

CITY OF APOPKA

Minutes of a regular City Council meeting held on July 18, 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

ABSENT: 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 July 4, 1776, the Continental Congress adopted the Declaration of Independence. Most of them didn't sign this document until the 2nd of August, which took a great deal of courage because if they had been captured they could have been put to death. He asked everyone to reflect on the courage of those who founded our great Nation, and the freedom and liberty we enjoy today as he led the Pledge of Allegiance.

Robert N. Webster addressed the City Council on three issues: (1) How those cited under the original Red Light Camera ordinance will receive refunds; (2) Apopka had a new Red Light Camera ordinance, so how can the City issue citations under Florida State Law; and (3) an Apopka Police Officer issued a citation to a person who had recently complained to the City Council about traffic in their neighborhood, so what is the recourse for inappropriate behavior by an Apopka Police Officer?

At the request of Mayor Land, City Attorney Frank Kruppenbacher addressed the questions raised by Robert Webster. He explained that there are two (2) lawsuits currently in process; one being a class action lawsuit in opposition to the Red Light Camera citations being issued without State Law. Any refunds will be decided by the Court, not by City officials. In response to Mr. Webster's second remark, City Attorney Kruppenbacher said that with the passing of Florida Law, the officer is now required to cite Florida Statute 316 as the offending citation. He explained the process whereby the violation is reviewed by Certified Law Enforcement Officers, and only those clearly violating the Florida Law are receiving the citations in the mail. In response to Mr. Webster's third remark, he explained the steps for filing a report if one believes an officer acted inappropriately. Those steps include filing the information with the Police Chief, filing with Internal Affairs of the Police Department, or filing the information with the Florida Department of Law Enforcement. The City Council would be acting inappropriately to address such employee issues.

Mayor Land suggested to Mr. Webster that he set a time to meet with City Attorney Kruppenbacher to further discuss his concerns.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on June 20, 2012, at 8:00 p.m.
2. Approve and ratify the appointment of Ray Thompson as the Fifth Trustee to the Firefighters' Retirement System Board of Trustees.
3. Approve and ratify the appointment of James W. Greene as the Fifth Trustee to the Police Officers' Retirement System Board of Trustees.
4. Authorize the Chief Administrative Officer to execute the Orlando Utility Commission/City of Apopka Project RENEW Amendment 1.
5. Approve the expenditure of funds, in the amount of \$12,000.00, from the Federal Law Enforcement Trust Fund to purchase protective equipment for the emergency response team members.
6. Approve the Disbursement Report for the month of June 2012.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to approve the six (6) items on the Consent Agenda. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

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

ORDINANCES AND RESOLUTIONS

Mayor Land said Ordinance Nos. 2260 and 2265 meet the requirements for adoption, having been duly advertised in The Apopka Chief on July 6, 2012.

1. ORDINANCE NO. 2260 – SECOND READING & ADOPTION – 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 – 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 McQueen, and seconded by Commissioner Dean, to adopt Ordinance No. 2260. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

2. ORDINANCE NO. 2265 – SECOND READING & ADOPTION – 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 - 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 adopt Ordinance No. 2265. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

3. 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 June 20, 2012, City Council Meeting.) – CAO Anderson said staff is still reviewing the request of the City Council at its last meeting, and requests that the four (4) ordinances be tabled again to the August 1st meeting.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to table the First Reading of Ordinance No. 2256 to the meeting of August 1st. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

4. ORDINANCE NO. 2257 – FIRST READING – CHANGE OF ZONING – Maribel and William Brinkle from “County” A-1 to “City” PUD (Planned Unit Development - Commercial) for property located east of Plymouth Sorrento Road and north of West Lester Road. (Item tabled at the June 20, 2012, City Council Meeting.) –

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to table the First Reading of Ordinance No. 2257 to the meeting of August 1st. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

5. ORDINANCE NO. 2258 – FIRST READING – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – Richard and Kay Lee – From Agriculture to “City” Commercial (Planned Unit Development) for property located east of Plymouth Sorrento Road and south of West Lester Road. (Item tabled at the June 20, 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 Dean and McQueen voting aye.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to table the First Reading of Ordinance No. 2258 to the meeting of August 1st. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

6. ORDINANCE NO. 2259 – FIRST READING – CHANGE OF ZONING – Richard and Kay Lee from AG to PUD (Planned Unit Development - Commercial) for property located east of Plymouth Sorrento Road and south of West Lester Road. (Item tabled at the June 20, 2012, City Council Meeting.) –

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to table the First Reading of Ordinance No. 2259 to the meeting of August 1st. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

SITE APPROVALS

1. AMENDMENT TO FINAL DEVELOPMENT PLAN – Stonewood Reserve Subdivision Minor Amendment to allow a minimum floor area from 2,150 sq. ft. to 1,700 sq. ft. – Mayor Land announced the public hearing was advertised in The Apopka Chief on June 29, 2012.

CAO Anderson gave a brief summary of the request, explaining that staff has performed a review of development and house sizes in the surrounding area of this development. Based on their findings, staff can support a minimum of an 1,800 sq. ft. living area for Stonewood Reserve Subdivision. He recommended the Final Development Plan w/amendment for Stonewood Reserve Subdivision be approved as outlined in the staff report.

City staff recommended approval of the minor amendment to the Stonewood Reserve Subdivision Final Development Plan, subject to the following conditions: 1) minimum square footage of 1,800 sq. ft.; 2) the combined average floor area for the Stonewood Reserve subdivision shall be no less than 2,150 sq. ft.; and 3) house elevations shall be accepted by City staff.

Mayor Land opened the meeting for a public hearing.

Aaron Hakim, the owner/applicant, said the area surrounding is well below the 1,700 sq. ft. range, including Sheeler Hills at 1,350 sq. ft., which is the county minimum. He said the current economy demands smaller homes. He stated to have entry level homes starting in the low \$100's to \$200's range they need this reduction in square footage, and he believes it is within his right to request the minimum of a 1,700 square footage per lot.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept staff's recommendation. Motion carried unanimously, with Mayor Land, and Commissioners Dean and McQueen voting aye.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer –

CAO Anderson thanked the Mayor and Commissioners who attended the meeting held on Monday with Congressman John Mica, and commended staff on the presentation.

MAYOR'S REPORT - Mayor Land's report included:

- Announced the installation of the new Looping System in the City Council Chambers to aid the hearing impaired attending various meeting held in the Council Chambers. He thanked Commissioner McQueen and the Sertoma Club for their support of the system.

Commissioner McQueen thanked CAO Anderson and Bea Franqui for their assistance with the installation of the system.

- Thanked staff for their work on the presentation at the Congressman Mica meeting.

- Announced the ‘Jam in July’ event will take place on July 21st at the Apopka Amphitheater. He said 2,000 to 3,000 attendees are anticipated. Nine (9) bands will be competing for a 1st prize of \$500.00 or a 2nd prize of \$250.00, and an opportunity to perform at the Old Florida Outdoor Festival in February 2013.
- Announced the 1st Anniversary of the Food Truck Round Up will be held on August 2nd at Kit Land Nelson Park. There will be 25 trucks, instead of the usual 15, and a photo booth and face painting will be provided.

OLD BUSINESS

1. **Council** - There was no old business from the Council.
2. **Public** - There was no old business from the public.

NEW BUSINESS

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:45 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk