

CITY OF APOPKA

Minutes of the regular City Council meeting held on July 3, 2013, at 1:30 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 tomorrow is Independence Day, the 4th of July, and on that day in 1776, the Second Continental Congress adopted the Declaration of Independence. After the first part of it that said “*all men are created equal*”, then they listed the charges against the King which were long, and then they made a pledge at the end of the Declaration, pledging to each other, as follows: “*and for the support of this Declaration with a firm reliance on the protection of Devine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.*” History would show that many lost their lives and many of them lost their fortune, but no one’s honor was blemished. They were true to their pledge and remained on until the Country was free. He asked everyone to reflect on their dedication, as he led the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Jerry A. Bowser – Public Services/Waste Water Plants – Five Year Service Award - Mayor Land said Jerry was not present and would be presented his award at a later time.
2. Stephanie M. Gibbs – Police/Communications – Ten Year Service Award - Mayor Land said Stephanie was not present and would be presented her award at a later time.
3. Phil R. Hardy – Public Services/Fleet Management – Ten Year Service Award - Mayor Land said Phil was not present and would be presented his award at a later time.
4. David L. Whitty – Police/Support Services – Ten Year Service Award - Mayor Land said Dave started working for the City on June 16, 2003, as a Code Enforcement Officer, which is his current position. The City Council joined Mayor Land in congratulating Dave on his years of service to the City.
5. Brett E. Webster – Police/Field Services – Fifteen Year Service Award - Mayor Land said Brett started working for the City June 1, 1998, as a Police Officer, which is his current position. The City Council joined Mayor Land in congratulating Brett on his years of service to the City.
6. Alvin Hagins – Public Services/Grounds – Twenty Year Service Award - Mayor Land said Al started working for the City on June 30, 1993, as a Laborer I for Street Maintenance. His

title changed to Maintenance Worker I on October 6, 1993. He was reclassified to Maintenance Worker II on February 15, 1995. Al was reclassified to Streets Specialist on January 25, 1998. On April 15, 2003, he was transferred to Grounds, and effective July 6, 2008, he was reclassified to Grounds Specialist, which is his current position. The City Council joined Mayor Land in congratulating Al on his years of service to the City.

7. Beatrice Franqui – Administrative Services – Twenty-Five Year Service Award - Mayor Land said Bea began working for the City on June 6, 1988, as a Building Permit Clerk. On April 11, 1991, Bea was reclassified to Administrative Secretary for the Fire Department. Bea had a title change to Secretary III on December 6, 1993. She was promoted to Administrative Assistant on December 6, 1996. On October 23, 2001, she was reclassified to Administrative Service Manager, which is her current position. The City Council joined Mayor Land in congratulating Bea on her many years of service to the City.

PRESENTATIONS There were no presentations.

CONSENT AGENDA

1. Authorize the issuance of a Peddler's Permit to Sylvester Merriweather for the sale of fresh fruits and vegetables from his van.
2. Accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2012.
3. Approve the Disbursement Report for the month of June 2013.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the 3 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

Mayor Land said Ordinance No. 2315 meets the requirements for adoption, having been duly advertised in The Apopka Chief on June 21, 2013.

1. **ORDINANCE NO. 2315 - SECOND READING & ADOPTION - CHANGE OF ZONING** – Apopka Woods, LLC – From R-1 to R-2, for property located north of West McCormick Road, east of Marden Road. (Parcel ID No. 08-20-28-0000-00-007)

The City Clerk read the title as follows:

ORDINANCE NO. 2315

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 TO R-2 FOR CERTAIN REAL PROPERTY

GENERALLY LOCATED NORTH OF THE W. MCCORMICK ROAD AND WEST OF MARDEN ROAD, COMPRISING 24.82 ACRES, MORE OR LESS AND OWNED BY APOPKA WOODS, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, 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. 2315. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS

1. **FINAL DEVELOPMENT PLAN – Cooper Palms Commerce Park** – Owned by Property Industrial Enterprises, Inc., c/o Michael Cooper, property located south of 1st Street, north of 3rd Street, east of South Bradshaw Road, and west of South Hawthorne Avenue.

Community Development Director Jay Davoll gave a summary of the project. He outlined a list of waiver requests, outlined in the staff report. He requested the staff report be incorporated into and made a part of these meeting minutes.

Mayor Land opening 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 approve the Final Development Plan/Plat, as recommended.

Commissioner Arrowsmith abstained from voting as the owner/applicant is a client of the bank he serves as Senior Vice President. He will file a Form 8B.

Motion carried 4-0 with Mayor Land, and Commissioners Dean, McQueen and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson reported the City has been meeting with the Orange County Public Schools regarding the bus depot being located at Apopka Memorial Middle School. The City had issued a Stop Order on the bus depot as it does not comply with the City's Comprehensive Plan. The discussion included sharing of the City's fueling facility on a temporary basis until an alternative site can be determined.

MAYOR'S REPORT

Mayor Land said, on behalf of the City Council and the City of Apopka, he wished to extend deepest sympathy to Apopka Police Officer Josean Velez-Cantres, and his family, on the loss of their 3-year-old daughter, Brie. He applauded the members of the Police Department for their support of one another.

Mayor Land also announced the Apopka Food Truck Round-Up will be held on Thursday, July 11th, 5:00 p.m. to 9:00 p.m., at Kit Land Nelson Park (The date changed to accommodate people celebrating July 4th with their families.)

The Mayor led discussion in regard to scheduling a budget workshop. The City Council chose to call the Budget Workshop immediately following the August 4, 2013, regular City Council meeting.

OLD BUSINESS

1. **COUNCIL** - There was no old business from the Council.

2. **PUBLIC** -

Mike Cooper thanked the City Council on the clean-up operation of the west side of Bradshaw Road. He also thanked staff for working with him on the infrastructure. He said the City is moving in the right direction, and concluded by saying, "I can't say enough about what the City is doing."

NEW BUSINESS

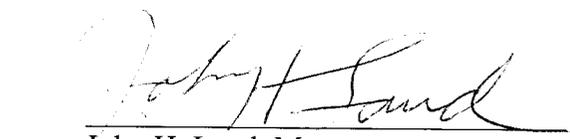
1. **COUNCIL** -

Commissioner Dean thanked CAO Anderson and staff for installing a wrought-iron fence around the retention pond at the Apopka Elementary School.

Commissioner McQueen inquired when the road construction in that area will be completed. CAO Anderson replied that it is targeted to be completed by August 1, however there may be some delay due to the rainy weather.

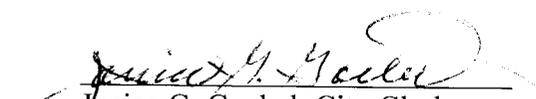
2. **PUBLIC** - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:08 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ARROWSMITH JAMES WILLIAM "BILL"	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL
MAILING ADDRESS PO BOX 1021	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY APOPKA	COUNTY ORANGE
DATE ON WHICH VOTE OCCURRED JULY 3, 2013	NAME OF POLITICAL SUBDIVISION: CITY OF APOPKA
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, J. WILLIAM "BILL" ARROWSMITH, hereby disclose that on JULY 3, 20 13:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, BANKFIRST;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____ by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

AGENDA ITEM:

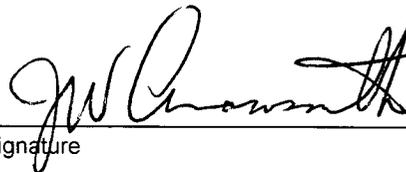
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VOTING CONFLICT: While nothing inures to my personal gain, the owner/applicant is a client of the bank I serve as Senior Vice President.

7-16-2013

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.