

**Minutes of a regular City Council meeting held on September 1, 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

PRESS PRESENT: John Peery - Apopka Chief

**INVOCATION AND PLEDGE OF ALLEGIANCE** - Mayor Land called the meeting to order and gave the Invocation. He said it was in September, during the War of 1812, that Francis Scott Key was a prisoner on an English ship watching the bombardment of Fort McHenry, where the American Flag was flying. He was worried about the loss of the Fort, and through the night he watched the flag fly as the bombs burst in the air. By the dawn's early light, through the mist of the fight, he was able to see that the flag was still flying, prompting him to write our National Anthem. He asked everyone to reflect on that event in the life of our Nation as he led in the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

1. Approve the minutes from the regular City Council Meeting held on August 18, 2010, at 8:00 p.m.
2. Approve the appointment of James W. Greene as a member of the Planning Commission to fill a vacancy on the board.
3. Authorize the two-year renewal for the Non-exclusive Franchise for Roll-off Container Collection and Disposal of Waste in the City of Apopka with CRM Roll-Off Division.
4. Authorize the expenditure, in the amount of \$58,799.77, to Zimek Systems for the purchase of rapid decontamination equipment.
5. Approve the Disbursement Report for the month of August, 2010.

Commissioner Arrowsmith requested that Item 3 be voted on separately as CRM is a client of the Bank and he will be abstaining from voting.

Commissioner Till requested that Item 4 be voted on separately for discussion.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Till, to approve Items 1, 2, and 5 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 Item 3 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.**

**MOTION was made by Commissioner Till and seconded by Commissioner Arrowsmith to approve Item 4.**

The Council discussed the budgeting and importance of the purchase.

CAO Anderson advised this was a new technology for quickly disinfecting police cars, ambulances, as well as buildings. He said it can also kill the anthrax bacteria and can be used in decontamination for hazardous materials.

Mayor Land mentioned the liability of the City if the emergency transport vehicles are not properly sanitized.

CAO Anderson added that this technology will significantly reduce the out-of-service time for emergency vehicles and equipment to be sanitized.

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

## **PRESENTATIONS**

**1. Samuel Anderson - Public Services/Sanitation - 5 Year Service Award** - Mayor Land said Samuel was not present and would be presented his award at a later time.

**2. Charles Rogers - Public Services/Sanitation - 5 Year Service Award** - Mayor Land said Charles was not present and would be presented his award at a later time.

**3. Justin Dunn - Public Services/Cemetery - 10 Year Service Award** - Mayor Land said Justin was not present and would be presented his award at a later time.

**4. Ray Thompson - Fire Chief's Office - 20 Year Service Award** - Mayor Land said Ray began working for the City as a full time Firefighter on August 6, 1990. He passed his exam on February 4, 1991, and became a Firefighter First Class. On December 9, 1999, he was promoted to Firefighter/Lieutenant. Then Ray was promoted to Fire Captain on January 13, 2004. On October 1, 2009, Ray was promoted to Assistant Fire Chief, which is his current position. The City Council joined Mayor Land in congratulating Ray on his service award.

**5. Recognize the new Americorp volunteers - Laura Firtel, Hope Community Center -**

Ms. Firtel said September 1, 2010 begins a year of service for the 28 Notre Dame Americorp volunteers, who have committed a year of their life to perform service in the City of Apopka. She said each volunteer will serve at least 1700 hours, working in public schools, grass root community organizations, domestic violence shelters in Orange and Osceola Counties, teach English as a second language, work with preschool children, teach citizenship classes, tutor, mentor, and much more. She had the volunteers introduce themselves and photographs were taken.

**6. Town Center Update - Chris Wrenn, Pizzuti** - The PowerPoint presentation by Mr. Wrenn is incorporated hereto and made a part of these minutes.

Christopher Wrenn, Planning Manager with Pizzuti Solutions, 864 Aspen Avenue, Orlando, recognized the project team and said their efforts have been divided into planning and design, engineering services, and market study and analysis. He provided an update of where they are in the process and said they were still in Part 1, the discovery period. He stated they have commenced Task 2 efforts and Task 1 efforts have been completed. Task 2 is the market analysis and Concept Master Plan. He advised that once these are complete, they will move into Part 2, the implementation period, wherein they will go over the final Concept Master Plan approval and implementation strategy for the plan as well as a Phase I development program. Part of Task 1, as identified in their contract, is the initial schedule of benchmarks, responsibilities, and progress status reports, completion of the initial due diligence report, report on results of the first public workshop, findings from the parking study, preliminary market report, and the definition of project boundaries for the Concept Master Plan study. He reviewed the process to date and said on August 18, 2010 they delivered the Task 1 report to the City. Currently the project team is engaged in the Task 2 efforts.

In response to questions from Commissioner Till, Mr. Wrenn advised the City has been evaluating the adoption of a Master Stormwater Plan where Martin's Pond is utilized to accommodate stormwater runoff.

CAO Anderson said that stormwater was a project the City has had ongoing apart from this project for over two (2) years.

Mr. Wrenn said from a topography standpoint, the overall primary study area was relatively flat. He said there was a unique landscape character that is inherent to the site that can be maximized and turned into a great asset. He stated from a planning standpoint there were no major issues identified in the due diligence. He said certain parcels would benefit from having a future land use designation as mixed-use and as they work forward, will identify those specific sites. He stated any developments identified for Phase 1 catalyst sites, would be recommended to be rezoned to PUD. He said they reviewed the transportation study and the City was interested in creating a transportation concurrence area in the downtown which would help encourage redevelopment in the downtown area.

Mr. Wrenn reviewed what the public indicated they wanted in downtown Apopka during the first public workshop. He stated that family outing opportunities were primarily identified, such as a movie theater, and said that most felt that Highway 441 was a traffic issue in downtown Apopka. He stated the most valuable asset to residents was the small town feel of downtown Apopka and the City as a whole. He said they have observed a very strong sense of public unity and pride in the community throughout this process. He reviewed various issues and concerns that were discussed at the public workshop such as public safety, parking, and the stigma that outsiders have about the City. He stated the catalyst sites that will be identified will help bring Apopka and the downtown Town Center concept to life.

CAO Anderson said this report was very preliminary and this will be refined before the Council receives their next report.

Mr. Wrenn said Pizzuti is moving forward into Task 2, the more detailed market analysis and master plan for downtown, and is working to develop two Concept Master Plans to present to City staff within the next month. They will perform a transportation, engineering, and zoning analysis based off of the proposed Phase 1 developments to identify what the impacts might be from a transportation standpoint, engineering infrastructure standpoint, and specific site development. The Concept Master Plan will be presented to the City and the public, identifying Phase 1 development sites.

CAO Anderson said this presentation provides a status update and requires no action from the Council.

Mayor Land inquired if there would be another workshop for the public, to which Mr. Wrenn said they were hoping to schedule a second public workshop after the Conceptual Master Plans are provided to the City. A short public question/answer period ended the presentation.

CAO Anderson said from the inception of the Town Center project, the intent was a public/private partnership to maximize the return on the investment, recuperate the dollars and reinvest in other areas of the community.

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

#### **ORDINANCES AND RESOLUTIONS**

1. **ORDINANCE NO. 2186 - SECOND READING & ADOPTION - ANNEXATION - Cooper Oaks Commerce Park, LLC, property located at 506 South Bradshaw Road. (0.28 +/- acre)**  
Mayor Land said Ordinance No. 2186 meets the requirement for adoption, having been duly advertised in the Apopka Chief on August 20, 2010. The City Clerk read by title as follows:

#### **ORDINANCE NO. 2186**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HERINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY COOPER OAKS COMMERCE PARK, LLC., LOCATED NORTH OF JOHNS ROAD AND WEST OF SOUTH BRADSHAW ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Dean, and seconded by Commissioner Till, to adopt Ordinance No. 2186. Commissioner Arrowsmith declared he would abstain from voting due to their being a client of the bank and would file a Form 8B. Motion carried 4-0, with Mayor Land and**

**Commissioners Dean, McQueen, and Till voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

Mayor Land said Ordinance Nos. 2187 - 2190 meet the requirements for adoption, having been duly advertised in the Apopka Chief on August 20, 2010.

**2. ORDINANCE NO. 2187 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - Jose A. & Iris N. Acevedo - from County Rural to City Commercial, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - The City Clerk read by title as follows:**

**ORDINANCE NO. 2187**

**AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY OWNED BY JOSE A. & IRIS N. ACEVEDO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to adopt Ordinance No. 2187. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**3. ORDINANCE NO. 2188 - SECOND READING & ADOPTION - CHANGE OF ZONING - Jose A. & Iris N. Acevedo - from County R-CE to City C-1, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road.**

Mayor Land opened the public hearing.

Richard N. Nixon, 302 James Avenue, expressed concern about the change from rural to commercial, as to the impact and quality of life change, traffic issues, and a change in the value of his property.

Larry Smyntek, 546 West Kelly Park Road, spoke in opposition to the changes.

Roy Sweat, 3125 Crestwood, representing Mr. Uebel, said he was not asking for any more or less than what people in that area have. He stated the area at Rock Springs Road and Kelly Park Road has been commercial for years.

Mayor Land closed the public hearing.

CAO Anderson said the Department of Community Affairs has commented that Apopka had too much residential and not enough commercial in that area. He advised the City has already committed that everything north of Ponkan Road will be one dwelling unit per acre or more in density to try and protect the rural environment. As a part of this, the only areas being looked at for commercial development are where there are key intersections. He advised the City is looking for neighborhood type of commercial development only.

The City Clerk read by title as follows:

**ORDINANCE NO. 2188**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-1 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY JOSE A. & IRIS N. ACEVEDO, LOCATED ON THE NORTHWEST CORNER OF KELLY PARK ROAD AND MT. PLYMOUTH ROAD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Land asked if there was any further public input, and hearing none, called for a motion.

**MOTION by Commissioner Arrowsmith and seconded by Commissioner McQueen, to adopt Ordinance No. 2188. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**4. ORDINANCE NO. 2189 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - William M. Uebel - from County Rural to City Commercial, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - The City Clerk read by title as follows:**

**ORDINANCE NO. 2189**

**AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY OWNED BY WILLIAM M. UEBEL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Land opened the meeting for public hearing.

Tony McArthur, 548 Helen Court, inquired if the City currently has fire service within five (5) miles of some of these locations.

CAO Anderson said fire and police service is the first thing reviewed when looking at annexations.

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

**MOTION by Commissioner Till, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2189. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**5. ORDINANCE NO. 2190 - SECOND READING & ADOPTION - CHANGE OF ZONING - William M. Uebel - from County R-CE to City C-1, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - The City Clerk read by title as follows:**

**ORDINANCE NO. 2190**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-1 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY WILLIAM M. UEBEL, LOCATED ON THE NORTHWEST CORNER OF KELLY PARK ROAD AND MT. PLYMOUTH ROAD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2190. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**6. ORDINANCE NO. 2191 – SECOND READING & ADOPTION– Amending Chapter 2, Administration, Section 2-121, Special Service Charges, by increasing the Special Service Charge for outstanding lien searches. - Mayor Land said Ordinance No. 2191 meets the requirements for adoption, having been duly advertised in the Apopka Chief Newspaper on August 20, 2010. The City Clerk read by title as follows:**

**ORDINANCE NO. 2191**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE IV. “FINANCE,” DIVISION 2. “FEES,” SECTION 2-121. “SPECIAL SERVICE CHARGES,” OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA; BY INCREASING THE SPECIAL SERVICE CHARGE FOR OUTSTANDING LIEN SEARCHES; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to adopt Ordinance No. 2191. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**SITE APPROVALS** - There were no site approvals.

**MAYOR'S REPORT** - Mayor Land advised that Mr. Dick Stewart, President of Florida Partnership, extended an invitation to attend a "Vote No Rally on Amendment #4". He said there have been some changes in the amendments and encouraged the Commissioners to attend on September 14<sup>th</sup>, at 4:00 p.m.

**DEPARTMENT REPORTS AND BIDS** - CAO Anderson said the incubator program in conjunction with UCF had been discussed in the past. He advised he has recently received some information back regarding this and the total cost was \$1.9 million for a 5-year term. He stated he was reviewing these costs and would be getting back to the Council in the near future regarding this matter.

## **OLD BUSINESS**

### 1. Council

Commissioner Till said with the new ruling on Senate Bill 360, and how the City would be handling it, to which CAO Anderson responded that they only won before one judge and it is subject to appeal. He stated that until the appeals run out, the City is better to err on the side of caution and give it some time.

### 2. Public - There was no old business from the public.

## **NEW BUSINESS**

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

### 2. Public -

Linda Laurendau, 1785 Nordic Court, said the Council had asked for specific ideas about what could save the City some money, and she presented the City Council with a couple of ideas. She proposed garbage pickup be changed to once weekly, from the current twice weekly pickup, in the cooler months. She also suggested an off peak cycle for recycling could be done from October 1<sup>st</sup> to March 31<sup>st</sup>, and the personnel could be used to perform other tasks. This would also extend the life expectancy on the equipment. Another suggestion was to eliminate the return envelope with utility bills, deliver a notice, via e-mail, that the bill was available with a link to the City's utility page. This option would save paper, envelopes and the cost of recycling those. She concluded that the citizens need to be better educated regarding recycling.

Mayor Land advised the City has conducted surveys in the past, and garbage pickup was at the top of the list. He thanked her for the ideas and said they would take them under consideration.

CAO Anderson said they stopped the envelope in the water bills at one time and received many calls from the public wanting the envelope. He stated they do have the capability to place notices in the water bills. Automated billing is also being done and currently in the testing stages. He discussed garbage pickup and advised when they automated, they went from three (3) people per truck to one (1) person.

Patricia Merriweather, 2339 Cerberus Drive, said she was a member of a relatively new club in Apopka for senior citizens that is called, "Apopka Seniors on the Move". She read the club's mission statement, spoke of the club activities, and encouraged new members to join. She said they currently have 33 members, and there are no fees to join.

Tony McArthur, 548 Helen Court, inquired when the proposed Budget would be available prior to the September 15<sup>th</sup> meeting. He spoke against a tax rate increase, and made several recommendations regarding reductions in employee costs.

Mayor Land said that they would send Mr. McArthur a notice when the Budget was available for review.

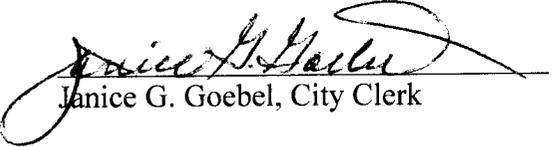
Discussion regarding the FY 2010-11 proposed budget continued, and CAO Anderson said staff is continuing to go through everything in the Budget.

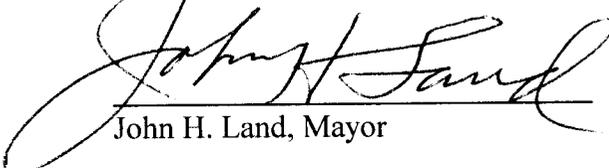
Mayor Land said the City held the millage rate last year to 3.5168, well below the rolled back millage rate for a savings to the residents. He stated our tax rate was the lowest in Orange County and we were a full service City. He said the quality of service to the citizens has increased over the years, and is being provided by very professional people.

CAO Anderson said our goal is to keep the same millage rate as last year. He advised the City was doing everything possible to save money and reported the health insurance had a 0.5% decrease in premiums this year. The Employee Health Clinic is a defined cost and the employees' use of the clinic keeps insurance rates down. He declared the City does not want to balance this Budget on the backs of the employees. He stated the 13% decrease in ad valorem taxes was a decrease of \$1 million in revenues, which through all of the employees' efforts we are saving over \$1 million in the Budget and offsetting that 13% decrease. He declared the employees work hard every day to keep these numbers down, yet the City has not decreased services. He stated the City has good quality employees that are looking at everything we do. He said staff is looking at pension plans, reviewing personnel policies, and looking at areas where changes might be made. He reiterated they continue to look at ways to save money and stated Apopka has the lowest millage rate in Orange County.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at <sup>3:49</sup>8:24 p.m. 10

ATTEST:

  
Janice G. Goebel, City Clerk

  
John H. Land, Mayor