

**CITY OF MOUNT DORA, FLORIDA
MAYOR AND CITY COUNCIL
MINUTES**



**SPECIAL SESSION
MONDAY, APRIL 10, 2017
CITY HALL BOARD ROOM**

Having been duly advertised as required by law, Mayor Nick Girone called the Monday Special Session of City Council meeting to order at 7:00 p.m.

Mayor Girone called for a moment of silence and Councilmember Slaby led the Pledge of Allegiance to the Flag.

Members Present

Nick Girone, Mayor
Laurie Tillett, Vice Mayor
Mark Slaby, At-Large Odd
Cathy Hoechst, At-Large Even
Cal Rolfson, District 2
John Tucker, District 3
Marc Crail, District 4

Also Present

Robin R. Hayes, City Manager
Gwen Johns, MMC, City Clerk

ITEMS FOR DISCUSSION

Opening the meeting, Mayor Girone explained the structure for the meeting being citizen input first, followed by City Council discussion and decision.

Robin R. Hayes, City Manager, read a letter into the record from the management perspective.

Mayor Nick Girone read a letter into the record referring to his authorized meeting with William Colbert, Attorney and Managing Partner at the law firm of Stenstrom, McIntosh, Colbert & Whigham, P.A.

The following citizens shared their opinion pertaining to the issue being discussed this evening:

Mike Masterson, 7887 Crosswinds Way
Tom Cutshaw, 346 E 6th Avenue
Sheri Ferago, 110 N Tremain Street
Jim Murray, 1220 Normandy Drive
Michael Zealy, 2225 Overlook Drive

Vice-Mayor Tillett interviewed residents in her district. She is saddened that staff felt bullied or hurt. The pride and dedication that each employee takes in their part of making the City a special and a unique place is obvious. Ms. Tillett said she is grateful for City staff members. She supported the firm of Stenstrom, McIntosh, Colbert & Whigham, P.A., during the RFP process, the firm who came highly recommended with over 45 years of service excellence, much of that service devoted to a broad base of municipal and other governmental entities. It is necessary to build and maintain relationships. Ms. Tillett has spoken with Ms. Hayes about the situation and she has indicated things have operated smoothly while she has been on board. Ms. Tillett ended her comments with her intent to support the City Attorney law firm based on their reputation, depth of experience and their work.

Councilmember Rolfson does not see a middle ground. From his perspective, he believes the City Council should terminate Mr. Groot's services for reasons such as the extensive report prepared and submitted by Ms. Dottie Green. Mr. Rolfson said the only reply to Ms. Green's report from Mr. Groot was to blame others offering no apology, not even an expression of concern which is now being offered through a senior partner of the law firm rather than from Mr. Groot himself. Mr. Rolfson expressed his dismay at the insulting adjectives used by Mr. Groot to describe City staff members. Against the content of the employee personnel manual, Mr. Groot attempted retaliation by offering to City Council that those who filed a complaint should be disciplined. These are a few of the reasons why Mr. Rolfson stated he felt there was no middle ground. He feels Mr. Groot should be expected to follow the standards set for employees. Mr. Rolfson also commented about Mr. Groot doing work without directives from City Administrative Staff or the City Council as set out in the RFP he agreed to follow when he was selected as the city attorney. With respect to the meeting Mayor Girone had with Mr. Colbert, Mr. Rolfson pointed out the reason the firm was hired was because the City was seeking an attorney board certified in City, County and Local Government law. As a matter of established City policy, only attorneys with that certification were interviewed. He said Mr. Groot only attended a few of the City Council meetings even though he was the only attorney with the board certification. Mr. Rolfson suggested if Mr. Colbert chooses to stay employed with Mount Dora as City Attorney, then the certification should be promptly obtained.

Councilmember Tucker said there is no redo in this matter, the City has to take what has been learned and move forward. He said a "perfect storm" brought the City to where it is today and had the current City Manager been on board earlier, the City Council may not be sitting in the current situation. Mr. Tucker found Mr. Groot's comments/rebuttals pathetic and unapologetic. He also found Mr. Groot to be "on the attack" after the investigative report was written. Mr. Tucker is glad the law firm is willing to take some action but he thinks what they are offering is only minimal. He said City employees are an asset and should not be treated disrespectfully. It is important for the City to move forward and Mr. Tucker finds Mr. Groot's actions repulsive and has not reached his conclusion easily. He said he is greatly disappointed in the law firm.

Councilmember Crail stated in the last meeting, he has not seen what he considers a proper apology by Mr. Groot. The strident language that is being pointed out is of concern as well as the fact that Mr. Groot has not taken any personal responsibility for his actions. Mr. Crail said there is some middle ground and he does not have a problem with the law firm. However, he definitely has a problem with Mr. Groot. Mr. Crail would like to continue with the law firm absent Mr. Groot's participation.

Councilmember Hoechst said this is a very difficult situation. She respects the fact that Mount Dora has come a long way and it is unfortunate due to the amount of time that has expired waiting for this situation to be addressed. She said the City has an obligation to ensure employees are in a work environment that is conducive to productive activities and for employees to develop in their professional positions. The report was very comprehensive and prepared by a well-respected attorney who specializes in human resources. Ms. Hoechst believes the City Code of Conduct, established behavioral standards, was breached. Ms. Hoechst said Mr. Groot showed no remorse at all in his responses and blamed everyone else. It is important for the City to transition from where we are and Ms. Hoechst does not believe Mr. Groot can remain a part of the equation at this point. She does not know how long it takes to obtain a board certification in municipal law, but that is an important standard, and if the law firm were to be retained while removing Mr. Groot from any work with the City of Mount Dora, then the standards by which the law firm was hired would be compromised. Ms. Hoechst pointed out Mr. Groot has had interpersonal issues in other Cities and in those portrayals of what happened, there were relationship issues, indicating a pattern. Ms. Hoechst stated, with due respect, with the dysfunction which occurred in the City several months ago, this is another example of an issue that has to be solved so the City can move forward. Ms. Hoechst feels very strongly that Mr. Groot should have no dealing with the City of

Mount Dora moving forward. She is concerned about how Mr. Groot's influence and involvement is going to be kept away from Mount Dora if the firm is retained. A change at this point in time, for the long term of Mount Dora, would not be in the best interest of the City. Ms. Hoechst said what Mr. Colbert has presented is not enough.

Councilmember Slaby said protection of employees is very important. He said Ms. Hayes is doing an excellent job making sure that employees come first and he said "retaliation is not cool". Mr. Slaby is disappointed there was not more confidentiality, he learned about it in the hallway by overhearing others talking about the situation. He was also frustrated with the length of time it took to get the investigative report. Mr. Slaby said Mr. Groot's most upsetting comments were after and in reference to the investigation. He also pointed out that some of the e-mails referred to in the investigative report was not included with the report and thus felt the report could have been better. Mr. Slaby is comfortable with the law firm from a legal perspective. There is a lot of work to be done with the innovation district and other items. There is a value in saying "I'm sorry" and not apologizing is problematic, although may not be terminable. Mr. Slaby did sense some humbleness in the response Mayor Girone got from Mr. Colbert. While this is a difficult situation to articulate, it is important to allow everyone, as appropriate, to move forward with dignity. He thanked the City Manager and Mayor for taking time to meet with Mr. Colbert and pull information together for City Council.

Mayor Girone summarized closing thoughts based on comments made this evening. He acknowledged the issues that must be addressed and he feels bad that the employees had to go through this experience. He said this situation has been difficult for everyone given the fact the investigation was ongoing for a period of time. Mayor Girone asked Councilmember Hoechst what she meant when she said she did not think Mr. Colbert was offering enough.

Motion was made by Councilmember Rolfson to terminate Mr. Groot's portion of the contracted dated on or about April 12, 2016, immediately; motion died due to lack of a second.

The City Council meeting recessed for approximately 10 minutes.

John Peters, Public Works Director, addressed the City Council with information about the complaint that was filed. He shared some personal experiences and concerns relative to the investigative report and the responses received.

Councilmember Hoechst said if the City was to retain the firm, she has made it very clear Mr. Groot should be nowhere near what goes on in the City. She does not know how long it takes to be board certified in municipal law. Her question is why Mr. Colbert isn't certified as that would put the firm in a better position because if we were to consider keeping the firm, there is no option for the City to have that board certification since Mr. Groot is the only one in the firm who holds the credential.

Mayor Girone said Mr. Colbert does have a lot of different awards and has mentioned that he does grade the board certification exams. Mayor Girone stated, "Mr. Colbert could have been grandfathered in seeking the certification, because of his experience and having been an exam grader."

Vice-Mayor Tillett said Ms. Cockcroft is scheduled to take the board certification exam in January.

There was further discussion which lead to the following motions.

Motion was made by Councilmember Hoechst that: (1) the City retains present law firm however require Mr. Groot not to be directly involved in any Mount Dora business; (2) within one year the firm has a board certified attorney in municipal law; (3) all attorney communications go through City

Manager or City Council; and (4) that City Council direct their requests through the City Manager to eliminate duplicate efforts; Councilmember Crail seconded the motion.

Councilmember Hoechst requested the City Manager to bring to the May City Council meeting, additional policies or proposed amendment to existing policies that need to be approved in order to make sure employees are protected and know the exact process necessary in this type of future situation and so at no time the employee feels threatened or intimidated with the process. City Council was in agreement by majority consensus.

Motion was made by Councilmember Hoechst for: (1) City Council to accept letters of apology from the law firm of Stenstrom, McIntosh, Colbert & Whigham, P.A., to City Staff; (2) the letters be placed in Mr. Groot's personnel file; (3) letters be read at a public meeting; and (4) City Council will accept a letter from the City Attorney law firm, accepting findings set forth in the investigative report. Councilmember Crail seconded the motion.

The first motion was approved by roll call vote.

Councilmember Hoechst	YES	Councilmember Slaby	YES
Councilmember Crail	YES	Councilmember Tucker	YES
Vice-Mayor Tillett	YES	Mayor Girone	YES
Councilmember Rolfson	NO		

The second motion was approved by roll call vote.

Councilmember Hoechst	YES	Councilmember Slaby	YES
Councilmember Crail	YES	Councilmember Tucker	YES
Vice-Mayor Tillett	YES	Mayor Girone	YES
Councilmember Rolfson	YES		

ADJOURNMENT

The City Council meeting adjourned at 9:20 p.m.

NICK GIRONE
MAYOR, City of Mount Dora, Florida

Gwen Keough-Johns, MMC
City Clerk

In accordance with the State of Florida General Records Schedule, Audio Recordings are retained on file for two (2) anniversary years after adoption of the official meeting minutes. Recent audio recordings are available at <http://www.ci.mount-dora.fl.us/Archive.aspx?AMID=70>