CITY OF APOPKA

Minutes of the regular City Council meeting held on June 19, 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 last Friday was Flag Day, June 14th, and on that day the Continental Congress in 1777, adopted a Resolution that reads; "*Resolved, that the flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.*" He said the flag has served our Nation for 236 years, both in peace and war times and it is the greatest symbol of freedom and liberty that the world has ever known and asked everyone to reflect on that 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 June 5, 2013, at 1:30 p.m.
2. Approve the minutes from a Community Meeting on the City Charter held on June 4, 2013, at 6:30 p.m.
3. Approve the minutes from the Apopka City Council Small Lot Development Site Visit Tour, held on June 11, 2013, at 9:00 a.m.
4. Authorize the expenditure of funds, in the amount of $3,012.50, from the Federal Law Enforcement Trust Fund to equip an existing fleet vehicle with radar equipment.
5. Approve the final contract extension, for consulting service for the Geotechnical and Environmental Engineering Services, with Ardaman and Associates, Inc., and Universal Engineering Sciences, at the same unit rate.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to approve the five (5) 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 Ordinance Nos. 2308 through 2312 meet the requirements for adoption, having been duly advertised in The Apopka Chief on June 7, 2013.

1. **ORDINANCE NO. 2308 - SECOND READING & ADOPTION - CHANGE OF ZONING - Orange County Board of County Commissioners - Pine Plantation - From "County" A-1 (Agriculture) to "City" PR (Parks & Recreation), for property located north of West Kelly Park Road and east of Kati Lynn Drive. (Parcel ID No. 08-20-28-0000-00-007)**

The City Clerk read the title as follows:

ORDINANCE NO. 2308

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" PR FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD AND EAST OF KATI LYNN DRIVE, COMPRISING 40.0 ACRES, MORE OR LESS, AND OWNED BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; 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 adopt Ordinance No. 2308. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. **ORDINANCE NO. 2309 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - FUTURE LAND USE - Rock Springs Estates, LLC, from "County" Low Density Residential (Max. 4 du/ac) to "City" Residential Low Suburban (Max. 3.5 du/ac), for property located north and south of West Lester Road and east of Vick Road. "Parcel ID Nos. 28-20-28-0000-00-103 & -118)**

The City Clerk read the title as follows:

ORDINANCE NO. 2309

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 DENSITY RESIDENTIAL (MAX. 4 DU/AC) TO "CITY" RESIDENTIAL LOW SUBURBAN (MAX. 3.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH AND SOUTH OF WEST LESTER

ROAD, EAST OF VICK ROAD, COMPRISING 2.36 ACRES, MORE OR LESS, AND OWNED BY ROCK SPRINGS ESTATES, 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 Kilsheimer, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2309. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. **ORDINANCE NO. 2310 - SECOND READING & ADOPTION - CHANGE OF ZONING - Rock Springs Estates, LLC (North, from "County A-1 (Residential) to "City" R-1 (Residential), for property located north of Lester Road, east of Vick Road. (Parcel ID Nos. 28-20-28-0000-00-011 & -103)**

The City Clerk read the title as follows:

ORDINANCE NO. 2310

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD, COMPRISING 4.43 ACRES, MORE OR LESS, AND OWNED BY THE ROCK SPRINGS ESTATES, LLC; 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2310. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. **ORDINANCE NO. 2311 - SECOND READING & ADOPTION - CHANGE OF ZONING - Rock Springs Estates, LLC (South - Parcel 1) from "County" A-2 (Residential) to "City" R-1 (Residential), for property located south of West Lester Road and east of Vick Road. (Parcel ID No. 33-20-28-0000-00-118)**

The City Clerk read the title as follows:

ORDINANCE NO. 2311

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-2 TO "CITY" R-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST LESTER ROAD, EAST OF VICK ROAD, COMPRISING 4.43 ACRES, MORE OR LESS, AND OWNED BY THE ROCK SPRINGS ESTATES, LLC; 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. 2311. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. ORDINANCE NO. 2312 - SECOND READING & ADOPTION - CHANGE OF ZONING - Rock Springs Estates, LLC (South-Parcel 2) from "City" AG & R-1 (Residential) to "City" R-1, for property located south of West Lester Road and east of Vick Road. (Parcel ID No. 33-20-28-0000-00-015)

The City Clerk read the title as follows:

ORDINANCE NO. 2312

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM AG TO R-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF LESTER ROAD, EAST OF VICK ROAD, COMPRISING 16.78 ACRES, MORE OR LESS, AND OWNED BY THE ROCK SPRINGS ESTATES, LLC; 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 Dean, to adopt Ordinance No. 2312. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

6. ORDINANCE NO. 2315 - FIRST READING - CHANGE OF ZONING - Apopka Woods, LLC - From R-1 to R-2, for property located north of West McCormick Road, east of Marden Road. (Parcel ID No. 08-20-28-0000-00-007)

Mayor Land said Ordinance No. 2315 does not meet the requirements for adoption, and will be held over for a Second Reading. He advised this was a quasi-judicial hearing.

David Moon, Planning Manager, gave an overview of the request for rezoning of the property stating the property was approximately 24.82 acres. The Planning Commission recommends approval of the change of zoning. Development Review Committee recommends the change of zoning based on compatibility issues. He advised the property on the north side of McCormick Road to the immediate north and east is the county northwest water reclamation facility, and to the south is the City of Ocoee. The proposed R2 zoning will allow for a minimum lot size of 7,500 square feet, a minimum lot width of 70 feet, which is compatible with McCormick Woods, the subdivision in Ocoee immediately to the south.

The City Clerk read the title as follows:

ORDINANCE NO. 2315

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 TO R-2 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF THE W. MCCORMICK ROAD AND WEST OF MARDEN ROAD, COMPRISING 24.82 ACRES, MORE OR LESS AND OWNED BY APOPKA WOODS, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Luke Classon, IBI Group, Civil Engineers for the development, said they were present, as well as the owners of the development, to answer any questions.

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 First Reading of Ordinance No. 2315, 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

1. **FINAL DEVELOPMENT PLAN - Verizon Wireless - Site #80417 Telecommunication Tower, for property located at 2051 W. Lester Road. (Parcel ID No. 30-20-28-0000-00-021)**

Jay Davoll, Community Development Director, gave an overview of the project and advised this was for approval of their final development plan of a 151 foot telecommunication tower. He advised this does meet all of the requirements and the Development Review Committee recommends approval. The Planning Commission recommended approval with a four/one vote at their June 11, 2013 meeting.

In response to a question by Commissioner Kilsheimer, Mr. Davoll said the landscaping and trees will help screen the telecommunication equipment at the base and there will be a cross on the top of the tower.

Chris Simmer, with SPA Network services, said they were contracted by Verizon Wireless to locate the site and help facilitate the zoning and bringing the plans through the process. He pointed out that each of the squares on the plan is part of the screening method to mitigate the appearance of the tower.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the Final Development Plan for Verizon Wireless - Site #80417 Telecommunication Tower, as presented. Motion carried four/one, with Mayor Land, Commissioners Arrowsmith, Dean, and McQueen voting aye and Commissioner Kilsheimer voting nay.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson said his report had previously been distributed and he would answer any questions. He requested Council to contact him with feedback on what was observed from the lot size tour so staff will know which direction to take when putting information together.

MAYOR'S REPORT Mayor Land discussed the straw ballot for the Charter, and asked Council to think about whom they would appoint to the committee should one be formed.

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** – CAO Anderson stated they were waiting on revenue figures from the State and as soon as that information is received they will be scheduling budget workshops.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:47 p.m.

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John H. Land, Mayor

ATTEST:

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Janice G. Goebel, City Clerk