

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on November 20, 2013, at 8:00 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 in 1789 George Washington issued the first National Thanksgiving Proclamation designating November 3<sup>rd</sup>, a Thursday, to honor the adoption of the Constitution, a form of government that would make for safety and happiness. He asked everyone to reflect on that, especially what a great Nation we have under our Constitution, as he led in the Pledge of Allegiance.

Mayor Land advised that zoning change and land use on property was site specific and cautioned against any ex parte communication on quasi-judicial hearings.

Jim Thompson, representing the Villa Capri HOA, addressed the City Council concerning potential projects abutting Errol Estates that could impact their community.

Mayor Land called a recess at 8:18 p.m. and reconvened at 8:20 p.m.

**PRESENTATIONS** - There were no presentations.

### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on November 6, 2013, at 1:30 p.m.
2. Approve the minutes from a special City Council meeting held on October 30, 2013, at 7:00 p.m.
3. Approve the request from the Foliage Sertoma Club of Apopka, Inc., to hold its annual Apopka Christmas Parade on Saturday, December 14, 2013, and authorize waiver of the Special Event fees.
4. Authorize the purchase of one sanitation claw truck, in the amount of \$191,879.00, from Kenworth of Central Florida.
5. Authorize the purchase of two sanitation rear loader trucks, in the amount of \$553,701.00, from Mack Nextran Truck Center.
6. Authorize the purchase of one Elgin Pelican (NCG) street sweeper, in the amount of \$242,939.00, from Environmental Products of Florida.

7. Authorize the purchase of one street bucket service truck, in the amount of \$111,640.00, from Altec Industries, Inc.
8. Authorize the Chief Administrative Officer to execute the inmate work squad Contract # WS800 Amendment #1, in the amount of \$58,004.00.
9. Authorize the expenditure of funds, in the amount of \$78,560.90, from the Federal Law Enforcement Trust Fund to purchase crime prevention surveillance equipment.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the 9 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.

### **ORDINANCES AND RESOLUTIONS**

1. **ORDINANCE NO. 2338 - FIRST READING - ANNEXATION** - Norman Sawyer, property located at 117 W. Nancy Lee Lane. (0.83 +/- acre)

Mayor Land said Ordinance No. 2338 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. 2338**

**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 NORMAN SAWYER, LOCATED NORTH OF NANCY LEE LANE AND WEST OF ROCK SPRINGS 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 accept the First Reading of Ordinance No. 2338, and hold it over for a Second Reading. Commissioner Arrowsmith reported he would be abstaining from voting due to the owner/applicant being a client of the bank he serves as Executive Vice President. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

2. **ORDINANCE NO. 2341 - FIRST READING** - Rescinding the current Article II, "Nuisances", of Chapter 42, "Environment", and creating a new Article II, entitled, "Nuisance Abatement".

Mayor Land said Ordinance No. 2341 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. 2341**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING THE CURRENT ARTICLE II OF CHAPTER 42, "NUISANCES" OF CHAPTER 42, "ENVIRONMENT", AND CREATING A NEW ARTICLE II, ENTITLED "NUISANCE ABATEMENT," RELATING TO THE PROVISION OF NUISANCE SERVICES BY THE CITY; AUTHORIZING THE IMPOSITION OF A COLLECTION OF NUISANCE ABATEMENT SERVICE ASSESSMENTS AGAINST REAL PROPERTY; CREATING A NUISANCE ABATEMENT TRUST FUND; PROVIDING DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT NUISANCE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED REAL PROPERTY UPON ADOPTION OF AN ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A NUISANCE ABATEMENT SERVICE COLLECTED PURSUANT TO SECTION 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE REAL PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDE FOR POWERS AND DUTIES OF A NUISANCE INSPECTOR; PROVIDING FOR COMPLIANCE REQUIREMENTS, PENALTIES AND UNIFORM SPECIAL ASSESSMENT AND LIENS TO RECOVER COSTS; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; FOR CONFLICTS, SEVERABILITY 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 Dean, to accept the First Reading of Ordinance No. 2341, and hold it over for a Second Reading.**

In response to a question by Commissioner Kilsheimer regarding how the city plans on ramping this program and notification, CAO Anderson explained this Ordinance will allow Code Enforcement to move a little faster on nuisance cases. He said we will be educating those who

receive notices and it ensures a means to collect the fines levied for these cases. The first intent is to obtain compliance. He advised that the Council will approve placing any assessments on the tax roll.

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

**3. RESOLUTION NO. 2013-13 - BROWNFIELD DESIGNATION** - Sam's East, Inc., property located at 1500 South Orange Blossom Trail. (Parcel ID Nos.: 24-21-28-0000-00-002, 24-21-28-0000-00-049, 24-21-28-0000-00-083, and 24-21-28-0000-00-084).

Mayor Land said Resolution No. 2013-13 has been pulled from the agenda at the request of the applicant. No City Council action was taken.

#### **SITE APPROVALS**

**1. REPLAT - Lester Ridge Subdivision** - Owned by Meritage Homes of Florida, Inc., and located at 1786 Water Rock Drive. (Parcel ID No. 29-20-28-4750-00-650).

Mayor Land said this item has been pulled from the agenda at the request of the applicant. No City Council action was taken.

**DEPARTMENT REPORTS AND BIDS** - Chief Administrative Officer Richard Anderson said his report had been distributed and he would answer any questions. He reported a new item has been added to the Apopka Service Kiosk (ASK) that provides additional information such as number of visits, etc., keeping the Council informed of the activity.

CAO Anderson reported we continue to see turn around economically with increases in projects and development. He affirmed Hobby Lobby will be locating in the old Albertson's store on State Road 436.

CAO Anderson announced having some communications with AngelouEconomics, and stated information will be provided by them in the very near future.

**MAYOR'S REPORT** - Mayor Land reported the following:

- City offices will be closed Thursday, November 28<sup>th</sup> and Friday, November 29<sup>th</sup> in observance of the Thanksgiving Holiday. Offices will re-open on Monday, December 2, 2013.
- December 3<sup>rd</sup> will be the special election on the Charter question.
- He attended the ECFRPC meeting today and last week he attended the Wekiva Commission where Altamonte Springs gave a presentation on the reuse water project which Apopka is a part of. CAO Anderson advised this was a regional solution to water management that goes back to 2008. He advised the agreement will benefit Altamonte Springs, Apopka, and FDOT in dealing with stormwater management for the Interstate 4 area. He also advised Senator Simmons has a new water initiative that we will be hearing

more about in regards to doing away with septic tanks, and fertilizers that is far-reaching and will impact our residents.

Mayor Land said the project is a combination of 2 cities in 2 counties working together, and includes 3 State agencies.

CAO Anderson spoke about how MetroPlan is looking at changing the representation of its Board membership that could adversely impact Apopka and Altamonte Springs, as well as some other cities. He applauded Mayor Land's action concerning slowing down this proposal.

## **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 Kilsheimer said he was at the Teach-in today at Wolf Lake Elementary School and stated it was heartwarming to witness the APD SWAT Team interacting with the young children.

CAO Anderson advised the SWAT Team will be brought before the Council soon regarding a competition they were recently participants in and finished 10<sup>th</sup> and 23<sup>rd</sup> out of 61 international teams.

Commissioner Kilsheimer reminded everyone that the Festival of Trees is being held December 1<sup>st</sup> – December 8<sup>th</sup> at the Museum of the Apopkans. The Apopka Historical Society will have 16 participating teams and individuals with 19 decorated trees. On December 1<sup>st</sup> there will be a tree lighting ceremony at 5:15 p.m. He stated the volunteers of the museum are appreciative of all the work the City has done.

CAO Anderson reminded the Council that January 1, 2014 is a scheduled date for the 1:30 p.m. Council meeting and they will need to make other arrangements.

Commissioner Kilsheimer announced that CAO Anderson was named "Orange County Executive of the Year" by the Tri-County League of Cities.

CAO Anderson said the members of the Charter Review Committee have been contacted and the first meeting will likely take place the first week of January. He reminded that the Committee Members are not to communicate amongst themselves as this is violation of the Sunshine Law and Attorney McLeod will be going over this with the committee members.

Mayor Land advised he has received good reports on the Parking Ordinance Committee that is working with Chief Manley.

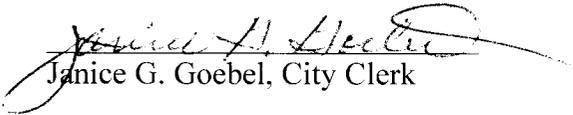
**2. PUBLIC** – There was no new business from the public.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 8:44 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk