

Minutes of a regular City Council meeting held on January 5, 2011, 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 - Mayor Land gave the Invocation.

APOPKA POLICE DEPARTMENT COLOR GUARD - The Apopka Police Department Color Guard presented the Colors. Color Guard members were Officers Victor Barger, Jefferson Wertz, Clifford MacDonald, and Detectives Daniel Garcia and Matthew Reinhardt.

PLEDGE OF ALLEGIANCE - Mayor Land led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

1. **Approve the minutes from the regular City Council meeting held on December 15, 2010, at 8:00 p.m.**
2. **Approve the minutes from the special City Council meeting held on December 29, 2010, at 1:30 p.m.**
3. **Authorize a \$1,900.00 expenditure from the Federal Law Enforcement Trust Fund to purchase traffic speed measuring devices for general patrol and traffic enforcement use.**
4. **Approve the contract extension, with Southeastern Surveying & Mapping Corp. and Wantman Group, Inc., for Professional Land Surveying and Mapping Services.**
5. **Authorize the Chief Administrative Officer to execute Inmate Contract III #WS642 with the Department of Corrections, in the amount of \$56,467.00.**
6. **Authorize the South Apopka Ministerial Alliance to hold a parade in honor of Dr. Martin Luther King, Jr. On January 17, 2001.**
7. **Approve the Disbursement Report for the month of December, 2010.**

Discussion was held regarding Items 4 and 7.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the seven (7) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

PRESENTATIONS

1. **Bonnie B. Smith – Public Services/Administration – 5 Year Service Award** - Mayor Land said Bonnie began working with the City as a Secretary I for Public Services on December 12, 2005.

Bonnie was reclassified on December 12, 2007, to a Secretary II, which is her current position. The City Council joined Mayor Land on congratulating Bonnie on her service to the City.

2. Carie A. VonBargen – Fire/EMS – 10 Year Service Award - Mayor Land said Carie started working with the City as a firefighter on December 18, 2000. On January 2, 2001, Carie was reclassified to a Firefighter First Class. Carie was transferred to EMS on February 2, 2002, after completing her paramedic program. As of December 11, 2009, Carie was promoted to Firefighter Engineer, which is her current position. The City Council joined Mayor Land on congratulating Carie on her service to the City.

3. Inna Marko – Finance/Accounts Payable – 20 Year Service Award - Mayor Land said Inna began working with the City as a Accounts Payable Clerk in Finance on December 3, 1990. Inna's title changed to Accounts Payable Specialist on June 3, 2006, which is her current position. He acknowledged Inna's husband and grandson being present. The City Council joined Mayor Land on congratulating Inna on her service to the City.

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

ORDINANCES AND RESOLUTIONS

Mayor Land announced Ordinance No. 2207 meets the requirements for adoption, having been duly advertised in The Apopka Chief on December 24, 2010. He further stated Ordinance No. 2208 does not meet the requirements for adoption and will be held over for a Second Reading.

1. ORDINANCE NO. 2207 - SECOND READING & ADOPTION - Amending Apopka Code of Ordinances, Chapter 22 - "Buildings and Building Regulations," Article III - "Permit Fees." The City Clerk read the title as follows:

ORDINANCE NO. 2207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III, - PERMIT FEES" BY REPLACING IN ITS ENTIRETY SECTIONS 22-49, 22-50, AND 22-51; DELETING SECTION 22-52; AND REPLACING THEM WITH SECTION 22-49 " PERMIT FEES - BUILDING, ELECTRICAL, GAS, MECHANICAL, AND PLUMBING, " SECTION 22-50 - " REJECTION, CORRECTION NOTICE, STOP -WORK ORDER, OR CITATION FEES;" AND BY CREATING A NEW SECTION 22-51" PERMIT FEES - MISCELLANEOUS;" PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Till, to adopt Ordinance No. 2207. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2208 - FIRST READING - VACATION - John and Uraina Pasbalakis (c/o Lawrence Poliner, P.E. RCE Consulting, LLC), vacating an existing right of way for property located east of Piedmont Wekiva Road and north of U.S. 441. The City Clerk read the title as follows:

ORDINANCE NO. 2208

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE AN EXISTING RIGHT OF WAY LOCATED EAST OF PIEDMONT WEKIVA ROAD, AND NORTH OF U.S. 441; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Till, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2208, and hold it over for a Second Reading.

Commissioner Till inquired about the purpose of the vacation.

CAO Anderson explained Green Acres Road was sealed off with the expansion of Piedmont-Wekiva Road to the north and it has become an area where people park vehicles for sale. He advised this would get the property off the records, and allow the adjacent parcel owners use of the property.

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

SITE APPROVALS

1. FAMILY DOLLAR - FINAL DEVELOPMENT PLAN - Property located on the east side of Rock Springs Road and south of Welch Road (1319 Rock Springs Road).

Jay Davoll, Director of Community Development, reviewed the location of the property and the development plan, stating the site has been designed for future connection to the east. He said the Development Review Committee has reviewed this plan and recommends approval. The Planning Commission reviewed the plan on November 9th and also recommends approval. He requested the staff report be incorporated into the record.

Commissioner Till said she appreciates the business coming to the community and the jobs that will be created; however, she expressed concerns, of which Commissioner McQueen concurred, regarding the close proximity of the other Family Dollar Store that was recently built on US 441.

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

Discussion ensued regarding the design, landscaping, deliveries to the building, and easements.

CAO Anderson said staff has been working with the developer on this design and it initially came in as a stucco building facade, with staff requiring brick. He requested direction for what the Council would like staff to address, and was advised to have more native landscaping, as well as to address the facade.

Chuck Borysiak, Hutton Partners, LLC, 736 Cherry Street, Chattanooga, TN, said the developer has extended the contract with the property owner several times and they were near the end of their extensions, as well as their contract with Family Dollar. He stated if approval is postponed, the project may not be able to come back.

CAO Anderson said staff has been working on this project for quite a while, as alluded to earlier. Staff has worked with the developer to facilitate the delivery truck path for store deliveries, as well as the overall facade of the building prior to it coming to the City Council.

Commissioner Arrowsmith advised he would be abstaining from voting, and said he believes the truck turn-around arrangement, from a safety issue, was an excellent addition to the site plan.

CAO Anderson said when the next property to the south is developed, the turnout will be absorbed. He said this was staff's way of trying to accommodate the trucks so not to keep them on Rock Springs Road. He stated staff can easily address the landscape issues.

Matthew Campo, 1725 E 5th Avenue, Tampa, said he was the civil engineer for the project, and addressed the landscaping concerns. He stated this would be an ownership parcel, giving them a greater vested interest in this property. He said once the other properties are developed, then there will be greater connectivity that will make the truck movements easier.

MOTION by Commissioner Till, and seconded by Commissioner Dean, to approve the Final Development Plan as presented, with the City Council recommended changes to the landscaping.

Commissioner Till said she was making this motion for the sole purpose of bringing jobs and economic prosperity to this community.

Commissioner Arrowsmith said he would be abstaining as they are a client of the bank, and he owns a piece of property that lies to the south, even though his property has nothing to do with this project.

Motion carried 4-0, with Mayor Land, Commissioners Dean, McQueen, and Till voting aye, and Commissioner Arrowsmith abstaining and filing a form 8B.

DEPARTMENT REPORTS AND BIDS - CAO Anderson said staff was starting the planning process for this year and asked Council members to advise him of anything they want considered.

MAYOR'S REPORT - Mayor Land reported having received a letter from Zona Williams expressing appreciation to the Apopka Police and Fire Departments for assistance with the Errol Estate Community Christmas Golf Cart Parade. The fees and donations collected will go to two schools.

Mayor Land reported having received a Thank You card from Marci Williams, Public Services employee, expressing appreciation for the kindness shown and the plant sent recently in memory of her sister.

Mayor Land reminded everyone of the Swearing in Ceremony of Robbie Manley as Police Chief, Thursday at 3:00 p.m., at the VFW.

Mayor Land announced a fund raiser will be held for Debbie Turner's Cancer Care & Resource Center on Saturday, January 8th, 6:00 - 10:00 p.m., at the VFW. Everyone is invited to attend.

Mayor Land reminded everyone of the Martin Luther King Day Parade on January 17th.

Mayor Land reported the City will be hosting the Tri-County League of Cities meeting on January 20th where Commissioner Till will be sworn in as President of the League.

Mayor Land reported on the Strategic Inter-Modal Systems Project, which is the railroad from Eustis to Orlando, and said the Federal Government turned down the alternative analysis for the US 441 corridor. He stated the State has agreed to put 75% into the project and the other surrounding entities would also contribute. He said staff has been meeting for some time regarding this matter. He stated the Governor has now stopped all projects over \$1 million, which may delay this project.

CAO Anderson said there were two separate components to the project. The first project is the SIS project that Mayor Land alluded to and it comprises \$18.4 million that allows the Florida Central Railroad to increase the amount of freight they can carry and increases the travel speed from 10 mph to 25 mph for freight. He reviewed the shared funding amounts and said the City would be looking to budget for it next year for our portion which will be approximately \$575,000 for the two projects. He said they wanted to look into this to make sure it is the correct way to spend the money and stated it seemed to be geared more toward freight than commuter rail. He reiterated that FDOT will be paying 75% of the project and the other entities will fund the additional 25%. At this point, they need to determine how to break out equitably the first component and determine if it is going to be beneficial for the City economically. The second project is the \$1.7 million alternative analysis study to look at the Orange Blossom Express Commuter Rail.

CAO Anderson pointed out that this would be beneficial in that the City was a Transportation Concurrence Exception Area and as part of that, we need to look at alternative modes of transportation.

OLD BUSINESS

1. Council

Commissioner Till inquired on the status of the objections raised by DCA on the Comp Plan and CAO Anderson advised we were waiting on what may happen to DCA.

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

NEW BUSINESS

1. Council

Commissioner Till reported she had heard the Clerk of the Courts was seeking to take 10% of Red Light Camera fines to offset their costs.

CAO Anderson advised he had not seen anything official with regards to this matter.

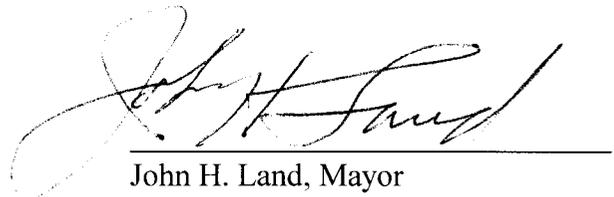
Commissioner Dean recognized Mrs. Ella J. Gilmore present at the meeting.

2. Public

Tom Abraham, Orange City Commissioner, said he has been a Commissioner for Orange City for the last 3½ years. He said elections were not about one person's victory or another's defeat, but they were about the future and to prepare for our future we need stable, strong governments with leaders of character and integrity. He said the City of Apopka, with the leadership of Mayor Land, was sending a message that they have quality leaders who respect law and order. He encouraged the City Council to stay focused on a Comprehensive Strategic Plan for the State of Florida.

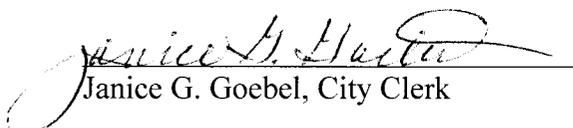
Mrs. Ella J. Gilmore thanked the City Council for all the City has done for South Apopka and she personally invited the City Council to participate in the Martin Luther King Day Parade. She said the parade will also be honoring Marvin C. Zanders for his many contributions to South Apopka.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 3:09 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk