

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 4, 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

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said Saturday is December 7th and on that day in 1941 the Japanese attacked Pearl Harbor, attacking the United States. Thousands of people died on that day which brought America to World War II. President Roosevelt proclaimed that time as *“a date that would live in infamy”*. He stated 16 million served and over 400,000 died during this war with over 1 million casualties during the war. We are down to 1 million that served during that war who are still living. He asked everyone to remember them and the sacrifice of those who died, as he led the Pledge of Allegiance.

EMPLOYEE RECOGNITION

- 1. Matthew “Matt” A. Brown – Fire/Suppression – Five Year Service Award** - Mayor Land said Matt started working for the City on November 22, 2008, as a Fire Fighter First Class in Suppression, which is his current position. The City Council joined Mayor Land in congratulating Matt on his years of service to the City.
- 2. William “Billy” A. Bryant, IV – Police/Communications – Five Year Service Award** - Mayor Land said Billy was unable to be at the meeting, and will be presented his award at a later time.
- 3. Ronald “Dale” D. Turner – Public Services/Water Distribution Maintenance – Twenty Five Year Service Award** - Mayor Land said Dale was unable to be at the meeting, and will be presented his award at a later time.
- 4. Eddie T. Long, Sr. – Public Services/Grounds – Thirty Year Service Award** - Mayor Land said Eddie started working for the City on November 29, 1983, as a Laborer in the Parks department. On May 28, 1988, his job title changed to Laborer II. Eddie had a title change in May 28, 1994, to Maintenance Worker II. On May 4, 2000, his title changed to Grounds Specialist, which is his current position. The City Council joined Mayor Land in congratulating Eddie on his many years of service to the City.

PRESENTATIONS

Certificate of Completion for the Advanced Institute for Elected Municipal Officials (IEMO) - Commissioner Joe Kilsheimer - Mayor Land read the certificate and presented it to

Commissioner Kilsheimer. The City Council joined Mayor Land in congratulating Commissioner Kilsheimer on his accomplishment.

1. Red Ribbon Week Proclamation - Victor Vargas - Mayor Land said Red Ribbon Week was actually held October 23 - 31, 2013. However, a representative was unable to attend the meeting at that time. He read the Proclamation and then presented it to Rod Toledo. Mr. Toledo introduced his group present, and Private Vargas gave a brief speech thanking the City for the Proclamation and support of the City of Apopka. He explained their efforts.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on November 20, 2013, at 8:00 p.m.
2. Authorize the issuance of a Peddler's Permit to First American Fireworks to sell State-approved fireworks from December 16, 2013, until January 3, 2014, at 511 South Orange Blossom Trail.
3. Authorize the Chief Administrative Officer to execute the inmate work squad contract IV - WS897 Amendment #4, in the amount of \$57,497.00 per year.
4. Authorize the use of Orange County Public Schools contract 1309220 ITB and vendor Trugreen, for pesticide and fertilization applications at the Northwest Recreation Complex, in the amount of \$82,650, for a 10-month period.
5. Authorize the relocation of an existing house from 235 W. Lester Road, which is City-owned property, to another location, at no cost to the City.
6. Authorize the purchase of one F-450 Ambulance Chassis LE from Mullinax Ford, in the amount of \$36,088.30.
7. Approve the Disbursement Report for the month of November 2013.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to approve the 7 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

- 1. ORDINANCE NO. 2338 - SECOND READING & ADOPTION - ANNEXATION** - Norman Sawyer, property located at 117 W. Nancy Lee Lane. (0.83 +/- acre)

Mayor Land said Ordinance No. 2338 meets the requirements for adoption, having been duly advertised in The Apopka Chief on November 22, 2013.

The City Clerk read the title as follows:

ORDINANCE NO. 2338

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 NORMAN SAWYER, LOCATED NORTH OF NANCY LEE LANE AND WEST OF ROCK SPRINGS 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 adopt Ordinance No. 2338. Commissioner Arrowsmith reported he would be abstaining from voting due to the owner/applicant being a client of the bank he serves as Executive Vice President. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

2. ORDINANCE NO. 2341 - SECOND READING - Rescinding the current Article II, "Nuisances", of Chapter 42, "Environment", and creating a new Article II, entitled, "Nuisance Abatement".

Mayor land said Ordinance No. 2341 does not meet the advertising requirements for adoption, and will be held over for a Third Reading.

The City Clerk read the title as follows:

ORDINANCE NO. 2341

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING THE CURRENT ARTICLE II OF CHAPTER 42, "NUISANCES" OF CHAPTER 42, "ENVIRONMENT", AND CREATING A NEW ARTICLE II, ENTITLED "NUISANCE ABATEMENT," RELATING TO THE PROVISION OF NUISANCE SERVICES BY THE CITY; AUTHORIZING THE IMPOSITION OF A COLLECTION OF NUISANCE ABATEMENT SERVICE ASSESSMENTS AGAINST REAL PROPERTY; CREATING A NUISANCE ABATEMENT TRUST FUND; PROVIDING DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT NUISANCE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED REAL PROPERTY UPON ADOPTION OF AN ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A NUISANCE ABATEMENT

SERVICE COLLECTED PURSUANT TO SECTION 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE REAL PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDE FOR POWERS AND DUTIES OF A NUISANCE INSPECTOR; PROVIDING FOR COMPLIANCE REQUIREMENTS, PENALTIES AND UNIFORM SPECIAL ASSESSMENT AND LIENS TO RECOVER COSTS; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; FOR CONFLICTS, SEVERABILITY 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 Second Reading of Ordinance No. 2341, and hold it over for a Third Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. RESOLUTION NO. 2013-14 - Electing to use the uniform method of collecting non-ad valorem special assessments levied within the Cimarron Hills development, an incorporated area of the City.

The City Clerk read the title, as follows:

RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TAX COLLECTOR FOR ORANGE COUNTY, PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

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. 2013-14. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. RESOLUTION NO. 2013-15 - Electing to use the uniform method of collecting non-ad valorem special assessments levied within the Maine Avenue Villas development, an incorporated area of the City.

The City Clerk read the title, as follows:

RESOLUTION NO. 2013-15

A RESOLUTION OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TAX COLLECTOR FOR ORANGE COUNTY, PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

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. 2013-15. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. RESOLUTION NO. 2013-16 - Electing to use the uniform method of collecting non-ad valorem special assessments levied within the Mainline Village development, an incorporated area of the City.

The City Clerk read the title, as follows:

RESOLUTION NO. 2013-16

A RESOLUTION OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TAX COLLECTOR FOR ORANGE COUNTY, PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

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. 2013-16. 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 - Chief Administrative Officer Richard Anderson said an accident occurred on November 25th at 6:00 a.m., due to a vehicle running a red light at Hwy 441 and SR 451. He asked Captain Randy Fernandez, of the Apopka Police Department, to show the video of the accident as recorded by the Red Light Running Camera. The driver who ran the red light is still hospitalized with physical injuries and severe neurological damage.

Capt. Fernandez played the video for the public. (The video is available for viewing at the City Clerk's Office, and will be posted to the City's website.)

CAO Anderson also reported that the Winter Wonderland event will be scaled back this year. The tree-lighting in the park will be held on Thursday, December 5, 2013, at the Food Truck Round-up event.

MAYOR'S REPORT - Mayor Land reported the following:

- The Special Referendum Election was held yesterday. The unofficial results were 812 "Yes" votes and 806 "No" votes. The Canvassing Board of Commissioners Arrowsmith and Kilsheimer, and City Clerk Goebel will convene at the Supervisor of Elections office on Thursday, December 5, 2013, to conduct a recount of the votes cast in the Special Election, conduct the audit, and certify the election results. He thanked the Canvassing Board for their service.
- The Shriners will be inducting Mayor Land as an honorary member of the Shrine at 3:00 p.m., tomorrow (Thursday, December 5th) in the City Council Chambers. The public is welcome.
- The Mayor's Tree Lighting Ceremony will take place at Thursday's Food Truck Roundup.
- The Holiday Concert will be held on December 13th, 7:00 p.m., at the Amphitheater. Tickets may be purchased in advance at City Hall, Utility Billing, Chamber of Commerce, Apopka Chief, and the Old Florida National Bank, and at Thursday's Food Truck Roundup.
- The Christmas Parade will be Saturday, December 14th at 10:00 a.m.

OLD BUSINESS

1. **COUNCIL** - Commissioner Kilsheimer reminded everyone of the Festival of Trees at the museum. Bids are being taken for the decorated trees, and he thanked CAO Anderson and the City staff for the electric in the island which is now decorated for the holiday. He said the proceeds will go to the scholarship fund. The museum is open this week, 10:00 a.m. to 7:00 p.m., and Sunday from 5:00 p.m. to 7:00 p.m. Bidding ends at 6:00 p.m. on Sunday.

2. **PUBLIC** – There was no old business from the public.

NEW BUSINESS

1. **COUNCIL** – Commissioner Dean inquired when the traffic light at the intersection of Old Dixie Highway and Errol Parkway will be active. CAO Anderson said it should be active next week.

2. **PUBLIC** - John Ricketson reminded everyone that the Apopka High School Blue Darters will be playing a final playoff football game this Friday night at Tampa Plant. If the team wins this game, they will play next in the Citrus Bowl for the State Championship again this year.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:01 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk