

CITY OF APOPKA

Minutes of a regular City Council meeting held on April 4, 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 Kathy S. Till

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE The Invocation was given by Mayor Land. He said Ponce de Leon discovered Florida in 1513, landing in Florida on the 3rd of April. Over three centuries later, in 1845, Florida joined the United States as the 27th State of the Union. He asked everyone to reflect on that great event in the life of our Nation as he led the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Matthew Reinhardt - Police/Support Services - 5 Year Service Award – Mayor Land said Matt began working for the City on March 12, 2007, as a Police officer, which is his current position. The City Council joined Mayor Land in congratulating Matt on his years of service to the City.

2. David Pickels - Public Services/Fleet Management - 5 Year Service Award – Mayor Land said David was not present, and will be presented his award at a later time.

3. Jennifer Jorge-Wimbley - Police/Communications - 10 Year Service Award – Mayor Land said Jennifer began working for the City on March 25, 2002, as a Communication Technician, which is her current position. The City Council joined Mayor Land in congratulating Jennifer on her years of service to the City.

4. Julie Poole - Police/Communications - 10 Year Service Award – Mayor Land said Julie was not present, and will be presented her award at a later time.

5. Carol Zimmerman - Fire Chief's Office - 15 Year Service Award – Mayor Land said Carol began working for the City on March 31, 1997, as a Receptionist in Public Services. On August 28, 2001, Carol was promoted to Customer Service Clerk and on January 1, 2005, she was reclassified to Administrative Specialist. On October 12, 2009, Carol transferred to the Fire Chief's Office as Secretary II, which is her current position. The City Council joined Mayor Land in congratulating Carol on her years of service to the City.

6. Jason Alger - Public Services/Fleet Management - 20 Year Service Award – Mayor Land said Jason started working for the City on March 4, 1992, as an Equipment Mechanic. On June 29, 1998, Jason was reclassified to Lead Equipment Mechanic, and on May 30, 1999, he was

reclassified to Fleet Foreman, which is his current position. The City Council joined Mayor Land in congratulating Jason on his years of service to the City.

7. David Call - Police/Support Services - 20 Year Service Award – Mayor Land said David began working for the City on March 4, 1992, as a Police Officer. On March 3, 1997, he was promoted to Police Commander, which was retitled Police Lieutenant on October 3, 2009, which is his current position. The City Council joined Mayor Land in congratulating David on his years of service to the City.

Marcea Ustler, 397 Old Dixie Highway, Apopka FL 32712, spoke concerning the Ustler retention pond and the impact to the pond by clogged drains from the Hawthorne Oaks subdivision and invasive growth. She provided City Council members copies of two maps depicting the area (The two pages are attached hereto and made a part of these meeting minutes.)

Michael Cooper, Cooper Commerce Park, 970 Ocoee-Apopka Road, Apopka FL 32703, spoke concerning the sidewalk along Ocoee-Apopka Road and asked the City to assist him in moving Orange County to complete the sidewalk. He also spoke concerning the need for the City to finish improvements to Bradshaw Road all the way to Hwy. 441, and the need for cleaning the properties along Bradshaw Road to encourage more business development in the area.

CAO Anderson explained the efforts by the City Code Enforcement to resolve the cleaning of the properties. He said the City could enter and clean the properties; however, at the advice of the City Attorney, the City would be held at risk if there were contaminants found on the property.

Mayor Land said he received a legal opinion memo from the City Attorney regarding the Red Light Camera Enforcement Program. He noted some of the points in the letter, and concluded with the City Attorney recommendation that, “the mayor, city council and city administration refrain from acting upon any requests to intervene in the police department’s administration and enforcement of the Red Light Camera Statute”. He said a copy of the memo will be sent to Bob Webster, who has spoken at a number of recent meetings regarding the Red Light Camera Enforcement Program. (A copy of the memo will be incorporated into and made a part of these meeting minutes.)

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on March 21, 2012, at 8:00 p.m.
2. Authorize the Chief Administrative officer to execute the Progress Energy distribution easement for installation of lighting in the parking lot at the Fire Department and Police Department Training Complex.
3. Approve the Disbursement Report for the month of March 2012.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the three (3) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

PRESENTATIONS

1. National Telecommunicator's Week – Lynn Pettingill and Stephanie Gibbs – Mayor Land read the Proclamation and presented it to Mr. Pettingill and Ms. Gibbs.

Police Chief Manley recognized other dispatchers present at the meeting, to which Mayor Land expressed appreciation.

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

ORDINANCES AND RESOLUTIONS

Mayor Land said Ordinance Nos. 2253, 2254 and 2255 meet the requirements for adoption, having been duly advertised in The Apopka Chief on March 23, 2012.

1. ORDINANCE NO. 2253 – SECOND READING & ADOPTION – CHANGE OF ZONING – Miller Investment and Property Management, Evelyn Marie Vogl, and Velda Marlene Rothfus – from “County” A-1 to “City” R-1, for property located north of Lester Road and east of Rogers Road. – The City Clerk read the title as follows:

ORDINANCE NO. 2253

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 LOW DENSITY RESIDENTIAL TO “CITY” R-1 RESIDENTIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD AND EAST OF ROGERS ROAD, COMPRISING 37.91 ACRES MORE OR LESS, AND OWNED BY MILLER INVESTMENTS AND PROPERTY MANAGEMENT INC., EVELYN MARIE VOGL, AND VELDA MARLENE ROTHFUS; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2253. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2254 – SECOND READING & ADOPTION – CHANGE OF ZONING - Carter Land Development, L.L.C., from “County” C-2 to “City” C-3, for property located at 2455 W. Orange Blossom Trail. - The City Clerk read the title as follows:

ORDINANCE NO. 2254

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” C-2 COMMERCIAL TO “CITY” C-3 COMMERCIAL FOR CERTAIN REAL PROPERTY LOCATED AT 2455 WEST ORANGE BLOSSOM TRAIL, COMPRISING 1.00 ACRE MORE OR LESS, AND OWNED BY CARTER LAND DEVELOPMENT, L.L.C.; 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 Till, and seconded by Commissioner McQueen, to adopt Ordinance No. 2254. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

3. ORDINANCE NO. 2255 – SECOND READING & ADOPTION – CHANGE OF ZONING – John and Eileen Ricketson; and Friends Bank, from C-1 to C-2 for property located north of U.S. Highway 441, east of N. Bradshaw Road. – CAO Anderson said between the First and Second Readings of the Ordinance, a discrepancy in the legal description was discovered. To ensure a correct legal description in the ordinance, he asked that it be held over for a Third Reading.

The City Clerk read the title as follows:

ORDINANCE NO. 2255

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF U.S. 441, EAST OF NORTH BRADSHAW ROAD, COMPRISING 1.98 ACRES MORE OR LESS, AND OWNED BY JOHN AND EILEEN RICKETSON; FRIENDS BANK; 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 McQueen, to accept the Second Reading of Ordinance No. 2255, and hold it over for a Third

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

SITE APPROVALS

1. WAWA FOOD STORE – FINAL DEVELOPMENT PLAN – Property located north of U.S. Highway 441, east of N. Bradshaw Road. – Community Development Director Davoll gave an overview of the project and pointed out conditions of approval. He said construction may not begin until the easement issue is resolved, and the approval of the Final Development Plan is contingent upon adoption of Ordinance No. 2255. He asked that the staff report be incorporated into and made a part of the meeting minutes.

There was much discussion concerning use of an existing easement which currently runs under a paved parking lot, or moving the easement to the east boundary of the property.

Mayor Land opened the public hearing.

Wayne Levesque, owner of the adjoining property, said he has not entered into any agreement with the developer to use the easement running through his property, or moving the easement to the edge of his property, and he has turned the issue over to an attorney. He added that when he bought and built on the property, because of the location of his retention pond, the easement was moved to the center of the property.

John Ricketson, owner of the subject property, said the easement is a dedicated utility easement, thereby not private property, but dedicated for public utility use.

Marcea Ustler, 397 Old Dixie Highway, said the manner in which the stormwater drainage is handled may impact already existing problems with the Ustler retention pond.

Ryan Stahl, developer for the Wawa Food Store, gave a short summary of the efforts taken to resolve the easement issue, and said the intention is to retain all stormwater onsite.

CAO Anderson said the preference of the City is that the two parties (Mr. Levesque and Wawa Food Store) work out the easement issue, without the City's involvement.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the Final Development Plan for Wawa Food Store, as recommended, subject to the adoption of Ordinance no. 2255. Motion carried 4-1, with Mayor Land, and Commissioners Arrowsmith, Dean and McQueen voting aye, and Commissioner Till voting no.

DEPARTMENT REPORTS AND BIDS

CAO Anderson said the Rock Springs Ridge Homeowner's Association has invited the Mayor and Commissioners to attend their annual meeting being held on April 10, 2012, at 6:30 p.m.

MAYOR'S REPORT - Mayor Land had nothing to report.

OLD BUSINESS

1. Council - Commissioner Till questioned whether something else could be done to clean the property on Bradshaw Road. CAO Anderson explained that the Code Enforcement Hearing is scheduled for April 18, 2012, to increase the fines from \$250 to \$500 per day. He also explained that the property owners cannot submit requests for zoning or land use changes, or improvements to the property, until the Code Enforcement issues have been resolved.

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

NEW BUSINESS

1. Council - Commissioner Till wished both Candidates well in Tuesday's election. She thanked them for their hard work and dedication to the City.

Commissioner McQueen thanked the City and various departments for their help to promote and assist with the Apopka Cutie Pie, Little Miss Apopka, and Miss Teen Apopka pageants this year.

CAO Anderson announced that RaceTrac has requested to partner with the City on a job fair for which the City will be asking the community to join in this effort. He said dates will be announced in the future.

2. Public – There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:45 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk