CITY OF APOPKA

Minutes of the regular City Council meeting held on February 6, 2013, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Vice-Mayor Bill Arrowsmith
Commissioner Billie Dean
Commissioner Marilyn U. McQueen
Commissioner Joe Kilsheimer

ABSENT: Mayor John Land

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

INVOCATION AND PLEDGE OF ALLEGIANCE – Vice-Mayor Arrowsmith gave the Invocation and led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. **Mary L. Laas – Public Services/Sanitation – Ten Year Service Award, Solid Waste Specialist – DOE 01/06/2003 -** Vice-Mayor Arrowsmith said Mary was not present, and would be presented her award at a later time.

2. **Harry N. Debose, Sr. – Public Services/Sanitation – Fifteen Year Service Award - Sanitation Equipment Operator – DOE 01/26/1998 -** Vice-Mayor Arrowsmith said Harry was not present, and would be presented his award at a later time.

3. **Kimberly L. Walsh – Police Department/Field Services – Fifteen Year Service Award - Police Sergeant – DOE 01/26/1998 -** Vice-Mayor Arrowsmith said Kim was not present, and would be presented her award at a later time.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on January 16, 2013, at 8:00 p.m.
2. Approve the minutes from the special City Council meeting held on January 14, 2013, at 2:00 p.m.
3. Approve the minutes from the Community Meeting on City Charter held on January 10, 2013, at 6:30 p.m., at the Apopka Community Center/VFW Post #10147.

4. Approve the extension of the contract with Southeastern Surveying & Mapping Corporation, for an additional twelve-month period, at the current contract rate.
5. Authorize the Mayor, or his designee, to execute the agreement between the City of Apopka and Greenside Dubsdread, Inc., for catering services at Highland Manor.
6. Authorize the Chief Administrative Officer to sign the agreement to purchase 20 acres of land, in the amount of $140,000.00, for the North Shore Reclaimed Water Facility.
7. Authorize the Chief Administrative Officer to sign contract #WS807, in the amount of $58,004.00, with the Department of Corrections for an inmate work squad.
8. Authorize the expenditure of funds, in the amount of $15,540.00, from the Federal Law Enforcement Trust Fund to purchase 22 rifles.
9. Approve the Disbursement Report for the month of January, 2013.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the 9 items of the Consent Agenda. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

CAO Anderson said the City Council just approved an agreement between the City and Greenside Dubsdread, Inc., to continue to manage the building and facilities at Highland Manor. He advised this was not a lease, but a management agreement which will not require the City to pay approximately $72,000 in property taxes.

Steven Gunter, Dubsdread, said he considered it a compliment when they were asked to step in last year. He reported bookings are up and stated he is pleased to be working with the City to build the restaurant back.

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

ORDINANCES AND RESOLUTIONS

Vice-Mayor Arrowsmith announced that Ordinance Nos. 2283, 2284, and 2285 all meet the requirements for adoption, having been duly advertised in The Apopka Chief on January 25, 2013.

1. **ORDINANCE NO. 2283– SECOND READING & ADOPTION - CHANGE OF ZONING - Miller Investments and Property Management, Inc., c/o Jimmy Dunn, from "County" A-1 (Agriculture) to "City" R-1AA (Residential), for property located south of West Ponkan Road and west of Ruxton Drive. Parcel ID No. 28-20-28-0000-00-045.** - The City Clerk read the title as follows:

ORDINANCE NO. 2283

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" R-1AA (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY

LOCATED SOUTH OF WEST PONKAN ROAD, WEST OF RUXTON DRIVE, COMPRISING 8.4 ACRES, MORE OR LESS, AND OWNED BY MILLER INVESTMENT AND PROPERTY MANAGEMENT, Inc.; 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 McQueen, and seconded by Commissioner Dean, to adopt Ordinance No. 2283. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, McQueen, and Kilsheimer voting aye.

2. **ORDINANCE NO. 2284– SECOND READING & ADOPTION - CHANGE OF ZONING - New Covenant Perfecting Ministries, Inc., c/o Paris T. Taylor, from ZIP (C-3) to PO/I (Professional Office/Institution), for property located west of South Sheeler Avenue and south of South Apopka Boulevard. Parcel ID Nos. 22-21-28-0000-00-079; 081; 082; 105; 108; 109; 117; & 122.** - The City Clerk read the title as follows:

ORDINANCE NO. 2284

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM ZIP (C-3) TO PO/I (PROFESSIOINAL OFFICE/INSTITUTION) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH SHEELER AVENUE, SOUTH OF SOUTH APOPKA BOULEVARD, COMPRISING 6.59 ACRES, MORE OR LESS, AND OWNED BY NEW COVENANT PERFECTING MINISTRIES, INC.; 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 McQueen, to adopt Ordinance No. 2284. Motion carried unanimously, with Vice-Mayor Arrowsmith and Commissioners Dean, McQueen, and Kilsheimer voting aye.

3. **ORDINANCE NO. 2285 - SECOND READING & ADOPTION - CHANGE OF ZONING - Southeastern Conference of Seventh Day Adventist Church, Inc./Sheeler Oaks SDA, c/o Juan E. Gonzalez, from R-1 (Residential) to PUD/Church (Planned Unit Development), for property located west of South Sheeler Avenue and north of La Gran Via Lane. Parcel ID No. 22-21-28-0000-00-196. -** The City Clerk read the title as follows:

ORDINANCE NO. 2285

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 (RESIDENTIAL) TO PUD/CHURCH (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH SHEELER AVENUE, NORTH OF LA GRAN VIA LANE, COMPRISING 4.75 ACRES, MORE OR LESS, AND OWNED BY SOUTHEASTERN CONFERENCE OF SEVENTH DAY ADVENTIST CHURCH/SHEELER OAKS SDA; PROVIDING DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith opened the meeting for a public hearing.

Leon Gullo, 817 La Gran Via Lane, said his backyard backs up to the church property. He stated he had not seen any plans on the size of the church, but from what he had seen at the Planning Commission meeting, it was going to be rather large. He said this will affect traffic in that area.

David Moon, Planning Manager, advised when staff first met with the applicant, the building was initially larger and approximately 15 to 20 feet from the property line adjacent to the residential neighborhood. The church agreed to move the building further away from the residential development so that there is at least a minimum of a 40 foot buffer between the church building and the residential neighborhood and this ordinance establishes that 40 foot minimum buffer. He advised the official site plan application has not been reviewed by the Planning Commission or the City Council, which will occur at a later date. He stated the Planning Commission recommends a brick wall along the perimeter of the property adjacent to the residential development, to which the church expressed concerns. He said the City Council, in consideration of the PUD conditions, will decide whether or not to carry the Planning Commission's recommendation.

Arlene Gullo, 817 La Gran Via Lane, declared there were more activities at this church rather than just a few hours on Saturday. She stated their main concern is that there is only one entrance/exit.

In response to a question by Commissioner Kilsheimer regarding capacity of Sheeler Road, Community Development Director Jay Davoll advised Sheeler Road has sufficient capacity for the expansion of this church, giving an overview of the traffic analysis.

Vice-Mayor Arrowsmith inquired if they could address the ingress and egress at the time of site plan approval.

Mr. Moon responded in the affirmative. He advised that due to engineering standards they may be limited to the number of driveway cuts allowed.

CAO Anderson reiterated that they are proposing to add to an existing building which may affect these matters.

No one else wishing to speak, Vice-Mayor Arrowsmith closed the public hearing.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to adopt Ordinance No. 2285. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

4. **ORDINANCE NO. 2287 - SECOND READING & ADOPTION - CODE OF ORDINANCES - Amendment to the City of Apopka, Code of Ordinances, Part II, Chapter 78 - Traffic and Motor Vehicles - Article II, Division 1, Section 78-37, and Article II, Division II, Section 78-65(A) in its entirety. –** Vice-Mayor Arrowsmith said Ordinance No. 2287 meets requirements for adoption, having duly been advertised in The Apopka Chief on January 25, 2013. The City Clerk read the title as follows:

ORDINANCE NO. 2287

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART II, CHAPTER 78 "TRAFFIC AND MOTOR VEHICLES", ARTICLE II, DIVISION 1, SECTION 78-37, "MANNER OF STOPPING, STANDING OR PARKING," IN ITS ENTIRETY; AND AMENDING ARTICLE II, DIVISION 2, SECTION 78-65(a), "WITHHOLDING OF ISSUANCE OF LICENSE PLATES AND STICKERS BY STATE: TO PROVIDE FOR CLARIFICATION; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY, 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 McQueen, to adopt Ordinance No. 2287. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

5. **ORDINANCE NO. 2280 - SECOND READING - 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. -** 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 Dean, and seconded by Commissioner McQueen, to accept the Second Reading of Ordinance No. 2280, and hold it over for a Third Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

6. **ORDINANCE NO. 2281 - SECOND READING - 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. -** 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.

Leon Gullo said this Ordinance and the prior one, from what he understands, proposes 650 apartments on the corner of Keene and Sheeler, and he expressed concerns regarding the amount

of traffic this will create. He stated he did not have a problem with single family homes, but with this high density on that site, it will create nightmares getting people in and out.

Vice-Mayor Arrowsmith said traffic studies will be required and they will have to follow those recommendations.

No one else wishing to speak, Vice-Mayor Arrowsmith closed the public hearing.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Kilsheimer, to accept the Second Reading of Ordinance No. 2281, and hold it over for a Third Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

7. **ORDINANCE NO. 2282 - FIRST READING - CHANGE OF ZONING – Alfreda M. Smith – From R-1 (Residential) to PUD/Church (Planned Unit Development), for property located south of West 8th Street and west of South Central Avenue. (Parcel ID No. 09-21-28-0196-80-321) NOTE: Ordinance No. 2282 was Tabled at the 1-16-13 City Council meeting.** The City Clerk read the title as follows:

ORDINANCE NO. 2282

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT)/CHURCH FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST 8TH STREET, WEST OF SOUTH CENTRAL AVENUE, COMPRISING 0.45 ACRE, MORE OR LESS, AND OWNED BY ALFREDA M. SMITH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Vice-Mayor Arrowsmith opened the meeting for a public hearing.

Kimberly Barnes-Howard, 51 W 8th Street, said her concern was with this church being in a residential area. She stated she works nights and the noise from holding church in this area will wake her. She also expressed safety concerns for her children with the traffic.

William Orr, said he was the brother of the person owning property at 69 W 8th Street. He expressed concerns in the rezoning of this property being that there are three churches a block apart on this street. He had concerns regarding safety of children as well as noise in the area. He submitted a petition from the neighborhood, asking that the rezoning be denied.

Chad Linn, Linn Engineering, representing the applicant said he was present to answer any questions and advised they planned to remodel the existing house. He said the house would hold a maximum of twenty people and calculated there would be a maximum of five cars. He confirmed this would be an active church, open on Sundays and meetings held on Tuesday. He

said out of five adjacent properties, only one is a single-family home, the rest being commercial uses.

Evelyn White, 8071 Cloverglen Circle, Orlando, said she owns property on 8th Street, said she has been to all of the hearings and expressed concern regarding how the number of people anticipated to attend the church keeps changing, first it was 25, then 50 members, and now to 20. She said once this becomes a church, it will never be residential again. She stated there was one property on that street that was commercial many years ago, and all other homes were residential with young families who have children.

No one else wishing to speak, Vice-Mayor Arrowsmith closed the public hearing.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to deny Ordinance 2282. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

8. **ORDINANCE NO. 2289 - FIRST READING - Amending Chapter 78 by replacing Article VIII "The City of Apopka Traffic Light Safety Act" in its entirety. -** 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 VII "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 McQueen, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance 2289, and hold it over for a Second Reading. Motion carried unanimously, with Vice-Mayor Arrowsmith, and Commissioners Dean, McQueen, and Kilsheimer voting aye.

9. **RESOLUTION NO. 2013-01 - Authorizing the Chief Administrative Officer to execute the Florida Department of Transportation Memorandum of Agreement (MOA) to perform highway landscape construction and maintenance.-** The City Clerk read the title as follows:

RESOLUTION NO. 2013-01

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, AUTHORIZING EXECUTION OF THE HIGHWAY LANDSCAPE

CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO S.R. 500 RIGHT-OF-WAY AND S.R. 436 RIGHT-OF-WAY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to adopt Resolution No. 2013-01. Motion carried unanimously with Vice-Mayor Arrowsmith, and Commissioners McQueen, Dean, and Kilsheimer voting aye.

SITE APPROVALS - There were no site approval requests.

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

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson reported the following:

- The property located at Highway 441 and Hiawassee Road has been sold, and there will be a Sam's Club built on this property.
- A meeting regarding Lake Apopka Restoration will take place on February 8th, in Mount Dora. There will a presentation made on behalf of the City, and the City has contracted with Miller Legg to do a study on eco-tourism and the airport area. He also reported on a meeting with shareholders and stakeholders, the West Orange Airport Authority (WOAA) and stated progress was moving forward with regards to fears on airport locations and the environment.
- The Old Florida Outdoor Festival begins February 8th through February 10th. Ticket sales are up from last year. He advised some of the animals were already on site.

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** - There was no old business from the public.

NEW BUSINESS

1. **COUNCIL** - Commissioner Kilsheimer reported he was very honored that the Board of Directors of the Apopka Historical Society has asked him to serve as Chair of the Historic Society Board.

2. **PUBLIC** - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:28 p.m.

ATTEST: _____
John H. Land, Mayor

_____
Janice G. Goebel, City Clerk