CITY OF APOPKA

Minutes of a regular City Council meeting held on February 15, 2012, at 8:00 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
Stephen Hudak - Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE The Invocation was given by Mayor Land. He said Monday, February 20th, is President's Day, celebrated then as President Lincoln and President Washington both were born in February. He asked everyone to remember them, but also to reflect on the great service to our Nation performed by all of the Presidents of the United States, as he led the Pledge of Allegiance.

PRESENTATIONS

1. National FFA Week Proclamation – John Cloran - Mayor Land presented Proclamations to representatives of Future Farmers of America (FFA) for Apopka High School, Wekiva High School, Apopka Memorial Middle School, Wolf Lake Middle School, and Piedmont Lakes Middle School. Mr. Cloran thanked the Mayor and City Council for the support of the City, and said this is their 34th year. Everyone joined the City Council in applauding the accomplishments of these young people.

2. Red Light Cameras – Chief Manley – Police Chief Rob Manley gave a presentation regarding the City's Intersection Safety Program. A copy of the presentation is incorporated into and made a part of these meeting minutes.

Luke Douglas, 1565 Woodfield Oaks Drive, President of Woodfield Oaks Subdivision Home Owner's Association; and Charles Yarborough, 1508 Woodfield Oaks Drive, spoke about traffic issues in their subdivision and asked the City Council to approve their installing a gate to prohibit cut-through traffic. Mayor Land asked Chief Manley to meet with the residents in an effort to address and resolve the traffic problems.

Bob Webster, 237 W Ponkan Road, spoke to the City Council regarding the Red Light Camera Enforcement Program, specifically regarding right-turn on a red light, and removal of the signage at the intersections to "Stop Here on Red".

CONSENT AGENDA

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

2. Authorize the use of Kit Land Nelson Park and the provision of support services for the 51st annual Art & Foliage Festival.
3. Award the contract to AECOM, in the amount of $206,336, to perform the update to the City's Utility Master Plans.
4. Approve the renewal, for an additional one year, of the lease agreement with Dr. Charles Dorfman.
5. Authorize the Mayor, or his designee, to sign the Interlocal Agreement between the City of Apopka and Orange County for the transfer of jurisdiction of north Hiawassee Road from south Apopka Boulevard to south Orange Blossom Trail and associated retention pond and drainage easement.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Till, to approve the five (5) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

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

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2234 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE - FUTURE LAND USE - Miller Investments and Property Management, Inc.; Evelyn Marie Vogl; and Velda Marlene Rothfus, from "County" Low Density Residential (4 du/ac) to "City" Residential Low Suburban (4 du/ac) for property located northeast of the intersection of Lester Road and Rogers Road – Mayor Land said Ordinance No. 2234 meets the requirements for adoption, having been duly advertised in The Apopka Chief on February 3, 2012.

The staff report is incorporated into and made a part of these meeting minutes.

The City Clerk read the title as follows:

ORDINANCE NO. 2234

AN ORDINANCE OF THE CITY COUNCIL 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 FOR PROPERTY LOCATED AT 1643 WEST LESTER ROAD AND OWNED BY MILLER INVESTMENTS AND PROPERTY MANAGEMENT INC.; EVELYN MARIE VOGL, AND VELDA MARLENE ROTHFUS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Land opened the public hearing.

Roy Lester, 1901 W. Lester Road, requested a six foot (6') PVC fence be installed along the adjoining subdivision.

Jimmy Dunn of June Engineering Consultants, representing the applicant for the project, said they will work with Mr. Lester as the process progresses.

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

CAO Anderson said the fence is to be addressed during the site plan approval process.

MOTION was made by Commissioner Till, and seconded by Commissioner Dean, to adopt Ordinance No. 2234. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2252 – THIRD READING & ADOPTION – Establishing a time-limited moratorium on the approval of new landfills or the conversion of a different classification of existing landfills. - Mayor Land said Ordinance No. 2252 meets the requirements for adoption, having been duly advertised in The Apopka Chief on January 20, 2012. The City Clerk read the title as follows:

ORDINANCE NO. 2252

> **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING A TIME-LIMITED MORATORIUM ON THE APPROVAL OF NEW LANDFILLS OR THE CONVERSION TO A DIFFERENT CLASSIFICATION OF EXISTING LANDFILLS WITHIN THE CORPORATE LIMITS OF THE CITY OF APOPKA; PROVIDING THAT THE TIME-LIMITED MORATORIUM WILL EXPIRE ON JUNE 30, 2012; PROVIDING FINDINGS; PROVIDING A DEFINITION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND 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. 2252. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

3. RESOLUTION NO. 2012-04 – Creation of a Tri-City Partnership through an Interlocal Agreement between the cities of Apopka, Ocoee, and Winter Garden to promote economic development and intergovernmental coordination. - The City Clerk read the title as follows:

RESOLUTION 2012-04

> **A RESOLUTION PERTAINING TO THE CREATION OF A TRI-CITY PARTNERSHIP FOR THE CITIES OF APOPKA, OCOEE, AND WINTER**

> **GARDEN; ESTABLISHING A NAME; ESTABLISHING GOALS; ESTABLISHING MEMBERS; ESTABLISHING MEETING TIME FRAMES; PROVIDING FOR FUNDING AND STAFF SUPPORT; PROVIDING FOR TERMINATION.**

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 Resolution 2012-04. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

4. RESOLUTION NO. 2012-05 – Supporting Police Officer and Firefighter Pension Plan and Disability reforms to make the plans sustainable, sound and secure for current and future Police Officers and Firefighters. - The City Clerk read the title as follows:

RESOLUTION 2012-05

> **A RESOLUTION OF THE CITY OF APOPKA SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FU5TURE POLICE OFFICERS AND FIREFIGHTERS.**

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 Arrowsmith, to adopt Resolution 2012-05. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

SITE APPROVALS

1. PANERA BREAD RESTAURANT - FINAL DEVELOPMENT PLAN – Property located south of Orange Blossom Trail (U.S. Hwy. 441), west of Errol Parkway - Community Development Director Jay Davoll gave a brief review of the project. He reported this project was originally approved by the City Council on July 16, 2008, as a Starbucks. He advised they will be employing 24-26 people. He said this hearing is quasi-judicial and requested the staff report and findings be incorporated into and made a part of the meeting minutes.

Mayor Land opened the meeting for a public hearing.

Andrea Jernigan-Gwinn, Engineer for the project, thanked City staff for their assistance during the process.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Till, to approve the Final Development Plan for Panera Bread Restaurant, as recommended. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

DEPARTMENT REPORTS AND BIDS

Mayor Land said he has received many positive letters and emails regarding the Old Florida Outdoor Festival. He said they were available for reading in his office.

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer – CAO Anderson reported the Old Florida Outdoor Festival (OFOF) was a success, mainly due to all the hard work of City Employees. He reported they were still putting numbers together, but affirmed the Festival is in the BLACK, and the City will begin moving forward to plan next year's event. He said the City came to realize how large the NWRC facility is and they are considering that going forward, events held at the facility will be City co-sponsored events only, in conjunction with local civic clubs. He said a final report on the success of the OFOF will be forthcoming.

CAO Anderson gave a brief report on meetings with the Orlando-Orange County Expressway Authority, and assurances in moving forward with the Wekiva Parkway.

CAO Anderson reported Mayor Land and Orange County Mayor Jacobs are co-chairing a committee on landfills. He said this will be a six-month process addressing landfill issues.

CAO Anderson said the meeting agenda being projected during the meeting is the first step in moving forward with technology. He reported the City is beginning to make strides toward going paperless, and new processes are forthcoming.

MAYOR'S REPORT

Mayor Land reported receiving a card from Pat Fisher expressing appreciation for the floral arrangement sent during her recent illness. Pat is the wife of Al Fisher, Public Services Employee.

Mayor Land said a note was received from George Heisey (former Commissioner) for the floral arrangement sent in honor of his wife, Carol.

Mayor Land reported receiving an Email from Joe Callahan of Dickinson, North Dakota. He was visiting his sister who lives in Apopka, and they attended the Old Florida Outdoor Festival held February 10-12. Mr. Callahan said he was very impressed with the Festival and is planning to come back next year, bringing others to support the event.

Mayor Land spoke regarding the upcoming final vote on the Wekiva Parkway financing.

Mayor Land appointed Commissioner Arrowsmith as the City representative to the Lake Apopka Natural Gas Board. The City Council unanimously approved the appointment.

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.

Commissioner Till gave a Legislative update. She reported the Red Light Camera amendment failed and died in Committee on Tuesday. Upcoming and moving bills include: Pension Reform, 911 Tele-communicator, Local Vendor Preference, and Reclaimed Water.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:33 p.m.

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk