p.m.
3. Authorize the City Administrator to sign contract #WS935 with the Department of Corrections for an inmate work squad.
4. Approve the correction of an error of the previously awarded bid in the amount of $100,000.00.
5. Authorize the Mayor or his designee to execute the Decorative Street Light Agreement between the City of Apopka and the Lester Ridge Homeowners Association.
6. Approve the Disbursement Report for the month of August 2014.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the six items of the Consent Agenda.

Suzanne Kidd, 1260 Lexington Parkway, spoke regarding Item #3, saying the cost associated with the contract for an inmate work squad might be better spent in hiring the youth of Apopka to perform those tasks.

Mayor Kilsheimer explained the program had been reviewed and the cost associated with Ms. Kidd's suggestion would far outweigh the cost of the contract.

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. 2373 – THIRD READING & ADOPTION – CODE OF ORDINANCES, PART III - LAND DEVELOPMENT CODE AMENDMENT** – Amending the City of Apopka Code of Ordinances, Part III, Land Development Code, Article III – Overlay Zones, to create a Small Lot Overlay Zoning District. [Ordinance No. 2373 meets the requirements for adoption having been advertised in The Apopka Chief on August 15, 2014.]

Mayor Kilsheimer said Ordinance No. 2373 meets the requirements for adoption, having been duly advertised in The Apopka Chief on August 15, 2014.

The City Clerk read the title, as follows:

ORDINANCE NO. 2373

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III TO ESTABLISH A SMALL LOT OVERLAY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2373. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. **ORDINANCE NO. 2374 – THIRD READING & ADOPTION – VACATE - Apopka Woods, LLC** - Vacating a portion of a Utility Easement - 1472 W. McCormick Road. [Ordinance No. 2374 meets the requirements for adoption having been advertised in The Apopka Chief on August 15, 2014.]

Mayor Kilsheimer said Ordinance No. 2374 meets the requirements for adoption, having been duly advertised in The Apopka Chief on August 15, 2014.

The City Clerk read the title, as follows:

ORDINANCE NO. 2374

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1472 WEST McCORMICK ROAD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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 Ruth, to adopt Ordinance No. 2374. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. **ORDINANCE NO. 2375 – THIRD READING & ADOPTION – VACATE - Susan Van Alstine** - Vacating a Portion of a Drainage and Utility Easement - 1738 Lucky Pennie Way. [Ordinance No. 2375 meets the requirements for adoption having been advertised in The Apopka Chief on August 15, 2014.]

Mayor Kilsheimer said Ordinance No. 2375 meets the requirements for adoption, having been duly advertised in The Apopka Chief on August 15, 2014.

The City Clerk read the title, as follows:

ORDINANCE NO. 2375

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF THE DRAINAGE AND UTILITY EASEMENT LOCATED AT 1738 LUCKY PENNIE WAY; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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 adopt Ordinance No. 2375. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

4. **ORDINANCE NO. 2376 - THIRD READING & ADOPTION - THE CITY OF APOPKA CODE OF ORDINANCES, CHAPTER 6 - ALCOHOLIC BEVERAGES** - Amending certain sections to allow for extended hours of sale of alcoholic beverages; for possession on roadways, alleys and public right-of-ways; for possession within city parks for certain events; and hold over for Third Reading and Adoption. [Ordinance No. 2376 meets the requirements for adoption having been advertised in The Orlando Sentinel on August 24, 2014.]

Mayor Kilsheimer said Ordinance No. 2376 meets the requirements for adoption, having been duly advertised in The Orlando Sentinel on August 24, 2014.

The City Clerk read the title, as follows:

ORDINANCE NO. 2376

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, TO ALLOW FOR EXTENDED HOURS OF SALE OF ALCOHOLIC BEVERAGES; FOR POSSESSION ON ROADWAYS, ALLEYS AND PUBLIC RIGHT-OF-WAYS; FOR POSSESSION IN PARKING AREAS AND LOTS; FOR POSSESSION WITHIN CITY PARKS; FOR CERTAIN EVENTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, 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 Ruth, to adopt Ordinance No. 2376. Motion carried 3-2, with Mayor Kilsheimer, and Commissioners Velazquez and Ruth voting aye, and Commissioners Arrowsmith and Dean voting no.

Mayor Kilsheimer thanked Chuck Vavrek, Chief Robert Manley, David Moon, members of the community who provided input, and the Ministerial Alliance for the collaborative effort in writing and adopting this ordinance. He said the City is making a relatively minor change, while respecting those that believe this is a faith-based issue.

5. **ORDINANCE NO. 2377 - THIRD READING & ADOPTION - Amending Chapter 42 (Environment), adopting Article III (Neighborhood Improvement Special Assessment)** of the Code of Ordinances, relating to the establishment of Neighborhood Improvement

Special Assessments. [Ordinance No. 2377 meets the requirements for adoption having been advertised in The Orlando Sentinel on August 24, 2014.]

Mayor Kilsheimer said Ordinance No. 2377 meets the requirements for adoption, having been duly advertised in The Orlando Sentinel on August 24, 2014.

