

**Minutes of a regular City Council meeting held on April 21, 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 last Monday was April 19<sup>th</sup>, and on that day in 1775, the first shots were fired in the Revolutionary War at Lexington and Concord, which was said to be the “shot that was heard ‘round the World’”. That opened the Revolution which brought about the Freedom and Liberty that we enjoy today. He asked everyone to reflect on that great event in the life of our Nation, as he led in the Pledge of Allegiance.

**CONSENT AGENDA**

1. Approve the minutes from the regular City Council Meeting held on April 7, 2010 at 1:30 p.m.

**Motion was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

Mayor Land welcomed Chris Nelson (Apopka Memorial Middle School), and Skyler Sumpter (Wekiva High School), Boy Scout Troop 601, present at the meeting, working on a merit badge.

**PRESENTATIONS** - There were no presentations.

**SPECIAL REPORTS AND PUBLIC HEARINGS**

1. Bob Harrell Properties, Inc., has requested that the City Council reconsider allowing the following for the Charleston Park Subdivision: 1) the main entrance to be off of Washington Avenue; and 2) reduction of the living area from 1,450 sf to 1,250 sf.

CAO Anderson explained he received Mr. Harrell’s request for the hearing before the City Council on March 22, 2010. CAO Anderson then gave a timeline account of the subdivision process, and explained the exceptions granted to Mr. Harrell. (The staff report is attached to and made a part of these meeting minutes)

CAO Anderson explained that Mr. Harrell has the right to address his requests to the City Council; however, staff recommends the City Council hold firm on the Washington Avenue access, denying the request.

CAO Anderson explained that part two (2) of the request, regarding the square footage reduction, requires a variance. He said the City Code delegates the granting or denying of a variance to the Planning Commission, which is then appealable to the City Council. He gave a brief overview of the criteria for granting of a variance.

CAO Anderson explained that the City took the extra step to notify the public of the hearing, not wanting to break faith with the public.

Douglas Heddrick, Civil Engineering Consultant for the applicant, Professional Design Associates, 741 Lake Baldwin Lane, Orlando FL 32803, said there are a number of buyers interested in homes in Charleston Park and they would prefer to have the main entrance from Washington Avenue. They are having a very difficult time selling homes with the current access. He said Washington Avenue access would eliminate a lot of “snaking” through the neighborhoods, and improve the traffic circulation in the area. He said they will bring the reduction in the square footage to the Planning Commission.

Lyle Forsberg, 235 North Washington Avenue, spoke in opposition to the changes proposed by the Harrell Development Company. He said the changes would have an adverse affect on the character and nature of the neighborhood, and create traffic issues. He requested the subdivision plans stand as approved by the City Council in 2006.

Shawn Dunlap, 152 West Myrtle Street, said there are 681 homes for sale in the 32703 & 32712 zip code area, and 1,472 foreclosures. He said, “We have enough vacant homes for people to move into.” He also expressed concerns that traffic would commute through Charleston Park, and the increased traffic would be a detriment to the neighborhood. He asked the City Council to deny the request.

Earl Nelson, 243 North Washington Avenue, said that two (2) entrances already exist there now. He said the one (1) on New Hampshire is not being used at all, and is very close to Hwy 441. He said they are also opposed to the reduction in house size.

Alan Jewell, 6 West Myrtle Street, said he was glad the City has done all the research. He said any changes would be adversarial to the neighborhood.

Michael Gulotta, 312 Edisto Place, spoke in favor of opening access to Charleston Park onto Washington Avenue. He said it would be a much better access for the subdivision. However, said he and his wife are opposed to downsizing the houses.

Grover Wigglesworth, Salesperson for Harrell Properties, said the request is for economic reasons. He said that as of this date, there are 60 houses to be built in the Charleston Park Subdivision, and in the past seven (7) months only two (2) houses have sold. He reiterated that the second entrance is a construction entrance only.

Pam Brooks, 135 West Oak Street, said there are no sidewalks in the Washington Avenue neighborhood, and spoke in opposition to the request.

Mike McDermott, 227 North Washington Avenue, said increased traffic flow would require the installation of sidewalks, at an added expense to the City. He appealed to the City Council to hold firm to the decisions made in 2006.

Ericka Mack, residing in the Charleston Park Subdivision, spoke in opposition to the opening of any new entrance, and the reduction of the house size.

Karen Jewell, 6 West Myrtle Street, said the increase of traffic on Washington Avenue and Myrtle Street, would increase the speeding of vehicles, the number of cars, and the amount of trash being thrown. She also added they are against the reduction in the size of the homes.

Shirley Goldwire, 329 Edisto Place, also residing in the Charleston Park Subdivision, stated she is opposed to the reduction of square footage in the housing and the opening onto Washington Street.

Melvin Birdsong, 246 North Washington Avenue, spoke about the friendships and camaraderie among the neighbors on Washington Avenue, and said he believes the opening of an entrance on Washington Avenue would destroy the nice, old community. He requested it be left alone.

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

**MOTION was made by Commissioner Till, and seconded by Commissioner Arrowsmith, to deny the requests of Bob Harrell for an entrance on Washington Avenue, and the house square footage reduction. Motion carried unanimously, with Mayor Land and Commissioner Arrowsmith, Dean, McQueen and Till voting aye.**

Mayor Land called a short recess at 8:39 p.m. Mayor Land called the meeting back to order at 8:42 p.m.

## **ORDINANCES AND RESOLUTIONS**

**1. ORDINANCE NO. 2159 - SECOND READING & ADOPTION - Amending Chapter 22, "Building and Building Regulations" - to adopt a new Article VI. entitled, "Property Maintenance Code" - Mayor Land said this Ordinance does not meet the requirements for adoption and will be held over for a Second Reading - Mayor Land said Ordinance No. 2159 meets the requirements for adoption, having been duly advertised in the Apopka Chief on April 9, 2010. The City Clerk read the title as follows:**

### **ORDINANCE NO. 2159**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 22, "BUILDING AND BUILDING**

**REGULATIONS,” BY AMENDING SECTIONS 22-1 AND 22-83(a) TO INCLUDE THE POLICE CHIEF; BY RESERVING CERTAIN SECTIONS OF ARTICLE V, “CONDEMNATION OF UNINHABITABLE OR UNSAFE STRUCTURES”; BY ADOPTING A NEW ARTICLE VI. ENTITLED “PROPERTY MAINTENANCE CODE;” REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF APOPKA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND PROVIDING FOR 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 McQueen, and seconded by Commissioner Dean, to adopt Ordinance No. 2159. 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 -**

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

CAO Anderson stated there was not much good news in the report, mainly due to no growth in the area. There were no questions asked by the City Council.

**MAYOR’S REPORT** - Mayor Land reminded everyone of the Art & Foliage Festival taking place this weekend.

He also reminded everyone of the Oath of Office Ceremony taking place next Monday, April 26<sup>th</sup>, at the Apopka Community Center, beginning at 6:00 p.m.

#### **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 Dean inquired about the City adopting Park Avenue from Hwy. 441 to Rock Springs, to keep it clean of trash. Commissioner Till noted there are several areas along Park Avenue which have already been adopted by individual groups. The City Council agreed to adopt those areas of Park Avenue not currently adopted.

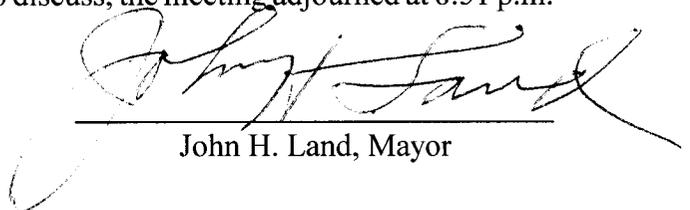
Commissioner Dean asked if the City would participate along with Orange County in the Community Clean-Up Day on Saturday, May 15<sup>th</sup>. CAO Anderson said he had already been contacted and committed the City's participation.

Commissioner Arrowsmith inquired about the Charleston Park Subdivision entrance on New Hampshire. CAO Anderson explained that it is for construction traffic only and would be closed upon the completion of the subdivision.

CAO Anderson added that when the subdivision was being approved, Mr. Harrell said he did not want to open the access permanently, so the City agreed to allow it as a construction entrance only.

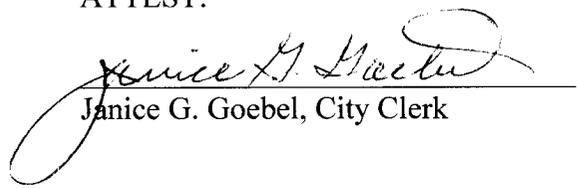
**2. Public -** There was no new business from the public.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 8:51 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk