

# CITY OF APOPKA

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**Minutes of the regular City Council meeting held on January 15, 2014, at 8:00 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:** Roger Ballas - The Apopka Chief  
Steve Hudak - The Orlando Sentinel

**INVOCATION** – Invocation was given by Pastor Doug Bankson of Victory Church World Outreach Center.

**CITY OF APOPKA COLOR GUARD** - Mayor Land called for the marching of the Colors, presented by the Apopka Police Department and Fire Department combined Color Guard. Color Guard members are: Sergeant Cliff MacDonald (Apopka Police Department), Officer Victor Barger (Apopka Police Department), Detective Jeff Werts (Apopka Police Department), Detective Dan Garcia (Apopka Police Department), Firefighter/Paramedic Matt Yoham (Apopka Fire Department), and Firefighter/Paramedic Danny Criswell (Apopka Fire Department).

**PLEDGE OF ALLEGIANCE** – Mayor Land led in the Pledge of Allegiance. Mayor Land then called for a posting of the Colors.

**PRESENTATIONS** - There were no presentations.

## **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on December 18, 2013, at 8:00 p.m.
2. Approve the minutes of Administrative Bid Opening No. 2013-11 for Apopka Downtown Regional Stormwater Storage Facility, held on December 5, 2013, at 10:15 a.m.
3. Approve the minutes of Administrative Bid Opening No. 2014-01 for Compressed Natural Gas (CNG) Fuel Island Upgrade, held on January 7, 2014, at 10:15 a.m.
4. Approve the issuance of a Peddler's Permit to Matthew E. Bender of Edward Jones Inc., for door-to-door solicitation of investment services.
5. Authorize the South Apopka Ministerial Alliance to hold a parade in honor of Dr. Martin Luther King, Jr., on January 20, 2014.
6. Extend the Orchid Estates Final Development Plan - PR11-05R (112 lot subdivision) and the Orchid Estates Mass Grading Final Development Plan - PR11-06 until January 8, 2015.
7. Approve the contract extension, for professional land surveying and mapping services, with Southeastern Surveying & Mapping Corporation, for an additional 12-month period, at the current contract rate.

8. Authorize the Chief Administrative Officer to sign Amendment #1 for Contract #WS807 with the Department of Corrections, in the amount of \$57,497.00, for an inmate work squad.
9. Award the contract, in the amount of \$889,428.19, to Masci Corporation for the Bradshaw Road Roadway and Drainage Improvements, subject to providing the City with the required insurance and bond.
10. Award the contract, in the amount of \$223,975.00, to Ovivo USA LLC for the Carrousel Mechanical Aerator Replacement at the Water Reclamation Facility, subject to providing the City with the required insurance and bond.
11. Approve the Disbursement Report for the month of December 2013.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the 11 items on the Consent Agenda. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, 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. 2342, 2343 & 2345 meet the requirements for adoption, having been duly advertised in The Apopka Chief on January 3, 2014.

- 1. ORDINANCE NO. 2342 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Adams Brothers Construction Company, Inc., from "County" Industrial to "City" Industrial, for property located at 608 East 13<sup>th</sup> Street. (Parcel ID #s: 15-21-28-0000-00-123, 15-21-28-0000-00-143 & 15-21-28-0000-00-146).**

The City Clerk read the title, as follows:

#### **ORDINANCE NO. 2342**

**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" INDUSTRIAL TO "CITY" INDUSTRIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF EAST 13<sup>TH</sup> STREET, WEST OF SOUTH APOPKA BOULEVARD (806 E. 13<sup>TH</sup> STREET), COMPRISING 2.81 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION COMPANY, INC.; 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2342. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

- 2. ORDINANCE NO. 2343 - SECOND READING & ADOPTION - CHANGE OF ZONING - Adams Brothers Construction Company, Inc., from "County" C-3 and A-1 to "City" I-1, for property located at 608 East 13<sup>th</sup> Street. (Parcel ID #: 15-21-28-0000-00-123, 15-21-28-0000-00-143 & 15-21-28-0000-00-146).**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2343**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" C-3 AND A-1 TO "CITY" I-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF EAST 13<sup>TH</sup> STREET, WEST OF SOUTH APOPKA BOULEVARD (806 E. 13<sup>TH</sup> STREET), COMPRISING 2.81 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION COMPANY, INC.; 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 Arrowsmith, and seconded by Commissioner McQueen, to adopt Ordinance No. 2343. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

- 3. ORDINANCE NO. 2344 - SECOND READING - CHANGE OF ZONING - Faircloth Family Ltd., from R-1A (0-5 du/ac) (Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac) (Residential), for property located west of S.R. 451 (f.k.a. S.R. 429), north of Lake Marshall Road. (Parcel ID #: 08-21-28-0000-00-050).**

Mayor Land said Ordinance No. 2344 was amended from the First Reading and will be held over for a Third Reading.

The City Clerk read the title, as follows:

**ORDINANCE NO. 2344**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1A TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF S.R. 451 (F.K.A. S.R. 429), NORTH OF LAKE MARSHALL ROAD, COMPRISING 25.4 ACRES, MORE OR LESS AND OWNED BY FAIRCLOTH FAMILY, LTD.; PROVIDING FOR DIRECTIONS TO THE**

**COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY,  
CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Land opened the meeting for a public hearing.

Bob Holston, representing the applicant, said he was available to answer questions. None were asked.

Evan Chesney, 841 Marshall Lake Road, asked what was addressed with the change to PUD.

CAO Anderson explained that staff had concerns under the R-2 zoning, that duplexes could be built on the property. The PUD zoning restricts the property to no duplex development.

Mr. Chesney further inquired if the zoning will run with the property even if it were sold; CAO Anderson confirmed the zoning runs with the property, not the property owner.

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

**MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to accept Ordinance No. 2344 on Second Reading, and hold it over for a Third Reading. Commissioner Arrowsmith stated he would abstain from voting as they are 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.**

- 4. ORDINANCE NO. 2345 - SECOND READING & ADOPTION - CHANGE OF ZONING - Robert Vesely - KOA, Orange Blossom Apopka RV Resort, Inc., from "County" A-1 to "City" Planned Unit Development (Campground/Commercial), for property located south of West Orange Blossom Trail, north of Fudge Road. (Parcel ID #: 36-20-27-0000-00-020).**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2345**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" PLANNED UNIT DEVELOPMENT (PUD - CAMPGROUND /COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST ORANGE BLOSSOM TRAIL, NORTH OF FUDGE ROAD, COMPRISING 10.2 ACRES, MORE OR LESS AND OWNED BY ORANGE BLOSSOM APOPKA RV RESORT, INC., c/o ROBERT VESELY; 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 Arrowsmith, and seconded by Commissioner McQueen, to adopt Ordinance No. 2345. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

## **SITE APPROVALS**

### **1. FINAL DEVELOPMENT PLAN/PLAT - Schopke Estates, located at 2400 Schopke Road and owned by Day Real Estate, LLC, c/o Susu Market.**

Jay Davoll, Community Development Director, provided an overview of the project. (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 be heard, he closed the public hearing.

**MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the Final Development Plan/Plat for Schopke Estates, as recommended. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

**DEPARTMENT REPORTS AND BIDS** - Chief Administrative Officer Richard Anderson reported the following:

- Meeting was held on Monday, January 13, 2014, with Angelos Angelou who provided a report on our joint effort with the cities of Ocoee and Winter Garden regarding our economic development strategies. He said one issue of concern is education. When the survey is expanded to other states, Orange County schools are not competitive, and significantly lower than many of the other states. He said it doesn't leave us in a very competitive position when it comes to economic development, and is something the City needs to be cognizant of; and working with the educators, Orange County Public School system, and the state in going forward. He said another issue of concern is the lack of National chain restaurants; however, until the City develops opportunities that produce an increase in the daytime population, those type restaurants will not consider Apopka for a business location.
- The Regional Economic Impact Study from the UCF Business Incubation Program was quite informative and will be made available on the City's website.
- The Police Department will hold the next meeting to discuss the Parking Ordinance on January 28, 2014, at 10:00 a.m., at the Apopka Police Complex.
- The Old Florida Outdoor Festival will be held February 8 & 9, 2014, with new events such as helicopter tours that will include Lake Apopka and Wekiva State Park, and zip lines. He said it will be a great fun-filled event.

**MAYOR'S REPORT** - Mayor Land reported the following:

- City Hall will be closed on January 20, 2014, in observance of the Martin Luther King Jr. Day holiday.

- The 5<sup>th</sup> Annual Martin Luther King, Jr. Day Parade on Monday, January 20<sup>th</sup>. The parade will begin at 2:00 p.m., starting at the VFW, South down Lake Avenue and Marvin C. Zanders Blvd and will conclude at the John Bridges Center on 13<sup>th</sup> Street.
- He reminded everyone that this is an election year for Apopka. He asked City Attorney Frank Kruppenbacher to speak on election rules for activities at City Hall.

Attorney Kruppenbacher referred to F.S. §106.15, and asked the City Clerk to provide a copy to each of the candidates who qualified. He said there should be no use of City properties by employees (i.e., fax machines, computers, copiers, telephones, vehicles, etc.) in the campaign of a candidate, nor should there be any political contributions given or accepted in a City building or on City property, unless said building is being rented for a fundraiser (i.e., the VFW).

Mayor Land recognized the four candidates sitting on the dais, and four candidates in the audience. Those included: Mayor Land, Commissioners Dean, McQueen, and Kilsheimer; Linda Laurendeau, Gregg Phillips, Diane Velazquez, and Brantley Thomas, Jr.

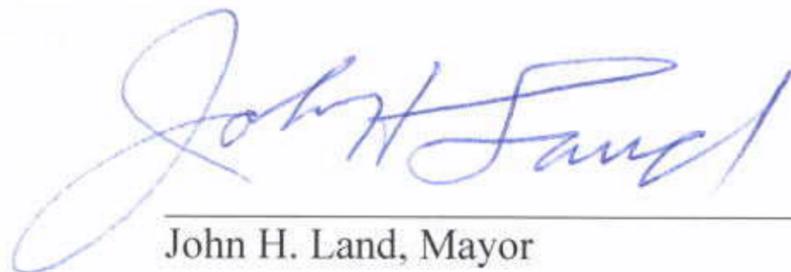
#### **OLD BUSINESS**

1. **COUNCIL** - There was no old business from the City Council.
2. **PUBLIC** – There was no old business from the public.

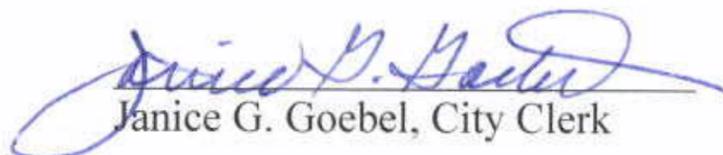
#### **NEW BUSINESS**

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 8:30 p.m.

  
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John H. Land, Mayor

ATTEST:

  
Janice G. Goebel, City Clerk