



AGENDA MINUTES
McIntosh Town Council Meeting,
Civic Center 5835 Avenue F
April 14, 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

Meeting was called to order at 7:00 p.m.

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. Presentation of Election Process – Wesley Wilcox, Marion County Supervisor of Elections

Supervisor of Elections Wesley Wilcox presented information regarding referendums which are limited to 75 words or less. They must each state as one subject/one topic. Two referendums are needed due to a change in law; Item #1- Referendum Amending the Charter for Filling Vacancies and Item #4 – Referendum Amending the Charter for Run-off Election. Referendum #4 - Statements in the Charter, Section (3)(b) are no longer in compliance with the Supervisor of Elections stating Special Elections to be held not sooner than 60 days, but not more than 90 days. The “not more than 90 days” is problematic. He requires all municipalities to provide at least 90-day lead time going into a non-regularly scheduled election. Referendum #1- Run-Off Election, the Charter reads - it shall be scheduled two weeks following the election which is in direct violation of Federal statutes. Federal law requires at least 45 days prior to an election for overseas and military personnel, and in order to mail the vote-by-mail ballots, his office mails 46 days prior to an election.

Since 2018, the State of Florida requires for every ballot and referendum produced, must be bi-lingual, English, and Spanish.

Wilcox stated that adding a link is not possible regarding the referendums. He recommended that the two open seats run concurrently so that they come in at the same time as the November election. The Town can advertise the ballots and as soon as available, the ballot is certified by SOE, and SOE will produce a “sample” ballot specifically for the Town of McIntosh. Only members of the community will be allowed to vote for McIntosh items on the ballot.

2. Proclamation - Motorcycle Safety Awareness Month – Russell Pace, ABATE of Florida Inc.
John Melin, President ABATE of Florida Chapter presented safety awareness for motorcyclists, and provides a motorcycle safety awareness course, free of charge. Mayor Roddy read the Proclamation declaring May 2022 as Motorcycle Safety Awareness Month.

II. **MINUTES**

1. March 10, 2022

Corrections to the minutes were noted; Motion to approve the minutes by Vice President Ciotti; seconded by Cllr Sindledecker; Cllr Naworensky commented that from two people who were recorded in the minutes, there were several inaccuracies but did not have them with him. Motion to approve failed 3-2; Cllrs Naworensky, Jones, and Sindledecker dissented. Cllr Naworensky will provide the discrepancies.

III. **FINANCIALS**

1. March 2022

Motion to approve the March 2022 Financials by Vice President Ciotti; seconded by Cllr Jones. Cllr Naworensky noted the content had changed, with a reduction of line items, from previous reports. Motion passed 4-1; Cllr Naworensky dissenting.

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. Melinda Downing – Proposed Tree Ordinance

Ms. Downing noted concerns of the proposed tree ordinance in Section 5.08.02(1), Section 5.08.02(d), Section 5.08.02(f), Section 5.08.05, and Section 5.08.08.

2. Holger Giese – Transparency

When asked about the procedure of a full replacement from the existing charter to a new charter, Mr. Wilcox deferred the response to legal counsel.

Mr. Giese commented on various concerns of transparency regarding items that are discussed in the agenda packet and accessibility of the agenda packet and various other resources on the website.

Nellie Norris, McIntosh Occupational Therapy, thanked everyone for their help with the carpet in the building. She invited everyone to their Open House on April 29th, from 4 – 6 pm.

V. **PUBLIC HEARING**

1. Second Reading of Proposed Tree Ordinance No. 22-01

Town Manager reviewed the changes highlighted in the proposed ordinance. In addition to adding the Shumard Oak, the Tree Committee recommended adding two additional trees, Pin Oak and Chinese Chestnut. Hardiness Zones for both trees are 4-8.

Noted changes and recommendations were discussed by Council.

Motion to approve with proposed Ordinance with recommended changes, including adding the Pin Oak and Chinese Chestnut by Cllr Sindledecker; seconded by Cllr Jones.

Vote taken by Roll Call:

President Callahan	Y
Vice President Ciotti	Y
Cllr Jones	Y
Cllr Naworensky	N
Cllr Sindledecker	Y

Motion passed 4 – 1; Cllr Naworensky dissenting.

VI. **COMMITTEE UPDATES**

1. Code Enforcement

a) Draft Minutes of March 9, 2022, meeting

Chairman George Crawford advised there were no items before the Code Enforcement Board since the last meeting.

2. Historic Preservation Board

Chair Alison Sorrachi presented an update of April 6, 2022, meeting with 3 applications approved consisting of: 1) Karin Harms - Fence with Ms. Harms recusing herself from the vote; 2) Joy Revels – Roof Replacement and 3) Ron VanHorn – Repair of split rail fence. The Board discussed plans for moving forward with demolition by neglect project and review of language in the existing ordinance.

a) **Request Consideration and Appointment of One Vacant Seat – Unexpired Term**

The applicant was not present for the meeting. Vice President Ciotti commented that he wants to talk with applicants first and will visit with the applicant (Adam Nunez) within the next 30 days, or the applicant could come to the next meeting.

Cllr Jones made a motion to consider Mr. Nunez’s application for the Historic Board to be placed on the May agenda after council members have had the opportunity to talk with him; seconded by Sindledecker.

Motion passed unanimously.

3. Tree Committee

Chairman Dennis Devore presented an update of the Committee’s April 7, 2022, meeting with one application approved for Sportsman Cove. He advised that rather than place the draft minutes of each committee meeting on the upcoming council meeting, the approved minutes will be placed on the following month’s agenda. When the draft minutes of the meetings are received, the Town Manager will then email them to each council member.

4. Land Planning Agency

a) Draft Minutes of March 31, 2022

Vice-Chair George Crawford remarked that the Board considered an application for a variance, and it was denied with a 3-1 vote.

VII. CONSENT ITEMS - NONE

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.

VIII. ITEMS FOR CONSIDERATION – TOWN MANAGER

Town Manager presented two reports, the Agenda Item Action Summary and a new report consisting of FY 2021-2022 Monthly Summary of Work Processes.

WALK-ON ITEM – Attorney Gwen Williams updated council regarding communication received from Attorney Marcy Lehart regarding the Jones/Clark shed issue and whether the shed matter could be resolved without further litigation. She suggested that she speak individually with each council member about the legal implications moving forward and have an item on the agenda for the May meeting to consider.

Vice President Ciotti stated he is not interested in spending any more money on the Jones case, and to take no action, and report nothing.

Cllr Sindledecker said she would like to talk with the attorney individually to understand the legal implications of the request. Cllr Sindledecker made a motion to speak individually with the attorney to understand the legal ramifications that relate to this and place it on the agenda for the May meeting for action; seconded by Cllr Jones.

Motion passed 3 – 2; Vice President Ciotti and Cllr Naworensky dissenting.
Individual council members are not required to meet, should they choose not to.

1. Request Approval of Ballot Referendums for the November Election

Four referendums were presented; Cllr Sindledecker made a motion to approve all four (4) referendums; seconded by Cllr Jones.

Cllr Naworensky read the provisions of Section 8.03 Action by the Town Council that when a charter amendment petition has been finally determined sufficient, the Town Council shall take steps to hold an election on the proposal. Such election shall be held not less than 45 days, and not later than 180 days from the date of final sufficiency of the petition. If no regular town or general election is to be held within the period described in this subsection, the Town Council shall provide for a special election except that the Town Council may at its discretion provide for a special election at an earlier date. Cllr Sindledecker reiterated that Mr. Wilcox had said that it can't happen until after November. Cllr Jones added that Mr. Wilcox spoke of the time periods in our charter being in direct conflict with both county, state, and federal law. Following discussion by council, Cllr Sindledecker withdrew her motion with Cllr Jones withdrawing her second to the motion.

Cllr Sindledecker reiterated a comment by Mr. Wilcox suggesting adding the words "as soon as is practical" to the Fourth Referendum asking that in the event of a tie between two or more candidates shall a runoff election be held at a cost to the town, as soon as is practical.

2. Request Approval of Revised Interlocal Agreement Between Marion County and McIntosh for Code Enforcement Services

Town Manager Rickman noted one change to the Interlocal Agreement approved by the Marion County Board of County Commissioners on Page 4, Section 8 Term and Termination by deleting the sentence regarding automatic renewal. The term of the agreement is for one year and will be open for renegotiation at that time.

Cllr Naworensky commented on the difference in fees for Code Enforcement officer and for administrative support and Rickman advised that the clerical and administrative services will be performed by the Town Office staff.

Motion to approve the Interlocal Agreement with noted change by Cllr Sindledecker; seconded by Cllr Naworensky.

Motion passed unanimously.

3. Councillor Mark Naworensky – Logo on Water Tower

Cllr Naworensky proposed adding the logo on the water tower, providing a visual presentation of what it might look like, and made a motion to explore what this would cost having this done and see if this could be fitted into the strategic plan. It would essentially be a wrap which is a giant decal. Motion seconded by Cllr Jones. Cllr Sindledecker noted the font was difficult to read. Sandhill cranes were also suggested to be added to the back.

Motion passed unanimously.

IX. COUNCIL COMMENTS

Mayor Roddy – Arbor Day Event, April 29th, from 4 – 7 pm. and also unveiling the plaque for the community center.

Vice-Chair Ciotti announced and handed out a flyer regarding a presentation by Danaya Wright on Living Trust and Estate Planning on Thursday, May 26, at 6:00 p.m. at the McIntosh Community Center.

Cllr Naworensky – suggested the Tree Committee be called the Tree Preservation Board.

Cllr Sindledecker thanked everyone for coming out to the Plant Sale. Also, joint services with the churches at the McIntosh Presbyterian Church at 6:30 p.m. on Good Friday. The Community Presbyterian Church sunrise service at 6:45 a.m. on Easter Sunday.

X. **CITIZEN COMMENT**

Anji Fogarty provided an update on planning the Arbor Day event by the volunteer group to include music, food, and two Japanese Magnolias as the ceremonial tree. Duke Energy is donating 50 trees to be raffled off. She requested from council to match the donations by Friends of McIntosh of \$200 and members of the volunteer group of \$200.

Cllr Sindledecker made a motion to match the donations consisting of \$400; seconded by Vice-Chair Ciotti. Concerns about providing the food for free were mentioned.

Motion passed unanimously.

Walter Tylukti – suggested a small amplifier for the microphones so that everyone can be heard.

Barbra Feldman – commented on the letter from Attorney Lehart should have been turned over to the Historic Board and Town Council stays out of it.

Dennis Devore – regarding the existing charter amendment, the time was extended longer on the document possibly 120 days, and voting of the charter amendment as a whole.

Melinda Downing – presented Florida State 166.041(3)(a) Regarding Procedures for adoption of ordinances and resolutions

Meeting adjourned at 9:04 p.m.