



CITY OF MOUNT DORA, FLORIDA CITY COUNCIL SPECIAL MEETING MINUTES

August 28, 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, at 6:00 p.m., Mayor Crissy Stile called to order the Special Meeting of the Mount Dora City Council.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

Members Present

Crissy Stile, Mayor
Marc Crail, Vice-mayor
Cal Rolfson, District 2
Dennis Dawson, District 3
Nate Walker, District 5
Doug Bryant, At-large

Also Present

Vince Sandersfeld, Acting City Manager
Sherry G. Sutphen, City Attorney
Jeanann Hand, City Clerk

Members Not Present

John Cataldo, District 1

PRESENTATION

1. Mount Dora Fun Fact

Mayor Stile reported that the meaning of Idalia, a name of Italian origin, is “Behold the sun.”

PUBLIC COMMENT

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

ACTION ITEMS

1. Direction Related to the Lindsay Greene Investigation

Attorney Lindsay Greene, who is investigating a staff complaint regarding the City Manager, requested Ms. Sutphen ask Council for direction regarding whether Council would like Ms. Greene to begin a second investigation to include a separate reported matter. An investigation of the second matter had begun within the City before the City Manager directed the Interim Human Resources Director to halt investigations.

Councilmembers discussed their preferences for handling the second matter.

They asked questions regarding the second claim and Ms. Sutphen provided answers when available.

Councilmember Bryant spoke in favor of Ms. Greene completing the first investigation and

Council hearing the results of that investigation before Ms. Greene initiates work on the separate matter.

Prior to the meeting, Ms. Sutphen had spoken to Councilmembers individually to seek direction on this matter, but could not draw a conclusion from those individual conversations. Ms. Sutphen told Council that Councilmember Cataldo directed her to inform Council he was agreeable to having Ms. Green gather information for both investigations simultaneously, but that the information be recorded in two separate reports and billed separately.

Councilmember Rolfson agreed with Councilmember Cataldo's message delivered by Ms. Sutphen. He voiced support for Ms. Greene covering both investigations at the same time, but suggested that the investigations be recorded and billed separately. He mentioned the importance of continuing to move forward.

Vice-mayor Crail spoke in favor of concluding one investigation before beginning a second one. Councilmember Dawson agreed.

Mayor Stile spoke in favor of Ms. Greene continuing the first investigation, but gathering information on the second investigation if information becomes available as the first investigation continues. She emphasized she did not want to see the conclusion of the first investigation delayed, but pointed out the other complaint signifies that an additional situation needs to be addressed promptly.

Councilmember Walker asked about the timeframe for finishing the current investigation. Ms. Sutphen explained more witnesses were involved than initially anticipated.

MOTION BY VICE-MAYOR CRAIL TO INSTRUCT LINDSAY GREENE TO COMPLETE AS SOON AS POSSIBLE HER INVESTIGATION ON THE WHISTLEBLOWER CLAIM, AND ONCE COMPLETED, HAVE COUNCIL CONSIDER WHETHER MS. GREENE WILL INVESTIGATE THE SECOND CLAIM; COUNCILMEMBER DAWSON SECONDED THE MOTION.

Mayor Stile opened public comment.

Joe Lewis, 148 Charles Avenue, spoke in support of Council following through on the first investigation before initiating a second with Ms. Greene.

Mayor Stile closed public comment.

MOTION PASSED BY A 5-1 ROLL CALL VOTE.

YES Crail
Dawson
Walker
Bryant
Stile

NO Rolfson

- 2. Request approval of the Pre-Annexation Agreement with Brochman, LLC, Simpson Family Partnership, Ltd., and Mount Dora Groves Company related to the Mount Dora Groves North and South Development and authorization for the Mayor to execute the Agreement on behalf of the City; approval of the Drainage Easement Agreement in accordance with the Pre-Annexation Agreement and authorization for the Mayor to execute the Easement on behalf of the City; and authorization for the Mayor to execute the Temporary Access and Construction Easement Agreement upon request pursuant to the terms of the Pre-Annexation Agreement**

Mr. Sandersfeld briefly reviewed the history of the development and the agreement and stated that staff recommends approval of the agreement and the two annexation ordinances that will be presented later in the meeting. He described the property involved. He reported that City staff and the developer's representatives interacted amicably to arrive at the agreement being presented to Council at this time. He mentioned the benefits of moving forward with the agreement, namely impact fees, future property tax and adding these citizens to be part of our community. The development includes some commercial and mixed-use elements along 441.

Councilmember Rolfson spoke in support of approval without qualification.

Councilmember Bryant would like assurance the property will be annexed. He questioned the words "may be annexed" in the agreement. Mr. Sandersfeld noted that the agreement outlines the process for annexation. Ms. Sutphen explained the language is reflective of planned voluntary annexation. The annexation ordinances are already on the agenda. The agreement is not required by either party, but it is helpful for both parties in preparation for annexation, especially with regard to expansion of the Northeast CRA, and timing that expansion to occur before the property closes.

Councilmember Bryant confirmed water and sewer capacity worries have been addressed and that both parties are satisfied. Ms. Sutphen explained the agreement secures the timeframe within which the City can guarantee water and sewer utilities for the development. A three-year period has been defined in the agreement and the development will occur within that three-year period. The agreement allows the developer to seek utilities from a different provider if the City is not able to provide, although with this agreement, the City is guaranteeing it can provide water and sewer within the defined timeframe. If the developer does need to turn to a different provider, the City of Mount Dora would still annex the property.

The dates for the second readings of the annexation ordinances are based on trigger dates related to the developer's plans. The second readings will take place as immediately as possible after the trigger dates.

There are various reasons the developer may choose not to move forward with voluntary annexation even after the agreement is signed. If that were to occur, Ms. Sutphen

explained the City could still annex, but it would be a process of forced annexation. Approving this agreement holds no ill consequence for the City. She stated if the developer chooses not to move forward with this agreement, the City is in no different position than it is now.

There are two annexation ordinances because there is one for the north side and one for the south side; the two sides may develop according to different timelines. The separate ordinances also make the documents clearer for each purpose.

Councilmember Walker confirmed that if the developer chose not to move forward according to the agreement, the City loses nothing.

Mayor Stile confirmed with Mr. Sandersfeld that the City is providing landscape buffers. The Mayor confirmed with Deputy Planning Director Adam Sumner that the Northeast CRA and Downtown CRA advisory boards support approval of this agreement. Mr. Sumner stated the plan amendment has not yet been brought to the advisory boards.

Mayor Stile confirmed the appropriateness of the word “corporations” on page one of the agreement in the third paragraph, second “whereas” clause. Ms. Sutphen confirmed the word choice could stand. The Mayor confirmed with Mr. Sandersfeld that utilities are provided as a package, meaning water and sewer must be provided together.

No upsizing of pipes is being considered at this time.

Mayor Stile opened public comment.

James Homich, 621 East Fifth Avenue, objects to the agreement, disagreeing that it does no harm to the City’s position in moving forward with the development. He pointed out the agreement is binding for both the City and the developer, and stated it places a burden upon the City if the developer does not annex.

Mayor Stile closed public comment.

MOTION BY COUNCILMEMBER ROLFSON FOR APPROVAL OF THE PRE-ANNEXATION AGREEMENT AS SET OUT ON PAGE NINE OF THE AGENDA PACKET; COUNCILMEMBER WALKER SECONDED THE MOTION.

Councilmember Walker asked Ms. Sutphen to address Mr. Homich’s comment. Ms. Sutphen reiterated the agreement pertains to voluntary annexation. The City can force annex if the other party chooses not to voluntarily annex. Trust is involved, and the City is not guaranteeing capacity availability without the annexation. Either party can sue. There would be formalities to terminate the pre-annexation agreement if the other party chose not to annex.

Tara Tedrow, legal representative for the developer, pointed out the good faith efforts put forth by the developer, noting that the expense and time spent demonstrate the true intentions of the developer. The agreement provides a reservation period within which the developer has to get everything done. In turn, the City guarantees capacity for their development. Any language in the agreement mentioning “at the discretion of the developer” is merely indicating this will be a voluntary annexation.

Councilmember Walker spoke in favor of the agreement.

MOTION PASSED WITH A 6-0 ROLL CALL VOTE.

YES Rolfson
Walker
Dawson
Bryant
Crail
Stile

NO None

3. Request Approval of Amendment One to the Agreement between the City of Mount Dora and Ceres Environmental Services, Inc. Related to Emergency Debris Hauling and Disposal Services

Ms. Sutphen explained this item was moved up from the September 7th agenda because of the impending tropical storm. The agreement lapsed as of April 15th and will be extended until December 31, 2023. Solicitation for a new debris hauler contract will be put together before the end of this extended agreement. The extension covers the City for this hurricane season.

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

MOTION BY COUNCILMEMBER WALKER TO APPROVE AMENDMENT ONE TO THE AGREEMENT BETWEEN THE CITY OF MOUNT DORA AND CERES ENVIRONMENTAL SERVICES, INC. RELATED TO EMERGENCY DEBRIS HAULING AND DISPOSAL SERVICES; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A 6-0 ROLL CALL VOTE.

YES Walker
Crail
Rolfson
Dawson
Bryant

Stile

NO None

PUBLIC HEARINGS

1. Request approval of First Reading of Ordinance No. 2023-16, Mount Dora Groves North Annexation for Simpson Family Partnership LTD (143.86 Acres)

City Attorney Sutphen read Ordinance No. 2023-16, Mount Dora Groves North Annexation for Simpson Family Partnership LTD (143.86 Acres) by title only.

ORDINANCE NO: 2023-16

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE VOLUNTARY ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF US HIGHWAY 441 AND EAST OF SR 44; 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 THE 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 explained the City received a petition for voluntary annexation. The property will be subject to the pre-annexation agreement approved earlier in the meeting. Staff recommends approval of the first reading. The second reading will be held pursuant to notification from the property owner/applicant/developer.

Mayor Stile opened public comment.

Christine King Harris, 402 Jackson Avenue, spoke about the ownership of the property.

Mayor Stile closed public comment.

Mayor Stile confirmed with Mr. Sandersfeld that construction-related burning would be coordinated with the Fire Department.

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE THE FIRST READING OF ORDINANCE NO. 2023-16, MOUNT DORA GROVES NORTH ANNEXATION FOR SIMPSON FAMILY PARTNERSHIP LTD; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 6-0 ROLL CALL VOTE.

YES Rolfson
Dawson
Walker
Bryant
Crail
Stile

NO None

2. Request approval of First Reading of Ordinance No. 2023-17, Mount Dora Groves South Annexation for Simpson Family Partnership LTD and Mount Dora Groves Co. Inc., (80.70 Acres)

City Attorney Sutphen read Ordinance No. 2023-17, Mount Dora Groves South Annexation for Simpson Family Partnership LTD and Mount Dora Groves Co. Inc., (80.70 Acres) by title only.

ORDINANCE NO: 2023-17

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE VOLUNTARY ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY 441, NORTH OF LIMIT AVENUE, AND EAST OF DONNELLY STREET; 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 THE 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 explained the City received a petition for voluntary annexation. The property will subject to the pre-annexation agreement approved earlier in the meeting. Staff recommends approval.

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

MOTION BY COUNCILMEMBER WALKER TO APPROVE THE FIRST READING OF ORDINANCE NO. 2023-17, MOUNT DORA GROVES SOUTH ANNEXATION FOR SIMPSON FAMILY PARTNERSHIP LTD AND MOUNT DORA GROVES CO. INC.; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A 6-0 ROLL CALL VOTE.

YES Walker
Crail
Rolfson

Dawson
Bryant
Stile

NO None

3. Request adoption of Resolution No. 2023-39, State of Emergency Related to Tropical Storm Idalia

Ms. Sutphen read Resolution No. 2023-29, State of Emergency Related to Tropical Storm Idalia by title only.

RESOLUTION NO. 2023- 39

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE LOCAL STATE OF EMERGENCY STEMMING FROM TROPICAL STORM IDALIA; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE DECLARATION OF A LOCAL STATE OF EMERGENCY; PROVIDING FOR THE INAPPLICABILITY OF EMERGENCY EVENT RESPONSE PAY; PROVIDING FOR THE DURATION OF THE LOCAL STATE OF EMERGENCY; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Sandersfeld explained the resolution follows the Governor's declaration of a state of emergency. Staff recommends adoption of the resolution.

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

MOTION BY VICE-MAYOR CRAIL TO ADOPT RESOLUTION NO. 2023-39, STATE OF EMERGENCY RELATED TO TROPICAL STORM IDALIA; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 6-0 ROLL CALL VOTE.

YES Crail
Walker
Rolfson
Dawson
Bryant
Stile

NO None

DISCUSSION ITEM

1. Response to the Lake County Legislative Delegation

This item addresses a possible response to a letter the City received from the Lake County Legislative Delegation regarding the recent resolution adopting the Safe Place Initiative. Mayor Stile explained that, before she responds on Council's behalf, she wished to hear from Council whether they would like to respond, and if so, what they believe that response should be.

The Mayor reported the City Manager informed the Mayor he was in favor of not responding. The Mayor would like to respond in some way to indicate acknowledgement of receipt. Councilmember Dawson expressed the opinion a response is not necessary since this is a Home Rule issue. Vice-mayor Crail suggested a response of acknowledgement as a courtesy. He spoke of the City's willingness to adjust the program for inclusivity without diminishing the initiative's purpose.

Councilmember Rolfson informed Council that he was contacted by State Representative Yarkosky shortly after the resolution's adoption, and related to them the delegation's request to meet with Councilmember Rolfson. Councilmember Rolfson recounted the circumstances of the meeting not taking place and his subsequent letter sent to the members of the delegation mentioning the meeting and the related subject matter. He informed Council of his communicating to the members of the delegation that he would recommend to the Council an adjustment of the initiative responsive to the concerns expressed by the delegation in their letter to the City.

Councilmember Bryant referred to Home Rule, and spoke in favor of a response to the delegation out of courtesy. He did concur with Councilmember Rolfson regarding the value of the City's relationship with the delegation.

Councilmember Walker reminded those present that the date of this meeting coincides with the 60th anniversary of the March on Washington. He stated that he stands behind his original vote to be an ally for all communities.

MOTION BY COUNCILMEMBER ROLFSON TO CRAFT, ON BEHALF OF COUNCIL, AN ACKNOWLEDGEMENT OF RECEIPT OF THE DELEGATION'S LETTER, AND THAT THE CITY CLERK AND THE CITY ATTORNEY HAVE A CHANCE TO REVIEW THE MAYOR'S DRAFT BEFORE IT IS SENT OUT; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 6-0 ROLL CALL VOTE.

YES Rolfson
Walker
Dawson
Bryant
Crail
Stile

NO None

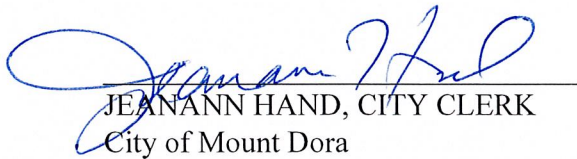
ADJOURNMENT

***MOTION BY COUNCILMEMBER ROLFSON TO ADJOURN;
COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED
WITH A UNANIMOUS VOICE VOTE.***

There being no further business for discussion, the meeting adjourned at approximately 7:38 p.m.



CRISSY STILE, MAYOR
City of Mount Dora



JEANANN HAND, CITY CLERK
City of Mount Dora