

CITY OF APOPKA

Minutes of a Community Meeting on the City Charter held April 30, 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

ALSO PRESENT: Frank C. Kruppenbacher, City Attorney
Robert Nabors, Esquire
Robert Lee, Florida State University

PRESS PRESENT: John Peery - The Apopka Chief

CALL TO ORDER - Mayor Land called the meeting to order.

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 to the flag of the United States of America was led by Commander Artie Vecchio, VFW Post #10147.

3. WELCOME - Mayor John Land - Mayor Land welcomed everyone to the meeting, and expressed appreciation for everyone's well wishes over the past several months. He said he had reviewed the minutes from the last meeting and thought it was a successful meeting. He said it appeared the consensus for the form of government was leaning toward a Strong Mayor form of government. He said there were several issues raised that need not be in the Charter, as they are addressed by ordinance and contained in other sections of the City Code. Some of the issues include: Fall elections, the date is set by ordinance and is codified in the Election code. Any changes may be accomplished by adoption of an ordinance at least 6 months prior to the election; Budget workshops may be called in addition to the 2 public hearings required by Florida Statute. He said those are the type issues that can be set aside and not included in the Apopka Charter.

He said some issues that appeared to be gaining consensus is: single-member districts is unfavorable; and city-wide election is favorable. He said that dividing into districts is much more technical than just being in the Charter. The districts must be decided based on equal

representation of population, commercial and industrial. He suggested putting the issue of districts aside until the population of Apopka increases.

Mayor Land then turned the meeting over to City Attorney Kruppenbacher, who explained that Mr. Nabors had been tasked with researching or analyzing alternative options. City Attorney Kruppenbacher turned the meeting over to Attorney Nabors.

4. CHARTER OVERVIEW - Attorney Bob Nabors & 5. PUBLIC INPUT

Attorney Nabors said attempts have been made to develop a consensus on Charter items of concern and he reviewed some of those items. He said there has been an additional concept distributed at this meeting.

Attorney Nabors introduced Robert "Bob" Lee. He said Mr. Lee has served as a City Manager in a City Manager/Council form of government, and also served in an administrative capacity under a Strong Mayor form of government, therefore he has firsthand knowledge and experience of the different forms of government. He said that regarding term limits, it is new to Florida cities, and had asked Mr. Lee to review the difference in the forms of government and term limits from experience.

Attorney Nabors gave an overview of the steps in the process for amending the City Charter.

Robert "Bob" Lee first commented on the terrific turnout at the meeting and commended the citizens of Apopka for their interest in this process. He then presented two issues: the City Administrator Position and Term Limit Discussion. He explained that with a Mayor/Council form of Government, the Mayor is elected by the citizens and serves at the will of the citizens, has veto power, and is responsible for hiring and firing all employees of the City. The Mayor is elected at Large and serves as the Chief Executive Officer of the City. The Mayor/City Manager form of government has the Mayor serving as a member of the elected body, does not have veto power, seeks consensus of the Commission/Council and shares authority.

Mr. Lee discussed the National Civic League (NCL) Charter Model, stating that if you have an elected Mayor, that you should have a professional City Administrator. He said the City of Apopka is currently operating with a professional City Administrator. The NCL recommends this be a part of the Charter, just as the City Attorney and City Clerk. He recommended that Apopka just memorialize the current function of the City of Apopka. The conduct of business should be consistent with the City Charter, not opposed.

Mr. Lee, regarding term limits, explained the impact on State Legislators when they are functioning under a limited term, which changes their focus. He explained that if an elected official is performing poorly, they can be removed without a term limit.

Mr. Lee opened the meeting to questions.

Paul Suedmeyer, 2205 Pinyon Road, questioned minority representation without districts.

Mr. Lee summarized the difference in representing a district vs. representing City-wide. He said that in a district form that district representatives tend to become focused on the one district, and lose sight of the needs of the entire City. He said you can't tell how that will develop; it may not bear the fruit Apopka is looking.

A. Earl Nurse, 3851 Rock Hill Loop, spoke in support of term limits, stating that it is difficult for someone interested in running for office to defeat an incumbent. He said incumbents normally have business interest support.

Mr. Lee said that while one argument is that not having term limits, elected officials can stay in office indefinitely; however, if you adopt term limits in Apopka, business interests will still support whomever they want elected. You may not get what you want either way.

Barb Zakzewski, 3674 Rochelle Lane, proposed 2 or 3 4-year term limits, and favored single-member districts. She said this would get more citizens active in government. She also renewed her request for the selection of a Charter Review Committee to complete the task, adding concern at losing the continuity and interest of the citizens by proceeding as is. She suggested the Commissioners appoint 1-3 committee members each, and the Mayor appoint 4 to a Charter Review Committee.

Suzanne Kidd, 1260 Lexington Parkway, reiterated a comment of Mr. Lee that the form of government should be driven by the citizens. She stated there has been no consensus of the Committee of the Whole, and spoke in support of forming a citizen committee. She added she is open, but not committed, to term limits.

Tony McArthur, 548 Hillend Court, questioned the process for the meeting agenda.

Attorney Nabors said they want the meeting as free-flowing as possible. He said questions are still open for Mr. Lee, and then the meeting will be opened for public input.

Mr. McArthur inquired about the forms of government in the Central Florida area.

Mr. Lee replied that it varies through the Country. He explained the jurisdictions that have districts, will routinely have some elected by district and some elected at Large, while some are elected by the district electors.

Artie Vecchio, 1230 Glenmore Drive, said he had not yet heard anyone say, "What is going to be good for the City".

David Chase, 3800 Caledonia Avenue, inquired the responsibility and accountability of elected officials if Apopka had a City Administrator?

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Mr. Lee said that is the current operating function of the City of Apopka, and if operating so, should memorialize him in the Charter. He recommended that if the City Administrator is added to the Charter, then the Charter should address how that person is hired and fired. He said the Charter should be like the Constitution, clarifying power and structure of the City.

Attorney Nabors explained that the language for a hybrid was distributed upon arrival at the meeting. (Attached and made a part of these meeting minutes.) He said the Charter currently has the City Attorney and City Clerk as Charter Officers, with the Charter silent to the City Administrator. He said the Mayor would appoint the City Administrator and that person would be responsible for the daily operation of the City, at the direction of the Mayor and policies of the City Council. He said it would put more strength in the Council than in the current Charter regarding the City Administrator.

Mayor Land gave a brief lesson on the history of Apopka, and how the City's Charters were developed and amended. The Committee of the Whole concept was used the last time the Charter was amended, with success. He said everyone worked together. He expressed his concern at the continued discussion of restricting the Charter review to a limited number of citizens, when the Committee of the Whole includes all citizens of Apopka, plus those who have businesses in the City and even includes some area County residents.

Stuart Morrell, 2432 Deermeadow Drive, expressed concern over the use of the term "consensus" and asked that the group be given the opportunity to vote on the issues.

Mayor Land explained that the idea from the beginning was to come to a consensus by the Committee of the Whole, then to conduct a straw ballot among City voters.

Terri Morrell, 2432 Deermeadow Drive, expressed concern over restricted citizen input.

Pam Toller, 2084 Tournament Drive, said the population of Apopka is predicted to be over 80,000 in the next 7 years. She spoke in support of the City Manager/Mayor form of government, term limits and districting. She said a Charter Review Committee would increase transparency and provide for better representation. She suggested the composition of the committee, including an independent facilitator, unassociated with local, county, state or federal governments, an agenda published at least 2 weeks prior to a meeting, and a published City Charter timeline.

Linda Laurendeau, 1785 Nordic Court, spoke in opposition to districting, recalling when Orange County Commissioner Bob Sindler was sent overseas during the war and the people in his district were left with no representation for months. She said, regarding the handout tonight, that she would recommend it be amended to read as: ". . . who shall be confirmed or ratified by the City Council and be responsible for coordinating . . ." She spoke in support of the City Council being involved. Ms. Laurendeau moved that Apopka maintain a Strong Mayor form of government. An unidentified person seconded.

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City Attorney Kruppenbacher said there were others still wanting to speak, and then he would be turning the meeting back to the Mayor.

Tony McArthur, 548 Hillend Court, spoke in support of term limits and single-member districts (elected at Large). He spoke in opposition to the City boundaries with little patches of unincorporated areas spread throughout. He stated, "We are a city not as unified as we could be if we had a more continuous city."

Susan Shetrom, 1810 Cranberry Isles Way, requested verification of the committee.

Attorney Nabors explained the committee is a Committee of the Whole.

Mayor Land explained history of Apopka functioning as a Committee of the Whole, and the process of amending the Charter.

Ms. Shetrom further asked about minorities being represented in the community, specifically the Hispanic population.

Mayor Land said the 2010 Census shown a minority of Hispanics in our community. He explained the history of minorities serving on the City Council. The minority of Hispanics was established in 2010.

Ms. Shetrom spoke in support of single-district commissioners. She also expressed a need for more public input, and need for a committee of people unknowledgeable, who will ask questions, and people knowledgeable about government and from this City.

David Rankin, 1420 W Orange Blossom Trail, said the one thing being overlooked was that they would not be meeting here tonight if it were not for Mayor Land. He has been in office for 60 years, and wants to see it left in good hands, and the best hands are of everybody that lives, works, and plays in Apopka. He stated the people of Apopka have gotten a little complacent because they have been capably led for the past 60 years and have not had to worry about how this City is run. He declared that because of the Mayor, the Commissioners, and the Chief Administrative Officer, Apopka has grown from a small town to the second largest city in Orange County in terms of population and the largest city in the county in terms of geography. He stated Apopka is one of the best financially run cities in the State of Florida, having a AAA Bond rating. He affirmed he was not a component of either form of government, that both have their benefits and detriments, but if they decide to remain with a Strong Mayor form of government, it cannot be by popularity, as there is a difference in statesman and leaders, and politicians. He said if you look at the composition of the City Commission, they do have term limits, because every 4 years is an opportunity to determine whether or not that individual has done a good job. He asked that everyone keep it in perspective and keep it simple.

Frank Hibler, 913 Gulf Land Drive, reiterated the original premise by the Mayor was whether we should have a Strong Mayor or a City Manager form of government, and also representation. He

stated the process has become too complicated with bringing in experts. He said Dr. Lee, in his presentation, advocated a Strong Mayor form of government.

Dr. Lee said he did not advocate a Strong Mayor form of government. If he were to advocate a form of government, it would be the Council/Manager form. He clarified that what he advocated was, if you have a Strong Mayor form of government, there are two types and in both of those types you should have a City Administrator and he suggested this be a part of the Charter.

Mr. Hibler said issues have come up every time about having a committee and the Mayor has talked about this group being "the committee". He stated nothing has been decided yet, but that a certain type of government needs to be decided upon that they feel the people will advocate. He spoke in support of two additional commissioners for added representation. He stated he did not see a need for districts as the Commissioners are open to the entire community, and the current system in place is working very well.

Suzanne Kidd, 1260 Lexington Parkway, said she appreciated what Mr. Rankin said in commenting that we have every reason to thank the current Mayor and Commissioners for the growth of the City and the financial stability. She stated you cannot predict what is happening in the future and it does not mean this form of government will see us through the next period when our population increases. She affirmed that all the things talked about, form of government, term limits, and districts are all legitimate issues, but to try and take some form of vote at this point was premature. She said people need to know what the options are prior to voting on what they think it should be and the only way to get to that was to have a committee to present the options. She volunteered to be one of the committee members.

Mayor Land summarized stating the idea was to come up with some ideas in this forum and then conduct a straw vote. He explained this would not make it official, but it would come back to the Commission and they would develop from that what to put to referendum before the electors for a final vote. He said they needed to start eliminating things that are not required and have more discussion on the actual items to put in the Charter, and following that, to conduct the straw vote. If desired, they could stop everything they are doing and do a poll of what everyone thinks about term limits, City Manager/Council form of government, and things like that. He declared we needed more discussion here to make sure everyone is informed. He said they needed to wrap this up by summer and do a straw vote.

City Attorney Kruppenbacher recommended at the next meeting to have the issues itemized that are best left to ordinances and have nothing to do with a Charter, and itemize out the remaining issues and all of the different options that have come out. He suggested that starting with the next meeting they start with item one. He stated they would not have any further discussion on having a committee, as the reality is this comes back to the Council whom were elected by the people. He stated the need to narrow it down to what items will be sent to Council to go forward with a straw vote.

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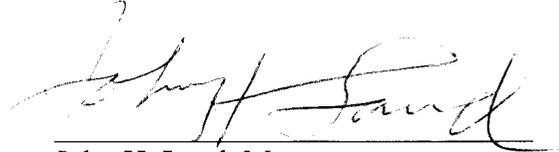
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6. DISCUSS DATE AND TIME FOR THE NEXT MEETING - The next meeting date and time to be determined and noticed.

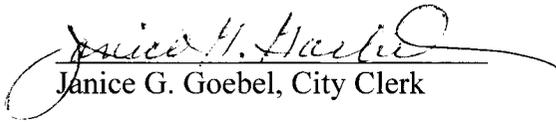
Mayor Land introduced Commissioners Arrowsmith, Dean, McQueen, and Kilsheimer. He stated they would set a meeting to continue on.

7. ADJOURN - There being no further business to discuss, the meeting adjourned at 8:22 p.m.

ATTEST:



John H. Land, Mayor



Janice G. Goebel, City Clerk