CITY OF MOUNT DORA, FLORIDA
CITY COUNCIL REGULAR SESSION
MEETING MINUTES
June 4, 2024, 6:00 p.m.
Mount Dora City Hall
510 N. Baker St., Mount Dora, FL 32757

CALL TO ORDER

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

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

A moment of silence and Pledge of Allegiance to the Flag were led by Councilmember Walker.

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
Vince Sandersfeld, City Manager
Patrick Brackins, City Attorney
Jeanann Hand, City Clerk

PRESENTATIONS

1. State of City Presentation

Director of Economic Development and Public Information Misty Sommer introduced the State of the City and thanked those who contributed to its production. The video file of the State of the City presentation is available at the following link: https://files.ci.mount-dora.fl.us/?u=4MHR&p=K3nW&path=/State%20of%20the%20City_Cut%206.0.mp4

2. LGBTQIA+ Pride Month Proclamation

Mayor Stile read the proclamation into the record.

3. Mount Dora Fun Fact

Mayor Stile shared information about Steamroller Studios, which is headquartered in Mount Dora and recently expanded into Canada.

PUBLIC COMMENT

Mayor Stile opened public comment.

Christina Gonzalez Pasquale, 3243 Wingfoot Road, spoke about reclaimed water pressure problems. Mr. Sandersfeld spoke about solutions being pursued by the City told those present that City staff would follow up to alleviate conditions that remain unsatisfactory.

Rose Braxton, 2400 Serena Lane Summerbrook, spoke about unsatisfactory experiences with the reclaimed water system.

Bill Kayes, 30415 Gidran Terrace, spoke about the AMCO development building height and its effect on his property.

Mayor Stile closed public comment.

The City recognized Officer Thomas with his student leadership team who were in attendance.

APPROVAL OF AGENDA

MOTION BY COUNCILMEMBER ROLFSON TO APPROVE THE AGENDA; COUNCILMEMBER CATALDO SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

CONSENT AGENDA

1. Request Approval of Task Authorization with RCM Utilities, LLC for the Rehabilitation of Lift Stations 4 and 5

2. Request Approval of Task Authorization with Faden Builders, Inc. for the Wastewater Treatment Plant No. 1 Fence Perimeter Clearing

Mayor Stile opened public comment related to the Consent Agenda. No one spoke. Mayor Stile closed public comment.

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

ACTION ITEMS

1. Special Magistrate Recommendation for MK and AD Land Investments, LLC and AMCO Development, Inc. vs. City of Mount Dora.

Mr. Brackins explained the actions and decisions that led the City to the situation in which it finds itself. Mediation was attempted, but the process did not accomplish either party's intent. The Special Magistrate's recommended order is for the City grant the Application Planned Unit Development (PUD) for the AMCO development as modified to not exceed 175 feet for interior buildings, and as measured from State Road 46 according to the visual formula described by City staff in its report. The City must act within 45 days, or the recommendation will be deemed denied. The next steps would be executing the settlement agreement and adopting the related ordinance. Council discussed the options available to them and the risks associated with their decisions. They discussed seeking alternate legal opinions, the extent to which the City's insurance would cover the liability in the event of a successful claim, and the extent of the penalties the City might face. The City requires that developments must be consistent with the zoning district standards. The magistrate found that the PUD for Wolf Branch Innovation District (WBID) does not need to be consistent with the zoning district standards. The magistrate found that the development standards in the Land Development Code (LDC) regarding height limitations are inapplicable and the developer's height, in this instance, may exceed 100 feet. The magistrate found 175 feet reasonable.

Council discussed revising portions of the Comprehensive Plan and LDC to avoid facing similar challenges in the future.

Council discussed what steps the City can take to avoid being caught in this position in the future. Capacity to provide utilities would be determined at each phase in the development.

The City would be wise to ask the opposing party for a 45-day extension to decide their actions in response to the recommended order.

Council discussed the current county zoning for the developer's property.

If the City were to approve the developer's agreement and the related ordinance, the developer would have 24 months to submit for site plan approval for phase one, and 24 months after site plan approval to commence construction.

The recommended order would likely carry substantial weight if the City's actions were to deviate from the order's recommendations.

Council further discussed the City's ability to serve as the utility provider, especially regarding potable water and wastewater. The timeline for reservation of capacity was discussed.

Council discussed appraisal calculations. They considered whether approval of this project might establish an undesirable precedent.

Council discussed the value of seeking alternate legal opinions. They considered the relevance of protecting the Wekiva basin. They discussed the ways a legal battle might impact the City's operations and ability to function for its residents and business community. The continued discussing seeking a second opinion and the expense to the City if Council chose to not comply with the recommended order.

Attorney for the developer S. Brent Spain of Theriaque & Spain, spoke to those present, requesting Council accept the magistrate's recommendation and approve the proposed settlement agreement. He reviewed the legal processes that led to this point. He directed attention to the height compromises that are written into the settlement agreement, proposing heights lower than those mentioned in the recommendation. He spoke about land use adjustments that make the development less intense. He encouraged the City to work in partnership with the developer. He spoke about provision of utilities and appraisal calculations.

Council requested an extension of time for the City's response. They spoke with Mr. Spain about what advantage that extension may provide. Mr. Spain told Council he is not authorized to agree to an extension without speaking with this client.

Mayor Stile opened public comment.

Heather McCormick, 2800 Wolf Branch Road, urged Council to vote against accepting the settlement agreement.

Ephraim McCormick, 2800 Wolf Branch Road, asked Council to vote against accepting the settlement.

Josh Hemingway, 1177 East Fifth Avenue, asked Council to refuse the settlement agreement.

John Burkhardt, 1505 Heim Road, agreed with the three speakers who preceded him at the podium.

James Homich, 621 East Fifth Avenue, spoke about his disdain for the contents of the recommended order.

Thomas Biery, 631 East Third Avenue, spoke of his opposition to allow the proposed development.

Karen Muni, 20931 Oldenberg Loop, spoke about her dissatisfaction with City services and her mistrust of the developer.

Cindy Newton, 19025 Lake Swatara Drive, Eustis/Mount Dora, asked Council to pursue modifying the plan.

Cheri Pivowar, 30118 Kladruby Point, spoke about reclaimed water problems and her dissatisfaction with the City.

Bill Kayes, 20415 Gidran Terrace, spoke against the development.

Frank Kirwin, 1110 East Fifth Avenue, suggested Council seek to modify the recommended order.

Charlie Sands, 980 Page Lane, spoke against the development.

Lynn Tacher, 8031 St. James Way, spoke against the development.

Linda Criswell, 2100 David Court, spoke about the destruction of trees and hoped the City would avoid similar challenges in the future.

Hunter File, 20946 Sullivan Ranch Boulevard, spoke of her mistrust of the developer.

Jay Smith, 1046 McDonald Street, spoke against allowing the development.

Ozell Ward, 318 East Jackson Street, mentioned that the development is not near downtown and won't adversely affect the downtown area.

Mayor Stile closed public comment.

Mr. Spain spoke about the developer's compliance with regulations regarding gopher tortoises and of his client's continued efforts to work in partnership with the City. He directed attention to elements in the recommended order that demonstrate the fairness of the magistrate's recommendations, and the development's compatibility with the City's intentions for the district. He emphasized the magistrate's conclusion that there exists no valid, objective rationale for not approving the developer's PUD, and that his client complied with the City's published criteria.

Mr. Spain presented for the record, the petitioner's exhibit, a transcript of the special hearing and, magistrate's recommendation.

Council discussed land use, zoning, and the City's published standards. They considered the weight of their decisions and possible actions to take from this point.

MOTION BY COUNCILMEMBER BRYANT TO TABLE THIS MATTER, INCLUDING ACTION ITEMS ONE AND TWO AND PUBLIC HEARING NUMBER ONE. UNTIL THE 18TH OF JUNE; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES **Bryant**
Walker

Cataldo
Rolfson
Dawson
Crail
Stile
NO **None**

Council encouraged the City Manager and City Attorney to engage in productive discussion with the developer's representation leading up to June 18th.

PUBLIC HEARINGS - RESOLUTIONS/ORDINANCES

2. Request Final Reading and Adoption of Ordinance No. 2024-11, Wastewater (Sewer) Connection/Impact Fees Amendment.

Mr. Brackins read Ordinance No. 2024-11, Wastewater (Sewer) Connection/Impact Fees Amendment by title only.

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA REGULATING CITY OF MOUNT DORA SEWER CONNECTION FEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; ADOPTING A SEWER CONNECTION FEE STUDY DATED MAY 1, 2024; PROVIDING FOR MODIFICATION OF SEWER CONNECTION FEES AND REGULATIONS PERTAINING THERETO TO BE EFFECTIVE NINETY (90) DAYS FROM ADOPTION OF THIS ORDINANCE; 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 reviewed the steps leading to the second reading and request for adoption of the ordinance. He acknowledged a letter received on the topic. He stated the ordinance meets all legal requirements for adoption. Staff recommends approval

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

MOTION BY COUNCILMEMBER ROLFSON TO ADOPT ORDINANCE NO. 2024-11; COUNCILMEMBER WALKER SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES **Rolfson**
Walker
Cataldo
Dawson
Bryant
Crail
Stile
NO **None**

3. **Request adoption of Resolution No. 2024-27, Master Fee Schedule Update for Sewer Impact (Connection) Fees**

Mr. Sandersfeld explained that the City uses a "Master Fee" Schedule to establish fees for a variety of services. The current Master Fee Schedule now requires updating to ensure all fees are accurately

presenting the cost of any specific services provided. A 90-day grace period exists, if adopted, after the effective date.

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

MOTION BY COUNCILMEMBER CATALDO TO ADOPT RESOLUTION NO. 2024-27; COUNCILMEMBER ROLFSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES **Cataldo**
Rolfson
Dawson
Walker
Bryant
Crail
Stile
NO **None**

4. Request approval Final Reading and Adoption of Ordinance No. 2024-12, Amendment to Chapter 42 of the Mount Dora Code of Ordinances to reinstate Golf Carts on Certain City Streets

Mr. Brackins read Ordinance NO. 2024-12 by title only.

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA PERTAINING TO THE CITY OF MOUNT DORA CODE OF ORDINANCES, PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING SECTION 42-4 OF THE CITY'S CODE OF ORDINANCES; REPEALING ORDINANCES 2023-06 AND 2024-06; PROVIDING FOR AMENDMENT AND REINSTATEMENT OF CHAPTER 42, ARTICLE V, GOLF CARTS AND LOW SPEED VEHICLES OF THE CITY OF MOUNT DORA CODE OF ORDINANCES; 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 explained the purpose of the ordinance. No changes were made since the first reading.

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

MOTION BY COUNCILMEMBER WALKER TO ADOPT ORDINANCE NO. 2024-12, AMENDMENT TO CHAPTER 42 OF THE MOUNT DORA CODE OF ORDINANCES TO REINSTATE GOLF CARTS ON CERTAIN CITY STREETS; COUNCILMEMBER DAWSON SECONDED THE MOTION. MOTION PASSED WITH A 7-0 ROLL CALL VOTE.

YES **Walker**
Dawson
Cataldo
Rolfson
Bryant

Crail
Stile
NO **None**

CITY MANAGER'S REPORT
Mr. Sandersfeld pointed out the Lobbyist Report attached to this item on the agenda.

CITY ATTORNEY'S REPORT
Mr. Brackins described his availability and communication plan related to some travelling arrangements.

COMMUNICATIONS AND REPORTS
Councilmember Nate Walker mentioned revisions to the LDC and Comprehensive Plan.

Councilmember Bryant thanked Mr. Brackins for his efforts during the AMCO process.

Councilmember Cataldo requested prompt establishment of the leash law and an update regarding the Century Link equipment repairs. He thanked citizens for their participation.

Councilmember Rolfson agreed with appreciation for public participation and encouraged decorum.

Vice-mayor Crail thanked Mayor Stile, Economic Development and Public Information Director Misty Sommer, and Public Information Officer Brittany Haller for their work on the State of the City presentation. He thanked the public for their participation at the meeting.

Mayor Stile reminded those present and listening about the Plaid in the Park taking place on the upcoming Saturday. She spoke about the Sister Cities and reminded those present about the upcoming budget workshop.

ADJOURNMENT
MOTION BY COUNCILMEMBER ROLFSON TO ADJOURN. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

There being no further business for discussion, the meeting adjourned at approximately 10:03 p.m.

JEANANN HAND, CITY CLERK
City of Mount Dora

~~CRISSY STILE, MAYOR~~
City of Mount Dora
DR. MARC CRAIL, VICE-MAYOR