

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 20, 2013, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Vice-Mayor Bill Arrowsmith
Commissioner Billie Dean
Commissioner Joe Kilsheimer

ABSENT: Mayor John H. Land
Commissioner Marilyn U. McQueen

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak - The Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE –Vice-Mayor Arrowsmith gave the Invocation. He said this week we celebrated President’s Day and asked that everyone remember the great Presidents we have had in this country since the beginning, as he led in the Pledge of Allegiance.

PRESENTATIONS

1. National FFA Week Proclamation - John Cloran - Vice-Mayor Arrowsmith read the Proclamation, and then presented one to the FFA Presidents for Apopka Memorial Middle School, Piedmont Middle School, Wolf Lake Middle School, Apopka High School, and Wekiva High School.

Mr. Cloran thanked the City of Apopka for its support shown to FFA each year.

2. Eco-Tourism - Miller Legg - Jon Walls and Barry Wilcox

CAO Anderson said the City has been working on recovering from the economy lost with the closing of the muck farms, mainly looking at Eco-Tourism and Agri-Tourism on the North Shore of Lake Apopka. He stated the City has contracted with Miller Legg and this was the first phase of looking at a potential plan that could be put into effect.

Mr. Wilcox gave a presentation on opportunities in Eco-Tourism, to include: Agri-Tourism, North Shore Recreation Area, Eco-Industry, and an Eco-Village. All areas are within the North Shore area of Lake Apopka, and being tied into the airport, rail, and highway, as well as the use of the trail area for pedestrian use. He outlined steps to bring about these changes, and the potential for returning economic development back to Apopka. (The presentation is attached hereto and made a part of these meeting minutes.)

CONSENT AGENDA

1. Approve the minutes of Administrative Bid Opening No. 2013-01 for City of Apopka Streetscape Phase I, U.S. 441 and S.R. 436, between Lake Avenue and Sheeler Road, held on February 14, 2013, at 10:15 a.m.
2. Authorize the issuance of a Peddler's Permit to Centurylink, for the "Business to Business" solicitation of high speed internet, voice lines, Direct TV and Prism.
3. Authorize the issuance of a Peddler's Permit to Edward Jones Investments, for the door to door gathering of contact information, level of interest and permission to contact.
4. Authorize the use of Kit Land Nelson Park and the provision of support services for the 52nd annual Art & Foliage Festival.
5. Approve the renewal, for an additional one year, of the lease agreement for office space at 405 South Park Avenue, with Dr. Charles Dorfman.
6. Award the contract to Cherry Lake Tree Farm, dba Legacy Scapes, in the amount of \$367,015.20, for Streetscape Phase I, U.S. 441 and S.R. 436, between Lake Avenue and Sheeler Road.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Dean, to approve the six (6) items of the Consent Agenda. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, and Kilsheimer voting aye.

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

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2280 – THIRD READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - FUTURE LAND USE - Keene Road Apopka, LLC, 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.** - Vice-Mayor Arrowsmith said Ordinance No. 2280 meets the requirements for adoption, having been duly advertised in The Apopka Chief on January 25, 2013, and February 15, 2013. 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.

Vice-Mayor Arrowsmith 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. 2280. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, and Kilsheimer voting aye.

- 2. ORDINANCE NO. 2281– THIRD READING & ADOPTION - 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. - Vice-Mayor Arrowsmith said Ordinance No. 2281 meets the requirements for adoption, having been duly advertised in The Apopka Chief on January 25, 2013. 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.

Vice-Mayor Arrowsmith 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 adopt Ordinance No. 2281. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2289 - SECOND READING - Amending Chapter 78 by replacing Article VIII “The City of Apopka Traffic Light Safety Act” in its entirety. Vice-Mayor Arrowsmith said Ordinance No. 2289 does not meet the requirements for adoption, and will be held over for a Third Reading. The City Clerk read the title, as follows:**

ORDINANCE NO. 2289

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 78 BY REPLACING ARTICLE VIII “THE CITY OF APOPKA TRAFFIC LIGHT SAFETY ACT” IN ITS ENTIRETY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith 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 accept the Second Reading of Ordinance No. 2289, and hold it over for a Third Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, and Kilsheimer voting aye.

