

CITY OF APOPKA

Minutes of a regular City Council meeting held on October 19, 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
FOX-35 News

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Land called the meeting and gave the Invocation. He said this day is the 230th Anniversary of our freedom from England, the last battle of the Revolutionary War, that ended October 19, 1781. He asked everyone to reflect on what a great privilege it is for us to live in such a great Nation as the United States of America as he led in the Pledge of Allegiance.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on October 5, 2011 at 1:30 p.m.
2. Authorize the Chief Administrative Officer to execute Amendment #1 of Inmate Work Squad Contract III - #WS623, in the amount of \$58,004.00.
3. Authorize the purchase, in the amount of \$325,000.00, of a Pr02 Series Digester System from Greener Planet Solutions for use with the bio-solids processing system.
4. Authorize the Chief Administrative Officer to sign the Interlocal Agreement, for utility relocation and construction, between the Orlando-Orange County Expressway Authority and the City of Apopka.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the four (4) 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.

Mayor Land recommended moving the Host Agreement for the Landfill to be heard under Special Reports and Public Hearings on the Agenda.

The Council unanimously approved moving the Host Agreement up under Special Reports and Public Hearings.

SPECIAL REPORTS AND PUBLIC HEARINGS -

1. Host Agreement approval with Waste Management of Florida.

Mayor Land reported the City had received telephone calls, letters and e-mails from Henry Pierson, Jill Guske, Randall Horn, Tricia Horn, Wendy Valis, Wesley & Fatima Ardis, Alison Osterberg, and Javier and Magdalena Zapata regarding this matter. He gave the City Clerk a copy to be entered into the Official Minutes of this meeting.

CAO Anderson said the Host Agreement was discussed at the previous Commission meeting and he explained the Host Agreement is a financial document, and this was in no way approving or denying a landfill. He stated there were a number of steps required based on the City's solid waste ordinance, as well as Federal and State guidelines if Waste Management makes a request for the landfill. He pointed out that there were three items not included in this document which are: (1) a favored nations agreement, whereby if Waste Management enters into a better deal with another Florida governmental agency, the City automatically gets the better deal; (2) a Class 1 landfill cannot start at a future day without the City Council granting approval, pursuant to the City's solid waste ordinance; and (3) there is some legalese clarification in terms of indemnification clauses. He reiterated that the City has received no application for a Class 1 Landfill, which is a separate process from the Host Agreement.

David Green, Senior Manager of Market Planning, Waste Management, gave an overview of the time it will take to go through the Department of Environmental Protection for a modification process, and he acknowledged the City requires a separate application and public hearings.

Mr. Green stated he understands and respects the concerns raised with this type of project and said the goal of Waste Management is for the City to find comfort in the following five areas while taking this project under consideration. First, there are adequate environmental protections designed into this site so that there will be no negative impacts on the ground water, surface water, or air as it relates to how a modern landfill is designed and operated. Second, there are adequate controls for odor and for birds so that there will be no negative impact off-site. Third, is that they understand this conversion from a Class 3 to a Class 1 site is part of an overall transformation of this Vista site to a true environmental park. He further explained they want to be able to reuse materials, generate electricity, and be able to make products from the materials that come to this site. Fourth, is to confirm that the public will have additional opportunities to participate in the permitting of this site, if the project moves forward. He reiterated the Host Agreement establishes the ability and the parameters under which they may pursue the required permits; however, there is no obligation to do so under the document. Fifth and last, is they hope that the way this project has been presented provides a solid, long-term, economic benefit to the City of Apopka by reducing disposal fees by approximately half a million dollars a year. It also increases the general revenue to the City through the collection of a host fee which will also generate approximately half a million dollars a year of new revenue to the City. He acknowledged there have been a lot of headlines regarding a million dollar gift to the City and stated this was a community development grant that will be paid over four equal annual installments of \$250,000 each. He said the City, at its discretion, can select the projects to invest these funds. He said this project will generate jobs in the area, both direct and indirect, and will be part of the overall economic benefit to the City.

Mr. Green requested the City Council approve the Host Agreement so Waste Management can move forward with the next steps in this process. He stated that communication is very important, but in this particular instance, they took the position that it would be inappropriate on their part to start discussing a project like this in the community prior to vetting it with the City and staff. He acknowledged that at the prompting of property owners along McQueen Road, Waste Management has been in dialogue with them regarding the purchase of their property.

Mayor Land opened the public hearing.

The following spoke in favor of a Class 1 Landfill:

- Henry Pierson, 2730 McQueen Road, spoke regarding the landfills in the area and the water treatment plant. He said the residents held many public meetings regarding their land, rezoning the land to industrial and selling. He said they met with Waste Management, and provided them with a proposal, which has been in negotiation for selling their property as one block to Waste Management.
- Pete Hunter, 2014 McQueen Road, spoke in support to re-enforce the sentiments of Mr. Pierson.

The following spoke in opposition to a Class 1 Landfill:

- Christine Moore, disclosed - District 7 School Board Representative for Orange County Public Schools.
- Randall Horn, 2852 Park Meadow Drive.
- Vincent Bufalini, 3000 Clarcona Road, disclosed - President, Condominium Association.
- Jill Guske, 2846 Park Meadow Drive.
- John Edwards, disclosed - Area Superintendent, Orange County School Board.
- James Botsacos, 3000 Clarcona Road.
- Joe Kilsheimer, 2377 Home Again Road, disclosed - Public Relations Consultant, Kovanta Energy.
- Marvin Guttman, 427 Lanarkshire Place.
- Marvell Patterson, 15 W Celeste Street.
- Bob Stamps, 6330 Plymouth Sorrento Road, disclosed - Board Member of the Audubon Society.
- Barry A. Reiter, 106 W McCormick Road.
- Leroy Bell, 19 W Celeste Street.
- Robert Webster, 237 W Ponkan Road, who also spoke regarding the Red Light Camera Law.

- Silvester Smith, 140 M.A. Board Street.
- Jerry Girley, 1350 Vickers Lake Dr., Ocoee, disclosed - speaking on behalf of Freedoms Ministries Church.
- Edward Marrs, 3000 Clarcona Road.
- Jeannie Economos, 1264 Apopka Blvd., disclosed - Environmental Health and Safety Coordinator for Farmworkers Association of Florida.
- Maria Pensante, 500 W Keene Road.

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- Peggy Ganim, 3000 Clarcona Road.
- Michelle Higginson, 2893 Park Meadow Drive.

The following two speakers provided information:

- Joel Keller, 5021 Liderwood Ct, Ocoee, disclosed - District 4 Commissioner, City of Ocoee.
- Brian Dalrymple, 639 Richard L Mark Drive, disclosed - speaking on behalf of M/I Homes.

In summary, those who spoke in opposition expressed some of the following concerns: the impact on current and proposed schools in close proximity to the landfill and its impact on the children; environmental and health issues; control of odors; creating a sanctuary of birds and the disease they will carry from the landfill; contamination of water supplies, wells and the expense of hooking up to city utilities; the increased number of truck traffic without sufficient infrastructure; diesel fumes; debris along the roadway blown from these trucks; the decrease in property values that will, in turn, affect taxes; and, the overall reputation of the City of Apopka. It was suggested that other revenue sources be investigated.

CAO Anderson stated again that there has been no request for a Class 1 landfill at this time. He said the City has not been working on a Class 1 Landfill application. He said that if and when that may occur, all questions will be addressed with the appropriate consultants. He added that this project was initially permitted in Orange County, prior to that portion being annexed into the City of Apopka.

Mr. Green said the traffic was a legitimate concern and pointed out that the traffic patterns are dictated under the current permit, and they do not anticipate requesting any change to these guidelines. He said Waste Management agrees to a third-party consultant on behalf of the City through this process.

After further discussion, Commissioner Till concluded with the charge that citizens can see Apopka as a “dump”, or Apopka can be seen as a “Leader” in waste energy development. She said only 27 plants in the United States are using this technology and considers it a good opportunity for Apopka.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve the Host Agreement, with comments heard given consideration. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

Mayor Land called a Recess at 10:42 p.m. He called the meeting back to order at 10:49 p.m.

ORDINANCES AND RESOLUTIONS

Mayor Land said Ordinance No. 2232 meets the requirements for adoption, having been duly advertised in The Apopka Chief on October 7, 2011. He added the Ordinance No. 2238 also meets the requirements for adoption having been duly advertised in The Apopka Chief on October 7, 2011.

1. ORDINANCE NO. 2232 – THIRD READING – LAND DEVELOPMENT CODE AMENDMENT – Amending Article VIII – Signs in its entirety. – Mayor Land said Ordinance No. 2232 meets the requirements for adoption having been advertised in The Apopka Chief on October 7, 2011.

The City Clerk read the title as follows:

ORDINANCE NO. 2232

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE VIII – SIGNS IN ITS ENTIRETY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY, CONFLICTS; AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Frankie Elliott, of the Orlando Realty Association, applauded the work of staff and the Sign Committee in cleaning up the language regarding permit requirement for realtors holding open houses. She asked that Page 38 be amended to add the permit requirement on an annual basis, and allow five (5) signs per open house.

Todd Duplantis, 281 Nickajack Rd SW, Atlanta GA, representing RaceTrac, addressed the size allowed for a leaderboard on a secondary sign.

CAO Anderson explained that questions and comments from previous meetings were considered by the Sign Committee.

Steve Hooks, Chairman of the Sign Committee, said the Committee met on October 11th, and addressed those comments and concerns expressed at previous City Council meetings. He gave a quick overview of the changes recommended by the Sign Committee.

Commissioner Arrowsmith said he still has some questions and concerns, and asked that the matter be tabled at this time.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Till, to Table the Third Reading of Ordinance No. 2232 to November 2, 2011. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

2. ORDINANCE NO. 2238 – SECOND READING & ADOPTION – Amending Chapter 46 “Fire Prevention and Protection”, Sec. 46-1, “Fire Department Rates and Charges”, to increase various rates and charges for ambulance transport. – Mayor Land again announced

Ordinance No. 2238 meets the requirements for adoption having been advertised in The Apopka Chief Chief on October 7, 2011.

The City Clerk read the title as follows:

ORDINANCE NO. 2238

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 46, "FIRE PREVENTION AND PROTECTION," ARTICLE I, - "IN GENERAL," SECTION 46 -1 - "FIRE DEPARTMENT RATES AND CHARGES," TO INCREASE VARIOUS RATES AND CHARGES FOR AMBULANCE TRANSPORT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE

Mayor Land opened the 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. 2238. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

3. ORDINANCE NO. 2233 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE - FUTURE LAND USE - International Foliage Corporation, from Residential High Density (Max. 15 du/ac) to Industrial for property located east of Bradshaw Road, south of 1st Street – Mayor Land said Ordinance No. 2233 does not meet the requirements for adoption, and will be held over for a Second Reading.

Community Development Director Jay Davoll gave an overview of the project.

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

The City Clerk read the title as follows:

ORDINANCE NO. 2233

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 EAST OF BRADSHAW ROAD, SOUTH OF 1st STREET AND OWNED BY INTERNATIONAL FOLIAGE CORPORATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

MOTION was made by Commissioner Till, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2233; and authorize its transmittal to the Florida

Department of Economic Opportunity (f/k/a Florida Department of Community Affairs). Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

4. ORDINANCE NO. 2234 - FIRST READING – 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 does not meet the requirements for adoption, and will be held over for a Second Reading.

Community Development Director Jay Davoll gave an overview of the project.

The staff report is incorporated into and made a part of these 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 VELDAMARLENE ROTHFUS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Land opened the public hearing.

Roy Lester, 1901 W Lester Road, submitted a letter signed by himself and three adjacent neighbors, requesting that a fence be built, PVC of nature, either green or beige. He submitted the letter to the City Clerk for the Official Record of the meeting.

Mayor Land said those issues will be addressed during Site Plan review of the project.

Randy June, Applicant, said he will work with Mr. Lester during the zoning and preliminary review process to work out any issues.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to accept the First Reading of Ordinance No. 2234; and authorize its transmittal to

the Florida Department of Economic Opportunity (f/k/a Florida Department of Community Affairs). Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, Dean, McQueen, and Till voting aye.

5. ORDINANCE NO. 2237 - FIRST READING - ZONING CHANGE - Lowe's Home Centers, Inc., from C-1 to C-2, for property located north of U.S. Highway 441 and south of Old Dixie Highway – Note: This item has been tabled to November 2, 2011 at the request of the applicant.

CAO Anderson said the applicant has requested Ordinance No. 2237 be tabled to the meeting of November 2, 2011.

MOTION was made by Commissioner McQueen, and seconded by Commissioner Till, to Table the First Reading of Ordinance No. 2237 to November 2, 2011. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

SITE APPROVALS – There were no site approvals.

DEPARTMENT REPORTS AND BIDS

1. Host Agreement approval with Waste Management of Florida. – This item was moved under Special Reports and Public Hearings.

2. Administrative Report – Richard D. Anderson – Chief Administrative Officer – No questions were asked of CAO Anderson regarding the Administrative Report.

MAYOR'S REPORT - Mayor Land reported that three programs were submitted for the Florida League of Cities, “Florida Municipal Achievement Awards” program. Those submitted were:

- Florida Citizenship Award – Apopka’s Public Safety Academies
- Florida City Spirit Award – Apopka WiFi
- Florida Environmental Stewardship Award – Apopka’s Water Conservation

Mayor Land said that while Apopka did not win an award, the City is named in the Florida League of Cities Magazine.

CAO Anderson reported the Final Order has been issued on the City’s Comprehensive Plan.

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 reported she testified before the Senate Transportation Committee on Red Light Cameras. She said there was a lot of discussion about standardization of timing of yellow lights "statewide". She anticipates there will be criteria adopted during the next Legislative session regarding the issue of right turn on red.

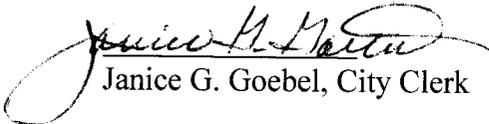
2. Public - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 11:21 p.m.



John H. Land, Mayor

ATTEST:



Janice G. Goebel, City Clerk