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

September 21, 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 Regular Session of the Mount Dora City Council in the City Hall Council Chambers.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

Vice-mayor Crail 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
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 provided information about the history of the City Hall building, which was built in 1880. The original building was moved to Astatula in 1953, with the columns and steps remaining. The current City Hall was built behind the columns. The City bought the building in 1931 for $15,000.00.

2. **Fire Chief Pinning**
   Mayor Stile administered the oath for Fire Chief Hightower to be pinned as the Mount Dora Fire Chief. Chief Hightower was pinned by his wife, Janet.

3. **Mount Dora Community Solar**
   Electric Utility Director Steve Langley presented a PowerPoint to provide information on the Mount Dora subscription solar program. He explained how the program will work and how the solar adjustment rate is calculated. The City of Mount Dora has an option to join this program as well.

PUBLIC COMMENTS

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

APPROVAL OF AGENDA

Councilmember Rolfson proposed Action Item Two be renamed "Recognition and Appreciation of Five Years of Service and the Resignation of the City Attorney, and of Roper Law Firm as City Attorney," or something similar. It would be inaccurate to imply termination. The City Attorney had not been terminated, but had resigned and offered to remain with the City as long as the City requests her assistance.

Mayor Stile called for the removal of Action Item Two, and for moving Action Item Four to the position of Action Item Two, and for Consent Agenda Item Two to be moved to Action Items. Councilmember Cataldo asked for Consent Agenda Item Eight, to be moved to Action Items because of a question regarding the attached organizational chart. Councilmember Rolfson requested Consent Agenda Item Six be moved to Action Items, since the memo indicates the City Manager does not agree with approval of this item. For the same reason, Consent Item Five would be moved to Action Items. He requested Consent Agenda Item Seven be moved to Action Items because it involves a policy change.

Mayor Stile yielded the gavel to Vice-mayor Crail in order to motion.

MOTION BY MAYOR STILE TO APPROVE THE AGENDA WITH CONSENT ITEMS TWO, FIVE, SIX, SEVEN AND EIGHT MOVED TO ACTION ITEMS, AND FOR ACTION ITEM TWO TO BE REMOVED FROM THE AGENDA, AND FOR ACTION ITEM FOUR TO BE MOVED UP; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Stile
Rolfson
Cataldo
Dawson
Walker
Bryant
Crail
NO None

CONSENT AGENDA

1. **Request Approval of the Piggyback Agreement Between the City of Mount Dora and Universal Engineering Sciences for On-call Building Services**

2. ~~**Request Approval of Grant Agreement Between the City of Mount Dora and FHWA for the Safe Streets and Roads for All Action Plan**~~
   ***Moved to Action Item One**

3. **Request Approval of Vendor Agreement with Lake Community Action Agency for the Low Income Home Energy Assistance Program Vendor Payment (LIHEAP) Program**

4. **Request Approval of Change Order with Ten 8 Fire Equipment for Vehicle Maintenance on Fire Apparatus**

5. ~~**Request Approval to Waive Fees for Use of the Martin Luther King Center by TK Law**~~
   ***Moved to Action Item Two.**

6. ~~**Request Approval to Waive Fees for Use of the Mount Dora Music Hall by Shaping heARTS**~~
   ***Moved to Action Item Three**

7. ~~**Request Adoption of Resolution No. 2023-43, Adoption of Fund Balance Policy**~~
   ***Moved to Action Item Four**

8. ~~**Request Adoption of Resolution No. 2023-46, Accepting the FY 2021-2022 Annual Comprehensive Financial Report/Audit (ACFR) prepared by MSL, P.A., and adopting Time Parameters and Procedures**~~ *** Moved to Action Item Five**

9. **Request Approval of Meeting Minutes**

   - **August 8, 2023 City Council Special Meeting**
   - **August 28, 2023 City Council Special Meeting**

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE THE CONSENT AGENDA WITH THE CHANGES MENTIONED IN THE PREVIOUS MOTION; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION APPROVED BY A UNANIMOUS VOICE VOTE.

ACTION ITEMS

1. **Request Approval of Grant Agreement Between the City of Mount Dora and Florida Highway Association (FHWA) for the Safe Streets and Roads for All Action Plan**
   ***Formerly Consent Agenda Item Two.**

   Mr. Comiskey called upon Public Works Director George Marek, who explained how the City chose to pursue this grant opportunity. Mr. Marek explains this grant program is provided by the Federal Government for communities to work on safety projects for their transportation systems. With this grant, the Federal Government will do an 80% cost share of approved projects. The grant requires an Action Plan submitted by the grantee, which identifies projects and establishes the costs. Once the Action Plan is approved, the City can promote the projects in the plan to the Federal Government and receive the grant funds for the projects.

MOTION BY COUNCILMEMBER CATALDO TO APPROVE THE GRANT AGREEMENT BETWEEN THE CITY OF MOUNT DORA AND FHWA FOR THE SAFE STREETS AND ROADS FOR ALL ACTION PLAN; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Cataldo
Crail
Rolfson
Dawson
Walker
Bryant
Stile
NO None

2. Request Approval to Waive Fees for Use of the Martin Luther King Center by TK Law *Formerly Consent Agenda Item Five.

Mr. Comiskey stated he doesn't approve of treating various nonprofits differently, and that everyone should be charged the same fee.

Councilmember Bryant mentioned there are certain nonprofits that directly serve and benefit the community. The TK Law Firm is serving the community. He was in favor of waiving the fee, but requiring a deposit, with the same conditions applying to the next item. He suggested the City re-examine its policy.

Councilmember Walker spoke in favor of waiving the entire fee, recognizing the value of TK's service to the community. He pointed out the City waived over 40,000.00 in liens, and that the citizens already pay for this facility with their taxes.

Councilmembers Rolfson and Dawson supported waiving the fee. Any citizen would be able to benefit from the legal services offered on that date. Mayor Stile pointed out TK Law was charged a deposit last time.

There was discussion as to why this item was on the Consent Agenda. Mr. Comiskey placed it on Consent because he felt Council would vote in favor of the waiver.

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

MOTION BY COUNCILMEMBER WALKER TO WAIVE THE FACILITY RENTAL FEE, INCLUDING DEPOSIT, FOR TK LAW TO USE THE MLK BUILDING ON MARCH 2, 2024; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Walker
Dawson
Cataldo
Rolfson
Bryant

Crail
Stile
NO None

3. Request Approval to Waive Fees for Use of the Mount Dora Music Hall by Shaping heARTS *Formerly Consent Agenda Item Four.

Mr. Comiskey explained this item is similar to the item immediately before it with TK Law. Councilmember Bryant suggested the deposit not be waived. The deposit would be charged for each instance, with $95 refunded from the customary $100 deposit upon completion of the rental with no damage to the facility. Parks and Recreation Director Troy Shonk told Council damage to facilities is rare.

Mayor Stile opened public comment.

Christine King Harris, 402 East Jackson Avenue, spoke about the quality of the MLK Building.

Mayor Stile closed public comment.

MOTION BY COUNCILMEMBER ROLFSON TO WAIVE THE FACILITY RENTAL FEE, INCLUDING DEPOSIT, FOR SHAPING HEARTS TO USE THE MOUNT DORA MUSIC HALL; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Walker
Cataldo
Dawson
Bryant
Crail
Stile
NO None

4. Request Adoption of Resolution No. 2023-43, Adoption of Fund Balance Policy *Formerly Consent Item Seven.

City Attorney Sherry Sutphen read Resolution No. 2023-43 by title only.

RESOLUTION NO. 2023-43

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE UPDATED FUND BALANCE POLICY PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR REPEAL OF RESOLUTION NO. 2020-127; PROVIDING FOR ADOPTION OF FUND BALANCE POLICY; 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.

Mr. Comiskey stated that Finance created this policy in response to comments that were part of the recently completed audit. Finance Director Rita Meade stated the City is changing its minimum required balances for the General, Northeast CRA, Downtown CRA, Building Division, Electric, Fire Assessment, Water, Wastewater, Sanitation, Stormwater, and Self Insurance funds. The policy calls for a minimum balance of two months' of regular revenue or department expenditure. The audit noted the City is over on its minimum required balances. Maximum balance limits are being removed altogether.

CRA Administrator Adam Sumner told Council these changes were within regulation.

Vice-mayor Crail asked whether Ms. Meade worried about lowering the Self Insurance fund from 50 to 33%. Ms. Meade pointed out that last year the limit was below the new minimum. She said 50% is too much. Mr. Comiskey pointed out the City is partially self-funded, and that the City is budgeted to cover everything under the stop-loss.

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

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT RESOLUTION NO. 2023-43, ADOPTION OF FUND BALANCE POLICY; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Walker
Cataldo
Dawson
Bryant
Crail
Stile
NO None

5. **Request Adoption of Resolution No. 2023-46, Accepting the FY 2021-2022 Annual Comprehensive Financial Report/Audit (ACFR) prepared by MSL, P.A., and adopting Time Parameters and Procedures**
***Formerly Consent Agenda Item Eight.**

City Attorney Sutphen read Resolution No. 2023-46 by title only.

RESOLUTION NO. 2023-46

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE AUDIT PREPARED BY MSL, P.A, FOR FISCAL YEAR ENDING SEPTEMBER 30, 2022; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL OF ANNUAL COMPREHENSIVE FINANCIAL REPORT/AUDIT (ACFR) AND TIME PARAMETERS AND PROCEDURES; 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.

The agenda item title should read that this report is for fiscal year 2021-2022. The fiscal year referenced was correct in memo, but wrong in the item title.

Ms. Meade explained that the organizational chart shows the City Attorney reports directly to City Council.

Councilmember Rolfson asked about understaffing in the Finance Department and was told that the department is still short staffed. The auditors suggest adding staff, but a staff increase has not been addressed in the new fiscal year's budget.

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

MOTION BY COUNCILMEMBER BRYANT TO ADOPT RESOLUTION NO. 2023-46; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Bryant
Dawson
Cataldo
Rolfson
Walker
Crail
Stile
NO None

6. Request Approval of the Interlocal Agreement between the City of Mount Dora and Lake County Related to the Maintenance of Certain Facilities for the Lake County Roundabout Project at Eudora Road/CR19/Old Highway 441
***Formerly Action Item One**

Mr. Comiskey explained the county has a project on Eudora Road and intends to build a roundabout as part of the project. Council already approved the relocation of utilities for this project. The county will include sidewalks and trees if the City agrees to maintain those elements.

The agreement is not ready for Council approval at this meeting, but Mr. Comiskey sought to ascertain whether Council would be in favor of this offer from the county. Mayor Stile asked about the note in the memo stating the City Attorney had not reviewed the agreement. City Attorney Sutphen told Council she asked that the memo be clear she had not reviewed the agreement. She told Council she would not waste City funds reviewing an agreement that had not been approved by the county attorney yet.

Public Works Director George Marek told Council the agreement attached to the item had not yet been approved by the county attorney. The City wished to have as part of the agreement the stipulation that the contractor would be responsible for sidewalks and trees for a period of two years, with a clear indication of when the City's responsibility for maintenance would begin.

MOTION BY COUNCILMEMBER BRYANT TO SHOW SUPPORT THIS CONCEPT, BUT TO TABLE THIS ITEM UNTIL A FINAL AGREEMENT IS BROUGHT TO COUNCIL; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Bryant
Walker
Cataldo
Rolfson
Dawson
Crail
Stile
NO None

7. Determination of RFP Process for City Attorney Services
***This item was formerly Action Item Four.**

Mayor Stile played audio from the end of the August 1, 2023 Council meeting wherein the Council by official consensus agreed to "direct the City Manager to allow Purchasing to open an RFQ for a new law firm." A prior RFQ was attached to the agenda item as an example.

Mayor Stile laid out the timeline for the RLOI process that had already taken place, noting its brevity in comparison with the process of an RFP. A Request for Letter of Interest was opened on August 13th, and was closed on August 31st, receiving two respondents. She reminded Council of the timeline of the RFP issued in 2016. She was dissatisfied with the accelerated process that had just taken place.

The City Manager stated that Ms. Sutphen had not been hired through that usual process. Mayor Stile explained to the City Manager she was describing the last time this position went out to bid. Ms. Sutphen clarified the circumstances by which she became City Attorney after the former City Attorney abruptly left.

Mayor Stile emphasized what is usually a months-long process took place in 18 days. Council had not had a chance to gauge the proposed firm's availability, their fit for our City, and other factors which are usually considered in the normal process.

Mayor Stile reminded Council the City Attorney selection process is delegated to Council as stated in the Charter.

Vice-mayor Crail recalled the meeting two weeks ago when the Vice-mayor spoke in favor of finishing the selection process as soon as possible. While Council wasn't aware at that time that the second firm applying would withdraw their application, the Vice-mayor stated several members of Council expressed satisfaction with both firms presented. The Vice-mayor said Council should adhere to what they voted for two weeks ago.

Mayor Stile expressed discomfort with negotiating during this meeting.

Councilmember Rolfson expressed dissatisfaction with the current process. He pointed out the Purchasing Manager recommended to the City Manager an RFP for this process. He pointed out what he felt was poor communication as the process moved forward. He disagreed with the RFP discussion being moved to take place after the award item on the agenda. He approved of the Shepard Firm, but was not content with the way the selection process occurred.

Mayor Stile pointed out that without moving this Item to the top of Action Items, and with the resignation acceptance occurring before it as originally scheduled, the City would have been left without an attorney.

Councilmember Bryant agreed this item was useful, but would be of more help in the future as this current selection before them does not violate statute or policy.

Mayor Stile opened public comment.

Josh Hemingway, 1177 East Fifth Avenue, spoke about the City Attorney selection process.

Bob Gordon, 601 East First Avenue, asked about the content of RLOI. It was determined the City Manager would respond later in the meeting when the RLOI was being awarded.

Joe Lewis, 148 Charles Avenue, stated he did not see a problem with the City selecting the remaining firm.

Frank Kirwin, 1110, East Fifth Avenue, reminded Council they did not want this item to linger.

Mayor Stile closed public comment.

9. Award RLOI 23-GS-016 City Attorney Services to Shepard, Smith, Kohlmyer & Hand, P.A., Appointing Andrew J. Hand, Esq. and Patrick Brackins, Esq. as City Attorneys, and Authorizing the Mayor to Execute the Letter of Engagement

In response to Mayor Stile's and Mr. Gordon's request, Mr. Comiskey reported on the contents of the RLOI. Mr. Comiskey recommended acceptance of the Letter of Interest from Shepard, Smith, Kohlmyer & Hand.

Mayor Stile said she could not agree to accept the agreement with the stated rates. Mayor Stile and Councilmembers Rolfson and Bryant agreed to accept the firm with the contract open for negotiation. The Vice-mayor was against keeping Ms. Sutphen on for an additional length of time as the City negotiates with the Shepard Firm. Patrick Brackins told Council the City could counteroffer.

Negotiation could not take place outside of Sunshine. Councilmember Rolfson pointed out the rise in the cost of living since Ms. Sutphen's contract had been negotiated. Andrew Hand said the firm could guarantee their rates for a certain period of time. The Shepard Firm said they would extend the date on the presented agreement, which, as presented, expired the following day.

Councilmember Walker suggested removing the two-year term, which all agreed to. Mayor Stile asked about issues currently in litigation. Ms. Sutphen said she felt it would be an easy transition between firms. The Shepard Firm agreed to reduce their hourly rate to $215/hour for partners and shareholders, and $175/hour for associates. The remaining rates are $100/hour for paralegals and $300/hour for pass throughs.

MOTION BY VICE-MAYOR CRAIL TO AWARD RLOI 23-GS-016 CITY ATTORNEY SERVICES TO SHEPARD, SMITH, KOHLMYER & HAND, P.A., APPOINTING ANDREW J. HAND, ESQ. AND PATRICK BRACKINS, ESQ. AS CITY ATTORNEYS WITH THE ADJUSTED RATES AGREED TO AT THIS MEETING ($215/HOUR FOR PARTNERS, $175/HOUR FOR

ASSOCIATES, $100/HOUR FOR PARALEGALS, AND $300/HOUR FOR PASS THROUGHS), AND AUTHORIZING THE MAYOR TO EXECUTE THE LETTER OF ENGAGEMENT; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Crail
Dawson
Cataldo
Rolfson
Walker
Bryant
Stile
NO None

The Vice-mayor spoke on behalf of Council thanking Ms. Sutphen for her years of service to the City.

PUBLIC HEARINGS

1. Request Adoption of **Resolution No. 2023-31** Replat for Storage Unlimited Lot 3 Ms.

   Sutphen read Resolution 2023-31 by title only.

   RESOLUTION NO. 2023-31

   A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA RELATED TO FINAL PLAT ENTITLED "STORAGE UNLIMITED LOT 3"; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL OF REPLAT; 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.

   Planning Director Vince Sandersfeld explained the item. The property is an existing industrial warehouse complex. The replat involves splitting the existing building because the owner wishes to sell a portion of it. To do so requires a minor replat.

   This is consistent with the City's zoning and staff recommends adoption. The applicant was present to answer any questions.

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

   MOTION BY COUNCILMEMBER ROLFSON TO ADOPT RESOLUTION NO. 2023-31, REPLAT FOR STORAGE UNLIMITED LOT 3; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Walker
Cataldo
Dawson
Bryant
Crail
Stile

NO None

2. Request Final Reading and Adoption of **Ordinance No. 2023-11**, Land Development Code Amendment

Ms. 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

Mr. Sandersfeld told Council there had been no changes since the first reading. Staff recommends adoption.

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

MOTION BY VICE-MAYOR CRAIL TO ADOPT ORDINANCE NO. 2023-11, LAND DEVELOPMENT CODE AMENDMENT; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Crail
Rolfson
Cataldo
Dawson
Walker
Bryant
Crail
Stile

NO None

3. Request Final Reading and Adoption of Ordinance No. 2023-13, Annexation for the City of Mount Dora Niles Road (19.97 Acres)

Ms, 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 told Council no changes had been made since the first reading. This property had been given to the City by the Florida Department of Transportation. Staff recommends adoption.

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

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT ORDINANCE NO. 2023-13, ANNEXATION FOR THE CITY OF MOUNT DORA NILES ROAD; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Dawson
Cataldo
Walker
Bryant
Crail
Stile

NO None

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

Ms. 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 explained this is a companion ordinance to the ordinance adopted with the previous agenda item. Staff recommends adoption.

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

MOTION BY COUNCILMEMBER CATALDO TO ADOPT ORDINANCE NO. 2023-15, CHANGE IN ZONING FOR THE CITY OF MOUNT DORA NILES ROAD; VICE-MAYOR CRAIL SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Cataldo
Crail
Rolfson
Dawson
Walker
Bryant
Stile
NO None

5. Request Adoption of Resolution No. 2023-40, Approval of Final Millage Rate

Ms., Sutphen read Resolution No. 2023-40 by title only.

RESOLUTION NO. 2023-40

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA PERTAINING TO THE ADOPTION OF THE FINAL 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 IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Budget Director Aneta Barton announced this public hearing is to consider adoption of the final millage rate for the fiscal year ending September 30, 2024.

This hearing is the second of two Truth in Millage (also known as TRIM) public hearings which must be held pursuant to Florida Statutes, Section 200.065(2)I, prior to the adoption of a millage rate and budget by a taxing authority. As such, these are final hearings, and final adoption of the fiscal year 2023-2024 millage rates and final budgets will be considered at these hearings. There are no changes in the millage rate since the tentative rate adopted at the September 7, 2023 meeting under Resolution 2023-36. The aggregate proposed millage rate for fiscal year 2023-24 is 5.9603 mills. The aggregate rolled-back millage rate for fiscal year 2023-24 is 5.4731 mills. The proposed millage rate of 5.9603 mills represents an increase of 8.90% from the rolled-back rate of 5.4731 mills.

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

MOTION BY COUNCILMEMBER WALKER TO APPROVE RESOLUTION 2023-40, ADOPTING THE FINAL MILLAGE RATE FOR THE CITY OF MOUNT DORA FOR FISCAL YEAR 2023-2024, ENDING ON SEPTEMBER 30, 2024; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Walker
Rolfson
Cataldo
Dawson
Bryant
Crail
Stile

NO None

6. **Request Adoption of Resolution No. 2023-41, Approval of Final Budget**

Ms. Sutphen read Resolution No. 2023-41, Approval of Final Budget by title only.

RESOLUTION NO. 2023-41

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE FINAL 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 FINAL BUDGET FOR FISCAL YEAR 2023-2024; 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 reported the following changes to the budget since the September 7, 2023, public hearing on the tentative budget adopted under Resolution 2023-41:

1. The encumbrance rollovers in the amount of $10,639,697
2. And the project rollovers in the amount of $39,199,475
3. The remaining amount of $410,500 are the rollovers of various Capital Outlays, Join Mobility Plan, Simpson Farmhouse Renovations and Safe Streets and Roads for All Action Plan requested by City Manager"

Ms. Barton stated that the final budget includes General, Special Revenue, Debt Service, Capital, Enterprise and Internal Service Funds. The Citywide Budget including operating and capital costs for FY2023-24 is $182,257,022. In addition, pursuant to the City Charter, the City Manager must submit an annual budget and we have provided an annual budget at the Fund Level as the attachment to this agenda item.

On Exhibit A to proposed Resolution 2023-41, you can see that $132,007,350 is the "new monies" which you approved at the tentative budget public hearing on September 7th and the additional $50,249,672 is the "old monies" which I just explained. Those are the unused – carryforward monies from the current year totaling the budget at $182,257,022.

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

MOTION BY COUNCILMEMBER ROLFSON TO TO APPROVE RESOLUTION 2023-41, ADOPTING THE FINAL BUDGET FOR THE CITY OF MOUNT DORA FOR FISCAL YEAR 2023-24, ENDING ON SEPTEMBER

30, 2024; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Walker
Rolfson
Cataldo
Dawson
Bryant
Crail
Stile

NO None

Ms. Barton announced that with the adoption of Resolution 2023-40 and Resolution 2023-41, the aggregate final millage rate for fiscal year 2023-24 is 5.9603 mills. The aggregate rolled-back millage rate for fiscal year 2023-24 is 5.4731 mills. The final millage rate of 5.9603 mills represents an increase of 8.90% from the rolled-back rate of 5.4731 mills.

Mr. Comiskey requested authorization for the Mayor and/or himself, as City Manager, to execute any and all documents necessary or required to complete the millage rate and budget adoption processes. The Mayor stated she would entertain such a motion.

MOTION BY COUNCILMEMBER ROLFSON TO AUTHORIZE THE MAYOR AND/OR CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY OR REQUIRED TO COMPLETE THE MILLAGE RATE AND BUDGET ADOPTION PROCESSES; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES Rolfson
Dawson
Cataldo
Walker
Bryant
Crail
Stile

NO None

DISCUSSION ITEM

1. Proposed Consent Order re: OGC Case No. 23-0151

Mr. Comiskey distributed to Councilmembers suggestions of persons to contact for help with the Consent Order from the Florida Department of Environmental Protection (FDEP). He recommended those on their list for their expertise in this area.

Ms. Sutphen recommended the City not sign the Consent Order. She also suggested the City allow the new City Attorneys to review the information before acting further on the Consent Order. Mayor Stile asked Mr. Brackins and Mr. Hand if they were willing to review the Consent Order information. Council, by consensus, agreed the City Manager would contact the FDEP for an extension for response to their correspondence. Mr. Comiskey would speak with Mr. Brackins and Mr. Hand the following morning to discuss further what he would speak to FDEP about.

CITY MANAGER'S REPORT

Mr. Comiskey spoke about the upcoming joint meeting between the Mount Dora City Council and the Lake County Board of Commissioners. The location was still being decided.

Mr. Comiskey reported settling with Wharton-Smith for $50,000.00. There had been a balance in dispute and this was the resolution.

CITY ATTORNEY'S REPORT

Ms. Sutphen had been contacted by Lindsay Greene and was asked to set the record straight regarding Ms. Greene's scope of investigation. First of all, the scope just involves the HR retaliation claim. Ms. Greene said, in interviewing individuals related to that claim, there have been issues raised that are part of information that she has been given, and so she notes those items, and she will provide Council with information she has uncovered on those items, however, she is not investigating anything else. So she wants it to be clear, she is not investigating the second claim that Ms. Sutphen spoke about a few weeks ago. She is strictly investigating this claim, but Council will see there are other issues mentioned that are coming up ancillary, and that's very typical in an investigation of this type, or of employment investigation, things come up that are important to note. So there are things that are going to be mentioned, and she just wanted that to be clear for Council.

Ms. Greene requested Ms. Sutphen ask Council if they wished for Ms. Greene to provide a recommendation at the conclusion of her investigation. Ms. Sutphen suggested Council allow Ms. Greene to make a recommendation.

Mr. Brackins advised Council to request Ms. Greene make a recommendation. He was aware of Ms. Greene's professional reputation. He told Council if there's an investigation in employment matters, he customarily asks the investigator to make a recommendation. Having a recommendation helps because Councilmembers have not heard the witnesses interviewed in person. A third party recommendation is a good idea.

Mr. Comiskey asked the attorneys to review the complaint. Mr. Brackins explained they don't investigate employees.

Council provided a consensus agreement directing Ms. Greene to present a recommendation following her investigation.

Ms. Sutphen thanked Council and the City.

COMMUNICATIONS AND REPORTS

Councilmember Walker thanked Ms. Sutphen and expressed gratitude for her at her departure.

Councilmember Bryant expressed appreciation for Ms. Sutphen.

Councilmember Cataldo thanked Ms. Sutphen. He also thanked City staff for suggesting solar fans for the dog park.

Councilmember Rolfson spoke about attending the Florida League of Cities board meeting tomorrow. He shared information about webinar on sb 170 on impact statements for ordinances. He spoke about issues being addressed at the policy committee meetings. He congratulated the new law firm and he thanked Ms. Sutphen for her service to the City.

Councilmember Dawson spoke about the issues being addressed by the committee on which he is serving. He thanked Ms. Sutphen for her service.

Vice-Mayor Crail welcomed the new law firm. He commended the Mayor for her service at Eden Abbey to raise money for the Mount Dora High School stadium.

Mayor Crissy Stile thanked the new law firm. She told Councilmembers the Clerk would send a link to a petition she had been asked to sign on behalf of the City. She thanked Ms. Sutphen for her service to the City.

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, Mayor Stile adjourned the meeting at 8:43 p.m.

CRISSY STILE, MAYOR
City of Mount Dora

Jeanann Hand

JEANANN HAND, CITY CLERK
City of Mount Dora