CITY OF APOPKA

Minutes of a regular City Council meeting held on January 18, 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 Kathy S. Till

PRESS PRESENT: John Peery - The Apopka Chief
Stephen Hudak - Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE The Invocation was given by Mayor Land. He said Monday was Dr. Martin Luther King, Jr. Day and asked everyone to reflect on the work of Dr. King to bring about a peaceful change, as he led the Pledge of Allegiance.

Mayor Land welcomed Boy Scouts from Troops 639 (Sponsored by Zellwood Methodist Church), and 880 (Sponsored by Apopka Calvary Nazarene Church).

Mayor Land recognized Max DiRocco, from Troop 880, who as working toward Eagle Scout, had organized, planned, and completed a project to repaint the grandstands at Edward's Field. CAO Anderson applauded the presentation, planning, and execution of the project by Max, especially at the young age of 12. Mayor Land and the City Council applauded Max on his project.

Mayor Land welcomed and recognized students of Apopka High School, attending as a requirement of their AP Government Class.

Ramiro Villalobos, Rame's R/C Hobby Center on Main Street, gave a presentation to the City Council promoting a Radio Controlled Hobby Park. He provided a petition regarding this matter. Mayor Land asked that he meet with staff to review the project.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on January 4, 2012, at 1:30 p.m.
2. Authorize the Mayor or his Designee to execute the Apopka Business Incubator Agreement between the City of Apopka and the University of Central Florida Research Foundation, Inc.

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

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

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2245 – FIRST READING – CHANGE OF ZONING – Carolyn P. Holt Trust and Patricia P. Hansford Trust – from "County" A-1 to " City" C-1 for property located west of Rock Springs Road and south of Tanglewood Drive. – Mayor Land said Ordinance No. 2245 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. 2245

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 AGRICULTURE TO "CITY" C-1 COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD AND SOUTH OF TANGLEWOOD DRIVE, COMPRISING 0.39 ACRES MORE OR LESS, AND OWNED BY CAROLYN P. HOLT TRUST AND PATRICIA P. HANSFORD TRUST; 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 Arrowsmith, to accept the First Reading of Ordinance No. 2245, and to hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

2. ORDINANCE NO. 2246 – FIRST READING – CHANGE OF ZONING – Raymond E. Cortez – from "County" A-1 to "City" C-1 for property located west of Rock Springs Road and south of Tanglewood Drive. - Mayor Land said Ordinance No. 2246 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. 2246

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 AGRICULTURE TO "CITY" C-1 COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD AND SOUTH OF TANGLEWOOD DRIVE, COMPRISING 0.24 ACRES MORE OR LESS, AND OWNED BY RAYMOND E. CORTEZ; 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 Till, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2246 and to hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

3. ORDINANCE NO. 2247 – FIRST READING – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – Kenneth and Bonnie Sumner – from "County" Office and "City" Residential Medium to "City" Commercial for property located west of Rock Springs Road and south of Tanglewood Drive. - Mayor Land said Ordinance No. 2245 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. 2247

AN ORDINANCE 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 FROM "COUNTY" OFFICE AND "CITY" RESIDENTIAL MEDIUM TO "CITY" COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD AND SOUTH OF TANGLEWOOD DRIVE, COMPRISING 3.96 ACRES, MORE OR LESS AND OWNED BY KENNETH AND BONNIE SUMNER; 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 Dean, to accept the First Reading of Ordinance No. 2247, and to hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

4. ORDINANCE NO. 2248 – FIRST READING – CHANGE OF ZONING – Kenneth and Bonnie Sumner – from "County" A-1 and "City" R-1 to "City" C-1 for property located west of Rock Springs Road and south of Tanglewood Drive. - Mayor Land said Ordinance No. 2248 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. 2248

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 AGRICULTURE AND "CITY" R-1

RESIDENTIAL TO "CITY" C-1 COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD AND SOUTH OF TANGLEWOOD DRIVE, COMPRISING 3.96 ACRES MORE OR LESS, AND OWNED BY KENNETH AND BONNIE SUMNER; 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 Till, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2248, and to hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

5. ORDINANCE NO. 2251 – FIRST READING – VACATION – Brad and Julie Butterstein, vacating a portion of a platted drainage easement, located west of Kentucky Blue Circle, east of Caledonia Avenue, and south of Sand Wedge Loop. – Mayor Land said Ordinance No. 2251 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. 2251

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED AT 290 KENTUCKY BLUE CIRCLE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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 Dean, to accept the First Reading of Ordinance No. 2251, and to hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

6. ORDINANCE NO. 2252 – FIRST READING – Establishing a time-limited moratorium on the approval of new landfills or the conversion of a different classification of existing landfills. - Mayor Land said Ordinance No. 2252 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. 2252

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING A TIME-LIMITED MORATORIUM ON THE APPROVAL OF NEW LANDFILLS OR THE CONVERSION TO A DIFFERENT CLASSIFICATION OF EXISTING LANDFILLS WITHIN THE

CORPORATE LIMITS OF THE CITY OF APOPKA; PROVIDING THAT THE TIME-LIMITED MORATORIUM WILL EXPIRE ON JUNE 30, 2012; PROVIDING FINDINGS; PROVIDING A DEFINITION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND 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 Till, to accept the First Reading of Ordinance No. 2252, and to hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

SITE APPROVALS

1. CENTER OF FAITH CHURCH – FINAL DEVELOPMENT PLAN – Property located on the southeast corner of Vick Road and Martin Street. – Community Development Director Jay Davoll said he was available if the Council had any questions. This is quasi-judicial and the staff report and findings will be incorporated into and made a part of the meeting minutes.

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 Arrowsmith, to approve the Final Development Plan for Center of Faith Church, as recommended. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer – CAO Anderson said the report had been distributed and he was available to answer questions. No questions were asked.

MAYOR'S REPORT

Mayor Land reported that MetroPlan Orlando approved the construction of the Wekiva Parkway by a 17-2 vote. He advised the financing still needs to be approved by the Orlando/Orange County Expressway Authority. He suggested a special presentation, inviting the Governor, be conducted to celebrate the 50th Anniversary of the Expressway Authority, and the 35th Anniversary of MetroPlan Orlando, in conjunction with the groundbreaking of the Wekiva Parkway.

Mayor Land discussed proposed legislation regarding pension plans with the Council members. CAO Anderson advised the City Council that Apopka's plans are rated nearly an "A", and are very solvent. He stated, as the Mayor had pointed out, the employees have always contributed to their

pension plans. He declared a number of these provisions don't apply to the City of Apopka. However, they do apply throughout the State. He said there were other issues that are good in the legislation that relates primarily to fiscal responsibilities; how plans are being funded, ensuring employee participation, and that actuarial assumptions are valid. He advised the City's pension boards have always been fiscally responsible.

Commissioner Till gave a report of pending legislation regarding pension plans that are being lobbied by the Florida League of Cities (FLC). She added the FLC is requesting a resolution be adopted by local governments in support of this legislation. She said there are three points to the legislation: (1) a part of the legislation proposes changes to FS 175/185 in that insurance premium tax going to municipalities would be able to be used by cities to fund the plans. Currently FS 175/185 only allows those monies to be used for benefit enhancements, and since there have been no changes to our plans in a number of years, the money is just accumulating unused; (2) the legislation is looking for transparency amongst pension boards with additional reporting to citizens and the local electors; and (3) to make changes in the area of disability assumption. She declared they were not looking to reduce anything or take benefits away; it is a reform, not repeal.

OLD BUSINESS

Bob Webster spoke regarding the Red Light Camera Program and asked if there had been any effort to repay citizens cited. He stated he had a copy of studies by PhD's for each of the Council members.

CAO Anderson advised there were a number of lawsuits throughout the State to come up with a class action settlement on those issued prior to July. He stated they were very close to a resolution. He declared that the City of Apopka complies with State law as it relates to red light cameras, red lights, and signs.

Mr. Webster also advised the City Council that the Tea Party is being setup in the Northwest Orange County area to promote smaller government.

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 Till reported on Senate Bill 746 / House Bill 143 that is in relationship to the Florida Clean Indoor Air Act, and allows municipalities and counties to pass ordinances that further restrict outdoor smoking on public-owned property. She advised the FLC supports this legislation.

   Commissioner Till further reported on House Bill 673 / Senate Bill 1460 that preempts or supersedes any ordinance by local governments to grant a local preference in the award of State contracts if there is any State funding involved in the awarding of that contract for the purchase of personal property or construction services. She advised FLC opposes this legislation.

Commissioner Arrowsmith suggested obtaining a copy of the video on running of red light cameras so it can be played at a future meeting when Mr. Webster desires to speak regarding the Red Light Camera Program, for the benefit of those who have not seen this video, and to reiterate why the City looked into this program. He said it was not just about people turning right on red. CAO Anderson advised this had been placed on the City's website.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:01 p.m.

ATTEST: _____
John H. Land, Mayor

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Janice G. Goebel, City Clerk