CITY OF APOPKA

Minutes of the regular City Council meeting held on June 18, 2014, at 8:00 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

PRESS PRESENT: Roger Ballas - The Apopka Chief
John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Sister Ann Kendrick of Hope CommUnity Center. Mayor Kilsheimer said on June 17, 1775, British Forces led by Major General William Howe marched from Boston to the hills surrounding the City. American militia men, low on ammunition, lay in wait at Bunker Hill for the British Red Coats. In order to conserve the limited ammunition of our American patriots, Colonel William Prescott gave the famous order, "*Don't fire until you see the whites of their eyes*." The American troops held back two separate attacks by the British, inflicting heavy casualties. During the third attack, the American troops ran out of ammunition and engaged in hand-to-hand combat with the British before retreating. More than 1,000 British soldiers, and more than 400 American soldiers, were either killed or wounded. This battle proved to be a significant morale booster and convinced the American colonists that their dedication and patriotism could overcome the skilled British troops. He urged all to remember the many sacrifices the patriots made on behalf of our Country, as he led in the Pledge of Allegiance.

Mayor Kilsheimer acknowledged members of Boy Scout Troop 211, attending the meeting to earn their Communications badge.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Authorize the Mayor, or his designee, to execute the Sewer and Water Capacity Agreement for Clear Lake Landings located at 2597 Lust Road.
2. Authorize the issuance of a Peddler Permit, to First American Fireworks, for the sale of state-approved sparklers at 551 South Orange Blossom Trail from June 19, 2014, through July 7, 2014.
3. Acknowledge notification of the 2014 Justice Assistance Grant (JAG) application to purchase software and hardware for the Criminal Investigations section.
4. Authorize the execution of a lease agreement between the City of Apopka and VJIL, Inc., for rental space on the Apopka radio tower located at 131 N. Forest Avenue.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the four 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. 2366 - FIRST READING - ANNEXATION - A. Tanner Scofield III and Cathleen P. Scofield, property located at 3125 Ondich Road. (Parcel I.D. #01-20-27-0000-00-032) (4.87 +- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2366

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 A.TANNER SCOFIELD III AND CATHLEEN P. SCOFIELD, LOCATED NORTH OF ONDICH ROAD AND WEST OF PLYMOUTH SORRENTO 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 Ruth, to accept the First Reading of Ordinance No. 2360, 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. 2367 - FIRST READING - ANNEXATION - Kimberly A. Buchheit, property located at 6500 Swain Road. (Parcel I.D. #05-20-28-0000-00-005) (19.41 +- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2367

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 KIMBERLY A. BUCHHEIT, LOCATED SOUTH OF SWAIN ROAD AND WEST OF MT. PLYMOUTH 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 Velazquez, to accept the First Reading of Ordinance No. 2367, 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. 2368 - FIRST READING - ANNEXATION - Bruce Ross, property located at 1381 Ustler Road. (Parcel ID #34-20-28-0000-00-021) (1.11 +/- acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2368

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 BRUCE ROSS, LOCATED SOUTH OF WELCH ROAD AND EAST OF USTLER 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 Arrowsmith, to accept the First Reading of Ordinance No. 2368, 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. 2369 - FIRST READING - ANNEXATION - Louis R. Haubner, Jr. and Diann Haubner property located at 347 Tanglewilde Street. (Parcel ID #03-21-28-0000-00-086) (1.97 acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2369

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 LOUIS R. HAUBNER JR. AND DIANN HAUBNER, LOCATED NORTH OF TANGLEWILDE STREET AND WEST OF USTLER 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 Ruth, to accept the First Reading of Ordinance No. 2369, 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. 2370 - FIRST READING - ANNEXATION - Adventist Health System/Sunbelt, Inc., property located on Ocoee Apopka Road, south of S.R. 414 and east of S.R. 429. [Parcel I.D. #20-21-28-0000-00-043 (3.19 +- ac); 20-21-28-0000-00-045 (1.58 +- ac); and 20-21-28-0000-00-047 (0.20 +/- ac)] (Total: 4.97 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2370

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 ADVENTIST HEALTH SYSTEM/SUNBELT INC., d/b/a FLORIDA HOSPITAL, LOCATED ON OCOEE APOPKA ROAD, SOUTH OF STATE ROAD 414 AND EAST OF STATE ROAD 429; 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 Dean, to accept the First Reading of Ordinance No. 2370, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS

1. **FINAL DEVELOPMENT PLAN – Oak Ridge, Phase 2, owned by The Ryland Group, c/o Vernon Priest, the engineer is Boyd Civil Engineering, c/o Steve Boyd, P.E., and the**

property is located east of Plymouth Sorrento Road, north of Appy Lane. (Parcel ID Nos. 18-20-28-0000-00-014; 18-20-28-0000-00-021; 18-20-28-0000-00-022; 18-20-28-0000-00-023; 18-20-28-0000-00-098; 18-20-28-0000-00-108, and 18-20-28-0000-00-109)

Jay Davoll, Community Development Director, gave an overview of the project, explaining the waiver request and hardship. (The staff report is incorporated into, and made a part of these meeting minutes.)

