

CITY OF APOPKA

Minutes of the regular City Council meeting held on November 18, 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 Andrew Hand
City Administrator Glenn Irby

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

INVOCATION – Commissioner Dean introduced Reverend Richard King of St. James AME Church, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said in the fall of 1620, more than 100 Pilgrims set sail from England on the Mayflower and made landfall two months later in Plymouth, Massachusetts. The Pilgrims lost half their group during the first winter. With the help of two members of local Native American Tribes, the settlers were able to successfully farm the lands and by the following autumn, they reaped a bountiful crop. To celebrate the harvest and to give thanks, Governor William Bradford called for a feast and invited the local Native American Tribes who worked alongside the Pilgrims to sustain their Colony. The Tribes and the Pilgrims hunted together and feasted for three days. It became a tradition for colonists to celebrate the harvest annually with the feast of Thanksgiving and President Abraham Lincoln proclaimed the final Thursday in November to be a national holiday in 1863. However, Franklin D. Roosevelt signed a joint resolution of Congress in 1941, which established the fourth Thursday of November as a national holiday, the day we currently celebrate as Thanksgiving. He asked everyone to reflect upon the spirit and collaboration between the Pilgrims and Native American Tribes that made it possible for Plymouth to flourish and for our nation to give thanks as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES

1. City Council meeting November 3, 2015.

MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve the minutes from the City Council meeting of November 3, 2015. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Presentations:

1. Artist to present renditions of the Mayor Land Statues – Mr. Peter Pasha presented scale model maquettes of the Mayor John Land statues. One will be a larger than life statue of

Mayor Land standing and will be on the front lawn of City Hall. The other is a life size statue that will be on a bench in Kit Land Nelson Park.

It was the consensus of the Council to proceed with the final product.

CONSENT

1. Approve the Disbursement Report for the month of October, 2015.
2. Approval of CH2M Hill Engineers Inc., proposal for architectural and engineering services.

Item 2 was pulled for discussion and comments from the public.

Suzanne Kidd said this was for a building that will replace the building at Alonzo Williams Park and she questioned if this was for the actual services for CH2M Hill to put the drawings together or was it the actual projected cost for the building. She further inquired what specifications the City submitted with regards to ceiling height, how the square footage was determined, and if there was any opportunity for a concerned citizen to have any input.

Mayor Kilsheimer advised this amount was for the drawings. He stated there could be a process determined to receive input.

Commissioner Dean inquired if there were any bids for the company that was selected.

City Administrator Irby affirmed the City had previously short listed two engineering firms for continuing services contracts. CH2M Hill was one of the firms shortlisted and is under a continuing services contract. They were chosen for this process as they have an architect on staff. He advised we are counting upon a CDBG \$750,000 grant to make these improvements and we are on a deadline to submit the architectural drawings which are a requirement of the grant.

Commissioner Dean inquired why the City cannot set aside \$750,000 in case we are not awarded the grant so that we can move forward with this building.

Mayor Kilsheimer said if the City is not awarded the grant, the option of allocating the \$750,000 can be done. The time limit is upon submitting the grant application and we need to obligate the funds for the design in order to submit the grant.

Commissioner Arrowsmith said it was unfortunate the position the City is in with being limited to two firms and only one having an architect on board. He felt \$100,000 for a 30 foot building was exorbitant and it is a gamble. He said if it was up to him to come up with \$750,000, he would spend these funds on a new fire station.

Mayor Kilsheimer affirmed the City of Apopka has not applied for a CDBG grant in more than 10 years. The likelihood of receiving the grant is high. He advised Mr. Irby worked on bringing the fee down to a more reasonable one. He inquired if this was postponed for two weeks would it compromise the schedule for the grant.

Mr. Irby affirmed this grant would include more amenities that just the building.

Jeff Plaugher advised the grant is due the first week in March and if we miss this round, there is no guarantee there will be another chance as the CDBG is legislative driven. He explained we are applying for a small city grants and there are a lot of pluses with this grant.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the 2 items on the Consent Agenda.

David Hoffman inquired if he heard correctly the \$90,000 was for architectural drawings and the \$750,000 was for the construction to which Mayor Kilsheimer advised the total grant was \$750,000 and that would go toward the building and other amenities.

Ray Shackelford asked Council to move forward with this project and applauded their efforts for applying for grant funds.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS

1. **Ordinance 2459 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2459

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 JTD LAND AT ROGERS RD., LLC, LOCATED AT 2303 ROGERS ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, 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 Dean, to approve Ordinance No. 2459 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. **Ordinance 2460 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2460

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 HUY TRAN AND HAI
ANH NGUYEN, LOCATED AT 904 SCHOPKE LESTER ROAD;
PROVIDING FOR DIRECTIONS TO THE CITY CLERK,
SEVERABILITY, CONFLICTS, 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 Ruth, to approve Ordinance No. 2460 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. **Ordinance 2461 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2461

**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 PROPERTY INDUSTRIAL ENTERPRISES,
LLC, LOCATED AT 300 WEST 2ND STREET; PROVIDING FOR
DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS,
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 approve Ordinance No. 2461 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. **Ordinance 2462 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2462

**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 DEBRA EVANS CARGIL,
LOCATED AT 202 SOUTH HAWTHORNE AVENUE; PROVIDING
FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY,
CONFLICTS, 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 Velazquez, to approve Ordinance No. 2462 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. **Ordinance 2463 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2463

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 APOPKA CLEAR LAKE INVESTMENTS, LLC, LOCATED SOUTH OF PETERSON ROAD AND WEST OF BINION ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, 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 Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2463 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. **Ordinance 2464 – First Reading – Amending Chapter 46 of the Code of Ordinances.** The City Clerk read the title as follows:

ORDINANCE NO. 2464

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA AMENDING CHAPTER 46, “FIRE PREVENTION AND PROTECTION” OF THE APOPKA MUNICIPAL CODE, BY AMENDING ARTICLE III, “FIRE CODES AND STANDARDS”, SECTION 46-76 TO ADOPT THE FLORIDA FIRE PREVENTION CODE (NFPA 1) AND THE LIFE SAFETY CODE (NFPA 101) BY REFERENCE; AMENDING SECTION 46-78, THE FLORIDA FIRE PREVENTION CODE, CHAPTER 13, “FIRE PROTECTION SYSTEMS”, PARAGRAPH 13.3.1.2, “GENERAL”; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Brian Bowman gave a brief lead in stating this has been in place since 1996 and benefits the community as it is a safety and strict sprinkler ordinance. This ordinance is updating the standards.

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 approve Ordinance No. at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

7. **Ordinance 2465 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2465

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 JERRY KIRKLAND AND LANNETTE KIRKLAND, LOCATED AT 3707 ROCK SPRINGS ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, 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 approve Ordinance No. 2465 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

8. **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 VIEWPOINT AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Andrew Hand advised the changes from the last meeting are slight and are mainly nuances. He said there is now a specific reference to an opening ceremony that has been incorporated throughout the resolution. This comports with Supreme Court Justices' acknowledgement that invocations are part of a ceremonial meeting. He reviewed the highlights of the resolution and advised references of places of worship has been broadened.

Mayor Kilsheimer said he believed it was important to preserve our ability to hold invocations.

In response to Commissioner Velazquez inquiring if the Council will continue to rotate with regards to inviting one to give the invocation, Mayor Kilsheimer said they would still rotate, but there will be a database maintained to choose from.

Commissioner Arrowsmith said in the rare occasion the individual does not show up, you have the right to have a moment of silence or dispense with the invocation.

Mayor Kilsheimer opened the meeting to public participation.

Barb Zakszewski spoke regarding the ceremonial opening and recitation of the Pledge of Allegiance, stating cities and government entities were scrambling to develop inclusive invocation policies that celebrate diversities. She declared we were twisting ourselves up in knots rather than tackling real city business and said if you support the policy, you must be prepared to defend the right for all groups to have their say. She stated she supported a moment of silence in lieu of an invocation.

Tenita Reid said this was a very emotional issue and we all value our freedoms to worship on what we believe. She said we should listen to and take the attorney's advice to have a moment of silence.

Suzanne Kidd said since the City seems determined to enshrine the practice of invocations into city policy with this resolution, rather than taking the more pragmatic route of simply providing a moment of silence, she would like to add her comments and point out two potential pitfalls. One positive direction she saw was that citizens will have the choice to stand or not during opening ceremonies. She stated she would hope the option to leave will not be publically announced. She expressed concern that individual citizens unaffiliated with any group or belief system, yet with the same civic spirit and goodwill as any religiously affiliated speaker on the approved database will, by the wording of the speaker selection section, be excluded from the process. She further expressed concern of diversity by utilizing the database on a first serve, first come basis.

Dale Fenwick said silence is not an option and the proposed policy was the right one for our community. He said this has been crafted in compliance with decisions from the Supreme Court. He said seeking divine guidance on public deliberations predates the founding of our nation and remains a vital part of our governing bodies. He spoke to the Supreme Court rulings in the Town of Greece with regards to spiritual needs of lawmakers connecting them to a tradition dating to the time of the framers of the Constitution. He affirmed a moment of silence states we have given in and requested this resolution be approved.

Pastor Doug Bankson thanked the City Commission and Attorneys for working hard on this matter. He said our freedom of speech and freedom of religion is what is at stake here and it was the first foundation in our Bill of Rights. He stated this policy is the right move rather than to be silenced.

Ray Shackelford spoke in agreement to some of the comments he heard from Suzanne Kidd and said his concerns are not whether we continue to have prayers from local pastors and citizens, but rather what we do after we hear those prayers.

Tony Foster said this was new to him and it is ironic that he was talking about the power of prayer earlier today. He said while he understands the legalities regarding prayer and schools, and he was not necessarily backing the resolution, but he was backing prayer and stated silence hides who we are.

Reverend King spoke regarding this, stating silence was not an option.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Resolution No. 2015-24.

Commissioner Arrowsmith pointed out that this administration has had 126 votes and fewer than 10 were not unanimous.

Commissioner Dean said he was not against prayer, but he felt with silent prayer no one is discriminated against.

Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye, and Commissioner Dean voting nay.

APPROPRIATIONS/DONATIONS/GRANTS

1. O.C. Grant Award – Acceptance of EMS Simulation Training & Debriefing Solution System

Will Sanchez gave a brief presentation of the full body EMS system Metiman grant being awarded by Orange County Medical Director. He said this provides the best patient care to the community. He advised the original cost was \$68,000 and by researching, they were able to locate a demo version in the amount of \$40,000. By approving this grant it will be fully funded and there will be no cost to the city. Ownership will be taken in mid-December.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to accept the grant. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. KaBOOM! Grant – Acceptance of the letter of intent and funding.

Glenn Irby reported the City has been selected to participate in a screening with KaBOOM!, a non-profit organization that is dedicated to providing children with places to play and if selected, the City of Apopka would be awarded a grant to purchase new playgrounds for Lake Avenue Park and/or Alonzo Williams Park. There were two separate applications submitted and the first will be for Lake Avenue Park. The City will fundraise \$8,500 toward the cost of the playground equipment and will own and maintain it. We provide the land and secure necessary permits, remove existing playground equipment, and recruit community volunteers to help construct the playground. Staff is requesting approval to accept the KaBoom! Letter of Intent.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to direct staff to continue the process of application. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

BUSINESS

1. Orange County – 2016 Election Services and Equipment Use Agreement

Linda Goff, City Clerk, said this was the standard Services and Equipment Use Agreement with the Supervisor of Elections. The General Election will be at no or minimal cost to the City, as it is in conjunction with the Presidential Preference Primary, however, in the event there is a Run-off Election, the City would assume associated costs.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the 2016 Election Services and Equipment Use Agreement as presented. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Florida Hospital Apopka – Transportation Improvement Development Agreement

David Moon, Planning Manager, gave a brief lead in for the Florida Hospital Apopka Transportation Improvement Development Agreement. He advised on November 19, 2014, the City Council approved the Transportation Improvements Development agreement with Adventist Health Systems\Sunbelt, Inc. This is the first amendment to that agreement. He advised staff is recommending approval of the agreement.

In response to an inquiring of Commissioner Velazquez, Mr. Moon advised 11% will be covered by the Hospital's cost and the other 89% are general impacts of traffic from the surrounding area. However, that improvement qualifies for impact fee credits or transportation impact fee funds, as defined within the agreement.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the Transportation Improvement Development Agreement with Florida Hospital, Apopka.

Suzanne Kidd inquired how the cost share of 11% from the Hospital versus 89% from the city is coming; stating it was no cash out of pocket, but it was impact fees that are not going to be coming to the city that under ordinary circumstances would be. Also, the proposal calls for landscaping, hardscaping, and irrigation maintenance to be assumed by Florida Hospital, unless the city assumes the costs. She inquired if the city was assuming the maintenance costs. It also mentions this will only move forward if the city and the county are able to have an agreement for the city to take over the maintenance of Ocoee Apopka Road. She further inquired about the Harmon Road extension.

Mr. Moon advised Ocoee Apopka Road is a county road and they currently maintain it from the intersection of Binion Road to downtown Apopka. Negotiations are currently underway to have that transferred to the city to maintain. He advised eventually, with annexations, the city would be taking it over. This jurisdiction allows the city to control the driveway cuts. He advised the Hospital has agreed to maintain the landscaping for a certain period of time.

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

3. Council

Commissioner Ruth inquired about the outcome of the property required at Plymouth Sorrento and Lester Roads in order to place a signal in that area.

Mayor Kilsheimer advised this was still under discussions and they were awaiting a response. He stated a quick take was also being looked into.

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to direct the City Attorney to begin the process of a quick taking of the southwest corner of Plymouth Sorrento and Lester Roads. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. Public

Reverend Richard King presented a video and a Community Resolution on One Apopka submitted by the South Apopka Ministerial Alliance. He asked the Council to consider the contents of the resolution and what improvements need to be made.

Mayor Kilsheimer advised the city was already making progress on two of these items; one being policies and procedures for all city owned community centers. He reported the Summer Youth Jobs Program funding has been increased and Career Source of Central Florida has committed \$100,000 to the Apopka Youth Works Program and there will be enough for 75 positions. He advised Dr. Jackson has been working on this program and credited her for almost doubling the scope of the program. He said the City is moving forward on these matters.

Commissioner Dean said he would like to recognize and thank the community leadership in coming forward with a thoughtful and objective presentation. He said he especially liked that it addressed all of the citizens of Apopka. He stated he would hope all of his colleagues would be mindful of the issues addressed in this resolution.

Ed Poirier said he came here tonight to request some help, saying his wife died of cancer four months ago. He lives on Park Glen Circle and said his street had quite a bit of cancer going on. He stated the Mayor was kind enough to reach out to him a couple of months ago and brought in some people from the Department of Health. Mr. Poirier stated the Department of Health promised to provide some statistics for Apopka Cancer cases that have never been received. Mr. Poirier stated another gentleman at the meeting promised to go to his house and conduct a study. He advised this person came to his house and told him he would be taking water and soil samples. He received an email from him a week later, only to be told their investigation was over and they did not find anything. He said he was here because he has asked the Mayor to petition the State Department of Health to come back and finish their job. He affirmed in his research he has found the City only tests for pesticides once every three years. He said even though certain items may not be regulated, the City has a moral obligation to their citizens to let them know there may be a health risk with some of the water. He reiterated he was here to ask the City to go back and request the Department of Health finish the job they started. He said it was important for the City to find the funding to conduct this testing from an independent agency.

Mayor Kilsheimer said he has been working with Mr. Poirier over the last several months and during that time he has learned a lot about the water and how the Health Department evaluates and investigates cancer clusters. He affirmed there is a 48 page document that the Federal CDC publishes that states exactly how state health departments should investigate cancer clusters. There are six conditions that must be met and it is a four step process of investigating cancer clusters and every step along the way has a threshold that must be met. He affirmed he called in the Department of Health that came and met with Mr. Poirier and took his information. He said the pertinent paragraph in this states: "There are a number of factors that do not support the need for further investigation and those include: the State Department of Health should not proceed if the types of cancers that have been reported are different types of cancers, not known to be related to one another, or are a few cases of very common cancers, or if there is a lack of a plausible environmental cause." He reiterated this is not the City of Apopka, the State Department of Health, but it is the Federal Government laying down instructions on how to investigate cancer clusters. He stated with Park Glen Circle there are two cases we know of where two women passed away of breast cancer as the confirmed cases. There are not seven confirmed cases.

Mr. Poirier said there were seven cases and ten people were about to die. He walked out stating he was all done talking to the Mayor, declaring he would be back the next meeting.

Mayor Kilsheimer said the bottom line was the Florida Department of Health was called in and said there was no evidence of a cancer cluster on Park Glen Circle. The Florida Department of Environmental Protection came in and checked all of our records and

procedures at the Grossenbacher Water Plant and it was well within the established limits. They also went to Park Glen Circle and went to the home of the Breck family and measured the chlorine and it was within limits.

Debbie Turner, from the Debbi Turner Cancer Resource Center in Apopka, said she wanted to explain to this community that she has 85 children in middle school and high school that they host on a weekly basis at the Cancer Center whose parents have been diagnosed with cancer. This past year she has done 65 extra team groups because the children are coming in to the Center asking why their parents have cancer and if they drink the water in the City will they die, too. She said this community needs to band together and realize the facts of this. She affirmed she researched from Yale University, Duke University, and the National Cancer Institution and there is not one case ever documented that drinking water causes cancer or death. She said she is personally a cancer survivor and understands a grieving family. When you are grieving you try to blame someone and she stated the blame is not on the City, but on the disease of cancer.

Ray Shackelford said in his lifetime he has worn many hats. One hat worn in the past was serving on a statewide environmental justice commission that looks at causes of cancer throughout the State of Florida. Based upon their research, the contaminants in water can cause cancer. He applauded the Mayor's efforts in reaching out to this family. He said with regards to the Community Resolution, it embraces a reality for progress that all people in all communities must be involved in the economic development process and management within city government. He asked how often they can expect an update on the action items listed on the resolution.

Commissioner Dean inquired if the Council was going to act on this resolution.

Mayor Kilsheimer said it has not been forgotten and reiterated that the two items of progress have been made. He said this was not a resolution by the government of the City of Apopka, it was by the South Apopka Ministerial Alliance. He further declared, he takes everything the Ministerial Alliance says seriously and we are working on these items on an individual basis. He pointed out a Charter Review process was completed in 2013.

Rod Love commended Pastor King and the South Apopka Ministerial Alliance as it relates to this resolution. He said you have to give City Council credit where credit is due and this has been addressed. He spoke with regards to Chief McKinley and his being aggressive and the Fire Department and their academy reaching out to diversify.

Discussion ensued regarding Minority Diversity studies and the City of Apopka not being able to join with the City of Orlando on their study.

Ray Shackelford said the lobbyist stated we should be able to put language in the document related to the town center project about minority women and veteran contractors. If able to put language in that document, we should be able to reach out to the contractors in general.

Ed Hollingsworth said he was trying to improve the look of the Chuck Wagon and has met with city planners to try and get a mural on the dumpster wall to the back of the building. He stated he was told by moving the logo or name it would then be considered artwork. He showed the artwork he was trying to get improved and said he was here to ask Council to give him permission to do a mural. He said he was trying to clean the area and have outdoor seating.

Mayor Kilsheimer thanked Mr. Hollingsworth for coming and asked him to meet with Mr. Irby to work through this process and a compromise.

MAYOR'S REPORT – No report.

ADJOURNMENT –The meeting adjourned at 9:36 p.m.

_____/s/_____
Joseph E. Kilsheimer, Mayor

ATTEST:

____s/s_____
Linda F. Goff, City Clerk