

CITY OF APOPKA

Minutes of a regular City Council meeting held on July 6, 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 AND PLEDGE OF ALLEGIANCE - Mayor Land called the meeting to order and gave the Invocation. He said Monday was the 4th of July, and on that day, in 1776, the Declaration of Independence was adopted. At the end, after doing all of the work, the Members of the Continental Congress made a pledge to each other that said "... and for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor". He stated history would show that some would lose their lives, some would lose their fortune, but no one's honor was tarnished and they were true to their pledge. He asked everyone to reflect on that, as he led in the Pledge of Allegiance.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on June 15, 2011 at 8:00 p.m.
2. Approve the minutes from the Administrative Bid Opening #2011 -03 for Rogers Road Reuse Water Main Extension Pipes and Fitting Material held on June 23, 2011 at 10:15 a.m.
3. Approve the issuance of a peddler's permit to Devin Dixon, TNT Fireworks, to sell state-approved sparklers from June 24, 2011, through July 6, 2011, at 2400 E. Semoran Blvd. and 1700 Orange Blossom Trail.
4. Award the contract to HD Supply, in the amount of \$217,456.40, for the purchase of reclaimed water pipes and fittings for the Rogers Road utility extension.
5. Authorize the Mayor, or his designee, to execute the Sewer and Water Capacity Agreement for Holly Creek, Phase 2A, subdivision; and authorize a sewer impact fee credit for over sizing an off site sewer line.
6. Approve the Disbursement Report for the month of June, 2011.

Commissioner Till requested Item #3 be pulled and addressed separately.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve Items #1, 2, and 4-6 of the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen and Till, voting aye.

Item #3: In response to an inquiry by Commissioner Till about the timing of the permit request, CAO Anderson said the Code of Ordinances authorizes the City Clerk to issue a temporary permit for this type activity, prior to City Council approval. Mayor Land said he and CAO Anderson authorized the City Clerk to issue the temporary permit to TNT Fireworks.

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

PRESENTATIONS

1. Juan Moreno Jr. — Public Services /Grounds — 5 Year Service Award - Mayor Land said Juan was not present, and would be presented his award at a later time.
2. Billy Preston, Jr. — Public Services /Sanitation — 5 Year Service Award - Mayor Land said Billy was not present, and would be presented his award at a later time.
3. Rogers Beckett — Community Development /Planning & Engineering — 5 Year Service Award - Mayor Land said Rogers began working for the City on June 26, 2006, as a Special Projects Coordinator for Community Development. One June 26, 2007, his title changed to Senior Project Coordinator, which is his current position. The City Council joined Mayor Land on congratulating Rogers on his service to the City.
4. Andrew King — Police /Support Services — 10 Year Service Award - Mayor Land said Andy was not present, and would be presented his award at a later time.
5. Marciana Williams — Public Services /Fleet Management — 10 Year Service Award - Mayor Land said Marci began working for the City on June 18, 2001, as a Parts Specialist for Purchasing. On June 18, 2002, she was reclassified to Purchasing & Supply Specialist. Effective October 1, 2006, Marci transferred to Fleet Management as the Purchasing & Supply Specialist, which is her current position. The City Council joined Mayor Land on congratulating Marci on her service to the City.
6. William Allvord — Public Services /Fleet Management — 15 Year Service Award - Mayor Land said William was not present, and would be presented his award at a later time.
7. Robert Elmquist — Public Services /Design Engineering — 30 Year Service Award - Mayor Land said Bob began working for the City on June 9, 1981, as a laborer for waste water. On June 9, 1982, he was reclassified to Waste Water Plant Operator Trainee. September 7, 1982, he passed his test and became a certified Waste Water Plant Operator. "C ". Bob was promoted on August 7, 1986, to Waste Water Treatment Plant Supervisor. On September 12, 1990, Bob was reclassified to Assistant Water Resources Superintendent. Effective October 1, 1993, Bob was reclassified to Water Resource Superintendent. April 27, 1997, Bob was reclassified to Project Coordinator for Design Engineering. Then on October 1, 2003, Bob was reclassified to Senior Project Coordinator. On November 16, 2005, Bob's title was changed to Senior Project Coordinator & Plan Review, which is his current position. Mayor Land said Bob's career with the City is a good example in upward mobility. The City Council joined Mayor Land on congratulating Bob for his 30 years of service to the City.
8. Residential Conservation Award — Presented by Paul Seago - In the absence of Paul Seago, Terry Levesque, a member of the Chamber of Commerce and the committee, announced the winner

of the 3rd Residential Conservation Award is Mr. & Mrs. Trumell Fulmor, 912 Errol Parkway, who will receive a \$50.00 credit on their utility bill, and a recognition sign will be placed at their home.

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

ORDINANCES AND RESOLUTIONS -

1. ORDINANCE NO. 2220 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - SMALL SCALE - American Brick Communities, Inc. - from County Agriculture Estates (1du /ac) and City Residential Very Low Suburban (Max. 2 du /ac) to City Commercial for property located at 1017 and 1027 Rock Springs Road - Community Development Director Jay Davoll gave an overview of Ordinance Nos. 2220 & 2221, as both are regarding the same properties.

The City Clerk read the title as follows:

ORDINANCE NO. 2220

AN ORDINANCE 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 1017 AND 1027 ROCK SPRINGS ROAD AND OWNED BY AMERICAN BRICK COMMUNITIES, INC.; PROVIDING FOR SEVERABILITY; 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 Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2220, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2221 - FIRST READING - CHANGE OF ZONING - American Brick Communities, Inc. - from County A1 and City R -1 to City C -1 for property located at 1017 and 1027 Rock Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2221

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS COMMERCIAL C-1 FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA; OWNED BY AMERICAN BRICK COMMUNITIES, INC., LOCATED AT 1017 AND 1027 ROCK SPRINGS ROAD; PROVIDING DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, 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. 2221, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

3. RESOLUTION NO. 2011-02 - Transfer of property between the City of Apopka and Orange County, property is a part of the Northwest Water Reclamation Facility and adjacent to S. R. 429.

Community Development Director Jay Davoll explained the purpose for the acquisition of this property is to incorporate it into the proposed right-of-way for the main collector roadway serving Old Palm Centre PUD (f/k/a Thompson Hills Estates). The property will be used for right-of-way only.

The City Clerk read the title as follows:

RESOLUTION NO.2011-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY BETWEEN THE CITY OF APOPKA AND ORANGE COUNTY; 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 Dean, and seconded by Commissioner McQueen, to adopt Resolution No. 2011-02. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

SITE APPROVALS -

1. DOLLAR GENERAL AT APOPKA - FINAL DEVELOPMENT PLAN - Property located on the west side of Rock Springs Road and south of E. Tanglewood Drive. - Community Development Director Jay Davoll gave a summary of the project. He reported that preliminary reports found the property partially contaminated with arsenic. He said the matter has been reviewed by the Florida Department of Environmental Protection (FDEP), and the clearing and grading of the project site will not commence until a satisfactory site restoration plan is approved by FDEP and submitted to the City.

Mr. Davoll also said the Planning Commission requested the rear of the building (west side) be stuccoed to match the other three sides. The staff report is incorporated into and made a part of these minutes.

There was considerable discussion regarding a waiver of the wall requirements, due to the existing and proposed uses of the adjacent properties. In its place, a landscape buffer would be planted at the perimeter of the project side.

The City Council concluded that the wall should be installed unless the developer obtains the approval for a waiver of the wall, in writing, from the adjacent property owners.

Commissioner Till inquired about the number of jobs to be generated by the addition of the store, and expressed concern regarding the market saturation of the same type businesses in Apopka.

Mayor Land opened the meeting for a public hearing.

Jeremy Anderson, the project's engineer, addressed the City Council's concerns regarding the project.

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

MOTION by Commissioner McQueen, and seconded by Commissioner Arrowsmith, to approve the Final Development Plan for Dollar General at Apopka, as recommended in the staff report, subject to the recommendation of the Planning Commission for the stucco of the west wall of the building and the developer to work with staff regarding the waiver of the wall. Motion carried 4-1 with Mayor Land and Commissioners Arrowsmith, Dean, and McQueen voting aye, and Commissioner Till voting no.

2. WAFFLE HOUSE - FINAL DEVELOPMENT PLAN - Property located on the south side of Main Street and east of Forest Avenue - Community Development Director Jay Davoll gave an overview of the project. He said the Planning Commission has requested the proposed pole sign be replaced with a monument sign.

Commissioner Dean asked that there be changes in the landscaping to include replacing the Cabbage Palms with Washington Palms, and the Bahia grass with Zoysia grass.

Commissioner Till inquired on the number of jobs this business will create.

Mayor Land opened the meeting for a public hearing.

Joe Hoffman, Vice President of the Real Estate Division of Waffle House, and Ryan Peterson, also part of the Real Estate Division of Waffle House, addressed the Council's concerns. Mr. Hoffman said the business will be open 24 hours a day, 365 days a year, and will employ 30-35 people at a time. He said another 15 will be hired part-time.

Mr. Peterson said they would agree to the Washington Palms and Zoysia grass.

Commissioner Arrowsmith inquired about the use of Red Maple and Redbud trees in the front.

Mr. Peterson agreed to the request of Commissioner Dean, and said they would look into a more suitable selection of trees for the front of the building as well.

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

MOTION by Commissioner Till, and seconded by Commissioner McQueen, to approve the Final Development Plan for Waffle House, as recommended in the staff report, subject to the recommendation of the Planning Commission for the monument sign and the City Council's landscaping recommendations. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer - CAO Anderson reported there will be an East Lake County and Northwest Orange County Regional Meeting, July 13, 2011, at 10:30, in the City Council Chambers, to discuss regional coordination, economic development, and transportation.

CAO Anderson also reported the City has closed on the purchase of the Fixed Base Operation (FBO) of the airport, and has already met with three individuals interested in running the FBO. More information will be forthcoming.

MAYOR'S REPORT - Mayor Land reported having received a letter from Earl Hoffman, expressing his appreciation for the courteous and professional manner of the City's Public Services Department Administration and field staff that responded to a sewer backup at his residence.

Mayor Land reported receiving a Thank You card from Jim and Cindy Halcrow expressing their appreciation for the floral arrangement sent in memory of Cindy's mother. Jim is a City employee in the Community Development Department.

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 Till thanked Bea Franqui, Administrative Services Director, and the Public Services Department for responding so swiftly to her telephone call regarding broken mirrors on Errol Parkway.

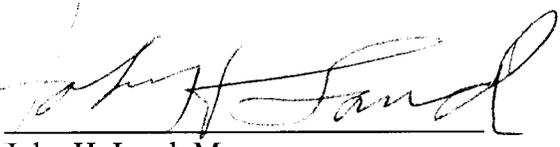
She also reminded staff of the new firearms bill and growth management changes.

2. Public

Anthony Gonzalez and Tim Brown, 1365 E. Semoran Blvd, Apopka FL 32703, addressed the City Council regarding the City's peddler permit requirements. (The packet of information provided to the City Council members is attached hereto and made a part of these minutes.)

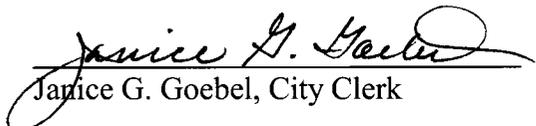
Mayor Land asked staff to speak with legal counsel regarding the matter.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:56 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk