



## **AGENDA**

### ***McIntosh Town Council*** ***Community Center 5835 Avenue G*** ***October 12, 2023, at 7:00 p.m.***

***\*\*Notice to Meeting Attendee\*\****

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

#### **CALL TO ORDER**

#### **INVOCATION & PLEDGE**

#### **ROLL CALL (P = Present; A=Absent)**

President Ciotti	A
Vice President Mullikin	P
Councilor Naworensky	P
Councillor Jones	P
Councillor Sindledecker	P
Mayor Roddy	P

#### **I. PRESENTATIONS**

##### **Suzanne Sindledecker- Community**

These meetings are for council business and citizen input, and thankful for it. We start with the lord's prayer. I take that seriously and work hard when there are difficult interactions. We are here to serve all residents. I believe we want what is best for our community. The word community emphasizes that we are together in this. Challenges all to not hold on to past unresolved issues. Challenges others to have open minds when it comes to our issues. From angry places, we don't do what we would otherwise.

#### **II. 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.*

##### **1. MINUTES**

**August 28, 2023**

**September 5, 2023, Budget**

**September 5, 2023**

**September 14, 2023**

## **Cllr Sindledecker motion to discuss 2<sup>nd</sup> Cllr Jones**

**Cllr Naworensky-** September 5<sup>th</sup> budget meeting, Page 2, strike the last four words after plateaued.

**Cllr Sindledecker-** On page 2 of the September 5<sup>th</sup> workshop, 5<sup>th</sup> line down, instead of basis, the line should say 'basics. September 14<sup>th</sup> on the 3<sup>rd</sup> page add Joyce's last name, Terry.

**TM Gonzalez-** That has been done already.

**Cllr Naworensky-** On the September 14<sup>th</sup> Council meeting, I asked if the additional insured was recommended or required, and she answered: "recommended".

**Cllr Jones** Motion to accept all meeting minutes with the noted corrections **Cllr Naworensky 2<sup>nd</sup>.**

*Motion Passed unanimously.*

## **2. FINANCIALS**

**Cllr Jones** motioned to discuss the financials **Cllr Naworensky 2<sup>nd</sup>.**

**Cllr Jones-** On the September 23<sup>rd</sup> entry, FL FIT shows that we had a decrease, yet the 30-day yield went up.

**Cllr Sindledecker-** Because we pulled money out, that created a small negative.

**TM Gonzalez-** We are assuming that is the reasoning, but we will get confirmation.

**Cllr Sindledecker** motioned to accept as presented **Cllr Jones 2<sup>nd</sup>.**

*Motion passed unanimously.*

## **III. 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 is made, which record includes the testimony and evidence on which the appeal is to be based.*

**Holger Giese-** Following up on what was said in the special meeting 6 weeks ago about the agendas being posted on the town website. Previously stated that not one meeting was posted within the 72-hour time range that the website says it should be. After the meeting, the town manager stated that this was not true and that meetings were posted in a timely manner. Mr. Giese stated that he inspected when the PDFs were posted, and they were not posted within 72 hours of the meetings. The August 28<sup>th</sup> meeting PDF shows that it was created 35 minutes

before the meeting. Our Muni code says the city council cannot discuss or vote on anything that has not been posted 24 hours before the meeting. We have the right to see the minutes and what is being voted on before the meeting. This week, a public records request was sent to the town manager at 11 o'clock asking for the 5 minutes that were just voted on and the rest of the items in the packet. I would like to put it on the screen.

**VP Mullikin-** Appreciate it, your time is up.

**Holger Giese-** I am almost done, in the future, we would like to make sure the residents have this in a timely manner, it is Fl State Statute.

#### **Sean Dowie- Resident Ave E**

Came to correct some misinformation. Regarding dogs in the office, he has 3 dogs, 2 of which are therapy dogs. They are taken monthly to the hospitals and/or assisted living facilities (passed-out photos of them working). He stops by the office and the post office to keep them socialized and in a routine. He makes sure there is no one in the office before stopping. There have been several comments that he was there for an hour, having lunch, and it is just not true. We have such a toxic environment in this town, and it never used to be like this. We have lost a town manager, we have no parks & recreation, and no one has thanked Anji for all she did.

#### **IV.COMMITTEE UPDATES**

**1. Code Enforcement- George Crawford**

**No new business**

**2. Historic Preservation Board-Alison Scott**

The meeting was canceled, there was not a quorum. Research was done on other towns to obtain the language. The certificate templates are ready and went to the recommended resources.

**3. Tree Committee- Dennis Devore**

**No meeting- Postponed**

**4. Land Planning Agency- George Crawford**

**No new business**

**5. Parks & Recreation**

**No new business**

#### **V. ITEMS FOR CONSIDERATION – TOWN MANAGER**

**1. Festival Parking for the Church**

**Amelia Nelson & Ashlyn Perryman-** Started a new girls' youth group and was suggested that they take over the parking for the festival. Asked Permission to use the area by the old office for parking as done in prior years.

**Cllr Sindedecker-** That is the space behind the grocery store.

**Cllr Naworensky-** But not the area inside the railroad ties.

**VP Mullikin-** Also, not the roadway area just behind the town hall.

**Nelson & Perryman-** Agreed

**Cllr Naworensky** motioned to allow them to use the are specified **2<sup>nd</sup> Cllr Sindledecker**

*Motion passed unanimously.*

## **2. Employee Benefits Resolution**

**TM Gonzalez** presented the updated resolution based on meetings with council.

**Cllr Naworensky**- Not sure about rolling over the sick hours.

**Cllr Sindledecker**- If you have a diligent employee that hasn't taken their sick hours, but suddenly has a catastrophic event and they need the time off, this would be a safety net. If past work experiences, this was like an insurance policy to take care of employees in between possible long term and short-term disability. There is no way of knowing what may happen.

**VP Mullikin**- Appreciates that comment, because I hadn't considered that, I work for a company that has short term and long-term disability, but we don't get offered that rollover.

**Cllr Jones**- In the corporate world there were 5 days of sick leave that if you didn't use them, you lost them, now it is just PTO sick leave and vacation combined with no rollover. Main concern is that there have been large payouts. Does not have a problem with them accruing it, but not without paying it out.

**Cllr Sindledecker**- The difference between sick leave vs vacation is that if you pay it out someone may get into a difficult situation and suddenly, they don't have that paycheck. We could set aside money every year in our budget for payouts, so it wasn't a surprise.

**Joyce Terry**- Suggested on past experiences.

**VP Mullikin**- My company allows to carry 40 hours over to the next year.

**VP Mullikin**- Read the resolution by title.

President Ciotti	Absent
Vice President Mullikin	Y
Councilor Naworensky	N
Councillor Jones	N
Councillor Sindledecker	Y

*Tabled until next meeting.*

## **3. Water Tampering Resolution**

**TM Gonzalez**- Asked Attn Corbett if we could press charges and fine individuals.

**Attn Corbett**- Most charges do come with a fine of some sort and a part of statute. The town could send it to the state attorney to see if they want to prosecute.

**Cllr Jones-** Should we word this to say and/or criminal charges.

**Attn Corbett-** If it is a large amount of damage the state attorney would likely take the case and then they would be looking at potential destruction of government property, with amount that can lead into a felony. Adding that the town may press charges doesn't need to be added to the resolution.

**VP Mullikin-** Read Resolution by title.

President Ciotti	Absent
Vice President Mullikin	Y
Councilor Naworensky	Y
Councillor Jones	Y
Councillor Sindledecker	Y

*Motion passed unanimously.*

#### **4. Future of Old Office**

**Cllr Naworensky** motioned to explore the cost of either hauling it away or demolishing it **2<sup>nd</sup> Cllr Jones**

**Holger Giese-** There are people that are interested in buying trailers like this.

**Cllr Sindledecker-** Is there any interest in renting it.

**Cllr Jones-** Thinks it would be a liability to rent it because it has so many issues.

**Cllr Naworensky** amended motion to explore options as to what to do with the old office **2<sup>nd</sup> Cllr Jones**

*Motion Passed unanimously.*

#### **5. Future of Yellow Building**

**Cllr Jones** motioned to discuss **2<sup>nd</sup> Cllr Sindledecker**

**Cllr Jones** Thinks that the building would be a good building for storage for the items still in the old town hall.

**VP Mullikin-** Gave a description of the building as a previous renter.

**Cllr Naworensky-** What if we move it to the shop?

**Cllr Sindledecker-** Could we look into moving it, would it survive the move?

**Cllr Jones** amended motion to explore the cost to move to the shop and using for storage **2<sup>nd</sup> Cllr Naworensky**

*Motion passed unanimously.*

## 6. Council Meeting Dates

**VP Mullikin-** The suggestion is to have meetings on the 3<sup>rd</sup> Tuesday of each month at 7 p.m.

**Cllr Sindledecker-** As the treasurer for the church, it is really hard to get the financials done in time early in the month.

**VP Mullikin-** When the 1<sup>st</sup> of the month is on a Wednesday or Thursday, they basically give us one week for the office to get the financials and everything else to us.

**Cllr Jones-** Not even a week, because they have to have them to council by Monday.

**TM Gonzalez-** Water Billing also has to be out by the second. On those unfortunate months where something unexpected happens, or there is a glitch in the system that prolongs the water billing process, it becomes hard for Lynda to get it all done.

**Holger Giese-** Can you please include in this motion that the agenda has to be posted Friday night?

**Cllr Jones** motioned to change the council meetings to the 3<sup>rd</sup> Tuesday of the month starting in January 2024 at 7 p.m. **2<sup>nd</sup> Cllr Sindledecker**

**Attn Corbett-** Cannot come to the meetings on Tuesdays, teaches a class at CF every Tuesday. Will talk to the head of the department to see if the days can be changed after the spring semester.

**Cllr Jones** rescinds the motion for moving the meeting to the 3<sup>rd</sup> Tuesday.

*Tabled until next meeting.*

## 7. Font Change for the Town Seal for the Water Tower

**Cllr Sindledecker** motioned to discuss **Cllr Naworensky 2<sup>nd</sup>.**

**Cllr Naworensky-** The seal on everything we own and do not agree that it will not be legible from the tower. We voted unanimously to put the seal on the town and believe that is how it should stand.

**VP Mullikin-** Agrees

**Cllr Jones-** Received an email from a resident about the town seal. What is the difference between the town seal and the town logo.

**TM Gonzalez-** Believes when Jeannie was town manager that the council adopted it as the town seal after Sean signed over the rights to the town.

**Cllr Jones-** In the Muni code it says “the following shall be an accurate description of the common seal of the town. Said seal shall be oval in form, medium sized and bearing upon its margins, the following words *Town of McIntosh, Marion County Florida*, and across its face *Corporate Seal of McIntosh.*”

*Further discussion on the official seal and the changes that need to be made as times have changed.*

**Cllr Sindledecker** motioned to put the logo as presented on the water tower with no changes to the font and on the other side “Historic Town of McIntosh” facing west, three rows.

*Motion passed unanimously.*

## **8. Appropriation Request**

**Cllr Sindledecker-** Frank made a decision on the fly to make the request at the delegation meeting to be lowered to \$275k from \$500k. Would like to discuss that in further depth.

**Cllr Naworensky-** Agreed.

**Cllr Sindledecker-** Asked TM Gonzalez to reach out to the architect.

**Cllr Naworensky-** A one to one match probably is a better chance than what we were asking for, but the problem is that we weren't part of the discussion.

**Cllr Sindledecker & Cllr Jones** asked Town Manager to discuss a special meeting date with Frank.

## **9. Dogs in the office**

**Cllr Jones-** Asked Attn Corbett if we need to have a resolution or if it can just be part of the office policy.

**Attn Corbett-** Will get back to us but does not think it needs to be a resolution, and that it could just be policy and would need to be posted.

**Cllr Naworensky-** Thinks it should include the Community Center- Loves animals, but they do not contribute to taking care of business, they are a distraction in taking care of business.

**Cllr Sindledecker-** Clarified that the dog that attends all Garden Club functions is a working dog.

**Cllr Jones-** Loves animals as well but wants what is best for business.

**Attn Corbett-** Will look into it and confirm that a resolution is not needed.

## **VI. MANAGER COMMENTS**

Manager Updates/Action Summaries

1. Extenders are installed and working.
2. East Central Florida has started auditing our comprehensive plan and are making notes for legislative changes.
3. Fence repairs for the white and chain-link fence will start the last week of October/ first week of November.
4. The organizational meeting to vote for President and Vice President need to take place and can be right before the council meeting in November or on the same day of the Special Meeting if one is scheduled.

5. There was a public records request made on Tuesday. Our office has had the internet and phone lines up and down all week with Windstream working on them. I responded as soon as possible to that request. Apologized that the request could not be fulfilled at the time the resident wanted it, but we do follow that Florida Statutes. Florida Statute 119.07 states that requests are to be fulfilled within a reasonable time. Given the fact that there many issues going on in the office as well as several requests that came in before, that is the reason the request could not be fulfilled by time the resident wanted it.

*Interruption by Holger Giese- TM Continues after VP Mullikin gaveled.*

Addressing the addenda not being posted within 72 hours. I will look into this, but the agenda is posted at the start of the week which is 72 hours. This week's agenda was posted, by me, at 7 p.m. from my home, because I go home and work late into the evening most days. If it is not on the website, it is on the board. There are also times that agendas are taken down and amended when the council requests them.

If you need something from the website and can't find it, we are human, and mistakes do get made. Please feel free to bring it to our attention and we will correct it.

## **VII. MAYOR COMMENTS**

**Mayor Roddy-** Keep Frank in our prayers and get a card for him.

**TM Gonzalez-** Provided update on him.

## **VIII. ATTORNEY COMMENTS**

**Attn Corbett-** Requesting a shade meeting for settlement regarding litigation expenditures- Council members Sindledacker, Ciotti, Mullikin, Naworensky, Jones and Mayor Roddy, and Town Administrator Jessi Gonzalez, Stacie Corbett, and the outside litigation attorneys Doug Noah and Patty Chapman from Tampa.

*Further discussion about the availability and the court reporters*

A motion to continue the trial has been filed. We have not heard back, but from the judge's office yet, so we are moving forward as if the case management conference is still happening. Will alert the council if the trial is continued.

The school's attorney reached out this week said that the review of the lease should be done soon. The attorney has asked for a conference.

**Cllr Sindledacker-** Thinks it appropriate for Stacie to meet with their attorney.

Parking for the 1890's festival at the school- As far as the attorney is aware the insurance policy is still in effect. It was recommended to add the town to the insurance coverage specific for the event which would clear any potential damage or injury.

**Cllr Sindledacker-** Essentially, they believe their insurance policy is in place and sufficient and there is a possibility of adding the town as additional insured for the event.

**Cllr Sindledacker** motioned that we ask the school's attorney to see if the school can add the town as additional insured for the event and to provide us with the information relating to the current insurance **Cllr Jones 2<sup>nd</sup>.**

*Motion passed unanimously.*



**Cllr Naworensky-** Though things have been dicey with the school, this shows our willingness to work with and support them.

**Attn Corbett-** There have been concerns about public records request and posting of meeting minutes. With regards to the public records request, it has to be done in a reasonable time. What is considered a reasonable time depends on the circumstances, there is no specific time in statutes or from the attorney general. With regards to the agenda, there is nothing in the Muni Code that states that the agenda has to be posted within a certain period of time. The attorney general has suggestions that it should be 7 days, but it is just a suggestion, not the standard. The big thing is the notice of the meeting.

**Holger Giese-** They are the same thing in our town, the agenda and notice are 1 thing.

**Cllr Jones-** The meetings dates and times have been posted on boards and websites since the beginning of the year.

**Holger Giese-** The 2022 meeting dates are on the website.

**TM Gonzalez-** If that is the case, not sure what happened, but the 2023 dates were on the website, and they are posted on the board.

**Attn Corbett-** There is no requirement that they must be posted on a website.

**Holger Giese-** That is not true.

**Attn Corbett-**

## **IX. COUNCIL COMMENTS**

**Cllr Sindledecker-** Appreciates everyone tonight. The music for the festival is great and starts at nine. The last one will be at 3. Her church will be providing food across the street.

**Cllr Jones-** There was a zoom meeting held with TM Gonzalez, DOT, and project managers about the 441 projects. 441 is still in the design phase. There will be changes to the interchanges at the Reddick merger. No proposed changes or widening, curbing will be updates to make them ADA compliant, sidewalks added, and a public meeting will be November the 16<sup>th</sup>. Initial plans will be made on November 29<sup>th</sup>, plans completed August of 2024, production will start in December of 2024 and construction start in summer of 2025. Both poles for the signal are an obstruction and will be relocation, sidewalks will be added in front of wayside park, and we asked for the school zone area to be extended for the reduced speed. We expressed impaired vision concerns on Ave G and H, and they have already come to trim the brush. We expressed concerns with the sidewalks being in disrepair and they came and clean them as well. We discussed the speed humps and there are not ADA guidelines because they do not tie into a sidewalk. We will email them what we have done, and they will give us feedback. There is now a board outside of the new town hall, so we are posting in more places. Festival time, you cannot drive out of this area after 7 a.m. and the weather should be wonderful.

**Cllr Naworensky-** We are a council of 5 elected by our citizens and are trusted to make important decisions. But there is a pattern in this town of decisions being made by one or two instead of the whole council. This is unacceptable and often yields catastrophic results. We need to correct this.

**Cllr Sindledecker-** We have been talking about civility. We didn't have time to review the new draft, but I am asking it to be in the next agenda.

**Cllr Jones-** New fundraiser for the friends of McIntosh. A raffle for the artwork of the very talented local artist Karen Harms. She has colorized our posters and there will be 5 drawings. They will also be signed and numbered. This will help to furnish the food bank.

**Cllr Naworensky-** Stacie and the Junior League will have a booth at the festival as well and would like your support as well.

**Attn Corbett-** Provided information on what will be passed out.

#### **X.CITIZEN COMMENTS**

**Holger Giese-** Wants to clarify the public records request. There are different kinds of public records requests. If I am requesting something that is for this meeting tonight, and I can't make the request until I see the agenda, then the timely manner must be between the posting of the agenda and the meeting.

**Attn Corbett-** The statute says reasonable time.

**Holger Giese-** What is a reasonable time for a city council meeting? I have a right to see this stuff before the meeting just like everyone else here.

**TM Gonzalez-** I did offer to stay after hours to print it for you and you said, no I want it at 3 p.m., this was in a text message.

**Attn Corbett-** The statute says reasonable time and what reasonable time means depends on the situation in which the request was made. If you are wanting me to tell you that a public record request has to be filled by a certain time, I am not going to do that because the statute doesn't require it and a reasonable is dependent. I do not determine the reasonable time; it is determined by the person producing the documentation. If you do not agree with their timeframe, then you can pursue legal recourse and a judge will determine.

**Beverly Dodder-** Today was a very eye-opening experience with the town coming together. Setting up for the festival in the rain, residents, kids, the lions and so many others came out to help. Thank you to all that helped.

*Meeting adjourned at 8:56 p.m.*