

Minutes of a regular City Council meeting held on December 15, 2010, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor John H. Land
Commissioner Billie Dean
Commissioner Marilyn U. McQueen
Commissioner Kathy S. Till

ABSENT: Commissioner Bill Arrowsmith

PRESS PRESENT: John Peery - Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE - Mayor Land called the meeting to order and gave the Invocation. Mayor Land said it was in the Christmas Season on December 16, 1944, that the Battle of Bulge started. He said the enemy pushed over 60 miles into the allied territory and they were able to stop that movement on Christmas Day, taking the month of January to regain the ground lost. The Americans had casualties of over 40,000 and the Germans had five (5) times that. He asked that everyone reflect on the great sacrifice made by those Americans on behalf of the freedom we enjoy today, as he led in the Pledge of Allegiance.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on December 1, 2010, at 1:30 p.m.
2. Authorize the issuance of a Peddler's Permit to Devin Dixon, TNT Fireworks, to sell state-approved sparklers from December 20, 2010, through January 3, 2011, at 2400 E. Semoran Blvd.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the two (2) items of the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

PRESENTATIONS - There were no presentations.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. D.R. Horton, c/o James H. McNeil, Jr., Esq., Akerman Senterfitt, has requested that the City Council reconsider allowing a reduction of living area from 2,150 sq. ft. to 1,800 sq. ft. for the Stonewood Reserve subdivision.
Note: This item has been pulled at the request of the applicant.

At the request of the applicant, this item was pulled from the agenda and no City Council action was taken.

ORDINANCES AND RESOLUTIONS

Mayor Land said Ordinance Nos. 2201 - 2204, are being heard on Second Reading, and will be held over for a Third Reading.

1. **ORDINANCE NO. 2201 - SECOND READING - ANNEXATION** - Mary Michelle Balling, property located at 2486 Boch Road (4.39 acres) - The City Clerk read by title as follows:

ORDINANCE NO. 2201

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 MARY MICHELLE BALLINGS, LOCATED SOUTH OF BOCH ROAD AND EAST OF PLYMOUTH-SORRENTO 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 Till, and seconded by Commissioner McQueen, to accept the Second Reading of Ordinance No. 2201, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

2. **ORDINANCE NO. 2202 - SECOND READING - ANNEXATION** - Ralph A. Smith Trust & Vernice L. Smith Trust, property located at 2604 Boch Road (14.92 acres) - The City Clerk read by title as follows:

ORDINANCE NO. 2202

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 RALPH A. SMITH TRUST AND VERNICE L. SMITH TRUST, LOCATED SOUTH OF BOCH ROAD AND EAST OF PLYMOUTH-SORRENTO 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 McQueen, to accept the Second Reading of Ordinance No. 2202, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

3. **ORDINANCE NO. 2203 - SECOND READING - ANNEXATION** - Center of Faith Church, Inc., properties located at 640 and 700 Vick Road (6.48 acres) - The City Clerk read by title as follows:

ORDINANCE NO. 2203

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 CENTER OF FAITH CHURCH, INC., LOCATED SOUTH OF MARTIN STREET AND EAST OF VICK 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 Till, and seconded by Commissioner McQueen, to accept the Second Reading of Ordinance No. 2203, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

- 4. ORDINANCE NO. 2204 - SECOND READING - ANNEXATION - Kurt Marn, Paula Marn, and Pioneer Welding & Fabrication, Inc., property located at 1051 Ocoee-Apopka Road (2.48 acres) - The City Clerk read by title as follows:**

ORDINANCE NO. 2204

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 KURT MARN, PAULA MARN, AND PIONEER WELDING & FABRICATION, INC., LOCATED SOUTH OF OCOEE-APOPKA ROAD AND WEST OF HAWTHORNE AVENUE; 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 Till, and seconded by Commissioner Dean, to accept the Second Reading of Ordinance No. 2204, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

- 5. ORDINANCE NO. 2205 - SECOND READING & ADOPTION - Amending Apopka Code of Ordinances, Section 2-113 "Fees for Copies of Documents"; and Section 2-116 "Fees for Police and Public Safety Services"; and creating a new Section 2-122, entitled "Fees for Extraordinary Services;" - Mayor Land said Ordinance No. 2206 meets the requirements for adoption, being duly advertised in the Apopka Chief on December 3, 2010. The City Clerk read by title as follows:**

ORDINANCE NO. 2205

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE IV, "FINANCE," DIVISION 2, "FEES;" BY AMENDING SECTION 2-113 "FEES FOR COPIES OF DOCUMENTS"; AND SECTION 2-116 "FEES FOR POLICE AND PUBLIC SAFETY SERVICES"; CREATING A NEW SECTION 2-122 ENTITLED "FEES FOR EXTRAORDINARY SERVICES;" PROVIDING FOR CODIFICATION, AND PROVIDING FOR 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 Till, and seconded by Commissioner McQueen, to adopt Ordinance No. 2205. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

- 6. ORDINANCE NO. 2206 - SECOND READING & ADOPTION** - Amending Apopka Code of Ordinances, Chapter 66, "SOLID WASTE," Article II, "Municipal Refuse Collection Service," by creating a new Division 5, to be entitled "Secondary Metals Recyclers" - Mayor Land said Ordinance No. 2206 meets the requirements for adoption, having been duly advertised in the Apopka Chief on December 3, 2010. The City Clerk read by title as follows:

ORDINANCE NO. 2206

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 66, "SOLID WASTE," ARTICLE II "MUNICIPAL REFUSE COLLECTION SERVICE," OF THE CODE OF ORDINANCE OF THE CITY OF APOPKA, BY CREATING A NEW DIVISION 5 TO BE ENTITLED "SECONDARY METALS RECYCLERS"; PROVIDING FOR RESERVING OF CERTAIN SECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2206. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

- 7. ORDINANCE NO. 2207 - FIRST READING** - Amending Apopka Code of Ordinances, Chapter 22 - "Buildings and Building Regulations," Article III - "Permit Fees." - Mayor Land said Ordinance No 2207 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. 2207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III, - PERMIT FEES" BY REPLACING IN ITS ENTIRETY SECTIONS 22-49, 22-50, AND 22-51; DELETING SECTION 22-52; AND REPLACING THEM WITH SECTION 22-49 " PERMIT FEES - BUILDING, ELECTRICAL, GAS, MECHANICAL, AND PLUMBING, " SECTION 22-50 - " REJECTION, CORRECTION NOTICE, STOP -WORK ORDER, OR CITATION FEES;" AND BY CREATING A NEW SECTION 22-51" PERMIT FEES - MISCELLANEOUS;" PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 McQueen, and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2207, and hold it over for a Second Reading.

In response to Commissioner Till's inquiry as to whether this ordinance was written in preparation of a loss of impact fees, CAO Anderson advised this ordinance is bringing our rates in line with surrounding agencies.

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

8. RESOLUTION NO. 2010-10 - Establishing a revised Personnel Policies and Procedures Manual and renaming those policies and procedures as "Personnel Rules and Regulation". - The City Clerk read the title as follows:

RESOLUTION NO. 2010-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL AND RENAMING THOSE POLICIES AND PROCEDURES AS "PERSONNEL RULES AND REGULATIONS" FOR CONSISTENCY AND CLARITY, AND ESTABLISHING AN EFFECTIVE DATE.

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

MOTION by Commissioner McQueen, and seconded by Commissioner Dean, to adopt Resolution No. 2010-10.

Commissioner Till inquired if the section regarding being rehired after resignation had anything to do with the Deferred Retirement Option Plan (DROP).

CAO Anderson said that the DROP rules and regulations were within the Pension Plan; however, this document has been a work-in-progress for five (5) years and puts everything into perspective. He stated this brought some cost-saving measures forward, and he then gave a review of some of the revisions. He pointed out that Veteran's Day will now be recognized as a City holiday.

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

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson reported it was noticeable from the Administrative Report that there has been a slight increase in construction.

MAYOR'S REPORT - Mayor Land reported the annual "Shop with a Cop" will be held at Wal Mart, on Thursday, December 16th, at 5:00 p.m. He encouraged Commissioners to participate in the event.

Mayor Land said a Thank You card was received from *Apopka's Caring Trust*, expressing appreciation to City employees, Deputy Police Chief Robbie Manley, and Edith Torres of the Community Development Department, for their assistance in preparing for the Golf Cart Parade in Errol Estate on Saturday, December 11th. They reported the event raised over \$300, plus canned goods, for Loaves & Fishes and local Elementary Schools.

Mayor Land announced a Special City Council Meeting is called for Wednesday, December 29, 2010, at 1:30 p.m., in the City Council Chamber. The purpose of the Special Meeting is to adopt Ordinance Nos. 2201, 2202, 2203, and 2204, annexing property into the City and to close out any unfinished City business for the calendar year. He reported that LDI will be meeting with the Council at the second meeting in January.

Mayor Land announced the passing of Marvin Zanders last Sunday and his funeral services will be held on Monday, December 20, 2010, 12:00 p.m., at the New Destiny Christian Center in Apopka. Viewing will be held Sunday from 10:00 a.m. to 5:00 p.m. He said Mr. Zanders was a community leader and will be greatly missed.

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 thanked the Police Department and Recreation for their assistance with the Christmas Parade on Saturday. She said that without the City's involvement, the Sertoma Club's Christmas Parade would not have been so successful.

Commissioner McQueen complimented and commended the City employees on the new street landscaping.

Commissioner Till reported the Florida League of Cities "Keys to the Cities" Task Force had their final meeting today in Orlando and they have a long-term agenda that will be presented to Governor-Elect Scott in January.

Commissioner Till reported she will be representing the Tri-County League of Cities regarding their legislative agenda for the 2011 session. She said they were focusing on four (4) priorities; high speed and commuter rail, revenue and expenditure caps (TABOR), pension reform, and the future of the Department of Community Affairs in growth management.

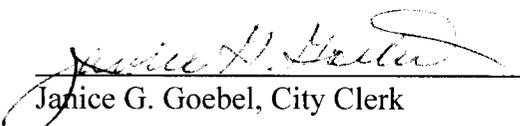
Commissioner Till reported that she attended the Orange County Legislative Delegation meeting on Monday, December 13th. They will be having another delegation meeting before they start session and she will be presenting the Tri-County's agenda at that meeting. She sought comments from the City Council regarding concerns for cities.

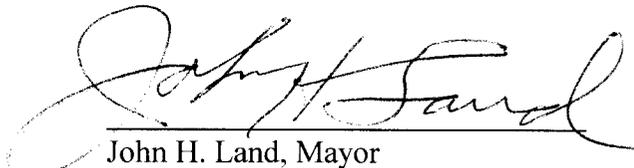
CAO Anderson reminded the City Council of the Employee Luncheon this Friday.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:29 p.m.

ATTEST:


Janice G. Goebel, City Clerk


John H. Land, Mayor