

CITY OF APOPKA

Minutes of the regular City Council meeting held on March 5, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.

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

ABSENT: Commissioner Billie Dean

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

INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Pastor Doug Bankson, Victory Church World Outreach Center. Mayor Land said in March 1775, Patrick Henry made his famous speech which ended with “*give me liberty or give me death*”. He stated this was the spirit of the Revolutionary War that started March 1775, and ended with a victory that gave us the freedom and liberty we enjoy today. He asked everyone to reflect on those words, as he led the Pledge of Allegiance.

Mayor Land announced anyone wishing to appear before the City Council, should submit a Notice of Intent to Speak card to the City Clerk.

EMPLOYEE RECOGNITION

- 1. Bryan Voiselle – Police/Field Services – Five Year Service Award** - Mayor Land said Bryan was unable to be at the meeting, and will be presented his award at a later time.
- 2. Fernando E. Reyes Perez – Police/Field Services – Five Year Service Award** - Mayor Land said Fernando was unable to be at the meeting, and will be presented his award at a later time.
- 3. Vladimir Simonovski – Public Services/Design Engineering – Ten Year Service Award** - Mayor Land said Vladimir began working for the City on February 23, 2004, as a Utility & Roadway Designer. On December 12, 2005, he was promoted to Senior Utility & Roadway Designer, which is his current position. The City Council joined Mayor Land in congratulating Vladimir on his years of service to the City.
- 4. Robin T. Eldridge – Community Development/Building – Fifteen Year Service Award** - Mayor Land said Robin started working for the City on February 1, 1999, as a Secretary I in the Fire Chief’s office. She transferred to the Building Division on July 5, 2004, as a Secretary I, which is her current position. The City Council joined Mayor Land in congratulating Robin on her years of service to the City.

5. **Rodney H. Pickett – Public Services/Water Distribution Maintenance – Fifteen Year Service Award** - Mayor Land said Rodney began working for the City on February 21, 1999, as a Utility Service Worker I. On November 29, 1999, he was reclassified to a Utility Service Worker II, which is his current position. The City Council joined Mayor Land in congratulating Rodney on his years of service to the City.
6. **Scott A. Pyle – Public Services/Fleet Management – Fifteen Year Service Award** - Mayor Land said Scott was unable to be at the meeting, and will be presented his award at a later time.

PRESENTATIONS

1. **Art & Foliage Proclamation - Apopka Woman's Club** - Mayor Land read the Art & Foliage Proclamation, proclaiming April 26 & 27, 2014, as "Art and Foliage Festival Weekend", and then presented it to Susan Boreman, President; Sharon Fisher, Festival Chairman; Jo Oliver, Festival Co-Chairman, and representatives of the Apopka Woman's Club.
2. **Apopka High School State Bowling Champs - John Hauser, Coach** – Mayor Land announced the Apopka High School Bowling team was the 2014 State Bowling Champs. He recognized individual team bowlers: Daniel Dixon, Johnathan Jodham, Justin Thornton, Grant Dubay, Nick Moyer, and Petey Vergos; Athletic Director Fred Priest, Coach John Hauser, and Assistant Coach Todd Hauser.
3. **Orange County Tax Collector - Scott Randolph** – Andrew Bell, Strategic Project Manager for the Orange County Tax Collector's Office, gave a presentation reviewing a timeline and stating facts regarding closing the Apopka Tag Agency effective July 1, 2014, shifting all services to the Claracona office. He advised there is a \$150,000 a year lease at the Apopka facility and staff costs of approximately \$350,000, and it is not a full service facility, which means written or road driver's license tests are not available at the Apopka office.

Mayor Land strongly expressed dissatisfaction with the closing, stating that the top focus should be on service to the community, rather than focusing on the financial burden. He stated that the City will be attempting to work with Scott Randolph to resolve the matter of the closing.

A recess was called at 2:07 p.m. The meeting was called back to Order at 2:08 p.m.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on February 19, 2014, at 8:00 p.m.
2. Approve the minutes of Administrative Bid Opening No. 2014-03 for Lawn Maintenance Services for Code Enforcement/Abandoned Property Service and Neighborhood / Subdivision Maintenance for Non-Ad Valorem Accessed Properties within the City of Apopka, held on February 19, 2014, at 10:15 a.m.
3. Authorize staff to issue a Request For Proposal (RFP) for the Ocoee-Apopka Road Small Area Study.

4. Approve the Disbursement Report for the month of February 2014.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve items 1, 3, and 4 of the Consent Agenda, and pull item 2 for separate consideration. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve item 2 of the Consent Agenda. Commissioner Arrowsmith advised he would abstain from voting on item 2 as the company is a client of the bank he serves as Executive Vice President. Motion carried 3-0, with Mayor Land, and Commissioners McQueen and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

Mayor Land opened the meeting to public participation.

Wayne Mercer, Mercer Botanicals in Zellwood, spoke to the City Council regarding the fees being charged by Lake Apopka Natural Gas (LANG) for gas service. His comments referenced a packet of information provided to the Council members. (The packet is on file in the City Clerk's Office)

Kathrein Markle, Wekiwa Gardens, also spoke in opposition to the high fees being charged by LANG, and asked the City Council, as a member of LANG, to challenge the rates being charged.

Fred Curley, White Sand Nurseries, stated the matter with LANG fees is not only a nursery issue, but Coca Cola in Apopka also is paying the large fees. He said that it is a hindrance to any business using natural gas. He said that LANG has a monopoly in gas service in this region, and rates should be changed to be competitive with what other gas companies are charging.

Mayor Land said he was making a Chair Decision to place the matter with LANG on the April 16, 2014, City Council Agenda, allowing the City time to investigate the complaints and to allow feedback from the Lake Apopka Natural Gas District. He thanked those who spoke and said they would be notified of the April 16, 2014, City Council meeting, when the matter is on the agenda.

Commissioner Kilsheimer asked for discussion of the City Council regarding the LANG issue, to which Mayor Land responded that it was a Chair Decision and no discussion would take place at this meeting.

Commissioner Kilsheimer moved to Appeal the Decision of the Chair, which failed for lack of a Second, and the Decision of the Chair has been sustained.

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

ORDINANCES AND RESOLUTIONS

Mayor Land said Ordinance Nos. 2347 - 2352 do not meet the requirements for adoption, and will be held over for a Second Reading.

- 1. ORDINANCE NO. 2347 - FIRST READING - ANNEXATION - Larry M. Everly, Sr. Family Trust and Corinne F. Everly Family Trust, property located at 3100 Ondich Road. (Parcel I.D. #12-20-27-0000-00-051) (27.29 +/- acres).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2347

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 LARRY M. EVERLY SR. FAMILY TRUST AND CORINNE F. EVERLY FAMILY TRUST, LOCATED SOUTH OF ONDICH ROAD AND WEST OF PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Michelle Hinden, Attorney representing the Everly Trust, said they were requesting annexation into the City of Apopka and she was available for any questions.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2347, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

- 2. ORDINANCE NO. 2348 - FIRST READING - ANNEXATION - Project Orlando, LLC, property located at 3132 Ondich Road. (Parcel I.D. #12-20-27-0000-00-028) (2.44 +/- acres).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2348

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 PROJECT ORLANDO, LLC, 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 Land opened the meeting for a public hearing.

Michelle Hinden, Attorney representing Project Orlando, LLC, said they were requesting annexation into the City of Apopka, which would be contiguous to the Everly Trust property if it is approved. She was available for any questions.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2348, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2349 - FIRST READING - ANNEXATION - Project Orlando, LLC, property located west of Plymouth Sorrento Road, north of Ondich Road. (Parcel I.D. #01-20-27-0000-00-047) (4.99 +/- acres).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2349

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 PROJECT ORLANDO, LLC, 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 Land opened the meeting for a public hearing.

Michelle Hinden, Attorney representing Project Orlando, LLC, said they were requesting annexation into the City of Apopka, which would be contiguous to the prior parcels of land if approved. She was available for any questions.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2349, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

4. **ORDINANCE NO. 2350 - FIRST READING - ANNEXATION - RBGG, LLC, property located at 1675 E. Semoran Boulevard. (Parcel I.D. #11-21-28-0000-00-132) (0.73 +/- acre).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2350

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 RBGG, LLC, LOCATED NORTH OF EAST SEMORAN BOULEVARD AND EAST OF SEMORAN COMMERCE PLACE; 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 Kilsheimer, to accept the First Reading of Ordinance No. 2350, and hold it over for a Second Reading. Commissioner Arrowsmith advised he abstained voting on Ordinance No. 2350, as the owner/applicant is a client of the bank he serves as Executive Vice President. Motion carried 3-0, with Mayor Land, and Commissioners McQueen and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

5. **ORDINANCE NO. 2351 - FIRST READING - ANNEXATION - Robert Roach, property located at 737 Keene Road. (Parcel I.D. #22-21-28-0000-00-114) (1.5 +/- acres).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2351

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 ROBERT ROACH, LOCATED NORTH OF EAST KEENE ROAD AND WEST OF SHEELER AVENUE; 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 McQueen, to accept the First Reading of Ordinance No. 2351, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

- 6. ORDINANCE NO. 2352 - FIRST READING - ANNEXATION - Jeffrey B. Randazzo, property located at 665 E. Keene Road. (Parcel I.D. #22-21-28-0000-00-078) (3.6 +/- acres).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2352

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 JEFFREY RANDAZZO, LOCATED NORTH OF EAST KEENE ROAD AND WEST 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 Arrowsmith, to accept the First Reading of Ordinance No. 2352, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

- 7. RESOLUTION NO. 2014-02 - Providing that the concessions at the Art & Foliage Festival will be handled by local community, civic and religious organizations, that no peddler's licenses will be issued during the Festival, and that no animals, leashed or unleashed, will be allowed in Kit Land Nelson Park during the Festival, except in compliance with the Americans with Disabilities Act (ADA).**

The City Clerk read the title, as follows:

RESOLUTION NO. 2014-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING THAT THE CONCESSIONS AT THE ART & FOLIAGE FESTIVAL WILL BE HANDLED LARGELY BY LOCAL COMMUNITY, CIVIC AND RELIGIOUS ORGANIZATIONS, THAT NO PEDDLER LICENSES WILL BE ISSUED DURING THE FESTIVAL, AND THAT NO ANIMALS, LEASHED OR UNLEASHED, WILL BE ALLOWED IN KIT LAND NELSON PARK DURING THE FESTIVAL,

**EXCEPT IN COMPLIANCE WITH THE AMERICANS WITH
DISABILITIES ACT (ADA).**

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. 2014-02. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.

SITE APPROVALS - There were no site approvals to consider.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson reported the City had obtained the original sale agreement for the hospital from September 17, 1975, and the only restriction was that they would operate as a hospital for 5 years. The hospital has complied with that restriction, and has every right to do with the facility as they see fit.

He also announced the Apopka Fair will begin tomorrow night, Thursday, March 6, 2014, and will run through Sunday, March 9, 2014, at Edwards Field.

MAYOR'S REPORT - Mayor Land reminded everyone the Apopka Food Truck Roundup is Thursday, March 6th, at Kit Land Nelson Park.

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 said he was upset that Mayor would not allow discussion about Lake Apopka Natural Gas (LANG) earlier in the meeting.

Mayor Land said it is not on the agenda and would be addressed when it is on the agenda. He said it was a Chair Decision, and called Commissioner Kilsheimer Out of Order.

Commissioner Kilsheimer moved to appeal the Chair's Decision which failed due to lack of a second.

Commissioner Kilsheimer apologized for a comment he made at the last Council meeting regarding Long and Scott's Farms CUP permit and their actual water usage, relying on what he thought to be accurate information from the St. John's Water Management District's website, and he had not confirmed it with Long and Scott's prior.

2. PUBLIC –

A. Earl Nurse requested the mileage on the sidewalk around the pond at the NWRC be posted. In response, CAO Anderson advised 1 lap was 1 mile. Next he addressed a matter with the Police Department, to which Mayor Land asked him to get with Chief Manley following the meeting.

Suzanne Kidd stated the City has an important election coming up and began speaking concerning the information for the election not being posted to the website or in the newsletter sent with water bills. Mayor Land said the City Attorney had advised them not to campaign in City Hall, and the issue she addressed was a part of the earlier campaign discussion, calling her Out of Order.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:50 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk