

CITY OF APOPKA

Minutes of the regular City Council meeting held on April 3, 2013, at 1:30 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak - The Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE –Mayor Land gave the Invocation. He said on April 18, 1775, Paul Revere made his famous ride and on the following day the first shots of the Revolutionary War were fired at Lexington and Concord. He asked everyone to reflect on those patriots and the sacrifice that they made for us as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

- 1. Andrew C. Parkinson – Police /Support Services – Five Year Service Award** - Mayor Land said Drew was not present and will be presented his service award at a later time.
- 2. Sims C. Courtney – Public Services/Grounds – Five Year Service Award** - Mayor Land said Sims started working for the City on March 3, 2008, as a Maintenance Worker I. On March 1, 2010, he was promoted to Maintenance Worker II. Sims was promoted to Lead Maintenance Worker on March 20, 2011, which is his current position. The City Council joined Mayor Land in congratulating Sims on his years of service to the City.
- 3. Kenneth Kaiser – Police/Field Services – Fifteen Year Service Award** - Mayor Land said Kenny was not present and would be presented his award at a later time.

PRESENTATIONS

- 1. Art & Foliage Proclamation - Susan Bormann, President of the Apopka Woman's Club** - Mayor Land read the Proclamation and presented it to President Bormann. Dena Morrow, General Chairman, thanked the City of Apopka for its support through the years.

Mayor Land mentioned that Wolfgang Engelmann passed away recently, and recounted that he has been a great part of the Foliage Festival for a number of years.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on March 6, 2013, at 1:30 p.m.
2. Approve the minutes from the regular City Council meeting held on March 20, 2013, at 8:00 p.m.
3. Approve the minutes of Administrative Bid Opening No. 2013-05 for Apopka Water Reclamation Facility Domestic Wastewater Residuals Transport and Disposal, held on March 27, 2013, at 10:15 a.m.
4. Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Magnolia Park Estates, Phase 2.
5. Award the contract, in the amount of \$316,298.05, to Chinchor Electric, Inc., for the construction of two Mast Arm Signalization Systems, subject to providing the City with the required bond and insurance.
6. Award the contract, in the amount of \$97,430.40, to GML Coatings, LLC to rehabilitate the coating systems on the Wastewater Treatment Facility's Pretreatment Structure Channels and the Plant Drain Lift Station.
7. Authorize the purchase of three vehicles from Don Reid Ford, in the amount of \$48,358.00, and three vehicles from Mullinax Ford, in the amount of \$79,499.88, for use by the Public Services Department.
8. Approve the Disbursement Report for the month of March 2013.

MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve the 8 items of the Consent Agenda. 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 Ordinance Nos. 2298, 2299 and 2300 meet the requirements for adoption having been duly advertised in The Apopka Chief on March 22, 2013.

1. **ORDINANCE NO. 2298 - SECOND READING & ADOPTION - CHANGE OF ZONING - CD 149 Taurus Apopka Limited Partnership - From "County " A-1 (Agriculture) to "City" C-2 (Commercial), for property located south of U.S. 441, west of North Hiawasse Road, and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 049 & 083) - CAO Anderson reminded the City Council that the buffer issue will be taken up at the site plan review presentation. The City Clerk read the title as follows:**

ORDINANCE NO. 2298

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" C-2 FOR CERTAIN

REAL PROPERTY GENERALLY LOCATED SOUTH OF U.S. 441, WEST OF NORTH HIAWASSEE ROAD, AND EAST OF LAKE PLEASANT ROAD, COMPRISING 30.15 ACRES, MORE OR LESS, AND OWNED BY CD 149 TAURUS APOPKA LIMITED PARTNERSHIP; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Karin Settle, President and representing the Piedmont Park Homeowner's Association, spoke in opposition to the zoning change. She suggested the land would be better used as a park. She further stated that if the zoning change is adopted, then they will work with the Sam's Club, but would prefer that the property not be developed.

Rebecca Wilson, representing Sam's Club, stated that they are aware that at the time of site plan review, they will need to address the buffering. She explained that the property has a significant amount of wetlands, and that a large part of the property will remain as it is today.

In response to a question by Mayor Land, CAO Anderson said the entranceway for the site will be worked through at site plan review.

Ms. Wilson said the current side entrance to Walmart will align with Sam's to ensure an improved access. She responded to a question estimating that 20% of the property is wetlands, and a portion will remain stormwater for the road.

Mayor Land gave some of the history of the entire area, pointing out how the land around there was originally an orange grove. He explained that hard freezes in the 1980's caused the land to be sold and developed into Piedmont Park and other residential subdivisions.

Ms. Settle asked to be notified when the site plan is submitted to the City.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2298. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

- 2. ORDINANCE NO. 2299 - SECOND READING & ADOPTION - Comprehensive Plan Amendment - Small Scale - Future Land Use - City of Apopka, from "County" Low Density Residential to "City" Commercial, for property located south of U.S. 441, west of North Hiawassee Road, and east of Lake Pleasant Road. (Parcel ID No. 24-21-28-0000-00-084) – The City Clerk read the title as follows:**

ORDINANCE NO. 2299

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" LOW DENSITY RESIDENTIAL TO "CITY" COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF U.S. 441, WEST OF NORTH HIAWASSEE ROAD, AND EAST OF LAKE PLEASANT ROAD, COMPRISING 3.16 ACRES, MORE OR LESS, AND OWNED BY THE CITY OF APOPKA; 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 Dean, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2299. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2300 - SECOND READING & ADOPTION - CHANGE OF ZONING - City of Apopka, from "County" A-1 to "City" C-2, for property located south of U.S. 441, west of North Hiawassee Road, and east of Lake Pleasant Road. (Parcel ID No. 24-21-28-0000-00-084) - The City Clerk read the title as follows:**

ORDINANCE NO. 2300

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" C-2 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF U.S. 441, WEST OF NORTH HIAWASSEE ROAD, AND EAST OF LAKE PLEASANT ROAD, COMPRISING 3.16 ACRES, MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, 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 McQueen, to adopt Ordinance No. 2300. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

- 4. RESOLUTION NO. 2013-04 – Authorizing a non-exclusive franchise, to Waste Services, Inc., for roll-off container collection and disposal of waste in the City of Apopka. – The City Clerk read the title as follows:**

RESOLUTION NO. 2013-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE SERVICES, INC. TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING 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 McQueen, to adopt Resolution No. 2013-04. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

- 5. RESOLUTION NO. 2013-05 – Authorizing the issuance and execution of a promissory note with Branch Banking and Trust (BB&T) Company for the acquisition of two fire engines.** – CAO Anderson stated that this Resolution and Resolution No. 2013-06 are authorizing the promissory notes in accordance with what was approved at the previous meeting. The City Clerk read the title as follows:

RESOLUTION NO. 2013-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA ACCEPTING A PROPOSAL OF BRANCH BANKING AND TRUST COMPANY TO PROVIDE THE CITY WITH A LOAN IN ORDER TO FINANCE THE ACQUISITION OF TWO FIRE ENGINES; 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 \$1,150,000 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 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 adopt Resolution No. 2013-05. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

- 6. RESOLUTION NO. 2013-06 – Authorizing the issuance and execution of a promissory note with Old Florida National Bank to refund certain outstanding debt. – The City Clerk read the title as follows:**

RESOLUTION NO. 2013-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA ACCEPTING A PROPOSAL OF OLD FLORIDA NATIONAL BANK TO PROVIDE THE CITY WITH A LOAN IN ORDER TO REFUND CERTAIN OUTSTANDING INDEBTEDNESS OF THE CITY; 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 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 Dean, to adopt Resolution No. 2013-06. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

SITE PLAN APPROVALS - There were no site plans to consider.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson had nothing to report.

MAYOR'S REPORT – Mayor Land reported the following:

- Food Truck Round-Up is Thursday, April 4th (tomorrow) at Kit Land Nelson Park, 5:30 pm to 9:00 pm.
- A Thank You card was received from Sister Teresa McElwee, and a letter from GROWS Literacy Council Board of Directors, expressing their appreciation for the proclamation presented during their 25th Anniversary Open House celebration on Friday, March 22nd.

OLD BUSINESS

1. **COUNCIL** - There was no old business from the Council.
2. **PUBLIC** - Kenneth Sumner, PO Box 507, Plymouth, FL 32768, asked the City Council to revisit the Final Development Plan/Plat approved on March 20, 2013, for Lake Doe Reserve, Phase 2, in light of the smaller houses proposed and its impact to the surrounding area.

NEW BUSINESS

1. **COUNCIL** - There was no new business from the Council.
2. **PUBLIC** - Brook Eneas, Founding Member & Executive Director of TheGenerationEffect.com™, asked the City Council for partnership or support for the Girls Conference to be held in June at the Apopka High School. There will be no charge for the event. Ms. Eneas distributed a written presentation to the City Council members. (The presentation is on file with the City Clerk.)

Commissioner McQueen thanked the City for their sponsorship and support, and City employees who helped the Foliage Sertoma Club during the pageant.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:16 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk