



**AGENDA MINUTES**  
**McIntosh Town Council Meeting,**  
**Civic Center 5835 Avenue F**  
**December 9 & 16, 2021, at 7:00pm**

*\*\*Notice to Meeting Attendee\*\**  
*As a courtesy to others, please ensure cell phones are turned off during meeting*  
*Welcome to the Town of McIntosh Town Council meeting.*

**CALL TO ORDER**

Meeting called at 7:03 pm

**INVOCATION AND PLEDGE**

**ROLL CALL (P = Present, A=Absent)**

President Callahan	P
Vice President Ciotti	P
Cllr Jones	P
Cllr Naworensky	P
Cllr Sindledecker	P
Mayor Roddy	P

I. **PRESENTATIONS**

1. Recognition and Certificate of Completion from the Institute for Elected Municipal Officials, Hosted by Florida League of Cities – Council Members Jones, Naworensky and Sindledecker

Special recognition of Council members for completion of Course.

II. **MINUTES**

1. November 9, 2021
2. November 16, 2021
3. November 22, 2021

Motion by Cllr Jones to approve three sets of Minutes; seconded by Cllr Sindledecker.  
President Callahan called the vote – Unanimous approval.

### III. FINANCIALS

#### 1. November 2021

Motion to approve November 2021 Financials by Cllr Naworensky; seconded by Cllr Jones. Town Manager stated that adjustments will continue in tweaking the budget format and presentation. President Callahan called the vote – Unanimous approval.

### IV. CITIZEN COMMENT

*All persons wishing to address the Town Council will be asked to limit their comments to the specific subject being addressed. Individuals may sign up in advance by calling the Town Office prior to the meeting and will be allowed 5 minutes to speak. Anyone who attends the meeting and did not sign up in advance will be allowed 2 minutes to speak. In order to foster mutual respect between the Town Council and the public, it is requested that comments are directed at specific issues rather than personal comments directed toward Board members or staff. Please note that if a person desires to appeal any decision made to any matter considered at the above meeting, that person may need to ensure that a verbatim record of the proceeding be made, which record includes the testimony and evidence which the appeal is to be based*

1. Mary Ann Kelley – Civic Involvement and commended those who do so much for the community, providing an example of the birthday celebration of the town, further commenting on the Vision for the Town, and the transformation of the town office.
2. June Glass– Questioned and Suggested Committee Reports be provided instead of “draft” minutes.

### V. COMMITTEE UPDATES

#### 1. Code Enforcement – George Crawford

Mr. Crawford presented a report of the Code Enforcement Board at a hearing on December 7, 2021, consisting of two cases (1) 5500 Avenue H and (2) 20680 12<sup>th</sup> Street;

**Case #1 – 5500 Avenue H:** Based upon the evidence the CEB voted to place a lien of \$5,000 against the property for the fines assessed by the CEB and accrued to date, and since the Code Enforcement Officer deemed both cases constitute a threat to public health, safety and welfare, the CEB recommended that the Town Council should proceed with a removal of the offending items under due process as guided by the Town Attorney with the cost of the removal added to the lien. The CEB also decided that if the removal is not authorized or completed, and the violations continue, the CEB intends to impose an additional fine of \$500/day, according to due process once that determination is made.

Motion by Cllr Ciotti to consider Case No. 1; Seconded by Cllr Naworensky  
President Callahan called the vote – Unanimous Vote

Cllr Ciotti then made a motion that the items be removed and file the lien on the property. Cllr Jones felt that a motion cannot be made since this case was not on the agenda and would have to have a separate meeting to consider any other action. Town Manager Rickman advised that a motion has been approved to consider the case and now discussion takes place. Audience member Melinda Downing spoke and stated that council can make a motion of anything that comes before them on the agenda or not on the agenda. Town Manager further explained that for this process because this item was not on the agenda, Vice President Ciotti made a motion to consider Case #1. That motion

has passed. It is now time for discussion by council of Case 1 with Cllr Jones stating she didn't think we could make a motion as Vice President Ciotti did for the second motion. Town Manager advised that Vice President Ciotti can make a motion, but now is time for the discussion and if you decide or not to decide to go that direction, or make a motion otherwise for something else, then that would be the appropriate step. Right now, is the discussion because the motion had been approved to discuss it Case No. 1.

Cllr Sindledecker questioned the removal of property at Avenue H and that the CEB is bringing to the council that we put a lien of \$5,000 against the property and that we authorize removal of the offending items and if the removal is not authorized..... She thought from the minutes that she had read that there was a possibility of trying to foreclose on that property because it is not homesteaded, and Mr. Crawford affirmed her comments. Cllr Sindledecker reiterated that first we place the lien and whether we want to pay for the removal of the items and asked if that was correct and Mr. Crawford responded yes. Cllr Sindledecker asked the Town Attorney if we needed the property owner's approval to remove the items. Attorney Williams stated they have received notice that this is going to happen. The Code Inspector found that the property was in a condition that was a danger to the health, safety, and welfare, so the CEB has to notify you all of this. Cllr Sindledecker added that we then don't really need their permission to do this, and our next thing is whether to place the lien and whether or not to pay for the clean-up, and understanding the minutes, any clean up costs could be added to the lien. Mr. Crawford addressed the Town Attorney and stated that the CEB has decided that a lien of \$5,000 should be placed against the property and that is proceeding isn't it? The Town Attorney responded with yes. Town Manager stated the lien has not been filed yet, but it is in process. The Administrative Order when it is filed constitutes a lien. Attorney Williams advised council that she is reviewing the Administrative Order which needs to be completely correct and affirmed that it is in process.

Vice President Ciotti stated it has been there for years and it's dirty and rusty and dangerous.

Cllr Jones reminded everyone of the problems they had when they voted on the slide to be removed because it was not on the agenda and for people to know to attend. Vice President Ciotti stated that Town Council can make a motion and as long as it is discussed, citizens have a right to provide input and a motion can be approved.

Questioned by Cllr Jones was how does people know that what council is voting on is on the agenda. Vice President Ciotti responded if it's an ordinance or resolution, it must be noted. Cllr Sindledecker deferred to the town attorney and town manager if stated it is okay, then we are fine. Attorney Williams added that Cllr Jones is being safe based upon the history of what we dealt with here. She felt it was okay but just because you can do it doesn't mean you always do it.

Cllr Naworensky addressed the Town Attorney asking if this is something to require a court order to go on the owner's property, and Attorney Williams advised it is in the statute. Cllr Sindledecker added that we have to notify them. Town Attorney recommended adding it to the next agenda. Cllr Jones asked if there could be a special meeting in the next week or so?

Vice President Ciotti then withdrew his motion.

Mr. Crawford then presented that the Code Officer Inspection of November 19, 2021, also stated that the violations were ongoing at 2680 12<sup>th</sup> Street.

Cllr Sindledecker asked if there is any reason why they cannot vote. Town Manager advised that in this type of process, it is considered a “walk-on” in terms of meetings and that is what this is, a walk-on. Unfortunately, it is not noticed because it is not on the agenda but because you made the motion to consider it, then you are allowed to take action.

Cllr Ciotti motioned for Case 1 that since it is a public threat and welfare that we remove the offending items and add them to the existing lien; Seconded by Cllr Sindledecker, adding she would like more discussion. She has the understanding that we are going to send them notice and give them 30 days. The response was no. Attorney Williams stated that FI Statute provides that you can go in and clean it up by the Code Enforcement process. Cllr Jones questioned the attendance by a law enforcement officer and asked to amend the motion at which time Vice President Ciotti amended his motion to include same.

Mayor Roddy asked about an inventory of items, on what to take or not to take. Cllr Jones stated to do an inventory of the untagged vehicles or items, and Mayor Roddy added to have the Code Officer there at the time of removal.

Cllr Sindledecker seconded the amended motion.

President Callahan called the vote – 5-0 in favor.

#### **Case #2 – 20680 12<sup>th</sup> Street;**

Mr. Crawford reported on the case noting the identification of multiple vehicles in various states of disrepair, identified a number of automotive parts and mechanical equipment related to motor vehicle repair, first reported to the CEB in April. Fines were assessed beginning in June and the Code Inspection officer determined that the code violations constitute a threat to public health, safety, and welfare. The CEB decided to place a lien of \$5,000 against the property for the fines that have accrued to date, and since the Code Inspection Officer cited the violations as a threat to public health, safety, and welfare, the CEB recommended that town counsel proceed to remove the offending items and the cost be added to the lien. If the removal is not authorized or completed and the violations continue, the CEB expressed its intentions to.....

At this time Mr. Spradling entered the building asking how that can be done when there haven’t been official citations issued. He asked where he is wrong in that. He stated he had not been served with an official violation and now you’re ready to come onto the property and remove items. He further asked, is that all over the town, and not just his property. Another audience member related to Mr. Spradling (name was not provided) stated the property is in the process of being cleaned up because she is the one doing it.

Mr. Crawford advised that the CEB has responded to the Code Inspector’s Report. Mr. Spradling further stated that in his reviewing of the law, and stated he has to be served a citation with the code violation and number, the date of the infraction and he has to sign it before it is being moved and he has not seen anything except a certified letter coming to him so where are the fines coming from?

Mr. Crawford addressed the Town Attorney if she would explain for the citizens? Attorney Williams stated she believed that the property owner has been duly noticed and Mr. Spradling asked when and to show proof. He further stated that the Code cannot be enforced as a means of a personal vendetta which it is obvious for some reason. He stated it might have to do with the slanderous and defamation in the type of remarks that have been made in the meeting that he has on

video. He asked that since when is a car a threat to human welfare? He stated that right next door to him is, if anything, it's not bothering him and don't consider it a threat to my welfare. No one has approached him personally saying there is an issue. President Callahan asked Mr. Spradling if the Code Enforcement Officer has been to see him and Mr. Spradling responded that yes, he has talked with him, though it has been quite some time and he was one who he got the information from. Cllr Sindledecker stated she thought certified letters were sent. Mr. Spradling responded that certified letters does not constitute a citation. Vice President Ciotti stated that it does, while Mr. Spradling disagreed. Mr. Spradling then stated that he was not operating an illegal business, that he has a license and is insured. Cllr Sindledecker stated we are talking about Avenue H, not 12<sup>th</sup> Street. Mr. Spradling stated he is still waiting to hear when does he get served an actual violation making this official? Cllr Sindledecker stated that the CEB has brought this to the Town Council. Mr. Spradling stated he has to have a citation that he has signed and just can't come in without their knowledge and place liens on their property. You have to let us know officially, not by some willy nilly letter that is sent by anybody. It should have the Town Seal to be official. Cllr Sindledecker asked him that he didn't know all this time that Avenue H is in violation. Mr. Spradling stated it doesn't matter whether he knows or not, you cannot assess fines unless he has been issued a citation – that makes it legal. Vice President Ciotti stated that after the lien is placed you can go to court. Mr. Spradling stated that is already in the process because he is also going for defamation, slander. Vice President Ciotti stated there is no defamation, with response by Mr. Spradling yes there is, against him and his daughter at Avenue H by a Town official. Mr. Spradling further stated that he “is a very easy person to get along with, he has done nothing to nobody. All that had to be done was come to me and say that there was a problem but that is not how you all operate so I chose to be obstinate about it.”

Cllr Sindledecker commented just to be clear that all the times that you have talked to Phil Howell about Avenue H - Mr. Spradling interjected, just one time, then continued by Cllr Sindledecker repeated just one time that you spoke with Mr. Howell, and you didn't understand there was a problem? Mr. Spradling stated he did not say that. She asked, did he come to Mr. Spradling and explain that there was a problem. Mr. Spradling responded that after that he found out, there was this “lynch mob” coming after him and wanted to see how far it would be taken. Cllr Sindledecker proceeded with asking him how long ago did Phil Howell speak to you and Mr. Spradling responded that it doesn't really matter. Cllr Sindledecker stated it does matter because you're telling me that you didn't know. Mr. Spradling says that for this to be official before you can assess liens and go on my property and remove anything you have to first serve me with an official citation which has not been done, plain and simple. Cllr Sindledecker added ...both properties and you understand there is a problem with 12<sup>th</sup> Street property as well. Mr. Spradling stated he could give you a list where there are all kinds of problems and do you want those too, but he has a feeling that you won't go after those with the same exuberance. Cllr Sindledecker if you're signing a complaint. Mr. Spradling stated he will give you a handful in the morning, but he wants them pursued the same way he was pursued. Cllr Sindledecker understood and asked him did Phil Howell talk to you about 12<sup>th</sup> Street? Mr. Spradling said “no” he had not spoken to Phil Howell about 12<sup>th</sup> Street. An audience member, related to Mr. Spradling (no name provided) stated that she had been on the property close to three weeks cleaning up the property so the pursuit of a lien should not be happening anyway. President Callahan asked who the member was, and she responded that she was a friend. Mr. Spradling stated this pursuit with this violation constitutes a fierce attack that they are receiving, and he does not understand. Cllr Sindledecker asked if Mr. Spradling is renting the property now? Mr. Spradling stated there is no body renting. He referred to the lady speaking earlier that she does not live on the property that she has been hired to clean it up. The woman speaking earlier stated that she had been cleaning the property for three weeks and the violation is being taken care of so there is no

need for any lien. Cllr Sindledecker asked if the pieces of the vehicles that are not licensed, is everything going to be cleaned out and the woman responded that she has been working on it, yes.

Mr. Spradling commented that we will probably get reports because daily someone is coming by with the window down, hanging out, looking around trying to see what they can see so he is sure we will be getting reports sooner or later. Cllr Sindledecker stated she thought the big deal is to move the vehicles out and it's pretty obvious that you don't have to go slow to see that kind of stuff and are you working on Avenue H as well? The woman responded that when they are done with 12<sup>th</sup> Street, yes. Mr. Spradling stated he will provide a list in the morning, and he wants those (complaints) pursued in the same fashion. Cllr Sindledecker stated that your take on this is that you have known about it for a long time, you understood that there is a problem, you haven't wanted to move it, because you wanted to see. He interjected saying that he didn't say that he didn't want to, and Cllr Sindledecker continued that you will wait and see how long you pursue this. You've known it's a problem and you have not been willing to actually do anything about. Mr. Spradling said that (1) he did not really see it as a problem, it is a vehicle. It's not harming anybody. It's a vehicle sitting there with flat tires over here (Ave. H). Cllr Sindledecker said the vehicle and all kinds of engines and other things that you then moved to 12<sup>th</sup> Street. Come on you know you did. Mr. Spradling stated that is incorrect but ok. Cllr Sindledecker said you are hanging your hat on the fact that we did not give you what is considered ... he interjected stating it's not hanging my hat, it's the law so you can see however you want to... {speaking over Cllr Sindledecker} you have not done anything in the eyes of the court. Cllr Sindledecker said so you're saying that the certified letter was insufficient.. interjecting again by Mr. Spradling that it is not a citation. Cllr Sindledecker said she understood and that can be handled. Mr. Spradling then asked then how can fines already be assessed if you are not admitting it can be handled. Cllr Sindledecker then said no, no, I'm not admitting that – I need to understand and talk to you. Mr. Spradling stated you admitted that on video shortly before I came in here that there was already \$5,000 in fines. Cllr Sindledecker added that she personally does not know that the citation hasn't been correctly assessed, will find out, and make sure but the trick is if every time I've listened to the Code Enforcement, really what they want is to work with the neighbors to get things cleaned up. So, if you're telling us that what you want to do is get it taken care of then maybe that might be something we should do. Mr. Spradling responded with the question that once that is taken care then what will we find next, because this goes well beyond cars. This is personal. Cllr Sindledecker stated not to me; Cllr Jones also stated not to me either. Cllr Sindledecker stated she is a voting member, and it isn't personal to her, that she is trying to be fair. Mr. Spradling stated that it has been to some. Cllr Sindledecker stated she heard the CEB say again and again that they want to work with their neighbors so I'm not positive that that's exactly all that's going on. Cllr Sindledecker then stated there is conversation then that we need to have with the lawyer about whether you have been duly notified and if we have not appropriately done that then we need to back it up and do something about it. If we have then we need to let you know that and how that works. Mr. Spradling said fair enough. Thank you.

Cllr Sindledecker then advised another audience member that he could always put in a complaint and further information could be shared during Citizen Comments.

Cllr Sindledecker suggested to wait until the attorney re-entered the room so that we can have a conversation about whether we need to circle back, and Cllr Jones added that we need to stay in a holding pattern until they come back in.

President Callahan moved forward with the Historic Board presentation.

2. Historic Preservation Board  
a) Meeting Minutes of December 1, 2021

Melinda Downing, Chair, provided an update of the Historic Board meeting of December 1, 2021, and minutes of November 3, 2021, were approved. An application by Marshall Roddy, 5735 Avenue G, for an 8 x 20 addition to the NE corner of the existing home was approved unanimously. Demolition by Neglect ordinance was discussed, working with the Ocala Historic district wording, and at this time changes are incomplete with further review needed. Cllr Sindledecker says [the minutes] state 8 x 20 here.

Vice President Ciotti asked if Marshall was enclosing the side and Melinda responded that it was an addition to the side and if he wanted to see whole addition with the attached pictures, site plans, blueprints, they are at the town office. She further added that further discussion at the meeting because of the historic nature of the house, it needs to be delineated in the addition that he is going to put vertical board and according to the Secretary of Interior, it is more important to try and save and repair which the addition will do by moving the roof line so that rain does not get in that corner which was basically rotting that corner of a beautiful building so what he is trying to do outweighs the other part of making sure it is really delineated from the original and the house has been added onto so many times we don't really know what the original is at this point. But it is important that we save the building.

3. Tree Committee

(A) Acceptance of Committee Member Gail Delp's Resignation dated November 22, 2021, and Approval to Advertise Committee Vacancy

Dennis Devore, Chair, stated they met on December 2, 2021, approved the minutes of September 30, 2021, were approved. Also had a permit from the Fish Camp which was denied and still working with Susan Munroe on that so it will be at the next month's meeting. Also, minutes have been turned in (draft) and nominations of officers were held.

Cllr Sindledecker asked if he had a copy of the minutes that he gave and he responded that a copy was taken to the office, turned in on Tuesday morning. Cllr Sindledecker reflected on the notes written as "get a new permit as you have the money permit are only good for 60 days", does not know what the "money permit" means. Dennis responded that there is no fee. This is a draft; he had not really read them yet. Cllr Sindledecker stated she thought he wrote this, and Dennis stated, no, they have a secretary, and these minutes get voted on next month.

President Callahan commented that the Tree Committee has new members and Dennis responded that there are two new members, Angela Fogarty, and Rick Talbert. Vice President Ciotti commented that Dennis was re-elected as President and Dennis responded that he did not realize that I was nominated as Chair, and then there was a nomination for Secretary. The Vice Chair has not been voted upon yet because we have such new members to see how things go and then they will have the position of Vice Chair. Cllr Sindledecker suggested if appropriate that the minutes to include that you welcomed two new members for historical record purposes. The nomination forms should be attached to these minutes and once these are approved, their applications should be attached so that all their information would be on those minutes. Cllr Jones mentioned that she was

sorry that Gail Delp resigned, confirmed by Dennis, that she resigned due to personal issues at this time but may be back when things settle down. Still needing another position filled.

#### 4. Land Planning Agency/Board of Adjustment

##### a) Meeting Minutes of November 29, 2021

Danaya Wright, Chair, presented the report of being the first set of meetings they have had. They have 3 members on the Board of Adjustment and the Code of the McIntosh Ordinance requires 5 members. A single application from Mr. Howard Walkup for a Zoning variance for a substandard size lot on E Place to have a variance granted so that it could be developed in the R-1 even though it was not sufficient size. The Board met in October and voted to adjourn the meeting after it was discovered the neighbors had not received sufficient notice of the published meeting, even though the meeting had been published and Mr. Walkup had been noticed. The meeting was rescheduled for November 29, 2021, and on that date, the Board had only three members on the board, David Jones, George Crawford and Danaya Wright and for reasons, she recused herself on this issue because of prior situations that had arisen between herself and Mr. Walkup leaving two voting members. Good discussion and the vote taken, one in favor, one against. She is coming to council to request that two more members be appointed, preferably an alternate added as well so that they would have an odd number for voting. She encouraged people in the audience to volunteer to serve on the board. Unfortunately, they cannot move forward on this application until they have more members.

Vice President Ciotti stated he is trying to get some interest in folks to move forward and apply. Cllr Naworensky asked if you or other board members as a group walked through that property? He stated he did the other day and think they should probably walk, and it may change one of the two people's minds.

At this time 8:05 p.m. Town Manager Rickman advised Council that she and the Town Attorney had met with the deputies, the family had left, and that the deputies will be patrolling the area for the evening.

Cllr Sindledecker asked if they could circle back to the Code Enforcement Board stating she had questions for the attorney. She commented that Mr. Spradling came and stated that he felt that he had not been duly noticed that you *{the attorney}* assure the town manager, President, and Mayor. Attorney Williams stated she will be able to get with the Code Enforcement Board to make sure the proper procedures were followed. Attorney Williams stated that she was not involved at that time. Cllr Sindledecker understood and reiterated her request that Attorney Williams do that and assure the town that we do not need to circle back and provide different notification.

Audience member June Glass stated Mr. Spradling is running a business which is illegal in R-1, and no one has brought that up, and Cllr Sindledecker stated they were talking about the case on Avenue H and preparing to talk about the case on 12<sup>th</sup> Street.

Town Manager Rickman reminded council of the process for the motion to consider Case no. 2;

Mr. Crawford then continued with reporting on the property on 12<sup>th</sup> Street, placing a lien for \$5,000 against the property for the fines already approved and since the Code Inspection Officer has cited



the violations as a threat to public health, safety and welfare, the Code Enforcement Board recommended that the Town Council should act to remove the offending items and the cost of removal should be added to the lien. The CEB also determined that if removal is not authorized or completed, the CEB declare its intention to impose an additional fine of \$500/day once that is determined. The CEB also fell upon the Code Inspection Officer to certify the clean up of the property at 5500 Avenue H, and the property at 20680 12<sup>th</sup> Street for the owner to avoid additional fines because the family apparently is able to access both properties. Finally, the CEB asked the town manager to collect evidence if a business is operating at 20680 12<sup>th</sup> Street.

Following the report of Case No. 2, Cllr Sindledecker motioned to consider the recommendation of the Code Enforcement Board, seconded by Cllr Jones.

Cllr Sindledecker stated she had not heard anyone share from the properties that they were trying to clean them up in the last three weeks and asked Mr. Crawford if anyone had shared that with him? Mr. Crawford stated they are not allowed to have contact with the property owner. The Code Inspector would be the one making contact. Cllr Jones stated that Mr. Howell's last report was dated November 19, 2021, approximately 3 weeks ago.

Vice President Ciotti asked if the Code Inspector contacted the individual and discussed it with them because he is clearly in a residential R-1, cannot do auto repair, it's not inside his home. Cllr Jones commented that this is not what we are talking about, that we are talking about the existing complaint. President Callahan questioned if there was a complaint made and Cllr Sindledecker stated there are a number of automotive parts and mechanical equipment related to vehicle repair business situated on the property. Further discussion ensued regarding the question of the automotive business with the case #2 at hand and clarification was provided that Case #2 reflected "unserviceable vehicles". Town Manager Rickman advised that there has been a complaint filed recently regarding the automotive business in an R-1 Zoning.

Cllr Sindledecker asked if the lien is filed and the violators clean up the property, can the lien be removed, and Attorney Williams responded yes.

Cllr Jones suggested in following with the same motion as the previous property (Case #1), with the motion that someone is hired after Phil Howell has inventoried to come in and remove any of the equipment that is deemed to be against the public health, safety and welfare and who ever does the removal would be accompanied by a sheriff and all the costs relative to the case would be added to the lien for the 12<sup>th</sup> Street property with Cllr Naworensky adding the Code Enforcement Inspector Phil Howell should be present as well. Cllr Jones then amended her motion to include Inspector Phil Howell Seconded by Cllr Sindledecker.

Vice President Ciotti wants to make sure that we are not stepping onto someone's property and would like to go with the CEB recommendation No. 5, and do something that is clear, concise and to the point. He added, have the Code Enforcement officer go back out, ascertain if he is running a business, does he have vehicles. Mayor Roddy added that he (Mr. Crawford) has already stated that in his meeting and proceeded to read the CEB report.

Cllr Sindledecker stated she felt there are two different issues going on. What we are asked tonight, the lien is not really on us, the lien is the responsibility of the Code Enforcement Board of which they have authorized for that appropriately. She added that town council is not voting on the lien, that council is voting, as a town, do we want to pay for cleaning up the property from the offending

items, per Phil Howell and understanding that the complaint and investigation on whether or not he is actually running a business from this property which is an R-1 is an ongoing complaint that has been filed and is being pursued, so we are not voting on whether or not the man has a business, we are voting on the items that are in the yard, such as automobiles that aren't registered, automobile parts, engines, etc. and the (foregoing) by council response is affirmed as correct.

Having no further discussion, President Callahan called the vote. Vote 4-1 with Vice President Ciotti dissenting.

Audience member Melinda Downing spoke, stating that the council don't actually make him clean it up, they have offered you another out. She stated she was at that meeting and they offered another option if the town council refused to go on the property and clean up the offending items, they at that point would reassess fines. Cllr Sindledecker commented that as she understood it, that is only triggered if we don't vote to go ahead and clean up the property, or the violations continue. And while that property may or may not be homesteaded, the one at Avenue H is not, but the one on 12<sup>th</sup> Street may or may not be, it is still being investigated. The point being there is a possibility to clean it up, add that to the lien, and move on. So that would be what we were voting on.

Vice President Ciotti commented that his dissenting vote was for a more civilized procedure and felt there is a better way than a couple of pick-up trucks rolling into their yard and pulling away vehicles. To him it does not register his vote.

Attorney Williams then advised council that Mr. Spradling has returned to the parking lot and the Town Manager was calling law enforcement to return.

Cllr Sindledecker one final comment to Mr. Crawford and stated that Mr. Spradling came and indicated that in the last three weeks they have had somebody on 12<sup>th</sup> Street cleaning up who intends to move down to Avenue H. Is there any way that Mr. Howell could contact Mr. Spradling and ....?

Attorney Williams interrupted the council meeting to advise that the situation at hand should be taken seriously of current events.

At this time (8:08 pm), council recessed. Council President Callahan then advised that the council meeting will be continued to near future date (to be scheduled).

**THURSDAY, DECEMBER 16, 2021  
(CONTINUATION OF DECEMBER 9, 2021)  
TOWN COUNCIL MEETING  
7:00 PM.**

President Callahan reconvened the continued meeting (*from December 9, 2021*) on December 16, 2021, at 7:02 pm. with the Invocation, and Pledge, followed by Roll Call:

**ROLL CALL (P = Present, A=Absent)**

President Callahan	P
Vice President Ciotti	P
Cllr Jones	P

Cllr Naworensky P  
Cllr Sindledecker P  
Mayor Roddy P

VI. **CONSENT ITEMS**

*All matters listed within the Consent Agenda have been distributed to each member of the McIntosh Town Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be pulled for discussion and consideration. Please call 591-1047 for questions on Consent Agenda items prior to the Council meeting.*

President Callahan introduced the meeting schedules as follows:

1. 2022 Committee Meeting Schedule
2. 2022 Town Council Meeting Schedule
3. 2022 Holiday Schedule

Cllr Sindledecker noted that the Historic Preservation Board and Tree Preservation Committee meet regularly, that Code Enforcement Board and Board of Adjustment do not have regularly scheduled meetings.

Cllr Sindledecker motioned to approve all three schedules; seconded by Cllr Jones. Vice President Ciotti stated that with the meeting schedule, it will give the citizen boards time to submit the draft minutes.

Town Manager Rickman advised council that the schedules will be posted on the board so that it eliminates the need to provide notice prior to every single meeting, as these will be the official notices. Anything more will be posted as additional notices. Asked by Vice President Ciotti if there were any changes in the holidays and Rickman stated there are no changes and particularly noted those holidays that fall on Saturday or Sunday are observed on Friday or Monday, respectively.

Mayor Roddy noted a correction to the Historic Preservation Board Meeting Schedule for May 4 and should be corrected to reflect May 5, 2022. Town Manager Rickman stated she would make the correction.

Audience member Diane Naworensky asked if all the notices will be posted on the website, and response was yes.

President Callahan called the vote. Motion was unanimous.

Town Manager Rickman pointed out the Agenda Action Summary updated for Council and noted that Item 9, to utilize the TV screen will be marked completed. She updated Council of receiving the railroad ties positioned on the west side of the Town Hall building, which is one step in preserving the trees, having received the Arborist report in order to prevent traffic on the roots, doing more damage.

She added that we will look to be adding soil to whatever is necessary. There will not be permanent work at this time because the Town Hall project could change the scope of the project, such as a park, etc. Vice President Ciotti asked if there was any traffic today crossing and she responded there were a couple of cars that drove up to the area. Cllr Jones noted there were six cars parked along the side along the road when she left at 6:30 a.m. . Rickman stated that the railroad ties came at no cost through Florida Northern Railroad and a letter will be drafted thanking them for signature by Council President.

Vice President Ciotti noted that the town manager was instructed to do the ties and fill in with dirt and perhaps some grass seed on it. Cllr Sindledecker pointed out that this is in response to the Arborist reports which had been requested so this lets us know this is the first step in protecting the trees and protecting the area.

Town Manager introduced Attorney Pat Gilligan who complimented the citizens in decorating their homes this time of year. He provided an update to council regarding the Order relative to the Historic Preservation Petition for Quo Warranto as to the shed in front of a citizen's home. Attorney Gilligan stated the following: "Reading the order, one would initially think the town lost, but didn't really. The Judge ruled against the Town procedurally but substantively he's not ruling on it, but if he was to rule, it appears the petitioner did not timely appeal the adverse order of the Historic Board within 30 days as required by the Code and based upon that Ms. Williams first called the County Attorney and then wrote the Building Department of the County and told them her interpretation of the Order was that they were not entitled to get the permit. Ms. Williams received an email stating they agreed, they will not issue a permit and logged it into their system so that if in the event they applied for a building permit on that particular piece of property, it will come up showing don't issue the permit. First of all, we contacted the County Attorney and had a lengthy discussion with him. In the letter she provided the Court's actual Order to the Building Department Official and the County Attorney and she copied the property owner's attorney, so there is no doubt about what is being done under our position or the Town's position on what Judge Hodges ruled in this case. We got an email back today from the Building Department and I know Mr. Minter at the County and I guarantee he reviewed the Order and he reviewed everything that had to be done with this, and so we got an email back that essentially they agree, and they were going to log it in the system. Now where does that leave you, he doesn't know, but what we do know the law is now back on the property owner's court, and if they want to get a permit to do it, they might have to do something, unsure of what it will be. His partner {Attorney Williams} asked him to review the brief with Judge Hodges and he thought it was well written, well-reasoned and feels she did a really good job for the Town and feels that Judge Hodges recognized that through the brief even though he said you didn't do it procedurally, with regard to the clerical act within a certain amount of time, it was just a confusion of a lot of issues. Procedurally he had to do what he did, but I think he recognized substantively which is always more important. Your Historic Board had the hearing, it was a 5-0 vote and that 5-0 vote was property owner you cannot do that, and they were there. In lawyer's terms they had their day in court and lost. So, what they were really trying to do was win on a footfall, and the judge basically said you're not going to win on a footfall, that in fact, you didn't appeal within 30 days."

## VII. ITEMS FOR CONSIDERATION – TOWN MANAGER

### 1. Request Approval to Schedule Legislative Trip to Tallahassee in January 2022

Rickman presented the agenda item for approval advising that the Marion County Board of County Commissioners have established January 19, 2022, as Marion County Day with various events occurring, and meetings with legislators regarding the town hall project.

Cllr Jones asked if we go overnight, would we go the night before or that morning and Town Manager Rickman responded that there is a possibility that you could have a meeting at 8:00 a.m. suggesting that travel would occur the night before.

Cllr Sindledecker stated this is really to help us with our request for funding related to the Town Hall and felt this was great.

Vice President Ciotti commented with suggesting motion to allocate funding for travel. Town Manager asked to be allowed to determine the cost depending on who is going. Cllr Sindledecker commented that hotel rooms are at a premium during this time. Vice President Ciotti mentioned the House Bill for the Town Hall project. Cllr Naworensky added that representation is needed. Cllr Sindledecker made the motion to approve the travel to Tallahassee, for the Town Manager to determine who is going, and make the budget change as needed, seconded by Cllr Naworensky. President Callahan called the vote. Motion carried.

## VIII. COUNCIL COMMENTS

Mayor Roddy acknowledged the accomplishments of this year with 2022 even better and to pursue with a positive attitude. We want to make McIntosh the go-to place and encourage everyone to decorate. We welcome comments, give us ideas to help this town be better and complimenting the Town Manager as a new addition to this town. He reminded everyone of the Light Up McIntosh event on Saturday, December 18, 2021.177617

Cllr Sindledecker reminding Mr. Crawford if he would have Phil Howell to check with the property owners on the clean-up on 12<sup>th</sup> Street; and secondly, having the attorney work with our town manager to assure the council that the proper notification has been made so that council is comfortable moving forward. Light up starts at 6:30 pm.

Vice President Ciotti expressed Merry Christmas to everyone. There is a lot of grumbling and some confusion in what people may not understand and we are looking at steps that need to be freshened up, with new procedures by Code Enforcement and COAs, and working on the tree ordinance. Good things are happening and very privileged to live here. He offered that if anyone had questions on what we are doing, just call him.

Cllr Naworensky wished everyone Merry Christmas. He added that we are really working on things, pulling people together, eliminating some of the communication gap, gaining people's trust, and acknowledged the town as a gem, looking forward to enjoying the holiday season.

Cllr Jones reiterated the holiday season with everyone, and that Ms. Gallagher, and Liam Gallagher will be working on the trail in the park on Saturday morning during the day, putting up the four signs on the four corners to establish his trail and a great way for everyone to start their January exercise routine.

President Callahan extended everyone a Merry Christmas to everyone and let's make a great 2022. She invited everyone to drop by, if there are any problems, to please drop by and talk.

Cllr Sindledecker said there is a Christmas choir on the 19<sup>th</sup> at 6 pm. at the Presbyterian Church.

IX.

**CITIZEN COMMENT**

Walter Tylukti – thanked the board appreciating what has been done to handle the speeding, the placement of the railroad ties, and the job of the Town Manager.

Meeting adjourned at 7:29 pm.