CITY OF APOPKA

Minutes of the regular City Council meeting held on June 5, 2013, at 1:30 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 it was June 6, 1944, known as D-Day, that the allied forces stormed the Normandy Beach to liberate Europe. He said it was the worst battle of the war and many died that day. He asked everyone to reflect on that event and their sacrifice for our freedom and liberty as he led in the Pledge of Allegiance.

Michael Cooper addressed the City Council regarding the need for the City to adopt an ordinance requiring and enforcing commercial businesses to maintain their landscaping. CAO Anderson reported the City is actively enforcing the landscaping maintenance requirements through Code Enforcement.

EMPLOYEE RECOGNITION

1. Kenneth Krouse – Public Services/Water Plants – Five Year Service Award - Mayor Land said Kenneth began working for the City on May 12, 2008, as a Water Plant Operator "B". He was reclassified to a Water Plant Operator "A" on August 22, 2008, which is his current position. The City Council joined Mayor Land in congratulating Kenneth on his years of service to the City.

2. Jessie Daniels III – Public Services/Sanitation – Twenty Year Service Award - Mayor Land said Jessie was not present and will be presented his service award at a later time.

3. Kevin Kwader – Fire Department/EMS – Twenty Five Year Service Award - Mayor Land said Kevin was not present and will be presented his service award at a later time.

PRESENTATIONS

1. Nemours Children's Hospital - Martha Santoni, Government Relations Coordinator - Ms. Santoni gave an overview of the present operation of the Nemours Children's Hospital and plans for future service to the Central Florida area. A copy of the presentation is on file with the City Clerk.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on May 15, 2013, at 8:00 p.m.
2. Approve the minutes from Administrative Bid Opening 2013-06 for Plymouth Regional Water Treatment Plant, held on May 8, 2013, at 10:15 a.m.
3. Approve the minutes of Administrative Bid Opening No. 2013-08 for Bradshaw Road Property Building Demolition and Debris Removal, held on May 28, 2013, at 10:15 a.m.
4. Approve the issuance of a Peddler's Permit to First American Fireworks to sell state-approved sparklers from June 15, 2013, through July 7, 2013, at 511 South Orange Blossom Trail.
5. Approve the issuance of a Peddler's Permit to TNT Fireworks for the sale of state-approved sparklers from June 20, 2013 through July 5, 2013, at 2302 East Semoran Blvd. (Piedmont Plaza) and 955 South Orange Blossom Trail (Walmart).
6. Authorize the Chief Administrative Officer to sign an agreement with the City of Altamonte Springs for the delivery of reclaimed water to the City of Apopka.
7. Award the contract to Hausinger & Associates, Inc., in the amount of $825,500.00, for the construction of a water production well #4 at Plymouth Regional Water Plant.
8. Award the contract to Cross-Environmental Services, Inc., in the amount of $106,450.00, for Bradshaw Road Property building Demolition and Debris Removal.
9. Authorize the donation of a canine cage from the Apopka Police Department to the City of Belle Isle for the canine program.
10. The Police Department requests City Council approval for the expenditure of funds from the Federal Law Enforcement Trust Fund, in the amount of $2,000.00, for investigative buys and undercover operations.
11. Approve the Disbursement Report for the month of May 2013.
12. The Police Department is submitting an application to receive $16,174.00 in grant funding toward a video enhancement system for use by the Criminal Investigations Division.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the 12 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. 2303 through 2306 meet the requirements for adoption, having been duly advertised in The Apopka Chief on May 24, 2013.

1. **ORDINANCE NO. 2303 - SECOND READING & ADOPTION - ANNEXATION – Waters Edge Partners, LP, property located at 1850 S. Binion Road. (5.75 +/- acres).**

The City Clerk read the title as follows:

ORDINANCE NO. 2303

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY WATERS EDGE PARTNERS, LP, LOCATED SOUTH OF HOOPER FARMS ROAD AND WEST OF BINION ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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. 2303. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. ORDINANCE NO. 2304 - SECOND READING & ADOPTION - ANNEXATION – City of Apopka, property located on Lust Road. (20.0 +/- acres).

The City Clerk read the title as follows:

ORDINANCE NO. 2304

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY THE CITY OF APOPKA, LOCATED SOUTH OF LUST ROAD AND WEST OF BINION ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 McQueen, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2304. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. ORDINANCE NO. 2305 - SECOND READING & ADOPTION - ANNEXATION – Donald and Annette Emery, properties located at 3477 and 3449 West Kelly Park Road. (14.73 +/- acres)

The City Clerk read the title as follows:

ORDINANCE NO. 2305

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DONALD EMERY AND ANNETTE EMERY, LOCATED NORTH OF KELLY PARK ROAD AND WEST OF PLYMOUTH-SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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. 2305. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. **ORDINANCE NO. 2306 - SECOND READING & ADOPTION - ANNEXATION – Orlando Beltway Associates - Plymouth Sorrento, LLC, property located at 5401 Effie Drive. (118.12 +/- acres)**

The City Clerk read the title as follows:

ORDINANCE NO. 2306

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY ORLANDO BELTWAY ASSOCIATES-PLYMOUTH SORRENTO, LLC, LOCATED NORTH OF KELLY PARK ROAD AND WEST OF PLYMOUTH-SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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. 2306. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

5. **ORDINANCE NO. 2307 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE - FUTURE LAND USE - Orange County Board of County Commissioners - Lake Lucie - From Agricultural Homestead (1 du/10 ac) to Conservation (1 du/20 ac), for property located north of Boch Road, west side of Rainey Road, adjacent to Lake County Line. (Parcel ID No. 05-20-28-0000-00-003)**

Beth Jackson, Orange County Environmental Protection, said she was available to address questions of the City Council. None were asked.

The City Clerk read the title as follows:

ORDINANCE NO. 2307

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 AGRICULTURAL HOMESTEAD (1 DU/10 AC) TO CONSERVATION (1 DU/20 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF BOCH ROAD, WEST SIDE OF RAINEY ROAD, ADJACENT TO LAKE COUNTY, COMPRISING 164.0 ACRES, MORE OR LESS, AND OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Land said the First Reading Ordinances do not meet the requirements for adoption, and will be held over for a Second Reading.

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. 2307, 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. 2308 - FIRST READING - 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 Kilsheimer, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2308, 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. 2309 - FIRST READING - 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.

Sam Sebaali, Florida Engineering Group, stated he was the representing the owner and was available to answer any questions of the City Council. None were asked.

Carol McCorkle, 357 West Lester Road, said the property surrounding East Lester Road are a part of the Wekiva River Protection Area, and asked that the City Council stay sensitive to the integrated wildlife systems in the area that need to be protected when considering future development.

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

Commissioner Kilsheimer suggested that including some kind of commercial development at the intersection of Lester Road and Vick Road would aid in building communities, and encouraged this consideration during future discussion of development.

Sam Sebaali explained the ordinances presented for adoption are proposed to make the zoning on the properties consistent with the surrounding area properties.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2309, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

8. ORDINANCE NO. 2310 - FIRST READING - 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 Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2310, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

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

Mayor Land pointed out the there is a Scribner's error where the north should read "south".
The City Clerk read the title as follows (including the correction):

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 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 Kilsheimer, to accept the First Reading of Ordinance No. 2311, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

10. ORDINANCE NO. 2312 - FIRST READING - 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 Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2312, 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 plans to consider.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson. CAO Anderson reported the City Council Tour of Central Florida would be leaving City Hall next Tuesday (6/11/13) about 9:30 a.m. and would wrap up by 1:00 p.m. He encouraged those interested in going on the tour to sign up on a sheet provided by the City Clerk. The City will need a count of those going on the tour to ensure the proper size bus is scheduled.

MAYOR'S REPORT Mayor Land reported the following:

- A card was received from Pastor James Hicks, President of The Apopka Ministerial Christian Alliance, expressing appreciation for the City's sponsorship of the Annual Mayor's Prayer Breakfast held May 2, 2013.
- Thank you cards were received from officers and members of the Apopka Woman's Club, expressing appreciation to all of the City departments who worked so long and hard to make 52nd Annual Apopka Art & Foliage Festival such a tremendous success.
- Announced the results of the Straw Ballot cast at the Charter meeting held last evening, and asked City Council members to consider how to address the requested committee. He also asked staff to research the financial impact of possible changes to the Charter.

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 2:17 p.m.

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John H. Land, Mayor

ATTEST:

_____
Janice G. Goebel, City Clerk