CITY OF APOPKA

Minutes of the regular City Council meeting held on July 17, 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

INVOCATION AND PLEDGE OF ALLEGIANCE –Mayor Land gave the Invocation. He said it was 200 years ago that America was fighting the War of 1812 and in July of 1813, William Henry Harrison was defending our Nation at a fort in Ohio. Later he became the 9th President of the United States. They had two sieges from the English and it was King George III that we were fighting who made siege on the fort; after the second siege they retreated to Canada. He stated there were other battles through 1814 and one big battle in New Orleans in 1815. He asked everyone to reflect on those early patriots who defended our Nation against bigger forces as he led in the Pledge of Allegiance.

PRESENTATIONS - There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on June 19, 2013, at 8:00 p.m.
2. Approve the minutes from the regular City Council meeting held on July 3, 2013, at 1:30 p.m.
3. Authorize a $44,032.19 expenditure from Federal Law Enforcement Trust Funds to purchase and equip a transport and surveillance vehicle for the department's special response team.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve the three (3) 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

1. Approve and set the FY 2013-2014 proposed millage rate at 3.4727, which is a 0.00% increase over the rolled-back rate of 3.4727.

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to approve and set the FY 2013-2014 proposed millage rate at 3.4727, which is a 0.00% increase over the rolled-back rate of 3.4727. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2317 - FIRST READING - COMPREHENSIVE PLAN ADMINISTRATIVE AMENDMENT - Amendment to the Future Land Use Element, Policy 18.8 - Wekiva Parkway Interchange Land Use Plan Vehicle Trip Threshold; and authorize Transmittal to the Florida Department of Economic Opportunity (F.K.A. Florida Department of Community Affairs).**

CAO Anderson explained this ordinance is correcting a scrivener's error which reflected the trip generation at 7,000, and should have read 17,500.

Mayor Land said Ordinance No. 2317 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. 2317

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CITY OF APOPKA COMPREHENSIVE PLAN THROUGH AN ADMINISTRATIVE AMENDMENT TO THE FUTURE LAND USE ELEMENT, POLICY 18.8 - WEKIVA PARKWAY INTERCHANGE LAND USE PLAN VEHICLE TRIP THRESHOLD TO CORRECT A SCRIVENERS ERROR; 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 Kilsheimer, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2317, and hold it over for a Second Reading. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

2. RESOLUTION NO. 2013-07 - Supporting the Orlando City Soccer Club's effort to bring Major League Soccer to Central Florida; authorizing the Chief Administrative Officer of the City of Apopka to commence negotiations with the City of Orlando.

The City Clerk read the title as follows:

RESOLUTION NO. 2013-07

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, SUPPORTING THE ORLANDO CITY SOCCER CLUB'S EFFORT TO BRING MAJOR LEAGUE SOCCER TO CENTRAL FLORIDA; AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF APOPKA TO COMMENCE NEGOTIATIONS WITH THE CITY OF ORLANDO AND THE ORLANDO CITY SOCCER CLUB TO DETERMINE THE FEASIBILITY OF FINANCIAL SUPPORT FOR A SOCCER-SPECIFIC STADIUM IN ORLANDO; 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 Kilsheimer, and seconded by Commissioner McQueen, to adopt Resolution No. 2013-07.

In response to a question by Commissioner Dean, CAO Anderson said that soccer is a big part of our recreation programs. We are anticipating private and group sessions with the League players. He added that the Mayor of Orlando asked for regional support for Major League Soccer, and then funding discussion will come at a later time. He said the benefit to Apopka is it would enhance our soccer programs, as would all cities at a regional level.

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

SITE APPROVALS

1. PRELIMINARY DEVELOPMENT PLAN - Ponkan Reserve Subdivision - June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn, property located at 308, 318 & 326 Ponkan Road.

Jay Davoll, Community Development Director, gave an overview of the project and advised this was for approval of the preliminary development plan. He outlined the two waivers requested by the developer, being: (1) to reduce the lot width requirement to 85 feet for lots 4, 32 and 33; and

(2) waiver from installing a six foot high brick wall along the eastern boundary line of Ponkan Reserve subdivision. He said staff does not object to either waiver request.

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 Dean, to approve the Preliminary Development Plan for the Ponkan Reserve Subdivision, as recommended.

There was further discussion concerning the long driveway off of the street, being for future development, and Commissioner Dean inquired about the planned wall, to which Mr. Davoll responded this was the preliminary plan, but a standard brick wall is normally installed.

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

2. **FINAL DEVELOPMENT PLAN - Apopka South - Site #221 Telecommunication Tower (F.K.A. Oak Pointe - Cell Tower) - Jones Holdings, LLC/Simple Tower Solutions, LLC, c/o Malcolm F. Jones, property located at 1793 Irmalee Lane.**

Jay Davoll, Community Development Director, gave an overview of the project and advised this was for approval of the final development plan. He said staff has reviewed the project and finds the tower distance in compliance with Code. Applicant has proposed three waiver requests until the connector road is designed and constructed with the Old Palm Centre final development plan, being: (1) delay construction of access road, (2) delay installation of landscaping, and (3) install chain-link fencing in lieu of a decorative aluminum fence. He said staff does not object to the three waivers.

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 Kilsheimer, to approve the Final Development Plan for the Apopka South - Site #221 Telecommunication Tower, as recommended. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, and McQueen, and Commissioner Kilsheimer voting aye.

3. **FINAL DEVELOPMENT PLAN - Mercury Towers, LLC - MT111 Plymouth Telecommunication Tower, c/o Mary D. Solik, Esq., property located at 661 West Kelly Park Road.**

Jay Davoll, Community Development Director, gave an overview of the project and advised this was for approval of the final development plan. He said staff has reviewed the final development plan and the distance meets the City's standards. Applicant has requested a waiver to delay installation of the landscaping and irrigation until residential development occurs at a location where the ground equipment will not be visible to nearby homes. Staff does not object to the waiver at this time.

Mayor Land opened the meeting for a public hearing.

Mary Solik, Legal Counsel for the applicant, said she was available to answer questions or comments of the City Council. None were asked.

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

MOTION was made by Commissioner Kilsheimer, and seconded by Commissioner McQueen, to approve the Final Development Plan for Mercury Towers, LLC - MT111 Plymouth Telecommunication Tower, as recommended. Motion carried unanimously with Mayor Land, and Commissioners Arrowsmith, Dean, and McQueen, and Commissioner Kilsheimer voting aye.

MAYOR'S REPORT Mayor Land requested to delay CAO Anderson's report until after the Mayor's Report.

Mayor Land reported he had received three (3) letters regarding the parking ordinance and twelve (12) letters were received regarding the Rock Springs Ridge Golf Course, all of which were entered into the official record. He then opened the meeting for those who had submitted a Notice of Intent to Speak card.

The first item discussed was Rock Springs Ridge Golf Course.

Ainsworth Earl Nurse, 3851 Rock Hill Loop, expressed concerns regarding the golf course and asked for assistance and support from the City to save the golf course.

CAO Anderson provided some history and background regarding the development of Rock Springs Ridge and Rock Springs Ridge Golf Course. He said there have been discussions with the Homeowners Association and they have inquired if the City would consider purchasing the golf course. He explained that the developer has speculated on closing the golf course and building additional houses, but further explained that the development was built with the requirement of one (1) dwelling unit per acre; however, that acre includes the green space and golf course areas, so in fact, that is no additional land to build additional homes. He advised the golf course is privately owned at this time and the City purchasing it was not an option. He stated this matter would be closely monitored.

Mayor Land pointed out that nothing could be built without first going through due process with the City. He cautioned the Commissioners that this matter could possibly become a quasi-judicial matter and should not be discussed outside a public meeting.

The next item discussed was the Parking Ordinance.

The following people spoke in opposition to the parking ordinance:

Joan Doerr, 1018 Grier Avenue, Orlando
Allison Varble, 2467 Bent Way Court
Marina Huq, 909 Hyacinth Cove Court
Seth Blanchard, 2425 Piedmont Lakes Blvd.
Douglas Roos, 2634 Lazy Meadow Lane
Beth Muckler, 2499 Lake Jackson Circle
Jennifer Smalt, 960 Piedmont Oaks Drive

Points made in opposition to the parking ordinance included that the driveways were originally designed so that two cars cannot park in the driveway without blocking the sidewalk and these were approved by the City during the design process. People from Piedmont Lakes subdivision stated their streets were wider than most subdivisions, as well as they have cul-de-sacs that they should be able to park on the streets without hindering emergency vehicles. There has been no signage to notify people that parking is illegal on the street. Families of today own multiple cars, leaving no choice but to park on the street. When having a party, or company, these people need to be able to park on the street. Rather than having a blanket ordinance, target those areas where parking on the street is an issue.

The following people spoke in support of the parking ordinance:

Bruce Ybert, President of Piedmont Lakes HOA, 1351 Ravida Woods Drive
Robert Goff, President of The Courtyards HOA, 854 Crepe Myrtle Circle

Points made in support included that the streets in the Piedmont Lakes Subdivision were designed under City Codes as public right of ways, as areas for vehicular traffic to operate freely, not to accommodate street parking. Parking on the public right of ways hinders the flow of vehicular traffic. In order to accommodate both vehicular traffic and parking, the widths of the right of ways would need to be widened. Parking on both sides of the street hampers response of emergency vehicles. The Police Department did a great job with enforcement of the parking ordinance by first issuing warning tickets or talking with the individuals. This has made a positive difference to the Courtyards subdivision in Errol Estates.

Mr. Goff also suggested the City address maintenance of the property surrounding the cell towers, as well as any illegal dumping on the roads going to the tower by adding this into their agreement as being their responsibility.

Following much discussion from the City Council, Mayor Land asked CAO Anderson to work with staff and the Police Department to revisit the parking ordinance in light of issues raised at the meeting. He suggested other cities could be contacted to see what they are doing with regards to parking. Following research into this matter, staff will report back to City Council at a later date.

Mark Easie, 433 W 5th Street, addressed the City Council regarding the needs of the youth in Apopka, and his desire to have South Apopka be annexed into Apopka.

Mayor Land pointed out that the City, some time ago, held an annexation vote and South Apopka did not want to be annexed at that time.

Mayor Land also reported receiving a card from Martha Santoni, Government Relations Coordinator for Nemours Children's Hospital, expressing her appreciation for the opportunity to attend the June 5 City Council Meeting and present an update on the Children's Hospital.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson said his report had previously been distributed and he would answer any questions. He reported there is a meeting of the Tri-City Partnership on Tuesday, July 23rd, at which time economic development planning of the tri-city area will be discussed.

CAO Anderson reported Commissioner Dean received a letter from "100 Black Men" of Orlando thanking the City of Apopka for its support.

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 McQueen thanked CAO Anderson and Public Service Director John Jreij for removing the "No Left Turn" sign at Park Avenue and Summit St.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 10:07 p.m.

John H. Land, Mayor

ATTEST:

Janice G. Goebel, City Clerk