CITY OF MOUNT DORA, FLORIDA
CITY COUNCIL REGULAR SESSION MINUTES
July 18, 2023, 6:00 PM
Mount Dora 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 to order the Regular Session of City Council at 6:00 p.m. in the Mount Dora City Hall Council Chambers.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

A moment of silence and Pledge of Allegiance were led by Councilmember Bryant.

ROLL CALL

Members Present	Also Present
Crissy Stile, Mayor	Patrick C. Comiskey, City Manager
Marc Crail, Vice-mayor	Sherry G. Sutphen, City Attorney
Cal Rolfson, District 2	Jeanann Hand, City Clerk
Nate Walker, District 5	
Doug Bryant, At-large	

Members Not Present
John Cataldo, District 1
Dennis Dawson, District 3

PRESENTATIONS

1. **Home Rule Hero Awards**
   Florida League of Cities University Director Lynn Tipton presented the Home Rule Hero Award to Councilmember Cal Rolfson.
2. **FCCMA Senior Advisor Ken Parker Presentation: Council-Manager Government**
   Florida City and County Management Association Senior Advisor Ken Parker delivered a presentation related to the City Council-City Manager form of government. The presentation is attached to the minutes as Exhibit A.
3. **Mount Dora Fun Fact**
   Mayor Stile directed attention to the feature of Mount Dora's Electric Utility Department in Florida Municipal Electric Association's Relay Magazine.

PUBLIC COMMENTS

Mayor Stile opened public comment.

Sonia Rivera, 1021 East Third Avenue, spoke about tree laws and an issue with overhanging tree branches. Mayor Stile assured Ms. Rivera the issue would be addressed. Ms. Rivera also wished for misting fountains.

Joe Lewis, 148 Charles Avenue, requested Council reevaluate long term plans and policies to help chart direction. He wished to see development of vision for projects, policies, and priorities. He referenced 2011's Envision Mount Dora, pointing out it was created pre-pandemic.

Michell Middleton, 112 East Fifth Avenue, thanked City Planning Director Vince Sandersfeld and Planning staff for their assistance in working with a vendor in the Mount Dora Marketplace.

Josh Hemingway, 1177 East Fifth Avenue, spoke about Council, the City Manager, the City Attorney, the Mayor, and the current conflict within the City. He expressed displeasure with opposition to the City Manager.

Michelle Middleton, 112 East Fifth Avenue, clarified that there are others in the community who share a viewpoint differing from Mr. Hemingway's.

Mayor Stile closed public comment.

APPROVAL OF AGENDA

Councilmember Rolfson requested Consent Agenda Item Eight, Request Approval for Mayor to Execute Engagement Letter with Fisher & Phillips, LLP for Legal Representation regarding FOP Negotiations and General Labor & Employment Services, be moved to the Regular Agenda Action Items.

MOTION BY COUNCILMEMBER WALKER TO APPROVE THE AGENDA WITH CONSENT AGENDA ITEM EIGHT BEING MOVED TO ACTION ITEM THREE; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

CONSENT AGENDA

1. Request Approval of Interlocal Agreement Between the City of Mount Dora and Lake County Related to Funding for the Relocation of City Utilities for the Lake County Roundabout Project at Eudora Road/CR19/Old Highway 441
2. Request Approval of the Agreement Between the City of Mount Dora and Debris Tech, LLC in Response to RFP 23-PW-014 Related to Emergency Debris Monitoring Services
3. Request Approval of Piggyback Agreement Between the City of Mount Dora and Mader Electric, Inc. Related to Motor Repair Services.

4. Request Approval of Amendment 1 to State Revolving Fund Loan Agreement WW351480, WWTP#1 Rehabilitation Project
5. Request Adoption of **Resolution 2023-26**, Approval of the Urban County Cooperation Agreement with Lake County for the Community Development Block Grant Program
6. Request Approval of the Task Authorization with Faden Builders for Donnelly Park Building Deck Repair
7. Request Approval of the Task Authorization with Faden Builders for WWTP#2 Drainage Improvements at 2055 James P. Snell Drive
8. * Request Approval for Mayor to Execute Engagement Letter with Fisher & Phillips, LLP for Legal Representation regarding FOP Negotiations and General Labor & Employment Services
   This item was moved to the Regular Agenda, Action Item Three.
9. Request Approval of Designation of Acting City Manager for Future Leave
10. Request Approval of Meeting Minutes
    - April 10, 2023 Regular Session Minutes
    - June 15, 2023 Special Meeting Minutes
    - June 20, 2023 Regular Session Minutes

MOTION BY COUNCILMEMBER WALKER TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF CONSENT AGENDA ITEM EIGHT, WHICH WOULD BE PLACED ON THE REGULAR AGENDA AS ACTION ITEM THREE; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION APPROVED BY A UNANIMOUS VOICE VOTE.

ACTION ITEMS

1. Ratification of a Purchase Outside the Parameters of the City Purchasing Policy in the amount of $331,341.00 for Tymco Model 600 Street Sweeper from Container Systems and Equipment Co., Inc.

City Manager Comiskey explained the reason this item was included in the agenda. It was not until after this purchase was made that it was identified as one requiring Council approval. Upon recognizing the requirement for this purchase, which had already taken place, to be brought to Council, the City Manager worked with staff to ensure all purchases requiring Council approval will be presented to Council before the purchase is made.

Council discussed the City Manager's authority regarding spending increases. The sweeper is now in City possession. Councilmember Bryant asked about the smaller sweeper being presented with fiscal year 2023-2024 proposed budget information. Mr. Comiskey explained the reasons the purchases were made in this order.

Vice-mayor Crail reviewed caveats established when the last street sweeper was purchased, especially in relation to its use in gated communities which contribute tax revenue to the City. The Vice-mayor confirmed the same conditions would apply with the new sweeper purchases.

Councilmember Rolfson asked about the necessity for the purchase and expressed concern for following policy.

Discussion ensued regarding the consequences of voting no on the ratification.

Mayor Stile opened public comment. No one spoke. Mayor Stile closed public comment.

MOTION BY VICE-MAYOR CRAIL TO RATIFY THE PURCHASE OUTSIDE THE PARAMETERS OF THE CITY PURCHASING POLICY IN THE AMOUNT OF $331,341.00 FOR THE TYMCO MODEL 600 STREET SWEEPER FROM CONTAINER SYSTEMS AND EQUIPMENT CO., INC.; COUNCILMEMBER BRYANT SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS ROLL CALL VOTE.

YES	Crail
	Bryant
	Rolfson
	Walker
	Stile
NO	None

2. Vote to Designate a Voting Delegate for the Florida League of Cities Annual Conference Annual Business Session

   MOTION BY COUNCILMEMBER BRYANT TO NOMINATE COUNCILMEMBER ROLFSON TO BE THE CITY'S VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL BUSINESS SESSION. NOMINATION WAS APPROVED BY A UNANIMOUS VOICE VOTE.

3. Request Approval for Mayor to Execute Engagement Letter with Fisher & Phillips, LLP for Legal Representation regarding FOP Negotiations and General Labor & Employment Services ****Moved from Consent Agenda Item 8***

The City Manager spoke of Fisher & Phillips associate Jeffrey Mandel. He explained the City had been using Fisher & Phillips for many years for labor issues, but staff could not locate a letter of engagement with the firm.

Councilmember Rolfson asked for the scope of the Fisher & Phillips contract and its relation to the City Attorney's duties. Mr. Comiskey stated the firm would handle labor cases and personnel issues, reviews and investigations, and provide advice. Councilmember Rolfson referenced City Human Resources policy related to that department's investigative responsibilities and their authority to make related decisions.

Ms. Sutphen noted that prior to the meeting, she had been told the letter of engagement was strictly for union-related work, and did not involve responsibilities that are customarily assigned to her. She mentioned her professional respect for and positive working relationship with Mr. Mandel, but stated she had not expected Mr. Mandel to be taking on duties for which she is usually responsible.

Councilmember Rolfson stated he could support the engagement letter for union issues only, but does not support it as a work-around for the use of the City Attorney.

Mayor Stile brought up the status of the Interim Human Resources Director and the impact of her complaint. Councilmembers spoke about the importance of following City policy. Councilmember Rolfson would oppose the letter of engagement unless Fisher & Phillips is used strictly for labor relations for which the City requires specific labor law assistance. He expressed his opinion that the letter would essentially make Fisher & Phillips Assistant City Attorney. He pointed out that the named client in the letter is the City of Mount Dora, meaning the decision-maker is the City Council.

Councilmember Walker asked for the most recent date Fisher & Phillips was used. City Manager Comiskey would provide that information after the meeting. Councilmember Walker expressed trepidation regarding the possible circumvention of City policies. Councilmember Rolfson asked if policy had been followed when Fisher & Phillips was used in the past. Mr. Comiskey stated the firm had previously been used for personnel issues and labor relations according to policy.

Councilmember Bryant asked about past activity, agreements or arrangements with the firm, and whether the City is departing from past behavior and scope with the firm. He enquired whether there would be a budget adjustment for their use if their duties may be expanded.

The City Manager explained this would not be an expansion of Fisher & Phillips's duties. The item is being brought to Council because City staff discovered there was no letter of engagement with Fisher & Phillips and felt it would be prudent to have such a letter.

Ms. Sutphen stated when Fisher & Phillips had been used in the past for specialized employment issues, she had been involved and consulted. The City Manager disagreed.

MOTION BY COUNCILMEMBER BRYANT TO TABLE THIS ITEM UNTIL THE AUGUST 1, 2023 MEETING.

Councilmember Bryant requested additional information about arrangements made with Fisher & Phillips in the past, and what the parameters were, even if the information needs to be gathered on a case-by-case basis. Councilmember Rolfson agreed and asked for precise parameters in writing so Council knows exactly what they are approving.

VICE-MAYOR CRAIL SECONDED THE MOTION.

Vice-mayor Crail stated his understanding that this item would allow Fisher & Phillips to continue whatever work they do for the City, but would not authorize them to expand beyond that.

Ms. Sutphen informed of the necessity for her awareness of the City's dealings with Fisher & Phillips as she is the City Attorney and legal advisor regularly present at City Council meetings.

Mr. Walker asked Ms. Sutphen for a description of the specialized legal services Fisher & Phillips provided to the City. Ms. Sutphen explained the value of Fisher & Phillips in labor union or contract negotiations, which is their specialization. She noted that her own firm has an attorney for labor law who would first be consulted before Fisher & Phillips was brought in on a labor law matter.

Ms. Sutphen referenced the letter attached to this item (included with the minutes as Exhibit B) and its purpose.

Councilmember Rolfson spoke regarding the crucial nature of appropriate reliance on a City Attorney, who should be the first call in City legal issues.

It was mentioned a complaint from the Interim Human Resources Director against the City Manager was sent to City Council. It was suggested a complaint against the City Manager should not be addressed by an attorney contracted by the City Manager, as that may be perceived as unfair. Ms. Sutphen spoke about appropriate procedures for staff complaints and the necessity for "safe space."

The Mayor reminded Council it is incumbent upon them to decide on the process and provide direction regarding how an investigation should be conducted.

Councilmember Rolfson asked for recommendations regarding alternatives for this purpose. Ms. Sutphen suggested gathering names or reaching out to Mr. Mandel for recommendations on who might investigate the complaint and how the process might take place. By a vocal consensus of

Council, Vice-mayor Crail was tasked with reaching out to Mr. Mandel for recommendation on how to proceed with the investigation of the complaint. Ms. Sutphen was asked to assist the Vice-mayor with this task.

Councilmember Walker asked about the status of acquiring the third party consultant for conflict resolution. The City Manager stated he would address that later.

MOTION BY COUNCILMEMBER BRYANT TO TABLE THIS ITEM UNTIL THE AUGUST 1, 2023 MEETING; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS ROLL CALL VOTE.

YES	Bryant
	Crail
	Rolfson
	Walker
	Stile
NO	None

PUBLIC HEARINGS

1. Request Adoption of **Resolution No. 2023-27**, Maximum Millage Rate for Fiscal Year 2023-2024 Budget

   City Attorney Sherry Sutphen read Resolution No. 2023-27, Maximum Millage Rate for Fiscal Year 2023-2024 Budget by title only.

   RESOLUTION NO. 2023-27

   A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA PERTAINING TO THE PROPOSED MILLAGE RATE OF 6.1000 MILLS FOR FISCAL YEAR 2023-24 FOR THE CITY OF MOUNT DORA, FLORIDA; PROVIDING FOR THE PROPOSED LEVY OF AD VALOREM TAXES AND PERCENTAGE INCREASES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; PROVIDING A PUBLIC HEARING SCHEDULE FOR BUDGET ADOPTION; PROVIDING FOR CERTIFIED COPIES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

   City Budget Director Aneta Barton explained the calculation of the millage rate and the budget hearing process from this point forward. The content of the resolution is consistent with the July 10th Budget Workshop at which the maximum millage rate of 6.1 was set.

   Mayor Stile opened public comment. No one spoke. Mayor Stile closed public comment.

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT RESOLUTION NO. 2023-27, MAXIMUM MILLAGE RATE FOR FISCAL YEAR 2023-2024 BUDGET; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS ROLL CALL VOTE.

YES	Rolfson
	Walker
	Bryant
	Crail
	Stile
NO	None

CITY MANAGER'S REPORT

Mr. Comiskey announced he would not be in town for the rest of the week due to his attendance at a professional conference. Internet Technology Director Jim Faulkner would assume the rule of Acting City Manager.

Mr. Comiskey updated on the Conflict Resolution solicitation, which had just been published by the Purchasing Manager. Interested parties have thirty days to respond.

CITY ATTORNEY'S REPORT

Ms. Sutphen announced no new lawsuits had been filed against the City.

COMMUNICATIONS AND REPORTS

1. Councilmember Doug Bryant commented on Mount Dora's Electric Utility feature in Relay magazine, directing attention to the photos and article's mention of Mount Dora's solar, underground and manufactured energy.

   Mr. Bryant also mentioned speaking with Public Works Director George Marek about nominating Wolf Branch Drainage Area as Critical Wetland Area, which would open up the City and County to funding for acquisition of some of the critical wetlands.

Ms. Sutphen requested a motion regarding scheduling the AMCO shade meeting.

MOTION BY COUNCILMEMBER ROLFSON TO ALLOW THE SETTING OF A SHADE MEETING IN AUGUST RELATING TO THE AMCO FLORIDA STATUTE SECTION 70.51 MEDIATION; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

2. Councilmember Cal Rolfson reported on his trip to North Dakota.

3. Councilmember Nate Walker thanked Mount Dora Fire Chief Joseph Hightower and members of the Mount Dora Police Department for their participation at a food give-way last weekend.

4. Vice-mayor Marc Crail congratulated Councilmember Rolfson on his Home Rule Hero Award. He reiterated the need for the City to update its Strategic Plan. Councilmember Bryant agreed and mentioned the Envision Mount Dora plan and the role of community engagement. He referred to the commitment to return to plans for review.

5. Mayor Crissy Stile spoke about the success of Freedom on the Waterfront.

ADJOURNMENT

MOTION BY COUNCILMEMBER WALKER TO ADJOURN; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION PASSED BY A UNANIMOUS VOICE VOTE.

There being no further business for discussion, Mayor Stile adjourned the meeting at approximately 7:45 p.m.

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CRISSY STILE, MAYOR
City of Mount Dora

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JEANANN HAND, CITY CLERK
City of Mount Dora