

## **CITY OF APOPKA**

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**Minutes of the regular City Council meeting held on January 16, 2013, 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 Joe Kilsheimer

**PRESS PRESENT:** John Peery - The Apopka Chief

**INVOCATION AND PLEDGE OF ALLEGIANCE** – Mayor Land gave the Invocation. He said Monday we will celebrate Dr. Martin Luther King Jr.’s birthday. His life’s work was bringing about peaceful change in our Nation. He asked everyone to reflect on his work, as he led in the Pledge of Allegiance.

**PRESENTATIONS** – There were no presentations.

### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on January 2, 2013, at 1:30 p.m.
2. Authorize the Chief of Police to renew the Mutual Aid Agreement between the Apopka Police Department and neighboring Police Departments within Orange County.
3. Authorize the Chief of Police to renew the Mutual Aid Agreement between the Apopka Police Department and The Seminole County Sheriff’s Office.
4. Authorize the Chief Administrator Officer to sign a Recreation Program Agreement with Higher Level Skill Camp, to provide youth activities at Williams Park.
5. Authorize the use of Orange County Public School Contract 110308 ITB, for pesticide/fertilization applications for Northwest Recreation Complex Athletic Fields, in the amount of \$66,555.
6. Authorize the Mayor or his designee, to execute the Sewer and Water Capacity Agreement for Lester Ridge.
7. Approve the rejection of bids received for the inspection and cleaning of six potable water storage tanks.
8. Authorize the disposal of surplus equipment/property and removal from the Fixed Asset list.
9. Fleet Maintenance to proceed with the purchase of seven (7) vehicles from Don Reid Ford, in the amount of \$154,190.00, and two (2) vehicles from Mullinax Ford, in the amount of \$51,106.00.
10. Authorize the South Apopka Ministerial Alliance to hold a parade in honor of Dr. Martin Luther King, Jr., on January 21, 2013.
11. Approve the Disbursement Report for the month of December 2012.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the 11 items of 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 that it does not inure to his personal gain, but that he was abstaining from voting in the matter of Ordinance No. 2280 and 2281, due to his family (Nephew) having ownership in the subject property. He will be filing a Form 8B, Voting Conflict.

- 1. ORDINANCE NO. 2280 – FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - FUTURE LAND USE - Keene Road Apopka, LLC/Nelson Apopka, Ltd., c/o Ed Hampden - From “County” Rural (1 du/10 ac) to “City” Residential High Density (15 du/ac), for property located north of East Keene Road and west of South Sheeler Avenue. Parcel ID Nos. 22-21-28-0000-00-108 & 117. - The City Clerk read the title as follows:**

#### **ORDINANCE NO. 2280**

**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” RURAL (1 DU/10 AC) TO “CITY” RESIDENTIAL HIGH DENSITY (15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 4.33 ACRES, MORE OR LESS AND OWNED BY KEENE ROAD APOPKA, LLC; 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 Kilsheimer, to accept the First Reading of Ordinance No. 2280, and hold it over for a Second Reading. Motion carried 4-0, with Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye, and Mayor Land abstaining and filing a Form 8B.**

- 2. ORDINANCE NO. 2281– FIRST READING - CHANGE OF ZONING - Keene Road Apopka, LLC/Nelson Apopka, Ltd., c/o Ed Hampden - From “County “ A-1 (Agriculture, 4.3 +/- acres) and “City” R-2 (Residential, 41.7 +/- acres) to “City” R-3 (Residential, 15 du/ac), for property located north of East Keene Road and west of**

**South Sheeler Avenue. Parcel ID Nos. 22-21-28-0000-00-079; 081; 082; 105; 108; 109; 117; & 122.** - The City Clerk read the title as follows:

**ORDINANCE NO. 2281**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (4.3 +/- ACRES) (AGRICULTURE) AND "CITY" R-2 (41.7 +/- ACRES) (RESIDENTIAL) TO "CITY" R-3 (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST KEENE ROAD, WEST OF SOUTH SHEELER AVENUE, COMPRISING 45.7 ACRES, MORE OR LESS, AND OWNED BY KEENE ROAD APOPKA, LLC/NELSON APOPKA, LTD.; 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.

There was discussion among the City Council members regarding the benefits to combining commercial and residential in certain property locations.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2281, and hold it over for a Second Reading. Motion carried 4-0, with Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye, and Mayor Land abstaining and filing a Form 8B.**

- 3. ORDINANCE NO. 2282– FIRST READING - CHANGE OF ZONING - Alfreda M. Smith - From R-1 (Residential) to PUD/Church (Planned Unit Development), for property located south of West 8<sup>th</sup> Street and west of South Central Avenue. (Parcel ID No. 09-21-28-0196-80-321). The City Clerk read the title, as follows:**

**ORDINANCE NO. 2282**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT)/CHURCH FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST 8<sup>TH</sup> STREET, WEST OF SOUTH CENTRAL AVENUE, COMPRISING 0.45 ACRE, MORE OR LESS, AND OWNED BY ALFREDA M. SMITH; 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.

There was considerable discussion regarding concerns with the change of zoning from residential to a church, specifically regarding parking at the required ratio of three (3) seats per parking space.

Pastor Alfreda Smith responded to questions of the City Council regarding the number of attendees anticipated and the number of days of services. She responded that she anticipates 25 to 50 to attend, and services to be held on Sundays and Wednesdays.

**MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to table this item to the next meeting of February 6, 2013. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

4. **ORDINANCE NO. 2283– FIRST READING - CHANGE OF ZONING - Miller Investments and Property Management, Inc., c/o Jimmy Dunn, from “County” A-1 (Agriculture) to “City” R-1AA (Residential), for property located south of West Ponkan Road and west of Ruxton Drive. Parcel ID No. 28-20-28-0000-00-045. - The City Clerk read the title, as follows:**

**ORDINANCE NO. 2283**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” R-1AA (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST PONKAN ROAD, WEST OF RUXTON DRIVE, COMPRISING 8.4 ACRES, MORE OR LESS, AND OWNED BY MILLER INVESTMENT AND PROPERTY MANAGEMENT, 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.

Commissioner Kilsheimer expressed questions and concerns regarding improvements to Ponkan Road, in light of future development in the area. CAO Anderson responded that the road is maintained by Orange County; however, the City has provided the Vick Road intersection, the lighting and sidewalks improvements.

**MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2283, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

5. **ORDINANCE NO. 2284– FIRST READING - CHANGE OF ZONING - New Covenant Perfecting Ministries, Inc., c/o Paris T. Taylor, from ZIP (C-3) to PO/I (Professional**

Office/Institution), for property located west of South Sheeler Avenue and south of South Apopka Boulevard. Parcel ID Nos. 22-21-28-0000-00-079; 081; 082; 105; 108; 109; 117; & 122. - The City Clerk read the title, as follows:

**ORDINANCE NO. 2284**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM ZIP (C-3) TO PO/I (PROFESSIONAL OFFICE/INSTITUTION) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH SHEELER AVENUE, SOUTH OF SOUTH APOPKA BOULEVARD, COMPRISING 6.59 ACRES, MORE OR LESS, AND OWNED BY NEW COVENANT PERFECTING MINISTRIES, 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 Kilsheimer, to accept the First Reading of Ordinance No. 2284, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

6. **ORDINANCE NO. 2285 - FIRST READING - CHANGE OF ZONING - Southeastern Conference of Seventh Day Adventist Church, Inc./Sheeler Oaks SDA, c/o Juan E. Gonzalez, from R-1 (Residential) to PUD/Church (Planned Unit Development), for property located west of South Sheeler Avenue and north of La Gran Via Lane. Parcel ID No. 22-21-28-0000-00-196. - The City Clerk read the title, as follows:**

**ORDINANCE NO. 2285**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 (RESIDENTIAL) TO PUD/CHURCH (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH SHEELER AVENUE, NORTH OF LA GRAN VIA LANE, COMPRISING 4.75 ACRES, MORE OR LESS, AND OWNED BY SOUTHEASTERN CONFERENCE OF SEVENTH DAY ADVENTIST CHURCH/SHEELER OAKS SDA; PROVIDING DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Land opened the meeting for a public hearing.

Juan Gonzalez, 1832 Sheeler Avenue, asked for the recommendation of the Planning Commission for the block wall to be held until the Site Plan is reviewed.

CAO Anderson said the owner wants to put up a vinyl fence with landscape screening in place of the block wall. He added the Planning Commission sees the need for a heavier buffer.

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

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2285, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

7. **ORDINANCE NO. 2286 - FIRST READING - CHANGE OF ZONING - Sterling Heights Titleholder, LP, c/o Matt Biegler - From I-1 (Industrial) to PUD/I-2 (Industrial), for property located north of Hogshead Road and south of North Orange Blossom Trail. Parcel ID No. 01-21-27-0000-00-069. (NOTE: Pulled from the Agenda by the Applicant.) - Mayor Land said this item was pulled from the agenda by the Applicant. No action was taken by the City Council.**
8. **ORDINANCE NO. 2287 - FIRST READING - CODE OF ORDINANCES - Amendment to the City of Apopka, Code of Ordinances, Part II, Chapter 78 - Traffic and Motor Vehicles - Article II, Division 1, Section 78-37, and Article II, Division II, Section 78-65(A) in its entirety. - The City Clerk read the title, as follows:**

**ORDINANCE NO. 2287**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART II, CHAPTER 78 "TRAFFIC AND MOTOR VEHICLES", ARTICLE II, DIVISION 1, SECTION 78-37, "MANNER OF STOPPING, STANDING OR PARKING," IN ITS ENTIRETY; AND AMENDING ARTICLE II, DIVISION 2, SECTION 78-65(a), "WITHHOLDING OF ISSUANCE OF LICENSE PLATES AND STICKERS BY STATE: TO PROVIDE FOR CLARIFICATION; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Land opened the meeting for a public hearing.

CAO Anderson said the Police Department began to enforce the parking ordinance, and discovered a need for clarification.

Fred Rivenburg inquired if there was a permit that could be issued in times of a hardship, such as a disabled person needing to exit their home, citizens with more drivers in the household than the

number of parking spaces in the driveway, parking for regular meetings or Bible study meetings, etc.

Police Chief Robert Manley pointed out that in most cases, the driveways can hold three cars. He said the way the Ordinance is now written, it does not address hardships.

CAO Anderson said the City allows officer discretion just as with traffic enforcement. He added the Police Department is not out looking for violations, but responding to complaints from residents in neighborhoods with street parking issues.

Chief Manley went further to suggest that most subdivisions have private property, such as parking places for a swimming pool or park, where excess cars could be parked.

Mr. Rivenburg strongly recommended some type of permit be issued that would allow parking in the street where a hardship occurs.

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

Commissioner Kilsheimer stated he is in favor of the ordinance and gave examples of how the new ordinance has been valuable at improving the streetscape and safety in the community.

**MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2287, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

**SITE APPROVALS** - There were no site approval requests.

## **DEPARTMENT REPORTS AND BIDS**

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

CAO Anderson pointed out the increase in construction is almost doubled over the previous year, but added he is somewhat cautious.

CAO Anderson reported on the progress by Dave Rankin, Fundraiser Chair for the Apopka High School Football Team Recognition. He said he is working with the Athletic Director and should have plans wrapped up in the next couple weeks. The players will be presented with jackets, plaque, and ring.

At the inquiry of Commissioner Kilsheimer, CAO Anderson said the improvements to Lester Road are in progress. He said the City was required to obtain permitting from the Corp of Engineers, something that had not previously been required.

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

- The City received cards and letters from the following:
  - Orange County Mayor Teresa Jacobs congratulating the City of Apopka on its recognition by Forbes Magazine as one of America's 15 friendliest towns.
  - Karen Fouts, Apopka Citizen, commending Code Enforcement Officer Aaron Graulau for his extraordinary public service. Ms. Fouts is very appreciative of Mr. Graulau's help in resolving a time-sensitive issue.
  - Betty Sittig expressing her appreciation for the City of Apopka's contribution to Big Bend Hospice in memory of her husband, Ray Sittig
- The Next Community Meeting on City Charter will be held Thursday, January 31, 2013, 6:30 p.m. to 8:00 p.m., at the Apopka Community Center / VFW, 519 S. Central Ave, Apopka, FL
- The Orlando-Orange County Expressway Authority will hold a ribbon-cutting ceremony for the opening of State Road 414, Phase II, on Friday, January 18, 2013, at 2:00 p.m.
- The South Apopka Ministerial Alliance will sponsor the 4<sup>th</sup> Annual Dr. Martin Luther King, Jr. Parade on Monday, January 21, 2013, at 2:00 p.m., with the parade beginning at the Apopka Community Center/VFW, along Marvin C. Zanders Avenue, and end at the John H. Bridges Community Center.
- Mayor Land reported working on a public participation policy for the Council Meetings. There was some general discussion regarding the issue.

**OLD BUSINESS**

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

**NEW BUSINESS**

1. **COUNCIL**

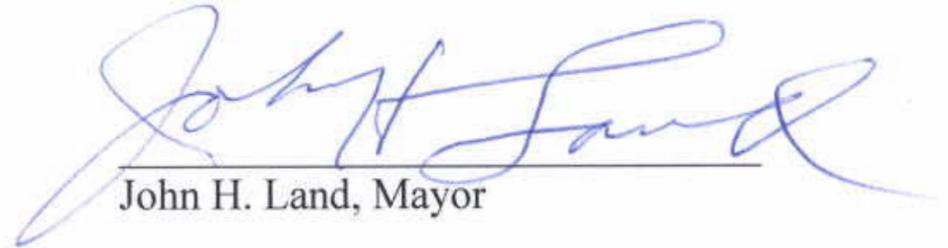
Commissioner Kilsheimer reported on a group working to create a National Wildlife Area on the shore of Lake Apopka. CAO Anderson said the idea has been out there for 8 - 10 months, and a lot of issues are still outstanding. Commissioner Kilsheimer commented that the new trail has created a lot of attention to Lake Apopka. CAO Anderson said all of this will be a hot topic over the next couple of months.

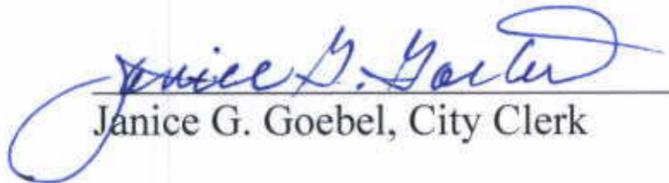
2. **PUBLIC** - There was no new business from the public.

CAO Anderson reminded everyone of the Old Florida Outdoor Festival on February 8-10, 2013, at the Northwest Recreation Complex. He said there will be more Highwaymen than have ever been in one place together. He also reported 40 teams have already signed up for the Bar-B-Que Cook off Competition. He asked everyone to "Talk it Up!".

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 9:05 p.m.

ATTEST:

  
John H. Land, Mayor

  
Janice G. Goebel, City Clerk