

CITY OF APOPKA

Minutes of a regular City Council meeting held on September 5, 2012, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor John H. Land
Commissioner Billie Dean
Commissioner Marilyn U. McQueen
Commissioner Bill Arrowsmith
Commissioner Joe Kilsheimer

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said on September 5, 1774, the First Continental Congress convened in Philadelphia, 7 months before the Revolutionary War started, and that led to the Second Continental Congress which adopted the Declaration of Independence. He asked everyone to reflect on those events in the life of our Nation, as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Khadine S. Davis - Police Department/Field Services - Five years of service - Mayor Land said Khadine was not present, and will be presented her award at a later time.

2. Edith Torres - Community Development/Planning & Engineering - Ten years of service - Mayor Land said Edith started working for the City on August 6, 2002, as a Customer Service Clerk for Utility Billing. On October 3, 2005, Edith was transferred to Community Development and her title changed to Secretary I. Edith was promoted to Secretary II effective March 24, 2008, which is her current position. The City Council joined Mayor Land in congratulating Edith on her years of service to the City. The Mayor also recognized her Husband, Daughter and Grandson in attendance.

3. Robert E. Mark - Police Department/Support Services - Ten years of service - Mayor Land said Robert began working for the City on August 14, 2002, as a Police Captain. On August 17, 2008, Robert was reclassified to Police Sergeant, which is his current position. The City Council joined Mayor Land in congratulating Robert on his years of service to the City.

PRESENTATIONS

1. FBI Safe Streets Task Force - Kevin Kuffman, Special Agent in Charge - Special Agent Kuffman stated he was present to recognize several members of the Apopka Police Department, Drug Enforcement Agency (DEA), and the Federal Bureau of Investigation (FBI) who were involved in an investigation that was a joint effort by the FBI, DEA, Homeland Security Investigation (HSI), United States Attorney's office, Apopka Police Department, and the Orange County Sheriff's Office. The investigation targeted a major criminal drug trafficking

organization, which was responsible for trafficking kilograms of cocaine and thousand pound increments of marijuana in Central Florida on a monthly basis; the cocaine, and the marijuana trafficking operation of all the Apopka, Florida-based individuals that worked for the Gulf Cartel in Mexico. During the investigation, it was determined these individuals distributed the narcotics to violent criminals and documented gang members throughout Central Florida. The proceeds from the narcotics being sold funded firearm purchases and supported the overall drug operation. The money made and the weapons purchased were shipped back to Mexico to support the ongoing drug wars. In February 2012, the FBI, DEA, HSI, Apopka Police Department, and the Orange County Sheriff's Office participated in a multi-sting takedown of this criminal drug trafficking organization. Specifically in Central Florida, 11 subjects were arrested on Federal charges in the middle district Florida, 10 of the 11 individuals were indicted in Federal court, and the 11th individual pled guilty to an information. During the course of the investigation, law enforcement seized over 6,500 pounds of marijuana in Florida, to include 3,200 pounds in Apopka, Florida, which had an estimated street value of \$1.5 million. The 2,800 pound seizure was the largest marijuana seizure in the Orange County in the past 10 years. In addition to the marijuana, law enforcement seized 3 pounds of methamphetamine, over \$500,000 in drug proceeds in Central Florida, seized over 70 firearms in Florida, to include multiple assault rifles and 2 ballistic vests. To date, all 11 subjects have pled guilty and are awaiting sentences, and 2 have passed the indictment for a total of 13 in Central Florida. The investigation required investigators and prosecutors to work countless hours, weekends and holidays. Their joint efforts helped disrupt and dismantle the Gulf Cartel's distribution network throughout Central Florida.

Special Agent Kuffman said the FBI wanted to thank all agencies for their participation in this investigation, and formally recognized the individuals with certificates signed by the Director of the FBI, Robert S. Mueller, III. Those recognized were: Detective Robert Bishop, OCSO & Safe Streets Task Force Officer; Detective Jason L. Price, Ocoee Police Department & former Safe Streets Task Force Officer; Detective Robert E. Mark, Apopka Police Department; Detective Jose D. Rodriguez, Apopka Police Department and Safe Streets Task Force Officer; Detective Timothy Talley, Apopka Police Department; Detective Jefferson Wertz, Apopka Police Department; Detective Charles White, Apopka Police Department; Sgt. Robert Allen, Apopka Police Department; Capt. Jerome Miller, Apopka Police Department; Chief Robert Manley, Apopka Police Department; Special Agent Dominick Rosea, DEA; Special Agent Joshua Baker, DEA; Special Agent William Kinghorn, DEA; Assistant United States Attorney Christopher Laforja; United States Attorney Daniel Irite. In order to acknowledge those who worked on his squad, Special Agent Kuffman recognized the following for their efforts: Anthony Diaz; Doreen Oswalt; Special Agent Samantha Medico; Special Agent Patrick Walter; Special Agent Kevin Farington.

Special Agent Kuffman thanked all for their efforts and said this is a true example of what law enforcement can do when they collaborate and work together in attacking criminal improvises. He thanked the Apopka Police Department for its support, and thanked the Mayor for allowing them to come to the City Council meeting for the presentation and recognition.

Mayor Land thanked all of the dedicated recipients for their dedicated police service in our Community and throughout our Nation. He congratulated the officers on their awards.

Commissioner Arrowsmith arrived at 1:44 p.m.

A brief recess was called at 1:45 p.m. The meeting resumed at 1:47 p.m.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on August 15, 2012, at 8:00 p.m.
2. Authorize the issuance of a Peddler's Permit to Kevin Radebaugh of ARM Security, Inc., to sell home automation and home security systems.
3. Authorize the Chief Administrative Officer to sign the real estate purchase contract in the amount of \$160,000.00, between the City of Apopka and Irene M. Cobb Trust, to purchase property at 526 S. Forest Avenue.
4. Approve the Disbursements Report for the month of August 2012.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to approve the four (4) items of the Consent Agenda.

Commissioner Kilsheimer asked for clarification on item 3. Mayor Land explained the property was being land-banked for future use by the City. The property is adjacent to the Employee Clinic, and will complement the municipal campus.

Commissioner Dean inquired about the property taxes. Mayor Land replied that the property taxes are pro-rated for payment.

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. 2256 - 2259, and 2269 meet the requirements for adoption having been duly advertised in The Apopka Chief on August 24, 2012.

1. **ORDINANCE NO. 2256 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN AMENDMENT SMALL SCALE - Maribel and William Brinkle - From "County" Low Density Residential (4 du/ac) to "City" Commercial (Planned Unit Development) for property located east of Plymouth Sorrento Road and north of West Lester Road.**

The City Clerk read the title, as follows:

ORDINANCE NO. 2256

**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” LOW DENSITY RESIDENTIAL (4 DU/AC) TO “CITY” COMMERCIAL (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF WEST LESTER ROAD, COMPRISING 1.67 ACRES, MORE OR LESS AND OWNED BY MARIBEL AND WILLIAM BRINKLE; 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 McQueen, to adopt Ordinance No. 2256. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 2. ORDINANCE NO. 2257 – SECOND READING & ADOPTIOIN – 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.**

The City Clerk read the title as follows:

ORDINANCE NO. 2257

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (RESIDENTIAL) TO “CITY” PUD (PLANNED UNIT DEVELOPMENT - COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF WEST LESTER ROAD, COMPRISING 1.67 ACRES, MORE OR LESS AND OWNED BY MARIBEL AND WILLIAM BRINKLE; 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 adopt Ordinance No. 2257. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2258 – SECOND READING & ADOPTIOIN – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – Richard and Kay Lee – From Agriculture to Commercial (Planned Unit Development) for property located east of Plymouth Sorrento Road and south of West Lester Road.**

The City Clerk read the title as follows:

ORDINANCE NO. 2258

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 AGRICULTURE TO COMMERCIAL (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF WEST LESTER ROAD, COMPRISING 2.4 ACRES, MORE OR LESS AND OWNED BY RICHARD AND KAY LEE; 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 McQueen, and seconded by Commissioner Dean, to adopt Ordinance No. 2258. Commissioner Arrowsmith announced he would abstain from voting as the applicants are a bank client. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining, and filing a Form 8B.

- 4. ORDINANCE NO. 2259 – SECOND READING & ADOPTION – CHANGE OF ZONING – Richard and Kay Lee from A-1 to PUD (Planned Unit Development - Commercial) for property located east of Plymouth Sorrento Road and south of West Lester Road.**

The City Clerk read the title as follows:

ORDINANCE NO. 2259

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM A-1 TO PUD (PLANNED UNIT DEVELOPMENT - COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF WEST LESTER ROAD, COMPRISING 2.4 ACRES, MORE OR LESS AND OWNED BY RICHARD AND KAY LEE; 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 McQueen, and seconded by Commissioner Dean, to adopt Ordinance No. 2259. Commissioner Arrowsmith announced he would abstain from voting as the applicants are a bank client. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining, and filing a Form 8B.

Mayor Land expressed appreciation to Senior Planner David Moon and the homeowners in that area for working together on the issues surrounding the adoption of these four (4) ordinances.

Mayor Land said Ordinance No. 2267 and 2268 meet the requirements for adoption, having been duly advertised in The Apopka Chief on August 24, 2012.

**5. ORDINANCE NO. 2267 - SECOND READING & ADOPTION - ANNEXATION -
Property Industrial Enterprises, LLC, property located at 357 W 2nd Street. (6.03 acres)**

The City Clerk read the title as follows:

ORDINANCE NO. 2267

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 PROPERTY INDUSTRIAL ENTERPRISES, LLC., LOCATED SOUTH OF 1ST STREET AND WEST OF HAWTHORNE AVENUE; 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. 2267. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

**6. ORDINANCE NO. 2268 - SECOND READING & ADOPTION - ANNEXATION -
KTS Consultants, Inc., property located at 326 1st Street. (0.33 acre)**

The City Clerk read the title as follows:

ORDINANCE NO. 2268

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 KTS CONSULTANTS, INC., LOCATED SOUTH OF 1ST

STREET AND WEST OF HAWTHORNE AVENUE; 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 Arrowsmith, to adopt Ordinance No. 2268. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 7. ORDINANCE NO. 2269 - FIRST READING - VACATION - Daryl and Monica Collins, vacating a portion of a platted utility easement, located at 207 Lancer Oak Drive.**

The City Clerk read the title as follows:

ORDINANCE NO. 2269

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 207 LANCER OAK DRIVE; 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 Kilsheimer, to adopt Ordinance No. 2269. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS

- 1. LESTER RIDGE SUBDIVISION - PRELIMINARY DEVELOPMENT PLAN - Property located north of Lester Road and east of Rogers Road.**

Community Development Director Jay Davoll gave a summary of the project. He addressed the three waiver requests, which are outlined in the staff report. (The staff report is incorporated into and made a part of these meeting minutes.)

There was considerable discussion concerning the request for a 1,500 square foot (sq. ft.) minimum living area, the requirement for side entry garages, and the setbacks. Mr. Davoll explained that staff made its recommendations based on the Development Guidelines adopted by the City.

The City Council discussed, at length, the need for improvements to Rogers Road. CAO Anderson explained that Rogers Road is an Orange County roadway; however, the City has

historically moved forward to improve county roads when the need warranted and Orange County was not prepared to perform the improvements. In all estimation, he said, the roadway will one day become a City road.

Discussion ensued regarding the 1,500 sq. ft. minimum living area request. All Commissioners expressed a desire for the square footage of the houses to be at least 2,000 sq. ft.

CAO Anderson and Mr. Davoll explained that the City's Development Guidelines authorize a 1,500 sq. ft. minimum; however, pointed out that the City Council can request the homes be a minimum of 2,000 sq. ft. Otherwise, CAO Anderson added, there would need to be a code change to require the square footage change, making the requirement equal to all development.

Commissioner McQueen expressed concern that the configuration of some of the lots will have the front of some of the houses facing the back of others, to which Mr. Davoll responded that this will be brought to the attention of the developer.

Randy June, June Engineering, discussed that in today's economy, it will limit the builder to require a 2,000 sq. ft. house. He said most projects allow for no more than 1,800 sq. ft., and he requested the 1,500 sq. ft. requirement remain. He said the developer can work with the builder to address the concerns regarding house placement on the lots. He added that fencing has been added to the project. In addressing the improvement to Rogers Road, Mr. June said there are few properties that will access Rogers Road until development to the north begins. He asked to delay addressing Rogers Road improvements until that time.

Mayor Land opened the meeting for a public hearing.

Raul Palacios, President of the Arbor Ridge Homeowner's Association, noted three concerns, as follows: (1) the square footage of the homes is considerably lower than that of Arbor Ridge; (2) the plans do not call for a pool, and Arbor Ridge is already routinely calling police about trespassers from other subdivisions using its pool; and (3) there needs to be a required disclosure to the potential buyers regarding the approved cell tower to be built near this property.

Roy Lester, 1901 Lester Road, expressed his appreciation that the fence issue has been resolved. He said there are others abutting the developments that have also requested the fencing. He thanked the City for addressing the issue.

Patricia Merriweather, 2339 Cerberus Drive, expressed concern that the City approving the smaller homes will only add to the reduction of surrounding property values.

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

CAO Anderson suggested working through this development with a phase-in approach, by stipulating after the developer sells 50% of the lots, then requiring the road improvement. He stated the 1,500 sq. ft. minimum living area requirement is the same as in the county and other cities. He declared that between now and the final development plan they will have a good understanding of what square footage homes will work. He recommended moving forward with the preliminary subdivision plan approval, subject to staff working on a phase-in approach to

Rogers Road, and working with the developer on the square footage between now and the final development plan.

MOTION was made by Commissioner Arrowsmith, seconded by Commissioner McQueen, to approve the Preliminary Development Plan for the Lester Ridge Subdivision, subject to the staff recommendations. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Kilsheimer voting aye.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer –
CAO Anderson said he had nothing to report.

MAYOR'S REPORT

Mayor Land announced a Special City Council meeting to be held at 5:15 p.m., to adopt the tentative millage rate and tentative FY 2012-2013 annual budget.

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 reported on the efforts of the Apopka Chamber of Commerce to encourage business growth in the City.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:53 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk