CITY OF MOUNT DORA, FLORIDA
CITY COUNCIL REGULAR SESSION
MEETING MINUTES

September 7, 2023, 6:22 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 6:22 p.m., Mayor Crissy Stile called to order the regular session of the Mount Dora City Council.

Members Present
Crissy Stile, Mayor
Marc Crail, Vice-mayor
John Cataldo, District 1
Cal Rolfson, District 2
Dennis Dawson, District 3
Nate Walker, District 5
Doug Bryant, At-large

Also Present
Patrick C. Comiskey, City Manager
Sherry G. Sutphen, City Attorney
Jeanann Hand, City Clerk

PRESENTATIONS

1. Mount Dora Fun Fact

Mayor Stile spoke about the raffle of a Toyota Tacoma truck to raise funds for the restoration of the Mount Dora High School stadium.

2. Leukodystrophy Awareness Month Proclamation

Mayor Stile read into the record the proclamation for Leukodystrophy Awareness Month. Ms. Barbara Hall spoke on the disease and presented slides showing children who were affected by the leukodystrophy, including her son Everett, who passed away at the age of two. The balcony of City Hall was lit with blue lights, the color representing awareness of the disease. Ms. Hall is part of an effort to widen the screening of newborns for leukodystrophy in the state of Florida. Ms. Hall's presentation is attached to the minutes as Exhibit A.

3. Presentation by Mount Dora Friends of the Environment President-Elect, Marc Vaughn-Results of Aerial Treetop Drone Survey on Old Town City Right of Ways (As a Partial Update to the 2017 Tree Study): Where to Plant and What Are the Best Tree Types

Mr. Vaughn provided slides presenting places the Friends of the Environment finds appropriate for the placement of new trees. He also provided photos where certain types of trees may not be appropriately planted. He pointed out that different species of oaks are better suited for planting near sidewalks and streets. He emphasized proper planting for urban environments. He spoke of the Urban Forestry grant.

Councilmember Cataldo asked the number trees planned for planting and Mr. Vaughn responded 100 trees as their goal. Councilmember Rolfson asked about the expense of Live Oaks versus Laurel Oaks; Mr. Vaughn reported the Live Oak species is more expensive than other choices, but is worth the expense. Councilmember Dawson asked about a plan for Laurel Oak removal and replacement, referencing trees downed by storms; Mr. Vaughn responded there is no plan for that yet. In response to a question from Councilmember Bryant, Mr. Vaughn stated that the aerial study completed by the City is not being cross-referenced with the City's tree inventory at this time.

PUBLIC COMMENT

Mayor Stile opened public comment.

Mark Slaby, 2040 Hillside Drive, stated great things are happening in the City, and that the City does not need to wait for an arborist to make things happen. He spoke of the importance of policy and thought process.

Marlene Straughan, Principal of Mount Dora High School, 700 North Highland Street, spoke about the details of the truck raffle mentioned earlier by Mayor Stile. Ms. Straughan asked the City for help in letting the truck be seen so that the raffle is noticed. Mr. Comiskey directed Ms. Straughan to get in touch with Director of Economic Development and Public Information Misty Sommer to find a highly visible place to park the truck.

Mayor Stile closed public comment.

APPROVAL OF AGENDA

Councilmember Rolfson stated he would like to discuss pulling from the agenda Action Items One and Two, which are the two items relating to the City Attorney process. He told Council this process, as it is unfolding, has not been a City Council process; it's been the manager's process from the beginning. Councilmember Rolfson reminded them that the City Attorney is an appointee by the Council according to the City Charter, and that Council does two things under the Charter, appoint the City Manager and appoint a City Attorney. The people of this City have decided those two things are Council's responsibility.

Councilmember Rolfson reviewed the events leading up to this point, which included a two-paragraph email from Mr. Comiskey sent on August 8th and, later, the addition of this item on the agenda.

Councilmember Rolfson asserted that City Council had not been involved in a process that should be their responsibility. He pointed out that no criteria was established by Council, nor was the timeframe or solicitation format. He objected to the Request for Letter of Intent (RLOI) format, which is an abbreviated form of solicitation, rather than a Request for Proposal (RFP). He did not appreciate that Mr. Comiskey asked that the RLOI be specifically sent to two firms, interfering with the process.

Councilmember Rolfson reviewed the minimum qualifications from the solicitation. He stated that board certification in government law should be a requirement. The confidentiality requirements related to including this item in the agenda packet have been unclear and leave doubt as to whether they were correctly followed, which risks the public not receiving adequate information on the process leading up to the meeting. He suggested a two-year term may not be what Council wants for the attorney agreement. He asked Council why they would pursue a process they had no part in creating. Councilmember Rolfson stated that Mr. Comiskey had taken over Council decisions, and urged his fellow Councilmembers not to acquiesce.

After being asked by Councilmember Rolfson, Purchasing Manager Marilyn Douglas confirmed to Council that she had suggested to Mr. Comiskey that he issue an RFP, which is open for 90 days. Mr. Comiskey insisted on the RLOI with August 31st being the last day for submittal.

Councilmember Rolfson reminded Council that they had the responsibility to approve RFP notices in the past. He expressed concern about the takeover of Council responsibility.

Staff offered clarification regarding how many responded to the RLOI (two respondents) versus how many accessed the clearinghouse at which the RLOI was posted.

Councilmember Rolfson objected to the last-minute distribution of related documents to Council. He would like to see the two items related to this process withdrawn from the agenda for this meeting.

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE WITH AGENDA WITH ACTION ITEMS ONE AND TWO REMOVED FROM THE AGENDA.

Councilmember Dawson stated he believed that Mr. Comiskey did as Council directed. He pointed out Council wanted the process to move quickly.

Mayor Stile reported she received this agenda item's documentation after a customer found it was left on the doorstep of her store.

Councilmember Bryant made it known that he did not object to this process. He referenced the meeting attended by Daniel Mantzaris on August 1st, who later withdrew from that process. He stated he would like to move forward.

Mr. Comiskey explained each firm would be sequestered during that part of the meeting where the other firm was presenting and answering questions.

Councilmember Rolfson objected to the lack of communication during this process.

Councilmember Dawson argued that the proper process was followed.

Councilmember Rolfson questioned why the City Manager would not take the advice of his Purchasing Manager.

Vice-mayor Crail spoke of the difference between a process that is incorrect and a process that is different from what took place in the past.

Councilmember Walker asked what the harm would be in following a process with which everyone feels comfortable.

Councilmember Bryant stated some present may not feel comfortable prolonging this process.

MOTION FAILED WITH A 3-4 VOICE VOTE. THE AGENDA WAS APPROVED AS PUBLISHED.

YES Rolfson
Walker
Stile

NO Cataldo
Dawson
Bryant

Crail

The City Clerk mentioned Council's 6-1 vote at the August 1st meeting to table the hiring of Daniel Mantzaris until after the investigation being conducted by Lindsay Greene had concluded.

BOARD APPOINTMENT
MAYOR STILE WAS REAPPOINTED TO THE MOUNT DORA COMMUNITY TRUST DISTRIBUTION COMMITTEE BY A UNANIMOUS VOICE VOTE.

CONSENT AGENDA
1. Request Approval of Agreement with Graham Media Group, Orlando, Inc.(News 6 WKMG-TV Orlando) for Live WebCam Sponsorship
2. Request Authorization to purchase Substation Medium Voltage Breaker from ABB, Inc., in accordance with the Cooperative Purchase Agreement dated May 17, 2023
3. Request Authorization for Repair of Caterpillar Backhoe by Ring Power Corporation.
4. Request Approval of the Agreement Between the City of Mount Dora and the Florida Department of State for the General Program Support Grant
5. Request Approval of Designation of Acting City Manager for Future Leave
6. Request Approval of Meeting Minutes
    - August 1, 2023 Regular Session Minutes
    - August 15, 2023 Regular Session Minutes

MOTION BY COUNCILMEMBER WALKER TO APPROVE THE CONSENT AGENDA; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

ACTION ITEMS
1. Interviews with Proposing Firms under RLOI# 23-GS-016 City Attorney Services
Mr. Andrew Hand of Shepard, Smith, Kohlmyer & Hand, P.A. introduced his firm and spoke on their behalf. The firm also represents the City of Mascotte. Mr. Hand spoke of the firm's history with the city. Mr. Hand presented a PowerPoint attached to the minutes at Exhibit B. Partner Patrick Brackins introduced himself and spoke to Council.

Ms. Douglas explained the question-and-answer period would now begin.

Councilmember Cataldo asked if the firm had litigated issues in Lake County. Mr. Hand replied that they had. Councilmember Cataldo asked how many Bert Harris cases they handle per year. Mr. Hand replied they handle a few each year. Councilmember Cataldo asked if they had ever told a client something they did not want to hear. Mr. Hand replied that they have.

Councilmember Bryant asked if there would be a problem with attendance on the first and third Tuesdays for Council meetings. Mr. Brackins would attend Council meetings and Mr. Hand would attend Planning and Zoning Commission meetings.

Councilmember Dawson brought up joint planning agreements and asked whether Mascotte has a joint planning agreement (JPA). Mascotte doesn't have a county JPA. Mr. Hand said it is not necessary because of existing interlocals. Mr. Brackins mentioned his work with Dade City and their agreement with Pasco county.

Vice-mayor Crail asked how they intend to handle a transition between attorneys and they explained their approach.

Councilmember Rolfson commented on the firm's competence.

Councilmember Walker asked what role the firm would have in litigating insurance coverage. Mr. Brackins said would supervise claims handled by the City's insurance coverage. The firm would handle cases not handled by the City's insurance coverage.

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

Mr. Comiskey requested that Mr. Hand and Mr. Brackins remain on the premises during the rest of the process

Council reviewed information in preparation for entertaining the presentation by the next firm.

Ms. Douglas announced the second responding firm, Vose Law Firm, LLP.

Managing Partner Wade Vose introduced his firm to Council. He described the firm's history and experience. Also present with him were the firm's founder, Becky Voss, and partner Nancy Stuparich. He reported his firm only represents local governments, and never represents owners, developers, or vendors which deal with local governments. His firm works on a fixed fee retainer. He stated his firm's philosophy for refraining from involvement in policy, helping a government find ways to accomplish their goals on a legally secure footing.

Ms. Douglas announced the beginning of the question-and-answer session.

Councilmember Cataldo asked what their most difficult case was. Mr. Vose related information regarding vacation rentals in Anna Maria. The firm litigated three different cases on the topic to complete success with summary judgments or the opponent dropping the case. The firm litigated 110 related Bert Harris claims for the City, winning all claims with zero payout from the City.

Councilmember Cataldo asked whether they had ever told their client something the client didn't want to hear. Mr. Vose replied that is part of their job, but they work to find the right solution for their client rather than just saying "no."

Councilmember Bryant asked whether the firm's attorneys have adequate time to devote to the City of Mount Dora. Mr. Vose replied that the firm has more than enough time among all the professionals in their office. The primary attorneys designated for the City would be Mr. Vose, Ms. Vose, and Ms. Stuparich, with Mr. Vose taking the lead and attending meetings.

Vice-mayor Crail asked how the firm intended to handle the transition between attorneys. Mr. Vose stated he worked with Ms. Sutphen before and would expect a smooth and easy transition.

Vice-mayor Crail referred to a statement Mr. Vose made during his presentation, "We work for each of you." The Vice-mayor pointed out he would expect the firm to work for "all of us." Mr. Vose agreed with the Vice-mayor and clarified his statement, explaining the City Attorney office is a resource for any of the council members when they want to develop or understand a particular idea.

Councilmember Walker asked for clarification on which attorneys are board certified. Mr. Vose is board-certified, as is Ralph Brooks, who is "of counsel."

Councilmember Walker referenced Ms. Vose's statement that the firm stopped representing developers five years ago, and asked how the firm can assure there will be no conflict of interest in five years. Mr. Vose stated he doesn't anticipate any land use issues in our area. Ms. Vose added the firm hadn't represented any entities having anything to do with Mount Dora. Mr. Vose explained there is a difference between conflicts of interest with current clients and with past clients.

Councilmember Walker asked Mr. Vose how their firm balances their work load when they work for a flat fee. Mr. Vose told the councilmember that the firm does sometimes take losses during the first couple of years, but, he stated, it all works out in the long term.

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

Mr. Comiskey asked the firm to have a representative remain on standby while Council discussed the two firms.

Mayor Stile adjourned the meeting for a recess at 8:28 p.m.

Mayor Stile called the meeting back to order at 8:35 p.m.

Ms. Douglas explained the process. Council could discuss the firms at this time

Vice-mayor Crail asked what the City spent last year in attorney fees. Mr. Comiskey provided Council a document. Vice-mayor Crail asked Ms. Sutphen what Roper's fees are. Ms. Sutphen replied $190.00 per hour, and lower for paralegal and associate rates.

Councilmember Cataldo stated he liked Vose's flat fee format and their vacation rental story. He believed since one of their attorneys lives in Mount Dora, they may have a more vested interest in the City. He appreciated the length and detail of their proposal.

Councilmember Bryant stated both firms share numerous positive qualities, including experience, number of relevant clients served, and ties with Lake County and Mount Dora. Their travel distance is similar. A significant difference is their rate structure. Councilmember Bryant liked the fixed rate structure, likening it to in-house counsel with access to eight attorneys. He found Vose's highly customized presentation to be a tiebreaker placing Vose in the lead, but said he would be happy with either firm.

Councilmember Dawson commented that the fixed fee is a brave approach, and he preferred that schedule. He stated he preferred Vose as they seem to have more experience with places like Mount Dora.

Vice-mayor Crail stated Shepard, Smith, Kohlmyer & Hand is his preference, in part because so many of their attorneys have board certification. He appreciated their depth.

Councilmember Rolfson was on Council when the City used the Shepard firm. He stated they have better depth of experience. Cliff Shepard was competent. He developed a successful training for City board members. Councilmember Rolfson remembered Mr. Hand also performing well for the City in place of Mr. Shepard when Mr. Shepard was not available. Councilmember Rolfson expressed concern about the lack of board certification of persons with the Vos firm. The other certified person with Vos is of counsel, which is not preferable. Councilmember Rolfson concluded either firm could do well. He wondered how long Vose had stayed at the numerous cities listed. He prefers the Shepard firm.

Councilmember Walker asked why Mr. Shepard was terminated. Councilmember Rolfson responded that Mr. Shepard served the City well for ten years. However, a new City Council and Mayor wanted to refresh the handling of the City's legal matters. Mr. Shepard's termination had nothing to do with quality of service. The Vice-mayor added that all contracts should be shopped around after a period of time. At that time, the Vice-mayor voted to keep Shepard's firm, but he had been in favor of the review that took place.

Councilmember Walker asked about the two-year term mentioned in the RLOI. He agreed with Councilmember Rolfson that the term should be Council's purview. He asked Council whether they would be agreeable to looking into the terms.

Councilmember Bryant noted the next agenda item authorized agreement negotiation, which could address the term or any other aspect of the agreement. He stated he was comfortable with either firm.

Mayor Stile reminded Council this is a major decision for the City. She would like more time to contact the references since they were received not long before the meeting took place. The Mayor would like more time to make this decision instead of making the decision tonight.

Councilmember Bryant said while board certification is an important filter, what qualifies firms also depends on other factors.

Vice-mayor Crail agreed with Councilmember Walker's statement regarding following a process with which all are comfortable. The Vice-mayor stated he would also like to take more time to make this decision, but would like Council to choose a date certain, such as the next Council meeting on September 21st.

Mayor Stile pointed out Vose's of counsel member did not perform well when preparing the referendum for building heights, and the materials produced needed to be corrected by another attorney. She told Councilmember Bryant she is not comfortable with the negotiation mentioned in the next agenda item because of the short notice and lack of input associated with this item. She preferred there be more time to gather information and become better acquainted with the firms presented.

Mr. Dawson preferred a uniform way of checking references. Ms. Douglas explained she has a form that would be sent from Purchasing. The compiled information would be sent to Council. Councilmembers were free to do their own research individually as well. There will be a deadline for responses to be returned to Ms. Douglas. Council will send their questions for references to her by Monday.

MOTION BY VICE-MAYOR CRAIL TO CONTINUE THE PROCESS OF SELECTING A CITY ATTORNEY WITH RLOI# 23-GS-016 UNTIL THE SEPTEMBER 21ST MEETING; COUNCILMEMBER DAWSON SECONDED THE MOTION.

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

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Crail

Dawson
Cataldo
Rolfson
Walker
Bryant
Stile

NO None

2. Discussion of Status of Resolution 2023-32, Safe Place Initiative

Mayor Stile explained this item is on the agenda for Chief Gibson to provide an update and for Council to discuss a response from the City. Mayor Stile had not yet written a response letter and wanted more feedback from Council.

Chief Gibson explained he acts on direction of Council. He explained where the City is at in the process of implementing the initiative. The Chief has a volunteer to act as the Safe Place Coordinator. All aspects of the program will brought to Council for a final presentation and final approval. After approval, he will move into Phase 4 wherein the initiative will go live. Chief Gibson estimated it will be ready to be fully implemented in October 2023. He stated his belief the website may be causing confusion. He asked council's permission to broaden it and make it more inclusive. The website will explain it is still a work in progress. He invited questions.

Councilmember Rolfson mentioned letter received from the Lake County Legislative Delegation. He spoke in support of what the Police Chief just said. He related information about his communication with members of the delegation and their attempted meeting.

MOTION BY COUNCILMEMBER ROLFSON TO, AT NEXT COUNCIL MEETING, HAVE RESOLUTION NO. 2023-32, SAFE PLACE INITIATIVE, AMENDED OR WITHDRAWN AND REDONE TO CREATE A NEW PROGRAM THAT IS ALL INCLUSIVE.

Councilmember Rolfson spoke further on the intent to be all-inclusive with this initiative.

Councilmember Dawson stated his reading of the resolution shows that it is all-inclusive. He viewed a video of the training program from Seattle. He recommend other Councilmembers go through that training also. He pointed out that the rainbow symbol is recognizable for this cause, but the rainbow also represents all the colors of the rainbow, making it a broad symbol.

Chief Gibson stated the badge is used because it is a police initiative. The badge with rainbow coloring is part of the original initiative. The text on the decal would be completely up to the City. The initiative is meant to be a bridge between police and community. He pointed out the police industry is non-political; their job is to enforce ordinances of their territory.

Vice-mayor Crail acknowledged the effort to make this as all-inclusive and all-encompassing. He suggested there may be other words or graphics that could accompany badge and rainbow that might be even better than what was initially proposed.

Chief Gibson told those present that this is an initiative that covers all marginalized people. He asked for Council's permission to clean up the website. He would like any marginalized individual to clearly understand the initiative is meant for them.

Councilmember Cataldo stated the City has an educational process before them. He reported speaking with people on both sides of the issue.

Chief Gibson told Council he would bring back a product they would like. He will bring back the Seattle model and Council can make a decision based on that.

Councilmember Walker stated he does not want to go backwards. He respects differing opinions, but stated when one has a belief, one has to stand firm.

Councilmember Bryant believes in maintaining the badge and the rainbow. He spoke against capitulating to political pressure. He was in favor of making it a better program.

Councilmember Dawson reminded Council the resolution states the initiative is for everyone. He stated he could not support the motion, and was against backing down against political pressure.

Vice-mayor Crail suggested putting the Seattle video on the website.

Councilmember Rolfson said he supports the rainbow flag. He pointed out the Home Rule nature of this issue. He agreed in the need for education and how that might affect opposition. He also pointed out the support the delegation has provided to the City. He told Council he is keeping his promise to the delegation by making this motion.

MOTION BY COUNCILMEMBER ROLFSON THAT THE ACTION COUNCIL TOOK ON AUGUST 15, 2023 TO PASS RESOLUTION NO. 2023-32 BE REVIEWED AND THAT COUNCIL REFER THE ISSUE BACK TO OUR POLICE CHIEF TO RETURN THIS MATTER TO THE CITY COUNCIL TO REFLECT A SAFE PLACE CONCEPT THAT DOES NOT EMPHASIZE ANY PARTICULAR OR NAMED GROUP, BUT INCLUDES THIS COUNCIL'S SUPPORT FOR SAFE PLACES FOR ALL PERSONS WHO MAY FEEL UNSAFE IN MOUNT DORA, INCLUDING LGBTQIA+ IDENTIFIED PERSONS; VICE-MAYOR CRAIL SECONDED THE MOTION.

Councilmember Walker asked Councilmember Rolfson, outside of his promise, why the motioned action is necessary if the Chief is already saying he is working on modifications.

Councilmember Rolfson pointed out that no clear direction for modification has yet been defined by Council.

Vice-mayor Crail suggested Councilmember Rolfson tell the delegation that the initiative in Mount Dora is a work in progress. Councilmember Rolfson agreed he could do that.

Mayor Stile spoke about the understanding of those who have and who haven't listened to the entire discussion on August 15th regarding this initiative. The discussion makes clear the broad inclusivity of the initiative. The rainbow has made it a political issue. Mayor Stile was not in favor of amending or repealing the resolution. When the resolution was passed, it was clear it was a work in progress.

Councilmember Rolfson pointed out that his motion does not call for a repealing of the resolution, but asks for it to be reviewed.

Mayor Stile opened public comment.

C.J. Blancett, 1085 South Em En El Grove Road, Unincorporated Leesburg, spoke against the resolution, expressing her belief that it encourages separation.

Omid Zomato, 205 East Seventh Avenue, spoke about symbolism, simplicity of message, inclusivity, and the effectiveness of the Seattle police.

Amy Becker, 404 North Donnelly Street, said her business will help all people and doesn't need a sticker to indicate that.

Joe Lewis, 148 Charles Avenue, said the City has the best intentions, but that the initiative is not for the best of the business community. He spoke about branding, and the perception of symbols. He spoke in support of the motion.

Mayor Stile closed public comment

MOTION FAILED WITH A 2-5 ROLL CALL VOTE.

YES Rolfson
Crail
NO Dawson
Cataldo
Walker
Bryant
Stile

PUBLIC HEARINGS

1. Request Second-First Reading of Ordinance No. 2023-11, Land Development Code Amendment

City Attorney Sutphen read Ordinance No. 2023-11 by title only.

ORDINANCE NO: 2023-11

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER I, OVERVIEW, CHAPTER III, ZONING REGULATIONS, CHAPTER VI, DESIGN STANDARDS AND CHAPTER VIII, DEFINITIONS; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Director Vince Sandersfeld described the history of the item. Updates to the code include approximately two dozen changes throughout the ordinance, including regulations about grading standards and about backyard chickens. The Planning Commission supports the new ordinance and staff recommends approval.

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

Mayor Stile momentarily reverted to discussion of the previous item in order to provide Chief Gibson clear direction. The Police Chief requested permission to alter the pages on the City website associated with the Safe Place Initiative to make the information more clear. Council agreed to allow the Police Chief to do so. Mr. Comiskey interjected the advice to let the website remain the same since no changes have taken place yet, but with the addition of an editorial from the Chief to update on the current status of the initiative in Mount Dora. Mayor Stile pointed out the web page was not entirely accurate, so the Chief has permission to take the site down until accurate information could be presented.

MOTION BY COUNCILMEMBER WALKER TO APPROVE THE SECOND FIRST READING OF ORDINANCE NO. 2023-11, LAND DEVELOPMENT CODE AMENDMENT; COUNCILMEMBER CATALDO SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Walker
Cataldo
Rolfson
Dawson
Bryant
Crail
Stile
NO None

2. Request approval of First Reading of Ordinance No. 2023-13, Annexation for the City of Mount Dora Niles Road (19.97 Acres)

City Attorney Sutphen read Ordinance No. 2023-13 by title only.

ORDINANCE NO: 2023-13

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE VOLUNTARY ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF SR 46 AT NILES ROAD; 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 described the parcel and its relation to two upcoming ordinances on the agenda. The parcel was conveyed to the City from the Florida Department of Transportation (FDOT) in October of 2022. It is eligible for annexation and staff recommends approval. FDOT restricted the land to public use.

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. 2023-13, ANNEXATION OF FOR THE CITY OF MOUNT DORA NILES ROAD (19.97 ACRES); VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Walker
Crail
Cataldo
Rolfson
Dawson
Bryant
Stile
NO None

3. Request Single Reading (Final) and Adoption of Ordinance No. 2023-14, Small-Scale Future Land Use Map Amendment for City of Mount Dora Niles Road (19.97Acres)

City Attorney Sutphen read Ordinance No. 2023-14, Small-Scale Future Land Use Map Amendment for City of Mount Dora Niles Road (19.97Acres) by title only.

ORDINANCE NO: 2023-14

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THAT PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF SR 46 AT NILES ROAD AND THE 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.
MOTION

Mr. Sandersfeld explained this is the adoption hearing for this land use change. Staff recommends approval.

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT ORDINANCE NO. 2023-14, SMALL SCALE FUTURE LAND USE MAP AMENDMENT FOR THE CITY OF MOUNT DORA NILES ROAD (19.97 ACRES); VICE MAYOR CRAIL SECONDED THE MOTION.

Mayor Stile opened public comment.

Christine King Harris, 402 East Jackson Avenue, spoke about public notice for zoning.

Mayor Stile closed public comment.

Mr. Sandersfeld reported this hearing had indeed met public notice requirements.

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Crail
Cataldo
Dawson
Walker
Bryant
Stile
NO None

4. Request approval of First Reading of Ordinance No. 2023-15, Change in Zoning for City of Mount Dora Niles Road (19.97 Acres)

City Attorney Sutphen read Ordinance No. 2023-15 by title only.

ORDINANCE NO: 2023-15

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE ZONING DISTRICT CLASSIFICATION CHANGE FOR THAT PROPERTY LOCATED ON THE NORTH SIDE OF SR 46 AT NILES ROAD; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ZONING DISTRICT CLASSIFICATION CHANGE; PROVIDING FOR OFFICIAL 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.

Mr. Sandersfeld spoke about the item, announcing this ordinance is the assigning the district public lands institutional zoning. This zoning may help with the connection of Niles Road and SR 46 for the Vista Ridge Development. The Planning and Zoning Commission and staff recommend approval. There will be a second reading later in the month for adoption.

MOTION BY COUNCILMEMBER DAWSON TO APPROVE THE FIRST READING OF ORDINANCE NO. 2023-15, CHANGE IN ZONING FOR CITY OF MOUNT DORA NILES ROAD; VICE-MAYOR CRAIL SECONDED THE MOTION.

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

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Dawson
Crail
Cataldo
Rolfson
Walker
Bryant
Stile

NO None

5. Request Adoption of Resolution No. 2023-28, Final Fire Assessment Rate
City Attorney Sutphen read Resolution No. 2023-28 by title only.

RESOLUTION NO. 2023-28
Annual Fire Assessment Resolution
(FY 2023-24)

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MOUNT DORA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR REIMPOSITION OF FIRE SERVICES ASSESSMENTS; PROVIDING FOR CONFIRMATION OF PRELIMINARY ASSESSMENT RESOLUTION; PROVIDING FOR EFFECT OF ADOPTION OF THIS RESOLUTION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Budget Director Aneta Barton explained the item. The assessment fee was established for fire protection services and facilities. The main expenses for which the assessment will be used is the debt service payment for the new fire station and operation of the fire department, as well as capital expenditures they may have throughout the year.

Ms. Barton confirmed the rate would remain at $209.00. She explained the calculation of the rates.

The Residential Fire Assessment Fee is set at $209.00. Non-residential fees are as follows: $.15/square foot for commercial, $.03/square foot for industrial/warehouse, $.40/square foot for institutional property. The advertised rates were the rates as proposed. The adopted rates may be lower than the advertised rates.

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT RESOLUTION NO. 2023-28, ANNUAL FIRE ASSESSMENT RATE FOR FISCAL YEAR 2023-24; COUNCILMEMBER WALKER SECONDED THE MOTION.

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

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Walker
Cataldo
Dawson
Bryant
Crail
Stile
NO None

6. Request Adoption of Resolution No. 2023-33, Adjustment of the Electric Base Rate and Power Cost Charge

City Attorney Sutphen read Resolution no. 2023-33 by title only.

RESOLUTION NO. 2023-33

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO ADJUSTMENTS TO THE ELECTRIC UTILITY POWER COST CHARGE AND BASE RATE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL OF ELECTRIC UTILITY POWER COST CHARGE AND BASE RATE ADJUSTMENTS; PROVIDING FOR THE IMPLEMENTATION OF ADMISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Electric Utilities Director Steve Langley stated he is requesting changes to the electric base rate and the power cost charge. He explained the rates and how they are calculated. They are proposing to increase the base rate and decrease the power cost charge. The customer will see an allover decrease. Base rate will increase by 7.07 percent because of Ordinance No. 2018-18, establishing the Florida Public Service Commission's price index as the City's standard for calculation. A rate study is done every three years. The power cost charge will be reduced 24.4 percent because of fuel costs being lower than anticipated and a high natural gas reserve.

Mr. Langley showed chart attached to the minutes as Exhibit C. The chart compared Mount Dora rates to the rates of other providers.

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT RESOLUTION NO. 2023-33, ADJUSTMENT OF THE ELECTRIC BASE RATE AND POWER COST CHARGE; COUNCILMEMBER DAWSON SECONDED THE MOTION.

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

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Dawson
Cataldo
Walker
Bryant
Crail
Stile
NO None

7. Request Adoption of Resolution No. 2023-36, Tentative Millage Rate
City Attorney Sutphen read Resolution No. 2023-36 by title only.

RESOLUTION NO. 2023-36

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA PROVIDING FOR THE

ADOPTION OF THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2023-24; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR LEVY OF AD VALOREM TAXES AND PERCENTAGE INCREASE; PROVIDING FOR FINAL BUDGET HEARING; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Barton explained this item establishes the tentative operating millage rate for Fiscal Year 2023-2024. The proposed rate is set to 5.9603 mills, which is an 8.90% increase from the rolled-back rate of 5.4731 mills. Setting the millage rate at the proposed rather than the rolled-back rate will result in an additional $834,998.00 of ad valorem taxes for the general fund. The proposed millage rate is a decrease from the maximum millage cap set at the July 18th City Council meeting. The proposed rate is the same as the current fiscal year's millage rate.

The resolution also establishes the date, time and place of final budget and millage rate hearings for the City's 2023-2024 fiscal year, which will take place September 21, 2023 at 6 p.m. in Council Chambers.

MOTION BY VICE-MAYOR CRAIL TO ADOPT OF RESOLUTION NO. 2023-36, TENTATIVE MILLAGE RATE OF 5.9063 MILLS; COUNCILMEMBER WALKER SECONDED THE MOTION.

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

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Crail
Walker
Cataldo
Rolfson
Dawson
Bryant
Stile
NO None

8. Request Adoption of Resolution No. 2023-37, Tentative Budget for Fiscal Year 2023-2024 City Attorney

City Attorney Sutphen read Resolution No. 2023-37 by title only.

RESOLUTION NO. 2023-37

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2023-24; PROVIDING FOR FINAL BUDGET PUBLIC HEARING; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Barton explained the resolution seeks to establish the tentative budget for fiscal year 2023-24. The budget is in accordance with what Council was presented and provided direction upon at the budget workshops. The tentative budget presented tonight is $132,007,350.00.

The resolution also establishes the date, time and place of final hearing for the City's 2023-2024 fiscal year, which will take place September 21, 2023, at 6 p.m. in Council Chambers.

Councilmember Rolfson mentioned the 40 open positions unfilled that were budgeted for in Fiscal Year 2022-2023, asking why there weren't filled. Mr. Comiskey stated finalizing a new HR Director will be the first step in filling positions. Councilmember Rolfson asked why the positions were not filled this fiscal year since they were budgeted for. Mr. Comiskey said they would change their advertising venues, because the ones being used may not be effective enough. Councilmember Rolfson asserted Council should be informed about positions not being filled when Council had budgeted for them.

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT RESOLUTION NO. 2023-37, TENTATIVE BUDGET FOR FISCAL YEAR 2023-2024; COUNCILMEMBER DAWSON SECONDED THE MOTION.

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

MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Dawson
Cataldo
Walker
Bryant
Crail
Stile
NO None

CITY MANAGER REPORT
Mr. Comiskey thanked Aneta Barton for her work on the budget. Mr. Comiskey also thanked Police Chief Gibson and Councilmember Rolfson for taking the time to meet with the delegates. He spoke about the delegates' support for the City, mentioning specifically Representative Keith Truenow.

CITY ATTORNEY REPORT
No report.

COMMUNICATIONS AND REPORTS
Councilmember Dawson thanked Aneta Barton for her work on the budget. He also thanked Chief Gibson for his passion.

Councilmember Dawson spoke about his participation on the Florida League of Cities Finance, Tax, and Personnel Committee. He mentioned Councilmembers Bryant and Rolfson will also be participating on committees.

Councilmember Rolfson thanked Councilmember Dawson for joining the committee, emphasizing its importance to the City.

Mayor Stile spoke about the a visit by the Tallahassee-based Florida Greenways and Trails Council, who chose Mount Dora as the location for their latest meeting where they presented the City the sign signifying Mount Dora's Trail Town designation.

She announced the upcoming dedication of a new Little Library in Gilbert Park. She reminded those present to notice the blue lights upon exiting. Finally, she recognized four new Mount Dora police officers whose graduation from Seminole State College she recently attended.

MOTION BY COUNCILMEMBER WALKER TO ADJOURN; MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

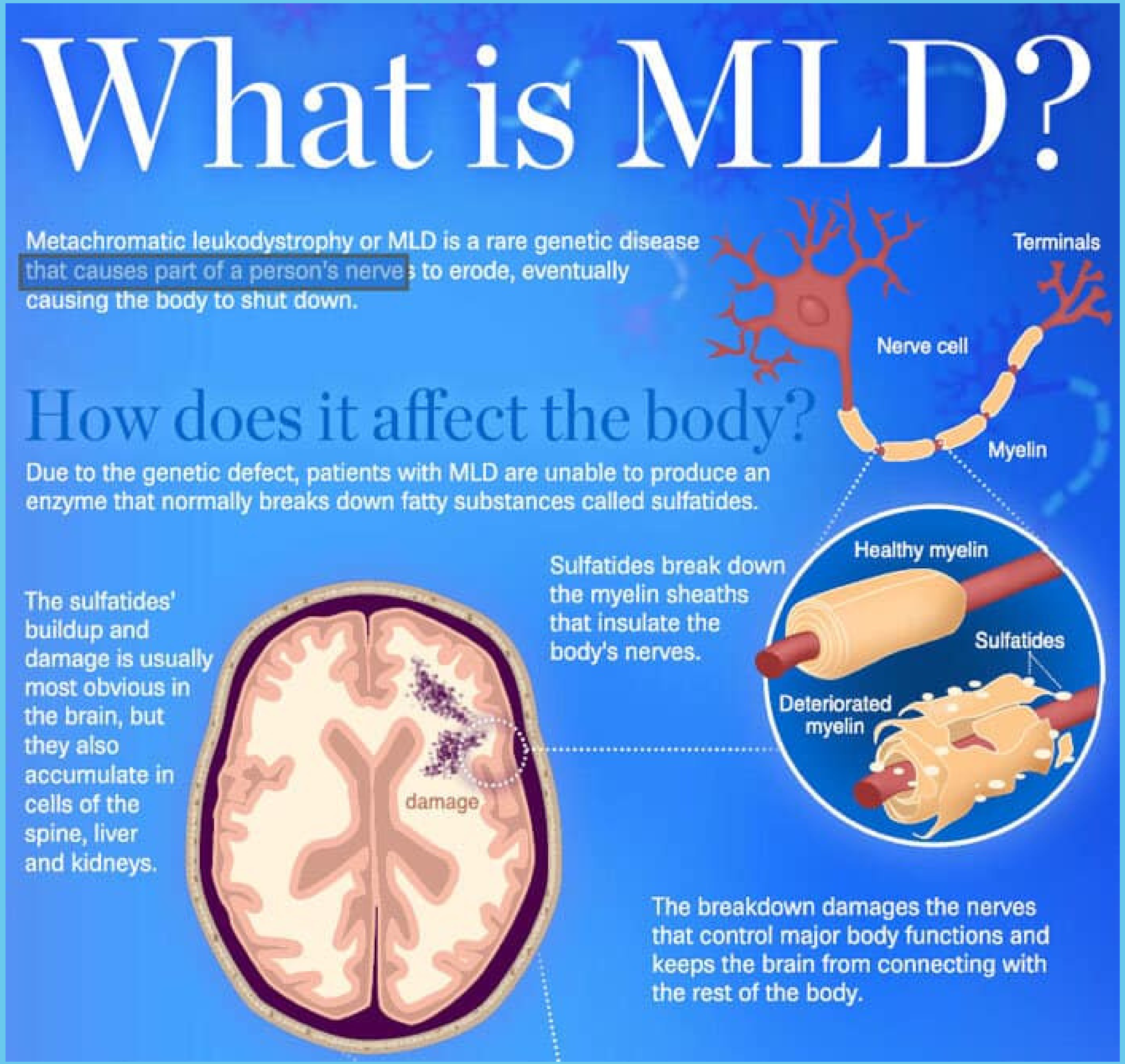
There being no further business for discussion, Mayor Stile adjourned the meeting at approximately 11:01 p.m.

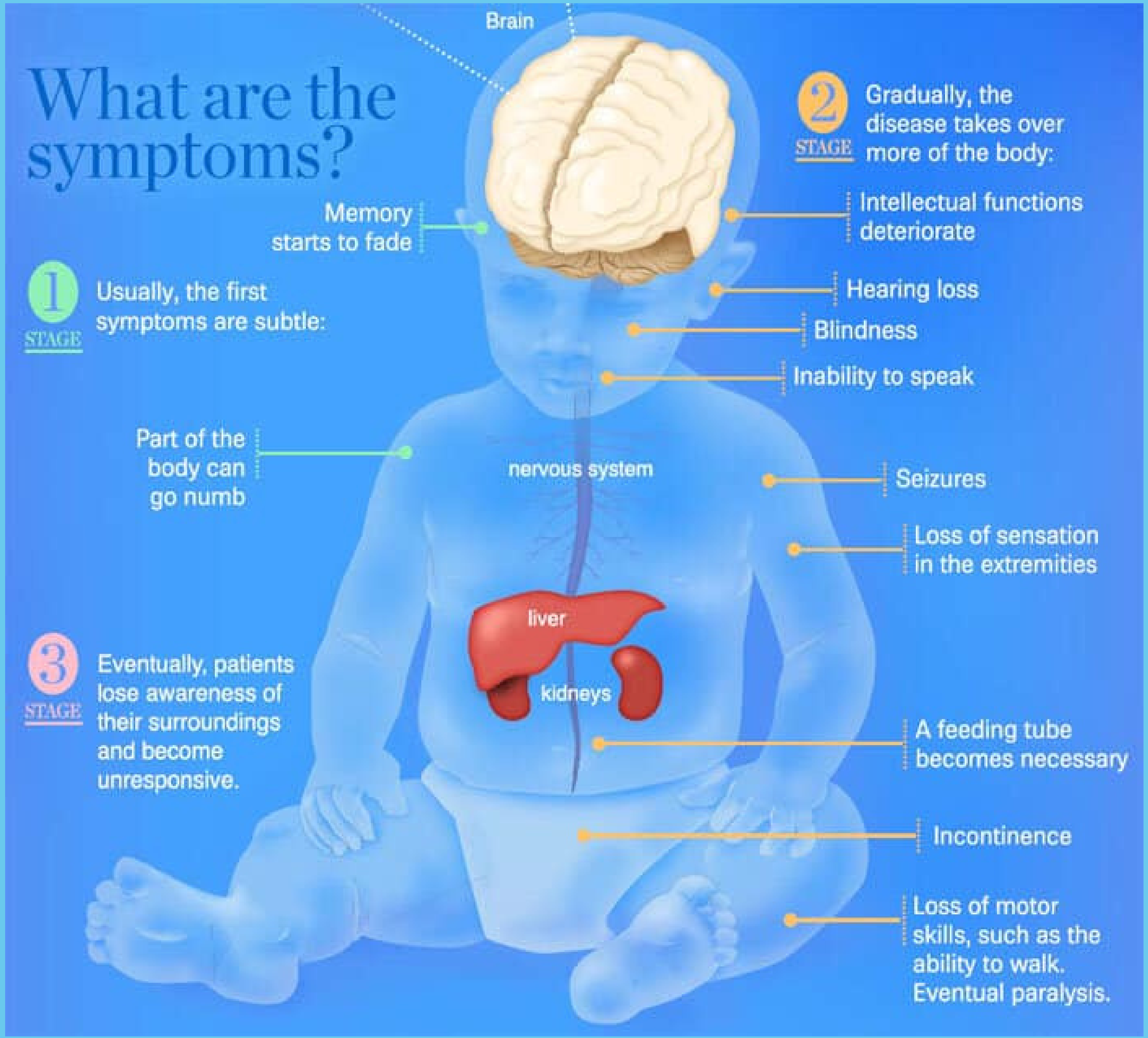
CRISSY STILE, MAYOR
City of Mount Dora

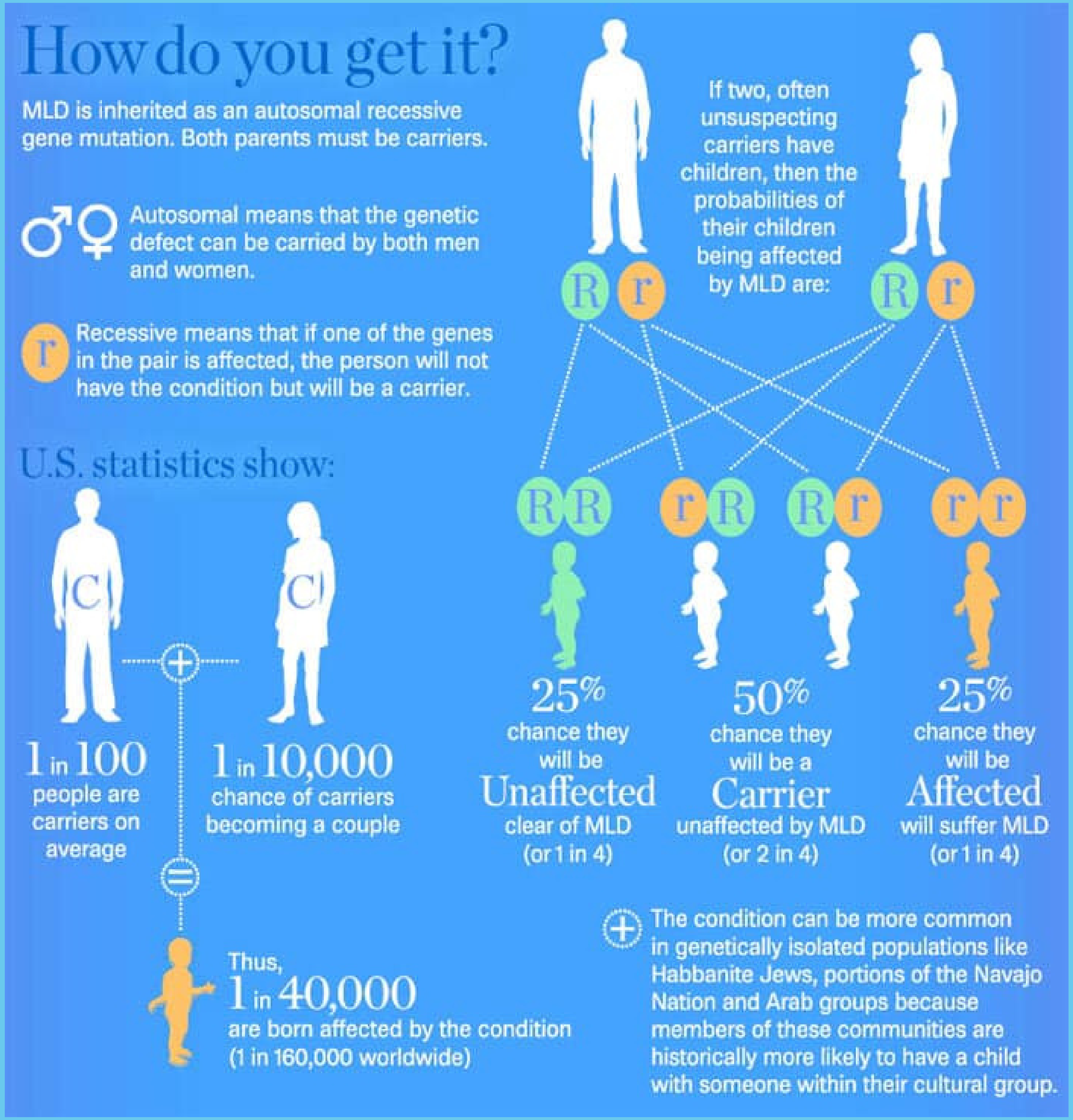
JEANANN HAND, CITY CLERK
City of Mount Dora

EXHIBIT A

Leukodystrophy Awareness Month


What is MLD?
Metachromatic leukodystrophy or MLD is a rare genetic disease that causes part of a person's nerves to erode, eventually causing the body to shut down.
How does it affect the body?
Due to the genetic defect, patients with MLD are unable to produce an enzyme that normally breaks down fatty substances called sulfatides.
Terminals
Nerve cell
Myelin
Healthy myelin
Sulfatides
Deteriorated myelin
Sulfatides break down the myelin sheaths that insulate the body's nerves.
The sulfatides' buildup and damage is usually most obvious in the brain, but they also accumulate in cells of the spine, liver and kidneys.
damage
The breakdown damages the nerves that control major body functions and keeps the brain from connecting with the rest of the body.


What are the symptoms?
Brain
1 STAGE
Usually, the first symptoms are subtle:
Memory starts to fade
Part of the body can go numb
2 STAGE
Gradually, the disease takes over more of the body:
Intellectual functions deteriorate
Hearing loss
Blindness
Inability to speak
nervous system
Seizures
Loss of sensation in the extremities
liver
kidneys
3 STAGE
Eventually, patients lose awareness of their surroundings and become unresponsive.
A feeding tube becomes necessary
Incontinence
Loss of motor skills, such as the ability to walk. Eventual paralysis.



MLD is a recessive,
genetic disorder.

About 1 in 100 people
carry a genetic mutation that
can cause MLD but will never
suffer from the disease.

LDNBS



Everett

Rylan

Jorian
Prince

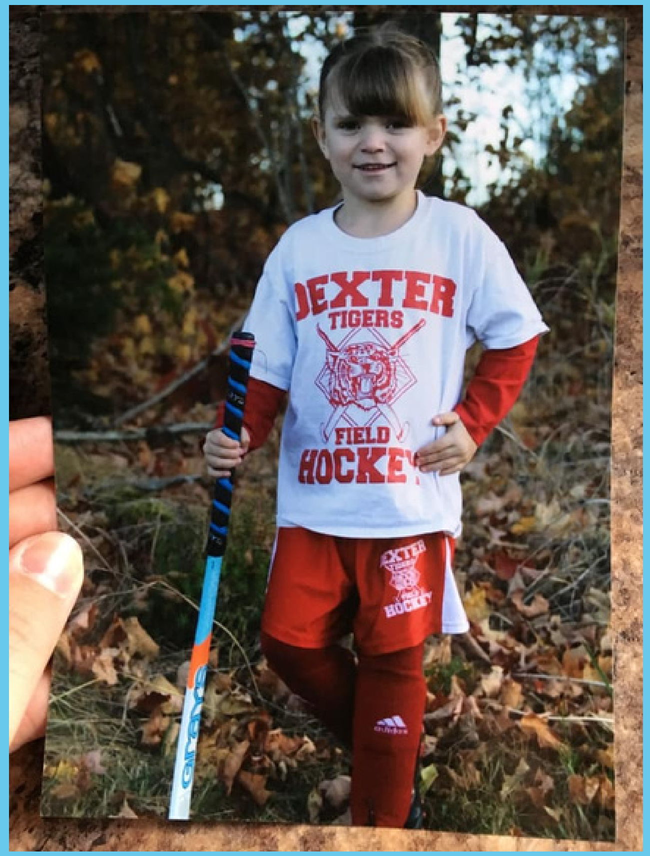
Gabby

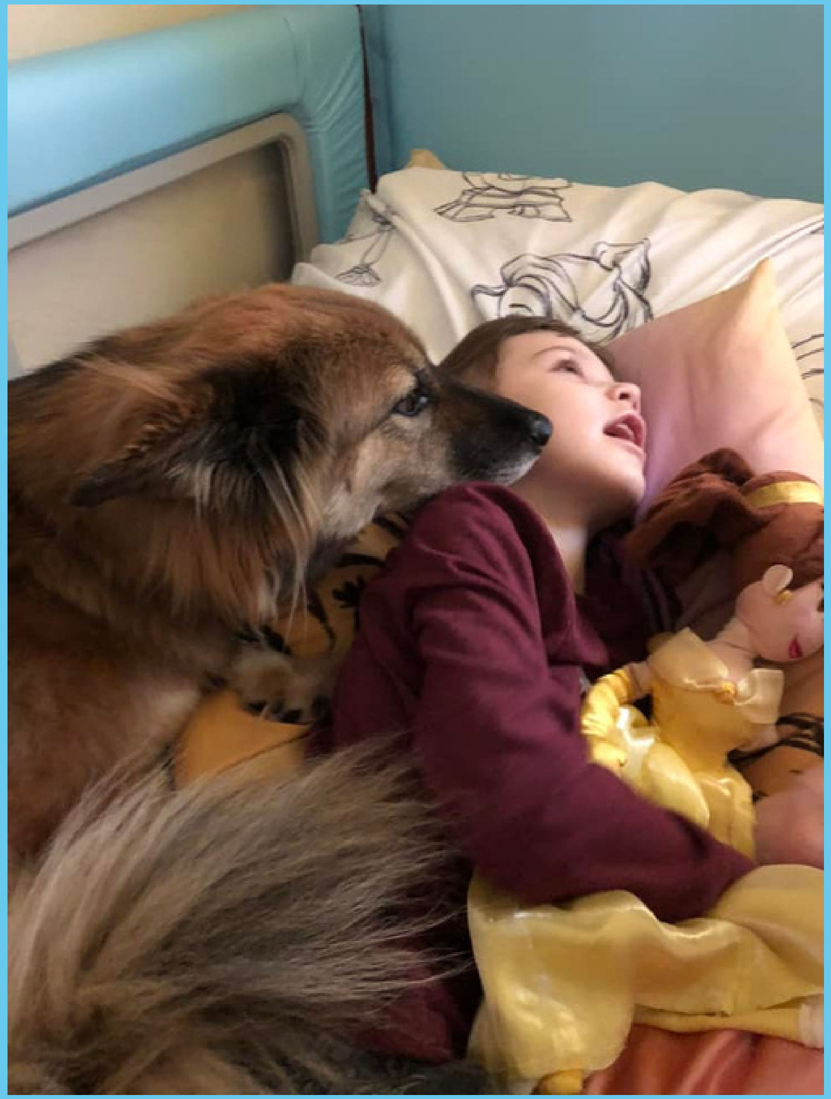
Alice

Sofia

Amelia

Teagan





Kay

Christian

Brady

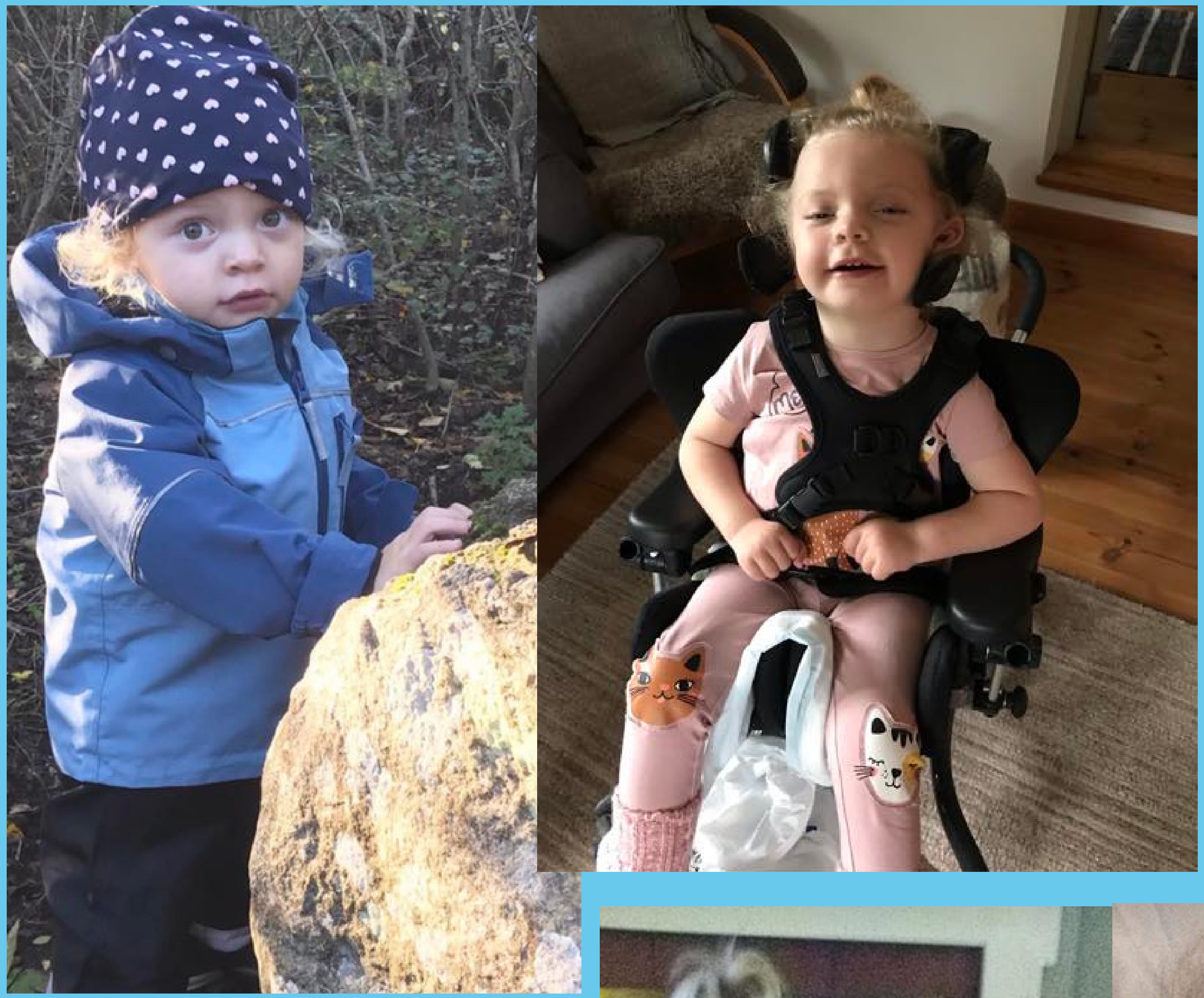
Lybie

Ashton

Veda

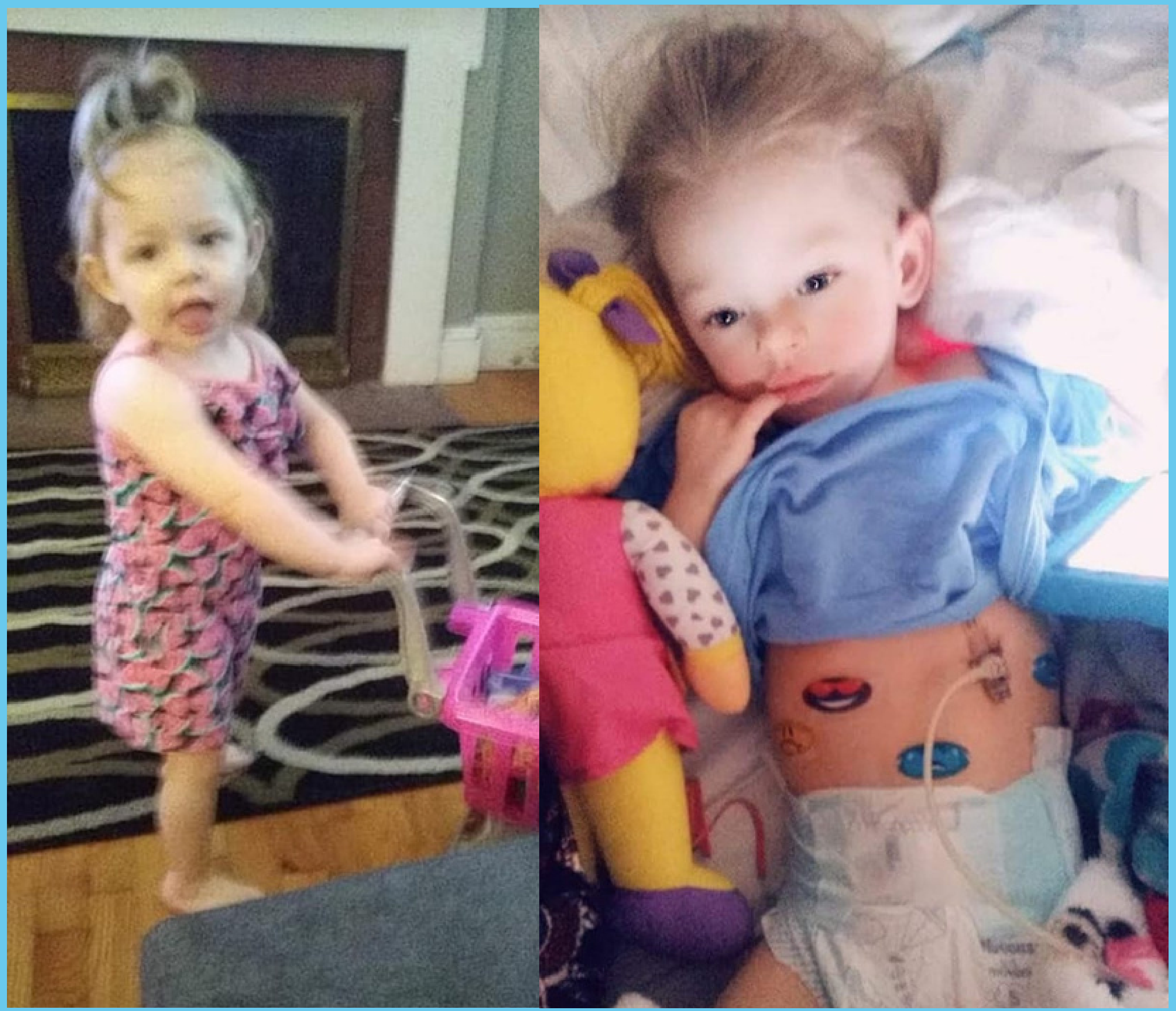
Colton

Maxine

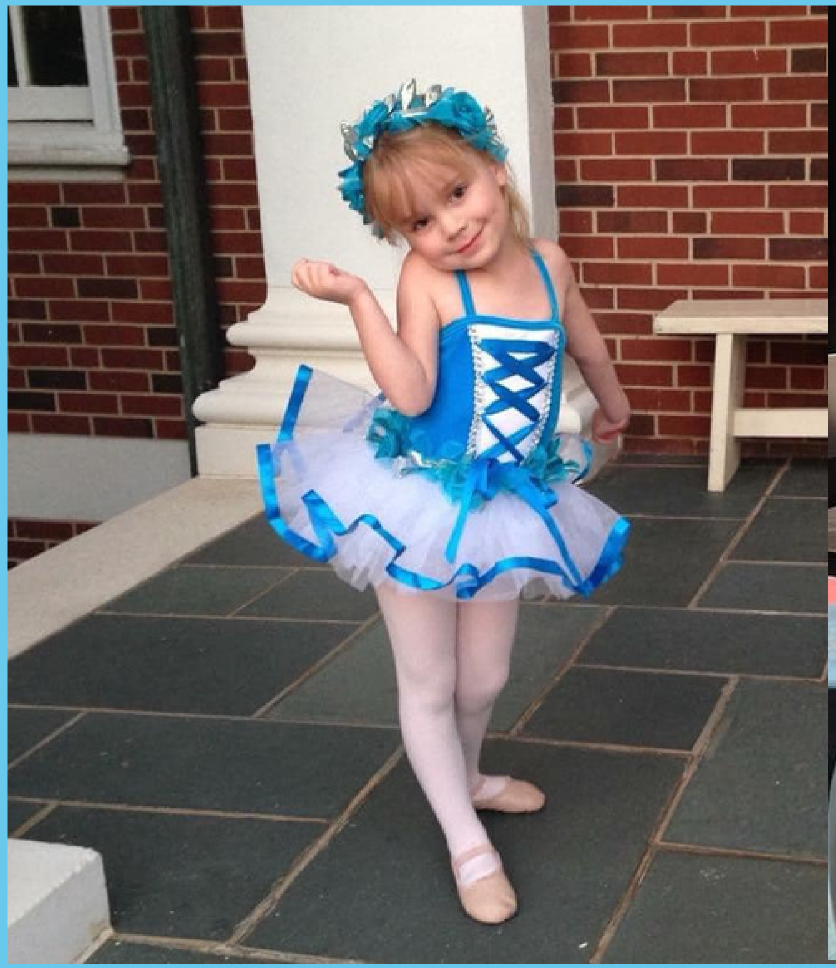


Vilma

Jurek



Kinzly



Meredith

Alex

Nala

Joey


SANTAS
FARM
HARVEST
BOO
Harvest


brother

EXHIBIT B

SHEPARD, SMITH, KOHLMYER & HAND, P.A.

City of Mount Dora

RLOI #23-GS-016

WHO WE ARE

- Attorneys committed to being the absolute best at our professions.
- Local government specialists.
- Attorneys hired to advise other attorneys.
- Our primary objective is to empower our clients to make good decisions.
- Efficient and cost-effective representation.

Awards & Certifications

WHAT THE CITY OF MOUNT DORA WILL RECEIVE AS A FIRM CLIENT

- Board Certified Experts
- Cutting-Edge, First-Rate Legal Services
- The Faces You See Before You – We do not contract out to provide services.

WE KNOW OUR ROLE

- We coordinate all of our efforts with Management & the City Council.
- We do not become involved in the daily operations of the City government.
- We are not elected officials. Our job is to assist the City Councill and its Staff in efficiently meeting City goals from a legal standpoint, <u>not</u> to serve as unelected policymakers.

FIRM EXPERTISE

- General counsel to ten municipalities, a housing authority, a hospital district, and the Florida Redevelopment Association
- All aspects of land use (Planning and zoning matters, annexation, smart growth, green development, permitting)
- Special counsel for land use, Sunshine Law, and Charter referendum litigation through appeal to multiple municipalities and a county such as Satellite Beach, New Smyrna Beach, Jacksonville Beach, and St. Johns County
- We are a full-service law firm, meaning we handle complicated litigation through appeal for public and private clients – Recently won a Bert J. Harris Act lawsuit against the City of Maitland and prevailed in a Public Employees Relations Commission proceeding before a hearing officer and at the Commission level for the Town of Ponce Inlet

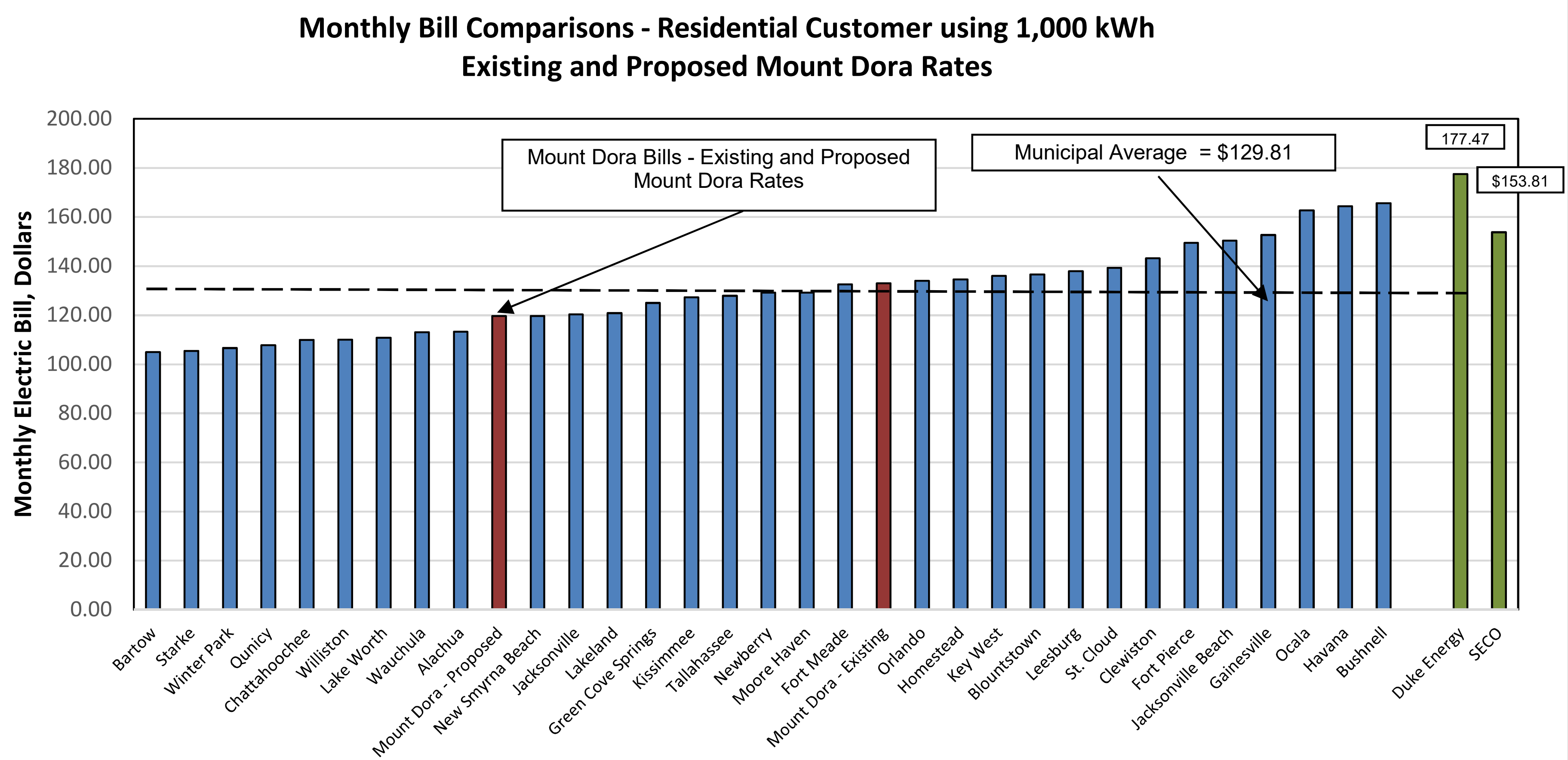
FIRM EXPERTISE, CONT.

- Prior positive history with the City of Mount Dora, includes assisting the City with recovering approximately $2 million in impact fees in 2013
- Code enforcement – all of our shareholders serve as special magistrates or local hearing officers for other municipalities and a county; we prosecute code enforcement cases on behalf of our municipal clients; and we serve as special counsel to a county and municipal code enforcement boards
- Heavily involved in utility franchising, utility service agreements and divesting a utility for a client and liquidating assets in the amount of 12.5 million
- While serving as issuer's counsel, our firm's clients have issued in excess of $250 million in bonds with no claims made against issuance
- Charter Review – we serve as Charter Review counsel to our firm's municipal clients and have served as general counsel to Charter Review Commissions for counties and municipalities, including the Orange County 2020 Charter Review Commission

THANK YOU

We hope that we can do what we do best by serving the City of Mount Dora and its citizens!

EXHIBIT C



Notes - From June 2023 FMEA Rate Comparison Report. All amounts exclude applicable taxes and fees.
SECO based on July 2023 Billing Cycle