CITY OF APOPKA

Minutes of the regular City Council meeting held on March 19, 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 AND PLEDGE OF ALLEGIANCE – The Invocation was given by Pastor Doug Bankson, Victory Church World Outreach Center. Mayor Land said it was in March of 1945, that the Battle of the Rhine Crossing was taking place. After crossing the Rhine, it led to a victory 2 months later. Thousands lost their lives during that time. He asked everyone to reflect on their sacrifice, as he led the Pledge of Allegiance.

Mayor Land announced anyone wishing to appear before the City Council, should submit a Notice of Intent to Speak card to the City Clerk.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Authorize the Chief Administrator Officer to execute the renewal of the Annual Fuel Contract with Mansfield Oil Company of Gainesville, Inc.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the Consent Agenda. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. General and Special Election results from March 11, 2014 - Janice Goebel, City Clerk.

City Clerk Goebel announced the results of the General and Special Elections held on March 11, 2014, as follows: 4,961 votes
Mayor Race - Glen Chancy received 482 votes; Joe Kilsheimer received 2,353 votes; John H. Land received 1,905 votes; and Gregg Phillips received 208 votes; resulting in a run-off election.
Seat 2 Race - Marilyn A Ustler McQueen received 2,135 votes; and Diane Velazquez received 2,646 votes; resulting in Ms. Velazquez being elected to serve in Council Seat 2.
Seat 3 Race - Linda Ann Laurendeau received 1,833 votes; Theresa Mott received 885 votes; and Sam Ruth received 1,997 votes; resulting in a run-off election.

The official Certification of General Election Results, Certification of Special Election Results, and Minutes of the Canvassing Board Meeting and Audit are attach hereto and made a part of these meeting minutes.

City Clerk Goebel announced the General and Special Run-off Elections will be held on April 8, 2014, at the Apopka Community Center/VFW Post #10147, 519 S. Central Avenue, 7:00 a.m. to 7:00 p.m., between Joe Kilsheimer and John H. Land for Mayor; and Linda Ann Laurendeau and Sam Ruth for Council Seat 3. Absentee ballots may be obtained by calling the Orange County Supervisor of Elections office. She thanked Commissioners Arrowsmith and Dean for their participation on the Canvassing Board.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the Certification of the General and Special Election Results, as presented. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

ORDINANCES AND RESOLUTIONS

Ordinance Nos. 2347 - 2352 meet the requirements for adoption, having been duly advertised in The Apopka Chief on March 7, 2014.

1. **ORDINANCE NO. 2347 - SECOND READING & ADOPTION - ANNEXATION - Larry M. Everly, Sr. Family Trust and Corinne F. Everly Family Trust, property located at 3100 Ondich Road. (Parcel I.D. #12-20-27-0000-00-051) (27.29 +/- acres).**

The City Clerk read the title, as follows:

ORDINANCE NO. 2347

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 LARRY M. EVERLY SR. FAMILY TRUST AND CORINNE F. EVERLY FAMILY TRUST, LOCATED SOUTH OF ONDICH 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.

Michelle Hinden, Attorney representing the Everly Trust, said they were requesting annexation into the City of Apopka and she was available for any questions.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2347. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. ORDINANCE NO. 2348 - SECOND READING & ADOPTION - ANNEXATION - Project Orlando, LLC, property located at 3132 Ondich Road. (Parcel I.D. #12-20-27-0000-00-028) (2.44 +/- acres).

The City Clerk read the title, as follows:

ORDINANCE NO. 2348

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 PROJECT ORLANDO, LLC, LOCATED NORTH OF ONDICH 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.

Michelle Hinden, Attorney representing Project Orlando, LLC, said they were requesting annexation into the City of Apopka, which is contiguous to the previously adopted Everly Trust property. She was available for any questions.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2348. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

3. ORDINANCE NO. 2349 - SECOND READING & ADOPTION - Project Orlando, LLC, property located west of Plymouth Sorrento Road, north of Ondich Road. (Parcel I.D. #01-20-27-0000-00-047) (4.99 +/- acres).

The City Clerk read the title, as follows:

ORDINANCE NO. 2349

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 PROJECT ORLANDO, LLC, LOCATED NORTH OF ONDICH 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.

Michelle Hinden, Attorney representing Project Orlando, LLC, said they were requesting annexation into the City of Apopka, which is contiguous to the prior parcels of land. She was available for any questions.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2349. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

4. ORDINANCE NO. 2350 - SECOND READING & ADOPTION - ANNEXATION - RBGG, LLC, property located at 1675 E. Semoran Boulevard. (Parcel I.D. #11-21-28-0000-00-132) (0.73 +/- acre).

The City Clerk read the title, as follows:

ORDINANCE NO. 2350

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 RBGG, LLC, LOCATED NORTH OF EAST SEMORAN BOULEVARD AND EAST OF SEMORAN COMMERCE PLACE; 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. 2350. Commissioner Arrowsmith advised he would abstain from voting on Ordinance No. 2350, as the owner/applicant is 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.

5. ORDINANCE NO. 2351 - SECOND READING & ADOPTION - ANNEXATION - Robert Roach, property located at 737 Keene Road. (Parcel I.D. #22-21-28-0000-00-114) (1.5 +/- acres).

The City Clerk read the title, as follows:

ORDINANCE NO. 2351

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 ROBERT ROACH, LOCATED NORTH OF EAST KEENE ROAD AND WEST OF SHEELER AVENUE; 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 Arrowsmith, to adopt Ordinance No. 2351. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

6. ORDINANCE NO. 2352 - SECOND READING & ADOPTION - ANNEXATION - Jeffrey B. Randazzo, property located at 665 E. Keene Road. (Parcel I.D. #22-21-28-0000-00-078) (3.6 +/- acres).

The City Clerk read the title, as follows:

ORDINANCE NO. 2352

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 JEFFREY RANDAZZO, LOCATED NORTH OF EAST KEENE ROAD AND WEST OF STANFORD 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 McQueen, to adopt Ordinance No. 2352. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

Ordinance Nos. 2354 - 2357 do not meet the requirements for adoption, and will be held over for a Second Reading.

7. ORDINANCE NO. 2354 - FIRST READING - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Robert K. Dunn, et al., from Residential Low (0-5 du/ac) to Residential Low Medium (0-7.5 du/ac), for property located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. (Parcel ID #s: 05-21-28-00-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035 & 05-21-28-0000-00-041)

CAO Anderson said staff's lead-in would cover Ordinance Nos. 2354, 2355, and 2356.

Senior Planner David Moon gave a broad overview of the project; the intent being to develop an assisted living facility with 125 beds. His presentation is attached hereto, and made a part of these meeting minutes.
CAO Anderson advised that page one of the staff report should read 125 ALF beds, not 127.

The City Clerk read the title, as follows:

ORDINANCE NO. 2354

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 RESIDENTIAL LOW DENSITY (0-5 DU/AC) TO RESIDENTIAL LOW MEDIUM DENSITY (0-7.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND EAST OF RICHARD L. MARK DRIVE, COMPRISING 6.98 ACRES, MORE OR LESS, AND OWNED BY ROBERT K. DUNN, ET AL.; 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.

Jed Berman, Infantino & Berman in Winter Park, representing Robert Dunn, concurred with the presentation by Mr. Moon. He said the requested study conducted concerning use of the property was complete, and recommended that the recommendation of City staff and the Planning Commission be accepted by the City Council. He continued that the original request was for rezoning and a medium density use; however, after hearing from the public and considering what the staff requested, the request was changed to low medium density, and the request for 125 beds is acceptable. He said the proposed assisted living facility is an ideal transition between the residences in Errol Estate, and the much more intense commercial use (Lowe's). He said it will enhance the taxable value of the property, and offer employment which will increase the economic base in Apopka.

Michael Joachim, Planning Consultant, read their findings into the record. (A copy is attached hereto and made a part of these meeting minutes.)

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

Commissioner Dean inquired about the impact to the property values in the surrounding area.

Mr. Joachim said there were 2 studies conducted. One by the American Planning Association, and another by another housing organization that establishes the impact either minimal or an improvement in value on housing that is located next to this kind of facility. He offered to provide the studies.

Commissioner Arrowsmith said he thought an assisted living facility was a great use of the property.

Commissioner McQueen noted with the current zoning, an apartment could be developed on the property now. She inquired about the lighting in the rear of the development impacting the surrounding homes, and she asked about the buffering between the facility and homes in Errol Estate.

James Garritani, DDP Architects, said the picket fence is in front of the property, but around the east, west, and north sides would be a brick wall, separating it from the adjacent parcels. In addition, there will be a 30 foot or 15 foot landscape buffer.

Greg Hudak, Civil Engineer for the project, said what appeared to be a walkway around the property was a stabilized access for the fire equipment, as required by the City. It is not a walkway people will be using day or night.

Mr. Moon said there will be a final development plan forthcoming.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance No. 2354, 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. 2355 - FIRST READING - CHANGE OF ZONING & MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN - Robert K. Dunn, et at., from "County" R-3 to "City" Planned Unit Development (PUD/R-3), for property located north of Old Dixie Highway, east of Richard L. Mark Drive, and south of Errol Parkway. (Parcel ID #s: 05-21-28-00-00-019, 05-21-28-0000-00-034, 05-21-28-0000-00-035 & 05-21-28-0000-00-041)

Mayor Land said this ordinance addresses the same property, so the presentation also applies to Ordinance No. 2355.

The City Clerk read the title, as follows:

ORDINANCE NO. 2355

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-3 TO "CITY" PLANNED UNIT

DEVELOPMENT (PUD/R-3) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND EAST OF RICHARD L. MARK DRIVE, AND SOUTH OF ERROL PARKWAY, COMPRISING 6.98 ACRES, MORE OR LESS, AND OWNED BY ROBERT K. DUNN, ET AL.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Jed Berman said this is a companion ordinance and previous comments would apply.

Dale Fenwick, 1272 Errol Parkway, inquired about the height of the wall, to which Mr. Moon advised it is proposed at 6 feet. Mr. Fenwick commented that 6 feet is not high enough.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2355, 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. 2356 - FIRST READING - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Norman Sawyer, from "County" Low Medium Density Residential (0-10 du/ac) to "City" Commercial (1.25 FAR), for property located west of Rock Springs Road, on the north side of West Nancy Lee Lane (117 W. Nancy Lee Lane). (Parcel ID # 33-20-28-0000-00-040)

The City Clerk read the title, as follows:

ORDINANCE NO. 2356

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 MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC) TO "CITY" COMMERCIAL (0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD ON THE NORTH SIDE OF WEST NANCY LEE LANE (117 W. NANCY LEE LANE), COMPRISING 0.83 ACRES MORE OR LESS, AND OWNED BY NORMAN SAWYER; 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 Kilsheimer noted there were people who signed a petition opposing the proposal, but none were present to speak.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2356, and hold it over for a Second Reading. Commissioner Arrowsmith declared he would abstain from voting as the owner/applicant is 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.

10. ORDINANCE NO. 2357 - FIRST READING - CHANGE OF ZONING - Norman Sawyer, from "County" A-1 to "City" C-1, for property located west of Rock Springs Road, on the north side of West Nancy Lee Lane (117 W. Nancy Lee Lane). (Parcel ID # 33-20-28-0000-00-040)

The City Clerk read the title, as follows:

ORDINANCE NO. 2357

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" C-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD ON THE NORTH SIDE OF WEST NANCY LEE LANE (117 W. NANCY LEE LANE), COMPRISING 0.83 ACRES, MORE OR LESS, AND OWNED BY NORMAN SAWYER; 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 McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2357, and hold it over for a Second Reading. Commissioner Arrowsmith declared he would abstain from voting as the owner/applicant is 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.

SITE APPROVALS - There were no site approvals to consider.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson said the Council received the Administrative Report, and he was available for questions. None were asked.

He further reported the following:

- The Hobby Lobby store located in the former Albertson's building, located at the corner of S.R. 436 and Piedmont Wekiva Road, will be opening soon.
- A new Italian restaurant will be opening at the Rock Springs Ridge Clubhouse called Tartini.

CAO Anderson then gave a legislative update of bills on the watch list including springs protection, red light cameras, and vacation rentals.

Commissioner Arrowsmith suggested adopting a moratorium on the issuance of citations for right-turn at red lights until after the 2014 Legislative session is adjourned. There was considerable discussion following. No City Council action was taken at this time.

MAYOR'S REPORT - Mayor Land reported receiving a thank you note from the 'Ladies of the 1:00 p.m. Zumba Class' which meets weekly at the Fran Carlton Center.

OLD BUSINESS

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

2. PUBLIC – There was no old business from the public.

NEW BUSINESS

COUNCIL – There was no new business from the Council.

2. PUBLIC – There was no new business from the public.

Commissioner Arrowsmith suggested a letter be written to the Supervisor of Elections office acknowledging the very impressive operation they perform in assisting municipalities with elections.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:08 p.m.

ATTEST:

_____
John H. Land, Mayor

_____
Janice G. Goebel, City Clerk