

Minutes of a regular City Council meeting held on August 18, 2010, 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 - Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE - Mayor Land called the meeting to order and gave the Invocation. He said on August 14, 1945, the Japanese surrendered. The formal surrender was on the Battleship Missouri on September 2, 1945. He asked everyone to reflect on the great sacrifice made by those who served our Nation during that war as he led in the Pledge of Allegiance to the Flag.

Mayor Land recognized and welcomed Boy Scout Troop 7 Assistant Scout Master Paul Riehn, and Scouts Daniel Riehn and Mykal St. Rose to the meeting. He said the Scouts are attending the meeting as a requirement to earn their Citizenship in the Community Merit Badge.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on August 4, 2010, at 1:30 p.m.
2. Approve the minutes of the Administrative Bid Opening #2010-06, County Road 437 (Binion Road) & Boy Scout Road Utility Extension Pipes and Fitting Material, held on August 3, 2010, at 10:15 a.m.
3. Authorize the disposal of surplus equipment/property and removal of the property from the fixed asset list.
4. Authorize the issuance of a Vehicle for Hire Permit to Pedro Tarazona of Chiva Rumbera, LLC.
5. Authorize a \$3,288.88 expenditure from the Federal Law Enforcement Trust Fund to purchase a multi-purpose copy machine for the Criminal Investigations section of the Police Department.
6. Award the contract, in the amount of \$516,646.20, to MSC Waterworks for the purchase of reclaimed water pipes for County Road 437 (Binion Road) and Boy Scout Road utility extension.
7. Award the contract, in the amount of \$60,139.28, to Ferguson Waterworks for the purchase of reclaimed water fitting material for County Road 437 (Binion Road) and Boy Scout Road utility extension.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the seven (7) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

PRESENTATIONS - There were no presentations.

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

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2145 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - 2010 Cycle #1 Large Scale Comprehensive Plan Amendment for: Part I - EAR Based Amendments; and, Part II -Future Land Use Map Change.

Note: This item was tabled until August 18, 2010 by the City Council at its meeting on August 4, 2010.

MOTION by Commissioner Dean, and seconded by Commissioner McQueen, to remove Ordinance No. 2145 from the table. Motion carried unanimously with Mayor Land, Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

The City Clerk read the title as follows:

ORDINANCE NO. 2145

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA COMPREHENSIVE PLAN; UPDATING THE FUTURE LAND USE ELEMENT, THE HOUSING ELEMENT, THE TRANSPORTATION ELEMENT, THE INFRASTRUCTURE ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT; DELETING THE PUBLIC PARTICIPATION ELEMENT; PROVIDING FOR SEVERABILITY; FOR CONFLICTS AND AN EFFECTIVE DATE

Mayor Land said Ordinance No. 2145 meets the requirements for adoption having been duly advertised in the Apopka Chief Newspaper on July 23, 2010.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

CAO Anderson advised there were some technical amendments that had been placed in the Comprehensive Plan Amendment that were addressing some issues and supplying backup information to DCA. He said this was also in coordination with DRI and the Wekiva Interchange Plan.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to adopt Ordinance No. 2145. Motion carried unanimously with Mayor Land, Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

Mayor Land announced that Ordinance Nos. 2181 through 2184 meet the requirements for adoption having been duly advertised in the Apopka Chief Newspaper on August 6, 2010.

2. ORDINANCE NO. 2181 - THIRD READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - Gary D. Charlton - from County Rural to City Commercial, property located west of Plymouth Sorrento Road and north of Orange Blossom Trail. - The City Clerk read the title as follows:

ORDINANCE NO. 2181

AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY OWNED BY GARY D. CHARLTON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to adopt Ordinance No. 2181. Motion carried unanimously, with Mayor Land, Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

3. ORDINANCE NO. 2182 - THIRD READING & ADOPTION - CHANGE OF ZONING - Gary D. Charlton - from County R-1 to City C-1, property located west of Plymouth Sorrento Road and north of Orange Blossom Trail. - The City Clerk read by title as follows:

ORDINANCE NO. 2182

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-1 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY GARY D. CHARLTON, LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND NORTH OF ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to adopt Ordinance No. 2182. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

4. ORDINANCE NO. 2183 - THIRD READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - Lynn M. Wagner - from Commercial to Residential Very Low Suburban (0-2.0 du/ac), property located south of W. Welch Road and west of the Spring Harbor platted subdivision (west of Rock Springs Road.) - The City Clerk read the title as follows:

ORDINANCE NO. 2183

AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY OWNED BY LYNN M. WAGNER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2183. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

5. ORDINANCE NO. 2184 - THIRD READING & ADOPTION - CHANGE OF ZONING - Lynn M. Wagner - from PUD to R-1, property located south of W. Welch Road and west of the Spring Harbor platted subdivision (west of Rock Springs Road.) - The City Clerk read the title as follows:

ORDINANCE NO. 2184

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS R-1 FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY LYNN M. WAGNER. LOCATED SOUTH OF WELCH ROAD AND WEST OF THE SPRING HARBOR PLATTED SUBDIVISION (WEST OF ROCK SPRINGS ROAD); PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to adopt Ordinance No. 2184. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

6. ORDINANCE NO. 2186 - FIRST READING - ANNEXATION - Cooper Oaks Commerce Park, LLC, property located at 506 South Bradshaw Road. (0.28 +/- acre) - Mayor Land said Ordinance No. 2186 does not meet the requirements for adoption, and will be held over for a Second Reading. The City Clerk read by title as follows:

ORDINANCE NO. 2186

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA

STATUTE 171.044 THE HERINAFTER DESCRIBED LANDS SITUATED AND BING IN ORANGE COUNTY, FLORIDA, OWNED BY COOPER OAKS COMMERCE PARK, LLC., LOCATED NORTH OF JOHNS ROAD AND WEST OF SOUTH BRADSHAW ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Dean, and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2186, and hold it over for a Second Reading. Commissioner Arrowsmith declared he would abstain from voting due to their being a client of the bank and would file a Form 8B. Motion carried 4-0, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

7. ORDINANCE NO. 2187 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - Jose A. & Iris N. Acevedo - from County Rural to City Commercial, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - Mayor Land said Ordinance No. 2187 does not meet the requirements for adoption and will be held over for a Second Reading. The City Clerk read by title as follows:

ORDINANCE NO. 2187

AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY OWNED BY JOSE A. & IRIS N. ACEVEDO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2187, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

8. ORDINANCE NO. 2188 - FIRST READING - CHANGE OF ZONING - Jose A. & Iris N. Acevedo - from County R-CE to City C-1, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - Mayor Land said Ordinance No. 2188 does not meet the requirements for adoption and will be held over for a Second Reading. The City Clerk read by title as follows:

ORDINANCE NO. 2188

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-1 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY JOSE A. & IRIS n. ACEVEDO, LOCATED ON THE NORTHWEST CORNER OF KELLY PARK ROAD AND MT. PLYMOUTH ROAD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Till, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2188, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

9. ORDINANCE NO. 2189 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - William M. Uebel - from County Rural to City Commercial, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - Mayor Land said Ordinance No. 2189 does not meet the requirements for adoption and will be held over for a Second Reading. The City Clerk read by title as follows:

ORDINANCE NO. 2189

AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY OWNED BY WILLIAM M. UEBEL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Till, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2189, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

10. ORDINANCE NO. 2190 - FIRST READING - CHANGE OF ZONING - William M. Uebel - from County R-CE to City C-1, property located on the northwest corner of Kelly Park Road and Mt. Plymouth Road. - Mayor Land said Ordinance No. 2190 does not meet the requirements for adoption and will be held over for a Second Reading. The City Clerk read by title as follows:

ORDINANCE NO. 2190

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-1 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY WILLIAM M. UEBEL, LOCATED ON THE NORTHWEST CORNER OF KELLY PARK ROAD AND MT. PLYMOUTH ROAD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2190, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

11. ORDINANCE NO. 2191 – FIRST READING – Amending Chapter 2, Administration, Section 2-121, Special Service Charges, by increasing the Special Service Charge for outstanding lien searches.- Mayor Land said Ordinance No. 2191 does not meet the requirements for adoption and will be held over for a Second Reading. The City Clerk read by title as follows:

ORDINANCE NO. 2191

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE IV. "FINANCE," DIVISION 2. "FEES," SECTION 2-121. "SPECIAL SERVICE CHARGES," OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA; BY INCREASING THE SPECIAL SERVICE CHARGE FOR OUTSTANDING LIEN SEARCHES; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2191, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS -

Commissioner Till inquired about the rebate value of the Conservation Plan on page 11 of the Administrative Report.

CAO Anderson advised that the listed amount was incorrect and would be revised to read \$792.00.

CAO Anderson reported that Pizzuti would be at the next City Council meeting to give a mid-term report on the Downtown Study.

CAO Anderson reported that staff is continuing to work on the budget. He hopes to have a balanced budget ready by the next City Council meeting.

MAYOR'S REPORT - Mayor Land reported receiving a thank you note from Belle Gilliam expressing her thanks for the phone calls, floral arrangement, visits, and prayers during her recuperation from knee replacement surgery.

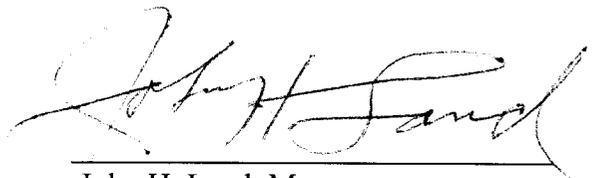
OLD BUSINESS

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

NEW BUSINESS

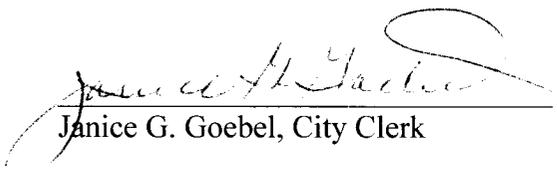
1. Council - There was no new business from the City Council.
2. Public - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:24 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk