

CITY OF APOPKA

Minutes of a regular City Council meeting held on December 21, 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 Christmas means a whole lot to the soldiers serving overseas and it means a lot to those leaving Iraq that they will be home for Christmas. He asked everyone to welcome them home and reflect on the great service they have provided our great country and the Freedom and Liberty we enjoy today as he led in the Pledge of Allegiance.

Bob Webster spoke regarding the Red Light Camera Law and his concern of citizen safety when a driver quickly stops at a light turning yellow, due to fear of getting a Red Light Camera Citation. He also spoke regarding the misrepresentation of Chief Administrative Officer Richard Anderson being referred to as the City Manager in a strong mayor form of government. He stated he would speak regarding the landfill later in the meeting.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on December 7, 2011, at 1:30 p.m.
2. Approve the minutes and addendum to the minutes for Administrative Bid #2011-05, Ashbrook Belt Filter Press Reconditioning, held on November 17, 2011 at 10:15 a.m.
3. Authorize the issuance of a peddler's permit to Devin Dixon, TNT Fireworks, to sell state-approved sparklers from December 22, 2011, through January 1, 2012, at 2400 E. Semoran Boulevard.
4. Authorize the purchase of two Class A Pumpers from Rosenbauer, at a cost of \$510,710.00 per Pumper.
5. Award the bid, in the amount of \$106,520.00, to Ashbrook Simon-Hartley Operations, L.P. for the wastewater belt filter press reconditioning.
6. Authorize the execution of an amendment to the Amended and Restated Developer's Agreement for Emerson Park.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the six (6) items of the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

PRESENTATIONS - There were no presentations.

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

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2230 – THIRD READING & ADOPTION – KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT (DRI) – The Development Order is for a mixed use project located on approximately 564 acres within the City of Apopka. – Mayor Land said Ordinance No. 2230 meets the requirements for adoption, having been duly advertised in The Apopka Chief on December 9, 2011. The City Clerk read the title, as follows:

ORDINANCE NO. 2230

KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT

THIS DEVELOPMENT ORDER IS MADE AND ENTERED INTO AS OF THIS 21ST DAY OF DECEMBER, 2011, BY AND BETWEEN THE CITY OF APOPKA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, WHOSE ADDRESS IS 120 EAST MAIN STREET, APOPKA, FLORIDA, 32703, HEREINAFTER REFERRED TO AS THE "CITY", AND PROJECT ORLANDO, LLC, A FLORIDA LIMITED LIABILITY CORPORATION, WHOSE ADDRESS IS 1900 SUMMIT TOWER BOULEVARD, SUITE 820, ORLANDO, FLORIDA. PROJECT ORLANDO, LLC IS HEREINAFTER REFERRED TO AS THE "APPLICANT".

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to adopt Ordinance No. 2230.

Commissioner Arrowsmith noted a scrivener's error on page 22. CR 437 is written as CR 473.

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

2. ORDINANCE NO. 2241 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN AMENDMENT – Administrative Small Scale Future Land Use Amendments. – Mayor Land said Ordinance No. 2241 meets the requirements for adoption, having been duly advertised in The Apopka Chief on December 9, 2011. The City Clerk read the title as follows:

ORDINANCE NO. 2241

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 CHANGING THE FUTURE LAND USE DESIGNATION FOR PROPERTIES

**LOCATED WITHIN THE CITY LIMITS OF APOPKA, FLORIDA;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
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 Till, to adopt Ordinance No. 2241. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

3. ORDINANCE NO. 2242 – SECOND READING & ADOPTION – ZONING CHANGE – Davis Place, LLC (Rick Henderson), from R-1 to Planned Unit Development (PUD), for property located at 531 East Cleveland Street. - Mayor Land said Ordinance No. 2242 meets the requirements for adoption, having been duly advertised in The Apopka Chief on December 9, 2011.

The City Clerk read the title as follows:

ORDINANCE NO. 2242

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS PLANNED UNIT DEVELOPMENT (R-3) FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA, OWNED BY DAVIS PLACE, LLC. LOCATED AT 531 EAST CLEVELAND STREET; 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 Till, and seconded by Commissioner McQueen, to adopt Ordinance No. 2242. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

SITE APPROVALS

1. THE COCA COLA COMPANY – WEST ORANGE AVENUE – FINAL DEVELOPMENT PLAN – Property located north of West Orange Avenue, west of Lake View Drive – Community Development Director Jay Davoll gave an overview of the project.

Mayor Land said this was quasi-judicial and the staff report will be incorporated into and made a part of the meeting minutes.

Commissioner Till said this business has a good reputation world-wide, which is a great asset for Apopka.

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

DEPARTMENT REPORTS AND BIDS – CAO Anderson gave a PowerPoint presentation regarding the Vista Landfill and the overall efforts of the City to protect the financial future of the citizens of Apopka, a copy of which will be included and made a part of the minutes. He reported the current model in the City consists of recycling for which the volume taken to the landfill is reduced by approximately 16%. He explained the City has an interlocal agreement with Orange County that all of our disposables go to the Orange County landfill. He reviewed the tipping fee rates and explained the City has incurred over a 21% increase since 2007 with another increase being proposed by the County. He pointed out that none of those increases have been passed on to our citizens. He reviewed fuel costs, tonnage, and tipping volumes and fees. He declared the City has been negotiating with the County on a proposed agreement and have tried to keep those costs low and be fiscally responsible to our community and protect the citizens. The County's proposed draft provides for a 3% increase each year after the first three (3) years. He reported that Waste Management approached the City in December 2010 stating they could reduce the landfill costs significantly. He stated the Host Agreement addressed only the financial issues of the landfill and did not grant any approvals for a landfill or any changes to the landfill. He acknowledged that Mayor Jacobs and Mayor Land had a meeting and through their leadership a committee will be co-chaired by them to address solid waste management rates and how that operation can be more efficiently operated in Orange County. He declared at no point, to this date, has the City been asked to process a permit for a Class I landfill by Waste Management. He advised Orange County operates the single largest publically owned landfill in Florida.

CAO Anderson stated they did have a backup plan the City Attorney will go over with the Commissioners and how they would like to go forward with this. He acknowledged that the City of Apopka has never permitted a landfill. He stated Mid Florida landfill on Golden Gem Road has applied for a permit to change from a Class C & D to a Class III landfill that is being processed by Orange County and he reviewed the exceptions they are requesting. He stated this was adjacent to the Kelly Park DRI. He advised the landfill in Apopka was permitted by Orange County and it was annexed into the City so as to have control over it.

Mayor Land said the City has done a lot of various surveys on our services over the years, and solid waste collection is right up there with Police, Fire, and Streets. He stated they have talked about this study with staff and the City Attorney will go over what we can do to bring this study to an end.

City Attorney Kruppenbacher said some time ago the City started analyzing the legality and appropriateness of any fees they were being charged, as well as areas where the City was not receiving what they should. There have been three things identified, to include funds to be received when Sheriff Deputies write tickets within the City, revenue from annexations, and the landfills. He recommended the Council approve the City take the following steps; a policy position that no landfills are within the City or within a one mile radius of the City; direct the City Attorney to come back to the January 4, 2012 meeting with legal options and opinions for implementing the City's position; and have staff continue to look for the best alternatives for the lowest solid waste rates

rates for the citizens of Apopka. Present Council with a proposed communication plan that would enable the people within the City of Apopka to truly understand this issue. Finally, request authorization for the City Attorney to write a letter to Waste Management confirming that the City is done and there is no host agreement or any other agreement with them in regards to converting the landfill. He advised this would all be reported on at the January 4, 2012 Council meeting.

Mayor Land reiterated the recommendation is to not support landfills within the City or within a one radius mile of the City, send a letter to Waste Management, have a legal report from the City Attorney on January 4th regarding any legal action on this recommendation, and the City look for the best business deal regarding tipping fees, negotiate and continue to work with Orange County, and have a plan for public relations to let the citizens know what our action has been.

MOTION was made by Commission Arrowsmith, and seconded by Commissioner Till to approve the City Attorney to proceed as recommended.

Commissioner Till suggested it also be reported on how the Mayor's Task Force Committee will move forward.

Mayor Land asked Mr. Webster if he desired to speak further on the landfills or if he was in agreement regarding this matter.

Mr. Webster declined to speak further and stated he was in total agreement.

Commissioners Arrowsmith and McQueen commended the Mayor and staff on how this matter has been handled.

City Attorney Kruppenbacher advised at the direction of the Mayor he had communicated earlier in the week with the Attorney for Waste Management the direction the City was moving in. He also stated that last evening he, Mayor Land and CAO Anderson communicated with Mayor Jacobs in a conference call regarding the direction the City was taking.

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

MAYOR'S REPORT

1. Proclamation – City of Apopka General Election, March 13, 2012 – Mayor Land presented the Proclamation declaring the 2012 City General Election on March 13, 2011, and noting the following: The last day to register to vote February 13, 2012. Early voting will be available at the Orange County Supervisor of Elections Office. Qualifying will be January 3, 2012, Noon, through January 9, 2012, Noon. Voting will be at the Apopka Community Center/VFW. Canvassing Board will consist of Commissioners Billie Dean, Marilyn McQueen, and City Clerk Goebel. In the event of a run-off election, it will be held April 10, 2012 at the Apopka Community Center/VFW.

Mayor Land said the Apopka Historical Society presented the City with a Certificate of Appreciation for the City helping with the Festival of Trees. The City tree took First Place for the Most Original Presentation.

Mayor Land also announced the City's float in the Christmas Parade won First Place selected by the Sertoma Club Governor.

Mayor Land said a Thank You card was received from the Michael McLaughlin Family (Utility Billing Employee) for the floral arrangement sent in honor of the passing of his Mother-in-Law.

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 McQueen commended the Apopka Police Department and the Public Safety Academy Alumni on the Shop-with-a-Cop Program that successfully provided Christmas for 52 children. She also expressed appreciation to Wal-Mart for their support.

Commissioner Arrowsmith expressed his appreciation to the Police Department for their professional actions in working a robbery at his bank during the week. He said it was a great cooperative effort.

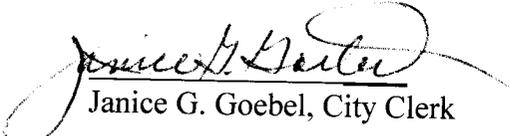
Commissioner Till noted proposed legislation for the 2012 Legislative Session that needs to be watched.

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

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:17 p.m.

ATTEST:


John H. Land, Mayor


Janice G. Goebel, City Clerk