

CITY OF APOPKA

Minutes of the regular City Council meeting held on September 4, 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 it was on September 13th and 14th, of 1812, the British fleet was bombing Fort McHenry in Baltimore Bay. Francis Scott Key was a prisoner on one of the ships and paced through the night, when the night before he could see our Flag at Fort McHenry, and as the bombing went on during those nights he couldn't see the Flag except when the bombs burst in air he could get a glimpse. When the shelling stopped, he was anxious to see if the Flag was still flying. The next day through the dawns early light he saw our Flag still flying and then wrote our National Anthem, ***The Star Spangled Banner***. He asked everyone to reflect on that great event, as he led in the Pledge of Allegiance.

PRESENTATIONS There were no presentations.

EMPLOYEE RECOGNITION

- 1. Steven (Steve) J. Landry – Police / Support Services – Five Year Service Award** - Mayor Land said Steve began working for the City on August 11, 2008, as a Police Officer in Field Services. On May 1, 2011, he was transferred to Support Services as a Police Officer, which is his current position. The City Council joined Mayor Land in congratulating Steve on his years of service to the City.
- 2. Frankie J. Henry – Public Services / Sanitation – Five Year Service Award** - Mayor Land said Frank was unable to be at the meeting, and will be presented his award at a later time.
- 3. John C. Reardon, II – Police / Field Services – Five Year Service Award** - Mayor Land said John started working for the city on August 11, 2008, as a Police Officer, which is his current position. The City Council joined Mayor Land in congratulating John on his years of service to the City.
- 4. Robert S. (Shawn) Dickey – Fire / Suppression – Ten Year Service Award** - Mayor Land said Robert started working for the City on August 4, 2003, as a Firefighter First Class, which is his current position. The City Council joined Mayor Land in congratulating Robert on his years of service to the City.

5. **Desi L. Woodall – Public Services / Sanitation – Ten Year Service Award** - Mayor Land said Desi was unable to be at the meeting, and will be presented his award at a later time.
6. **Bryan C. Hall – Police / Field Services – Fifteen Year Service Award** - Mayor Land said Bryan was unable to be at the meeting, and will be presented his award at a later time.

CONSENT AGENDA

1. **Approve the minutes from the regular City Council meeting held on August 21, 2013, at 8:00 p.m.**
2. **Approve the Disbursement Report for the month of August 2013.**

MOTION was made by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to approve the 2 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.

Mayor Land asked permission of the City Council to present a part of the MAYOR'S REPORT at this time in the meeting. Hearing no objections, he asked City Attorney Frank Kruppenbacher to present information on a Charter Straw Ballot.

Attorney Kruppenbacher stated Mayor Land had asked he and Attorney Bob Nabors to prepare a letter that would provide language for a straw ballot based on the outcome of the Committee of the Whole Charter Meetings. He said the outcome was to continue with the Strong Mayor, and the City Council would remain except for districts and term limits, which will be considered by a committee. He said the district and term limit consideration will be quite lengthy and more in depth.

Attorney Kruppenbacher continued saying the Supervisor of Election was contacted to conduct a straw ballot process, and he gave an overview of said process with a timeline. He added that following the Straw Ballot results, the City Council will then decide whether or not to call a Special Referendum Election to take the question to the voters on December 3, 2013, for the change to the City Charter.

In response to a question regarding the change, Attorney Kruppenbacher responded that the Chief Administrative Officer position is not currently addressed in the Charter, and the straw ballot language will pose the question of the addition of the office of City Administrator into the Charter, making the office of City Administrator a Charter officer similar to the City Clerk and the City Attorney, which is how the City is currently functioning.

Mayor Land explained that the two highest votes at the Charter Committee meetings was for no change in Mayor, and the second highest vote was to add a City Administrator to the Charter.

Attorney Kruppenbacher said the Mayor wanted to keep faith with what the Committee of the Whole wanted by the two largest votes. He said the City Administrator would be appointed by the Mayor, but would ultimately be accountable to the Council as a whole.

Commissioner Arrowsmith inquired if the straw vote would determine any action going forward, to which Attorney Kruppenbacher responded that it would be up to the Council, regardless of the straw vote, on whether to bring it to a referendum.

Commissioner Kilsheimer inquired how the voters would be selected. CAO Anderson suggested that the straw ballot be sent to those who voted in the previous election (2012 election).

Mayor Land said there were two suggestions: (1) survey, or (2) a straw ballot.

Attorney Kruppenbacher said the straw vote will give the City Council a representative opinion of the will of the citizens.

Commissioner Kilsheimer verified that the straw ballot vote will only give the ‘temperature of the voters’.

Attorney Kruppenbacher said the City will pay the postage, both to send the ballots and the return postage for the ballots to be returned to the Supervisor of Elections office.

CAO Anderson said the Supervisor of Elections office will treat the straw ballot vote as it does any other election.

Attorney Kruppenbacher noted that it is important, when dealing with the Charter, to conduct it separate from the City, and with the Supervisor of Elections office.

Commissioner Kilsheimer inquired on the status of the Charter Committee, to which the Mayor responded that the committee could be selected within the next couple months, but foresees the process being lengthy due to the nature of determining districts, should that be included. He said each Commissioner is asked to nominate two citizens to serve on the Committee, and he (Mayor) would nominate three.

There was further general discussion regarding the straw ballot vote.

Ed Velasquez, City resident, inquired about adding the extra Council seats to the Charter, to which Mayor Land said that is something else to be considered by the Charter Committee.

Mayor Land said that the straw ballot would be conducted according to the timeline provided. (Copy attached and made a part of these meeting minutes.)

ORDINANCES AND RESOLUTIONS

1. **EMERGENCY ORDINANCE NO. 2318 - THIRD READING** - Amending Part II, Chapter 78, Article VIII "The City of Apopka Traffic Light Safety Act," providing for a local hearing officer consistent with general law.

Mayor Land said Emergency Ordinance No. 2318 was duly advertised in The Apopka Chief on August 9 and 16, 2013. The City Clerk read the title as follows:

EMERGENCY ORDINANCE NO. 2318

AN EMERGENCY ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING PART II, CHAPTER 78, ARTICLE VIII "THE CITY OF APOPKA TRAFFIC LIGHT SAFETY ACT"; PROVIDING FOR LOCAL HEARING OFFICER CONSISTENT WITH GENERAL LAW; PROVIDING FOR CODIFICATION, 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 Emergency Ordinance No. 2318. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

Mayor Land said Ordinance Nos. 2320 and 2321 meet the requirements for adoption, having been duly advertised in The Apopka Chief on August 23, 2013.

2. **ORDINANCE NO. 2320 - SECOND READING & ADOPTION - VACATE** - Property Industrial Enterprises, LLC, vacating a portion of the 2nd Street Right-of-Way located between South Bradshaw Road and South Hawthorne Avenue.

The City Clerk read the title, as follows:

ORDINANCE NO. 2320

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A PLATTED RIGHT-OF-WAY (WEST 2ND STREET) LOCATED BETWEEN SOUTH BRADSHAW ROAD AND SOUTH HAWTHORNE AVENUE; 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.

Commissioner Arrowsmith announced he would be abstaining from voting as the applicant is a client of the bank.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2320. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

- 3. ORDINANCE NO. 2321 - SECOND READING & ADOPTION - VACATE** - Property Industrial Enterprises, LLC, vacating a portion of the 3rd Street Right-of-Way located between South Bradshaw Road and South Hawthorne Avenue.

The City Clerk read the title, as follows:

ORDINANCE NO. 2321

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A PLATTED RIGHT-OF-WAY (WEST 3rd STREET) LOCATED BETWEEN SOUTH BRADSHAW ROAD AND SOUTH HAWTHORNE AVENUE; 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.

Commissioner Arrowsmith announced he also would be abstaining from voting in this matter as as the applicant is a client of the bank.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to adopt Ordinance No. 2321. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

Mayor Land said the First Reading Ordinances (Ordinance Nos. 2322 through 2328) do not meet the requirements for adoption, and will be held over for a Second Reading.

- 4. ORDINANCE NO. 2322 - FIRST READING - 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.**

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 accept the First Reading of Ordinance No. 2322, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 5. ORDINANCE NO. 2323 - FIRST READING - 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 accept the First Reading of Ordinance No. 2323, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

- 4. ORDINANCE NO. 2324 - FIRST READING - 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 McQueen, to accept the First Reading of Ordinance No. 2324, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

- 6. ORDINANCE NO. 2325 - FIRST READING - 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 that Orange County has raised some issues with Ordinance Nos. 2325 and 2326 regarding enclaves. Staff will address their issues prior to Second Reading of the Ordinance. (The Orange County letter is attached hereto and made a part of these meeting minutes.

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 Arrowsmith, to accept the First Reading of Ordinance No. 2325, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

- 7. ORDINANCE NO. 2326 - FIRST READING - 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.

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. 2326, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

- 8. ORDINANCE NO. 2327 - FIRST READING - 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 Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2327, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

- 9. ORDINANCE NO. 2328 - FIRST READING - 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 Kilsheimer, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2328, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

SITE APPROVALS

- 1. FINAL DEVELOPMENT PLAN - Sheeler Oaks Seventh Day Adventist Church**, owned by Southeastern Conference of Seventh Day Adventist Church, Inc. and Sheeler Oaks Seventh Day Adventist Church, c/o Juan E. Gonzalez, and located west of South Sheeler Avenue, north of La Gran Via Lane. (Parcel ID No. 22-21-28-0000-00-196)

Community Development Director Jay Davoll gave an overview of the project, including requested waivers. He asked that the staff report be incorporated into and made a part of these meeting minutes.

Commissioners posed questions regarding the parking lot lighting, and drainage in the parking areas, to which Mr. Davoll responded the lighting will remain on-site with no bleed-over. He said there is also a lot of tree buffering as well. He also explained the roadways and parking areas are sloped toward the drainage/retention ponds, and there will be limited use of the entire parking lot.

Mayor Land opened the meeting for a public hearing.

Pastor Juan E. Gonzalez, 133 S Thompson Road, requested approval of the master site plan, stating it has been in need for 2½ years. He also pointed out that the Church is providing support to the community by collecting and distributing food to the local food pantries.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the Final Development Plan, as recommended. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, Kilsheimer voting aye.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson reported the following:

- The new street lighting project has begun on Hwy. 441 on the east side.
- The AngelouEconomics survey is now available on the City's website, and he invited the public to participate in the stakeholders survey.
- The Governor was at the Wekiva Springs State Park today announcing \$10 million available for grants in his budget. The City of Apopka has received some of the grant monies for the Keene Road project.

MAYOR'S REPORT - Mayor Land reported the following:

- The meeting at 5:15 p.m. today will be the first meeting on the budget.
- The Food Truck Round-up tomorrow (September 5, 2013) in the Kit Land Nelson Park, at 5:30 p.m.

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.

There was a question from the audience regarding obtaining a copy of the letter and straw ballot timeline, to which CAO Anderson said it would be posted to the City's website.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:25 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk