

The City of Titusville City Council met in special session on Thursday, March 20, 2025, at Titusville City Hall, second floor, Council Chamber, 555 South Washington Avenue, Titusville, Florida 32796. Mayor Connors called the City Council meeting to order at 5:30 p.m. Those present in the Council Chamber included Mayor Andrew Connors, Vice-Mayor Herman A. Cole, Jr., Col USAF Retired, and City Council Members Jo Lynn Nelson, Megan Moscoso, and Dr. Sarah Stoeckel.

Also present were City Manager Scott Larese, City Attorney Richard Broome, and Assistant City Clerk Jolynn Donhoff, who completed the minutes of the meeting.

Mayor Connors requested a moment of silence. He then led those present in the *Pledge of Allegiance to the Flag*. Assistant City Clerk Donhoff read the procedures for public comment and participation.

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#### BUSINESS WHICH THE SUBJECT OF THE SPECIAL OR CALLED MEETING

Defense Counsel Request – The request was to engage the law firm of Roper, Townsend, & Sutphen, P.A., to provide legal services and authorize the City Manager or City Attorney to execute the engagement letter. City Attorney Broome and Assistant City Attorney Chelsea Farrell distributed information and gave the background and reason for the requested action. The City was served on March 10, 2025 with two distinct *Subpoena Duces Tecum Without Deposition* yjay requested production of documents in regards to the matter of *State of Florida v. Vickie J. Conklin*.

It was the recommendation of the City Attorney that the City retain outside counsel to represent the City regarding the subpoenas. It would be in the best interest of the City to engage Michael Roper, Esq., utilizing Roper, Townsend & Sutphen, P.A., who currently served as defense counsel to the City in other matters.

Discussion ensued on the documents and records requested in the subpoenas were broad and extensive. The work required to complete the records request by the date specified (20-days) in the subpoenas would be challenging and require a substantive amount of time to gather all of the documents that were responsive to the request and redact any exempt or confidential information protected by *Florida Statutes*; otherwise, if the City did not fulfill the records request by the specified time, the City would be in contempt of court. Time was of the essence. An objection had been filed, yet still, the City did not want to be in contempt of court.

The reason outside counsel was requested was to hire attorney(s) with the subject matter expertise and more experience with the scope of the subject.

Member Nelson and legal staff discussed her questions on whether an estimated number of hours had been identified to achieve compliance with the subpoenas, the scope of the requested records in the subpoenas, tools that would be used to organize and fill the request, there were approximately 17,000 emails that had been identified thus far in response to the request, all records would need to be reviewed for any statutorily exempt or confidential information, other types of records that may be responsive to the request, how the recommended outside legal counsel was identified for the desired assistance (request), compliance with the subpoenas was the number one goal, protecting the City's interests, whether or not the court would agree to narrowing the scope or content of the current records being requested in the subpoenas, \$250 per hour for the outside counsel was on the lower hourly range scale for attorney-client billing, fulfilling the records request in 20-days seemed challenging, being in contempt of court was a serious matter if the deadline was not met, the importance of narrowing the scope of the records request, etc.

Member Moscoso commented on her desire to have more time to review the proposed legal services agreement, her desire to know why or what led-up to the City receiving the subpoenas, her desire to not spend tax dollars or public funds, there was no lawsuit against the City, the City was only being asked to provide public records, utilizing additional staff to complete the records request, questions about information written on a yellow sticky note on her copy of information distributed during the meeting, which was discussed and explained by Assistant City Attorney Farrell, etc.

Member Moscoso and legal staff discussed her questions on the City Attorney's budget and how much funding was set aside if or when the City utilized outside counsel, which was approximately \$40,000. The discussion also included staff's estimate of the next anticipated steps in the process ahead for the City, going before a judge, seeing if the judge would agree the scope of the records request should be narrowed, getting a better description of responsive public records, assisting the City's records custodian to respond to the request, etc. Additionally, the qualifications of the law firm of Roper, Townsend, & Sutphen, P.A., were discussed.

Member Stoeckel and legal staff discussed her questions on any subpoenas received in the past were smaller in nature and when this was the case, they could be handled in-house. The scope of documents being requested was also typically narrowed and the City requested this of the requestor, but they said no on all accounts. There was presently only 10 days remaining to respond by the current subpoenas' deadline. The City Attorney's Office wanted to protect the City's rights. The goal was compliance in an efficient manner.

Member Moscoso and legal staff discussed additional questions on legal and court procedures, information provided in the documents and information distributed earlier in the meeting by the City's legal staff, the meaning of timely objections, rules, legal staff contacting the Assistant State Attorney and a recap of the discussion with the State Attorney's Office, potential or alleged issues with the e-filing system, the City being a non-party, consulting and procedural questions, etc.

Vice-Mayor Cole understood the concern on spending public funds on the request, but he also understood the desire to have counsel acting on the City's behalf that had experience in the related area of law or handling similar cases. He desired being cautious. Vice-Mayor Cole supported retaining outside counsel for the reasons he explained.

Member Moscoso agreed, but she felt it was premature.

Member Nelson supported hiring outside counsel, due to the limited time frame left to respond to the subpoena, the importance of achieving compliance, and doing so peacefully and calmly. She was familiar with the proposed law firm and their assertive handling of cases. She also did not want the City to be in contempt of court.

Member Moscoso advised that she was struggling for the reason the City was in the situation it was facing with the subpoenas. She commented on the 2024 City Council elections and if the City had any part of being involved in the outside activities of the individual Council candidates, while they were running for office, she desired these matters be reviewed. She supported presenting the requested records. Member Moscoso was also concerned with a video that she advised was made by the Police Chief and later taken down.

Several citizens submitted public speaking cards.

Kathleen O'Rourke did not support hiring outside attorneys. She also felt that locating records was not complex and this was not as complex as redacting protected information.

Elizabeth Parker did not support using public funds. The City was to be responsible records custodians, staff had begun compiling responsive records, there were staff to do the work, and she desired all facts in responsive records to be disclosed.

Toni Shifalo discussed her concerns on malfeasance, wasting tax payer dollars, her desire to respond as requested in the subpoenas, etc.

Trenton Mansfield expressed concerns on use of public funds. He commented that the election campaign games snowballed and got really big. He also commented on the Mayor indicating that he was fiscally conservative, etc.

Dwight Seigler entered the room just a couple or few minutes prior to the speaker before him. He did not submit a public speaking card; however, he was invited to speak on the agenda item due to he indicated a desire to address the Council. Mr. Seigler came to the podium, but then advised what he had to say was not related to the request at hand.

No other individuals indicated a desire to discuss the proposition before the Council.

Member Nelson felt it was prudent to support the request. The records request needed to be narrowed in scope and/or size.

Motion:

Member Nelson moved to engage the law firm of Roper, Townsend, & Sutphen, P.A., to provide legal services and authorize the City Manager or City Attorney to execute the engagement letter, as recommended.

Member Nelson advised that either way (whether using outside counsel or not), there was not enough time to comply and respond to the records request as presently contained in the subpoenas. She indicated that it may require appearing in front of the court to ask for an extension. At the same time in doing this, the City might as well ask for the scope of records requested in the subpoena be narrowed, etc.

Vice-Mayor Cole seconded the motion and the roll call vote was:

Member Moscoso	No
Member Nelson	Yes
Mayor Connors	Abstained

Mayor Connors stated why he abstained from voting, which he indicated was due to any possible appearance of a conflict of interest. He would submit the required voting conflict form following the meeting.

Vice-Mayor Cole	Yes
Member Stoeckel	Yes

The motion carried with a vote of 3-yes to 1-no, with Mayor Connors abstaining from the vote.

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Petitions and Requests from the Public Present –

Dwight Seigler did not support using public funds for the aforementioned agenda item. He advised the 2024 election cycle was ugly and other information would come-out on these matters.

Kathleen O’Rourke desired asking questions at this meeting and receiving answers immediately to each of her questions. Her questions were concerning on when the Police Chief was contracted, when the Police Chief’s contract was last renewed, whether pay raises were given to others, her concerns on the Police Chief’s salary, getting answers to a current issue involving the Police Department, etc.

Member Nelson was familiar with the Police Chief’s salary. She advised the position was not presently receiving benefits, the Chief’s salary was lower than what other police chiefs in similarity were making, etc. Member Nelson advised that she was willing to discuss Dr. O’Rourke’s questions after the meeting.

Michael Dwyer expressed his dissatisfaction and concerns with the Apollo Gardens project. He desired the public to be able to comment on or influence the direction of the project. Mr. Dwyer expressed concern that others that were also concerned with these same matters were not successful at a recent meeting of the Board of Adjustments and Appeals meeting.

Member Stoeckel commented on an upcoming agenda, where the Council would discuss the ability of requests denied by the Board of Adjustments and Appeals to be appealed to the City Council.

William Balint made an inquiry whether the Board of Adjustments and Appeals (BAA) would be involving City Council.

Member Stoeckel advised this potentially would occur. Whereas all other City boards were advisory boards, the BAA was not. Presently, BAA decisions were binding. Member Stoeckel commented on a prior City Council meeting where this matter was discussed. She also commented that the City Council would look into the matter and whether the Council desired to change the City's Codes, should the Council decide to authorize requests denied by the BAA be appealed to the City Council.

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Motion:

At 6:22 p.m., Member Nelson moved to adjourn the special City Council meeting. Vice-Mayor Cole seconded the motion and it carried unanimously.

As the above motion and vote was being completed, a citizen approached the podium indicating her desire to address Council. She was also holding up a sign.

Motion:

At 6:23 p.m., Member Nelson moved to call the special City Council meeting back to order. Vice-Mayor Cole seconded the motion and it carried unanimously.

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A citizen (name not given) requested 3-minutes of silence to honor Mr. Tri-Marea Charles, to which the Council meeting paused in silence for 3-minutes to honor the recently deceased individual.

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Motion:

At 6:27 p.m., Member Nelson moved to adjourn the special City Council meeting for a second (additional) time. Vice-Mayor Cole seconded the motion and it carried unanimously.

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Andrew Connors, Mayor

ATTEST:

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Wanda F. Wells, City Clerk