

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on April 17, 2013, 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:** John Peery - The Apopka Chief

**INVOCATION AND PLEDGE OF ALLEGIANCE** –Mayor Land gave the Invocation. He said the first shots were fired in the Revolutionary War on April 19, 1775, and after that, the Continental Congress appointed George Washington to organize the Continental Army. He arrived at Cambridge when Boston was under siege in the Battle of Boston. He said the Army was not disbanded until 8 years later, serving all through the war until December of 1783. He asked everyone to reflect on their great service throughout that time for the freedom and liberty that we enjoy today, as he led in the Pledge of Allegiance.

### **PRESENTATIONS**

**1. Water Conservation Month Proclamation – John Jreij** - Mayor Land read the Proclamation and then presented it to Public Services Director John Jreij. Mayor Land said that Apopka's first Comprehensive Plan in September 1975 included a Water Element.

### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on April 3, 2013, at 1:30 p.m.
2. Approve the minutes of Administrative Bid Opening No. 2013-07 for Marden Road and Lust Road Reuse Water Main Extension Pipe, held on April 10, 2013, at 10:15 a.m.
3. Award the contract, in the amount of \$133,875, to Shelley's Septic Tanks, Inc., for wastewater residual transport and disposal.
4. Authorize the purchase of the road right-of-way, in the amount of \$16,959.13, from Cottrell and McCreight Property, LLP.
5. Authorize the Mayor, or his designee, to execute the Sewer and Water Capacity Agreement for Lake Doe reserve, Phase 2.

Commissioner Arrowsmith requested to remove Item #3 from the Consent Agenda for separate action.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the items 1, 2, 4 & 5 of the Consent Agenda. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

Commissioner Arrowsmith declared a voting conflict as Shelley's Septic Tanks, Inc. is a client of BankFirst, the bank he serves as Executive Vice President. He will file a Form 8B.

**MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve Item 3 of the Consent Agenda. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

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

## **ORDINANCES AND RESOLUTIONS**

Mayor Land said Ordinance Nos. 2301 and 2302 do not meet the requirements for adoption and will be held over for a Second Reading.

- 1. ORDINANCE NO. 2301 - FIRST READING – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE** - - Marilyn Orr Zinke – From “County” Commercial to “City” Commercial, for property located south of West Orange Blossom Trail (U.S. 441), north of West Station Street. (Parcel ID No. 09-21-28-7544-02-010). The City Clerk read the title as follows:

### **ORDINANCE NO. 2301**

**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” COMMERCIAL TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST ORANGE BLOSSOM TRAIL, NORTH OF WEST STATION STREET, COMPRISING 0.24 ACRE, MORE OR LESS, AND OWNED BY THE MARILYN ORR ZINKE; 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.

Commissioner Arrowsmith declared a voting conflict, as Marilyn Zinke is an agent at Arrowsmith Realty, his daughter's company. He will file a Form 8B.

**MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2301, and hold it over for a Second Reading. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

- 2. ORDINANCE NO. 2302 - FIRST READING – CHANGE OF ZONING –** Marilyn Orr Zinke – From "County" C-2 to "City" C-2, for property located south of West Orange Blossom Trail (U.S. 441), north of West Station Street. (Parcel ID No. 09-21-28-7544-02-010). The City Clerk read the title as follows:

#### **ORDINANCE NO. 2302**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" C-2 TO "CITY" C-2 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST ORANGE BLOSSOM TRAIL, NORTH OF WEST STATION STREET, COMPRISING 0.24 ACRE, MORE OR LESS AND OWNED BY MARILYN ORR ZINKE; 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 Arrowsmith declared a voting conflict, as Marilyn Zinke is an agent at Arrowsmith Realty, his daughter's company. He will file a Form 8B.

**MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2302, and hold it over for a Second Reading. Motion carried 4-0, with Mayor Land, and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

#### **SITE PLAN APPROVALS**

- 1. FINAL DEVELOPMENT PLAN/MINOR REPLAT – McDONALD'S – APOPKA COMMONS –** Owned by McDonald's USA, LLC, c/o Ramon Santos, and located at 1648 West Orange Blossom Trail.