The City Clerk read the title as follows:

ORDINANCE NO. 2377

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 42, "ENVIRONMENT", BY ADOPTING ARTICLE III, ENTITLED "NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT", OF THE CODE OF ORDINANCES, RELATING TO THE ESTABLISHMENT OF PURPOSE OF NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT TRUST FUND; AUTHORIZING SPECIAL ASSESSMENTS; COLLECTION OF SPECIAL ASSESSMENTS; LIENS ON PROPERTY; EXPENDITURE OF REVENUE, REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY CITY OFFICIALS; RIGHT FOR WITHDRAW, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Tenita Reid, 651 O'Leary Court, expressed strong opposition to the adoption of the ordinance, saying the ordinance sets a precedence, and she does not believe it will stop with the few communities that have been identified.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2377. Motion carried 4-1, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye, and Commissioner Ruth voting no.

6. **RESOLUTION NO. 2014-08 -** Authorizing the issuance and execution of a promissory note with Whitney Bank d/b/a Hancock Bank in the aggregate principal amount of not to exceed $1,100,000 for the acquisition of sanitation trucks.

The City Clerk read the title as follows:

RESOLUTION NO. 2014-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A PROPOSAL OF

WHITNEY BANK, d/b/a HANCOCK BANK TO PROVIDE THE CITY WITH A LOAN IN ORDER TO FINANCE THE ACQUISITION OF FOUR SANITATION TRUCKS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE PURSUANT TO SUCH LOAN AGREEMENT IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $1,100,000 IN ORDER TO EVIDENCE SUCH LOAN; AUTHORIZING THE REPAYMENT OF SUCH NOTE FROM GROSS REVENUES OF THE CITY'S SANITATION SYSTEM AND CERTAIN OTHER MONEYS; DELEGATING CERTAIN AUTHORITY TO THE MAYOR, CITY CLERK AND OTHER OFFICERS OF THE CITY FOR THE AUTHORIZATION, EXECUTION AND DELIVERY OF THE NOTE AND VARIOUS OTHER DOCUMENTS WITH RESPECT THERETO; DESIGNATING SUCH NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION WITHIN THE MEANING OF SECTION 265(B)(3) OF THE INTERNAL REVENUE CODE OF1986, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

City Administrator Anderson explained this is the financing for replacement of the sanitation trucks at an interest rate of 1.07%.

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 Arrowsmith, to adopt Resolution No. 2014-08. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

7. RESOLUTION NO. 2014-09 - Authorizing the issuance and execution of a promissory note with Whitney Bank d/b/a Hancock Bank in the aggregate principal amount of not to exceed $1,200,000 for the acquisition of various Compressed Natural Gas (CNG) station capital improvements.

The City Clerk read the title as follows:

RESOLUTION NO. 2014-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A PROPOSAL OF WHITNEY BANK, d/b/a HANCOCK BANK TO PROVIDE THE CITY WITH A LOAN IN ORDER TO FINANCE THE ACQUISITION OF VARIOUS COMPRESSED NATURAL GAS STATION CAPITAL IMPROVEMENTS; APPROVING

THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE PURSUANT TO SUCH LOAN AGREEMENT IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $1,200,000 IN ORDER TO EVIDENCE SUCH LOAN; AUTHORIZING THE REPAYMENT OF SUCH NOTE FROM A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES; DELEGATING CERTAIN AUTHORITY TO THE MAYOR, CITY CLERK AND OTHER OFFICERS OF THE CITY FOR THE AUTHORIZATION, EXECUTION AND DELIVERY OF THE NOTE AND VARIOUS OTHER DOCUMENTS WITH RESPECT THERETO; DESIGNATING SUCH NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION WITHIN THE MEANING OF SECTION 265(B)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Suzanne Kidd, 1260 Lexington Parkway, asked about the loan documents that reflect the loan is only funding a portion of the CNG project, as to how the remainder of the money would be used.

City Administrator Anderson explained it is for costs associated with the loan.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Velazquez, to adopt Resolution No. 2014-09. 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 - City Administrator Anderson had no report.

MAYOR'S REPORT Mayor Kilsheimer had no report.

OLD BUSINESS

1. COUNCIL

Commissioner Velazquez expressed concern regarding the traffic entering and exiting on Old Dixie Highway for the recently approved Taco Bell project, citing concern for the safety of the school children who will be using the sidewalk along Old Dixie Highway.

2. PUBLIC

Ray Shackelford, 2082 Carpathian Drive, suggested the best lifestyle changes we can make is to support our children. He said he found nothing in the budget to support a youth program.

NEW BUSINESS

1. COUNCIL - There was no new business from the Council.

2. PUBLIC

Barbara Zakszewski, 3674 Rochelle Lane, spoke in support of the Organizational Analysis and encouraged the Mayor to implement the recommendations of Dr. Wingo expeditiously.

Mayor Kilsheimer responded that the report is an ongoing discussion with staff, and explained that the City will be working in a systematic way to make organizational changes needed. He said all action will be deliberate and well thought out.

Judy Beck, 580 Hebrides Court, expressed appreciation for the Wi-Fi, however has missed not having it available for six weeks. She has made efforts to contact the City and Rapid Systems to no avail and requested the City Council seek resolution.

City Administrator Anderson said that part of the budget discussion to take place will include upgrades to the Wi-Fi system.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:47 p.m.

ATTEST:

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Joseph E. Kilsheimer, Mayor

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Janice G. Goebel, City Clerk