

# CITY OF APOPKA

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**Minutes of the regular City Council meeting held on April 2, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor John Land  
Commissioner Bill Arrowsmith  
Commissioner Marilyn U. McQueen  
Commissioner Joe Kilsheimer

**ABSENT:** Commissioner Billie Dean

**PRESS PRESENT:** Roger Ballas - The Apopka Chief  
Steve Hudak -- The Orlando Sentinel  
Caroline Rowland & cameraman - TV Channel 13 News

**INVOCATION AND PLEDGE OF ALLEGIANCE** – The Invocation was given by Associate Pastor Ben Bankson, Victory Church World Outreach Center. Mayor Land said in April of 1775, the first shots of the Revolutionary War were fired at Lexington and Concord. It took 6 years to end the war at the Battle of Yorktown, and brought the Freedom and Liberty that we enjoy today. He asked everyone to reflect on that event in the life of our Nation, as he led in the Pledge of Allegiance.

Mayor Land announced anyone wishing to appear before the City Council, should submit a Notice of Intent to Speak card to the City Clerk.

## **CITIZEN INPUT**

Susan Shetrom, 1810 Cranberry Isles Way, asked the following questions regarding the Apopka Town Center: (1) How is the project being funded, and has the money already been allocated?; (2) Are there any commitments by businesses to locate in the town center?

Mayor Land referred her to CAO Richard Anderson for the answer to her questions.

## **EMPLOYEE RECOGNITION**

**1. John D. Howe - Fire/EMS - Ten Year Service Award** - Mayor Land said John was not present and will be presented his service award at a later time.

**2. Mark D. Miller - Public Services/NWRF Grounds - Twenty-Five Year Service Award** - Mayor Land said Mark began working for the City on March 22, 1989, as the Parks Superintendent. He had a title change on March 15, 1995, to Assistant Recreation and Parks Director. On September 22, 1997, his title changed to Special Projects and Development Manager. On October 3, 1999, Mark was reclassified to Recreation Manager, and on October 13, 2008, he was transferred and his title changed to Athletic Complex Maintenance Supervisor, which is his current position. The City Council joined Mayor Land in congratulating Mark on his many years of service to the City.

**PRESENTATIONS** - There were no presentations.

### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting of March 5, 2014, at 1:30 p.m.
2. Approve and ratify the Fifth Trustee appointment of Steve Hooks to the General Employees' Retirement System Board of Trustees for the 2-year term of 2014 & 2015.
3. Approve and ratify the Fifth Trustee appointment of James W. Greene to the Police Officers' Retirement System Board of Trustees for the 2-year term of 2014 & 2015.
4. Approve and ratify the Fifth Trustee appointment of Ray Thompson to the Firefighters' Retirement System Board of Trustees for the 2-year term of 2014 & 2015.
5. Authorize the Chief Administrative Officer to negotiate and execute a Professional Services Agreement for preparation of the Ocoee-Apopka Road Small Area Study with Littlejohn Engineering Associates, Inc., for an amount not to exceed \$92,000.

**MOTION was made by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to approve the 5 items of the Consent Agenda. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.**

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

### **ORDINANCES AND RESOLUTIONS**

Mayor Land said Ordinance Nos. 2354 - 2357 meet the requirements for adoption, having been duly advertised in The Apopka Chief on March 21, 2014.

1. **ORDINANCE NO. 2354 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Robert K. Dunn, et al., from Residential Low (0-5 du/ac) to Residential Low Medium (0-7.5 du/ac), for property located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. (Parcel ID #s: 05-21-28-00-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035 & 05-21-28-0000-00-041)**

The City Clerk read the title, as follows:

#### **ORDINANCE NO. 2354**

**AN ORDINANCE 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 FROM RESIDENTIAL LOW DENSITY (0-5 DU/AC) TO RESIDENTIAL LOW MEDIUM DENSITY (0-7.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND EAST OF RICHARD L. MARK DRIVE, COMPRISING 6.98 ACRES, MORE OR LESS, AND OWNED BY**

**ROBERT K. DUNN, ET AL.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Land opened the meeting for a public hearing.

Pat McGuffin, 289 Lake Doe Boulevard, spoke in support of the proposed Assisted Living Facility, commending the City Council for supporting the approval of the facility, as it will bring jobs and tax revenues into the City. He said it will be a great value for our City and its citizens. He again congratulated the City Council on attracting a new business to Apopka.

Others present who expressed intention to speak in support of the Assisted Living Facility were Sophie Richeson, 1568 Belfast Court; LuAnne Dunn, 3620 Tayside Court; Mickey Page, 2300 Marden Road; and Paul Faircloth, 620 E Sixth Street.

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

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to adopt Ordinance No. 2354. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.**

- 2. ORDINANCE NO. 2355 - SECOND READING & ADOPTION - CHANGE OF ZONING & MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - Robert K. Dunn, et at., from "County" R-3 to "City" Planned Unit Development (PUD/R-3), for property located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. (Parcel ID #s: 05-21-28-00-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035 & 05-21-28-0000-00-041)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2355**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-3 TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND EAST OF RICHARD L. MARK DRIVE, AND SOUTH OF ERROL PARKWAY, COMPRISING 6.98 ACRES, MORE OR LESS, AND OWNED BY ROBERT K. DUNN, ET AL.; 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 Kilsheimer, and seconded by Commissioner McQueen, to adopt Ordinance No. 2355, approving the Master Plan/Preliminary**

**Development Plan, as presented. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.**

- 3. ORDINANCE NO. 2356 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Norman Sawyer, from "County" Low Medium Density Residential (0-10 du/ac) to "City" Commercial (1.25 FAR), for property located west of Rock Springs Road, on the north side of West Nancy Lee Lane (117 W. Nancy Lee Lane). (Parcel ID # 33-20-28-0000-00-040)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2356**

**AN ORDINANCE 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 FROM "COUNTY" LOW MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC) TO "CITY" COMMERCIAL (0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD ON THE NORTH SIDE OF WEST NANCY LEE LANE (117 W. NANCY LEE LANE), COMPRISING 0.83 ACRES MORE OR LESS, AND OWNED BY NORMAN SAWYER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Kilsheimer, to adopt Ordinance No. 2356. Commissioner Arrowsmith declared he would abstain from voting as the owner/applicant is a client of the bank he serves as Executive Vice President. Motion carried 3-0 with Mayor Land, and Commissioners McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

- 4. ORDINANCE NO. 2357 - SECOND READING & ADOPTION - CHANGE OF ZONING - Norman Sawyer, from "County" A-1 to "City" C-1, for property located west of Rock Springs Road, on the north side of West Nancy Lee Lane (117 W. Nancy Lee Lane). (Parcel ID # 33-20-28-0000-00-040)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2357**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" C-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD ON THE NORTH SIDE OF WEST NANCY LEE LANE (117 W.**

**NANCY LEE LANE), COMPRISING 0.83 ACRES, MORE OR LESS, AND OWNED BY NORMAN SAWYER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Land opened the meeting for a public hearing.

Lee Ann Belanger, 2084 Tournament Drive, inquired about what was being developed on the property.

CAO Anderson said this ordinance only addresses the zoning of the property, and Mayor Land added the use will be addressed when the Site Plan is presented for approval.

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

**MOTION was made by Commissioner McQueen, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2357. Commissioner Arrowsmith declared he would abstain from voting as the owner/applicant is a client of the bank he serves as Executive Vice President. Motion carried 3-0 with Mayor Land, and Commissioners McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

**5. ORDINANCE NO. 2358 - FIRST READING - VACATE - Zachary J. and Jennifer K. Pollock, vacating a 50' x 2.5' utility easement located at 2433 Cerberus Drive, in Spring Ridge, Phase 4, Unit 3.**

Ordinance No. 2358 does not meet the requirements for adoption, and will be held over for a Second Reading.

The City Clerk read the title, as follow:

**ORDINANCE NO. 2358**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 2433 CERBERUS DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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 Arrowsmith, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance No. 2358, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.**

## **SITE APPROVALS**

- 1. MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - Faircloth Lakes, owned by Faircloth Family Ltd., c/o Holston Properties & Development, LLC; the engineer is IBI Group (Florida) Inc., c/o R. Scott Batherson, P.E. and Luke Classon; and the property is located west of S.R. 451 (f.k.a. S.R. 429) and north of Lake Marshall Road. (Parcel ID No.: 08-21-28-0000-00-050)**

Jay Davoll, Community Development Director, gave an overview of the project and outlined 2 waiver requests. (The staff report is incorporated into, and made a part of these meeting minutes.)

There was considerable discussion among City Council members concerning the lot and house sizes, and impact to the lake.

Mayor Land opened the meeting for a public hearing.

Luke Classon, Engineer on the project, said a swale will be placed at the rear of the lake-side properties so that run-off from the subdivision will be directed to the Stormwater pond. He added the St. Johns River Water Management District will not permit the run-off to enter the lake.

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

**MOTION was made by Commissioner Kilsheimer to approve the Master Plan/Preliminary Development Plan for Faircloth Lakes, as recommended.**

**Commissioners McQueen and Arrowsmith inquired if the 2200 minimum sq. ft. house sizes should be discussed with the developer by staff prior to the presentation of the Final Development Plan.**

**Commissioner Kilsheimer added to his motion the amendment to request staff to address the house sizes prior to Final Development Plan approval. Motion seconded by Commissioner McQueen. Commissioner Arrowsmith declared he would abstain from voting as the owner/applicant is a client of the bank he serves as Executive Vice President. Motion carried 3-0 with Mayor Land, and Commissioners McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

- 2. FINAL DEVELOPMENT PLAN/PLAT - Ponkan Reserve South, owned by Miller Investments & Property Management, Inc. and Pizzuti Land LLC; the applicant is Florida Properties, Inc.; the engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located at 308, 318 & 326 Ponkan Road. (Parcel ID Nos.: 28-20-28-0000-00-006, 28-20-28-0000-00-045 & 28-20-28-0000-00-062)**

Jay Davoll, Community Development Director, gave an overview of the project. He said this development, with the removal of the cul-de-sac and extension of Ralph Poe Drive, will allow potential future access to Marshall Road, promoting better emergency response times as well as

promote the distribution of vehicle trips generated from Poe Reserve. He outlined the waiver requests, occurring due to staff requesting additional right-of-way along Ponkan Road. (The staff report is incorporated into, and made a part of these meeting minutes.)

Commissioner Kilsheimer inquired if there are plans for the widening of Ponkan Road and expanded sidewalks. Mr. Davoll responded there are no plans at this time, but the additional right-of-way is being sought for potential expansion of the road.

Mayor Land opened the meeting for a public hearing.

Gregg Phillips, 2272 Windsor Crest Loop, inquired about the width of the streets, as the parking ordinance is still being addressed.

Mr. Davoll said the internal roadway is 24 foot wide, and with the 95 foot lots, the setbacks, and the two-car garage minimum, parking should not be an issue within this subdivision.

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

In response to Mr. Phillips inquiry, Commissioner Arrowsmith advised for Point of Clarification, that this property is in the City now.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the Final Development Plan for Ponkan Reserve South, as recommended. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, McQueen, and Kilsheimer voting aye.**

**DEPARTMENT REPORTS AND BIDS** - Chief Administrative Officer Richard Anderson had nothing to report.

**MAYOR'S REPORT** - Mayor Land reported receiving an email from Mayor Gary Bruhn, Town of Windermere, expressing appreciation to the City of Apopka for their support during the loss of Officer Robert German.

He also reported receiving a card from the Ustler Family expressing their gratitude to the City of Apopka, its Commissioners and employees, for the kindness and support shown in honoring the memory of Norman Ustler.

Mayor Land reminded everyone of the Apopka Food Truck Round-up on Thursday, April 3<sup>rd</sup>, at Kit Land Nelson Park, 5:30 p.m. to 9:00 p.m.

## **OLD BUSINESS**

1. **COUNCIL** - There was no old business from the Council.

## 2. PUBLIC

Kim Guest, 2284 Reefview Loop in Arbor Ridge, spoke in opposition to the cross on top of the cell tower, located on the Grace Pointe Church property.

## NEW BUSINESS

## COUNCIL

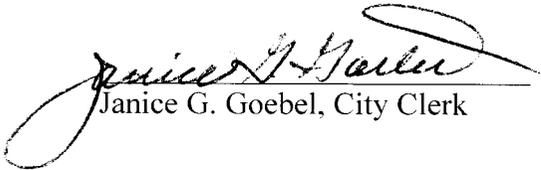
Commissioner Kilsheimer inquired of the outcome, so far, on the lengthening of the yellow light intervals at red light camera intersections.

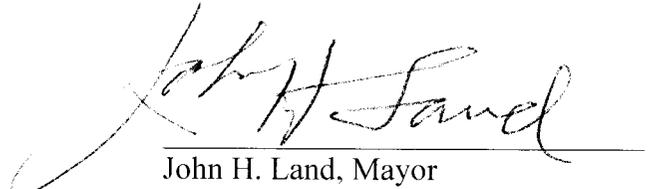
CAO Anderson responded staff is continuing to monitor, and there are no specifics seen yet. We have learned from other entities who have done the same, and originally saw a slight decline in red light running; and then the numbers returned back to where it was originally. He said the City will continue to monitor the intersections. He added that staff will be having conversation with DOT (Department of Transportation), regarding its request for some engineering studies.

2. **PUBLIC** – There was no new business from the public.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 2:17 p.m.

ATTEST:

  
Janice G. Goebel, City Clerk

  
John H. Land, Mayor



## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, James William "Bill" Arrowsmith, hereby disclose that on April 2, 20 14 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, BankFirst ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by \_\_\_\_\_, whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

### AGENDA ITEM: ORDINANCES AND RESOLUTIONS

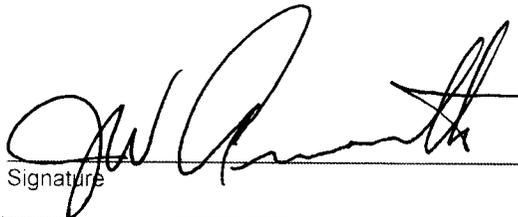
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CONFLICT: The Owner/Applicant is a client of the bank I serve as Executive Vice President.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 2, 2014

Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**APPOINTED OFFICERS (continued)**

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**AGENDA ITEM: ORDINANCES AND RESOLUTIONS**

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- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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**AGENDA ITEM: SITE APPROVALS**

1. MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - Faircloth Lakes, owned by Faircloth Family Ltd., c/o Holston Properties & Development, LLC; the engineer is IBI Group (Florida) Inc., c/o R. Scott Batherson, P.E. and Luke Classon; and the property is located west of S.R. 451 (f.k.a. S.R. 429) and north of Lake Marshall Road. (Parcel ID No.: 08-21-28-0000-00-050)

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**APOPKA CITY COUNCIL MEETING  
APRIL 2, 2014**

The following documents were entered into the record  
by  
Mayor John H. Land  
regarding:

**ORDINANCES AND RESOLUTIONS**

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## Janice Goebel - Fwd: Opposition to the Assisted Living Complex

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**From:** Sandra Kerrigan  
**To:** Goebel, Janice  
**Date:** 04/02/2014 10:28 AM  
**Subject:** Fwd: Opposition to the Assisted Living Complex

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Jan: FYI - for this afternoon's meeting. This has been sent to each of our Commissioners also.

>>> Mary Knapp <marycknapp@gmail.com> 4/2/2014 10:20 AM >>>

Sandy,

Thank you for forwarding this email to each of the Commissioners. Feel free to call me at any time. [321-287-4241](tel:321-287-4241).

Mary Knapp

\*\*\*\*\*

Dear Commissioners,

As the homeowner of 619 Richard L. Mark Drive, we would like to officially express our opposition to the rezoning for an Assisted Living Complex. We are planning to attend the City Council Meeting today and would be happy to share our point of view in more detail.

The City of Apopka made the decision to build Parkside as an addition to Errol Estate several years ago. And the City has most certainly continued to profit greatly in tax revenues based on the sheer value of these homes. We paid over \$440k in 2008 for a house that is not even worth \$285k today--before a rezoning! We are sure you agree that the thought of further devaluing our homes and this beautiful neighborhood is simply unacceptable to us.

All that being said, we understand that this project is pretty far along. In the event you approve this project, there must be steps taken to protect the value of our homes (i.e, finally closing Richard L. Mark as a cul-de-sac, installing a a tall, high-quality brick wall, and other safety features).

We look forward to this discussion with you.

Keith & Mary Knapp

## Sandra Kerrigan - Assisted Living Facility Rezoning

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**From:** Vicky Carnicella  
**To:** barrowsmith@bankfirst.com; deanbill16@gmail.com; joe@jkconsultinginc.c...  
**Date:** 4/2/2014 10:34 AM  
**Subject:** Assisted Living Facility Rezoning  
**CC:** Kerrigan, Sandra

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Commissioners,

I received a call from Faith Pinson, who is a resident from Errol Estates. She is unable to attend the council meeting this afternoon, but wanted to express to the council that she is opposed to the rezoning for the assisted living facility.

Thanks  
Vicky