

CITY OF APOPKA

Minutes of a regular City Council meeting held on March 21, 2012, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor John H. Land
Commissioner Billie Dean
Commissioner Marilyn U. McQueen
Commissioner Kathy S. Till

ABSENT: Commissioner Bill Arrowsmith

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

INVOCATION AND PLEDGE OF ALLEGIANCE The Invocation was given by Mayor Land. He said it was in March 1775, prior to the Revolutionary War that Patrick Henry made his famous speech that ended, "*Give me liberty or give me death.*" He asked everyone to reflect on that spirit as he led the Pledge of Allegiance.

PRESENTATIONS

1. Water Conservation Month Proclamation – Jessica Schilling - Mayor Land read the Proclamation, declaring the month of April to be Water Conservation Month in the City of Apopka. He presented it to Jeff Plaughter, Assistant Public Services Director, on behalf of Apopka's Water Conservation Specialist, Jessica Schilling.

Bob Webster addressed the City Council regarding the Red Light Camera Enforcement Program.

Christine Moore, Orange County School Board Member, thanked the City Council for the City's support of the Art and Jazz Festival that recently took place at the Northwest Recreation Complex. She presented each Council member with a collage of pictures from the event.

Steve Hooks offered congratulations to Joe Kilsheimer and Linda Laurendeau on their successful run in the recent General Election with a Run-off Election to be held in three (3) weeks. He also expressed appreciation for the support and direction provided by the City Clerk and Deputy City Clerk.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on March 7, 2012, at 1:30 p.m.

2. Approve the minutes of Administrative Bid Opening No. 2012-02 for Gasoline and Diesel Fuel, held on March 6, 2012, at 10:15 a.m.
3. Award the contract to Locke Well and Pump Co., in the amount of \$41,047.00, for the Grossenbacher water plant well repair.
4. Award the contract for striping Welch Road, in the amount of \$7,032.50, to Fausnight Stripe and Line, Inc., and authorize the funding.
5. Award the contract, to Advanced Paving and Sealcoat, Inc., in the amount of \$33,422.00, for the Welch Road milling and resurfacing project, and authorize the funding.
6. Award the annual fuel contract to Mansfield Oil Company of Gainesville, Inc.
7. Authorize the purchase of pipe and fitting material for the Park Avenue sanitary force main extension from HD Supply Waterworks, LTD., in the amount of \$84,203.00 for the pipe and \$39,113.00 for the fittings, and authorize the funding.
8. Authorize the Chief Administrative Officer to execute a third and final one-year extension of the Shelley's Environmental Systems Service Agreement to transport, treat and dispose of sludge generated at the Water Reclamation Facility at the current revised rate of \$812.50 per 25 cubic yard.
9. Award the contract for the installation of a single camera video detection system to Control Specialist Company in the amount of \$15,765.00, and authorize the funding.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the nine (9) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Dean, McQueen, and Till voting aye.

In response to a question from Commissioner Till, CAO Anderson said the Red Light Cameras are now operating from sensors in the pavement, and the new system will run by optical scan, providing for better quality.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. General Election results from March 13, 2012 – Janice Goebel, City Clerk – Ms. Goebel reported the Canvassing Board has certified the results of the March 13, 2012 General Election, as follows:

Steve Hooks – 461 votes

Linda A Laurendeau – 497 votes

Joe Kilsheimer – 495 votes

Sammy Ruth – 448 votes

A Run-off Election will take place at Precinct #9104 (Apopka Community Center/VFW) on April 10, 2012, between Joe Kilsheimer and Linda A Laurendeau to declare the new Commissioner for Seat 3.

MOTION was made by Commissioner Dean, and seconded by Commissioner Till, to approve the report of the Canvassing Board, calling for a Run-off Election to be held on April 10, 2012. Motion carried unanimously, with Mayor Land, and Commissioners Dean, McQueen and Till voting aye.

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2253 – FIRST READING – 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. – Mayor Land said Ordinance No. 2234 does not meet the requirements for adoption, and will be held over for a Second Reading.

The City Clerk reported a typographical error on Page 1, under Section 1, which should read:

That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby designated as R-1 as defined in the Apopka Land Development Code.

Additionally, on Page 2, Section VI, it should read:

That this Ordinance shall take effect upon the date the Florida Department of Economic Opportunity (FDEO) issues a Notice of Intent to find the Future Land Use Map in compliance.

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 McQueen, and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2253, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2254 – FIRST READING – Carter Land Development, L.L.C., Change of Zoning from “County” C-2 to “City” C-3, for property located north of West Orange Blossom Trail, south of Old Dixie Highway, west of Albrecht Avenue (2455 W. Orange Blossom Trail). - Mayor Land said Ordinance No. 2254 does not meet the requirements for adoption, and will be held over for a Second Reading.

In response to questions from Commissioner Till, City Planner David Moon gave an overview of the permitted uses within the zoning district. He added that the property was annexed into the City recently, and the change in zoning will permit the property to be brought into compliance with the Land Use Map designation.

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 Dean, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2254, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Dean, McQueen and Till voting aye.

At this time during the meeting, Mayor Land recognized the many children in the audience from the Raptor's Association. Stewart Austin, President of the Apopka Raptor's Youth Tackle Football and Cheer Association, reviewed the Raptor's accomplishments over this past season. He reported that three (3) football teams and four (4) cheer squads were sent to the AAU National Championships. From the cheer squads, the 6 and Under Team placed 3rd in the Nation, 10 and Under placed 2nd in the Nation, and the 8 and 14 year old Varsity squads won the National Championship. The Varsity Football Team placed 3rd in the Nation, the Pee-Wee Team came in 2nd in the Nation this year, and the Mighty-Might Team placed 1st and won the National Championship in their division. The players and cheerleaders presented the 2011 National Title trophies to the City of Apopka.

3. ORDINANCE NO. 2255 – FIRST READING – 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. - Mayor Land said Ordinance No. 2255 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. 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.

There was discussion concerning an easement. CAO Anderson said the matter is being handled by the City Attorney, and will be resolved prior to the scheduling of the Site Plan.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2255, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Dean, McQueen and Till voting aye.

4. RESOLUTION NO. 2012-06 – Providing that the concessions at the Art & Foliage Festival will be handled by local community, civic and religious organizations, that no peddler's licenses will be issued during the Festival, and that no animals, leashed or unleashed, will be allowed in Kit Land Nelson Park during the Festival, except in compliance with the Americans with Disabilities Act (ADA).

The City Clerk read the title as follows:

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING THAT THE CONCESSIONS AT THE ART & FOLIAGE FESTIVAL WILL BE HANDLED LARGELY BY LOCAL COMMUNITY CIVIC AND RELIGIOUS ORGANIZATIONS, THAT NO PEDDLER LICENSES WILL BE ISSUED DURING THE FESTIVAL, AND THAT NO ANIMALS, LEASHED OR UNLEASHED, WILL BE ALLOWED IN KIT LAND NELSON PARK DURING THE FESTIVAL, EXCEPT IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to adopt Resolution No. 2012-06. Motion carried unanimously, with Mayor Land, and Commissioners Dean, McQueen and Till voting aye.

5. RESOLUTION NO. 2012-07 – Granting a non-exclusive franchise for roll-off container collection and disposal of waste in the City of Apopka to Waste Pro USA, Inc. –

The City Clerk read the title as follows:

RESOLUTION NO. 2012-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE PRO USA, INC., TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING 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 Resolution No. 2012-07. Motion carried unanimously, with Mayor Land, and Commissioners Dean, McQueen and Till voting aye.

SITE APPROVALS

1. TIRE KINGDOM – FINAL DEVELOPMENT PLAN – Property located north of West Orange Blossom Trail (U.S. Highway 441), south of Old Dixie Highway. - Community Development Director Jay Davoll gave a brief review of the project. He said this hearing is quasi-judicial and requested the staff report and its findings be incorporated into and made a part of the meeting minutes.

Mayor Land opened the meeting for a public hearing.

Terry Newkirk, Engineer for the Project, said he was available, as well as representatives from Lowe's and Tire Kingdom to address any questions.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to approve the Final Development Plan for Tire Kingdom, as recommended.

Commissioner Till said she opposed this item and the next item on the agenda, and would be voting in opposition.

Motion carried 3-1, with Mayor Land, and Commissioners Dean and McQueen voting aye, and Commissioner Till voting no.

2. LOWE'S APOPKA – LOT 2 – FINAL DEVELOPMENT PLAN/PLAT – Property located north of West Orange Blossom Trail (U.S. Highway 441), south of Old Dixie Highway. – Community Development Director Jay Davoll said the City has just received a letter from Lowe's that they are in opposition to an access off of Old Dixie Highway. They are attempting to gain a cross-access easement between Lowe's and the Winn Dixie Plaza; however, there are Progress Energy transmission lines running across the easement. He requested the staff report be incorporated as part of the minutes. He advised the design is for access via Highway 441.

Mayor Land opened the meeting for a public hearing.

Steve Hooks, Chairman of the Apopka Planning Commission, advised the Planning Commission voted 7-0, and encouraged that there be access to Lowe's either through the Lowe's parking lot at the rear fence or through cross-access of the Winn Dixie. He stated that Lowe's owns that property and Winn Dixie is in favor of the cross-access. He advised the Planning Commission did not intend to delay Tire Kingdom, or place Lowe's at any undue financial burden or expense to make this happen. He said there were a lot of people that live on the north side of Apopka that would prefer not having to get out on Highway 441 twice to go to Lowe's or Tire Kingdom.

Harry Newkirk, Engineer of record, spoke regarding the cross-access, and stated they are still awaiting a letter from Progress Energy. He declared Progress Energy had this easement prior to Lowe's purchasing the property. He indicated there are numerous issues in obtaining cross-access.

Mike Reynolds, representing Lowe's, reinforced their opposition to access from Old Dixie Highway, mainly due to safety. He discussed additional concerns regarding cross-access to include problems with cut-through traffic. Lowe's desire is to leave the access as it is.

There was further discussion concerning access from Highway 441.

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

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to approve the Final Development Plan/Plat, as recommended. Motion carried 3-1, with Mayor Land, and Commissioners Dean and McQueen voting aye, and Commissioner Till voting no.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer –

CAO Anderson reported the Value of Construction for the current year almost equals the past three (3) years combined. He expressed hope that it is as the economy is improving.

CAO Anderson said the Tri-City Economic Committee met on March 14th, where good ideas were shared. A report is forthcoming.

MAYOR'S REPORT - Mayor Land reported receiving a Thank You card from the Family of Ruth Chandler, for the flowers sent in honor of Ruth.

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 9:11 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk