CITY OF APOPKA

Minutes of the regular City Council meeting held on September 19, 2012, at 8:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: Sherry Brunson - The Apopka Chief
Steve Hudak – Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said it was in September that Frances Scott Key wrote our National Anthem, "The Star-Spangled Banner". It was on the nights of September 13 and 14, that Key watched the bombardment on Fort McHenry, and then wrote the National Anthem. The last stanza ends with these words:

Then conquer we must, when our cause, it is just,
And this be our motto - "In God is our Trust;"
And the star-spangled Banner in triumph shall wave,
O'er the Land of the Free and the Home of the Brave!

He asked everyone to reflect on those words, as he led in the Pledge of Allegiance.

SET FINAL MILLAGE & BUDGET FOR FISCAL YEAR 2012-2013

RESOLUTION NO. 2012-11 - SETTING THE MILLAGE LEVY FOR FISCAL YEAR 2012-2013. - Mayor Land stated that the Budget Hearing and Budget Summary (Resolution Nos. 2012-11 and 2012-12) meet the requirements for adoption, having been duly advertised in The Apopka Chief on September 14, 2012.

Mayor Land advised the millage would be set at 3.5161 mills which is a 3.94% decrease over the rolled back rate of 3.6603.

The City Clerk read the title as follows:

RESOLUTION NO. 2012-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, SETTING THE MILLAGE LEVY FOR FISCAL YEAR 2012-2013.

Mayor Land opened the meeting for a public hearing.

Tony McArthur, 548 Hillend Court, inquired if this resolution was for millage or budget, to which Mayor Land responded that it is adopting the millage rate. Mr. McArthur said he was glad to see the millage rate was not raised and actually went down.

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

Motion was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Resolution No. 2012-11, setting the millage levy for Fiscal Year 2012-2013, at 3.5161. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

RESOLUTION NO. 2012-12 - ADOPTING THE 2012-2013 BUDGETS FOR GENERAL FUND, SPECIAL REVENUE FUNDS AND ENTERPRISE FUNDS FOR FISCAL YEAR 2012-2013.

Finance Director Edward Bass gave a presentation summary of the proposed budget. (The presentation is on file in the City Clerk's office).

The City Clerk read the title as follows:

RESOLUTION NO. 2012-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND, SPECIAL REVENUE FUNDS, AND ENTERPRISE FUNDS FOR FISCAL YEAR 2012-2013.

Mayor Land opened the meeting for a public hearing.

Tony McArthur, 548 Hillend Court, addressed the City Council regarding the deficit of the pension plans, the budgeted merit increase, and the Lester Road extension project. He also spoke regarding the conversion to self-funded health insurance rather than a fixed cost.

CAO Anderson explained the pension plans have independent Boards who act as fiduciary for the plans. Experts are hired to oversee and report on the progress of the plans, as well as the State has oversight Boards that review the plans. He said this being the first year for the State to rate the plans; the City of Apopka has one "A" rating, and two "B" ratings. He said the investment returns this year have been near 13%, and is always showing in a rolling five years.

Commissioner Kilsheimer inquired on a trajectory of where we want to be in those ratings, to which CAO Anderson replied that we strive for an "A" rating for all plans.

Mayor Land said that the City of Apopka has a good system, and he would not recommend any changes to the budget.

Regarding the budgeted merit system, CAO Anderson said the employee reviews and ratings have completely been revamped over the past year where now all salary increases are merit based. Salary increases account for approximately 1.65% of the personnel costs. He said all of the scales have been adjusted making it very difficult for an employee to earn the maximum without outstanding performance.

Mayor Land responded to Mr. McArthur's comments about the Lester Road project in that the City does not want to get further behind on transportation needs by delaying the project.

CAO Anderson said the Lester Road project was in response to what staff has been hearing from the community in recent years.

Mr. McArthur further suggested the City move from a Defined Benefit plan to a Defined Contribution plan.

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

Commissioner Arrowsmith moved to call for the Question, and Commissioner McQueen seconded the call for the Question.

The City Council voted unanimously to adopt Resolution No. 2012-12, adopting the Annual Budget for the General Fund, Special Revenue Funds, and Enterprise Funds for Fiscal Year 2012-2013, at $59,440,000. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

Robert N. Webster, 537 W Ponkan Road, addressed the City Council regarding Red Light Cameras, specifically asking the Mayor and City Council to remove the "Stop Here on Red" signs from intersections with red light cameras. He requested a work session with the Mayor, City Council, and City Attorney to discuss ordinances of the City that are, in his opinion," illegal and immoral".

Mayor Land responded to Mr. Webster that staff will contact the City Attorney to see if time can be given outside of a formal council meeting for discussion.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on September 5, 2012, at 1:30 p.m.
2. Approve the minutes from the special City Council meeting held on September 5, 2012, at 5:15 p.m.
3. Approve the request, from Apopka High School, to hold its annual Homecoming Parade on Friday, October 12, 2012.

4. Approve the first extensions for the consulting services contract for Geotechnical and Environmental Engineering Services with Ardaman and Associates, Inc. and Universal Engineering Sciences, for one year, at the same unit rate.
5. Authorize the Chief Administrative Officer to sign an agreement with AECOM, in the amount of $36,978.00, for engineering services in the design of a ground water well number 4 at the Plymouth Regional Water Treatment Plant.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Kilsheimer, to approve the five (5) 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. 2270 FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE** – Property Industrial Enterprises, LLC (c/o Michael Cooper) - From "County" Low-Medium Density Residential (10 du/ac) to "City" Industrial for property located south of 1st Street, west of Hawthorne Avenue (357 W. 2nd Street).

Mayor Land said Ordinance No. 2270 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. 2270

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" LOW-MEDIUM DENSITY RESIDENTIAL (10 DU/AC) TO "CITY" INDUSTRIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF 1ST STREET, WEST OF HAWTHORNE AVENUE (357 W. 2ND STREET), COMPRISING 6.03 ACRES, MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, LLC; 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 accept the First Reading of Ordinance No. 2270, and hold it over for a Second Reading. Commissioner Arrowsmith abstained from voting as the applicant is a bank client. 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. 2271 - FIRST READING - CHANGE OF ZONING** - Property Industrial Enterprises, LLC (c/o Michael Cooper) from "County" R-2 to "City" I-1 for property located south of 1st Street, west of Hawthorne Avenue (357 W. 2nd Street).

Mayor Land said Ordinance No. 2271 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. 2271

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-2 TO "CITY" I-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF 1ST STREET, WEST OF HAWTHORNE AVENUE (357 W. 2ND STREET), COMPRISING 6.03 ACRES, MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, LLC; 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 Dean, to accept the First Reading of Ordinance No. 2271, and hold it over for a Second Reading. Commissioner Arrowsmith abstained from voting as the applicant is a bank client. Motion carried 4-0, with Mayor Land and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

3. **RESOLUTION NO. 2012-10** - Amending Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines "Exhibit A".

The City Clerk read the title as follows:

RESOLUTION NO. 2012-10

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO. 2109 REGARDING THE INDUSTRIAL AND COMMERCIAL PRETREATMENT GUIDELINES; 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 McQueen, and seconded by Commissioner Dean, to adopt Resolution No. 2012-10. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. **RESOLUTION NO. 2012-13** - Granting a non-exclusive franchise for roll-off container collection and disposal of waste in the City of Apopka to Republic Services of Florida, LP.

The City Clerk read the title as follows:

RESOLUTION NO. 2012-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES OF FLORIDA, LP TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; 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 Resolution No. 2012-13. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. **RESOLUTION NO. 2012-14** - Granting a non-exclusive franchise for roll-off container collection and disposal of waste in the City of Apopka to Veolia Solid Waste Southeast, Inc.

The City Clerk read the title as follows:

RESOLUTION NO. 2012-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO VEOLIA SOLID WASTE SOUTHEAST, INC. TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; 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 adopt Resolution No. 2012-14. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

6. **RESOLUTION NO. 2012-15** - Granting a non-exclusive franchise for roll-off container collection and disposal of waste in the City of Apopka to Waste Management Inc. of Florida.

The City Clerk read the title as follows:

RESOLUTION NO. 2012-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT INC. OF FLORIDA TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; 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 Resolution No. 2012-15. 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

1. **Administrative Report** - Richard D. Anderson - Chief Administrative Officer, reported that they have looked up the City of Orlando's funding of pension plans and the comparison is as follows: Orlando's Police Pension is 83% funded, Apopka's Police Pension is 90% funded; Orlando's Firefighter Pension is 80% funded, Apopka's Firefighter Pension is 80% funded; Orlando's General Employee Pension is 76% funded and Apopka's General Employee Pension is 80% funded.

CAO Anderson reported staff has been working on a street lighting project to replace the existing street lights on Highway 441 from McGee Avenue to Hawthorne Avenue. He presented a proposal from Progress Energy to replace the existing street lights with a brighter and more energy-efficient lighting. This proposal would reduce the number of lights and the monthly rental costs from $5,509 down to $2,874. He advised if they choose to move forward with this project,

there would be approximately a 5-year payout for the replacement costs, which will be regained on the rental fees. The new lights would be moved out of the middle of the sidewalks to the right-of-way, making the sidewalks more pedestrian-friendly.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer to move forward with the lighting project. Motion carried unanimously with Mayor Land, Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

CAO Anderson reported the Fresh and Foliage Festival is coming up the first week in October.

He further advised Mayor Land and Orange County Mayor Jacobs are co-chairing the Solid Waste Review and there is a meeting being held on Friday which he will report on at the next meeting.

MAYOR'S REPORT - Mayor Land reported the following:

- The Florida League of Cities has provided the Amendment 4 Tool Kit, which is a "How To" guide designed to provide city officials with key messages about Amendment 4. The package was scanned and provided to Commissioners.
- Linda Laurendeau has provided a handout of the five (5) proposed amendments to the Orange County Charter that will appear on the November ballot.
- A public meeting will be held on Thursday, October 18, 2012, 6:00 p.m. - 7:30 p.m., at the VFW/Apopka Community Center to afford City Attorney Frank Kruppenbacher the opportunity to discuss the study of the City's Charter that he has been working on for several months.

OLD BUSINESS

1. **COUNCIL** - Commissioner Kilsheimer reflected back to his comments made at the first public hearing on the Budget, and reiterated his appreciation that the City runs like clockwork. He further stated he appreciates that the City is rolling back taxes. However, he added his belief that the process would be enhanced if there was a more formal process of soliciting public input on the budget, and felt budget workshops would be a worthy idea to consider.

Commissioner Arrowsmith expressed frustration concerning people coming to the meetings to speak their mind, and then not staying for the entire meeting to experience how the process works. He added his willingness to attend a workshop in an effort to address Mr. Webster's concerns, rather than readdressing it meeting after meeting with misinformation. He declared his appreciation to those of the public that regularly attend the entire meetings.

Commissioner McQueen said she had no problem with holding a budget workshop, but those attending need to understand that their comments, suggestions, and recommendations will be taken into consideration, but may not be taken, as the Council must adopt a budget that is best for the whole City.

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 Council.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:53 p.m.

ATTEST: _____
John H. Land, Mayor

_____
Janice G. Goebel, City Clerk