

CITY OF APOPKA

Minutes of a regular City Council meeting held on August 15, 2012, at 8:00 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 yesterday was Election Day and asked everyone to reflect on what a great Nation we have where we, the people, can choose the leaders that we wish to serve our Nation, as he led the Pledge of Allegiance.

Robert Webster spoke regarding red light cameras, inquiring about the \$22.18 refund from the Class Action Settlement. City Attorney Kruppenbacher stated a number of governments in Florida were sued under the old red light camera law, and the defense of that case was by the Florida League of Cities. The lawyers negotiated a settlement which required the court to approve, and now everybody who is affected receives a card, which once they fill it out and return it, they receive the refund. He explained that all refunds are being conducted through the court system and not the City.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on August 1, 2012, at 1:30 p.m.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to approve 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

Commissioners Kilsheimer, Arrowsmith, and McQueen disclosed having received an e-mail from the Chairman of the Planning Commission regarding the next four ordinances. Commissioner Kilsheimer also disclosed running into one of the applicants while out in the community.

City Attorney Kruppenbacher said the e-mails were unsolicited by each of the Commissioners and Commissioner Kilsheimer ran into the applicant, it was not a planned meeting. He advised this had been dealt with appropriately and the Commissioners have not been swayed in any way by the contact. All remain objective and will make their decisions based upon the public hearing.

1. 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 (Planned Unit Development) for property located east of Plymouth Sorrento Road and north of West Lester Road. (Item Tabled at the August 1, 2012, City Council Meeting.)

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen to remove Ordinance No. 2256 from the table. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

CAO Anderson said this had been discussed in depth prior to it being tabled and as discussed, they obtained cost estimates on having a small area study done, receiving pricing of \$30,000 to \$90,000 for the study. He asked staff to perform what would have been required in that study and that information will be presented. He stated that if this is passed tonight, they would like to hold a public meeting with interested constituents of the community prior to the next meeting to insure they are informed.

Community Development Director Jay Davoll gave a brief presentation of the traffic study regarding Ordinance Nos. 2256 - 2259. (The presentation is on file with the City Clerk.)

Discussion ensued regarding development in this area and the design guidelines.

CAO Anderson stated when the City Council reviews the site plan, opportunity to discuss the aesthetics would take place at that time.

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 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 accept the First Reading of Ordinance No. 2256, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 2. 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. (Item Tabled at the August 1, 2012, City Council Meeting.)**

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to remove Ordinance No. 2257 from the table. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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 McQueen, to accept the First Reading of Ordinance No. 2257, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2258 – FIRST READING – 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. (Item tabled at the August 1, 2012, City Council Meeting.)**

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to remove Ordinance No. 2258 from the table. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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 accept the First Reading of Ordinance No. 2258, and hold it over for a Second Reading. Commissioner Arrowsmith announced he would abstain from voting as the applicants are clients 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.

- 4. ORDINANCE NO. 2259 – FIRST READING – 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. (Item tabled at the August 1, 2012, City Council Meeting.)**

MOTION was made by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to remove Ordinance No. 2259 from the table. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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 accept the First Reading of Ordinance No. 2259, and hold it over for a Second Reading. Commissioner Arrowsmith announced he would abstain from voting as the applicants are 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. 2267 - FIRST READING - 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 Arrowsmith, to accept the First Reading of Ordinance No. 2267, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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

The City Clerk made notation of a scrivener's error in the name of the owner. She read the correct 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 AS 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 accept the First Reading of Ordinance No. 2268, and hold it over for a Second Reading. 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 McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2269, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

8. RESOLUTION NO. 2012-09 - Approving the new Florida Department of Transportation (FDOT) contract to provide right-of-way maintenance on US441 and SR436.

The City Clerk read the title as follows:

RESOLUTION NO. 2012-09

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF APOPKA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY THE CITY ON STATE ROAD 500 FROM BENBOW COURT TO ORANGE AVENUE IN PLYMOUTH, AND STATE ROAD 436 FROM STATE ROAD 500 EAST TO THE SEMINOLE COUNTY LINE; 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 Dean, and seconded by Commissioner Kilsheimer, to adopt Resolution No. 2012-09. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS - There were no Site Approvals to consider.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer –
CAO Anderson reported that impact fees are up over the last several years. He stated Utility Billing mail payments have continually been going down, showing that automation is working.

CAO Anderson stated he had intended to bring forward a beautification plan for US 441 and SR 436. However, they will be going out to bid for this project prior to bringing it to Council and the funding for the project will be from the tree fund.

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

- Received a note from First Lady Ann Scott, thanking him for attending the Summer Literacy Adventure event at the Wekiwa State Park.
- The 1st Birthday of the Food Truck Roundup was a success, with over 3,000 in attendance. He said everyone seemed to have a great time.
- The Foliage and Fresh Market will be held at Kit Land Nelson Park, 8:00 a.m. - 1:00 p.m., each Saturday, October 6, 2012 through May 2013. The City currently has 20 vendors registered.

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 9:11 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk