

## CITY OF APOPKA

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**Minutes of a Community Meeting on the City Charter held January 10, 2013, at 6:30 p.m., at the Apopka Community Center/VFW Post #10147, 519 South Central Avenue, Apopka, Florida.**

**PRESENT:** Mayor John H. Land  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Marilyn U. McQueen  
Commissioner Joe Kilsheimer

**PRESS PRESENT:** John Peery - The Apopka Chief

**1. INVOCATION** – The Invocation was given by Pastor Doug Bankson, of the Victory Church World Outreach Center.

**2. PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Commander Artie Vecchio, VFW Post #10147.

**3. WELCOME - Mayor John Land** - Mayor Land welcomed everyone to the 3<sup>rd</sup> Community Meeting on the City Charter, and thanked them for coming. He recognized current City Commissioners present, and former Commissioner Mark Holmes, former Orange County Commissioner Tom Dorman, and Representative Bryan Nelson.

Mayor Land announced the minutes of the previous meeting were on the City's website. He then turned the meeting over to City Attorney Frank Kruppenbacher, to preside over the meeting.

**4. CHARTER OVERVIEW - City Attorney Frank Kruppenbacher** - Mr. Kruppenbacher gave an overview of the previous meetings activities.

Mr. Kruppenbacher then turned the discussion over to Attorney Bob Nabors.

Attorney Nabors said he had reviewed the minutes of the previous meeting, and said he has tried to organize them into categories, as some of the Charter amendments relate to each other and some are distinct. He prepared and distributed a Concept Paper dealing on the issue of the duties and election of the Mayor, and the administrative function of the City. He said this is the most significant provision in the Charter. The City has legislative and executive functions. Generally, the legislative is done by the City Council. The uniqueness of cities is how they deal with the administrative function of a City. That being decided drives the other provisions of the Charter.

(The Concept Paper is attached hereto and made a part of these meeting minutes.)

Attorney Nabors gave a review of the types of governments contained in the Concept Paper. The Concept Paper is being placed on the City's website.

Attorney Nabors said the current City Charter is the Strong Mayor form of government, whereby the Mayor performs the administrative function, all of the management functions in the City, and serving on the City Council. He said the Mayor is elected city-wide.

He then outlined three alternatives, and gave examples of cities that follow the form, as follows:

1<sup>st</sup> Alternative is the City of Tampa's Mayor has an administrative function, however does not serve on the City Council. He is strictly administrative. A Chairman of the Council is a separate elected position.

2<sup>nd</sup> Alternative is the City of Tallahassee, which has the Ceremonial Mayor form of government. The Mayor is elected at-large, and serves as the Chairman of the City Council, but does not serve the administrative function of the City. A City Manager is appointed to serve the administrative function.

3<sup>rd</sup> Alternative is the City of Vero Beach, with a City Manager form of government. The City Manager is hired by the City Council to perform the administrative function of the City. The Mayor is not elected, but selected from among the elected Council members.

4<sup>th</sup> Alternative is a hybrid of the various forms of government.

He said the question is whether the City of Apopka wants to make a change, and if so, what would be a change that would advance the future of the City.

## **5. PUBLIC INPUT**

Barb Zakszewski, 3674 Rochelle Lane, asked if Alternative 1 would be an example of the Chief Administrative Officer being elected.

Attorney Nabors responded the City of Tampa preserves the Mayor except it removes the function of the legislative function of the City Council, and has an elected Mayor who is an administrator of the City, as opposed to an administrator appointed by the City Council, or the Mayor, and who would be a Charter Officer.

Robert Webster, 237 W Ponkan Road, stated he would recommend the City of Apopka stay with the Strong Mayor form of government, and recommended a strong legislative body that would consist of an odd number of people. He added the Mayor would have total executive authority, and would run the City. The Council would be composed of either five or seven from single-member districts to avoid any one area of getting all the concentration. He strongly opposed any type of power, be it executive or legislative, by anyone other than those who are elected to serve

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that job. He said he believes Mayor Land is doing a good job, but would very much want to see that he didn't have to be in the legislative position and serve in the executive capacity. He then suggested a separation of power between the executive and legislative functions.

Attorney Nabors said that everyone appreciates the current Mayor, but the focus needs to be on what is best for the future of Apopka, and not consider personalities of who is currently serving.

Barb Zakszewski said she liked Alternative 1 where the elected official would be accountable to the voters.

Frank Hibler, 913 Gulf Land Drive, President of the Home Owners Association of Rock Springs Ridge, spoke in support of an increase of two new council members. He agreed that personalities need to be kept out of any committee decision.

Attorney Nabors said the next Position Paper might address all of the provisions that deal with the election and terms of the members of the Council. He said Apopka currently has no residency requirements in a district. He outlined options as:

- 1 - Mayor/Council elected city-wide, with no provision on residency;
- 2 - Some or all elected city-wide, but must reside in a specific district;
- 3 - Single-member districts, elected and serve a specific district;
- 4 - A hybrid of some elected city-wide and some from single-member districts.

Mayor Land said there was some discussion at the first meeting in favor of keeping the election city-wide, but perhaps has some that reside in a district they can represent.

Attorney Nabors said you could have a mechanism in the Charter providing the requirement for a Charter review if there are significant changes by the Census, or by a petition of a certain number of the voters.

Jim Greene, 444 Lanarkshire Place, asked if there is a trend of one form of government throughout the State or Country.

Attorney Nabors said the State trend is more toward a City Manager form of government, with a tendency to recognize the City as a business, and therefore a manager who is responsible to the elected official, but who is also a trained manager in terms of budget and administration.

Jim Greene commented further that with the geographic size of Apopka, all Commissioners should be responsive to all citizens. He spoke in opposition to single-member districts.

Attorney Nabors explained that an elected manager may be a good politician, but not a good manager and they would be in office for the elected term; whereby an appointed manager serves at-Will and could be terminated.

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Robert Webster spoke again saying the hiring of a manager should be up to the electorate, not to the City Council. A person elected in a single-member district is still responsible to the whole City.

Wayne Levesque, 823 E Orange St, suggested a change of our city administrator, and his amount of power.

Mary Kruger, 472 Lancer Oak Dr, inquired if the City Manager was not appointed by the Mayor. She further stated that if the citizens don't like what he does, it needs to be brought to the attention of the Mayor.

Attorney Nabors stated the City Administrative Officer was not a Charter position, but appointed by the Mayor.

City Attorney Kruppenbacher said "All power in this City rests in the City Council, with the Mayor as the senior administrative person to the whole City. Ultimately, everybody on the working side is accountable to him, and he and the Council work together. No staff person can do something without the Mayor and/or Council approval, depending upon what the item is.

Mary Kruger added we should elect a Mayor to do just what the Mayor should do, and that is to run the City.

Linda Laurendeau, 1785 Nordic Ct, stated that personalities should stop being the topic of discussion, but discussion should focus on what type of government is wanted. She added that every employee of this City serves at the will of the Mayor and City Council, and can be hired or fired. Focus needs to remain on what we want and what works for us. The Mayor is at the top accountable to the people. An elected city manager would have no idea how to be a city manager. The city manager needs to have the credentials, needs to go through the interview process, and then to serve at the will of Mayor and Council. She asked if everyone wants a celebratory mayor, a strong mayor who is also an administrator, or a hybrid.

Attorney Nabors stated that ultimately whatever sense we get for any charter change would be formulated into an ordinance, which would go to Council for approval, and would have to be voted on by the electorate. We can take the minutes and deal with the district representation and look at those items that are the same distinction and address. The Council, Mayor and districts decision is the most significant. He said they tried to identify those areas that are more significant, and added that if a consensus can be obtained on the administrative function and executive function of government, terms of the City Council and other things can remain in place.

Mayor said he heard comments regarding term limits.

City Attorney Kruppenbacher said topics in Article II. City Council included: Composition of the City Council, Elections and Terms, Compensation and Expenses of the Council, Mayor, General

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Powers of City Council, Council/Employee Relationship, Vacancy, Fillings of Vacancies, City Council Meetings, and one person spoke about term limits.

Attorney Nabors said term limits have just recently been allowed and he offered to provide a White Paper of what the issues are.

City Attorney Kruppenbacher said the fundamental issue is, "Do you want to change the form or government or not?" He said once we hurdle the consensus on that issue, then is the desire for a Strong Mayor, or a modification. He said that based on his experience, he is not going to let this process get into a personality thing. Regardless of who sits in that seat, he said that what is the important issue is to come to the most efficient form of government for this City.

He encouraged everyone to be ready to come to a consensus at the next meeting, as it relates to Article II. He said his recommendation is to draw a conclusion at the next meeting of what option to go with.

Mayor Land said that when this group finishes, we will conduct a straw vote or mail-out vote of the decision of this Committee of the Whole. He said this group needs to know what the general public desires. We need more of the city desires before moving into a Referendum.

Steve Hooks, 876 Hickory Knoll Ct, suggested a hybrid; to expand the Council with the Mayor and two Commissioners elected and serving city-wide, and four Commissioners who were elected at-Large, and qualifying and serving a certain district.

Barb Zakszewski said the reality is that our Chief Administrative Officer has the power over the purse strings and approved by the City Council. She volunteered to research a paper on term limits of cities throughout Florida.

Paul Faircloth, 6<sup>th</sup> Street, asked Mr. Nabors to provide additional information, on the web or email, on the different municipalities using these forms of government.

Attorney Nabors said that would be a value judgment, which he is unable to perform.

City Attorney Kruppenbacher offered some examples of historical backgrounds of various governments and gave some examples. He said, "nothing can be presented to City Council unless the Mayor has approved it; that it cannot happen." He added that it is the responsibility of being elected Mayor of this City.

Mayor Land added that some of the actions of the Chief Administrative Officer has been requested by the City Council, and approved by the City Council.

Attorney Nabors said he has written a similar Concept Paper regarding Council makeup statewide, with the number of members, whether elected city-wide or in districts. He suggested we also need to gather information on how we want to perform a straw vote.

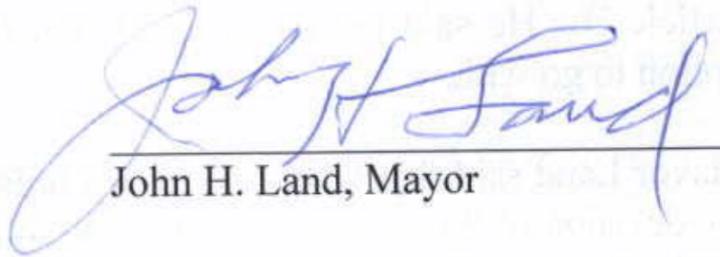
Mayor Land thanked everyone for bringing some good ideas, and being a part of this group to bring it to this stage. He added that before we go to the Referendum vote, we want to know what the people want.

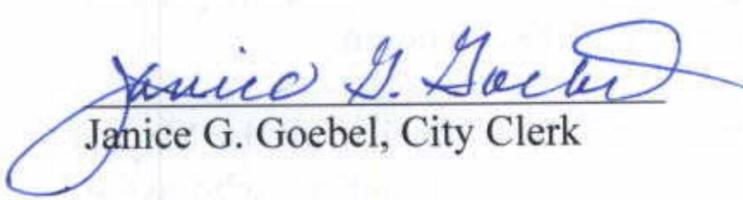
**6. DISCUSS DATE AND TIME FOR THE NEXT MEETING**

It was determined the next Charter Meeting will be held on Thursday, January 31, 2013, at 6:30 p.m., at the Apopka Community Center/VFW.

**7. ADJOURN** - There being no further business to discuss, the meeting adjourned at 7:36 p.m.

ATTEST:

  
John H. Land, Mayor

  
Janice G. Goebel, City Clerk