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 Final Development Plan for Oak Ridge, Phase 2, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS - City Administrator Richard Anderson said his report was before the Council, and noted the increase in construction over that of last year. No questions were asked by the City Council. He also reported the following:

- Staff has been working on the budget. The 1st Budget Workshop will be held on July 30th, at 5:15 p.m. Other workshops may take place in the month of August. He asked City Council members to forward their special projects list to him as soon as possible. The two final budget meetings will be held September 3rd at 5:15 p.m., and September 17th at 8:00 p.m.
- Staff is working with Orange County on expansion of the Enterprise Zone on Bradshaw Road. The issue arising is that legislation is due to sunset next year.
- Florida Hospital was granted their Certification of Necessity from the State of Florida, so they can go forward with building the hospital. They initially applied for 80 beds. Staff has been meeting with them weekly to assist in the project moving forward.
- Tri-County League of Cities meeting will be held on June 19th, Lake Mary, at noon.

In response to a question from Mayor Kilsheimer, CA Anderson reported the Lester Road project was scheduled for paving, however the summer rains have delayed the project. He also reported the storms have affected and delayed the Stormwater project at Martin's Pond.

MAYOR'S REPORT Mayor Kilsheimer reminded everyone that a Community Meeting will be held next Tuesday on the topic of alcohol sales. The meeting is intended to determine how the community feels about alcohol sales. A questionnaire will be distributed at the meeting. He encouraged everyone to attend on Tuesday, at 7:00 p.m., at the VFW.

OLD BUSINESS

1. **COUNCIL** - There was no Old Business from the City Council.

2. PUBLIC

Missy Touchet spoke about her efforts to address the discontinuation of busing of 98 children, resulting in the children being required to cross Highways 441 and 451, and down Vick Road, to get to school safely. She said she has worked continuously to garner support, and intends to meet with each of the School Board members. She asked the City to consider passing a resolution so the School Board is aware of the City's support.

Mayor Kilsheimer asked CA Anderson to look into processing the requested resolution for Council action.

Isadora Dean spoke in support of Ms. Touchet's efforts, and also thanked Sister Ann for advocating for our children. She suggested banning together to commit and advocate for our children.

NEW BUSINESS

1. COUNCIL

Commissioner Dean inquired about the status of the review of the Charter. CA Anderson said a meeting is scheduled for June 26th, and the same committee will be continuing to address the three topics requested by the City Council (districts, term limits, and number of commissioners).

In response to a question by Commissioner Velazquez regarding the Mayor's compensation effective date, CA Anderson said a review of the motion of June 4 was conducted and the motion was to approve the salary at $150,000.00. Discussion was conducted with the City Attorney and it is believed that based on that motion, the salary took effect at that date, not retroactive.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to make the Mayor's compensation retroactive to the day he was sworn in (April 22).

At the request of Mayor Kilsheimer, the motion and second were withdrawn.

Commissioner Ruth spoke about the need for more sidewalks and lighting, insisting it be addressed during budget discussions. He also noted appreciation for the training he received during the recent IEMO (Institute for Election Municipal Officers) sessions.

Mayor Kilsheimer noted having heard from Florida Hospital and the Community Health Center regarding the need of fluoridation of the City's water, which could cost the City in excess of $700,000.00. He said these are the types of special projects that need to be listed and provided to CA Anderson. City Attorney Kruppenbacher further suggested the lists be provided to staff, or if they want it distributed to the other Council members, to give to the City Clerk for public record, and then she can then distribute to the other Council members, thereby avoiding a possible Sunshine Law violation.

2. PUBLIC

Carrie Canfield requested clarification on the JAG Grant that was heard on the Consent Agenda. CA Anderson replied that the $15,000 grant is a Department of Justice grant from the Federal Government, and is for computers and software for the Investigations Division of the Police Department. It is a 100% grant, and the Council is required to be notified when the application for the grant is submitted. Mayor Kilsheimer added that the backup information for the agenda item is on the City's website.

Mayor Kilsheimer thanked Scout Troop 211 for attending the meeting.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:39 p.m.

ATTEST:

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Joseph E. Kilsheimer, Mayor

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Janice G. Goebel, City Clerk