

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 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: John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said in the winter of 1944 in December it was a bad Christmas for our troops in Germany during World War II. The Battle of the Bulge started December 16, 1944, and went through Christmas into the New Year with losses of over 40,000 Americans. He asked everyone to reflect on their great sacrifice serving for the Freedom and Liberty that we enjoy today as he led in the Pledge of Allegiance.

Barb Zakszewski spoke and inquired about the contract/lease with Dubsdread for Highland Manor banquet hall rentals. She suggested the City sell the property and get out of the restaurant business.

The following people relinquished their four (4) minutes to Robert Webster:
Lee Davis, Kate Tayes, and Stephen Carmean. Eileen Hoepfinger relinquished her time to Lee Davis who did not speak.

Robert Webster spoke regarding red light cameras and the civil action suit. He reiterated that in his opinion, the statutes do not require one to stop prior to making a right turn on red, but to proceed cautiously.

Mayor Land said they were still working to schedule a meeting with the City Council, City Attorney, and Mr. Webster. He stated, with the holidays, it would be sometime after the first of the year.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on November 28, 2012, at 8:00 p.m.
2. Approve the minutes of Administrative Bid Opening 2012-05 for Inspection and Cleaning of Six Potable Water Storage Tanks, held on November 29, 2012, at 10:15 a.m.

3. Authorize the issuance of a Peddler's Permit to TNT Fireworks to sell State approved sparklers at 2302 East Semoran Blvd., from December 20, 2012, through January 2, 2013.
4. Authorize the issuance of a peddler's Permit to First American Fireworks to sell State approved sparklers at 511 South Orange Blossom Trail, from December 20, 2012, through January 2, 2013.
5. Authorize the Chief Administrative Officer to sign Amendment #1, Contract #WS742 with the Department of Corrections, in the amount of \$58,004.00, for an inmate work squad.
6. Authorize a two-year renewal, with Container Rental Company, for the non-exclusive franchise for roll-off container collection and disposal of waste in the City of Apopka.
7. Authorize the Chief of Police to renew the Mutual Aid Agreement between the Apopka Police Department and the Orange County Sheriff's Office.
8. Authorize the Chief Administrative Officer to sign the Real Estate Sales and Purchase Contract, in the amount of \$250,000, between the City of Apopka and Velocity Commercial Capital LLC., to purchase property located at 502 S. Central Avenue.
9. Approve the Disbursement Report for the month of November 2012.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the nine (9) items of the Consent Agenda.

In response to an inquiry by Commissioner Kilsheimer on Item 8, CAO Anderson stated this was the property across from the VFW. He said the funding was from the CRA and this would wrap up cleaning that area of the community for future development.

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

SPECIAL REPORTS AND PUBLIC HEARINGS

1. Authorize the City Engineer to renew the Class III Landfill Permit for Vista Landfill, requested by Vista Landfill, LLC.

CAO Anderson advised this does nothing other than renew their permit so they can continue with the operation they are currently doing.

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 Dean, and seconded by Commissioner McQueen, to approve the request to renew the Class III Landfill Permit for Vista Landfill, as requested by Vista Landfill, LLC. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

ORDINANCES AND RESOLUTIONS

Mayor Land announced Ordinance Nos. 2274 – 2278 meet the requirements for adoption, having been duly advertised in The Apopka Chief on December 7, 2012.

1. **ORDINANCE NO. 2274 – SECOND READING & ADOPTION - ANNEXATION -** City of Apopka, property located north of West McCormick Road and East of S.R. 429. (0.09 +/- acre). The City Clerk read the title as follows:

ORDINANCE NO. 2274

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 CITY OF APOPKA, LOCATED NORTH OF WEST McCORMICK ROAD AND EAST OF S.R. 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 Kilsheimer, to adopt Ordinance No. 2274. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. **ORDINANCE NO. 2275– SECOND READING & ADOPTION - ANNEXATION -** City of Apopka, property located south of Orange Blossom Trail and west of North Hiawassee Road (3.16 +/- acres). The City Clerk read the title as follows:

ORDINANCE NO. 2275

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 CITY OF APOPKA, LOCATED SOUTH OF ORANGE BLOSSOM TRAIL AND WEST OF NORTH HIAWASSEE 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 adopt Ordinance No. 2275. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. **ORDINANCE NO. 2276– SECOND READING & ADOPTION - ANNEXATION -** Adams Brothers Construction Company, Inc., properties located south of East 13th Street and west of Apopka Boulevard (800, 806, & 810 East 13th Street). (2.81 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2276

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 ADAMS BROTHERS CONSTRUCTION COMPANY, INC., LOCATED SOUTH OF EAST 13TH STREET AND WEST OF APOPKA BOULEVARD; 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. 2276. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. **ORDINANCE NO. 2277– SECOND READING & ADOPTION - ANNEXATION -** Rock Springs Estates, LLC, property located north of West Lester Road and east of Vick Road. (0.77 +/- acre). The City Clerk read the title as follows:

ORDINANCE NO. 2277

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 ROCK SPRINGS ESTATES, LLC., LOCATED NORTH OF WEST LESTER ROAD AND EAST OF VICK 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. 2277. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. **ORDINANCE NO. 2278– SECOND READING & ADOPTION - ANNEXATION -** Rock Springs Estates, LLC, property located south of West Lester Road and east of Vick Road. (1.59 +/- acres). The City Clerk read the title as follows:

ORDINANCE NO. 2278

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 ROCK SPRINGS ESTATES, LLC., LOCATED SOUTH OF WEST LESTER ROAD AND EAST OF VICK 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2278. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

6. **ORDINANCE NO. 2279 - FIRST READING - CHANGE OF ZONING -** Florida Land Holdings X, LLC - From PO/I (Office) to R-1 (Residential) for property east of North Binion Road, west of Yearling Cove Loop (Lake Doe Cove).

ORDINANCE NO. 2279

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PO/I (OFFICE) TO R-1 (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF NORTH BINION ROAD, WEST OF YEARLING COVE LOOP (LAKE DOE COVE), COMPRISING 10.5 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND HOLDINGS X, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Randy June, Engineer and property owner, stated they are working on a fence for Mr. Sumner, to his satisfaction.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2279, 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 approval requests.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report - Richard D. Anderson - Chief Administrative Officer

CAO Anderson reported that construction is twice what it was last year. He said they were starting to see movement in the housing industry. He also noted Business buttons had been distributed, as proclaimed by myregion.org that “we are open for business”.

MAYOR'S REPORT

Mayor Land reported the following:

- The next Charter Meeting is scheduled for Thursday, January 10, 2013, at the Apopka Community Center/VFW, beginning at 6:30 p.m. through 8:00 p.m.
- A letter was received from Big Bend Hospital Foundation, Tallahassee, FL, in appreciation of the City's donation in Memory of Raymond Sittig, a longtime leader in the Florida League of Cities.
- A card was received from Julie Dern and her son, Kanaan, expressing appreciation for their appointment with Mayor Land as part of Kanaan's video project at Apopka High School.
- Mayor Land reported a Special meeting was held at 7:30 honoring the Apopka High School State Class 8A Football Champions. CAO Anderson added that plans for events honoring the football team are in the works. He asked Commissioners to forward their ideas to him. He said, “It's OUR football team and we want to recognize them in the appropriate way.”

CAO Anderson also reported the City has been working diligently on the Bradshaw Road property. He said the final orders to move forward with clean-up of the property has been issued. Quotes have been obtained for this work ranging from \$55,000 up to \$185,000, each one contingent upon only finding what is visible to the eye. He added there is the possibility of finding asbestos out there. He said the City is ready and can move forward, but asked that Council give them 30 days. He said the mortgage lender and property owner may work the issues out without the City's need to get involved in the clean-up effort. Council unanimously agreed to the 30 day extension.

- Mayor Land continued his report that the signing of the bond issue, previously approved by Council, was completed on Tuesday, December 18th. The interest rates dropped from 4.60% to 2.71%. The present value of savings is \$3,735,243.62, and the gross savings will be \$4,686,113.75, with approximately \$250,000 savings in annual debt service payments.

- Mayor Land next addressed safety at the 5 elementary schools. There was considerable discussion regarding the need to re-address safety programs, in light of the recent tragic occurrence at Newtown, Connecticut. He said police officers are now covering the 5 elementary schools in Apopka; resource officers are in the middle and high schools.

Mayor Land recommended a Safety Commission be formed to perform a comprehensive study on long-range solutions to the safety of our schools. His suggested composition would include representatives from the Police Chief's Association, the School Board, the Sheriff's Office, and Orange County. He also suggested adding representatives from the Building Association and architects to study the schools, indicating the structures may be detrimental for safety of our children (such as temporary classrooms). His final comment was regarding taxes that must be considered for the extra safety, and how that will be funded. There was considerable discussion by the City Council regarding this issue.

CAO Anderson said Apopka has already moved forward with re-evaluating the safety of our schools, to make sure the City has done all it can do with what we have in place.

Patricia Merriweather suggested the police could provide training for a volunteer task force.

Barb Zakszewski suggested that School Board representative Christine Moore be included in the Committee.

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

Commissioner McQueen reported the Annual Christmas Parade took place on Saturday, December 8th. She said it was a huge success, and much of the success was due to the participation and support of the City departments. She expressed her appreciation to the City departments.

Commissioner McQueen also reported on the efforts of the Apopka Police Department to provide toys for the children in the Apopka area community. She said they held two events, receiving little recognition. She said for the Toy Drive, the APD rose over \$10,000 in gifts and over \$3,000 in cash for Loaves and Fishes. She said the Annual Shop with a Cop program, with participants from the APD and the Citizens Police Academy Alumni, provided shopping for 62 children with an overall \$6,700.00. She said that related to over \$17,000.00 in gifts and provisions for Apopka area children this Christmas. A short video was played which depicted the two events.

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

Commissioner Arrowsmith asked that Robert Webster be required to wait until the Old Business/New Business portion of the agenda at future meetings. He applauded the Mayor's patience and generosity to let Mr. Webster speak early in the meeting.

Everyone extended Merry Christmas and Happy New Year wishes to one another.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:35 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk