CITY OF APOPKA

Minutes of a regular City Council meeting held on April 18, 2012, 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

ALSO PESENT: Commissioner-Elect Joe Kilsheimer

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – At the request of Commissioner Till, the Invocation was given by the Reverend Monsignor Patrick Caverly, Pastor Emeritus of the Annunciation Catholic Church.

Mayor Land said on this day, April 18, 1775, Paul Revere made his famous ride. On the next day, April 19th, the first shots were fired in the Revolutionary War in Concord and Lexington that brought about the freedom and liberty that we enjoy today. He asked everyone to reflect on that event as he led the Pledge of Allegiance.

Mayor Land recognized the Very Reverend Stephen Parkes, Pastor, Annunciation Catholic Church. He also recognized Commissioner Till's husband, Larry Till, and her son, Jonathan. He acknowledged Commissioner-elect Joe Kilsheimer and his wife, Cheryl Kilsheimer, in the audience, and also greeted Mayor Gary Bruhn from Windermere.

PRESENTATIONS

1. Art & Foliage Proclamation – Sharon Fisher, President of the Apopka Woman's Club - Mayor Land read the Proclamation, declaring April 28 & 29, 2012, to be the Art and Foliage Festival Weekend. He presented the Proclamation to President Fisher. Other members of the Apopka Woman's Club joined Mayor Land and President Fisher for a group picture.

2. Recognition of service to Commissioner Till – This item was postponed to the end of the meeting.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on April 4, 2012, at 1:30 p.m.
2. Approve and ratify the appointment of James W. Greene as the Fifth Trustee to the Police Officers' Retirement System Board of Trustees.
3. Approve and ratify the appointment of Steve Hooks as the Fifth Trustee to the General Employees' Retirement System Board of Trustees.

4. Approve and ratify the appointment of Todd Bengtson as the Fifth Trustee to the Firefighters' Retirement System Board of Trustees.
5. Approve the request from Paul Faircloth, Mosquito Creek Outdoors, to temporarily close a portion of 1st Street from S. Washington Avenue to Darter Car Wash, for an event to be held Saturday, May 5, 2012, from 10:00 a.m. until 5:00 p.m.

MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the five (5) items on the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. Run-off Election results from April 10, 2012 – Janice Goebel, City Clerk – Mayor Land reported that 1,834 of the 23,956 registered voters (7.66%), cast ballots in the Run-off Election. He announced the results of the April 10, 2012 Run-off Election, as follows:

Joe Kilsheimer – 955 votes Linda A Laurendeau – 878 votes

The Canvassing Board certified the election of Joe Kilsheimer to City Council Seat 3.

MOTION was made by Commissioner Arrowsmith and seconded by Commissioner Till, to approve the Official Results report of the Canvassing Board, declaring Joe Kilsheimer duly elected to City Council Seat 3. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen and Till voting aye.

Mayor Land reported a public meeting will be held Monday, April 23, 2012, 6:00 p.m., at the VFW, at which time Commissioner-elect Joe Kilsheimer and Commissioner/Vice Mayor Bill Arrowsmith, will be sworn in. A reception is to follow the ceremony.

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2255 – THIRD READING – John and Eileen Ricketson; Friends Bank, Change of Zoning from C-1 to C-2 for property located north of U.S. 441, east of N. Bradshaw Road, south of Old Dixie Highway - Mayor Land said Ordinance No. 2255 meets the requirements for adoption, having been duly advertised in The Apopka Chief on March 23, 2012. The City Clerk read the title as follows:

ORDINANCE NO. 2255

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF U.S. 441, EAST OF NORTH BRADSHAW ROAD, COMPRISING 1.98 ACRES MORE OR LESS, AND OWNED BY JOHN AND EILEEN RICKETSON;

FRIENDS BANK; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Land opened the meeting for a public hearing.

Wayne Levesque, 435 W Main Street, All Seasons Pest Control, said he wanted to have on the record that he thought the City Council, two (2) weeks ago, rushed the judgment to approve the final development of the Wawa project, due to the issue concerning the easement on his property. He advised that while he wants this project there, he has retained legal counsel, and is willing to pursue this matter to protect his property rights.

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

CAO Anderson declared it was his understanding the easement issue is not a matter of zoning, and that the ordinance before the Council is the zoning change on the property. He advised he discussed this with the City Attorney, who in his opinion, stated that there was no reason the City Council should not move forward with the rezoning action. CAO Anderson said it was his understanding that Mr. Levesque's attorney and the attorney for Wawa have met and continue to work on the issue concerning the easement.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2255.

Commissioner Till stated, while she was not opposed to this business, she did have concerns and felt the easement issue should be resolved before the final zoning is approved.

Commissioner Arrowsmith said these were two (2) separate issues, and that the property would have to be rezoned for any business developing this property.

Motion carried 4-1, with Mayor Land, and Commissioners Arrowsmith, Dean, and McQueen voting aye, and Commissioner Till voting no.

SITE APPROVALS – There were no site approvals to consider.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Richard D. Anderson – Chief Administrative Officer –
CAO Anderson reported tonight was the first night since converting to paperless and using the iPads that the Council members have not had their paper packets. He commended the IT staff for putting this program together, as well as the Commissioners for making this work.

CAO Anderson announced the Tri-County luncheon is tomorrow at Highland Manor.

MAYOR'S REPORT - Mayor Land again reminded everyone of the meeting Monday evening, when Commissioner/Vice Mayor Arrowsmith and Commissioner-elect Kilsheimer will be sworn in. He invited all to attend.

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** - There was no new business from the Council.

2. **Public** – Morgan Weisman, 7714 Murcot Circle, Orlando, spoke regarding an issue he is facing with respect to Code Enforcement on some land he owns on Bradshaw Road. He said he read in the local newspaper regarding some comments that were made at the last Council meeting about his property that he finds to be somewhat egregious and fraudulent. He requested these kind of comments cease and stated they have been working hard to develop this property, which had previously been a nursery. He advised they intend to clear the property of some old buildings and hope to move forward. He declared he attended last evening's Code Enforcement Hearing regarding this property and discussed comments that were made. He stated they are working very hard to get this project progressing, and reiterated there was no harm to the public or validity to the egregious comments that have been made regarding contaminants.

Commissioner Arrowsmith responded by stating one contamination that is there is visual, and has affected our economy with businesses that are trying to locate in the area. He suggested to Mr. Weisman that they just clean the property.

Mr. Weisman stated this was strictly an economic matter, and within the next week or two they will be in better shape.

Mike Cooper, Cooper Construction, said he owns the adjoining property, and stressed that this property needs to be cleaned up, as due to the dry conditions, the fire threat is a major concern. He stated he appreciates that the City is working on this matter.

PRESENTATIONS - Recognition of service to Commissioner Till –.Mayor Land and City Council – Mayor Land presented Commissioner Till with a plaque recognizing her eight (8) years of service to the citizens of the City of Apopka.

Commissioner Till thanked the Mayor and thanked all who attended the meeting on her behalf. She congratulated Commissioner-elect Kilsheimer, and said she believed he would be an excellent Commissioner for the City.

Commissioner Till declared her eight (8) years on the City Council has been an incredible journey, and feels she has been greatly blessed, not only during her tenure, but throughout her life. She recognized and thanked her family for their love and support, and she thanked Mayor Land for demonstrating to her how to serve with honesty and integrity. She summarized some defining moments over the past eight (8) years, and thanked everyone for their support and advice.

Mayor Land invited everyone to attend a reception honoring Commissioner Till immediately following the meeting.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 9:11 p.m.

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ATTEST: John H. Land, Mayor

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Janice G. Goebel, City Clerk