

CITY OF APOPKA

Minutes of the special City Council meeting held on October 30, 2013, at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery - The Apopka Chief
Roger Ballas - The Apopka Chief
Reporter - WFTV - Channel 9

CALL TO ORDER - Mayor Land called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE – Rev. John Hampton, Journey Church, gave the Invocation.

Mayor Land asked everyone to remember the veterans, stating that in 12 days we will celebrate Veteran's Day honoring those who served and sacrificed for the freedom that we enjoy today. He asked everyone to reflect on those who served as he led in the Pledge of Allegiance.

Mayor Land said there were vacancies on the Planning Commission and said if the Council had no objection he would add this to the agenda. There being no objection, he appointed Teresa Roper and Robert Ryan to the Planning Commission.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to ratify the appointments of Teresa Roper and Robert Ryan to the Planning Commission. Motion carried unanimously with Mayor Land, and Commissioners, Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SITE APPROVALS

- 1. FINAL DEVELOPMENT PLAN - COOPER PALMS SPORTS COMPLEX**, property located south of 1st Street, north of 3rd Street, east of South Bradshaw Road, and west of S. Hawthorne Avenue, owned by Property Industrial Enterprises, Inc., c/o Michael Cooper.

Jay Davoll, Community Development Director, presented an overview of the project. He advised some conditions of approval include: 1) a site plan for Lots 3 & 4 development must be approved by the City prior to issuance of a building permit for Phase 2; 2) a parking study shall be submitted to the City with the application for the Phase 2 subdivision; 3) building height calculation shall be prepared prior to approval of the building permit for Phase 1 development; 4) applicant shall provide an irrigation plan at least 48 hours in advance of the preconstruction meeting date; 5) traffic impact analysis must be provided to the City prior to obtaining a Certificate of Acceptance for the building in Phase 1; 6) a landscape and irrigation plan

statement will need to be included within the irrigation plan sheets; 7) the site plan shall comply with all conditions set forth within the approved subdivision plan; 8) outdoor lighting shall not spill over onto adjacent areas outside the project area; 9) all landscaping and irrigation shall comply with city codes; and 10) temporary gravel parking area shall be paved by an acceptable surface material if the City Engineer determines that such parking surface is necessary to protect health and safety. (The staff report is incorporated into and made a part of these meeting minutes.)

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

MOTION made by Commissioner Kilsheimer, and seconded by Commissioner Dean, to approve the Final Development Plan for Cooper Palms Sports Complex, as presented with the conditions as outlined in the staff report. Commissioner Arrowsmith reported he would be abstaining from voting due to the owner/applicant being a client of the bank he serves as Executive Vice President. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

DISCUSSION

1. Parking Ordinance – Mayor Land advised he had received several e-mails from individuals regarding the parking ordinance, which were copied to the Council and he submitted them to the City Clerk for the record.

Captain Fernandez again gave the presentation as he did at the October 16th meeting, with some additional information, depicting recent events of what the Apopka Police Department is seeing with regards to parking. In reporting the history of the parking ordinance, he advised this project was started in the Spring of 2012, after being approached to develop some parking solutions. The parking ordinance was first presented to the City Council on June 20, 2012, and adopted on July 18, 2012, having met all advertising requirements. Since that time there were many comments from the public, resulting in staff going back to amend some exceptions to the on-street parking, taking into consideration family and other gatherings. This language was incorporated into the ordinance with these amendments coming back to the Council in January and February 2013, where it was adopted following proper advertisements. He affirmed officers are only responding to complaints, and more warning citations have been written in an effort to obtain compliance. He reviewed Florida Statutes that cover many of these violations. The power point presentation is available in the City Clerk's office for review.

Mayor Land opened the meeting for a public hearing.

Kenneth Williams, 497 Yearling Cove Loop, spoke in favor of the ordinance and stated he had issues previously with people parking across from his driveway. He stated he was also a law enforcement officer and confirmed that the Florida Statutes address these parking violations.

Robert Webster stated he was a former judicial officer in this area from 1969 to 1973. He declared the Constitution of the United States prohibits the application of any ex post facto law, and the State of Florida has the same in their Constitution.

Lorie Richardson, 1192 Welch Hill Circle, said she spoke with her neighbors regarding the parking and asked them to sign a statement if they would like to see some reconsideration on the parking. She affirmed she was using this only as general information and said only 7 people did not want to sign for various reasons. She stated the ordinance discourages family gatherings.

Benjamin Bankson, 230 W. Magnolia Street, said he was representing his church and himself as a citizen. He thanked the Mayor and Council for hearing them on this issue and looked for a positive outcome for all considered. He read a letter written by Pastor Doug Bankson in opposition. He said the ordinance defines family and social gatherings, but it is not intended for routine gatherings or meetings. Benjamin Bankson said he lives in an older home that only has parking for one vehicle, however he has renters who live with him with no place to park but the street.

Lavon Croskey, 1138 Galway Blvd, said they have wide streets and his concern is that this ordinance penalizes everyone. He stated construction vehicles block their streets often, and the HOA addresses these issues with the residents. He stated if one is parked illegally, then they should be ticketed, but does not feel the ordinance is necessary.

Shirley Hylinski, 268 Lancer Oak Drive, stated her subdivision has some very narrow streets and most of what she wanted to cover had been addressed by Captain Fernandez. She stated on two separate occasions when she had to pull out around a parked car, there was a child on a bicycle also pulling out around the parked car from the opposite side, creating a very dangerous event. She spoke in support of the parking ordinance.

John Hampton, 2121 Palm Crest Drive, and Pastor of Journey Church, said he appreciated being a part of the community. He stated that well-intended ordinances can sometimes have unintended consequences and this ordinance is well intended for promoting public safety. He said part of the issue is the wording of the ordinance. He said he feels everyone wants safer streets, but they also must have the right to assemble.

David A. Stull, 1056 Welch Hill Circle, said he appreciated the meeting and that the City is looking into this matter. He said he has never had any issues as depicted in the video shown by Captain Fernandez. He reiterated that their subdivision has wide streets. He said his children are in school and still live at home, but they have their cars so there are 4 drivers at their home where they have lived for 14 years, with no prior issues. He stated the Statutes that govern these issues should be enough without the ordinance.

Victor Bakunoff, 1209 Falconcrest Blvd, which is in Pines of Wekiva, said from curb-to-curb they have 26 feet which is enough space for two fire trucks to run side by side. He added that their bigger issue is with speeding cars through their neighborhood. He said people need to be taught how to park correctly.

Sharon Finwick, 1272 Errol Parkway, said she is a member of the Foliage Club that meets at her house at least once a month. Their club gives back to the community and this law will be a great detriment to clubs like hers. She stated the wording could be changed and still have the effect desired.

Joyce Vallancourt, 1656 Golfside Village Court, said she thought this was a good ordinance and their HOA talks to their residents regarding obstructing the road.

Andrea Samson, 1833 Lost Pine Lane, said she does not live in the City, and spoke on behalf of her daughter who lives in the City. She spoke regarding using the internet to look up real estate values of homes, etc., and said for Apopka the square footage of parking area available with the house is listed. She stated this decreases the marketability of homes that have small or limited driveway space. She said there were ways to contain the parking issue without imposing a social discrimination against those without larger homes and bigger driveways.

Glasme Taylor, 1150 Welch Hill Circle, asked that the City reconsider this ordinance. She said her sister, who lives with her, is disabled and requires visiting nurses from time to time. The visiting nurses need to be able to park on the streets, and she asked that this be taken into consideration. She stated her family also comes to her house after church which also necessitates their parking on the street.

Frank Hibler, 913 Gulf Land Drive, said he is president of the Rock Springs Ridge HOA and when this parking ordinance first came into effect they received a lot of complaints and e-mails regarding visitors and the City has addressed the matter. He stated the ordinance is a good ordinance, but perhaps could stand some tweaking.

Jami Milligon, 607 Sun Bluff Lane, said they have 5 vehicles in their household and he did not want to break any rules, so he asked for consideration.

Marvin Guttman, 427 Lanarkshire Place, said there were a lot of pros and cons regarding the parking ordinance. He stated Apopka doesn't have the severe problems as other cities. He said the homes being built in the back of Rock Springs Ridge are large homes and will probably have multiple cars.

Roger Meyer, 27 W 3rd Street, said over-control or a blanket ordinance was not needed. He said his wife has been hampered by this rule when attending a small meeting at someone's home. He suggested parking being prohibited down one side of the street.

Robert Blanchard, 1266 Indian Bluff Drive, said he is on the board of the Sheeler Oaks Community Association and every member that moved into Sheeler Oaks had to sign a book which contains parking restrictions that prohibits them from parking in the street or on the grass. He stated this parking rule has supported them and they appreciate it.

Dan Sterling, 636 Nicole Marie Street, said he is against the parking ordinance and suggested it could simply be edited to say "if the driveway is full, then you can park on the street".

Michael Taylor, 486 Lake Avenue, said he agrees with the words Pastor Bankson passed along. He said there were two issues not mentioned, one being garage sales and the other is if a company needs to leave a message on the property for payment of bills, they are prohibited by their employer to park in the driveway.

Mayor Land recapped the issues brought out during the public input. He asked Council and staff to take into consideration those who have a hardship, to try to find a way to work through the issues, and to come up with some solutions keeping safety in mind.

Commissioner McQueen pointed out that Section 78-37(3)b defines "*family and social gatherings*" allowing a routine gathering, whether daily, weekly, or monthly. She said there was some confusion with the changes and these were things that needed to be clarified.

Commissioner Arrowsmith agreed, but stated this should not come down to somebody having to go before a hearing officer when there is an occasional gathering. He stated one of his biggest concerns is the right of assembly. He suggested the City revisit the City's development guidelines, looking to the future, to which Commissioner Dean agreed.

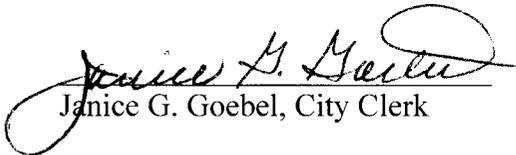
Commissioner Kilsheimer said there was some misinformation with regards to the ordinance. He stated that commercial vehicles were addressed within the ordinance, as well as all social gatherings.

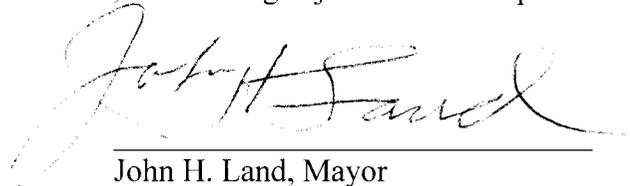
Chief Manley confirmed and reiterated that the officers were not going out looking for parking violations to write tickets, but they were responding to complaints. He said the officers would knock on the door to verify the gathering. He affirmed that he appreciated the feedback from the community at this meeting, however he does not want to do away with the ordinance, as it allows them to handle problems when they arise.

Mayor Land appointed a committee to work with staff on some of these issues, such as right to assembly and hardships. He appointed Pastor John Hampton, Sharon Fenwick, Frank Hibler, Marvin Guttman, and Pastor Doug Bankson, who will meet with the Police Department to review and evaluate the parking ordinance in light of issues brought out at the meeting. A part of the committee meetings will include input from homeowner's associations throughout the City.

ADJOURNMENT - There being nothing further to discuss, the meeting adjourned at 9:14 p.m.

ATTEST:


Janice G. Goebel, City Clerk


John H. Land, Mayor