

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 19, 2014, 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: Roger Ballas - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Pastor Smith, Assistant Pastor of the New Hope Missionary Baptist Church.

Mayor Land said February is Black History Month, and he encouraged everyone to read some Black History during this month, and all into the year, because it is such a great part of the history of our Great Nation. He asked everyone to reflect on that, as he led the Pledge of Allegiance.

Mayor Land welcomed everyone to the meeting. He then introduced Dr. Brian Allen, Den Leader for Webelo Scouts Pack 7, from St. Andrew Presbyterian Church, 913 Bear Lake Road. He said Dr. Allen is attempting to enroll the Webelo's into a Scout Troop in Apopka.

PRESENTATIONS

1. Greenbrier - Debbie Mulrine and Barry Grimm - Ms. Mulrine said Greenbrier, in partnership with the Apopka Police Department, began a retirement fund for retired K-9 officers. She said with the 3 which were just retired, the police department had contacted them about utilizing the retirement fund for purchasing new dogs since the retirement was not anticipated when the budget was adopted, with no replacement funds allocated. She said it was decided that the retirement fund should not be used as there is a need for the fund to do as planned, and support the care of the retired dogs; so instead, Mr. Grimm presented Mayor Land and the City with a check for \$17,500 to fund the purchasing of an additional 2 K-9 dogs for the Apopka Police Department. Mayor Land thanked them for their generosity and continued support.

2. National FFA Week Proclamation - John Cloran - Mayor Land read the Proclamation declaring the week of February 15 through February 22, 2014, as FFA Week. He then presented the Proclamations to FFA President James Carter of Apopka Memorial Middle School FFA; President Alexa DeAndrade of Piedmont Lakes Middle School FFA; President Gabrielle Cohen, of Wolf Lake Middle School FFA; President Mathew Archer of Apopka High School FFA; and President Austin Kleier, of Wekiva High School FFA.

Mayor Land recognized John Cloran, FFA Advisor, who in turn thanked the Mayor and City Council for Apopka's continued support of FFA.

Mr. Cloran thanked Mayor Land and Vice Mayor Arrowsmith for attending their tree planting service at the school. Mayor Land applauded Mr. Cloran's 40½ year service to FFA.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on February 5, 2014, at 1:30 p.m.
2. Approve the allocation of funds, in the amount of \$500.00, to purchase art at the 53rd annual Art & Foliage Festival to be held on April 26th and April 27th, 2014.
3. Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Maudehelen, Phase 3.
4. Authorize the Mayor or his designee to execute the Capital Facility Fees Payment Agreement for RCE Commercial Plaza located in unincorporated Orange County.
5. Award the contract, in the amount of \$1,155,810.00, to Guardian Fuel Technologies for the upgrade of the Compressed Natural Gas (CNG) Fuel Island.
6. Authorize Fleet Maintenance to proceed with the purchase of two vehicles, in the amount of \$57,604.00, for the Community Development and the Sanitation Division.
7. Authorize Fleet Maintenance to proceed with the purchase, in the amount of \$212,481.00, of nine vehicles for the Police Department.
8. Authorize the purchase of four vehicles, at a cost not to exceed \$100,000.00, to be used for the Criminal Investigations Division of the Police Department.

Mayor Land pulled Item 5 from the agenda to provide more information due to the amount being over \$1 million dollars.

CAO Anderson explained Apopka's beginning use of Compressed Natural Gas (CNG) for vehicles a few years earlier, and the need to upgrade the existing CNG fueling station. He said the city is looking to use 26 CNG vehicles including 4 sanitation trucks and purchasing 3 additional; a Fire Engine; 2 F150 assigned to Fire Department; 1 F250 assigned to Grounds Division; and a street sweeping truck. He said CNG is cleaner, greener and more efficient which not only aides the environment, but adds to the life of the vehicles. He added that we anticipate our fueling facility will be available to the public in the future, as well as providing fueling for various companies containing a large fleet of CNG vehicles in this area. The City could benefit from rebates, and is researching grants for funding of the vehicles.

Commissioner Kilsheimer inquired about savings, to which CAO Anderson replied that the City will see a fuel savings alone of \$130,000 to \$150,000. He said engines will last longer, and sees an anticipated payback in 3 to 5 years. He also added the source will be Lake Apopka Natural Gas, to which the City owns 40%.

Mayor Land explained that the Lake Apopka Natural Gas District was started over 50 years ago to serve Apopka's citizen needs.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, to approve all 8 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

- 1. ORDINANCE NO. 2346 - SECOND READING & ADOPTION - CHANGE OF ZONING - Cooper Palms Commerce Center, c/o Michael R. Cooper, from I-1 (Industrial) to Planned Unit Development (PUD/I-1), for property located south of 1st Street, north of 3rd Street, east of South Bradshaw Road, and west of S. Hawthorne Avenue.**

Mayor Land said Ordinance No. 2346 meets the requirements for adoption, having been duly advertised in The Apopka Chief on February 7, 2014

The City Clerk read the title, as follows:

ORDINANCE NO. 2346

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM I-1 TO PLANNED UNIT DEVELOPMENT (PUD/I-1) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF 1ST STREET, NORTH OF 3RD STREET, EAST OF SOUTH BRADSHAW ROAD, AND WEST OF SOUTH HAWTHORNE AVENUE COMPRISING 17.64 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, INC. AND ELRO PROPERTIES 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 Dean, and seconded by Commissioner McQueen, to adopt Ordinance No. 2346. Commissioner Arrowsmith stated he would abstain from voting as the owner/applicant 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.

SITE APPROVALS

- 1. REPLAT - Cooper Palms Commerce Center, property located south of 1st Street, north of 3rd Street, east of South Bradshaw Road, and west of S. Hawthorne Avenue.**

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 approve the Replat for Cooper Palms Commerce Center, as presented. Commissioner Arrowsmith stated he would abstain from voting as the owner/applicant 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.

DEPARTMENT REPORTS AND BIDS - Chief Administrative Officer Richard Anderson - CAO Anderson reported:

- He had just been informed that the Apopka Tag Office is scheduled to close on July 1st. He said staff will be pursuing steps to keep the facility open in Apopka.
- CAO Anderson reported Thursday, February 20th, 3:00 p.m. at the VFW, the City will be holding an Employee Appreciation Luncheon for the support of City staff at the 2014 Old Florida Outdoor Festival. He invited City Council members to join the employees.
- The City is responding to the request to look into the area surrounding the proposed location for the hospital. A study will be conducted with the hospital and one other landowner contributing to the cost of the study. He advised the findings will be brought back to the City Council when completed.

MAYOR'S REPORT - Mayor Land reported the following:

- Appointed Commissioner Billie Dean as Alternate Member to the Canvassing Board for the March 11th general/special election, and April 8th run-off election, if needed.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen to ratify the appointment of Commissioner Billie Dean as Alternate to the Canvassing Board.

- Received a thank you note from Bob & Barbara Allegroe expressing their appreciation for his attendance at the Apopka McDonald's Grand Reopening Ribbon-cutting Ceremony, held on Friday, January 31.
- Received a card from the Stern Family expressing their appreciation to Cindy Haynes, Utility Billing employee, for helping them with a recent issue.
- Attended the Metro Orlando EDC Quarterly Investor Update, held at Centurylink on Friday, February 7.
- Commissioner Arrowsmith nominated Doug Gondera as a replacement member to the Charter Review Committee, due to the resignation of Diane Faircloth. The next scheduled meeting of the Charter Review Committee is February 27. Mayor Land appointed Doug Gondera to the Charter Review Committee.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to ratify the appointment of Doug Gondera to the Charter Review Committee. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- Appointed Todd Bengtson and John H. Land, as Resident Trustees to the Fire Pension Board, for 2014-2015.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to ratify the appointments of Todd Bengtson and John H. Land to the Fire Pension Board for 2014-2015. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

- Appointed Steve Hooks and Robert Manley, as Resident Trustees to the Police Pension Board, for 2014-2015.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Dean, to ratify the appointment of Steve Hooks and Robert Manley to the Police Pension Board for 2014-2015. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer voting aye.

OLD BUSINESS

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

2. PUBLIC

Pat McGuffin inquired on the percentage of the study to be paid by the City, to which CAO Anderson responded that the hospital and property owner are funding \$80,000.

NEW BUSINESS

1. COUNCIL

Commissioner Arrowsmith expressed concern over Niagara Bottling Company's recent awarded increase to its CUP (Consumptive Use Permit) in Lake County. He said there were a number of people in Central Florida that were very outspoken against that situation and asked if perhaps the City of Apopka needed to be proactive to protect the City of Apopka from a similar situation in the future.

Mayor Land also spoke of his concerns with the growing water shortage, and the need for the City Council to look out for the best of Apopka.

Commissioner Kilsheimer, declared he represents Niagara, as a public relations consultant, in the CUP increase request. He gave an overview of the research he conducted, pointing out the minimal impact in comparison to local governments, agriculture, and commercial/industrial, and pointing out benefits in the number of jobs, the higher pay, and the property taxes generated. He listed numerous businesses in Central Florida that also draw from the aquifer, including the Coca-Cola Plant located in Apopka, Pepsi Cola Plant in Orlando, and Gatorade Plant located in Kissimmee. He pointed out that when the water district approved Niagara's permit, that same morning, they approved a 22 million gallon a day permit for the Deseret Ranch to irrigate cow pasture.

Discussion ensued to include Commissioner Kilsheimer applauding Apopka for their use of reclaimed water, and Commissioner Arrowsmith pointing out that obtaining a CUP in the last 3 years has gone from taking 285 days down to 63 days in order to obtain the permit.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Kilsheimer, that the City Attorney and City staff research the future impact to Apopka's water resources, and to notify the entities involved of the City's concerns and objections.

Mayor Land opened the meeting for a public hearing.

Carrie Canfield, 2822 Bermuda Avenue, spoke concerning the springs in Florida and the continued need to monitor our water resources. She said there have been predictions of water shortages as seen by the increase in sink holes. She asked the City Council to be vigilant of the future of water for our area.

No others wishing to be heard, he closed the public hearing.

2. PUBLIC -

Pat McGuffin expressed confusion at Commissioner Kilsheimer's comments to the Council, and the possible conflict his association with Niagara has on the subject.

Mike Cooper thanked the Mayor and City Council, CAO Anderson, Community Development Director Jay Davoll, and the Building Division for all the assistance given him in the processing and passage of the rezoning ordinance and replat.

Mayor Land adjourned the meeting at 9:16 p.m.

Mayor Land called the meeting back to order at 9:17 p.m. as there had not been a vote of the motion on the floor.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:18 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk