

CITY OF APOPKA

Minutes of the regular City Council meeting held on November 6, 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: Roger Ballas - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said Monday is Veteran's Day, but it is also what we knew as 'Armistice Day' with the signing of the Armistice in 1918 on the 11th of November, ending World War I. He stated this was a war that many Americans served in, over 4.7 million that served with 220,000 casualties and 116,000 died. It was a terrible time as they had to live in trenches with gas masks. He said Frank Buckles the last veteran from this war died 2 years ago. He asked everyone to remember those who served and now moved on into history, as he led the Pledge of Allegiance.

EMPLOYEE RECOGNITION

- 1. Jason C. Watson - Fire/EMS - Five Year Service Award** - Mayor Land said Jason began working for the City on October 15, 2008, as a Fire Fighter First Class in Suppression. On September 9, 2013, he was transferred to EMS as a Fire Fighter First Class, which is his current position. The City Council joined Mayor Land in congratulating Jason on his years of service to the City.
- 2. Dwight L. Ashton - Fire/EMS - Ten Year Service Award** - Mayor Land said Dwight was unable to be at the meeting, and will be presented his award at a later time.

PRESENTATIONS

- 1. FY 2013 Budget Award - Edward Bass** - Mayor Land presented Finance Director Edward Bass with the FY 2013 Budget Award, and thanked him for a job well done. He said this is the 7th consecutive budget award the City has received.

CONSENT AGENDA

- 1.** Approve the minutes from the regular City Council meeting held on October 16, 2013, at 8:00 p.m.
- 2.** Approve December 26, 2014, as the Floating Holiday for CY 2014.
- 3.** Authorize the expenditure of funds, in the amount of \$12,500, from the Federal Law Enforcement Trust Fund for investigative buys and undercover operations.

4. Approve the Disbursement Report for the month of October 2013.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the 4 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. 2319, 2334 and 2335 meet the requirements for adoption having been duly advertised in The Apopka Chief on October 25, 2013.

1. **ORDINANCE NO. 2319 - SECOND READING & ADOPTION - CHANGE OF ZONING** - Orange County Board of County Commissioner - Lake Lucie - From "County" A-1 (Rural/Agriculture/Conservation) to "City" PR (Parks & Recreation), for property located north of Boch Road, west side of Rainey Road, adjacent to Lake County Line. (Parcel ID No. 05-20-28-0000-00-003)

The City Clerk read the title, as follows:

ORDINANCE NO. 2319

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" PR FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF BOCH ROAD, WEST SIDE OF RAINEY ROAD, ADJACENT TO LAKE COUNTY LINE, COMPRISING 164.00 ACRES, MORE OR LESS, AND OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; 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 Dean, to adopt Ordinance No. 2319. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. **ORDINANCE NO. 2334 - SECOND READING & ADOPTION - CHANGE OF ZONING** - Hinde Family Trust, c/o Michael and John Hinde - From "County" A-1 (Agriculture) to "City" RCE-1 (Residential), for property located east of Plymouth Sorrento Road, north of Appy Lane (Parcel ID No. 18-20-28-0000-00-029).

The City Clerk read the title, as follows:

ORDINANCE NO. 2334

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-2 TO "CITY" RCE-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, NORTH OF APPY LANE, COMPRISING 5.75 ACRES, MORE OR LESS, AND OWNED BY HINDE FAMILY TRUST; 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 McQueen, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2334. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2335 - SECOND READING & ADOPTION - CHANGE OF ZONING - Linna Weatherman - From R-1AAA (Residential to Planned Unit Development (PUD/R-2 Residential), for property located east of Plymouth Sorrento Road, south of Schopke Road (Parcel ID No. 06-21-28-7172-15-000).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2335

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 10.82 ACRES, MORE OR LESS, AND OWNED BY LINNA WEATHERMAN; 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2335. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 4. ORDINANCE NO. 2337 - SECOND READING & ADOPTION- Proposing amendments to Article III of the City Charter by inclusion of the City Administrator as a Charter Officer,**

and defining the duties of the City Administrator, and seeking a referendum approval of the electors at a Special Election to be held on December 3, 2013.

Mayor Land said Ordinance No. 2337 meets the requirements for adoption, having been duly advertised in The Apopka Chief on October 18, 2013.

The City Clerk read the title, as follows:

ORDINANCE NO. 2337

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROPOSING AMENDMENTS TO ARTICLE III OF THE CITY CHARTER; CREATING A NEW SECTION 3.02 OF THE CITY CHARTER PROVIDING FOR APPOINTMENT AND DUTIES OF THE CITY ADMINISTRATOR; PROVIDING A BALLOT TITLE AND SUMMARIZING THE SUBSTANCE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE PLACEMENT ON THE BALLOT TITLE AND SUMMARY AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, DECEMBER 3, 2013; PROVIDING FOR INCORPORATION OF THE PROPOSED AMENDMENTS INTO THE CHARTER AND AN EFFECTIVE DATE OF THE AMENDMENTS; PROVIDING FINDINGS; CONTAINING A DECLARATION OF EMERGENCY; PROVIDING FOR ADOPTION UNDER THE EMERGENCY ENACTMENT PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE OF THE ORDINANCE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2337. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. **RESOLUTION NO. 2013-12** - Electing to use the uniform method of collecting non-ad valorem special assessments levied within the incorporated area of the City, for nuisance abatement.

Mayor Land said Resolution No. 2013-12 was duly advertised in The Orlando Sentinel on October 9, 16, 23, and 30, 2013; and in The Apopka Chief on October 11, 18, 25, and November 1, 2013, meeting the requirements of Florida Statute 197.3632(3)(a).

The City Clerk read the title as follows:

RESOLUTION NO. 2013-12

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 SCOTT RANDOLPH, 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 McQueen, and seconded by Commissioner Dean, to adopt Resolution No. 2013-12. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 6. RESOLUTION NO. 2013-17** - Authorizing the issuance and execution of a promissory note with Old Florida National Bank to refinance certain outstanding debt.

The City Clerk read the title as follows:

RESOLUTION NO. 2013-17

A RESOLUTION OF THE 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 REFINANCE 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 \$3,000,000 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 McQueen, to adopt Resolution No. 2013-17. 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 reported the following:

- First Parking Committee meeting will be held on November 12, 2013, 9:00 a.m., at the Apopka Police Department Briefing Room. The public is invited to attend.
- Food Truck Round-Up is tomorrow (Thursday) night.
- Drive for Your Community sponsored by Mullinax Ford featuring the Apopka Fire and Police Departments. For everyone who tests drive a vehicle, Mullinax will make a \$10 donation to Loaves & Fishes.
- The City's Holiday Concert will be held on Friday, December 13th, and will feature Michael Andrew with a Big Band performing Christmas and some swing music. Also taking place that evening will be a Winter Festival including a Gingerbread House Contest and other events. The event starts at 6:00 p.m. at the Amphitheater. Tickets are \$10, which includes parking. The City is working with the German American Society to conduct something similar to "Winter Fest" as done in Germany in the wintertime.
- Christmas Parade is December 14th.

MAYOR'S REPORT - Mayor Land reported the following:

- Request for Brownfield Designation for Sam's Club #6189-00 will be heard on Wednesday, November 20, 2013, at 8:00 p.m., in the City Hall Council Chambers.
- Received a Thank You letter from H. Lewis Kellom, Executive Director of Homes in Partnerships, Inc., acknowledging the \$500.00 donation at their bi-annual luncheon celebration held on October 18, 2013.
- Received a Thank You card from Michael McLaughlin, a member of the City's Utility Billing staff, expressing his appreciation for the many warm and grateful thoughts he received during his recent hospital stay.
- Apopka's "Hometown Halloween in the Park" event held on Saturday, October 26th, at Kit Land Nelson Park was a huge success with over 4,000 children and families in attendance.
- Apopka Food Truck Round-Up is this Thursday, November 7th, 5:30 p.m. to 9:00 p.m., 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 – There was no new business from the Council.

2. PUBLIC - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 1:54 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk