

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 18, 2013, 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: John Peery - The Apopka Chief
Steve Hudak - The Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land introduced Associate Pastor of Victory Church, Jason Fletcher, who gave the Invocation. Mayor Land then said on the 19th of December in 1944, just before Christmas, Adolf Hitler started his Ardennes offensive, known by most people as the Battle of the Bulge. He stated that offensive drove 60 miles, bulge into the lines, and many thousands of Americans died, along with the allies. He asked everyone to reflect on their sacrifice for the freedom and liberty that we have today and enjoy Christmas, which some of them never will be able to do on earth, as he led the Pledge of Allegiance.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on December 4, 2013, at 1:30 p.m.
2. Authorize the issuance of a Peddler's Permit to TNT Fireworks to sell State-approved fireworks at Piedmont Plaza and Walmart, from December 20, 2013, until January 1, 2014.
3. Award the contract, in the amount of \$637,181.50, to Estep Construction, Inc., for the Apopka Downtown Regional Stormwater Storage Facility.
4. Authorize the Mayor, or his designee, to execute the 2014 Vote Processing Equipment Use Agreement and Elections Services Contract with the Orange County Supervisor of Elections for the March 11, 2014, City General Election.

By consensus of the City Council, Mayor Land pulled Item #3 from the Consent Agenda for a presentation by John Jreij, Public Services Director, regarding plans for Martins Pond. The presentation is attached hereto and made a part of these meeting minutes.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve items 1, 2, and 4 of the Consent Agenda. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve item number 3 of the Consent Agenda. Commissioner Arrowsmith stated he would abstain from voting as the company 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.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. Certification of the December 3, 2013, Special Referendum Election.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to ratify the results certification as submitted by the Canvassing Board of 812 “Yes” votes and 806 “No” votes. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2341 - THIRD READING & ADOPTION - Rescinding the current Article II, “Nuisances”, of Chapter 42, “Environment”, and creating a new Article II, entitled, “Nuisance Abatement”.**

Mayor land said Ordinance No. 2341 meets the requirements for adoption having been duly advertised in The Apopka Chief on December 6, 2013.

The City Clerk read the title as follows:

ORDINANCE NO. 2341

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING THE CURRENT ARTICLE II OF CHAPTER 42, “NUISANCES” OF CHAPTER 42, “ENVIRONMENT”, AND CREATING A NEW ARTICLE II, ENTITLED “NUISANCE ABATEMENT,” RELATING TO THE PROVISION OF NUISANCE SERVICES BY THE CITY; AUTHORIZING THE IMPOSITION OF A COLLECTION OF NUISANCE ABATEMENT SERVICE ASSESSMENTS AGAINST REAL PROPERTY; CREATING A NUISANCE ABATEMENT TRUST FUND; PROVIDING DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT NUISANCE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED REAL PROPERTY UPON ADOPTION OF AN ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A NUISANCE ABATEMENT SERVICE COLLECTED PURSUANT TO SECTION 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE REAL PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED

LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDE FOR POWERS AND DUTIES OF A NUISANCE INSPECTOR; PROVIDING FOR COMPLIANCE REQUIREMENTS, PENALTIES AND UNIFORM SPECIAL ASSESSMENT AND LIENS TO RECOVER COSTS; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; FOR CONFLICTS, SEVERABILITY 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. 2341. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 2. ORDINANCE NO. 2342 - FIRST READING - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Adams Brothers Construction Company, Inc., from "County" Industrial to "City" Industrial, for property located at 608 East 13th Street. (Parcel ID #s: 15-21-28-0000-00-123, 15-21-28-0000-00-143 & 15-21-28-0000-00-146).**

Mayor Land said Ordinance No. 2342 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. 2342

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" INDUSTRIAL TO "CITY" INDUSTRIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF EAST 13TH STREET, WEST OF SOUTH APOPKA BOULEVARD (806 E. 13TH STREET), COMPRISING 2.81 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION COMPANY, INC.; 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.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to accept the First Reading of Ordinance No. 2342, and hold it over for a

Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 3. ORDINANCE NO. 2343 - FIRST READING - CHANGE OF ZONING - Adams Brothers Construction Company, Inc., from "County" C-3 and A-1 to "City" I-1, for property located at 608 East 13th Street. (Parcel ID #s: 15-21-28-0000-00-123, 15-21-28-0000-00-143 & 15-21-28-0000-00-146).**

Mayor Land said Ordinance No. 2343 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. 2343

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" C-3 AND A-1 TO "CITY" I-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF EAST 13TH STREET, WEST OF SOUTH APOPKA BOULEVARD (806 E. 13TH STREET), COMPRISING 2.81 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION COMPANY, INC.; 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. 2343, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- 4. ORDINANCE NO. 2344 - FIRST READING - CHANGE OF ZONING - Faircloth Family Ltd., from R-1A (0-5 du/ac) (Residential) to R-2 (0-5 du/ac) (Residential), for property located west of S.R. 451 (f.k.a. S.R. 429), north of Lake Marshall Road. (Parcel ID #: 08-21-28-0000-00-050).**

Mayor Land said Ordinance No. 2344 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. 2344

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1A TO R-2 FOR CERTAIN REAL PROPERTY

GENERALLY LOCATED WEST OF S.R. 451 (F.K.A. S.R. 429), NORTH OF LAKE MARSHALL ROAD, COMPRISING 25.4 ACRES, MORE OR LESS AND OWNED BY FAIRCLOTH FAMILY, LTD.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

CAO Anderson reported the Planning Commission has expressed concern that an R-2 zoning would allow for duplexes, and recommended the City Council deny the request for an R-2 zoning, changing the zoning to Planned Unit Development (PUD). He stated the developer is in agreement with the change in zoning to PUD.

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 recommendation of the Planning Commission. Commissioner Arrowsmith stated he would abstain from voting as they are 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. 2345 - FIRST READING - CHANGE OF ZONING - Robert Vesely - KOA, Orange Blossom Apopka RV Resort, Inc., from "County" A-1 to "City" Planned Unit Development (Campground/Commercial), for property located south of West Orange Blossom Trail, north of Fudge Road. (Parcel ID #: 36-20-27-0000-00-020).

Mayor Land said Ordinance No. 2345 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. 2345

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" PLANNED UNIT DEVELOPMENT (PUD - CAMPGROUND /COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST ORANGE BLOSSOM TRAIL, NORTH OF FUDGE ROAD, COMPRISING 10.2 ACRES, MORE OR LESS AND OWNED BY ORANGE BLOSSOM APOPKA RV RESORT, INC., c/o ROBERT VESELY; 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 Kilsheimer, to accept the First Reading of Ordinance No. 2345, 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

1. FINAL DEVELOPMENT PLAN - Clear Lake Landings, located west of South Binion Road, north of Lust Road, and east of S.R. 429, owned by Jen Florida XV, LLC.

Jay Davoll, Community Development Director, provided an overview of the project stating the site will be 142 single-family lots and this will be a gated community. Minimum lot size is 75 feet, 8,000 square foot lots. The minimum building is 1500 square feet by code. He advised they have one waiver request for the wall along the southwest side, which staff supports. He stated Development Review Committee recommends approval with the waiver request, and the Planning Commission, at their December 10, 2013 meeting also recommended approval with the waiver request.

In response to questions from Commissioner Kilsheimer, CAO Anderson stated gated community streets are private streets and they are required to maintain their streets. However, they can request an agreement for the Apopka Police to patrol the streets and the City does assist in cleanup for downed trees, etc. from storms.

Mayor Land opened the meeting for a public hearing. No one wishing to be heard, he closed the public hearing.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to approve the Final Development Plan for Clear Lake Landings, as recommended. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. FINAL DEVELOPMENT PLAN - Maudehelen, Phases 3 and 4, located at 455 South Binion Road, and owned by GK Maudehelen, LLLP.

Mr. Davoll gave an overview of this project which had previously been reviewed by Council and approved in February, 2009. At that time it was approved as Phase 3 and the developer has requested splitting this into two phases. Development Review Committee and Planning Commission recommend approval.

Mayor Land opened the meeting for a public hearing. No one wishing to be heard, he closed the public hearing.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the Final Development Plan for Maudehelen, Phases 3 and 4, as recommended. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson reported an Eco-Tourism Steering Committee meeting was recently held for the North Lake Apopka restoration, with the stakeholders, including the St John's River Water Management District, and representatives from Orange and Lake Counties. He said additional meetings will be taking place, along with input from the public. He anticipates a positive outcome for NW Orange County.

He also reported that AngelouEconomics will be conducting a meeting at the Institute of Food and Agricultural Sciences, University of Florida (IFAS), on January 13, 2014.

He then solicited feedback from the City Council regarding changes to the development guidelines, in light of the tour which took place earlier in the year. Areas of consideration include reduced lot sizes, gated communities, common maintenance of yards, parking, etc., beginning with PUD / R-3 zoned properties.

In conclusion, CAO Anderson addressed the January City Council meeting schedule and said in light of the current projects in place, suggested the January 1st meeting be canceled, only holding one meeting in January (January 15, 2014).

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to cancel the regular City Council meeting for January 1, 2014, only holding the January 15, 2014 regular City Council meeting for the month. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

MAYOR'S REPORT - Mayor Land reported the following:

1. Proclamation - City of Apopka General Election, March 11, 2014, for Mayor and Council Seats 1 & 2 - Mayor Land read the Proclamation declaring the City General Election for March 11, 2014.

2. Proclamation - City of Apopka Special Election, March 11, 2014, for Council Seat 3 - Mayor Land read the Proclamation declaring a Special Election for March 11, 2014, for the remainder of the 4-year term currently held by Commissioner Kilsheimer, who has resigned to run for Mayor.

Mayor Land further announced that City Offices will be closed December 25 and 26 in observance of the Christmas Holiday. Offices will re-open on Friday, December 27, at 8:00 a.m. - 5:00 p.m.

OLD BUSINESS

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

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

NEW BUSINESS

1. COUNCIL

Commissioner McQueen, on behalf of the Foliage Sertoma Club of Apopka, thanked the City for its support with the Christmas Parade. She said it is a community event, but could not have happened without the City's participation and support. She said there were approximately 30,000 who attended and participated in the parade this year.

Mayor Land also thanked everyone who made the Christmas Parade successful, as it takes a lot of hard work to prepare and hold such a grand event.

Mayor Land said the Shop with a Cop program was a huge success with 68 children participating.

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

Mayor Land wished everyone a Merry Christmas.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:54 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk