

**McIntosh Town Council Meeting,
Civic Center 5835 Avenue F
January 13, 2022, 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

President Callahan called the meeting to order at 7:00 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 - NONE**

II. **MINUTES**

1. December 9 & 16, 2021 (Combined)

Town Manager Rickman noted two changes, Page 5, third line removing the word “Vice”, to reflect President Callahan; Also, page 14, correction to the spelling of name, Mr. Tylukti.

Cllr Jones motioned to approve the minutes with noted corrections; Seconded by Cllr Sindledecker; Motion passed unanimously.

III. **FINANCIALS**

1. Bank Statements – December 2021
2. December 2021 Operating Funds
3. Quarterly Financials (October – December 2021)

Vice President Ciotti asked if we obtained the Florida Trust Account; Town Manager Rickman advised she had not had a chance to make the request. Vice President Ciotti noted there is one more account missing, Florida Trust, a small account with approximately \$29,000. Town Manager Rickman advised

that the ad valorem revenue is coming in, which is usually the pattern that starts coming in around this time. The Check processor has been repaired allowing the checks to be automatically deposited into the account. Vice President Ciotti motioned to approve the financials, including the first quarter; Seconded by Cllr Naworensky; Motion passed unanimously.

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. Holger – Provided language to consider regarding amendment to charter on ballot for November election.

V. COMMITTEE UPDATES

1. Code Enforcement

a) Request Approval of (1) Citizen Application

Motion by Vice President Ciotti to approve Paul Smith to continue on the Board. Motion died for lack of second.

2. Historic Preservation Board

- a) **December 12, 2021 (Draft Minutes)**
- b) **December 13, 2021 (Draft Minutes)**
- c) **January 5, 2022 (Draft Minutes) with COA Procedures attached.**

Melinda Downing presented the action taken at the January 5, 2022, with two applications; 1) Alexander Diagnostics with roof replacement, approved with conditions; 2) George and Eileen Timm for shed placement, with an incomplete application, and the intent to resubmit by applicant; Election of officers were held. Town Manager Rickman commented on the efforts and excellent work performed by the Historic Board in developing the Committee's procedures aligned with the procedures in the office. Vice President Ciotti asked what the difference was in homes with regard to siding, roofing, pitch versus an accessory structure and Chair Downing said there is no difference according to the Secretary of Interior standards for historic districts, in that the shed or accessory structure should actually match the building.

3. Tree Committee

a) Request Approval of (2) Citizen Applications

Chair Devore provided a report of the January 6, 2022, meeting with four permits and a letter written to Paul Smith in violation of the Golden Rain Tree, removed from Town ROW without a permit; Also, a

letter attached where Mr. Smith agreed to have all planting completed by March 2021. As of today, the work has not been performed; A letter was provided that the completion needed to be done, the letter was signed on November 30, 2021; Everything was turned into the office; Town Manager advised Chair Devore turned in the documents, however, except for the minutes that were provided to Council, there were questions regarding the letters needing follow up. Chair Devore clarified that a letter went out on November 30, 2020, to Mr. Davis. Mr. Devore stated the current letter turned into Town Hall needs to go out Certified Mail to Mr. Smith because he is in violation since he did not have a permit to remove a Golden Rain Tree. A fine of \$400 by the Tree Committee placed on the fine based also upon the trees he agreed to plant back in 2020. Town Manager inquired, was she supposed to send the letter out and the response from Chair Devore was yes, Certified Mail.

Town Manager asked that while she received the handwritten copy of minutes, she had made a request having attended the Tree Committee meeting, in her official role as Administrative Official and Town Manager, that the presentation of three items provided to Council, as notice consisting of 1) Mandatory Ethics and Sunshine Law Training for Committee members 2) All permit applications are to be submitted to the Town Office for record retention purposes; 3) With regard to processing permit applications, the original application submittal will be retained at the Town office, again for record retention. She also asked that the addendum to the minutes be added to their minutes as official record. Cllr Sindledecker asked Chair Devore if there is a problem in handling that. The Chair's response was that according to the Sunshine Law is that all they are required to report are our motions and our votes. They keep the notes of our minutes of our meeting; they do not keep notes of citizen comments. Cllr Sindledecker advised that Ms. Rickman is not a citizen, she is a Town Administrator, and she made a comment, and it was her understanding that she asked the secretary to add them. Chair Devore stated he had not seen the minutes yet, so he doesn't know anything that is talked about. Cllr Sindledecker noted that the secretary is not here to ask, so she stated we want these added and how can we go about this? Chair Devore stated they will have to go before the Tree Committee and will have to vote for approval of the minutes. Vice President Ciotti noted that procedures are being worked on with all committees, with an understanding that all permits need to go through the Town Office. Chair Devore advised there were two permits that were handed to him, and he took them to the Town Office, marked received. Cllr Naworensky requested clarification that if there is an addition or deletion to the minutes, should they be addressed prior to our council meeting or should they be presented at the time that the minutes are approved for any board, regarding of what the board. If there are additions or deletions to the minutes, aren't they corrected at the time the minutes are approved? Cllr Sindledecker stated that is what was said to Chair Devore and he agreed that is what they would do. She further stated that if they were presented by the Town Administrator as having been missing and requesting that they be added. Cllr Naworensky added, do they not have them until the next committee meeting to be added, for clarification? Chair Devore stated they are drafts that are turned in. Cllr Sindledecker added these are addendums that are requested by the Town Manager. Chair Devore reiterated they were requested, and the Tree Committee will look at them and they can vote on them. Cllr Sindledecker stated we need to have a serious conversation if they are not added; this is a request that they be added because she said them in the meeting; it's not like she just made them up afterwards. Chair Devore stated this has not been discussed with him, and this is the first he has heard about it. Cllr Sindledecker stated she is trying to understand that we have good communication. Cllr Naworensky suggested that these addendums will be brought up at the next meeting. Town Manager Rickman advised that the Government in the Sunshine Manual, 2021 Edition provides that the term "minutes" contemplates a brief summary or series of brief notes. She stated they are correct in that. She further read from the Sunshine Manual to include "reflecting the events of the meeting". She stated she did not come as a citizen, she is not a resident here, she is the Administrative Official, according to Article VIII of the Land Development Code, that oversees and takes the authority of every committee, or every town board. When she looked at the

minutes and was acknowledged in those first set of minutes that were provided, adding that they were very nicely presented, and an excellent job; Town Manager Rickman added that along with her being there, a council member was also there. When she asked that they be added, this is beneficial not only to the Tree Committee, and it was not to pick at Dennis regarding two permits that were received as originals, this is for everyone in trying to provide consistency in what we are doing as a process for all committees, with originals of applications that should be turned into the office so that we date stamp them. There is a process being developed to provide so that citizens have that information, it becomes a public document and the town office is the depository for official records, so this was not for just the Tree Committee, making that announcement at the Tree Committee meeting but that they were the first to hear it because she was going to provide that information as an update for everyone's benefit, the public and for the other committees. She stated she is working with every committee chair to try to establish certain procedures and because she gave them a heads up that they are the first to hear this, these are some of the processes that are being outlined moving forward. Based upon that, she acted as the Administrative Official as well as the Town Manager to provide them of future processes and respectfully requested they be included. Chair Devore added with a request that if the committee does not have everything in their notes that a recorder be provided, and the meetings can be archived by the Town Office. Cllr Jones inquired if recorders were purchased for each committee by the previous town manager and Chair Devore stated they were and the recorders are at the town hall and if they could be provided with one at the next meeting, they will record the minutes, to archive.

Cllr Ciotti stated he would like to see a video of the tree committee. Cllr Sindledecker stated that the videos are not being provided by the town, it is by our citizen doing this {on Facebook}. Cllr Naworensky reiterated so you would like all the board/committee meetings video recorded? Cllr Sindledecker stated it is not the town doing the streaming, it is performed by a private citizen, and would take much more than recording versus the audio.

Cllr Sindledecker reminded everyone of the agenda structure for citizen comment having two opportunities within the meeting to allow audience members the opportunity to speak.

Motion by Cllr Naworensky for discussion of the two applicants to the Tree Preservation Committee seats; Seconded by Cllr Sindledecker. Cllr Naworensky stated he felt there was a long ongoing controversy between the applicants and Tree Committee, stating there are audio recordings, if nothing else. He further stated that in Tree Committee meetings and Council meetings, there are conflicts with both these applicants versus the Chair of the Tree Committee and/or anyone on the Tree Committee and, in fact, one of the applicants still has an ongoing, unresolved violation; Therefore, in his opinion Cllr Naworensky recommended to deny both applicants. Cllr Naworensky made a motion to deny both applicants. The applicant, Patty Dodd requested to speak with the Town Attorney saying it was allowed. Ms. Dodd provided her background and history of her service on the Tree Committee. Motion by Cllr Naworensky died for lack of second.

Cllr Sindledecker then made a motion to appoint Patty Dodd to the Tree Committee; Seconded by Vice President Ciotti. Cllr Jones noted her concerns with both applicants that they both already serve on other committees and it's bothersome that we have the same people on the committees and would rather see a more diverse selection of people. Patty Dodd responded that she was not at the Code Enforcement meeting when she was voted in as Secretary and has not accepted that. She is currently an alternate within the Code Enforcement Board. Town Manager Rickman advised that as an alternate, she does not have decision authority making at the meeting, which is an alternate's position. She further stated that only in the need of satisfying a quorum for a meeting is when an alternate is requested. Cllr Naworensky stated there was a quorum, there was four people present and she was the fifth. Town

Manager Rickman responded that when you have four people, there is the possibility of a tie vote, which is why having a fifth member is necessary.

Motion to approve Patty Dodd to Tree Preservation Committee carried 3 -2. Cllr Naworensky and Cllr Jones dissenting.

4. Land Planning Agency

a) Request Approval of (2) Citizen Applications

Motion by Vice President Ciotti to discuss applicant Karen Harms; seconded by Cllr Jones. Vice President Ciotti advised Ms. Harms is currently serving on the Historic Preservation Board, and again questioned do we want people serving on two boards? He does not like this but if it's necessary at times, it's possible. Cllr Sindledecker stated she understood council's position and would like to see more people serving across the boards, but we have been advertising for months, trying to get people involved and we are not getting the applicants. She added that she would like to get where a person is only on one board. She knows Karen is interested and is thoughtful and has the background. Vice President Ciotti then withdrew his motion.

Motion by Vice President Ciotti to appoint Karen Harms to the Land Planning/Board of Adjustment Committee; Seconded by Cllr Sindledecker. Motion passed 4- 1; with Cllr Jones dissenting.

Motion by Cllr Sindledecker to discuss for appointment of Don Mediros to the Land Planning/Board of Adjustment Committee; seconded by Cllr Naworensky. Cllr Sindledecker stated that Mr. Mediros served on the Charter Review Committee but also served on the McIntosh Area Charter School Board, a retired PhD in Psychology, has had 30 years of teaching and coaching, and a true interest in the community. Cllr Naworensky agreed adding that he would be an asset to this board. President Callahan called the vote. Motion carried unanimously.

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.

VII. ITEMS FOR CONSIDERATION – TOWN MANAGER

The action summary was reported by Town Manager Rickman pointing out several items that have been completed. She also noted the legislative trip to Tallahassee on Tuesday;

One of the items mentioned by Rickman is the Tree City USA designation and Cllr Sindledecker mentioned that the Garden Club's Plant sale is in April and could be coordinated with an Arbor Day Celebratory event. Rickman advised she would look at a date and coordinate any planning for a date in

April. Mayor Roddy mentioned that April 29th is Arbor Day. The Plant sale is always the first Saturday in April.

Attorney Gwen Williams updated Council with the two Spradling cases by the Code Enforcement Board.

