

CITY OF APOPKA

Minutes of a regular City Council meeting held on October 3, 2012, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor John H. Land
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Marilyn U. McQueen
Commissioner Joe Kilsheimer

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

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land gave the Invocation. He said Apopka was chartered in 1882, so a couple of weeks ago we had an anniversary and we are now 130 years old. He asked everyone to reflect on the great Nation we have, The United States of America, that allows for local self-government, the “Keystone of American Democracy”, as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Steven C. Harmon - Police Department/Field Services - Ten Years of Service - Mayor Land said Steve began working for the City of Apopka on September 30, 2002, as a Police Officer, which is his current position. The City Council joined Mayor Land in congratulating Steve on his years of service to the City.

2. Carol A. McMaster - Police Department/Field Services - Fifteen Years of Service - Mayor Land said Carol started working for the City on September 29, 1997, as a Police Officer. Carol was promoted to Police Sergeant on April 19, 2006, which is her current position. The City Council joined Mayor Land in congratulating Carol on her years of service to the City.

3. Stephen W. Brick - Police Department/Field Services - Twenty Years of Service - Mayor Land said Steve began working for the City on September 16, 1992, as a Police Office. He was promoted to Police Sergeant on April 19, 2005. He was promoted to Police Lieutenant on November 14, 2010, which is his current position. The City Council joined Mayor Land in congratulating Steve on his years of service to the City.

PRESENTATIONS

1. Orlando - Orange County Expressway Authority project update - Ben Dreiling, Director of Construction and Maintenance; and Glenn Pressimone, Director of Engineering - Mr. Dreiling began the presentation on the Wekiva Parkway Area Outlook, by providing an overview of the Wekiva Gateway Projects including State Road 414 intersecting with State Road 429, and the overpass over U.S. Highway 441. Mr. Pressimone continued the

presentation covering the Vick Road Extension and the Wekiva Parkway. The presentation is on file, and available for review at the City Clerk's Office.

Mary Brooks, representing the Expressway Authority and the Florida Department of Transportation, advised everyone that when the Wekiva Parkway is completed, the current State Road 429, will be designated to become State Road 451.

2. Update on the general election ballot amendments - Bill Donegan, Orange County Property Appraiser - Mr. Donegan gave an overview of 5 of the 11 Constitutional Amendments appearing on the November General Election ballot, which relate to assessments and exemptions.

Amendments Mr. Donegan covered include:

- Amendment 2, Veterans 65 or older Combat related Senior Exemption.
- Amendment 4, containing 3 separate provisions: (1) Elimination of Recapture Under Certain Circumstances; (2) New Home Buyer Super Exemption; and, (3) Reduction of the 10% Assessment Cap to 5%.
- Amendment 9, Homestead for Surviving Spouse of a First Responder.
- Amendment 10, Additional \$25,000 TPP (Tangible Personal Property Tax) Exemption.
- Amendment 11, Additional Senior Exemption.

The presentation is on file, and available for review at the City Clerk's Office.

3. Recognition of Commissioner Arrowsmith's 35 years of public service - John Ligon, Florida League of Cities - John Ligon said the Florida League of Cities attempts to honor elected officials' service to their communities in increments of 5 years. He said this year the League is honoring Commissioner Arrowsmith with a Resolution in recognition of his 35 years of service to the City of Apopka. He read the Resolution and then presented it to Commissioner Arrowsmith, who was joined by his wife, Janine, at the invitation of Mayor Land. Fellow Commissioners joined Mayor Land in congratulating Commissioner Arrowsmith on his long years of service to the citizens.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on September 19, 2012, at 8:00 p.m.
2. Approve the Disbursement Report for the month of September 2012.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the two (2) 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. 2270 & 2271 meet the requirements for adoption, having been duly advertised in The Apopka Chief on September 21, 2012.

- 1. ORDINANCE NO. 2270 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE** – Property Industrial Enterprises, LLC (c/o Michael Cooper) - From “County” Low-Medium Density Residential (10 du/ac) to “City” Industrial for property located south of 1st Street, west of Hawthorne Avenue (357 W. 2nd Street).

The City Clerk read the title as follows:

ORDINANCE NO. 2270

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 (10 DU/AC) TO “CITY” INDUSTRIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 357 W. 2ND STREET (GENERALLY LOCATED SOUTH OF 1ST STREET, WEST OF HAWTHORNE AVENUE), COMPRISING 6.03 ACRES, MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, 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.

Mayor Land advised the City received a letter from Carol Shipley who could not attend the meeting, but wanted in the record that she is in opposition to the zoning. Mayor Land entered the letter into the official record of the meeting. (Ms. Shipley’s letter is incorporated into and made a part of these meeting minutes.)

MOTION was made by Commissioner Dean, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2270. Commissioner Arrowsmith abstained from voting as the applicant is a bank client. Motion carried 4-0, with Mayor Land and Commissioners Dean, McQueen, and Kilsheimer voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

- 2. ORDINANCE NO. 2271 - SECOND READING & ADOPTION - CHANGE OF ZONING** - Property Industrial Enterprises, LLC (c/o Michael Cooper) from “County” R-2 to “City” I-1 for property located south of 1st Street, west of Hawthorne Avenue (357 W. 2nd Street).

The City Clerk read the title as follows:

ORDINANCE NO. 2271

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-2 TO "CITY" I-1 FOR CERTAIN REAL PROPERTY LOCATED AT 357 W. 2ND STREET (GENERALLY LOCATED SOUTH OF 1ST STREET, WEST OF HAWTHORNE AVENUE), COMPRISING 6.03 ACRES, MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, 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 McQueen, and seconded by Commissioner Dean, to adopt Ordinance No. 2271. Commissioner Arrowsmith abstained from voting as the applicant is a bank client. 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

- 1. LESTER RIDGE SUBDIVISION - FINAL DEVELOPMENT PLAN - Property located north of Lester Road and east of Rogers Road.** Mayor Land advised this was a quasi-judicial hearing.

Community Development Director Jay Davoll gave a summary of the project. He advised the School Mitigation Agreement will be on the School Board Agenda for its October 9, 2012 meeting. He stated the project is set up in 2 phases with 31 residential homes in Phase 1, and 71 residential homes in Phase 2. He declared the Development Review Committee recommends approval. The staff report is incorporated into and made a part of these meeting minutes.

Commissioner Kilsheimer said the side yard setback was a little different than initially discussed at the preliminary development plan.

Mr. Davoll responded in the affirmative and advised this surfaced after the preliminary development plan.

CAO Anderson said the discussion at the last meeting was primarily based on opposition to the house square footage. He said the developer, based on opposition of the smaller house size, readdressed and changed their proposal to larger square footage homes; however, they need a larger width for the pad in order to accommodate the larger footprint. He advised this subdivision is unique, as it was already approved by Orange County with those setbacks and those guidelines in place when annexed.

Discussion ensued regarding setback requirements, and concerns regarding the streetscape. In response to concerns, and photos presented by Commissioner Kilsheimer of similar subdivisions, Mr. Davoll and CAO Anderson responded regarding setbacks of the various subdivisions in comparison, and advised that many of those projects were annexed into the City after gaining county approval.

CAO Anderson stressed that the Lester Road Subdivision was originally approved by Orange County and the City was aware of the approval when considering annexation of the property. The Legislature, in passing Senate Bill 360, now allows for an approved plan to be carried forward.

In response to an inquiry by Commissioner Arrowsmith regarding upgrading Rogers Road, Mr. Davoll advised that Rogers Road is an Orange County road and meets Orange County minimum standards. However, once more development occurs, and there is more traffic, the road will need to be re-evaluated. CAO Anderson added that when the City annexes property, the burden of the road improvement is passed on to the developer, rather than City taxpayers.

Mayor Land opened the public hearing.

Randy June, 14 S Main St, Winter Garden, Engineer for the project, said as a developer, the first step taken is a review of the "rulebook" in the city when they are developing. He stated this project was approved in Orange County 2 years ago and City staff has been very gracious in working with them. They have worked with the rules provided and started with survey, soil, annexation, and zoning work for which they have quite a large investment. He declared, based on what was heard at the last meeting, they brought back larger homes and requested some relief on the setbacks for the larger homes. He requested the Council consider what is on the table at this time.

Commissioner Kilsheimer said he could not support the 7.5 foot setback.

CAO Anderson advised that the developer has complied with the rules that were in effect with the 7.5 foot setback when they were approved by the County, and those rules were carried along with the annexation of the property. The smaller homes will continue to have the 10 foot setback, meeting the City's minimum development guidelines.

Bob Curry, 2663 Lake Cora Road, expressed concerns about the impact of large homes being placed so close together.

Jackie Sandler, 1272 Windham Pine Drive, said she has a large home on a small lot with two air conditioning systems. She stated it was better to have a larger home built on a large lot and discussed the various issues of having a large home on a smaller lot.

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

MOTION was made by Commissioner Arrowsmith, seconded by Commissioner McQueen, to approve the Final Development Plan for the Lester Ridge Subdivision, as presented.

Motion carried 4 - 1, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen voting aye, and Kilsheimer voting nay.

DEPARTMENT REPORTS AND BIDS - CAO Anderson had nothing to report.

MAYOR'S REPORT - Mayor Land reported the next Food Truck Round-up is scheduled for Thursday, October 4, 2012, from 5:30 p.m. to 9:00 p.m. at Kit Land Nelson Park. He also announced the first Apopka Foliage and Fresh Market will be held on Saturday, October 6, 2012, from 8:00 a.m. to 1:00 p.m., at Kit Land Nelson Park.

Mayor Land made known that on September 25, 2012, an employee of our City, Donna Davis, was fatally injured in an automobile accident. Donna began working for the City in 1999, and was a member of our Administrative Services Staff. On behalf of the City he extended our condolences to Donna's family, friends, and co-workers.

Mayor Land announced that Presidential Candidate Mitt Romney will be holding a rally at the Northwest Recreation Complex Amphitheater on Saturday, October 6, at 6:00 p.m.

Mayor Land said staff is working with City Attorney Kruppenbacher to arrange for a workshop with Judge Bob Webster and the City Council, regarding his concerns with the Red Light Camera Program and the City Code.

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 3:26 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk