

Minutes of a regular City Council meeting held on May 5, 2010, 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 Kathy S. Till

ABSENT: Commissioner Bill Arrowsmith

PRESS PRESENT: John Peery - Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE - Mayor Land called the meeting to order and gave the Invocation. He said next Saturday is May 8th, and on that day WWII ended in Europe, called Victory Europe Day, or V-E Day. The war would still go on for months in the Pacific, but during that war 16 million served in the armed forces; a million casualties, and a great number of those were deaths. He asked everyone to reflect on their great sacrifice, as he led in the Pledge of Allegiance.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on April 21, 2010, at 8:00 p.m.
2. Approve the minutes from the Oath of Office Ceremony held on April 26, 2010, at 6:00 p.m.
3. Approve the Disbursement Report for the month of April, 2010.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the three (3) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

PRESENTATIONS

1. **James Graber -Police/ Support Services -5 Year Service Award** - Mayor Land said Jim began working for the City of Apopka on April 18, 2005, as a Police Officer in Field Services. He transferred to Support Services on April 14, 2008, which is his current assignment. The City Council joined Mayor Land in congratulating Jim on his service award.
2. **Nils Sturm -Fire/ Suppression - 5 Year Service Award** - Mayor Land said Nils was not present and would be presented his award at a later time.
3. **Marlin Harris - Public Services/Water Distribution Maintenance -5 Year Service Award** - Mayor Land said Marlin was not present and would be presented his award at a later time.
4. **Joseph A. Saras -Information Technology -10 Year Service Award** - Mayor Land said Joe was not present and would be presented his award at a later time.

5. Gerardo Munoz - Public Services/Sanitation - 15 Year Service Award - Mayor Land said Gerry was not present and would be presented his award at a later time.

6. Raymond Marsh -Community Development/Building - 15 Year Service Award - Mayor Land said Ray started working for the City of Apopka on April 26, 1995, as a Multiple Code Inspector for Fire/Building. On February 13, 2006, Ray was promoted to Building Official, which is his current position. The City Council joined Mayor Land in congratulating Ray on his service award.

7. David Pace - Public Services/Grounds - 15 Year Service Award - Mayor Land said David was not present and would be presented his award at a later time.

8. Scott Pensala - Public Services/Water Distribution Maintenance - 20 Year Service Award - Mayor Land said Scott was not present and would be presented his award at a later time.

9. Conservation Award - Apopka Chamber Beautification Committee - Wayne Levesque, representing the Apopka Chamber Beautification Committee, acknowledged the many conservation efforts taken by the City of Apopka. He presented Mayor Land and the City Council with The Apopka Beautification & Conservation Award, which reads "In recognition for conserving our earth's resources for future generations."

10. Presentation of Art - Nancy McClure and Artist Beatrice Athanas - Nancy McClure presented the artwork purchased by the City at the 2010 Art & Foliage Festival. The oil painting is entitled, "Misty Morning on State Road 545". The painting will be on display in the City Hall lobby.

Mayor Land thanked Nancy McClure, and the Artist, Beatrice Athanas. He also announced that Nancy was selected the 2010 Grandmother of the Year. Nancy received congratulations and applause.

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

ORDINANCES AND RESOLUTIONS

Mayor Land said the First Reading Ordinances do not meet the requirements for adoption and will be held over for a Second Reading.

1. ORDINANCE NO. 2160 -FIRST READING -ANNEXATION -Jose A. and Iris N. Acevedo, property located at 371 W. Kelly Park Road. (0.43 acre)- The City Clerk read the title as follows:

ORDINANCE NO. 2160

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 JOSE A. ACEVEDO AND IRIS N. ACEVEDO, LOCATED NORTH OF KELLY PARK ROAD AND WEST OF MT. PLYMOUTH 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 Till and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2160, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2161 - FIRST READING - ANNEXATION - William M. and Cecilia M. Uebel, properties located at 355 and 363 W. Kelly Park Road. (0.93 acre) - The City Clerk read the title as follows:

ORDINANCE NO. 2161

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 WILLIAM M. UEBEL AND CECILIA M. UEBEL, LOCATED NORTH OF KELLY PARK ROAD AND WEST OF MT. PLYMOUTH 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 Dean and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2161, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

3. ORDINANCE NO. 2162 - FIRST READING- ANNEXATION - Georda E. Williams, property located at 527 Sir Arthur Court. (1.18 acres) - The City Clerk read the title as follows:

ORDINANCE NO. 2162

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 GEORDA ELLEN WILLIAMS, LOCATED NORTH OF SIR ARTHUR COURT AND EAST OF USTLER 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 Till and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2162, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

4. ORDINANCE NO. 2163 - FIRST READING - ANNEXATION -Kemal and M. Luna Tolunay, property located at 535 Sir Arthur Court. (1.00 acre) - The City Clerk read the title as follows:

ORDINANCE NO. 2163

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 KEMAL TOLUNAY AND M. LUNA TOLUNAY, LOCATED NORTH OF SIR ARTHUR COURT AND EAST OF USTLER 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 Till and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2163, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

5. ORDINANCE NO. 2164 - FIRST READING - ANNEXATION - Property Industrial Enterprises, LLC, property located at 538 Sir Arthur Court (6.78 acres) - The City Clerk read the title as follows:

ORDINANCE NO. 2164

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 AT THE EAST END

OF SIR ARTHUR COURT; 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 Dean and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2164, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

6. ORDINANCE NO. 2165 - FIRST READING - ANNEXATION - Gary D. and Peggy G. Charlton, properties located at 922 and 750 Plymouth-Sorrento Road (13.04 acres) - The City Clerk read the title as follows:

ORDINANCE NO. 2165

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 GARY D. CHARLTON AND PEGGY G. CHARLTON LOCATED NORTH OF ORANGE BLOSSOM TRAIL AND WEST OF PLYMOUTH-SORRENTO 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 Till and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2165, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

7. ORDINANCE NO. 2166 - FIRST READING - ANNEXATION - SNIIC FOUR LLC., property located at 3443 W. Orange Blossom Trail (0.14 acre) - The City Clerk read the title as follows:

ORDINANCE NO. 2166

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 SNIIC FOUR LLC, LOCATED NORTH OF ORANGE BLOSSOM TRAIL 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 Dean and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2166, and hold it over for a Second Reading.

Commissioner Till inquired about the property being contiguous to the City. CAO Anderson replied the property directly across Highway 441 is in the City of Apopka.

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

8. ORDINANCE NO. 2167 - FIRST READING - ANNEXATION - Linvestments, Inc., property located at 3737 W. Orange Blossom Trail (7.68 acres) - The City Clerk read the title as follows:

ORDINANCE NO. 2167

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 LINVESTMENTS, INC., 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 Till and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2167, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

9. ORDINANCE NO. 2169 - FIRST READING - Amending Apopka Code of Ordinances Chapter 66, Solid Waste. - The City Clerk read the title as follows:

ORDINANCE NO. 2169

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF APOPKA, FLORIDA, BE AMENDED BY REVISING CERTAIN SECTIONS OF CHAPTER 66 "SOLID WASTE,"; PROVIDING FOR FEES FOR RESIDENTIAL REFUSE COLLECTION AND COMMERCIAL REFUSE COLLECTION; PROVIDING FOR FEES AND PENALTIES; DELETING DIVISION 4; PROVIDING FOR DIRECTIONS TO THE

CITY CLERK; AND PROVIDING FOR CONFLICTS, SEVERABILITY, 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 Dean, to accept the First Reading of Ordinance No. 2169, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

10. ORDINANCE NO. 2170 - FIRST READING - ZONING CHANGE/PUD MASTER PLAN - Orchid Estates change in zoning from R-1AAA to PUD, and approval of the PUD Master Plan for property located on the west side of Jason Dwelley Parkway and north of Appy Lane.
- The City Clerk read the title as follows:

ORDINANCE NO. 2170

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS PUD FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY ROCK. SPRINGS RIDGE, LLC (c/o JIM FANT), LOCATED SOUTH OF KELLY PARK ROAD AND WEST OF JASON DWELLEY PARKWAY; 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 Dean, to accept the First Reading of Ordinance No. 2170, and hold it over for a Second Reading.

Commissioner Till asked if the PUD zoning required a minimum 1,500 square foot home. CAO Anderson verified the requirement of a minimum 1,500 square foot.

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

11. ORDINANCE NO. 2171 - FIRST READING & TRANSMITTAL TO DCA - 2010 Cycle #2 Large Scale Comprehensive Plan Amendment Future Land Use Map Change, including the Wekiva Parkway Interchange Land Use Plan.

Note: Staff is recommending that this item be tabled until May 19, 2010

Commissioner Till inquired about the second Wekiva Parkway Interchange Workshop.

CAO Anderson said it was very similar to the first workshop. He said this is primarily the reason for asking that this item be tabled. He said we continue to work on that plan, a DRI (Development of Regional Impact) in that area, and it takes staff, the developer, and the community to make sure we get the input in there, and have been working very closely with consultants. There are some last minute items, particularly in the area of area ratios, height limitations, and things of that nature, that we want to ensure have been included.

CAO Anderson continued that when the Wekiva Study was performed, one of the concessions the City received was there is only going to be one interchange between SR 46 and Hwy 441 to the South. We are extremely limited in the densities and intensities that we can build within the City limits as a requirement of this study. As a result, the area around the interchange, the interchange plan, allows for greater intensities and densities. He said the City is making sure to direct in the way our City should grow.

MOTION was made by Commissioner Till and seconded by Commissioner McQueen, to table the First Reading of Ordinance No. 2171 to May 19, 2010. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS - There were no department reports or bids.

MAYOR'S REPORT - Mayor Land said a note was received from Mike Sittig, Florida League of Cities, thanking the City for help during the Legislative session.

OLD BUSINESS

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

NEW BUSINESS

1. **Council** - Commissioner McQueen reported she had distributed copies of emails being circulated regarding a proposed cell tower on Lester Road to the City Council.

Commissioner Till reported receiving a call from a citizen regarding a Wi-Fi pole scheduled for installation in the Wekiva Glen Subdivision, at the cul-du-sac, at 822 Timber Court. She said the residents are concerned about the location of the pole, and was requesting it be moved further within the median at the cul-du-sac.

CAO Anderson said that particular site was approved by the Homeowner's Association; their request that it be located there. He said the installation of the pole has been placed on hold as the City attempts to resolve the issue to the satisfaction of all involved. He said there is heavy landscaping planned for that location.

At this time, CAO Anderson gave an update on the status of the City's Wi-Fi System.

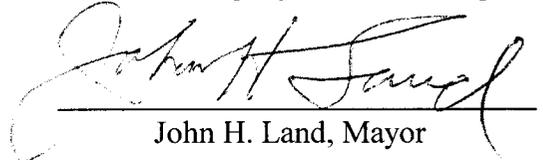
Commissioner McQueen said the medians on Park Avenue and Highway 441 do not look like they are being maintained. CAO Anderson said we are beginning the spring planting and maintenance now.

Commissioner Dean noted the former Habaneros Restaurant property is in need of maintenance. CAO Anderson said it is the responsibility of the property owners, and he would ask Code Enforcement to contact them.

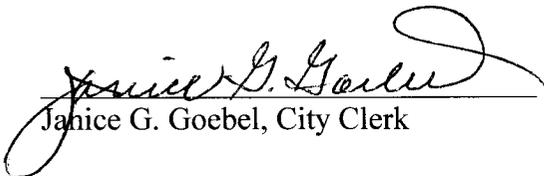
2. Public - Della Palarios, 2266 Reefview Loop, spoke to the City Council regarding a 151 foot cell tower that is proposed to be installed on the Grace Point Church (a/k/a Piedmont Lakes Baptist Church and/or Semoran Baptist Temple) property on Lester Road. She spoke in strong opposition to the cell tower, and said the residents of Arbor Ridge are circulating a petition citing the following five (5) points for denial: esthetics, devaluation of real estate, health risk, existing adequate coverage, and alternative locations available for the tower.

CAO Anderson said a special exception to permit construction of the cell tower is scheduled to be heard by the Planning Commission next Tuesday. Mayor Land encouraged Ms. Palarios to attend the Planning Commission meeting to express her concerns.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:33 p.m.


John H. Land, Mayor

ATTEST:


Janice G. Goebel, City Clerk