Community Development Director Jay Davoll gave an overview of the project. The staff report is incorporated into and made a part of these meeting minutes.

There was some discussion regarding the increased number of parking spaces versus landscaping.

Mayor Land opened the meeting for a public hearing.

Justin Polk, 500 W Fulton Street, Sanford, FL 32771, representing the applicant, said the number of parking spaces is based on Orange County requirements and the standard for the new McDonald's. He said there is additional landscaping already proposed for the project.

In response to an observation by Commissioner Kilsheimer, Mr. Polk acknowledged that they are eliminating the playground area in the new design.

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

**MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the Final Development Plan/Minor Plat for McDonald's - Apopka Commons, as presented. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.**

## **DEPARTMENT REPORTS AND BIDS**

**1. Administrative Report – Richard D. Anderson – Chief Administrative Officer - CAO** Anderson said the Administrative Report had been distributed and he was available for questions. None were asked. He then reported the following:

- A meeting has been set to discuss the future of the Rock Springs Ridge Golf Course.
- In the near future, the Council will take a field trip to visit the newer subdivisions in the area in an effort to keep informed of the current trends in new development when making decisions regarding new construction.
- The City is rolling out a new mobile app system, whereby residents can access City information, file complaints, contact the City, and make payments via their cellphones. When a complaint is filed, the citizen will get an instant response from the City, and will be updated as progress is made. The mobile app will also provide the City staff with one spot for tracking all action taking place at an address. The business community will also have an opportunity to advertise on the app, creating and updating their own page. The roll-out is expected within the next 60 to 90 days.

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

- The next Community Meeting on City Charter will be held on Tuesday, April 30, 6:30 p.m. to 8:00 p.m., at the Apopka Community Center/VFW Post #10147.
- A thank you card was received from Barbara Herrmann and Family for the flowers and kindness shown in memory of her father, Rufus Whitworth. Barbara is a member of our Community Development Staff.

- A thank you card was received from Joyce Wilder Aide for allowing her to have a reception at City Hall on Friday, March 22, while her art was on display.
- The Mayor's Prayer Breakfast will be held on Thursday, May 2, at the Apopka Community Center/VFW. The doors will open and buffet begins at 6:30 a.m., followed by the program from 7:00 a.m. to 8:30 a.m. The featured speaker will be John Labruzzo. Tickets are being sold at City Hall.
- The Tri-County League of Cities will be meeting Thursday, April 18, at the Apopka Community Center/VFW, at 12:00 p.m.

### OLD BUSINESS

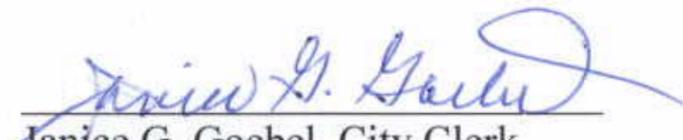
1. **COUNCIL** - There was no old business from the Council.
2. **PUBLIC** – There was no old business from the Public.

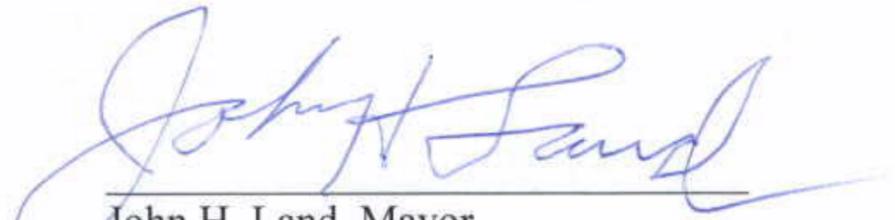
### NEW BUSINESS

1. **COUNCIL** - There was no new business from the Council.
2. **PUBLIC** – There was no new business from the Public.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 8:27 p.m.

ATTEST:

  
Janice G. Goebel, City Clerk

  
John H. Land, Mayor