- 4. ORDINANCE NO. 2288 – FIRST READING - VACATE – Mid-Florida Freezer Warehouses, Inc. – Vacating a portion of a platted right-of-way (Shepard Avenue) for property located south of Highway 441 and north of Mayflower Avenue Estates. Vice-Mayor Arrowsmith said Ordinance No. 2288 does not meet the requirements for adoption, and will be held over for a Second Reading. The City Clerk read the title, as follows:**

ORDINANCE NO. 2288

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A PLATTED RIGHT-OF-WAY LOCATED SOUTH OF NORTH ORANGE BLOSSOM TRAIL (HIGHWAY 441) AND NORTH OF MAYFLOWER AVENUE; PROVIDING DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith 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. 2288, and hold it over for a Second Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, and Kilsheimer voting aye.

- 5. ORDINANCE NO. 2290 – FIRST READING - CHANGE OF ZONING – John & Sherry Hutchinson – From RCE-1 (Residential Country Estates – 1 acre lot Min.) to PUD/AG-E (Mixed Use), for property located north of John H. Land Expressway (S.R. 414) and Stone Road. (Parcel ID No. 26-21-28-0000-00-049) - Vice-Mayor Arrowsmith said Ordinance No. 2290 does not meet the requirements for adoption, and will be held over for a Second Reading. The City Clerk read the title, as follows:**

ORDINANCE NO. 2290

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM RCE-1 (RESIDENTIAL COUNTRY ESTATES - 1 ACRE LOT MIN.) TO PUD/AG-E (MIXED USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF THE APOPKA EXPRESSWAY (S.R. 414) AND STONE ROAD COMPRISING 4.5 ACRES, MORE OR LESS AND OWNED BY JOHN AND SHERRY HUTCHINSON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith 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. 2290, and hold it over for a Second Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

- 6. ORDINANCE NO. 2291– FIRST READING - CHANGE OF ZONING – Horacio Servin - From “County” A-2 (ZIP 4 du/ac) to “City” AG-E (1 du/ 5 ac), for property located north of Appy Lane, west of Jason Dwelley Parkway. Parcel ID No. 18-20-28-0000-00-057 - Vice-Mayor Arrowsmith said Ordinance No. 2291 does not meet the requirements for adoption, and will be held over for a Second Reading. The City Clerk read the title, as follows:**

ORDINANCE NO. 2291

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (ZIP 4 DU/AC) TO “CITY” AG-E (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF APPY LANE, WEST OF JASON DWELLEY PARKWAY, COMPRISING 10.54 ACRES, MORE OR LESS, AND OWNED BY HORACIO SERVIN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith 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 accept the First Reading of Ordinance No. 2291, and hold it over for a Second Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

7. **ORDINANCE NO. 2292 - FIRST READING - CHANGE OF ZONING - RaceTrac #577 West Apopka – Owned by RaceTrac Petroleum, Inc., from C-1 to PUD (Planned Unit Development/C-2), for property located north of Orange Blossom Trail, south of Old Dixie Highway, and east of Errol Parkway. Parcel ID No. 05-21-28-0000-00-039.** - Vice-Mayor Arrowsmith said Ordinance No. 2292 does not meet the requirements for adoption, and will be held over for a Second Reading. The City Clerk read the title, as follows:

ORDINANCE NO. 2292

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-1 TO PUD/C-2 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL (U.S. 441), SOUTH OF OLD DIXIE HIGHWAY, AND EAST OF ERROL PARKWAY COMPRISING 2.94 ACRES, MORE OR LESS, AND OWNED BY RACETRAC PETROLEUM, INC.; PROVIDING DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith opened the meeting for a public hearing. No one wishing to speak, he closed the public hearing.

Commissioner Kilsheimer disclosed having a conversation with the applicant.

MOTION was made by Commissioner Dean, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance No. 2292, and hold it over for a Second Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

8. **RESOLUTION NO. 2013-02 - Authorizing the reimbursement of certain costs relating to the acquisition of two fire engines.** - Vice-Mayor Arrowsmith said Resolution No. 2013-02 does not require advertising. The City Clerk read the title, as follows:

RESOLUTION NO. 2013-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA WITH RESPECT TO THE REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION OF TWO FIRE ENGINES.

Vice-Mayor Arrowsmith 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 Resolution No. 2013-02. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

SITE APPROVALS

1. REPLAT – Rock Springs Road Commercial Subdivision – Owned by Marshall Howard and located east of Rock Springs Road, south of East Welch Road.

Jay Davoll, Community Development Director, gave a brief overview of the replat. This was first seen by Council last year and approved. He said Development Review Committee (DRC) and the Planning Commission recommend approval. (The Staff Report is incorporated into and made a part of these meeting minutes.)

Vice-Mayor Arrowsmith disclosed that this property is contiguous to a parcel he owns to the south. He said while he would have no benefit from that, he would abstain from voting and file a form 8B.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner Dean, to Table this item to the next meeting when there will be a quorum present for a majority vote. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

2. FINAL DEVELOPMENT PLAN – Lake Doe Reserve, Phase 1 – Owned by Florida Land Holdings X, LLC, c/o Jimmy Dunn, June Engineering Consultants, Inc., and located east of Binion Road, south of the CSX Railroad right-of-way. -

Mr. Davoll gave a brief review of Lake Doe Reserve, Phase 1 Final Development Plan advising this is zoned R-1, single family subdivision with 33 lots. He reviewed the lot size and the waiver being requested. The DRC recommends approval of the final development plan subject to approval of the waiver request. The Planning Commission also recommended approval of the buffer, variance and final development plan and plat. (The Staff Report is incorporated into and made a part of these meeting minutes.)

Vice-Mayor Arrowsmith 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 approve the Final Development Plan for Lake Doe Reserve, Phase 1, as presented. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report - Richard D. Anderson - Chief Administrative Officer said the Commission had his report before them and he would answer any questions. There were no questions.

CAO Anderson said the Old Florida Outdoor Festival was very successful this year stating there was a great turnout on Saturday. He stated they held the post festival meeting this morning and they have some new ideas for next year to improve it; one being to make it a two day event on Saturday and Sunday.

Commissioner Kilsheimer commented on the success of the Old Florida Outdoor Festival, to which Vice-Mayor Arrowsmith said it would not have been possible without the many hours of hard work and cooperation from all City staff.

CAO Anderson reported that next Friday, March 1st, the City will be reduced to a skeleton crew at 3:00 p.m. and a picnic will be held in appreciation for City staff's hard work for the festival. This will be held at the Northwest Recreation Complex/Amphitheater, and he invited any of the public that would like to show staff appreciation to attend.

2. Apopka Art & Jazz Festival - Richard D. Anderson - Chief Administrative Officer reported the City would like to request approval to co-sponsor this event.

Christine Moore, School Board Member, was introduced and gave a brief summary of the history of the Apopka Art & Jazz Festival, indicating this year, 31 schools will be represented, up from 11 schools when the festival began four years ago.

MOTION was made by Commissioner Kilsheimer, seconded by Commissioner Dean, to approve the City cosponsoring the Apopka Art & Jazz Festival. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, and Kilsheimer voting aye.

CAO Anderson reported a meeting was recently held, sponsored by Rep. Bryan Nelson, to discuss plans and needs for the Orange Blossom Express in freight and pedestrian use.

Commissioner Kilsheimer reported being in Tallahassee for Legislative Days, and said there was considerable discussion among business and officials present from Lake County in support of the Orange Blossom Express. He declared the potential was huge.

MAYOR'S REPORT - In the Mayor's absence, there was no report.

OLD BUSINESS

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

2. **PUBLIC** – Vice-Mayor Arrowsmith acknowledged that Robert Webster had completed an Intent to Speak card to talk about Red Light Cameras at the meeting. He was provided an opportunity to speak at this time, however, Mr. Webster had left earlier in the meeting.

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 9:11 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk