

CITY OF APOPKA

Minutes of a regular City Council meeting held on June 6, 2012, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor John H. Land
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Marilyn U. McQueen
Commissioner Joe Kilsheimer

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE: The Invocation was given by Mayor Land. He said on June 6, 1944, Americans stormed the beaches of Normandy, France, along with allies to free Europe from Adolph Hitler. He declared many of our allies and Americans died liberating millions of people from that regime and asked everyone to reflect on the sacrifice made by those on June 6, 1944, as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. **Joshua Williams – Public Services/Waste Water Plant - 5 Year Service Award** – Mayor Land said Josh began working for the City on May 2, 2007, as a Utility Service Worker I in Utility Construction and on February 19, 2008, he was reclassified to a Utility Service Worker II. On February 9, 2009, he was transferred to Waste Water as a Waste Water Plant Operator Trainee. Josh was promoted on February 7, 2010, to a Waste Water Plant Operator “C”, which is his current position. The City Council joined Mayor Land in congratulating Josh on his years of service to the City.

2. **Jarred Bess – Fire/EMS – 5 Year Service Award** – Mayor Land said Jarred started working for the City on May 13, 2007, as a Firefighter 1st Class in Suppression. He was transferred to EMS on November 17, 2010, as a Firefighter 1st class, which is his current position. The City Council joined Mayor Land in congratulating Jarred on his years of service to the City.

3. **Cynthia Parker – Public Services/Grounds – 10 Year Service Award** – Mayor Land said Cynthia was not present, and will be presented her award at a later time.

4. **Patricia Haney – Administrative Service/Facilities Maintenance – 35 Year Service Award** – Mayor Land said Patti started working for the City on May 25, 1977, as a Recreation Utility Person. Patti was reclassified to a Recreation Supervisor on November 12, 1985. On October 16, 1999, she was reclassified to a Grounds Foreman. Patti was reclassified to a Streets and Grounds Supervisor on October 11, 2002. Then, on February 16, 2006, she was reclassified to a Senior Project Coordinator/Streets and Grounds. Patti was transferred on November 12, 2007, to Administrative Services/Facilities Maintenance as Senior Project Coordinator, which is her current position. The City Council joined Mayor Land in congratulating Patti on her many years of service to the City. Patti’s mother and sister, in attendance, were introduced.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on May 16, 2012, at 8:00 p.m.
2. Authorize the disposal of surplus equipment/property and removal of the surplus property from the Fixed Asset List.
3. Authorize the issuance of a Peddler's Permit to First American Fireworks to sell state-approved sparklers from June 16, 2012 to July 7, 2012.
4. Authorize a two-year renewal of the non-exclusive Franchise for Roll-off Container Collection and Disposal of Waste with Central Environmental, Inc.
5. Approve the request to hold a MMA Boxing Tournament at the Apopka Elk's Lodge #2422, located at 201 West Orange Street, on Saturday, July 7, 2012, from 6:00 p.m. until 9:00 p.m.
6. Authorize the purchase of one vehicle from Mullinax Ford in the amount of \$27,314.72.
7. Authorize the purchase of property, located at 368 N. Park Avenue, in the amount of \$350,000.
8. Approve the Disbursement Report for the month of May 2012.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the eight (8) items on the Consent Agenda.

In response to questions by the Commissioners regarding Consent Agenda Item 7, CAO Anderson advised the property is on Dream Lake, adjacent to the City's Dream Lake Park, and the intent is to use it for additional park land.

Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

Mayor Land said all Ordinances are presented for First Reading, not meeting the advertising requirements for adoption. They will be held over for a Second Reading.

1. ORDINANCE NO. 2261 – FIRST READING – ANNEXATION – Zellwood Properties, LLC, property located at 3641 Fudge Road. (0.45 +/- acre) –The City Clerk read the title, as follows:

ORDINANCE NO. 2261

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 ZELLWOOD PROPERTIES, LLC, LOCATED NORTH OF FUDGE ROAD AND EAST OF HERMIT SMITH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land 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 McQueen, to accept the First Reading of Ordinance No. 2261, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. ORDINANCE NO. 2262 – FIRST READING – ANNEXATION – Zellwood Properties, LLC, property located at 1102 Hermit Smith Road. (2.45 +/- acres) - The City Clerk read the title, as follows:

ORDINANCE NO. 2262

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 ZELLWOOD PROPERTIES, LLC, LOCATED NORTH OF ORANGE BLOSSOM TRAIL AND WEST OF HERMIT SMITH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land 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 Kilsheimer, to accept the First Reading of Ordinance No. 2262, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. ORDINANCE NO. 2263 – FIRST READING – ANNEXATION – The Bell Trust, property located at 3648 Hogshead Road. (0.21 +/- acre) – The City Clerk read the title, as follows:

ORDINANCE NO. 2263

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 THE BELL TRUST, LOCATED SOUTH OF HOGSHEAD ROAD AND WEST OF HERMIT SMITH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2263, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. ORDINANCE NO. 2264 – FIRST READING – ANNEXATION – Richard P. Welker and Jeffrey M. Welker Trust, properties located at 721 and 705 E. Keene Road. (4.33 +/- acres) -
The City Clerk read the title, as follows:

ORDINANCE NO. 2264

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 RICHARD P. WELKER AND JEFFREY M. WELKER TRUST, LOCATED NORTH OF KEENE ROAD AND EAST OF STANFORD ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2264, and hold it over for a Second Reading. Commissioner Arrowsmith announced he would be abstaining, as the owner is a client of the bank. Motion carried 4-0, with Mayor Land and Commissioners, Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining, and filing a Form 8B.

5. ORDINANCE NO. 2266 - FIRST READING - Supporting a moratorium on the issuance of Business Tax Receipts for new pain management clinics and temporarily suspend approvals for zoning, land use and development permit requests. - CAO Anderson gave a lead in stating there

have been sizable impacts to communities generated with pain management clinics throughout the state. He advised Orange County Board of Commissioners has moved forward with an ordinance regarding pain management clinics, and establishing zoning regulations as to where they can be located within the county. He said research shows that when regulations are stiffened in one area, the Pain Management Clinics look for a less regulated area to locate. He said the City has been researching this matter for some time, and determined the best way to handle it is to adopt a moratorium for a time certain to allow the Legislature to address this issue with state-wide regulations.

The City Clerk read the title, as follows:

ORDINANCE NO. 2266

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA RELATING TO PAIN MANAGEMENT CLINICS; ADOPTING FINDINGS; PROVIDING DEFINITIONS; IMPOSING A MORATORIUM ON THE ISSUANCE OF BUSINESS TAX RECIEPTS FOR NEW PAIN MANAGEMENT CLINICS AND APPROVALS FOR ZONING, LAND USE, AND DEVELOPMENT PERMIT REQUESTS; ESTABLISHING THAT NO PAIN MANAGEMENT CLINIC MAY LIMIT ITS BUSINESS TO CASH ONLY; ESTABLISHING HOURS OF OPERATION FOR PAIN MANAGEMENT CLINICS; DIRECTING STAFF TO STUDY, ANALYZE AND REPORT TO THE CITY COUNCIL ON ISSUES RELATING TO PAIN MANAGEMENT CLINICS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Land 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 Kilsheimer, to accept the First Reading of Ordinance No. 2266, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

6. RESOLUTION NO. 2012-08 – Supporting a Community-Wide Initiative to Reduce Pedestrian Injuries and Fatalities in Central Florida. – A presentation was given by Brad Kuhn, Director of Bike Walk Central Florida, regarding pedestrian safety in Central Florida. A copy of the power point presentation is available in the City Clerk's Office for review.

The City Clerk read the title, as follows:

RESOLUTION NO: 2012-08

A RESOLUTION OF THE CITY OF APOPKA IN SUPPORT OF A COMMUNITYWIDE INITIATIVE TO REDUCE PEDESTRIAN INJURIES

AND FATALITIES IN CENTRAL FLORIDA THROUGH EDUCATION, ENGINEERING, AND ENFORCEMENT.

Mayor Land opened the meeting for a public hearing.

Frazier Gunter said in the matter of pedestrian crosswalks, he noticed in another town that he frequents often, if pedestrians place their foot in the crosswalk, the traffic has to stop, and failure to yield results in excessive fines.

Marvin Guttman spoke about yielding to pedestrians, and the way crosswalks run at the roadway.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to adopt Resolution No. 2012-08. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS – There were no site approvals.

DEPARTMENT REPORTS AND BIDS - CAO Anderson reported the Job Fair held on Monday, June 4th was a success, with over 1,000 attendees. He advised the City may consider conducting this as an annual event.

CAO Anderson announced that Thursday's Food Truck Round Up may be postponed to the next week in the event of a rainout.

MAYOR'S REPORT - Mayor Land reported the following:

- The Apopka Woman's Club donated \$473.96 to the Parks Department for the purchase of a tree pruner. Sharon Fisher, President, donated \$1,974.60 for the purchase of 10 blowers to the Parks Department, as the President's Project for this year.
- The Apopka Fire Department presented a plaque in honor of the City's ISO CLASS 1 rating to Mayor Land and the City Council at the Apopka Fire Department Awards Ceremony held on May 29th. The plaque read: Thank you for your hard work and dedication to the City of Apopka in making our Fire Department ISO #1 2012.
- Apopka's newest civic club is the Apopka Kiwanis Club, chartered on March 9, 2012. The Inaugural and Installation Dinner was held on May 30th, with 25 Charter Members.
- The City of Apopka, The Apopka Area Chamber of Commerce, and the new UCF Business Incubator partnered together for a very successful Apopka Job Fair held on June 4th. There were 1,000+ in attendance, vying for 220 jobs available. Walmart donated water for the event. Employers participating included: City of Apopka, CenturyLink, Wawa (convenience store & deli), McDonald's, RaceTrac, Waffle House, Panera Bread and Walmart.
- The City was presented with a plaque from the Director of Operations and Training, National Guard headquarters, Kingdom of Bahrain, during a recent visit to City Hall. The

delegation spent most of their time visiting and learning about the City's Communications Center.

- The following appointments were made by Mayor Land:

Mayor Land appointed Jim Martin to the MetroPlan Orlando's Citizen Advisory Committee (CAC).

Motion was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the appointment of Jim Martin to the MetroPlan CAC. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

Mayor Land appointed John H. Land and Todd Bengtson to the Fire Pension Board.

Motion was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the appointments of John H. Land and Todd Bengtson to the Fire Pension Board. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

Mayor Land appointed Robert Manley and Steve Hooks to the Police Pension Board.

Motion was made by Commissioner Dean, and seconded by Commissioner McQueen, to approve the appointments of Robert Manley and Steve Hooks to the Police Pension Board. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- Attended a meeting with SJRWMD regarding the water levels and the need for conservation.

OLD BUSINESS

1. **Council** - There was no old business from the Council.
2. **Public** - There was no old business from the public.

NEW BUSINESS

1. **Council** – Commissioner Kilsheimer reported attending a meeting on lake levels, and said he was pleased to see the City had sent Bob Elmquist to the meeting. He said the St. Johns River Water Management District (SJRWMD) has produced two (2) interim water level schedules, and stated that water conservation is so important to the restoration and survival of Lake Apopka.

2. Public

Kathy Till – Update on the Florida League of Cities - Former City Commissioner Kathy Till gave a presentation on advocacy, and programs the Florida League of Cities (FLC) has planned. She advised the FLC has posted some advocacy tips on their website. Important dates she reported are: June 8, 2012 – end of qualifying for state offices; August 14, 2012 – Primary Election; November 6,

2012 – General Election; August 23-25, 2012 – FLC Conference; and November 15-16, 2012 – FLC Legislative Conference. She said the FLC is looking to make changes to its political policies, making it more aggressive to legislation.

Commissioner Arrowsmith left the meeting at 2:53 p.m.

Frasier Gunter, 574 Sand Wedge Loop, addressed the City Council regarding the problems with low irrigation water pressure on Sand Wedge Loop, in the Rock Springs Ridge Subdivision.

Patricia Merriweather announced that Senator Bill Nelson is seeking local applicants for his nomination to military service academies. She said this is a very good program and a great opportunity for a young person seeking a good education at no cost to the student. The only obligation of the student is to serve in the military following graduation. She plans to make applications available through the Mayor's office.

Don Estes, 575 Sand Wedge Loop, reiterated Mr. Gunter's comments concerning low water pressure, and also asked the City Council to look at the threshold's for reclaimed water. He said their lots are ½ acre size and require more water than a smaller lot to irrigate. He said the 30,000 gallon threshold is insufficient for their size lots.

Mayor Land asked CAO Anderson to work with the residents on Sand Wedge Loop concerning their water pressure, and to look at the whole picture regarding the threshold of 30,000 gallons. He said we all need to encourage water conservation.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 3:05 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk