

CITY OF APOPKA

Minutes of the regular City Council meeting held on September 18, 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
Steve Hudak - The Orlando Sentinel

Mayor Land called the meeting to Order and gave the Invocation. He said last Wednesday was September 11th, and on that day, at 8:46 a.m., was the 12th anniversary of Flight 11 crashing into the north tower of the World Trade Center. Before we really knew what was happening a second plane hit the south tower; one crashed into the Pentagon, and the heroes on Flight 93 crashed in Pennsylvania. Many thousands died that day, and many first responders gave their lives to save many. He asked everyone to have a moment in silence remembering those who lost their lives, following which he led in the Pledge of Allegiance.

SET MILLAGE & BUDGET FOR FISCAL YEAR 2013-2014

- 1. RESOLUTION NO. 2013-10 - SETTING THE MILLAGE LEVY FOR FISCAL YEAR 2013-14.** - Mayor Land said Resolution No. 2013-10 met the advertising requirements having been duly advertised on September 13, 2013, in The Apopka Chief, and on September 15, 2013, in the Orlando Sentinel.

Mayor Land advised the recommended millage rate is 3.4727 mills, which is a 0% increase over the rolled-back rate of 3.4727.

The City Clerk read the title as follows:

RESOLUTION 2013-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, SETTING THE MILLAGE LEVY FOR FISCAL YEAR 2013-2014.

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 2013-10, setting the millage levy for Fiscal Year 2013-2014 at 3.4727. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. RESOLUTION NO. 2013-11 - ADOPTING THE 2013-2014 BUDGETS FOR GENERAL FUND, SPECIAL REVENUE FUNDS AND ENTERPRISE FUNDS FOR FISCAL YEAR 2013-2014.

Mayor Land advised on September 4, 2013, the City Council adopted the tentative annual budget for Fiscal Year 2013-2014. The summary of the annual budget was published on September 13, 2013, in The Apopka Chief, and on September 15, 2013, in the Orlando Sentinel. In accordance with the TRIM Statutory requirements, the City must adopt an annual budget prior to the beginning of each fiscal year. The total proposed budget for all funds is balanced at \$66,497,620 which represents an increase of \$7,067,620 or 11.87% from the Fiscal Year 2012-13.

The City Clerk read the title as follows:

RESOLUTION 2013-11

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 2013-2014.

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 Resolution 2013-11 for the 2013-2014 budgets for General Fund, Special Revenue Funds and Enterprise Funds for Fiscal Year 2013-2014, as presented. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

PRESENTATIONS - Hugh Harling, Executive Director of the East Central Florida Regional Planning Council (ECFRPC), presented Mayor Land with a plaque, whereby naming a Conference Room at the ECFRPC offices as the **Mayor John H. Land Board Room**.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on September 4, 2013, at 1:30 p.m.
2. Approve the minutes from the special City Council meeting held on September 4, 2013, at 5:15 p.m.
3. Approve the request, from Apopka High School, to hold its annual Homecoming Parade on Friday, September 27, 2013.
4. Authorize the Mayor or his designee to execute the Funding and Program Agreement between the Department of Economic Opportunity and the City of Apopka for Planning Activities associated with the Lake Apopka North Shore Eco-Tourism (LANSET) Strategic Action Plan.
5. Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Rock Springs Ridge, Phase VII-A (65 Lots).

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the 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. 2322 - SECOND READING & ADOPTION - VACATE - M/I Homes of Orlando, LLC, c/o Diana Cabrera, vacating a 10' unused, unimproved right of way located south of Parkside Meadow Drive, west of Rogers Road.**

Mayor Land said Ordinance No. 2322 meets the requirements for adoption, having been duly advertised in The Apopka Chief on September 6, 2013.

The City Clerk read the title, as follows:

ORDINANCE NO. 2322

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PLATTED UNUSED/UNIMPROVED RIGHT-OF-WAY LOCATED SOUTH OF PARKVIEW MEADOW DRIVE, WEST OF ROGERS ROAD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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. 2322. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

Mayor Land announced Ordinance Nos. 2323 through 2328 meet the requirements for adoption, having been duly advertised in The Apopka Chief on September 6, 2013.

- 2. ORDINANCE NO. 2323 - SECOND READING & ADOPTION - ANNEXATION - Bridle Path, LLC, property located at 5526 and 5502 Plymouth Sorrento Road. (71.32 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2323

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 BRIDLE PATH, LLC, LOCATED NORTH OF KELLY PARK ROAD AND WEST OF PLYMOUTH SORRENTO 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 McQueen, to adopt Ordinance No. 2323. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2324 - SECOND READING & ADOPTION - ANNEXATION -**
Rochelle Holding XIV, LLC, property located at 3025 West Kelly Park Road. (2.35 +/- acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2324

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 ROCHELLE HOLDING XIV, LLC, LOCATED NORTH OF KELLY PARK ROAD AND WEST OF PLYMOUTH SORRENTO 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 Dean, to adopt Ordinance No. 2324. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 4. ORDINANCE NO. 2325 - SECOND READING & ADOPTION - ANNEXATION -**
Julia and Charles P. Smith, III, property located at 1023 Ustler Road. (1.22 +/- acres)

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.

CAO Anderson reported Orange County has issues with this annexation, so asked that this item be held over for a Third Reading, at which time an Interlocal Agreement with Orange County will be presented regarding enclaves.

Mayor Land opened the meeting for a public hearing.

Julie Smith, 1023 Ustler Road, expressed her desire to become a part of the Apopka Community.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to accept the Second Reading of Ordinance No. 2325, and hold it over for a Third Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. ORDINANCE NO. 2326 - SECOND READING & ADOPTION - ANNEXATION -
Florida Land Trust #111, property located at 510 East Sandpiper Street. (1.62 +/- acres)

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.

CAO Anderson added, as with the previous Ordinance, that Orange County has issues with this annexation also, so asked that this item be held over for a Third Reading, at which time an Interlocal Agreement with Orange County will be presented regarding enclaves.

Mayor Land opened the meeting for a public hearing.

Jack Cooper, 954 Oakpoint Circle, spoke in opposition to the annexation.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to accept the Second Reading of Ordinance No. 2326, and hold it over for a Third Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 6. ORDINANCE NO. 2327 - SECOND READING & ADOPTION - ANNEXATION -**
W.D. Long Family Farms, LLLP, properties located at 2803 and 2811 Lust Road. (11.22 +/- acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2327

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 W. D. LONG FAMILY FARMS, LLLP, LOCATED NORTH OF LUST ROAD AND WEST OF STATE ROAD 429; 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. 2327. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 7. ORDINANCE NO. 2328 - SECOND READING & ADOPTION - ANNEXATION - All**
Gator Carrot Co., Inc., property located at 2771 Lust Road. (2.41 +/- acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2328

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 ALL GATOR CARROT CO., INC., LOCATED NORTH OF LUST ROAD AND WEST OF STATE ROAD 429; 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 adopt Ordinance No. 2328. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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

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 McQueen, to accept the First Reading of Ordinance No. 2329, 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. FINAL DEVELOPMENT PLAN/PLAT - Magnolia Park Estates, Phases 2A and 2B**, owned by M/I Homes, c/o Derek Henry, and located between Ocoee-Apopka Road and Binion Road. (Parcel ID Nos. 30-21-28-0000-00-024, 30-21-28-0000-00-025, 30-21-28-0000-00-005, and 30-21-28-0000-00-026)

Jay Davoll, Community Development Director, gave an overview of the project. He said the character of the project as originally approved has not been changed. He added the Development Review Committee recommended approval, and the Planning Commission at their September 10th meeting recommended approval.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to approve the Final Development Plan/Plat for Magnolia Park Estates, Phases 2A and 2B, as presented. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 2. FINAL DEVELOPMENT PLAN/PLAT - Sam's Club #6189-00**, owned by CD 149 Taurus Apopka Limited, located south of U.S. 441, west of North Hiawassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-00-049; 24-21-28-0000-00-083 & 21-24-28-0000-00-084)

Jay Davoll, Community Development Director, gave an overview of the project, and detail of the 5 waiver requests, as outlined within the staff report.

Mayor Land opened the meeting for a public hearing.

Rebecca Wilson, 215 N. Eola Drive, Orlando, representing the applicant, said City staff has been very helpful in moving forward with this store. She said they have met on numerous occasions with the abutting homeowner's association, and believes all issues have been resolved. She addressed the wetlands and stated this site overall is 60% pervious, stating that normally their sites are only 20% pervious. If approved tonight, they will work with staff to start construction by March 2014. She said this store will be nicer than any other in Central Florida.

Michael Johnson, 312 Tangerine Street, Altamonte Springs, requested that public safety be a big consideration by the City Council in considering approval of the project, and asked the City Council to vote against the project.

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

There were various discussions between the City Council, staff, and the representative of the applicant regarding sidewalks, the new traffic signal intersection, the lighting poles, maintenance of the buffer, the wall, relocation of the retention pond, and the fencing surrounding the retention pond.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the Final Development Plan/Plat for Sam's Club #6189-00, granting Waiver #1; #2, if the applicant pays into the Sidewalk Construction fund; #3; #4, as recommended by the Planning Commission at its meeting of September 10, 2013, regarding the light poles; and #5, as presented. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

DEPARTMENT REPORTS AND BIDS

- 1. Administrative Report - Richard D. Anderson - Chief Administrative Officer - CAO** Anderson said the Administrative Report had been distributed and he was available for questions. None were asked.

CAO Anderson announced the revision to the Parking Ordinance will be presented at the October 16, 2013, City Council meeting.

He also reported the City has made some improvements to the City's website, and launched an interactive mobile app that can be accessed through the website, called ASK (Apopka Service Kiosk).

MAYOR'S REPORT - Mayor Land reported the following:

- Complimented Chief Manley and the Apopka Police Department for the new statistics recently released.
- Announced the Charter Straw Ballot was mailed this morning to 2,285 electors that voted in the last General and Runoff elections. The deadline to return the ballots is 5:00 p.m., on October 8, 2013, to the Supervisor of Elections Office. The drop box option will not be available after 5:00 p.m., and ballots will not be accepted at City Hall. Return envelopes will be checked for the required signature of the voter on the back of the return envelope.

OLD BUSINESS

1. Council - There was no old business from the City Council.

2. Public

Red Light Cameras: The following people spoke in opposition to the Red Light Cameras:

Mark Schmidter, 3609 Shader Road, Orlando, said he was protesting the red light cameras on Saturday in Apopka as he feels it is an example of how we are gradually losing our rights. He stated he was stopped from handing out fliers, arrested and he spent 11 hours in Orange County Jail. He said now this has evolved into a First Amendment challenge. He declared they have the right to petition our own government in the streets, as long as they do not intrude on other people moving about.

Robert Webster, 237 W Ponkan Road, Apopka, said he has spoken numerous times regarding the red light camera law. He stated they were getting away from "We the People" and getting into a position of not being concerned about the people. He said rights were being violated routinely and the main cause is that cities and counties involved with the red light cameras are looking for money. He declared the Council should seriously consider abolishing the red light camera program.

Ed Wagner, 1821 Dora Ave, Tavares, suggested they quit calling this old news and start calling it continuing news as it will be a continual battle. He declared they have the right to stand up for laws they think are bad, which are these red light cameras that violate their rights.

Michael Johnson, 312 Tangerine St, Altamonte Springs, stated the people in the audience were his government as they are the ones that elect the people in office. He said one of his big things he would campaign for was against the red light cameras. He spoke regarding the group he just joined that is bonding together to fight.

Parking Ordinance: The following people spoke in opposition to the Parking Ordinance:

Lorie Richardson, 1192 Welch Hill Circle, stated she recently moved to Apopka and didn't realize parking would be a problem. She said their driveway was only large enough for two cars and their son has a third car which creates a problem. She stated people were parking in their driveways, blocking sidewalks which make people have to walk in the streets.

David Stull, 1056 Welch Hill Circle, said he was here to see what the status was for parking as he knows people who have received tickets for blocking the sidewalks. He stated he blocks them every day to avoid parking in the street. He said it was brought to his attention that he was making himself a target for expressing his opinion at a public meeting, and there had been talk of calling the person he works for and asking him to tell Mr. Stull to not take his marked police car home since it was illegally parked. He stated he wanted it on the record as he feels he is being threatened for expressing his opinion. He said he lives a mile and a half from the substation and could park there, but the neighbors lose the benefit of having a marked police car on their street.

Glasme Taylor, 1150 Welch Hill Circle, said she has a four-bedroom house and they are having a problem with parking. She asked that this be resolved as soon as possible as they are receiving tickets. She reiterated that their driveways are very short and cannot accommodate all of the vehicles. She stated her daughter came over to visit as did her pastor's daughter who received a ticket because the back of her car was slightly over the walkway. Her husband also received a ticket for his truck being slightly over the walkway. She declared this was a serious problem and asked for help regarding this matter.

Angella Campbell, 1156 Welch Hill Circle, said she was seeking a recommendation in regards to the parking. She also lives in a four-bedroom home with two sons living at home. They have two vehicles and they have visitors that come and some who stay overnight. She requested a recommendation as they are receiving tickets for blocking the sidewalks to avoid parking in the street.

Mayor Land said they have spent a great deal of time regarding this matter and it will be on the Agenda when they are ready to make a report and at that time they will have recommendations.

Commissioner Arrowsmith reiterated that CAO Anderson announced earlier in the meeting that on October 16th a report will come to the City Council regarding recommendations. He said it has been his understanding there have been no tickets written during this period for parking in the street, unless they are blocking sidewalks, parking by fire hydrants, or parking where you would normally receive a ticket.

NEW BUSINESS

1. Council - There was no new business from the City Council.

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

Mayor Land said he would be seeking a ruling from the City Attorney regarding political activities in City buildings and on City property, but believes it is not permitted. He expressed that future references to political parties at meetings will not be tolerated.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:54 p.m.

John H. Land, Mayor

ATTEST:

Janice G. Goebel, City Clerk