

Minutes of a regular City Council meeting held on June 2, 2010, at 1:30 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 Kathy S. Till

ALSO PRESENT: City Attorney Frank Kruppenbacher

PRESS PRESENT: John Peery - Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE - Mayor Land called the meeting to order and gave the Invocation. He said on June 6, 1944 (66 years ago), called "D-Day", American troops stormed the Normandy beaches to free Europe from Adolph Hitler. Those that were there called it "The Longest Day". Many died, many were wounded, and many made great sacrifices. He asked everyone to reflect on their great sacrifice, as he led in the Pledge of Allegiance.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on May 19, 2010, at 8:00 p.m.
2. Approve minutes of Administrative Bid Opening No. 2010-03, 3,000 GPM Vertical Turbine High Service Pump and 200 HP Motor Purchase, held on May 20, 2010 at 10:15 a.m.
3. Approve minutes of Administrative Bid Opening No. 2010-04, Towing/Wrecker and Storage Services, held on May 26, 2010, at 9:15 a.m.
4. Approve the issuance of a peddler's permit to David Hostetler, First American Fireworks, to sell state-approved sparklers from June 15, 2010, through July 7, 2010, at the Apopka Shopping Plaza, located at 511 S. Orange Blossom Trail.
5. Approve the issuance of a peddler's permit to Leslie Ditchek, TNT Fireworks, to sell state-approved sparklers from June 20, 2010, through July 5, 2010, at Errol Plaza, located at 1565 US Highway 441.
6. Authorize the issuance of a solicitor's permit to John Thomas of Southwestern-Great American, for door-to-door solicitation within the City limits of Apopka for sales of educational study systems and online education aids.
7. Award the bid to Perry Roofing Contractors, at a cost of \$48,000, to replace the roof at the Police Department.
8. Award the Contract to Locke Well & Pump Company, in the amount of \$50,439.30, for the Myrtle Rogers Womble Northwest Water Treatment Plant high service pump and motor purchase.
9. Authorize the purchase of three water fountains from Lake Fountain and Aeration, Inc., in the amount of \$44,550.00, and \$7,000.00 for electrical supplies to be installed by the City, for the Northwest Recreation Complex reclaimed water pond.

Consent Agenda (continued)

10. Authorize the Chief Administrative Officer to execute Railroad License Agreement No. Apop-62-139 with the Florida Central Railroad Company, Inc., for the construction of an underground reclaimed water main crossing.
11. Authorize the Chief Administrative Officer to sign the License Agreement, between the City of Apopka and Orange County, Florida, for monitoring on Lake Wilkins.
12. Authorize the Mayor, or his designee, to sign the Towing/Wrecker and Storage Agreement between the City of Apopka and B.J. Towing Services of Central Florida, Inc. for towing services in connection with official City business.
13. Approve the Disbursement Report for the month of May 2010.

Commissioner Arrowsmith requested Items 3 & 12 be considered/voted separately as he was declaring a Voting Conflict. He said the principal is a client of his bank. He will file a Form 8B.

Commissioner Till inquired about the purchase in Item 8, as a pump was approved for purchase in December 2009. CAO Anderson said this is an additional pump for the facility.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Till, to approve Items 1,2, 4-11 and 13 of the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve Items 3 & 12 of the Consent Agenda. Motion carried 4-0, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

PRESENTATIONS

1. Christopher J. Mallet – Public Services/Wastewater – 5 Year Service Award - Mayor Land said Jason began working for the City on May 2, 2005, as a Utility Service Worker II for Utility Construction and on August 21, 2006, he was transferred to Water Distribution Maintenance. On March 30, 2009, he transferred to Waste Water Plants as a Waste Water Plant Operator Trainee, which is his current position. The City Council joined Mayor Land in congratulating Jason on his service award.

2. Marc E. Norelia – Public Services/Sanitation – 5 Year Service Award - Mayor Land said Marc was not present and would be presented his award at a later time.

3. Jessica R. Schilling – Public Services/Water Conservation - 5 Year Service Award - Mayor Land said Jessica began working for the City on May 2, 2005, as the Water Conservation Specialist for Water Plants, which is her current position. The City Council joined Mayor Land in congratulating Jessica on her service award.

4. Eileen Rodriguez – Police Department/Support Services – 5 Year Service Award - Mayor Land said Eileen started working for the Police Department on May 23, 2005, as a Records Clerk, which is her current position. The City Council joined Mayor Land in congratulating Eileen on her service award.

5. Edwin F. Chittenden, III – Police Officer – Police Department/Support Services - 10 Year Service Award - Mayor Land said Ed began working for the Police Department on May 15, 2000, as a Police Officer in Patrol and on January 23, 2005, he transferred to Support Services which is where he currently serves. The City Council joined Mayor Land in congratulating Ed on his service award. At the request of Mayor Land, Ed introduced his wife.

6. Shirley Hambley – Finance/Utility Billing – 10 Year Service Award - Mayor Land said Shirley started working for the City on May 30, 2000, in Utility Billing as a Customer Service Clerk, which is her current position. The City Council joined Mayor Land in congratulating Shirley on her service award.

7. Wilburn M. Roberson – Community Development / Planning & Engineering – 15 Year Service Award - Mayor Land said Mike began working for the City on May 3, 1995, as a Utility Service Worker I for Utility Construction. On April 8, 1996, he transferred to Building Division as Construction Inspector, which is his current position. The City Council joined Mayor Land in congratulating Mike on his service award.

8. Barbara H. Herrmann – Community Development / Planning & Engineering - 25 Year Service Award - Mayor Land said Barbara started working for the City on May 23, 1985, as a Secretary for Engineering. On November 23, 1993, her title changed to Secretary III, which is her current position. The City Council joined Mayor Land in congratulating Barbara on her service award.

ADD ON: PUBLIC HEARING

Mayor Land said he had received many telephone calls and emails concerning the placement of a primary Wi-Fi pole in the Wekiva Glen Subdivision since the previous City Council meeting. He explained that at the May 19, 2010 meeting, the placement of a pole was put on hold and City staff was asked to continue researching alternatives for a resolution of the matter. Mayor Land gave a summary of some of the issues raised in those communications.

Mayor Land asked CAO Anderson to give an overview of the purpose and use of the Wi-Fi system.

CAO Anderson explained the Wi-Fi system was approved by the City Council in December 2006, and that the system was always intended primarily for Public Safety. He explained the need to move forward in technology, replacing the costly and outdated T1 circuitry, thereby opting to look at the Wi-Fi as a viable alternative. He explained the installation of the radio read utility system, and the many benefits to the City and its citizens. He further explained the benefit in Public Safety and crime prevention by installing the Wi-Fi system.

CAO Anderson also explained the operation of the Wi-Fi system, with the need for specific placement of primary poles throughout the City to transmit the signals above the City's tree canopy, and then how the signal is lowered from those primary poles to transmitters placed on power poles that would service at street level. He said this is the issue with Wekiva Glen as to the engineered selection for placement of the 60 foot primary pole.

CAO Anderson explained the Motorola Wi-Fi system is a 4-Channel system. Two channels are dedicated to Public Safety only. The third channel can go either way - public or Public Safety, and the fourth channel is the actual Wi-Fi channel for public access. He said the system was never designed or represented as 100% customer coverage.

CAO Anderson said the City is continuing to look at alternatives to placing the primary pole within the Wekiva Glen Subdivision, however the system is needed for Public Safety and the link must include the Wekiva Glen Subdivision.

At this time of the meeting, Mayor Land recognized a number of persons wishing to speak before the City Council. With the agreement of the City Commissioners, he opened a Public Hearing to hear from residents of the Wekiva Glen Subdivision regarding the placement of a primary Wi-Fi pole within the subdivision.

Steve Goldstein, 828 Timber Ct, spoke in opposition to the pole citing devaluation in the homes, the cost to the City, and security issues. He said that out of 192 homes in the subdivision, 111 residents have signed petitions against the Wi-Fi system in Wekiva Glen. (Copies of the petitions are attached hereto and made a part of these minutes.)

Greg Leibolt, 816 Pine Shadow Dr, inquired about the security measures in place for protection of the City and residents. He also asked who will be administering the system.

Mary Collard, 846 Pine Shadow Dr, posed the following issues: 1) City easement rights in Wekiva Glen for placement of pole; 2) During the hurricanes of past years, the subdivision clearly had sufficient coverage; 3) The City can already read the water meters so the additional system should not be necessary; 4) Who will take down the tower (pole) when this technology is obsolete; and 5) the residents of the entire subdivision should receive communications by mail, not just the Homeowner's Association or residents on one street.

Phil Dozier, 1016 Lakeside Dr, spoke about the character of the neighborhood and the special efforts taken to protect the tree canopy during construction. He also spoke of the access rights for placement of the system, and that the City may have to take the property by Eminent Domain. He mentioned also the adverse effect to health from the towers.

CAO Anderson said there are no plans to expand the coverage above the 80%, and no plans for the poles to be used as cell towers in the future. He explained that cell towers are 150 feet high, while the primary Wi-Fi poles are 60 feet high. He further explained that the system is first and foremost being provided for Public Safety. As to security of the system, CAO Anderson said the City must

meet all State and Federal guidelines for the system, and said the current system in place is 12 - 15 years old and will not support the changing technology or increased data needs.

CAO Anderson said the optimum locate for the primary pole is on Timber Court, however the City is waiting to hear back from Motorola regarding alternatives.

CAO Anderson, addressing the security issues, said that the City's Information Technology Director, Donald Kahrs, will be the system administrator, however the City does not run the ISP. A third party company has been contracted to run the ISP, and the City only has access to a report of the total number usage of the system. The City has no access to names of individuals using the system, or knowledge of the sites they are accessing. He said the City's Wi-Fi system blocks pornographic sites. Access to any blocked sites must be requested in writing.

City Attorney Frank Kruppenbacher, addressing the easement issue, said it is not uncommon to find a separate recorded document from the plat. He said a certified copy of the Wekiva Glen Subdivision plat will be provided to him for review to determine if there is a utility easement identified on the plat. He said the City would also have right under Eminent Domain to pay for the land to obtain the property access rights. He added that any opinion he might give at the meeting would be based on information communicated to him and not on his personal knowledge or research.

Mayor Land said the placement of the primary pole is on hold while the City is working with the homeowners.

CAO Anderson said the City is looking at all alternatives available. He spoke of options, including replacing one of the lights on the tennis ball court with the primary pole.

Commissioner Arrowsmith asked if the City is trying to give the subdivision something they don't want.

CAO Anderson replied the it does not matter to the City if they want Wi-Fi access, but the City is concerned that Public Safety have access within Wekiva Glen. He said this is a necessary link as the pole in question will provide a primary conduit for the system, and the rest can be worked out under the canopy.

Mary Collard asked how the 80% coverage is being measured, to which CAO Anderson replied that it is 80% of the streets in the City, with no poles installed in the rural areas.

Rob Harper brought up health issues, to which City Attorney Kruppenbacher responded that the health issue has not been documented, however there are many opposing opinions.

With no one else wishing to be heard, Mayor Land closed the public hearing and thanked everyone for coming to the meeting to express their concerns. He said the City is going to do whatever can be done to cover Public Safety.

Mayor Land called a short recess at 3:24 p.m., and the meeting was called back to order at 3:31 p.m.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2168 - SECOND READING & ADOPTION - Amending Chapter 54, "Offenses and miscellaneous provisions", by creating a new Article VI, entitled "Impoundment of Motor Vehicles Used to Facilitate Certain Crimes." - Mayor Land said Ordinance No. 2168 meets the requirements for adoption having been duly advertised in The Apopka Chief on May 21, 2010. The City Clerk read the title as follows:

ORDINANCE NO. 2168

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 54, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY RESERVING CERTAIN SECTIONS OF ARTICLE 5 AND CREATING A NEW ARTICLE 6 ENTITLED, "IMPOUNDMENT OF MOTOR VEHICLES USED TO FACILITATE CERTAIN CRIMES"; AND PROVIDING FOR CODIFICATION, 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 Dean and seconded by Commissioner McQueen, to adopt Ordinance No. 2168. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2172 - SECOND READING - Amending Apopka Code of Ordinances, Chapter 82, by adopting a new Article VI entitled, "Water Conservation Ordinance for Landscape Irrigation." - Mayor Land said Ordinance No. 2172 does not meet the advertising requirements for adoption and will be held over for a Third Reading. The City Clerk read the title as follows:

ORDINANCE NO. 2172

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, REPEALING AND REPLACING ORDINANCE NO. 2107 IN ITS ENTIRETY; AMENDING CHAPTER 82, "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, BY REPEALING ARTICLE 6, IN ITS ENTIRETY, AND ADOPTING A NEW ARTICLE 6, ENTITLED "WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION"; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER

MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor Land noted a scrivener's error within the distributed ordinance with the misspelling of the word "ITS". The error is to be corrected prior to adoption.

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

MOTION was made by Commissioner Till and seconded by Commissioner McQueen, to accept the Second Reading of Ordinance No. 2172, and hold it over for a Third Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

3. ORDINANCE NO. 2174 - FIRST READING - Amending Chapter 78, Article III of the Apopka Code of Ordinances entitled "The City of Apopka Traffic Light Safety Act". - Mayor Land said Ordinance No. 2174 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. 2174

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 78, "TRAFFIC AND MOTOR VEHICLES", ARTICLE III, ENTITLED "THE CITY OF APOPKA TRAFFIC LIGHT SAFETY ACT"; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT CONSISTENT WITH GENERAL LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING 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 Till and seconded by Commissioner Arrowsmith to accept the First Reading of Ordinance No. 2174, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS - There were no department reports or bids.

MAYOR'S REPORT - Mayor Land reported receiving a letter from the Apopka Woman's Club, signed by Kathy Hopper, Foliage Chairman; and Sharon Fisher, Foliage Co-Chairman, of the Art & Foliage Festival expressing their appreciation for the work done by City employees in preparing the foliage area of Kit Land Nelson Park for the 49th Apopka Art & Foliage Festival - specifically named employees are: Dennis Carter, Brad Green, Wayne Cheney, Justin Dunn, Tom Gallion, Alvin Hagins, Paul Howard, Melvin Jones, Tom Larkin, Joe Leonard, Ryan Leonard, Eddie Long, Gayle Moon, Juan Moreno, David Niles, David Odom, Mark Rathman, Tim Rippon, and Clifford White.

Mayor Land also reported receiving an E-mail from Pam Welker, Apopka citizen, who recently completed the 12-week Citizen Public Safety Academy with Officer Popp. She states it's the best thing she has ever done; gives her a profound respect for the men and women who serve the citizens of Apopka.

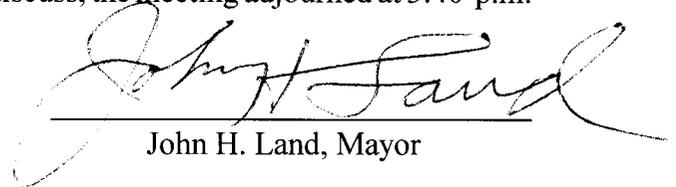
OLD BUSINESS

1. **Council** - There was no old business from the City Council.
2. **Public** - There was no old business from the public.

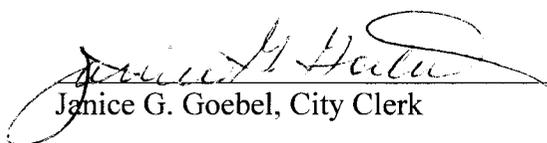
NEW BUSINESS

1. **Council** - There was no new business from the City Council.
2. **Public** - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 3:40 p.m.


John H. Land, Mayor

ATTEST:


Janice G. Goebel, City Clerk