

CITY OF APOPKA

Minutes of a regular City Council meeting held on May 18, 2011, 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

INVOCATION AND PLEDGE OF ALLEGIANCE - Mayor Land called the meeting to order and gave the Invocation. He said May 30th is Memorial Day, a day set aside to remember and honor those who died in the service of our country. He asked everyone to reflect on their service and great sacrifice for the Freedom and Liberty that we enjoy today, as he led in the Pledge of Allegiance.

Jeff Welch thanked the City for advertising the Chamber of Commerce Golf Tournament on the City's website. He also thanked the Apopka Chief for running the advertising and said there was one more day for golfers to sign up. He said there was a discount for City employees. The Golf Tournament is Monday, May 23rd, shotgun start at 11:00 a.m., at Errol Estate Country Club.

Mayor Land recognized Scout Zachary Wittrock, with Troop 880, who was attending the meeting as a requirement to earn his "Citizenship" merit badge.

Mayor Land announced it was Police Week and thanked Chief Manley for the Memorial Ceremony on May 15th, honoring Apopka Police Officer Denson Hudson, who was killed in the line of duty in 1941.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on May 4, 2011, at 1:30 p.m.
2. Approve the minutes of Administrative Bid Opening No. 2011-01 for the Specification Class A Pumper held on April 29, 2011, at 10:15 a.m.
3. Approve the minutes of Administrative Bid Opening No. 2011-02 for the Agent of Record/Insurance Brokerage Services held on May 5, 2011, at 10:15 a.m.

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

Mayor Land said that Louise Fortunato was present to present the artwork from this year's Art and Foliage Festival.

Ms. Fortunato said she was asked by Nancy McClure, City Art Director, to represent her in presenting the items selected from this year's 50th Art and Foliage Festival for purchase by the City. The first item was a photo with a mind to the restoration taking place in Lake Apopka by Paul Ingwalson. She introduced Mr. Ingwalson and gave his background. The second items were created

with a chainsaw representing a striped bass and a large mouth bass carved by artist George Hewitt. She gave his background and said he was unable to be present at this meeting. She advised the pieces of art will soon be on display at the entrance of City Hall.

Mayor Land said the other picture, an artwork in watercolors, was painted by Nancy McDonald and presented to the City by the Apopka Woman's Club at the opening ceremonies of the 50th Art and Foliage Festival.

It was the consensus of the Council to hear the Site Approval on the Aldi Food Store at this time during the meeting.

SITE APPROVALS

1. **ALDI FOOD STORE - PRELIMINARY DEVELOPMENT PLAN** - Property located south of S.R. 436 (East Semoran Boulevard and east of Suggs Road).

Mr. Moon gave an overview of the project and advised it would be located on one (1) of four (4) parcels that will be created under a separate application before the City Council. He said the preliminary development plan was covering the food store. He advised there would be a service road that will divide the two parcels and the parcel to the east is proposed to serve a gas station.

In response to a question by Commissioner Arrowsmith, Mr. Moon advised an environmental survey would occur prior to the Final Development Plan, that this hearing is for the Preliminary Development Plan.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to approve the Preliminary Development Plan for Aldi Food Store, as recommended.

Commissioner Arrowsmith inquired why the western elevation was a solid block wall rather than having more character to the elevation.

Chris Blurden, Developer, said City staff recognized that there were only so many windows you could fit into a building for a grocery store, due to impact of required freezer space, and they have proposed additional landscaping to the western side to buffer this from the public.

Commissioner Till suggested that in the future, staff incorporate into the report how many jobs will be created and the pay scale to promote economic development.

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

PRESENTATIONS

1. Florida Central Railroad Track Improvements - David Moon

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Mr. Moon said the presentation will be given by Pete Petree of the Florida Central Railroad, and advised that since November City staff has been meeting with representatives from the Florida Central Railroad, Orange County Government, City of Ocoee, City of Orlando, and the City of Winter Garden regarding the interest of Florida Central Railroad and proposed improvements.

Mr. Petree, Vice President, Florida Central Railroad, gave a presentation regarding the Florida Central Railroad Freight Upgrades and advised the rail improvements initiative was a public-private partnership project. A copy of the presentation is incorporated into and made a part of these minutes.

Mr. Moon advised the City of Apopka is being requested to commit an amount not to exceed \$307,000 to be paid over two (2) fiscal years.

Mayor Land opened the meeting for a public hearing.

T.J. Fish, Executive Director of Lake-Sumpter MetroPlan, said this was an economical opportunity for Apopka. He stated this was a shortline rail that feeds the large rail which is CSX. He said the SunRail location from DeLand to Poinciana was 61 miles, CSX would not be marketing that for industry and the only industrial sites were on the Florida Central Railroad. He advised there were some very eager partners in Lake County on this initiative. He said Lake County was on board with the passenger rail initiative if getting the tracks upgraded for freight. He said FDOT sees the benefit in placing funding in these shortlines. He stated Lake County went on record to say they were completely on board as long as Apopka participates in both initiatives: the freight upgrade and the passenger rail study. He declared they could not get there unless using the money on the table now that is freight money being contributed by FDOT, and stated once this is done the passenger rail study will come back very positive.

Mayor Land expressed concern regarding freight and discussed the S-line being moved back toward this area. He said staff would have to look into where funding might be available. He pointed out that no one was willing to help Apopka with aviation and the city just appropriated \$800,000 for airport improvements.

Mr. Fish said Lake County was aware of the development plans by Apopka with the airport. He stated with SR 429, the airport, and the rail, how could they lose with that much transportation infrastructure driving the economy. He reiterated the Lake County commitments were firm. He advised Tavares, Mount Dora, and Eustis collectively committed \$800,000 to this project and Lake County added another \$900,000 for a total of \$1.7 million. He pointed out they were working on the July 1st to June 30th fiscal year budget, and stressed that Apopka will not be able to work any later than their June 1st meeting. He stated the passenger rail study, according to FDOT, is funded as of July 1st.

Commissioner Till commented that she “does get it” and we do need to work with our surrounding partners. She reiterated \$800,000 has already been designated by the City of Apopka to airport improvements. She asked several questions to include what was the relationship by CSX in this project and how they would benefit. She also inquired about the allocations, such as, why Apopka was being asked to contribute the most funding and how many jobs will the upgrade support.

Mr. Petree said CSX owns the land and brings us the freight; Florida Central Railroad owns the track and infrastructure. He advised the allocations were based on the scope of work, and miles of track within the city limits.

Commissioner Till pointed out that Apopka has 6.22 miles of track, 16 railroad crossings, and 9.42 miles of joint planning area. She reviewed the provided mileage other cities have and pointed out Ocoee only had two (2) less miles and four (4) less crossings.

Mr. Petree pointed out that Ocoee and Winter Garden were not receiving a total welded upgrade and were only receiving some basic servicing, so they were handled on a different basis. He advised Orlando has not committed to the Silver Star Industrial Park and if they do not commit to it, it will not be done.

Mr. Fish said the 21 mile segment from Eustis Industrial Park, through Tavares and into Apopka was the segment that needs continuous welded tracks with freight and passenger opportunities.

Commissioner Till said they keep hearing this was necessary for economic development and for the future of passenger rail, and asked if the Silver Star industrial area does not get done, will all of those companies move if there is not rail there?

Mr. Petree said the tracks in that area have been out of service for years, making it very hard to attract business to that area. He stated Orlando fully supports the Orlando to Eustis corridor, but said they needed time to get the additional funding.

Discussion ensued regarding the funding by various entities and economic development, as well as jobs that will be created. Commissioner Till pointed out that private industry was not contributing to this project.

Mayor Land said Apopka has already paid for crossing maintenance and inquired if we would receive a credit on those improvements.

Mr. Petree said he would need to get back to them regarding credits, but any improvements to crossings in Apopka will be funded through this project.

Commissioner Arrowsmith said he would like to see this work, but he wanted to see it more equitable for the taxpayers. He stated if they could get answers regarding credits, then the council can look at the numbers and make an informed decision.

In response to questions from Commissioner McQueen regarding the number of freight trains and the speed, Mr. Petree stated there would be approximately a half dozen more stations and the rails would be smoother and quieter. He advised the speed was 25 through Apopka.

Mr. Fish requested the Council work with CAO Anderson and determine what the budget allows, with the amount to be split over two (2) years.

Mayor Land announced the meeting was still open for a public hearing. No one wishing to speak, he closed the public hearing.

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Mayor Land suggested staff work on this project, and hopefully have something ready to present to Council at its June 1st meeting.

CAO Anderson advised the city would receive revenue numbers from the property appraiser June 1st, so he requested the second meeting in June for the City Council to consider a decision.

Mayor Land said they could report to the City Council on June 1st, and then, if necessary, a special work session could be held.

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

ORDINANCES AND RESOLUTIONS - There were no ordinances or resolutions presented for action.

SITE APPROVALS

1. **ALDI FOOD STORE - PRELIMINARY DEVELOPMENT PLAN** - Property located south of S.R. 436 (East Semoran Boulevard and east of Suggs Road). - This item was heard earlier in the meeting.

DEPARTMENT REPORTS AND BIDS

1. **Administrative Report – Richard D. Anderson** – Chief Administrative Officer said the City Council has his report, and he would be glad to answer any questions. None were asked.

MAYOR'S REPORT - Mayor Land reported receiving a letter from the Apopka Woman's Club thanking the employees for their help during the Art and Foliage Festival. He also reported having received a card from Bonnie Smith, Public Services Department employee, in appreciation for the dish garden arrangement sent during her recent stay in the hospital.

Mayor Land reported they have asked the City Attorney and staff to review if there were any policies that needed to be amended with regards to the Legislative session, such as HB 7207 which was the State oversight bill on planning. He advised that HB 487, Red Light Cameras, was not passed.

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 Dean inquired if the next time the work crew of prisoners were in this area if they could clean up the unoccupied property next to Porky's and the area across the street where the gas station was.

CAO Anderson advised both of these properties were being addressed by Code Enforcement.

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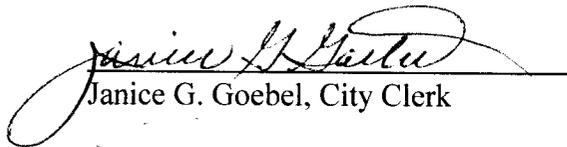
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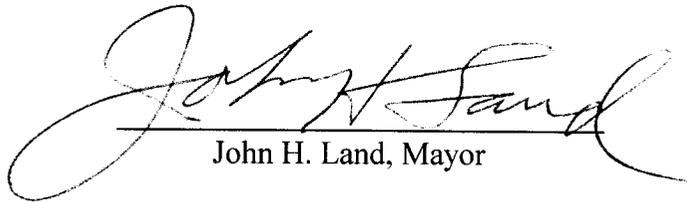
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2. Public - Mike Cooper said he wanted to thank the City for bringing the odor under control at the 4th and Bradshaw Road lift station. He also expressed appreciation regarding the grass along Bradshaw Road and the No Parking signs. He stated he would like to see his taxes to the City go toward Bradshaw Road improvements and not the railroad. He also commented that developers are being forced to spend money on landscaping, and once it is done, the City does not force the care and maintenance of the landscaping.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:59 p.m.

ATTEST:


Janice G. Goebel, City Clerk


John H. Land, Mayor