

## **CITY OF APOPKA**

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**Minutes of the regular City Council meeting held on October 2, 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 our City was one year older last month having an anniversary for 131 years old. In September 1882, 31 electors met at the Lodge Hall on Alabama and Main Street voting for a Mayor, Marshal, City Clerk, and 5 Aldermen, starting Apopka. He asked everyone to also remember our great Nation that allows for local self-government as a keystone of American democracy. He asked everyone to reflect on that as he led in the Pledge of Allegiance.

### **EMPLOYEE RECOGNITION**

1. **Clifford (Cliff) R. MacDonald II – Police/Field Services – Five Year Service Award** - Mayor Land said Cliff began working for the City on September 2, 2008, as a Police Officer in Field Services, which is his current position. The City Council joined Mayor Land in congratulating Cliff on his years of service to the City.
2. **Clifford (Cliff) A. White – Public Services/Grounds – Ten Year Service Award** - Mayor Land said Cliff started working for the City on September 3, 2003, as a Maintenance Worker I in Streets. On October 2, 2005, he was transferred to Grounds as Maintenance Worker I, which is his current position. The City Council joined Mayor Land in congratulating Cliff on his years of service to the City.
3. **Russell (Russ) W. Cain – Public Services/Waste Water Collection Maintenance – Ten Year Service Award** - Mayor Land said Russ began working for the City on September 23, 2003, as a Utility Service Worker I in Wastewater. He was reclassified on January 29, 2005, to Wastewater Operator Trainee. On November 16, 2005, his title changed to Maintenance Worker I. On May 6, 2005, he was transferred to Water Distribution Maintenance and on May 22, 2006, he was reclassified to Utility Service Worker II. He was transferred to Wastewater Collection Maintenance on June 12, 2006, as a Utility Service Worker II, which is his current position. The City Council joined Mayor Land in congratulating Russ on his years of service to the City.
4. **Barry Hornett – Fire/EMS – Ten Year Service Award** - Mayor Land said Barry started working for the City on September 26, 2003, as Firefighter First Class in Suppression. He transferred to EMS on April 14, 2007, as a Firefighter First Class, which is his current

position. The City Council joined Mayor Land in congratulating Barry on his years of service to the City.

5. **Mark J. Fry – Fire/EMS – Ten Year Service Award** - Mayor Land said Mark began working for the City on September 30, 2003, as a Firefighter First Class in Suppression. Mark transferred to EMS on November 16, 2010, as a Firefighter First Class. On April 2, 2012, he was promoted to Fire Engineer, which is his current position. The City Council joined Mayor Land in congratulating Mark on his years of service to the City.

## **PRESENTATIONS**

1. **Central Florida Water Initiative** - Tom Bartol, St. Johns River Water Management District, presented the Central Florida Water Initiative Regional Water Supply Plan. He gave an overview including estimated water needs, and addressed the importance of local government participation and cooperation. (The Power Point presentation is available and on file with the City Clerk.)

## **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on September 18, 2013, at 8:00 p.m.
2. Authorize a two-year renewal, with USA Services of Florida, for the non-exclusive franchise for roll-off container collection and disposal of waste in the City of Apopka.
3. Authorize the Chief Administrative Officer to sign Amendment #1 for Contract #WS793, in the amount of \$58,004, with the Department of Corrections for an inmate work squad.
4. Authorize the Mayor, or his designee, to sign the Agreement between the City of Apopka, CD 149 Taurus Apopka Limited Partnership, and Sam's East, Inc., for the transfer of the North Hiawasse Road retention pond and drainage easement property.
5. Authorize the disposal of equipment/property and the removal of the property from the fixed asset list.
6. Approve the Disbursement Report for the month of September, 2013.

In response to an inquiry by Commission Dean with regards to computers on the surplus list, stating they could possibly be used for the after school children at Alonzo Williams Park, CAO Anderson advised most had met their usefulness. Mayor Land suggested they pull some of the computers for Commissioner Dean's review.

**MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to approve the 6 items of the Consent Agenda, with the exception of computers to be pulled from Item 5. 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. 2325 and 2326 meet the requirements for adoption, having been duly advertised in The Apopka Chief on August 23, September 6 and 13, 2013.

1. **ORDINANCE NO. 2325 - THIRD READING & ADOPTION - ANNEXATION** - Julia and Charles P. Smith, III, property located at 1023 Ustler Road. (1.22 +/- acres); and authorize Mayor or his designee to execute the Interlocal Agreement for Annexation of Enclaves between the City of Apopka and Orange County.

The City Clerk read the title, as follows:

**ORDINANCE NO. 2325**

**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 JULIA AND CHARLES P. SMITH, III, 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 Kilsheimer, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2325. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

2. **ORDINANCE NO. 2326 - THIRD READING & ADOPTION - ANNEXATION** - Florida Land Trust #111, property located at 510 East Sandpiper Street. (1.62 +/- acres) ; and authorize Mayor or his designee to execute the Interlocal Agreement for Annexation of Enclaves between the City of Apopka and Orange County.

The City Clerk read the title, as follows:

**ORDINANCE NO. 2326**

**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 FLORIDA LAND TRUST #111, LOCATED SOUTH 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 McQueen, to adopt Ordinance No. 2326. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

**3. ORDINANCE NO. 2317 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN ADMINISTRATIVE AMENDMENT - Amendment to the Future Land Use Element, Policy 18.8 - Wekiva Parkway Interchange Land Use Plan Vehicle Trip Threshold.**

Mayor Land said Ordinance No. 2317 meets the requirements for adoption, having been duly advertised in The Apopka Chief on September 20, 2013.

The City Clerk read the title as follows:

**ORDINANCE NO. 2317**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CITY OF APOPKA COMPREHENSIVE PLAN THROUGH AN ADMINISTRATIVE AMENDMENT TO THE FUTURE LAND USE ELEMENT, POLICY 18.8 - WEKIVA PARKWAY INTERCHANGE LAND USE PLAN VEHICLE TRIP THRESHOLD TO CORRECT A SCRIVENERS ERROR; 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 McQueen, to adopt Ordinance No. 2317. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

**4. ORDINANCE NO. 2329 - SECOND READING & ADOPTION- Amending Chapter 34, "Elections," by amending Section 34-41, "Canvassing Board; Canvass and Certification," providing for the selection of alternate canvassing board members.**

Mayor Land said Ordinance No. 2329 meets the requirements for adoption, having been duly advertised in The Apopka Chief on September 20, 2013.

The City Clerk read the title, as follows:

**ORDINANCE NO. 2329**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS;" BY AMENDING SECTION 34-41, "CANVASSING BOARD; CANVASS AND CERTIFICATION,"**

**PROVIDING FOR THE SELECTION OF ALTERNATE CANVASSING BOARD MEMBERS; PROVIDING FOR 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. 2329. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

5. **ORDINANCE NO. 2330 - FIRST READING** - 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 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. 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 McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2330, 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. 2331 - FIRST READING** - 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 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. 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 Kilsheimer, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2331, 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. 2332 - FIRST READING** - 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 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. 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 Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2332, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

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

Mayor Land said Ordinance No. 2333 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. 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 McQueen, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance No. 2333, 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** - There were no site approvals.

**DEPARTMENT REPORTS AND BIDS** - Chief Administrative Officer Richard Anderson reported the ASK (Apopka Service Kiosk) App will be online October 11, 2013 and can be downloaded. Citizens can report issues with this and provide input.

CAO Anderson reported Halloween in the Park will be on October 26, 2013 with a movie, costume contest, trick or treating from 5:00 to 7:00 p.m., and face painting. He further reported Mullinax Ford is sponsoring a Drive for your Community event where they will donate up to

\$20.00 to Loaves and Fishes for those who test drive a vehicle and the community is encouraged to get involved and support this great cause.

**MAYOR'S REPORT** - Mayor Land reported:

- Charter Straw Votes have to be in to the Supervisor of Elections office by October 8, 2013, and are not to be turned in to City Hall. Return envelopes will be checked for signatures. He reported as of this time 657 signed envelopes have been received. Ballots will be counted October 9<sup>th</sup> by the Supervisor of Elections office.
- Mayor Land reminded the Commissioners to have nominations ready by the next meeting for the two people to serve on the committee to study term limits and additional representation.
- Food Truck Round Up will be Thursday, October 3, 2013.
- A letter was received from Millard and Barbara Smith thanking the Police Department for their good work in solving burglaries.

**OLD BUSINESS**

1. **COUNCIL** - There was no old business from the Council.

2. **PUBLIC** –

Marvin Guttman, 427 Lanarkshire Place, suggested no parking signs be placed on the same side of the street as fire hydrants, keeping cars on one side of the street only. He also spoke in favor of red light cameras.

**NEW BUSINESS**

1. **COUNCIL** – Commissioner Dean advised he has received complaints with regards to the need of resurfacing on Lexington Parkway and requested information with regards to when it was last resurfaced.

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

Mayor Land discussed Senate Bill 50 with regards to setting up a policy for the public input at meetings. He said administration will be working on that policy and CAO Anderson will be bringing a policy forward to the City Council. He solicited input from the Council members and the public.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 2:22 p.m.

ATTEST:

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John H. Land, Mayor

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Janice G. Goebel, City Clerk