Spradling 12th Street Property – Original notice by Mr. Powell identified the violations and giving time to clean up was proof that it was delivered to Sondra (Suzy) Spradling and served by process server. The date of notice was March 6, 2021, which was done properly. The notices that were sent to P. O. Box 271, unsure if they were sent certified, however, the property appraiser’s website shows P. O. Box 284 and under the Fl Statutes, the notice of a hearing has to be sent to the address on record at the Tax Collector’s office or on the Property Appraiser’s website. So, we will have to go back to April 12th, 2021, and do a notice of re-hearing. She advised she has more detailed information and offered if council has questions to please call her. To clarify, the notice of rehearing will need to be done and recommends that for every case when a notice of hearing is sent out via Certified Mail, that we also post to the property and Town Hall which is under the statute.

Cllr Sindledecker reiterated that the attorney advised the Town Manager what needs to be done and need to start the proceedings of notice of rehearing so we can move forward with the 12th Street Case.

Attorney Williams noted that it is okay to send notice to other addresses if we know them, but we have to send them to the address on record.

Spradling Avenue H Property – The first stated document she has is February 3, 2021, letter from Phil Howell stating that they had received a previous notice dated September 15, 2020. She did not have the letter to review and is not in the file.

1. Acceptance of Historical Marker and Consideration of Placement

Cllr Naworensky suggested placing the marker near the building, and in the future to refer to it as Community Center. Patty Dodd presented to council the history and that “Community Center” is referred to in four places within the code; nowhere is there a reference to “Civic Center” and anything that comes from the Town Hall should reflect Community Center.

Cllr Naworensky commented that placement of the marker is for designating the building; the park is not the dedication. Eva Jo stated that the Garden club will be removing the ferns in front of the building and allow the ivy to continue, so that area may be a good spot for the marker. Discussion continued with placement of the marker which is double sided for reading.

Motion by Cllr Sindledecker to place it closer to the sidewalk near the tree on the inside of the circle, North South so that it can be read either way you approach it; Seconded by Vice President Ciotti with having the ladies of the Garden Club to inspect it afterward. Patty Dodd clarified that donations were made which is a community effort.

President Callahan called the vote. Motion carried unanimously.

2. Friends of McIntosh - Request Approval of Use of Rights-of-Way for 1890's Festival Scheduled for November 5, 2022

Motion by Cllr Sindledecker to accept the letter, and approve as recommended, and thank you to the Friends; Seconded by Council Naworensky. The vote was called, and motion was unanimously approved.

Referring back to the Action Summary List, Cllr Naworensky noted the ARPA workshop is scheduled for January 25, 2022, at 6:00 p.m. and made the motion to move the meeting to 7:00 p.m.; Seconded by Cllr Sindledecker to move the workshop to 7:00 p.m. President Callahan called the vote; Motion Carried.

3. Employee Performance Evaluation

Town Manager went over the Job Description, Performance Evaluation and Routine Work Schedule of Employee David Perryman with a recommendation to approve a salary increase up to 3%.

Motion by Vice President Ciotti to accept his performance evaluation and approve the increase of 3%; Seconded by Cllr Sindledecker. Cllr Naworensky asked what his increase was last year, and Rickman responded approximately three cents on the dollar, from \$.31 to \$.33. Cllr Naworensky stated they have never had a job description and now we have one for Mr. Perryman and gives us a baseline to reference and do we wait a year and evaluate then. Cllr Sindledecker stated she has not had much interaction with David, and he came out to help with problem solving and what was needed. She has heard over and over again how helpful he is, how easy to work with, how much they appreciate him. She remembered that when doing the change outs of the water meters, he worked enormous amounts with the company to make it happen which is above and beyond what he normally did so a 3% increase is not only fair but is minimal where we are now. He is well worth the investment we make in him. Vice President Ciotti agreed that he is well worth it and added his comments to the evaluation. Cllr Jones asked if he was going to keep the work log from now on and Rickman responded that no, this was just a typical schedule, that he is a salaried employee and generally you do not do a daily time sheet when salaried. Rickman further stated that she would not recommend a daily work sheet because it might bog him down in trying to do the paperwork while he is being pulled into completing his work. Cllr Sindledecker suggested to create a list of all the extraordinary tasks or projects that are not listed and that he has been asked to perform; Cllr Naworensky asked if the budget would support a 3% increase and Rickman responded stated at this time, it will, however, as we move further into the year, she may be bringing a budget amendment for resolution to move the funds from reserves into the payroll line item, being that his salary is split in the budget. Cllr Naworensky reiterated the motion to approve the 3% increase for Mr. Perryman. President Callahan called the vote. Motion to accept the performance evaluation and 3% increase for Mr. Perryman carried unanimously.

Ms. Rickman added that the council's comments will be included in his personnel file, meeting with him, providing him with a goal, and looking at possibly development with training for growth and that will benefit the town as well.

4. Consideration of 2022 Ballot Language/Referendums

Cllr Sindledecker commented on the history of a previous ballot language and part of the problem is if we do a long list, these things are added at the end of the ballot with an additional cost for a second page. Cllr Naworensky inquired as to clarification that all four referendums cannot be combined, as recommended by the Supervisor of Elections, with Rickman responding yes.

Vice President Ciotti commented that Holger Giese' recommendation to provide the language of approving the entire charter as a whole, referencing the comparison of the charter with providing the noted changes to the existing Charter as currently reflected on the Town Website.

Motion by Vice President Ciotti to consider placing the charter on the ballot; Seconded by Cllr Sindledecker. Cllr Sindledecker noted that this has to be done by August and could we find out how much this would cost and bring it back to the second meeting. Vice President Ciotti stated the Charter should be taken as a whole; Cllr Naworensky added that includes all the work completed by the Charter Committee. Cllr Sindledecker mentioned she would like to see the range of cost and by thinking how we could present it in a way that is complete. Vice President Ciotti stated it is the total change to charter. Cllr Naworensky made a motion to make one vote on the charter changes in its entirety and not itemize the changes; Seconded by Vice President Ciotti. President Callahan added that the four referendums would be included in the new charter. Cllr Sindledecker stated she was not ready to vote on this now, and just not comfortable in doing it in mass versus giving people the opportunity to vote on individual things and need to do more research, and more conversation with the Supervisor of Elections.

Town Manager advised she will talk with Supervisor Of Elections to add the language of Holger Giese' recommendation and that notice should be brought to the public for the vote.

Cllr Naworensky reiterated his motion. Vice President Ciotti stated that the whole charter would present to citizens with a comparison table of the changes from the old versus the new, and then show a new charter. Cllr Sindledecker asks for more time to think about it. President Callahan also suggested more time to consider and to postpone to February. Motion failed 3-2 Sindledecker, Callahan and Jones dissented.

5. Update of Occupational/Business Licensing

Town Manager Rickman provided an update to the research she and Cllr Jones had conducted. She advised that under Florida Statutes, must adopt an ordinance setting a tax rate structure and classifications in comparison to adjacent municipalities similar in population. She added that all this would coincide with the Vision Plan. Based upon the information presented and the ongoing discussion of options, no action is required at this time. Marshall Roddy reminded council that the festival will be bringing in vendors that will be doing business in town, so the vision committee needs to keep that in mind.

VIII.

COUNCIL COMMENTS

Mayor Roddy thanked Cllr Naworensky for the Christmas event, and Mary Ann Kelly for the event. Cllr Sindledecker included the Friends of McIntosh and Garden Club and Holger Giese which was a wonderful experience. Naworensky agreed the light up McIntosh was a great event this year and looks forward to next year. Vice President Ciotti announced that the commercial building was sold, and a new business may bring a bakery. He agrees the registry is a good idea for local businesses in town and for discussion in the vision plan.

Mayor Roddy read the contents of the Marker for the Community Center. He thanked the Marion County Sheriff's Department being present.

IX. **CITIZEN COMMENT**

Dennis Devore - Drug paraphernalia found in the park.

Nancy Crenshaw -Clarification of the two Spradling Cases. Attorney Williams provided further information and guidance.

Beverly Dodder - Status of the MCSO detail. Lt. Curtis provided an update of the officers impacted by Covid.

Mr. Charles Gates offered compassion and understanding amongst everyone. Thanked everyone who serves.

Meeting Adjourned at 9:14 p.m.