

Minutes of a regular City Council meeting held on October 6, 2010, at 1:30 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 this day in 1781, the Battle of Yorktown started and this was the last big battle of the American Revolutionary War when George Washington took the surrender from Lord Cornwallis. He asked everyone to reflect on that event in the life of our Nation as he led in the Pledge of Allegiance to the Flag.

Mayor Land announced that Commissioner Arrowsmith would be arriving later during the meeting.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on September 15, 2010, at 8:00 p.m.
2. Approve the minutes from the special City Council Meeting held on September 29, 2010, at 5:15 p.m.
3. Authorize a \$45,905.80 expenditure from the Federal Law Enforcement Trust Fund to purchase furniture for the Criminal Investigations section of the Police Department.
4. Approve the Disbursement Report for the month of September, 2010.

MOTION was made by Commissioner Till, and seconded by Commissioner Dean, to approve the four (4) items of the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

PRESENTATIONS

1. **Lance Bruce - Police/Field Services - 10 Year Service Award** - Mayor Land said Lance began working for the City as a Police Officer in Field Services on September 5, 2000, which is his current position. The City Council joined Mayor Land in congratulating Lance on his service award.
2. **Charles (Mike) Cheatham - Police /Field Services - 10 Year Service Award** - Mayor Land said Mike starting working for the City as a Police Officer on September 5, 2000. On August 1, 2005, he was transferred to Support Services. Then on July 13, 2010, he was promoted to Police Sergeant and transferred back to Field Services, which is his current position. The City Council joined Mayor Land in congratulating Mike on his service award.
3. **Hommy Velez Perez - Police Department/Field Services - 10 Year Service Award** - Mayor

Land said Hommy began working for the City as a Police Officer in Field Services on September 5, 2000, which is his current position. The City Council joined Mayor Land in congratulating Hommy on his service award.

4. Ronald Whetstone - Fire/Suppression - 10 Year Service Award - Ron was not present and will be presented his award at a later time.

5. Brian Bishop - Public Services/Waste Water Collection Maintenance - 10 Year Service Award- Mayor Land said Brian began working for the City as a Utility Service Worker II in Water Distribution Maintenance on September 25, 2000. He transferred to Waste Water Collection Maintenance on February 26, 2001. Brian was temporary reclassified to Utility Foreman on July 22, 2002. He was promoted on May 15, 2006, to Utility Construction & Maintenance Manager, which is his current position. The City Council joined Mayor Land in congratulating Brian on his service award.

6. Randal Lautenburg - Police/Field Services - 20 Year Service Award - Mayor Land said Randal started working for the City as a Police Officer in Field Services on September 12, 1990. He was promoted to Police Commander on March 3, 1997. Then on September 23, 2005, his title changed to Acting Police Captain. He was later promoted on October 1, 2006, to Police Captain, which is his current position. The City Council joined Mayor Land in congratulating Randal on his service award.

7. Key to the City - SPC Kori Reis-ElBara, US Army Combat Medic - Mayor Land presented a Key to the City to SPC Kori Reis-ElBara and said we were always glad to recognize people who serve in the Armed Forces.

8. Wounded Warrior Project - Debra Giangrande - Ms. Giangrande was not present.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. Authorize issuance of the Keene Road Landfill Closure and Post Closure Permit for Waste Management of Florida, Inc., subject to the twenty-one (21) conditions included in the permit.

Mayor Land said it is recommended by the Community Development Director to issue a Closure and Post Closure Permit for Waste Management of Florida, Inc. to Keene Road Landfill, subject to the twenty-one (21) conditions included in the permit.

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

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to approve as recommended. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

Commissioner Arrowsmith arrived at this point in the meeting.

2. Verizon Wireless, c/o Laura B. Belflower, P.A., has requested that the City Council hear their appeal regarding the denial by the Planning Commission of the Special Exception for a telecommunications tower to be located on the property owned by Semoran Baptist Temple (also known as Grace Pointe Church) on the northwest corner of Lester Road and Rogers Road.

Mayor Land said the Development Review Committee recommended approval and the Planning Commission denied the request at their May 11, 2010 meeting. Verizon Wireless is now appealing this decision to the City Council. He announced this was a quasi-judicial hearing.

Laura B. Belflower, P.A., P.O. Box 47451, Tampa, Florida, said she was a Land Planner and an Attorney and was representing Verizon Wireless. She stated it was the position of Verizon Wireless that the denial by the Planning Commission was not supported by sufficient evidence and was inconsistent with the applicable provisions of the City Code and controlling law. She reviewed the regulations for a cell tower and said the proposed tower meets all of these requirements, as well as the requirements for staff approval. However, staff requested they go through the special exception process. She addressed the concerns that were expressed at the Planning Commission meeting to include health risks, sufficient wireless coverage, the location of the tower, real estate values, and aesthetics. She said they understand the concerns regarding the appearance of the tower and they were willing to offer some additional options addressing the visual character and reviewed various designs to camouflage the tower.

Ms. Belflower asked that the Council follow the code requirements and address the neighbors' fears in a way that they can by approving one of the camouflage designs and requested approval.

Mayor Land opened the meeting for a public hearing.

People spoke in opposition for various reasons to include that the cell tower violates the City Code regarding Communication Towers, concerns regarding aesthetics, visual blight, height, health risks, light and noise pollution, devaluation of real estate and the impact on homeowners, and a tax exempt entity building a profit center.

The following individuals spoke in opposition:

Della Palacios	2266 Reefview Loop
Raymond D. Hoffman	1198 N Fairway Drive
Raul Palacios	2266 Reefview Loop
David Chase	2476 Breezy Meadow Road
Robert Saemion	2255 Reefview Loop
Charles Parsons	2235 Reefview Loop
Tom Brown	2349 Reefview Loop
David Van Beekum	2321 Chalkmaple Way
Joe Kilsheimer	2377 Home Again Road
Jason Boschen	2039 Touchwood Court

People speaking in favor of the tower stated that Grace Pointe Church has a good outreach to the community. They spoke in favor of a camouflaged tower with a cross and said the funds will be used to build a community center and support non-profit organizations in Apopka, giving back to the community.

The following individuals spoke in favor:

Spring Thigpen	2120 Rogers Road
Bob Loomis	2776 Ponkan Road
Jason Henderson	110 W Orange Street
Justin Gomez	1020-27 Loch Vail Drive
Mary McNeely	2251 Rogers Road

Ms. Belflower presented her rebuttal and addressed the concerns expressed by the speakers, and advised that because the cell tower is on the church property, the portion of the property that houses the tower will be taxable. She reiterated that the tower could be camouflaged and disguised in a way that it does not capture the eye as a structure that stands out as a cell tower.

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

Mayor Land said all items distributed and the letters received will be placed in the official record. He outlined four options that were relayed by the City Attorney in that the Council can approve, approve with conditions, deny, or continue this matter.

CAO Anderson said the four options were available as outlined by the Mayor, and from here the appeal would go to court.

Commissioner Arrowsmith said the church has owned this property for 10 years now and they have property rights. There are other towers throughout the City and these have had no adverse effects on property values, and commended Verizon for the design.

Commissioner McQueen said she was given a packet yesterday that will be provided for the file and she has advised people that she could not speak with them outside of the meeting because of this being quasi-judicial. She advised that in the 1990's she sat on the Florida League of Cities Telecommunications Committee and discussed concerns at that time. She affirmed that she would not support this request as she does not feel it is consistent with the development in the area.

Commissioner Dean said he has lived in Errol Estates over 30 years and was previously not aware of the tower that is in the area. He stated he likes what the church is trying to do and supports the request.

Commissioner Till thanked everyone for coming and acknowledged their passion. She addressed comments heard regarding the ability of the tower to provide funding for community service and outreach rather than funding these through parishioners. She stated she opposed the cell tower.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to overturn the Planning Commission's decision and approve with one of the two designs for the tower.

Discussion ensued regarding the height and design options.

CAO Anderson said staff has been working on this for sometime and the initial submittal was with the cross design and DRC felt it would be less intrusive if that was excluded. He stated if Council approves this with conditions, staff can go back and meet with them.

Motion carried 3 - 2 with Mayor Land and Commissioners Arrowsmith, and Dean voting aye. Commissioners McQueen and Till voting no.

The Commission recessed at 3:17 and reconvened at 3:27 p.m..

Commissioner Arrowsmith left the meeting at 3:20 p.m.

ORDINANCES AND RESOLUTIONS

Mayor Land said Ordinance Nos. 2192 through 2200 do not meet the requirements for adoption and will be held over for a Second Reading.

1. ORDINANCE NO. 2192 - FIRST READING - VACATION - Todd Bengtson, vacating a portion of a platted utility, planting, and bridle path easement, located south of Schopke Lester Road and north of Stormway Court - The City Clerk read by title as follows:

ORDINANCE NO. 2192

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT AND BRIDLE PATH LOCATED SOUTH OF SCHOPKE LESTER ROAD, NORTH OF STORMWAY COURT; PROVIDING DIRECTION TO THE CITY CLERK; FOR SEVERABILITY; FOR 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. 2192, 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. 2193 - FIRST READING - VACATION - Community Health Centers, Inc., vacating a portion of a platted right-of-way for property located east of 8th Street and south of East 7th Street. - The City Clerk read the title as follows:

ORDINANCE NO. 2193

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF THE EXISTING ROBINSON AVENUE RIGHT OF WAY LOCATED NORTH OF EAST 8TH STREET AND SOUTH OF EAST 7TH STREET; PROVIDING DIRECTION TO THE CITY CLERK; FOR SEVERABILITY; FOR CONFLICTS; AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for public hearing.

Paul Dietrich, 37 N Orange Avenue, #200, Orlando, Florida, said he was present on behalf of the applicants and requested the Council approve the Ordinance at second reading.

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

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2193, 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. 2194 - FIRST READING - CHANGE OF ZONING** - First Commercial Bank of Florida - from County A-1 to City R-1 (0-5/0 DU/AC) for property located at 1427 W McCormick Road - The City Clerk read the title as follows:

ORDINANCE NO. 2194

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS R-1 FOR THE HERINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA, OWNED BY FIRST COMMERCIAL BANK OF FLORIDA, LOCATED NORTH OF MCCORMICK ROAD AND EAST OF HILL DRIVE; 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 accept the First Reading of Ordinance No. 2194, 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. 2195 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE** - Cooper Oaks Commerce Park LLC - from County Low Medium Density Residential (Max. 10 DU/AC) to Industrial for property located at 50-6 S Bradshaw Road. - The City Clerk read the title as follows:

ORDINANCE NO. 2195

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 COOPER OAKS COMMERCE PARK LLC; 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 accept the First Reading of Ordinance No. 2195, 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. 2196 - FIRST READING - CHANGE OF ZONING - Cooper Oaks Commerce Park LLC - from County R-2 to I-1 for property located at 506 S Bradshaw Road. - The City Clerk read the title as follows:**

ORDINANCE NO. 2196

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS I-1 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY COOPER OAKS COMMERCE PARK LLC, LOCATED AT 506 S. BRADSHAW 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 accept the First Reading of Ordinance No. 2196, 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. 2197 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - Martin & Jennifer Flickinger - from County Low Density Residential (Max. 4 DU/AC) to Commercial for property located at 145 E. Sandpiper Street. -**

Mayor Land said he owned property in this area some years ago and had previously abstained from voting on issues on Sandpiper Street. He has since received a ruling from the City Attorney that it had been so many years past that he (the Mayor) did not need to abstain and file a form 8B. Mayor Land entered the ruling letter from the City Attorney into the record.

The City Clerk read the title as follows:

ORDINANCE NO. 2197

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 MARTIN AND JENNIFER FLICKINGER; 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 Dean, to accept the First Reading of Ordinance No. 2197, 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. 2198 - FIRST READING - CHANGE OF ZONING - Martin & Jennifer Flickinger - from County A-2 to C-2 for property located at 145 E. Sandpiper Street. - The City Clerk read the title as follows:**

ORDINANCE NO. 2198

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-2 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY MARTIN AND JENNIFER FLICKINGER, LOCATED AT 145 E. SANDPIPER STREET; 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. 2198, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

8. **ORDINANCE NO. 2199 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - Mabel Wallace - from County Low Density Residential (Max. 4 DU/AC) to Commercial for property located at 147 E. Sandpiper Street. - The City Clerk read the title as follows:**

ORDINANCE NO. 2199

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 MABEL WALLACE; 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 accept the First Reading of Ordinance No. 2199, 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. 2200 - FIRST READING - CHANGE OF ZONING - Mabel Wallace - from County A-2 to C-2 for property located at 147 E. Sandpiper Street. - The City Clerk read the title as follows:

ORDINANCE NO. 2200

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-2 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY MABEL WALLACE, LOCATED AT 147 E. SANDPIPER STREET; 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 accept the First Reading of Ordinance No. 2200, and hold it over for a Second Reading. 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 reported he had received a request for the City to discuss Smoke Free Parks. He reviewed the request and asked the Commissioners to give this consideration.

Mayor Land said he would like to reactivate the Sign Committee and requested each Commissioner to submit two (2) names to be considered for appointment to a 5-member Sign Committee.

Commissioner McQueen advised she had received several complaints regarding the number of electronic signs.

CAO Anderson reported the City has received complaints and concerns, and stated they were trying to keep up with technology, but keep them unobtrusive to the community.

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 Till reported she has been asked to serve on a Florida League of Cities Task Force to prepare a cities agenda for the new administration.

Commissioner Till reported that she met with Senator Gardner regarding DCA and said he is willing to entertain some new language to propose.

2. Public -

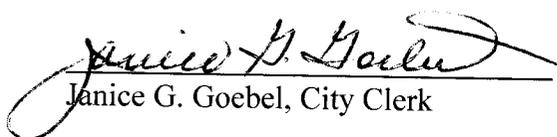
Linda Laurendeau, 1785 Nordic Court, applauded the City for creating E-Bills for Utilities, and pointed out the cost savings. She suggested adding some type of coupon to be used in the community on the bottom of the e-statement.

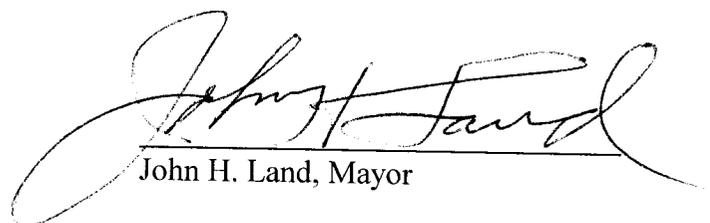
Mayor Land said they have talked about using that area for surveys. He thanked Ms. Laurendeau for her support and bringing forward her ideas.

CAO Anderson reported the City was working on a new website design and there would be more Economic Development information included. He said the current website was 10 years old and they were going to a total new re-write.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 3:57 p.m.

ATTEST:


Janice G. Goebel, City Clerk


John H. Land, Mayor