

CITY OF APOPKA

Minutes of the regular City Council meeting held on October 16, 2013, at 8:00 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 it was in October of 1781 that the Battle of Yorktown was underway. The British forces were led by General Lord Cornwallis facing the Continental Army with the French forces under the leadership of George Washington. The Battle raged on for a number of days and then on the 19th of October, 1781, Lord Cornwallis surrendered to George Washington ending this as the last battle of the Revolution that started in Lexington and Concord over 6½ years earlier. He stated this brought the freedom and liberty that we enjoy today and asked everyone to reflect on those that sacrificed for the freedom that we enjoy as he led in the Pledge of Allegiance.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on October 2, 2013, at 1:30 p.m.
2. Approve the purchase, in the amount of \$63,000, for property located northwest of Central Avenue and 5th Street.
3. Authorize the Chief Administrative Officer to execute the cost-share agreement, for the construction of a 48 inch reclaimed water transmission line, between the City of Apopka and the St. Johns River Water Management District.

MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve the 3 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. 2330 - SECOND READING & ADOPTION - Amending Chapter 63, "Retirement Systems", Article III, Firefighters' Retirement System, of the Code of Ordinances of the City of Apopka.**

Mayor Land said Ordinance No. 2330 meets the requirements for adoption, having been duly advertised in The Apopka Chief on October 4, 2013.

The City Clerk read the title as follows:

ORDINANCE NO. 2330

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA; AMENDING CHAPTER 63, "RETIREMENT SYSTEMS", ARTICLE III. FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, BY: AMENDING SECTION 63-66, ENTITLED "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 63-69, ENTITLED "VESTING"; ADDING A NEW SECTION, SECTION 63-90, ENTITLED "PURCHASE OF PERMISSIVE CREDITED SERVICE"; REPEALING ALL ORDINANCES AND POLICIES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND 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 Arrowsmith, to adopt Ordinance No. 2330. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 2. ORDINANCE NO. 2331 - SECOND READING & ADOPTION** - Amending Chapter 63, "Retirement Systems", Article II, General Employees' Retirement System, of the Code of Ordinances of the City of Apopka.

Mayor land said Ordinance No. 2331 meets the requirements for adoption, having been duly advertised in The Apopka Chief on October 4, 2013.

The City Clerk read the title as follows:

ORDINANCE NO. 2331

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA; AMENDING CHAPTER 63, "RETIREMENT SYSTEMS", ARTICLE II. GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, BY: AMENDING SECTION 63-26, ENTITLED "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 63-28, ENTITLED "VESTING"; ADDING A NEW SECTION, SECTION 63-48, ENTITLED "PURCHASE OF PERMISSIVE CREDITED SERVICE"; REPEALING ALL ORDINANCES AND POLICIES IN CONFLICT THEREWITH;

PROVIDING FOR SEVERABILITY; AND 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 Arrowsmith, and seconded by Commissioner McQueen, to adopt Ordinance No. 2331. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. ORDINANCE NO. 2332 - SECOND READING & ADOPTION - Amending Chapter 63, "Retirement Systems", Article IV, Police Officers' Retirement System, of the Code of Ordinances of the City of Apopka.

Mayor land said Ordinance No. 2332 meets the requirements for adoption, having been duly advertised in The Apopka Chief on October 4, 2013.

The City Clerk read the title as follows:

ORDINANCE NO. 2332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA; AMENDING CHAPTER 63, "RETIREMENT SYSTEMS", ARTICLE IV. POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, BY: AMENDING SECTION 63-106, ENTITLED "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 63-109, ENTITLED "VESTING"; ADDING A NEW SECTION, SECTION 63-130, ENTITLED "PURCHASE OF PERMISSIVE CREDITED SERVICE"; REPEALING ALL ORDINANCES AND POLICIES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2332. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. ORDINANCE NO. 2333 - SECOND READING - ANNEXATION - Douglas M. and Jeri L. Bankson, property located at 585 Sandpiper Street (1.92 +/- acres)

Mayor Land said Ordinance No. 2333 meets the requirements for adoption, having been duly advertised in The Orlando Sentinel on October 8, 2013.

The City Clerk read the title as follows:

ORDINANCE NO. 2333

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 DOUGLAS M. AND JERI L. BANKSON, LOCATED NORTH OF SANDPIPER STREET AND EAST OF USTLER 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 adopt Ordinance No. 2333. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 5. ORDINANCE NO. 2319 - FIRST READING - 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)

Mayor Land said Ordinance No. 2319 does not meet the requirements for adoption, and will be held over for a Second Reading.

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 Kilsheimer, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2319, and hold it over for a Second Reading.

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

6. ORDINANCE NO. 2334 - FIRST READING - 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).

Mayor Land said Ordinance No. 2334 does not meet the requirements for adoption, and will be held over for a Second Reading.

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 Arrowsmith, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance No. 2334, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

7. ORDINANCE NO. 2335 - FIRST READING - 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).

Mayor Land said Ordinance No. 2334 does not meet the requirements for adoption, and will be held over for a Second Reading.

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.

Jason Gilky, 9220 Bonita Beach Road, Bonita Springs, FL, said he was the applicant and was present to answer any questions.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2335, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS

- 1. PRELIMINARY DEVELOPMENT PLAN - Poe Reserve Subdivision**, located south of North Orange Blossom Trail, west of State Road 451, and owned by Nancy Poe, c/o Floriday Properties, Inc., (Parcel ID Nos. 05-21-28-0000-00-030 & 08-21-28-0000-00-026 = R-1; and 08-21-28-0000-00-027 & 08-21-28-0000-00-046 = R-3)

Jay Davoll, Community Development Director, gave an overview of the project. He advised the Planning Commission recommended approval of the Preliminary Development Plan with the waiver requests and he answered questions of the City Council.

Mayor Land opened the meeting for a public hearing.

Kenneth Williams, 497 Yearly Cove Loop, said they were dealing with a stop sign coming out of the subdivision, the railroad tracks, and then there will be a stop sign coming onto Lake Doe and Highway 441. He stated there was no traffic light and spoke regarding the difficulty of getting in and out of the area.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the Preliminary Development Plan for Poe Reserve Subdivision, as recommended with a waiver on the wall along State Road 451, and also requiring any residential fence to be uniform PVC fencing. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 2. PRELIMINARY DEVELOPMENT PLAN - Ponkan Reserve North**, owned by Clyde Marie Brown, c/o Donna L. Helton, applicant and engineer is June Engineering Consultants,

Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn, located at 301 Ponkan Road (Parcel ID Nos. 21-20-28-0000-00-003 & -004 and 28-20-28-0000-00-003 & -004)

Jay Davoll, Community Development Director, gave an overview of the project and surrounding properties. He reviewed the requested waivers and advised staff does not recommend granting the deviation in size, or the waiver from mixed garage types. Development Review Committee recommends approval, with denial of the waivers. The Planning Commission recommended denial of both waiver requests, but approval of the Preliminary Development Plan.

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 approve the Preliminary Development Plan for Ponkan Reserve North, as recommended, with denying the waiver requests. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. PRELIMINARY DEVELOPMENT PLAN - Apopka Woods Subdivision, owned by Apopka Woods, LLC, and located north of West McCormick Road and west of Marden Road. (Parcel ID No. 32-21-28-0000-00-002)

Jay Davoll, Community Development Director, gave an overview of the project. He advised the Development Review Committee recommended approval without approving the waiver requests. Planning Commission recommended approval pending staff's conversation with Orange County. He affirmed, following the conversation with Orange County, staff recommends denial.

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

MOTION made by Commissioner Kilsheimer, and seconded by Commissioner McQueen to approve the Preliminary Development Plan for Apopka Woods Subdivision, as recommended, with the waiver requests denied. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson said his report had been distributed and he would answer any questions. He reported Senator Simmons has proposed some springs protection legislation. He suggested this legislation be monitored closely due to the impact to Apopka regarding sewer and septic tank connections.

CAO Anderson advised he has been asked by Sam's Club to pursue a brownfield designation on their site which gives them certain considerations from the State on development and this would provide them with some economic incentives from the State. They are required to hold a public meeting, which they have already done. He affirmed the City would have to establish a committee to oversee the brownfield rules and regulations.

Mayor Land advised staff would be providing a presentation on a study of the Parking Ordinance. A public hearing will not be held at this time, but in 2 weeks, October 30, 2013, there will be a Special Public Meeting held for this purpose. He asked the three persons that had filled out a card to speak on the Parking Ordinance delay their comments to be heard at the Special Public Meeting.

Captain Fernandez gave a power point presentation depicting recent events of what the Apopka Police Department is seeing with regards to parking, and reported the number of tickets written. He advised this project was started in the spring of 2012 after being approached to develop some parking solutions. He affirmed officers are only responding to complaints, and more warning citations have been written in an effort to obtain compliance. The power point presentation is available in the Clerk's office for review.

Following discussion, the City Council called for a Special Public Meeting for the Parking Ordinance on October 30, 2013, at 7:00 p.m.

MAYOR'S REPORT - Mayor Land reported:

- Received a letter from Bill Spiegel expressing appreciation to Jay Davoll and David Moon of the Community Development for attending the Orange County Board of County Commissioners meeting to represent the City of Apopka, expressing concerns regarding a request to allow a permanent food truck in a business parking lot. The Commission voted unanimously to deny the request to preserve the integrity of our area.
- Received a Thank You note from Sister Teresa McElwee expressing appreciation for the City's support at the GROWS Literacy Council 25th Celebration Luncheon, held September 24, 2013, at Alaqua Country Club.
- Announced the results of the City Charter Straw Ballot Poll. The 984 ballots counted represent 43.1% of the 2,285 ballots mailed. 570 "Yes" votes (57.9%) and 414 "No" votes (42.1%).
- Announced the names submitted for the Charter Review Committee, as follows:
Commissioner Arrowsmith appointed Diane Faircloth and Bill Spiegel
Commissioner Dean appointed Alexander Smith and Vince Gray
Commissioner McQueen appointed Linda Laurendeau and Pastor Doug Bankson
Commissioner Kilsheimer appointed Brian Furgala and Diane Velasquez
Mayor Land appointed Jim Green, Tommy Harrison, and Arlen Mizell. He advised Linda Laurendeau has been selected to Chair the committee, and a local attorney will work with the Committee.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the appointments as announced. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

Suzanne Kidd, 1260 Lexington Parkway, spoke urging the Council that the Special Election not held and a "real" committee be appointed to review the entire Charter.

MAYOR'S PROCLAMATION – Mayor Land read a proclamation declaring the Special Referendum Election for a Charter amendment to be held on December 3, 2013.

Mayor Land advised of an Emergency Ordinance No. 2336, declaring a Special Referendum Election to be held December 3, 2013, for amendment to the City Charter. The City Clerk read the title as follows:

EMERGENCY ORDINANCE NO. 2336

AN EMERGENCY 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.

Suzanne Kidd, once more implored the City Council to appoint a “real” committee to study the issues and study the forms of government before assigning the residents to this one choice.

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

MOTION was made by Commissioner McQueen and seconded by Commissioner Arrowsmith to adopt Emergency Ordinance No. 2336.

Commissioner Kilsheimer inquired as to why this was being held as a Special Election rather than holding it over to the next General Election, to which Mayor Land responded that due to the importance of the Charter, they wanted to keep this separate from where people were running for City Council. He further stated the items regarding term limits, additional commissioners, and districting, will take some time for which the Committee has been appointed for that purpose.

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

The City Clerk read the title for Ordinance No. 2337 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 McQueen, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2337, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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** – Mark Easie, 433 W 5th Street, thanked the Council for electronics being sent to Alonzo Williams Park and the City staff for helping.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 10:10 p.m.

John H. Land, Mayor

ATTEST:

Janice G. Goebel, City Clerk