

**Minutes of a regular City Council meeting held on August 4, 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 August 2, 1776, after passing the Declaration of Independence on July 4<sup>th</sup> of that year, that most of the 56 signers signed the Declaration of Independence. He stated this took a lot of courage as this was like signing their own death warrant. He asked everyone to reflect on the great dedication and courage of those 56 signers as he led in the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

1. Approve the minutes from the regular City Council Meeting held on July 21, 2010, at 8:00 p.m.
2. Authorize staff to piggy-back Alachua County School Board Bid # 10-05 with Aramark Uniform Services for uniform rental.
3. Authorize a \$5,000.00 expenditure from the Law Enforcement Trust Fund to purchase photography equipment for the Forensic Section of the Police Department.
4. Authorize the Chief Administrative Officer to sign the real estate sales and purchase contract between the City of Apopka and Mr. Serge Lavaud.
5. Approval of Walgreens, located at 1450 N. Rock Springs Road, to hold a special event on August 14, 2010, in their parking lot.
6. Approve the Disbursement Report for the month of July, 2010.

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

Commissioner Till commended staff for the work they did and saving City funds on Consent Agenda Item 2.

**PRESENTATIONS**

1. **Michael Lee - Police/Field Services - 5 Year Service Award** - Mayor Land said Michael was not present and would be presented his award at a later time.
2. **Rodney Moore - Administrative Services/ Facilities Maintenance - 5 Year Service Award** - Mayor Land said Rodney was not present and would be presented his award at a later time.

3. **Eric Williams - Public Services/Water Distribution Maintenance - 10 Year Service Award** - Mayor Land said Eric began working for the City on July 5, 2000, as a Utility Service Worker II, which is his current position. The City Council joined Mayor Land in congratulating Eric on his service award.

4. **Matthew Gibbs - Police/Field Services - 15 Year Service Award** - Mayor Land said Matt began working for the City on July 26, 1995, as a Police Officer. On April 19, 2005, Matt was promoted to Police Sergeant and on July 3, 2007, he was promoted to Police Commander. In October of 2009, his title changed to Police Lieutenant, which is his current position. The City Council joined Mayor Land in congratulating Matt on his service award.

5. **John McConnell - Police/Field Services - 15 Year Service Award** - Mayor Land said John began working for the City on July 26, 1995, as a Police Officer. On June 24, 2005, he was promoted to Police Sergeant, which is his current position. The City Council joined Mayor Land in congratulating John on his service award.

6. **Charles McCrary - Public Services/ Water Distribution Maintenance - 20 Year Service Award** - Mayor Land said Chuck was not present and would be presented his award at a later time.

7. **US Census Bureau - Martha Brown** - Ms. Brown said she and Mayor Land have worked together through three census. On behalf of George Grandy, Jr., Atlanta Regional Director of the US Census Bureau, Ms. Brown presented the Mayor with a plaque. Mayor Land accepted it on behalf of the City of Apopka .

## **SPECIAL REPORTS AND PUBLIC HEARINGS**

**MOTION by Commissioner Till, and seconded by Commissioner McQueen, to remove Items 1 (request of D.R. Horton), 2 (request of Ryan Homes), and 3 (request of Equity Apopka, LLC) from the table. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

Mayor Land said all four (4) items would be considered at the same time.

1. D.R. Horton, c/o James H. McNeil, Jr., Esq., Akerman Senterfitt, has requested that the City Council reconsider allowing the following for the Clayton Estates subdivision:

1) Elimination of the eight (8) foot recessed garage requirement on the remaining 53 lots.

**Note:** This item was tabled until August 4, 2010 by the City Council at its meeting on July 21, 2010.

2. Ryan Homes, c/o Steve Rosser, has requested that the City Council reconsider allowing the following on the remaining 104 lots in the Maudehelen, Phase 2 subdivision: 1) allowing side load garages on 30 of the lots; and, 2) the elimination of the side load garage requirement on the final 74 lots.

**Note:** This item was tabled until August 4, 2010 by the City Council at its meeting on July 21, 2010.

3. Equity Apopka, LLC, has requested that the City Council reconsider allowing the following for the Lake Todd Estates subdivision: 1) Elimination of the eight (8) foot recessed garage requirement.

4. M/I Homes of Orlando, LLC, c/o P. Brian Dalrymple, Vice-President, Land, has requested that the City Council reconsider allowing the following for the Wekiva Run, Phase 3 Subdivision: 1) Elimination of the eight (8) foot recessed or side load garage requirement.

CAO Anderson said City staff has met and had discussions with the developers, trying to work this issue out. He advised they have arrived at a compromise based on concerns raised at the last City Council meeting regarding parking of vehicles in the driveway. He stated with a standard car length of 13.5 feet and a standard truck length of 16.5 feet, that a 30 foot minimum setback will be in keeping with the concerns of parking extending onto the sidewalks. He said they can continue to work with the present Rules and Regulations. However, this is an additional option with the 30 foot setback. (A sketch of the Proposed Garage Setback Requirement is attached hereto and made a part of these minutes.)

CAO Anderson stated Lake Todd Estates was annexed after having been approved in Orange County, so this would not apply to their particular situation since they comply with Orange County Rules and Regulations. He advised the County requires a 20 foot setback. He stated the other concern was with Clayton Estates in that they have 98 lots that have already been built. He said staff would suggest prior to allowing these changes in Clayton Estates that the neighbors be provided an opportunity to respond with regards to whether they would accept the change. He suggested a mail ballot in with the water bills.

Discussion ensued regarding side and rear setbacks.

CAO Anderson advised there have been no changes made to the side or rear setback requirements.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to approve the recommendation of staff to offer a 30 foot minimum front setback, and authorize staff to set the policy in place.**

Mayor Land opened the public hearing.

Jim McNeil, Esquire, 420 South Orange Avenue, Orlando, on behalf of D.R. Horton and Ryan Homes, said in regards to D.R. Horton, with the proposal before the Council, they have looked at the building plans in their current inventory and they have three (3) to four (4) house types they can build if this is accepted. He said this helps them, though it is not the full request they made, but they are appreciative of the opportunity as it will give them additional flexibility. He stated he was not aware of a referendum or any type of additional public notice beyond what has already been done with advertising. He inquired if there would be another public hearing on this particular neighborhood.

Commissioner Arrowsmith replied that it would be handled by staff and would not come back for a public hearing.

Mr. McNeil said specifically it means there would be an amendment to the final development plan that was approved. He stated with respect to the Maudehelen subdivision, a specific request was made to reduce the number of side entry garages from 74 down to 30. He said with this proposal, it works very well for Ryan Homes' in this subdivision. They were hoping the Council would approve Ryan Homes specific request to make an amendment to their preliminary development plan and final development plan to only require 30 side entry garages and eliminate the eight (8) foot recessed garage requirement with this new proposal.

Reed Berlinkski, 4775 Canoe Creek Road, St. Cloud, speaking on behalf of Lake Todd Estates, stated he was confused as they have been part of the overall discussion regarding the garage recess. He said their application was to have a variance of the recessed garage to be even and not recessed. He stated this was the first they were aware of this situation.

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

CAO Anderson explained that Lake Todd Estates was approved by the County and was ready to be built based on County Regulations. The City of Apopka annexed the property with the property remaining as approved under the Rules and Regulations of Orange County, which, he said, is to their advantage.

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

## **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:** Staff requests that this item be tabled until the August 18, 2010 City Council Meeting.

Mayor Land said staff has requested that Ordinance No. 2145 be tabled to the August 18, 2010 City Council meeting. 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**

**MOTION by Commissioner Till, and seconded by Commissioner Dean, to table the Second Reading of Ordinance No. 2145 to the August 18, 2010 City Council Meeting. Motion carried unanimously with Mayor Land, Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

CAO Anderson said they have been trying to move quickly on some of these documents. He stated some of this did not appear on the City's website until this morning and with the transparency of government, he wants this information available for people to review.

Mayor Land said Ordinance numbers 2181 through 2184 do not meet the advertising requirements for adoption and will be held over for a Third Reading.

**2. ORDINANCE NO. 2181 - SECOND READING - 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 Till and seconded by Commissioner McQueen, to accept the Second Reading of Ordinance No. 2181, and hold it over for a Third Reading. Motion carried unanimously, with Mayor Land, Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**3. ORDINANCE NO. 2182 - SECOND READING - 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 Arrowsmith, and seconded by Commissioner Till, to accept the Second Reading of Ordinance No. 2182, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**4. ORDINANCE NO. 2183 - SECOND READING - 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 Till, and seconded by Commissioner Dean, to accept the Second Reading of Ordinance No. 2183, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**5. ORDINANCE NO. 2184 - SECOND READING - 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 HEREINAFTER 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 Arrowsmith and seconded by Commissioner Till, to accept the Second Reading of Ordinance No. 2184, and hold it over for a Third Reading. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

6. **ORDINANCE NO. 2185 - SECOND READING & ADOPTION** - Amending Chapter 42, of the Apopka Code of Ordinances, by adopting a new Division 3, entitled "Registration, Maintenance and Security of Abandoned Real Property." - Mayor Land said Ordinance No. 2185 meets the requirements for adoption, having been duly advertised in the Apopka Chief on July 23, 2010. The City Clerk read by title as follows:

#### **ORDINANCE NO. 2185**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 42, "ENVIRONMENT", OF THE CODE OF ORDINANCE OF THE CITY OF APOPKA, FLORIDA, BY CREATING A NEW DIVISION 3, ENTITLED, "REGISTRATION, MAINTENANCE AND SECURITY OF ABANDONED REAL PROPERTY"; PROVIDING FOR REGISTRATION; PROVIDING FOR PENALTIES; RESERVING CERTAIN SECTIONS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR 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 adopt Ordinance No. 2185. Motion carried unanimously with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

Commissioner Till commended staff for addressing this very important matter.

**SITE APPROVALS** - There were no site approvals.

**DEPARTMENT REPORTS AND BIDS** - CAO Anderson reminded everyone of the Business Forum on Thursday, August 5, 2010, in the City Council Chambers, from 10:00 a.m. to 12:00 p.m. He said this is part of the City's outreach program for Economic Development.

**MAYOR'S REPORT** - Mayor Land reported receiving a note from Nicholas Andrew Eagle, thanking the City for presenting him with a Proclamation at his Eagle Scout ceremony.

#### **OLD BUSINESS**

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

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

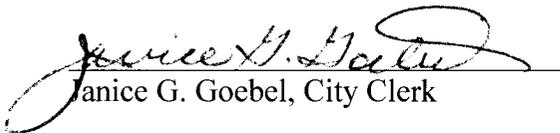
**NEW BUSINESS**

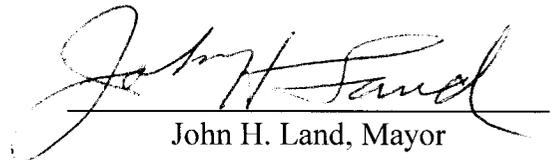
1. Council - There was no new business from the City Council.

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

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 2:16 p.m.

ATTEST:

  
Janice G. Goebel, City Clerk

  
John H. Land, Mayor