

CITY OF APOPKA

Minutes of a regular City Council meeting held on June 20, 2012, at 8:00 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 Joe Kilsheimer

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said Monday was June 18th and on that day, 200 years ago, the War of 1812 started and lasted two (2) years. They did go into Washington and burned the Capital and the White House, and they bombarded Fort McHenry where Francis Scott Key was watching. New Orleans was attacked a few days after the Peace Treaty was signed while General Jackson was defending it, as they didn't get the word in time. He asked everyone to reflect on that event in the life of our Nation as he led the Pledge of Allegiance.

Judge Robert M. Webster addressed the City Council regarding Red Light Cameras. He asked how the refund amount of \$22 was selected out of the \$125 fines paid on the Code Enforcement citations issued for red light running. He also commented that the charge is always Florida Statute and not City Code. He offered to meet with the Mayor and City Attorney to discuss inequities in the Code.

Steve Carmean, 2823 W Ponkan Road, inquired why there has been nothing published regarding the refund amount of the red light camera fines.

Mayor Land responded that he would address questions regarding the red light cameras with the City Attorney for a report.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on June 6, 2012, 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 June 21, 2012, through July 7, 2012, at 955 South Orange Blossom Trail and 2302 East Semoran Blvd.
3. Authorize the presentation of service weapon to retired Police Captain Randal Lautenburg.
4. Authorize the Chief Administrative Officer to sign the exchange and escrow agreements for property along Vick Road and Old Dixie Highway.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to approve the four (4) items on 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 Nos. 2261 – 2264 meet the requirements for adoption, having been duly advertised in The Apopka Chief on June 8, 2012.

1. ORDINANCE NO. 2261 – SECOND READING & ADOPTION – ANNEXATION – Zellwood Properties, LLC, property located at 3641 Fudge Road. (0.45 +/- acre) – Mayor Land said Ordinance No. 2261 meets the requirements for adoption, having been duly advertised in The Apopka Chief on June 8, 2012. The City Clerk read the title, as follows:

ORDINANCE NO. 2261

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 ZELLWOOD PROPERTIES, LLC, LOCATED NORTH OF FUDGE ROAD AND EAST OF HERMIT SMITH 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 Arrowsmith, and seconded by Commissioner McQueen, to adopt Ordinance No. 2261. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. ORDINANCE NO. 2262 – SECOND READING & ADOPTION – ANNEXATION – Zellwood Properties, LLC, property located at 1102 Hermit Smith Road. (2.45 +/- acres) - Mayor Land said Ordinance No. 2262 meets the requirements for adoption, having been duly advertised in The Apopka Chief on June 8, 2012. The City Clerk read the title, as follows:

ORDINANCE NO. 2262

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 ZELLWOOD PROPERTIES, LLC, LOCATED NORTH OF ORANGE BLOSSOM TRAIL AND WEST OF HERMIT SMITH 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 Kilsheimer, and seconded by Commissioner Dean, to adopt Ordinance No. 2262. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. ORDINANCE NO. 2263 – SECOND READING & ADOPTION – ANNEXATION – The Bell Trust, property located at 3648 Hogshead Road. (0.21 +/- acre) – Mayor Land said Ordinance No. 2263 meets the requirements for adoption, having been duly advertised in The Apopka Chief on June 8, 2012. The City Clerk read the title, as follows:

ORDINANCE NO. 2263

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 THE BELL TRUST, LOCATED SOUTH OF HOGSHEAD ROAD AND WEST OF HERMIT SMITH 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 McQueen, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2263. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. ORDINANCE NO. 2264 – SECOND READING & ADOPTION – ANNEXATION – Richard P. Welker and Jeffrey M. Welker Trust, properties located at 721 and 705 E. Keene Road. (4.33 +/- acres) - Mayor Land said Ordinance No. 2264 meets the requirements for adoption, having been duly advertised in The Apopka Chief on June 8, 2012. The City Clerk read the title, as follows:

ORDINANCE NO. 2264

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 RICHARD P. WELKER AND JEFFREY M. WELKER TRUST, LOCATED NORTH OF KEENE ROAD AND EAST OF STANFORD 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 Kilsheimer, and seconded by Commissioner McQueen, to adopt Ordinance No. 2264. Commissioner Arrowsmith announced he would abstain from voting as the owner is a client of the bank. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining, and filing a Form 8B.

5. ORDINANCE NO. 2266 – SECOND READING & ADOPTION - Supporting a moratorium on the issuance of Business Tax Receipts for new pain management clinics and temporarily suspend approvals for zoning, land use and development permit requests. - Mayor Land said Ordinance No. 2266 meets the requirements for adoption, having been duly advertised in The Apopka Chief on June 8, 2012. The City Clerk read the title, as follows:

ORDINANCE NO. 2266

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA RELATING TO PAIN MANAGEMENT CLINICS; ADOPTING FINDINGS; PROVIDING DEFINITIONS; IMPOSING A MORATORIUM ON THE ISSUANCE OF BUSINESS TAX RECIEPTS FOR NEW PAIN MANAGEMENT CLINICS AND APPROVALS FOR ZONING, LAND USE, AND DEVELOPMENT PERMIT REQUESTS; ESTABLISHING THAT NO PAIN MANAGEMENT CLINIC MAY LIMIT ITS BUSINESS TO CASH ONLY; ESTABLISHING HOURS OF OPERATION FOR PAIN MANAGEMENT CLINICS; DIRECTING STAFF TO STUDY, ANALYZE AND REPORT TO THE CITY COUNCIL ON ISSUES RELATING TO PAIN MANAGEMENT CLINICS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Arrowsmith, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2266. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

6. ORDINANCE NO. 2256 – FIRST READING – COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE – Maribel and William Brinkle – from “County” Low Density Residential (4 du/ac) to “City” Commercial for property located east of Plymouth Sorrento Road and north of West Lester Road – David Moon, Senior Planner, gave a brief overview of the request. He declared staff had concerns that without a site plan, they are not sure what type of commercial uses will locate in this vicinity. Staff recommends limiting some of the uses until more information is available in order to determine if it is compatible with nearby

residential. He advised the Planning Commission had a 3-3 vote on this matter and reviewed their concerns.

Discussion ensued regarding development of this area, conducting a land-use study, and providing services to residents in this area.

Commissioner Kilsheimer inquired if the plan was for Lester Road to connect to Rock Springs Road, and Mr. Moon responded in the affirmative.

Discussion ensued regarding the impact this will have on the area once the arterial road is completed. CAO Anderson declared the scope of a small area study needed to be expanded to determine the full impacts of developments in these areas. He stated good planning does mean having neighborhood/commercial close to those neighborhoods so residents won't require traveling as far for their needs.

Mayor Land recommended tabling this matter after hearing from staff.

Mayor Land opened the public hearing.

Raul Palacios, President of the Arbor Ridge Homeowner's Association stated that Arbor Ridge backs up to this intersection, and the residents are very concerned as they do not know what is being proposed for this area.

Daryl M. Carter, who had submitted a Notice of Intent to Speak at Public Hearing card to the City Clerk, said he would waive his time to speak.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to table the First Reading of Ordinance No. 2256 to the July 18, 2012 meeting of the City Council. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

7. ORDINANCE NO. 2257 – FIRST READING – CHANGE OF ZONING – Maribel and William Brinkle from “County” A-1 to “City” Planned Unit Development (PUD) for property located east of Plymouth Sorrento Road and north of West Lester Road.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to table the First Reading of Ordinance No. 2257 to the July 18, 2012 meeting of the City Council. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

8. ORDINANCE NO. 2258 – FIRST READING – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – Richard and Kay Lee from Agriculture to “City” Commercial for property located east of Plymouth Sorrento Road and south of West Lester Road.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to table the First Reading of Ordinance No. 2258 to the July 18, 2012 meeting of the City Council. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

9. ORDINANCE NO. 2259 – FIRST READING – CHANGE OF ZONING – Richard and Kay Lee from AG to Planned Unit Development (PUD) for property located east of Plymouth Sorrento Road and south of West Lester Road.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to table the First Reading of Ordinance No. 2259 to the July 18, 2012 meeting of the City Council. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

10. ORDINANCE NO. 2260 – FIRST READING – CODE OF ORDINANCES – Amendment to the City of Apopka Code of Ordinances, Part II, Chapter 78 – Traffic and Motor Vehicles, Article II – Stopping, Standing and Parking in its entirety – CAO Anderson gave an overview of the process in the rewrite of the parking ordinance. He said much of the discussion originated from homeowner's associations (HOA's) and the police department regarding parking on the streets.

In response to questions from the City Council, CAO Anderson said the prohibited street parking is for long-term parking only, not the occasional party; and the City conducts a sealed bid process for towing services every three (3) years.

Commissioner Kilsheimer thanked staff for their hard work on this rewrite, and commented the new ordinance will be a large benefit to local HOA's.

Mayor Land said Ordinance No. 2260 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. 2260

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART II, CHAPTER 78 "TRAFFIC AND MOTOR VEHICLES," ARTICLE 11 IN ITS ENTIRETY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Kilsheimer, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2260, and hold it over for a Second Reading.

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

11. ORDINANCE NO. 2265 – FIRST READING – CHANGE OF ZONING – International Foliage Corporation, c/o Garry Connell from R-3 to I-1 for property located on the southeast corner of Bradshaw Road and 1st Street - Mayor Land said Ordinance No. 2265 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. 2265

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 TO I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BRADSHAW ROAD, SOUTH OF 1ST STREET, COMPRISING 10.83 ACRES, MORE OR LESS AND OWNED BY INTERNATIONAL FOLIAGE CORPORATION; 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 accept the First Reading of Ordinance No. 2265, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS – There were no site approvals.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer –
CAO Anderson reported:

- The monthly report shows an increase in new permits for construction, which is hopefully a good sign for the economy.
- A meeting was held with Mr. Scott, of Long & Scott Farms, regarding a farmers market. The City is planning to open a weekly farmers market, beginning in October at Kit Land Nelson Park, 8 am to 1 pm, where fresh fruits and vegetables will be featured. Also in the plans are the Community Supportive Agriculture (CSA) program whereby the public can buy into specific farms, and will receive the fresh harvest of the week from that farm. This is an effort for the City to help sustain agriculture in our community.

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- The City will sponsor “Jam in July” on Saturday, July 21st, 4 pm-10 pm, at the Apopka Amphitheater. It will be a smaller scale of the Old Florida Outdoor Festival and will function as one of the quarterly events being offered to highlight the facility and benefit the community.
- The City has two (2) interns working in the Special Events office this summer, assisting with planning and marketing events for the next year.
- The Police Department, in conjunction with the Orange County Sheriff’s Department, Maitland Police Department, and the Winter Park Police Department, conducted a big round-up of the NW Orange County area, serving warrants and making 43 arrests. Chief Manley and the APD were congratulated on a job well done.

MAYOR’S REPORT - Mayor Land reported:

- In recognition of National Garden Week, the Foliage Garden Club of Apopka, the Apopka Garden Club, and the Billie Dean Community Garden, gave the City a presentation of flowers and vegetables.
- Captain Chuck Carnesale, Apopka Fire Department, won “Orange County’s Favorite Tree” Contest – His winning photo was our 112-year-old American Sycamore tree. On June 14th, an award presentation ceremony was held in front of City Hall, where Commissioner Fred Brummer presented Chuck with a Sycamore tree. Chuck immediately donated the new Sycamore tree to the City, and it has been planted in front of City Hall.
- As part of the State of Florida’s 18-month Viva Florida 500 Commemoration, the Florida League of Cities is launching the “History Happened Here” Campaign. Mayor Land asked for help from everyone in gathering historic information about our City’s history.
- Received a Thank You card from Pat Kerrigan for the dish garden arrangement sent during his recent hospital stay. (Sandy Kerrigan is a City employee in the Mayor’s office)
- Due to 4th of July holiday, the City Council meeting scheduled for Wednesday, July 4th has been canceled. The next City Council meeting will be held on Wednesday, July 18th, at 8:00 p.m.
- Thanked Chief Manley and the Police Department for the 43 arrests.
- The Chamber of Commerce meeting was this evening. Wendy Kertz was sworn in as the new President for the next year.
- Asked staff to prepare a verbatim transcription of the request from Judge Webster and Mr. Carmean, for review by the City Attorney.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:12 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk