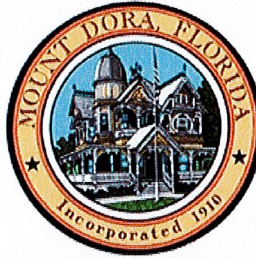


**CITY OF MOUNT DORA, FLORIDA
CITY COUNCIL
MINUTES**



**March 1, 2022
City Hall
510 N. Baker St.
Mount Dora, FL 32757**

CALL TO ORDER

Having been duly advertised as required by law, Mayor Crissy Stile called the Regular Session of City Council to order at 6:00 PM in the Mount Dora Council Chambers.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

Mayor Stile led a Moment of Silence and Pledge of Allegiance to the Flag.

ROLL CALL

Members Present

Crissy Stile, Mayor
Marc Crail, Vice-Mayor
John Cataldo, District 1
Cal Rolfson, District 2
Austin Guenther, District 3
Nate Walker, District 5
Doug Bryant, At Large

Also Present

Patrick C. Comiskey, City Manager
Sherry G. Sutphen, City Attorney
Jessica Burnham, City Clerk

PRESENTATIONS

PUBLIC COMMENTS

Mayor Stile opened public comment

Josh Hemingway, 1177 East 5th Avenue, spoke about the previous Building Height Advisory Committee meeting and asked the Council to consider looking at other options for a City Attorney.

Bailey Burket, Girl Scout Troop, asked the Council to consider approving a little library at the Northwest Corner of Unser and 11th Avenue.

Mayor Stile closed public comment

APPROVAL OF AGENDA

City Manager, Patrick Comiskey, asked the Council to consider moving consent item number one to action item number one and to remove consent item two off the agenda and have it placed on an upcoming council agenda.

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE THE AGENDA WITH

MENTIONED CHANGES; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION APPROVED BY A UNANIMOUS VOICE VOTE.

BOARD APPOINTMENTS

CONSENT AGENDA

1. Request acceptance of the Warranty Deed from Cottages on 11th, LLC

** This item was moved off of Consent and placed under Action item number one.*

2. Request approval of Resolution No. 2022-16, related to the Lakeside at Waterman Village - Waiver of Security Deposit for City Utilities

**This item was removed from the agenda and will be placed on a future agenda.*

3. Request Approval of Meeting Minutes
 - February 14, 2022 City Council Worksession Minutes
 - February 15, 2022 Regular City Council Minutes
 - February 15, 2022 Northeast CRA Governing Board Minutes

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE THE CONSENT AGENDA; SECONDED BY COUNCILMEMBER GUENTHER. MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.

ACTION ITEMS

1. Request acceptance of the Warranty Deed from Cottages on 11th, LLC

**This item was moved from Consent item number one.*

Vince Sandersfeld, Planning and Zoning Director, provided the Council with the history of the agenda item.

Councilmember Bryant inquired about what the city would maintain and if there would be an option to plant a few trees. Mr. Sandersfeld answered, it is something that the city could look into.

Mayor Stile inquired about the donation.

Discussion ensued on the possibility of placing trees on the property.

MOTION BY COUNCILMEMBER BRYANT TO APPROVE THE ACCEPTANCE OF THE WARRANTY DEED FROM COTTAGES ON 11TH, LLC; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION APPROVED

BY A ROLL CALL VOTE.

YES Councilmember Bryant
Councilmember Rolfson
Councilmember Guenther
Councilmember Walker
Councilmember Cataldo
Vice-Mayor Crail

NO Mayor Stile

2. Request for Approval of Amendment 2 to the Agreement between the City of Mount Dora and CPH related to the WWTP#1 Project

Joe Grusauskas, Public Works and Utility Director, spoke on the agenda item and provided the Council with the history of the item.

Casie Brown, ADG, spoke about the cost of the design and mentioned that the cost of supply played a part in the price increase of the design.

Discussion took place about the facility and the timeframe of the project.

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE AMENDMENT 2 TO THE AGREEMENT BETWEEN THE CITY OF MOUNT DORA AND CPH RELATED TO THE WWTP#1 PROJECT; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION APPROVED BY A ROLL CALL VOTE.

YES Councilmember Rolfson
Councilmember Walker
Councilmember Bryant
Councilmember Cataldo
Vice-Mayor Crail

NO Councilmember Guenther
Mayor Stile

3. Request Approval of of Amendment 2 to the Professional Services Agreement between the City of Mount Dora and ADG for Public Works Facility Phase 2 Design and Engineering Services

Chet Cramer, Project Manager, introduced the agenda item.

Susan Gantt, Architects Design Group, provided the Council with a presentation of the project. The presentation provided to council is attached as Exhibit "A".

Mayor Stile inquired if there was anything green about the project. To which, Ms. Gantt

answered there would be ventilation and installation.

Discussion on the timeframe of the project took place and the budget of the project.

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE AMENDMENT 2 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MOUNT DORA AND ADG FOR PUBLIC WORKS FACILITY PHASE 2 DESIGN AND ENGINEERING SERVICES; COUNCILMEMBER BRYANT SECONDED THE MOTION. MOTION APPROVED BY A ROLL CALL VOTE.

YES Councilmember Rolfson
Councilmember Bryant
Councilmember Cataldo
Councilmember Guenther
Councilmember Walker
Vice-Mayor Crail
Mayor Stile

NO

4. Request Approval to Seek Private Contributions/Funding to Construct up to Six (6) Pickleball Courts at Summerview Park

Amy Jewell, Lesuire Services, provided the Council with an overview of the agenda item and gave background to Summerview Park.

Councilmember Rolfson inquired about the donations.

Discussion on the maintenance of the courts and the lighting of the courts.

MOTION BY VICE-MAYOR CRAIL TO APPROVE TO SEEK PRIVATE CONTRIBUTIONS/FUNDING TO CONSTRUCT UP TO SIX (6) PICKLEBALL COURTS AT SUMMERVIEW PARK; COUNCILMEMBER WALKER SECONDED THE MOTION.

Discussion on the possibility of increasing the courts in the future.

YES Vice-Mayor Crail
Councilmember Walker
Councilmember Bryant
Councilmember Cataldo
Councilmember Rolfson
Councilmember Guenther
Mayor Stile

NO

MOTION APPROVED BY A ROLL CALL VOTE.

Mayor Stile called the meeting to a break at 7:15 PM.

Mayor Stile called the meeting back to order at 7:25 PM.

5. City Attorney report related to Sunshine Law matter involving James Homich

Sherry Sutphen, City Attorney, spoke briefly about the history of the sunshine law.

Continuing, Ms. Sutphen then discussed a handout which was provided to the Council and is attached as Exhibit "B".

Ms. Sutphen then provided the Council with a recommendation on the matter and stated "Mr. Homich to abstain from any future matters coming before the Planning and Zoning Commission related to the Mount Dora Groves project".

James Homich, 6205 East 5th Avenue, spoke on the matter and provided the Council with a timeframe of the events that took place and requested that council allow him to remain on the Planning and Zoning Commission and stated that he would not abstain from a vote.

Discussion ensued on the matter.

Councilmember Bryant spoke on the topic and stated he had not seen any evidence that Mr. Homich should be removed and that Mr. Homich should not have any restrictions placed on him in regards to the Mount Dora Groves project.

Councilmember Rolfson stated that, in his view, it was a violation of the sunshine law and, in his opinion, it is a higher duty of the board members to know the law.

Vice-Mayor Crail mentioned that the Council should go with the opinion of the Florida Department of Law Enforcement.

Councilmember Walker spoke about his views on the issue and mentioned his opinion Mr. Homich should not be removed or have any restrictions.

Discussion ensued on the sunshine law manual.

Councilmember Cataldo stated in his view, Mr. Homich should not have restrictions placed on him.

PUBLIC HEARINGS - RESOLUTION/ORDINANCES

1. Request approval of First Reading of Ordinance No. 2022-04, Annexation for 6.96 Acres at US 441 and Bristol Lakes Road.

Ms. Sutphen read Ordinance 2022-04, Annexation for 6.96 Acres at US 441 and Bristol Lakes Road by title only.

Ordinance No. 2022-04

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE VOLUNTARY ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HIGHWAY 441 AND NORTH OF LIMIT AVENUE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR VOLUNTARY ANNEXATION; PROVIDING FOR EFFECT OF ANNEXATION; PROVIDING AN AMENDMENT TO CHAPTER 2, CODE OF ORDINANCES; PROVIDING FOR FILING REQUIREMENTS; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR LIMITED CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Mr. Sandersfeld spoke on the agenda item and mentioned that the following items are companion items.

Ms. Sutphen read Ordinance 2022-05, Small-Scale Future Land Use Map Amendment for 6.96, Change in Zoning for Mount Dora Self Storage Final PUD by title only

Ordinance No. 2022-05

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO A CHANGE IN FUTURE LAND USE DESIGNATION AND AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF MOUNT DORA COMPREHENSIVE PLAN 2045; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL OF CHANGE IN FUTURE LAND USE DESIGNATION AND AMENDMENT TO FUTURE LAND USE MAP; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NON-CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Sutphen read Ordinance 2022-06, Change in Zoning for Mount Dora Self Storage Final PUD by title only

Ordinance No. 2022-06

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING

TO THE ZONING DISTRICT CLASSIFICATION CHANGE FOR THAT PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HIGHWAY 441 AND NORTH OF LIMIT AVENUE (MOUNT DORA SELF STORAGE); PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ZONING DISTRICT CLASSIFICATION CHANGE AND ZONING MAP AMENDMENT; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NON-CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Sutphen asked for any Ex-Parte communication

Councilmember Walker mentioned the developer reached out to him but he was unable to meet with them.

Councilmember Rolfson mentioned that the developer spoke at his Home Owner Association meeting.

No other Ex-Parte communications were voiced.

Countuing, Mr. Sandersfeld spoke on the application for item number two, Ordiance No. 2022-05, and item number three, Ordiance No. 2022-06.

Discussion took place on the frontage road , the proposed storage units, and easements.

Allan Bradley,Huber Group LLC, applicant for the project spoke on the item.

Mayor Stile opened public hearing.

No one spoke

Mayor Stile closed public hearing.

Discussion took place about what retail stores maybe in the facility.

MOTION BY VICE-MAYOR CRAIL TO APPROVE FIRST READING OF ORDINANCE NO. 2022-04, ANNEXATION FOR 6.96 ACRES AT US 441 AND BRISTOL LAKES ROAD.; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION APPROVED BY A ROLL CALL VOTE.

YES

Vice-Mayor Crail
Councilmember Rolfson
Councilmember Guenther
Councilmember Walker
Councilmember Bryant

Councilmember Cataldo
Mayor Stile

NO

2. Request approval of Single Reading (Final) Ordinance No. 2022-05, Small-Scale Future Land Use Map Amendment for 6.96 Acres parcel of US 441 and Bristol Lakes Road.

**This item was heard under public hearing item one.*

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE SINGLE READING (FINAL) ORDINANCE NO. 2022-05, SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR 6.96 ACRES PARCEL OF US 441 AND BRISTOL LAKES ROAD.; COUNCILMEMBER GUENTHER SECONDED THE MOTION. MOTION APPROVED BY A ROLL CALL VOTE.

YES Councilmember Rolfson
Councilmember Guenther
Councilmember Walker
Councilmember Bryant
Councilmember Cataldo
Vice-Mayor Crail
Mayor Stile

NO

3. Request approval of First Reading of Ordinance No. 2022-06, Change in Zoning for Mount Dora Self Storage Final PUD

**This item was heard under public hearing item number one.*

MOTION BY COUNCILMEMBER WALKER TO APPROVE FIRST READING OF ORDINANCE NO. 2022-06, CHANGE IN ZONING FOR MOUNT DORA SELF STORAGE FINAL PUD; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION APPROVED BY A ROLL CALL VOTE.

YES Councilmember Walker
Councilmember Rolfson
Councilmember Guenther
Councilmember Bryant
Councilmember Cataldo
Vice-Mayor Crail
Mayor Stile

NO

CITY MANAGER

1. City Manager's Report

City Manager Comiskey provided an update to the Council on informational items.

2. Lobbyist Update

Councilmember Rolson spoke about the legislative and provided the Council with an updated on bills.

CITY ATTORNEY'S REPORT

No report

COMMUNICATIONS AND REPORTS

1. Council Member John Cataldo

No report

2. Council Member Austin Guenther

Provided thanks to staff for the upcoming streaming that will take place on the city's website.

3. Council Member Cal Rolfson

Spoke on a letter that he received that provided thanks to city staff.

4. Council Member Nate Walker

Provided thanks to Ms. Jewell and her staff for being awarded the African American Cultural and Historical Grant.

Councilmember Walker stated his views in regards to City Attorney Sutphen and mentioned he is not in favor of looking for another City Attorney.

5. Council Member Doug Bryant

Provided thanks to Ms. Jewell in regards to the African American Cultural and Historical Grant

6. Vice-Mayor Marc Crail

provided thanks to Ms. Jewell for the African American Cultural and Historical Grant and mentioned he agrees with Councilmember Walker's comments in regards to the City Attorney.

7. Mayor Crissy Stile

Mayor Stile sent the Council's condolence to the Simpson family on the passing of Robert J. Simpson.

FUTURE MEETING DATES

1. March 7, 2022, 10:30 AM, City Council Work Session
2. March 15, 2022 6:00 PM, Regular Session
3. April 5, 2022 6:00 PM, Regular Session
4. April 19, 2022, 6:00 PM, Regular Session

ADJOURNMENT

COUNCILMEMBER ROLFSON MOTION TO ADJOURN; COUNCILMEMBER GUENTHER SECONDED. MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.

There being no further business for discussion, the meeting adjourned at approximately 9:37 P.M.

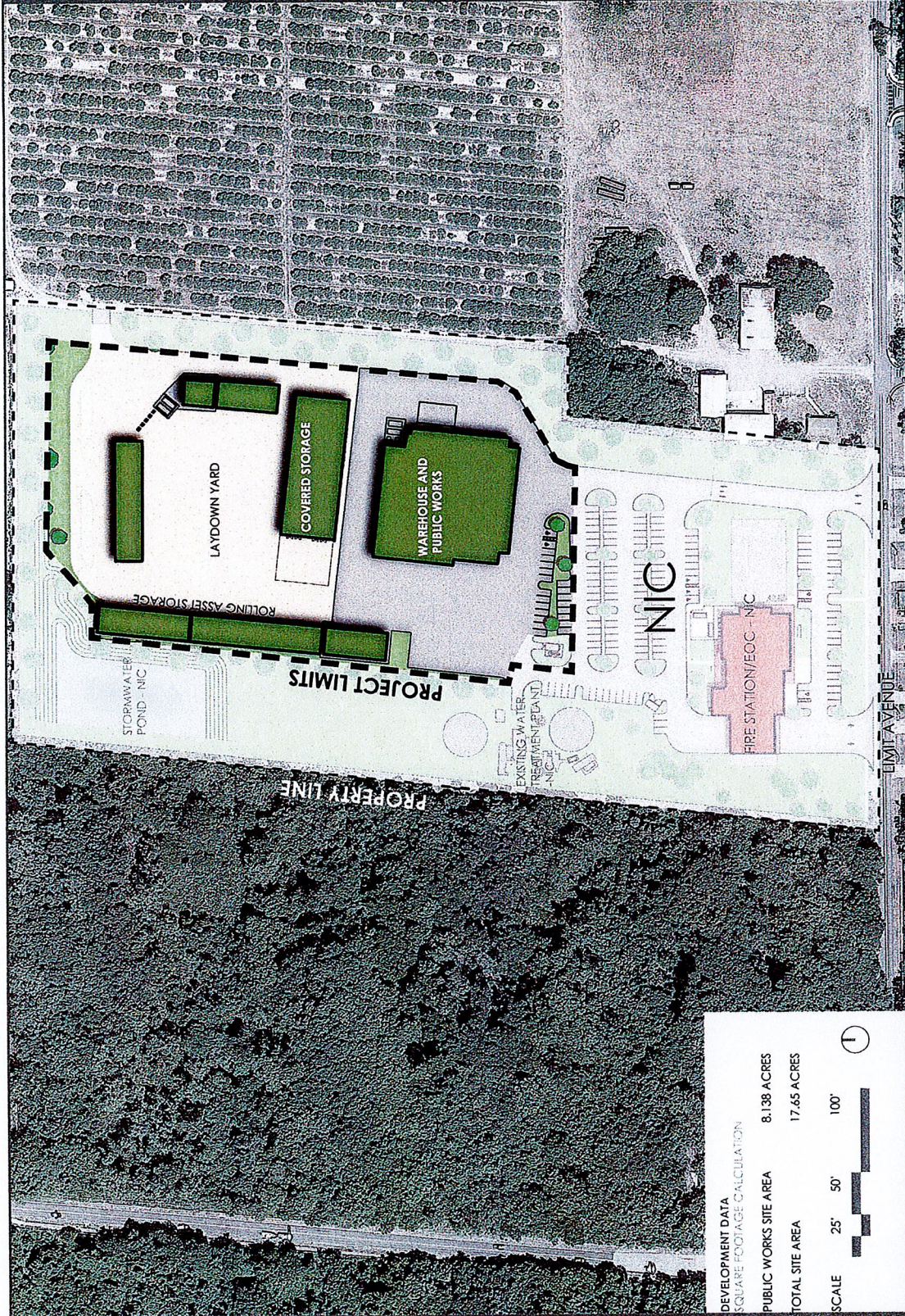

JESSICA BURNHAM
City Clerk


CRISSY STILE, MAYOR
City of Mount Dora

Mount Dora Public Works Facility

PROJECT FACT SHEET

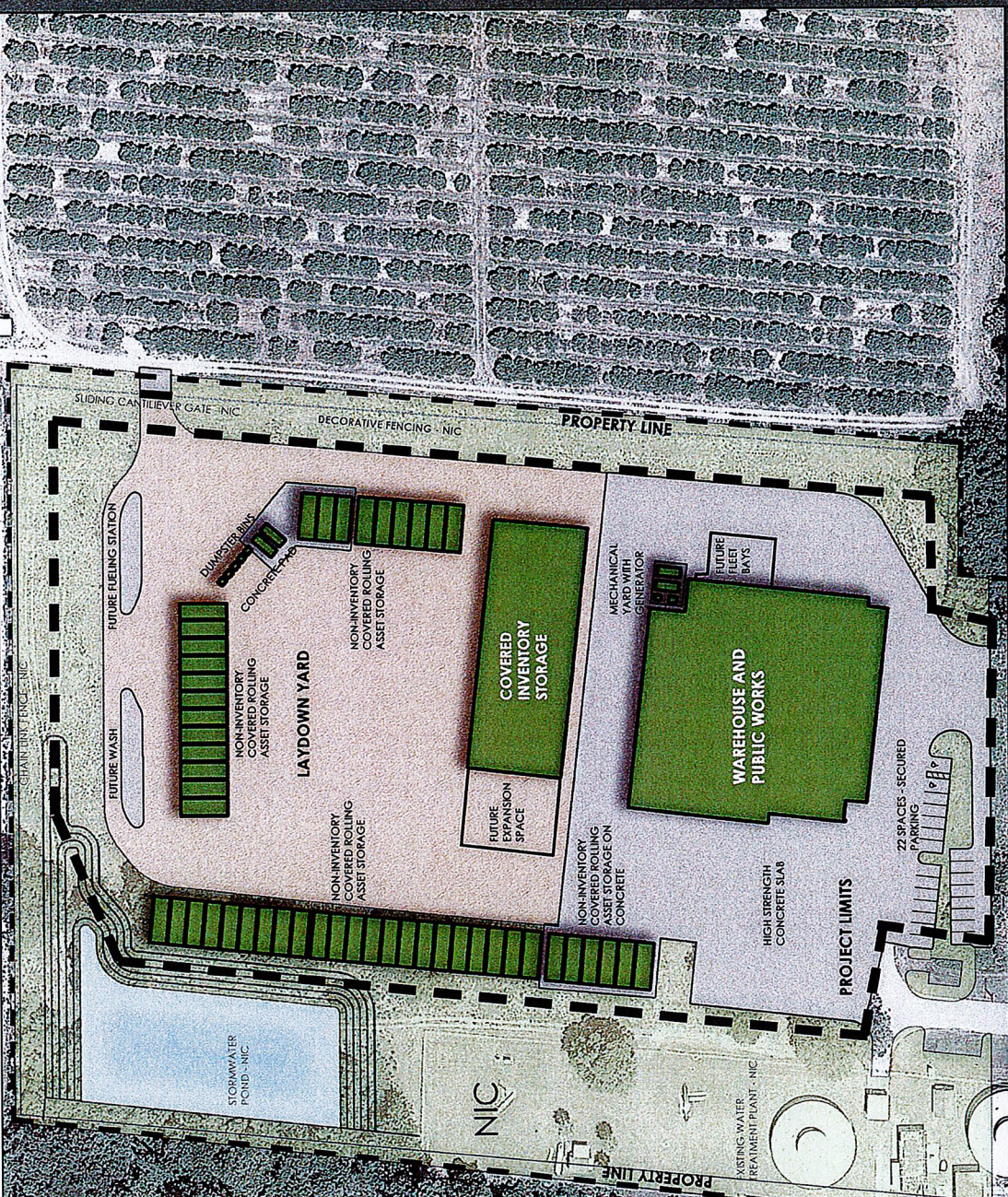
- Location: Limit Avenue
- Site Size: 8.13 acres; Total Site Area: 17.65 acres
- Facility includes:
 - Operations and Inventory Warehouse, 23,900 sf.
 - Covered Material Storage Area, 14,400sf.
 - Covered Non-Inventory Rolling Asset Storage, 29,400 sf.
 - Future Fueling and Wash Stations
- Designed to withstand Category 4 Hurricane force winds
- Electrical generator back up system



DEVELOPMENT DATA
SQUARE FOOTAGE CALCULATION

PUBLIC WORKS SITE AREA	8,138 ACRES
TOTAL SITE AREA	17.65 ACRES
SCALE	25' 50' 100'

Public Works Project Limits



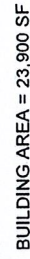
DEVELOPMENT DATA
SQUARE FOOTAGE CALCULATION

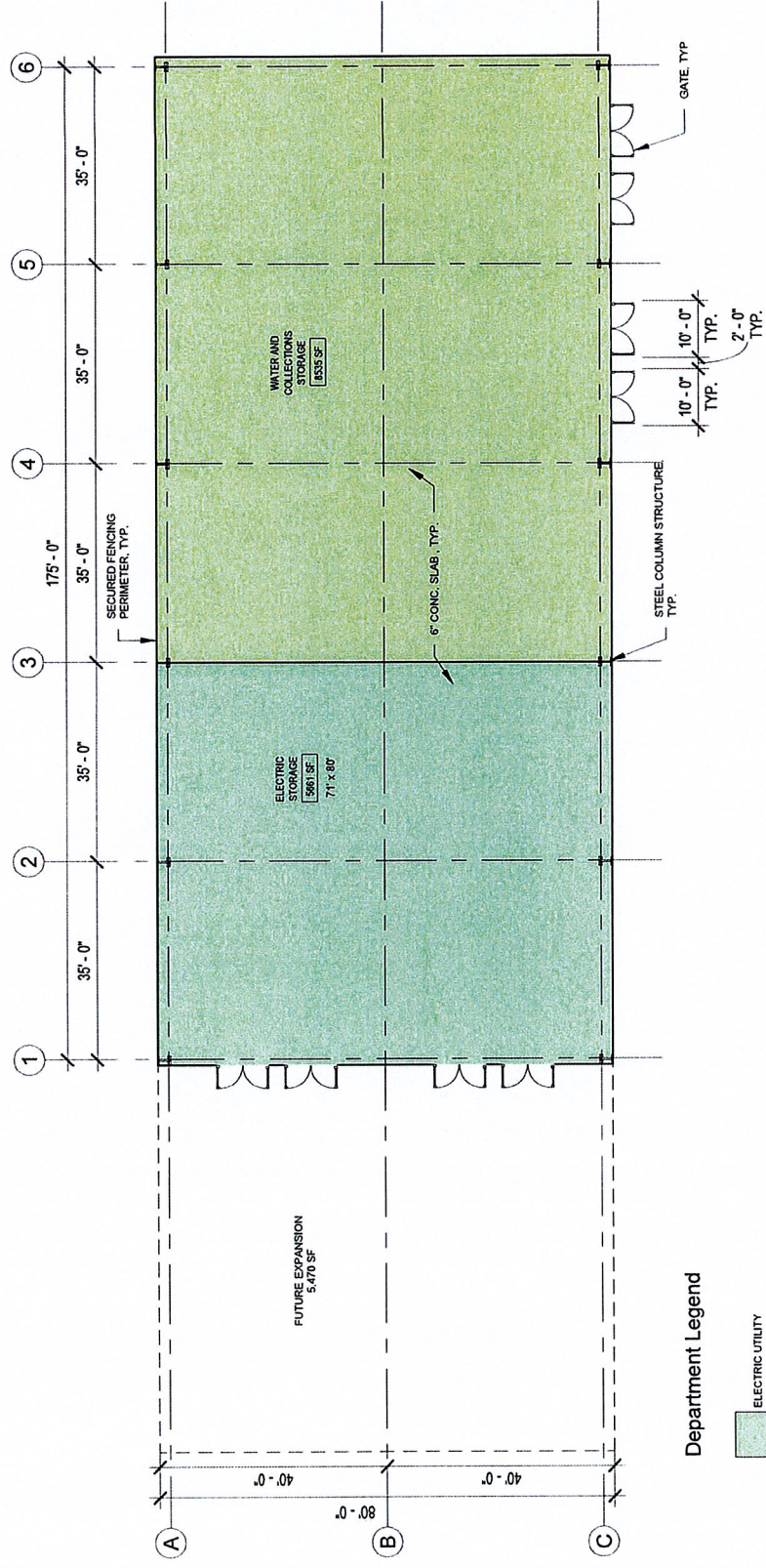
PUBLIC WORKS SITE AREA	8.138 ACRES
TOTAL SITE AREA	17.65 ACRES
SCALE	20' 40' 80'

PUBLIC WORKS FACILITY - MOUNT DORA, FL

Architects Design Group







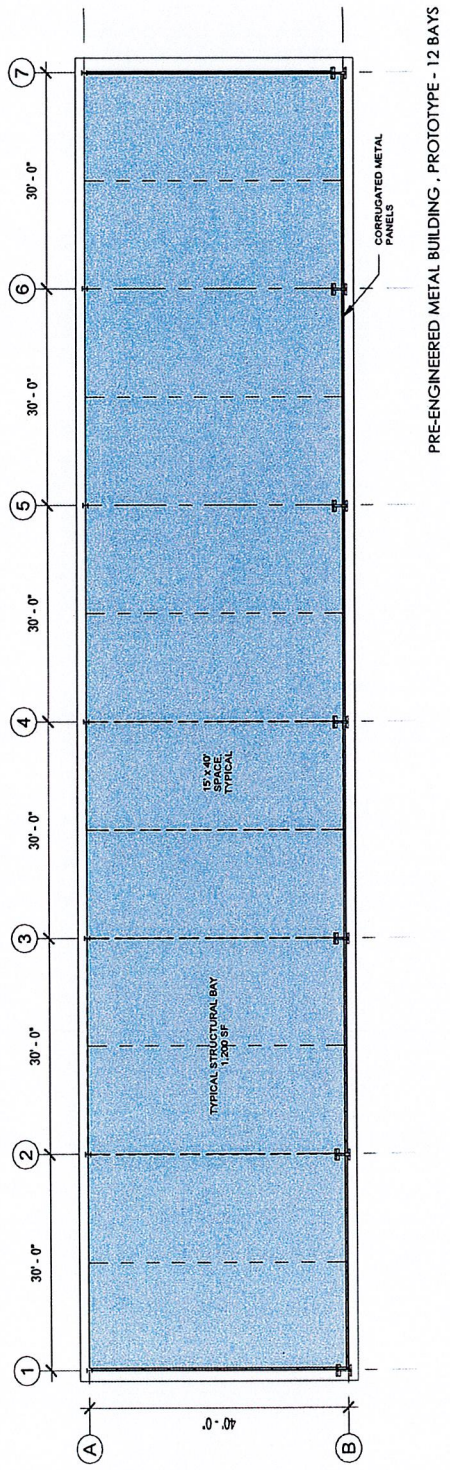
BUILDING AREA = 14,400 SF

Department Legend

- ELECTRIC UTILITY
- WATER & COLLECTIONS







SCALE 5' 10' 20' 40'





Architects Design Group

PUBLIC WORKS FACILITY - MOUNT DORA, FL





Estimate File: 200000_2000_3D_REV_02.dwg - MT DORA PUBLIC WORKS (RD.DREVEN, M)
 1. Sub: DORA, FL
 2. Minor Item Code: 01100.000 GENERAL REQUIREMENTS
 3. Minor Item Code: 01100.000 GENERAL REQUIREMENTS
 4. Not Used: 01100.000 GENERAL REQUIREMENTS
 Report Includes: Items 1 through 3
 11/15/2003

7.45.14M Description Quantity Unit 1 Total 1
 11/15/2003

NOTICE: This Document is considered proprietary information and shall not be distributed beyond the intended recipient without the express written consent of Ajax Building Company, LLC III

Sub 01 GENERAL CONDITIONS & REQUIREMENTS

Major Item Code 01100.000 GENERAL CONDITIONS

Minor Item Code 01100.000 GENERAL REQUIREMENTS

Description	Quantity	Unit	Total
Project Manager	3,610.27	202.175	
Project Manager Vehicle Allowance	642.00	6.348	
Project Executive	200.00	11.200	
Project Executive Vehicle Allowance	40.25	891	
Operations Manager	12.00	54.000	
Operations Manager Vehicle Allowance	13.00	197.25	
General Superintendent	55.00	975.95	
General Superintendent Vehicle Allowance	13.00	2,454	
Full Time Project Superintendent	3,911.25	219,030	
Asst. Superintendent	2,979.19	115,054	
Full Time Project Engineer #1	2,231.12	123,331	
Project Accountant	1,460.30	81,771	
Home Office Secretary	150.00	6,400	
Total Minor Item Code 01100.000		\$912,816	

ADMINISTRATIVE REQUIREMENTS

Major Item Code 01100.000 GENERAL

Minor Item Code 01100.000 GENERAL REQUIREMENTS

Description	Quantity	Unit	Total
Per Diem Expenses	1,400.00	18,200	
Travel Expenses	1,070.00	13,310	
Total Minor Item Code 01100.000		\$32,110	

TRAVEL PER DIEM & RELOCATION

Major Item Code 01100.000 CONSTRUCTION PROGRESS

Minor Item Code 01100.000 CONSTRUCTION PROGRESS

Description	Quantity	Unit	Total
Program Photographs	37.45	487	
Video Taping	250.00	500	
Project Camera	35.00	420	
Aerial Photographs - 3 @ 8 x 10's	125.00	1,625	
Construction Schedule - 1/4"	75.00	937	
Total Minor Item Code 01100.000		\$4,907	

CONSTRUCTION PROGRESS

Major Item Code 01100.000 SPECIAL PROCEDURES

Minor Item Code 01100.000 SPECIAL PROCEDURES

Description	Quantity	Unit	Total
Bid Advertisement	1.33750	1.338	

Page 1

Concept Design Cost Estimate Summary

• General Conditions & Requirements		\$1,634,388
• Inventory Warehouse	23,900 sf.	\$5,694,757
• Covered Storage	14,400 sf.	\$1,085,303
• Rolling Asset Storage	29,400 sf.	\$2,444,519
• Sitework	8+ acres	\$2,159,171
• Future Fuel Station & Wash		\$ 11,000
• Contingencies, Fees, Cost Escalation		\$3,498,487
Total		\$16,527,625

- Technology Systems Design & Engineering

PUBLIC WORKS FACILITY - MOUNT DORA, FL

https://www.dms.florida.com/business_operations/real_estate_development_and_management/building_construction/forms_and_documents/design...

EXHIBIT "B"

SUNSHINE LAW ANALYSIS

Cite	Summary of Authority	Notes
Florida Constitution, Article I, Section 24(b)	All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken <u>or at which public business of such body is to be transacted or discussed</u> , shall be open and noticed to the public.	Subsection (c) allows the Legislature to create exceptions so long as justified and to adopt rules of enforcement
Florida Statutes, Section 286.011	Specifies that (1) meetings of public boards or committees must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of any such meeting be taken	The Sunshine Law was established in 1967 and the early 70's brought case law interpretations which are still relied upon today
<i>City of Miami Beach v. Berns</i> , 245 So.2d 38 (Fla. 1971)	In interpreting the application of the Sunshine Law, the Court held that <u>a rule enacted for the public benefit should be liberally construed in favor of the public.</u> The statute may push beyond debatable limits in <u>order to block evasive techniques.</u> An informal conference <u>permits secret decisions</u> to a point just short of ceremonial acceptance. These matters are <u>fact specific</u> and must be <u>considered on a case by case basis.</u>	
<i>Hough, individually and as a member of the City Council of the City of North Miami v. Stembridge</i> , 278 So.2d 288 (Fla. 3 rd DCA 1973)	<u>A violation of the Sunshine Law occurs when the spirit, intent and purpose of the statute is violated.</u> The <u>obvious intent</u> of the Sunshine Law is to cover <u>any gathering of some members</u> of a public board where those members <u>discuss some matters</u> on which <u>foreseeable action may be taken</u> by the Board.	

Cite	Facts	Notes
Sunshine Law Manual, Part I C. What Meetings of Members of Boards are Covered? 3. Community forums sponsored by private organizations <i>City of Bradenton Beach v. Metz</i>, Case No.: 2017 CA 003581 (Fla. 12th Circuit August 9, 2019) Timely Appealed Voluntarily Dismissed in November 2020 Case remanded for attorney fee and cost award against Appellants	City filed a Declaratory Judgment action against members of its Planning and Zoning Board (City P&Z) and other City advisory board for a determination as to whether a Sunshine Law violation occurred. Concerned Citizens of Bradenton Beach (CNOBB) was a group of individuals organized as a grassroots citizen initiative with a mission and vision of dealing with parking solutions and concerns related to a proposed parking garage in the Bradenton Beach CRA. (T-9, 10) The City Attorney opined that the City P&Z would be tasked with reviewing the CRA plans as part of its duties. She cautioned members of the City P&Z from attending meetings of the CNOBB because of violations of the Sunshine Law. (T-various) Nonetheless, members of the City P&Z continued to attend meetings of and participate in the CNOBB meetings. (T-11, 12) The Court noted that at one of the meetings of the CNOBB (where members of the City P&Z were also present) an individual stated that it was the goal to prohibit construction of a parking garage in the City. (T-21) The meetings of the CNOBB did not have minutes revealing what was discussed or who attended.	

Cite	Holding	Notes
<i>City of Bradenton Beach v. Metz</i> , Case No.: 2017 CA 003581 (Fla. 12 th Circuit August 9, 2019)	(T-12, 13, 23) The Court focused on the portion of the Sunshine Law which states: <u>public business is transacted or discussed with emphasis on DISCUSSED.</u> (T-31) The meetings of the CNOBB while some were recorded and noticed, the meetings did not wholly comply with the specific and extensive requirements of the Sunshine Law. (T-31) The individuals who participated in these violations are good people who voluntarily contribute to their community by serving on advisory committees (T-31, 32) Civic involvement is a good thing. These individuals have a right to assemble; they have a right to free speech; and they have the right to be concerned about their City and feel passionate about changes that they feel are detrimental to their City; however, <u>once a person chooses to become part of a government advisory board (placing emphasis on the CHOICE to become a member), he/she is no longer just a spectator or outsider looking in. Rules and laws apply and these defendants did not follow those laws.</u>	Mr. Homich announced he was on the Planning Commission. There were other members of the Planning Commission present; however, it is unknown whether Mr. Homich knew whether the members were present. At the time, the matter was preliminary only because the final PUD had not yet come to the City of Mount Dora Planning Commission. Mr. Homich discussed his opinion related to the specific development that he knew or should have known would be coming back to the Planning Commission for consideration While the matter was publicly noticed, it was not properly noticed as an official meeting of the City of Mount Dora Planning and Zoning Commission, and while the meeting was recorded, minutes were not kept. The City did not treat the meeting as a "City Meeting". Rather, the developer was the host.

RECOMMENDATION

Cite	Summary of Authority	Notes
City of Mount Dora Code of Ordinances, Chapter 2, Administration, Article VIII, Boards and Commissions, Section 2-234	Board Members appointed by the City Council serve at the pleasure of the City Council and may be removed at any time by the City Council when, in its sole and absolute discretion, determine that removal is necessary. -removal -suspension -mitigate the wrong	The Code does not specify a lesser penalty for advisory members; however, since the members serve at the pleasure of the City Council, a lesser action than removal is permitted. A consequence of a violation of the Sunshine Law is invalidation of action. There is no action to invalidate in this situation.
Florida Statutes, Section 286.012	If an official decision, ruling or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.	Require Mr. Homich to abstain from any future matters coming before Planning Commission related to the Mount Dora Groves project.