

CITY OF APOPKA

Minutes of a Community Meeting on City Charter held on October 18, 2012, at 6:00 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: Sherry Brunson - The Apopka Chief

1. INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Pastor Doug Bankson, of the Victory Church World Outreach Center. The Pledge of Allegiance was led by Commander Artie Vecchio, VFW Post #10147.

2. Welcome - Honorable John H. Land, Mayor - Mayor Land welcomed everyone to the introductory meeting. He recognized current City Commissioners, former Commissioners Alonzo Williams and Kathy Till, and Representative Bryan Nelson in attendance.

Mayor Land stated this meeting and everyone present is going to act as a “committee of the whole”. He said this meeting is to set the stage for future workshops. He gave an overview of the history of the City Charter, and stressed that the City wants full participation by the residents in reviewing the Charter. He said any changes must be approved by Ordinance, adopted by the City Council, and then a referendum held. He said by Law, only registered City voters will be eligible to vote on the City Charter. Non-residents and those who have a business in the City will have the opportunity to name a subject and participate in the discussion. He said the number of subjects recommended will determine the number of meetings held, with more than one subject discussed at the meeting. He added the items of discussion may or may not appear on the ballot. The City may conduct straw votes, and in the end, no one will be able to say he did not have participation opportunities.

Mayor Land stressed the importance that residents and elected officials study and become fully knowledgeable of the City Charter.

With that, Mayor Land introduced the City Attorney, who will function as moderator for the meetings. Before turning the meeting over to Attorney Frank Kruppenbacher, he concluded by reminding everyone that this is an introductory meeting tonight.

3. City Attorney Frank Kruppenbacher - Mr. Kruppenbacher said the Mayor came to him several months ago and talked about wanting to ensure the Charter would continue to be there for the citizens through the years. He stated the Charter is the Bible that protects the citizens, governing the fundamental principles about how your government should work for you. He then gave an overview of Bob Nabors' background and credentials, reinforcing Mayor Land's desire to have the most knowledgeable person to review the City's Charter for the citizens. He declared he was confident in saying you would not find a government lawyer in Florida that does not deem Mr. Nabors the Dean of their profession.

4. Bob Nabors, Attorney with Nabors, Giblin & Nickerson –

A. Charter Forms of Government

B. City of Apopka Governance Structure

C. Process for Amending a City Charter

D. Considered Changes for City of Apopka Charter

Mr. Nabors said he would like to keep this meeting as interactive as possible. He reviewed the differences in City, County and State government. He stated the City Charter sets the constitutional boundaries for the municipality. Unless the State Legislature has taken a power away from a city, the home rule power means the City Council, by Ordinance, can legislate locally. The Home Rule Power Act which passed in 1973, granted cities, by F.S. 166.031, the ability to propose, by Ordinance, changes in their Charter to the electors. He declared there was no need to go beyond the community to determine what would work best within that community. He stated their charge during this process is to listen and have dialogue with the citizens to see what changes are of interest. He advised the basic process would be to try and identify issues of concern, ultimately come to some consensus of what those issues are, convert the language into an Ordinance, a summary would be published, and a referendum election held. If the Charter amendments are approved by the voters, then the Charter changes come into effect. He stated he has reviewed Apopka's Charter and in his opinion it has served itself well; therefore, he did not foresee any major revisions. He reviewed the various types of governments, stating there were three major fundamental forms of government: the Strong Mayor Form of Government, the Ceremonial Mayor Form of Government, and the City Manager Form of Government. He declared there was no absolute model, just general concepts and everything can be tailored to specific municipalities needs.

5. Public Input - Mr. Kruppenbacher said they would parallel what is done at the Council meetings, allowing 4 minutes time limit for those wishing to speak.

Larry Till ceded his 4 minutes to ex-Commissioner Kathy Till.

Kathy Till addressed the process for which the Charter review takes place. She read a prepared statement on a recommended Charter review process, involving a Charter Review Committee, appointed and separate from the City's elected officials, board members, and employees. (A copy is attached hereto and made a part of this meeting's minutes.)

CITY OF APOPKA

**Minutes of a Community Meeting on City Charter meeting held on October 187, 2012,
at the Apopka Community Center/VFW Post #10147, at 8:00 p.m.**

Page 3 of 5

Mayor Land said they certainly want this process to be public and transparent. He stated the idea now was to come up with some studies, discuss various subjects and obtain information from the public. He stated this would be placed on the City's website and complete community involvement is solicited. The next phase will be making a decision on amendments to put forth in a referendum, if any. He said this process will be "a committee of the whole," but subcommittees could be appointed if it is so desired. He declared Apopka is a different, more diverse City now than the last time the Charter was amended. He stated the importance now is to learn more about what the community desires prior to having the expense of a referendum.

Commissioner Arrowsmith said he has served 35 years on the City Council and stated the two issues he has heard the most about was regarding single-member districts, and expanding the Commission. He declared a city-wide campaign gives the commissioner a real pulse of the community and insight of who you are representing, so he was not in favor of single-member districts. He said that the City of Apopka has had a perfect model with the Strong Mayor Form of Government over the last 60 years, and he sees no reason for that to change.

Sam Ruth said he has lived in Apopka for 42 years, and he too has tried to run for City office over the past 6 years. He stated that Charter revisions were very important, and he felt we have a great form of government the way it is. He added that if a committee was picked, he wanted to be involved.

Tom Dorman said he moved here the first year Mayor Land was elected. He stated he had the opportunity to serve as a Commissioner in Orange County from 1982 to 1990, and served as Chairman three different times. During that process he got to know Bob Nabors through its Charter amendment process and declared that Mr. Nabors is very knowledgeable.

Steve Hooks said he has not made up his mind regarding the form of government, or districts. He asked Mr. Nabors to elaborate a little regarding cities of our size and what form of government they have, as well as advantages and disadvantages of single-member districts versus city-wide districts. He also inquired in regards to who does the administrative functions of the city in a Ceremonial Mayor Form of Government.

Mr. Nabors advised that generally a City Manager performs the administrative functions of a Ceremonial Mayor Form of Government. He stated every city was a little different, some have single-member districts for purposes of qualifying and they are elected city-wide, others are elected via the district. He declared the issue with single-member districts was that the elected official focuses their concern on their district, and not so much the entire city.

Mr. Kruppenbacher stated the beauty of our Commission and Mayor is that they want the public to determine these issues.

David Rankin said he has been a banker in Apopka for almost 28 years, and he and his family identify with Apopka as it is a community down to the core. He said the Mayor and Commissioners have all served with the distinction to do what is right for Apopka. He stated the employees are a big part of the City and he commends the City for wanting conduct a Charter

CITY OF APOPKA

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at the Apopka Community Center/VFW Post #10147, at 8:00 p.m.**

Page 4 of 5

review, and showing they are responsive to what the citizens want. He declared, while all may not agree as to what type of government or districts wanted, at the end of the day we are all a community.

Paul Faircloth asked for clarification on the vision and timeline for the process, as well as where we are in this process.

Mayor Land said he was looking for answers from everyone and stated Orange County recently has reviewed their Charter. He advised he has served on MetroPlan and there has been a lot of regional talk about consolidation at that level. He stated, in regards to consolidation, there was no way they could provide the level of government and protection at the level or price the City of Apopka provides these services. He reiterated that Apopka is more of a diverse community now and they want to conduct “committee of the whole” meetings to bring in the community and hear from the people with regards to what they would like to see. He said this first meeting is to set future workshops to be guided by the attorneys. He stated they want more people from the community in attendance to provide their input.

Linda Laurendeau stated she was completing a term with the Orange County Charter Commission. She suggested reviewing the entire Charter, starting with Article I, and going all the way through. She proposed a couple of areas they may want to review such as 4-year terms, the form of government, and the number of commissioners, as well as stating there may be some areas that can just be cleaned up. She stated she appreciated Mr. Nabors’ education on the different forms of government and how it works. She declared the City of Apopka is unique and they can use information gathered as background information.

John Ricketson said he has been head of the local newspaper since 1981, and stated there has been no decision made concerning the Charter review tonight. He said the committee will decide if there is, in fact, a change to be made. He reiterated what Mayor Land had said, that the community will have the opportunity to make recommendations, and bring it before a vote of the general public. He applauded Mayor Land and the way he has run this City through the years. He stated that as they review this Charter, they will have the opportunity to make some changes that are significant in our time and market today. He spoke concerning the City Manager/Council Form of Government, and stated the contract needs to be written in the best interest of the community, if that is the decision made. He said the citizens need to take an interest in this review and any recommended changes to the Charter.

Isadora Dean said she loved Apopka and came here in 1970 as a teacher at Apopka High School. She stated Apopka was diverse with similar values, but differences also. However, she stated people respect each other. She stated there needs to be a way that all citizens will know what is going on and know the advantages and disadvantages of each type of government.

Mary Kruger said possibly people don’t know what this meeting was about because they don’t know what a Charter is. She suggested stating, in laymen terms, that a Charter is the rules that govern our community and we may get more participation.

CITY OF APOPKA

Minutes of a Community Meeting on City Charter meeting held on October 187, 2012,
at the Apopka Community Center/VFW Post #10147, at 8:00 p.m.
Page 5 of 5

Christine Moore said she does not live in Apopka, but she has walked the City when running for election. She stated whatever government model they take, they need to focus and study on what will preserve the values that have transcended generations, and will encourage and inspire future generations. She said she would be happy to be a part of the process. She suggested part of this be envisioning and discussing strategically just where we want the City to go.

6. Date for Next Meeting - Mr. Kruppenbacher said it was now 7:30 p.m. which is the time scheduled to adjourn. He thanked everyone for coming and said the Mayor and Commission will assure that the public drives this issue and deals with it.

Mayor Land spoke regarding scheduling the next meeting and subjects for discussion. He asked for a show of hands regarding the week day and time. The majority vote remained a Thursday, and the time of 6:00 p.m.

Mr. Nabors suggested choosing another Thursday within the next 2 to 3 weeks for the next meeting.

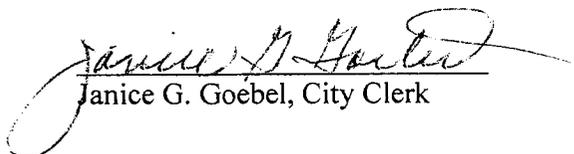
Mr. Kruppenbacher suggested those in attendance leave their e-mail address for notification purposes. He said it will also be posted on the City's website. He inquired if everyone would be agreeable to start review of the Charter by going through each section and spend more time on areas they desire to deal with more specifically.

Mr. Kruppenbacher advised that everyone should read the Charter completely through. He stated the Mayor is saying to get everyone understanding what the Charter is before we embark upon what the process will be.

7. ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 7:45 p.m.

ATTEST:


John H. Land, Mayor


Janice G. Goebel, City Clerk

APOPKA COMMUNITY MEETING ON CITY CHARTER
October 18, 2012

The following is the presentation by Kathy Till,
as information to agenda item:

5. PUBLIC INPUT

Honorable Mayor Land, Commissioners, Staff and members of the public. This evening I would like to present the following recommendations for your consideration as the city of Apopka begins what I am hopeful will be a very public, transparent charter review process.

These recommendations will ensure this process is fair, unbiased and conducted with complete transparency and several opportunities for residents of Apopka to provide input and fully understand the long-term consequences of any adopted changes.

These recommendations will also provide the elected leaders a thorough understanding of the desires of the citizens they represent without prejudice, which is exactly what you do and should want to ensure the final changes put before the electorate in Apopka will serve the needs of a diverse, growing community for many years to come.

Recommendations for City of Apopka Charter Review

1. Create a Citizen (Apopka residents) Charter Review Committee as follows:
 - a. Minimum eleven (11) member committee appointed by the City Council
 - b. Each council member should recommend two (2) appointments & the Mayor recommends three (3) appointments to the committee
 - c. Recommended appointments should represent a broad and diverse group of citizens throughout the community. Suggestions for appointments include:
 - i. HOA Presidents or Vice Presidents
 - ii. Neighborhood Watch Captains
 - iii. Business Owners or professionals who manage or operate a business in, and reside in the city of Apopka
 - iv. Board members and/or members of the Apopka Chamber of Commerce who reside in the city of Apopka
 - v. Community activists and other interested citizens who reside in the city of Apopka
 - d. Appointments should not include:
 - i. Any resident or person currently serving or who has served within the past 12 months as a member of a citizen advisory board, planning and zoning board, pension board or any other citizen board currently active in the city of Apopka
 - ii. Any spouse or resident of a household of the current city council, city administration or city employees
 - iii. Any current member of the city council, city administration or city employees
 - iv. Any person who is not a resident of the city of Apopka
 - e. Upon approval of the Charter Review Committee member appointments, the city of Apopka should submit a list of appointments for publication in local media sources and provide a list of appointments on the City's web site

2. Committee Facilitator:

- a. The city of Apopka should hire a third-party, experienced facilitator to conduct the meetings of the Charter Review Committee
- b. This person (or company) should be selected using the same, open bid process currently used by the city of Apopka
- c. The person (or company) selected should:
 - i. Provide full & complete disclosure of any and all financial and professional relationships with any member of the city council, city administration or city employees
 - ii. Have a minimum of 3 years of experience as a facilitator of citizen advisory boards and committees
 - iii. Have a complete, working knowledge of any proposed forms of government being considered, including the current form of government for the city of Apopka
 - iv. Provide an in-depth analysis, including the pros/cons and process of changing the form of government in the city of Apopka
 - v. If a Council/Manager or Weak Mayor form of government is considered, the city of Apopka should provide a copy of the current employment contract for the Chief Administrative Officer of the city of Apopka for review by the Charter Review Committee. The purpose is so committee members fully understand the explanation and grounds for termination or resignation of the office and the fiscal impact to residents for termination
 - vi. Not reside in the city of Apopka or have any vested interest in the outcome of the review committee other than payment for services rendered and agreed upon during the selection process

3. Recommendations for Charter Review Committee Code of Conduct:

- a. The Committee should operate under F.S. 286.011, relating to open meeting requirements, a.k.a "The Sunshine Law"
- b. No communication relating to the charter review should occur between the Committee members and members of the city council, city administration or city employees outside of public meetings
- c. City administration should not participate in the public hearings unless at the request of the Charter Review Committee, and should only provide technical expertise as requested
- d. All public meetings of the Charter Review Committee should be posted on the City's web site and any city owned or operated marquee or sign at least seven (7) days prior to the meeting

Whatever the outcome of the committee's recommendations, as long as this process is done in an open, fair and very transparent manner without prejudice, the revised charter for the city of Apopka will continue to serve as an effective, working document that will guide our community and our government in a manner that will best serve the citizens of our great city.