

**The Inglis Town Commission
Regular Commission Meeting
JUNE 14, 2022 @ 6:00 PM**

Present Were:

**Mayor White (ABSENT), Comm. S. Schwing (ABSENT)
Comm. Young, Comm. J. Schwing, Comm. Tully
Attorney Christopher Anderson
Secretary Cery Logeman**

Prayer & Pledge

Motion by Commissioner Joyce Schwing to modify agenda - Second by Commissioner Pat Tully to modify agenda and move item 8 to item 1. Item 8 is the replacement of Scott Levesque as Commissioner.

Motion by Commissioner Joyce Schwing to approve consent agenda with corrections: Financials present but minutes are not by Commissioner J. Schwing - Second by Commissioner Isaac Young.

TOWN AGENDA

1. DISCUSS SELECTING COMMISSIONER TO REPLACE COMMISSIONER SCOTT LEVESQUE

Motion by Commissioner Pat Tully to consider Veronica Reardon as Town Commissioner to replace Commissioner Scott Levesque - Second by Commissioner Joyce Schwing.

Motion by Commissioner Joyce Schwing to interview other individuals for the open Commission seat - Second by Commissioner Pat Tully.

Attorney Christopher Anderson reviews Charter requirements for replacement of open Commission seat.

Attorney Christopher Anderson questions residency dates for Veronica Reardon.

Commissioner Joyce Schwing asked Attorney Christopher Anderson if there are any guideline restrictions regarding the commissioners voting Veronica Reardon in tonight. Attorney Christopher Anderson states he is not aware of any restrictions, but he would need to review to the guidelines for verification.

Motion by Commissioner Joyce Schwing to place the nomination for Veronica Reardon on hold until guidelines can be verified by Attorney Christopher Anderson – Second by Commissioner Pat Tully.

2. ORDINANCES/RESOLUTIONS: READ INTO RECORD BY ATTORNEY CHRISTOPHER ANDERSON

Attorney Christopher Anderson read Ordinance Number 05-22 for the second reading. An ordinance in the Town of Inglis FL relating to an amendment of 50 or less acres of land to the future land use plan map of the Town of Inglis comprehensive plan. Pursuant to an application CPA 22-01 by the property owners of said acreage under the amendment procedures established in Sections 163.3161 - 163.3248 Florida statute as amended providing for a change in land use classification from conservation (1 dwelling unit per 5 acres) to single family residential (1 dwelling unit per 1 acre) of certain lands within the corporate limits within the Town of Inglis FL providing severability, repealing all ordinances and conflict and providing an effective date.

Motion by Commissioner Joyce Schwing to accept Ordinance Number 05-22 concerning an amendment to the future land use plan map of the comprehensive plan.

Vote taken by Town Clerk Cery Logeman

Commissioner Isaac Young – Yes

Commissioner Joyce Schwing – No

Commissioner Pat Tully – No

Motion denied 2-1

Attorney Christopher Anderson read Ordinance Number 06-22 for the second reading. An ordinance of the Town of Inglis FL amending the zoning map of the Town of Inglis land development regulations relating to the rezoning of less than 10 continuous acres of land pursuant to an application Z22-01 by the property owners of said acreage providing for rezoning from residential-conservation (RC-1) to residence (R-1) of certain lands within the corporate limits of the Town of Inglis FL providing severability, repealing all ordinances and conflict and providing an effective date.

Motion by Commissioner Joyce Schwing to accept Ordinance Number 06-22 concerning an amendment to the zoning map of the land development regulations.

Vote taken by Town Clerk Cery Logeman

Commissioner Isaac Young – Yes

Commissioner Joyce Schwing – No

Commissioner Pat Tully – No

Motion denied 2-1

Attorney Christopher Anderson read Ordinance Number 2022-07 for the first reading. An ordinance relating to the provision of public services and facilities in the Town of Inglis FL authorizing the imposition and collection of assessments against the property within the incorporated area within the Town of Inglis providing certain definitions and defining the term assessment, establishing the procedures for imposing assessments, providing that assessments constitute a lien on assessed properties upon adoption of the assessment rule, providing that the lien for an assessment collected pursuant to Sections 197.3632 and 197.3635 Florida statutes. Upon perfection, shall attach to the property on the prior January 1st the lien date for ad valorem taxes, providing that a perfected lien shall be equal in rank and dignity with the liens from all state, county, district or municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles, and claims. Providing procedures for collection of assessments, providing a mechanism for the imposition of assessments on government property, providing for exemptions and hardship instances, repealing all prior conflicting ordinances, and providing an effective date.

Commissioner Joyce Schwing asked Attorney Christopher Anderson if he had found anything regarding the qualifications for a candidate for commissioner. Attorney Christopher Anderson states that Article 5, Section 2 of the charter pertains to the qualification of candidates says the time and manner of qualifying as candidate for the office of town commissioner and for the office of mayor in any election shall be regulated by ordinance of the Town of Inglis but only such qualified persons as herein provided for shall be eligible to become a candidate. Section 22-5 of code says any qualified elector of the town may

qualify for any elective office of the town upon meeting the requirements of the section and then it goes on and says that part of the oath you have to take to run in an election is that you do have to solemnly swear or affirm that I am at least 18 years of age, that I am a resident of the Town of Inglis, that I am registered to vote in Levy County and that I am qualified to vote and hold office under the laws of the state of Florida and of the Town of Inglis. So, it says as a candidate you have to state under oath that you are qualified to vote in the Town of Inglis which requires 6 months. The last provision that I would point out would be Article 2, Section 3 which is the one that specifically relates to filling vacancies. It says in the event of a vacancy occurring for any reason whatsoever in the members of the town commission or the office of the mayor, except for the close of a regular term, shall be the duty of the remaining members of the town commission at the next regular meeting or as soon thereafter as possible following the declaration of such vacancy to select a duly qualified citizen to fill said vacancy until the general election. And so, reading all of that together, I would say to determine what “a duly qualified citizen” is, I would say that it is both a qualified voter or somebody that would otherwise be qualified to be a candidate.

Commissioner Joyce Schwing asks Veronica Reardon if she has anything to say. Veronica Reardon states that per Levy County she is eligible to vote and would like to know where it states you have to be a resident for 6 months before you can vote. Attorney Christopher Anderson states that Article 5, Section 3 of the Charter, it's titled Holding of Elections, the first general municipal election and specifies when it was then it states no person shall be allowed to vote in any election who is not a qualified voter of Levy County and who has not resided in the town for 6 months immediately preceding such election. And then it goes on to say that the town commission shall prescribe by ordinance the method and manner of holding all elections in said town and shall provide when and how special elections shall be called and held. Which are not provided by the terms of this Charter and all elections shall be conducted substantially on the principal adopted for state elections in so far as there are no conflicts with the terms of this Charter.

Helen asked if this is just for elections or for elections and appointments. Attorney Christopher Anderson answered that what I did is I read the portion that talked about appointments that used the phrase anybody can be appointed that is a duly qualified citizen and I used the other provisions of the charter and codes to determine what that phrase means. Helen states that if she is already qualified to vote in Levy County then I guess I am missing something. Attorney Christopher Anderson stated I don't know what else to say.

Motion by Commissioner Joyce Schwing to put the commissioner appointment on the agenda for July and asked Town Clerk Cery Logeman to advertise the open commission seat - Second by Commissioner Isaac Young.

Vote taken by Town Clerk Cery Logeman

Commissioner Pat Tully – No

Commissioner Joyce Schwing – Yes

Commissioner Isaac Young – Yes

Motion approved 2-1

Commissioner Pat Tully asked if there is an ordinance that states that we have to show up for our meetings and special meetings that we are supposed to be here since we are drawing a paycheck from the town? Attorney Christopher Anderson states he thinks we talked about this in the last special meeting that there is a provision in the Charter that says its incumbent upon the commission to determine whether each member, whether it is the commission or the mayor, is in compliance with their obligations to the town. It's ultimately incumbent upon the commission to make that determination and if there is any kind of sanction or discipline that the commission would enforce, I think it has to be by 4/5 of a majority vote.

Commissioner Isaac Young asked if there is a guideline and Attorney Christopher Anderson states there is not one laid out in the Charter, it would be whatever the commission deems. Commissioner Joyce Schwing states she recalls it being different for the mayor versus the commissioners that the commission would vote if they wanted to discipline a commissioner, but I don't remember what the details were for the mayor, but it wasn't the same. Attorney Christopher Anderson states he doesn't know if this refers to the mayor but that Article 4, Section 2 states that judge of members qualifications for removal, the town commission shall be the judge of qualifications, election and return of its own members. It may enact rules and procedures and may prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same. With 4/5 of its members concurring, it may expel a member for improper conduct in office.

3. JOE CAPPORELLI – CAPITAL CITY INVESTMENTS (ABSENT)

4. JEFF ADAMS – JESUS IS MINISTRIES MISSION

5. EDUCATE COMMUNITY FOR HURRICANE PREPAREDNESS 2022

6. FFY 2019 CDBG GRANT

7. REQUEST TO WAITVE VARIANCE FEE FOR 5FT CHAIN-LINK FENCE AT 101 HAMMOCK ROAD

Motion by Commissioner Joyce Schwing to waive the \$250.00 variance fee for 5ft chain-link fence at 101 Hammock Road - Second by Commissioner Isaac Young.

Vote taken by Town Clerk Cery Logeman

Commissioner Pat Tully – Nay

Commissioner Joyce Schwing – Yes

Commissioner Isaac Young – Nay

Motion denied 2-1

8. APPOINT WAYNE CREWS TO CODE ENFORCEMENT BOARD

Motion by Commissioner Joyce Schwing to appoint Wayne Crews to Code Enforcement Board – Second by Commissioner Pat Tully.

Vote taken by Town Clerk Cery Logeman

Commissioner Isaac Young – Yes

Commissioner Joyce Schwing – Yes

Commissioner Pat Tully – Yes

Motion approved unanimously

9. THIRD PARTY BILL PAYMENT OPTIONS FOR WATER PAYMENTS

10. DAWN GURTNER REQUESTING SCHOLARSHIP FUND FOR NEEDY KIDS IN THE AREA

Discussion with commissioners and audience without any motions

11. DISCUSS CONTRACT REGARDING PROPERTY AT 25 HUDSON ST, INGLIS FL 34449

Commissioner Pat Tully asked Attorney Christopher Anderson if when a property is foreclosed upon by the bank, does the bank get everything that is on that property. Attorney Christopher Anderson said his understanding when he came aboard is that there was already a final judgment and public sale because no one bid on the property. There was no schedule as to how any personal property would be removed. It was on appeal, meaning that Mayor White had filed an appeal. One of the first things I did when I came on and noted in that email, as well as a number of other places, was that there was 1 active case, and this was the 1 active case. The mayor had gotten elected about a month before I came on and my attorney fee agreement provided that he was my supervisor because under the Charter all the mayors execute contracts so I had indicated at the time that if the town was gonna take any position whatsoever on that property that I was going to recuse myself because regardless of what I did it would look suspicious because he is my supervisor. I made that clear either the first or second meeting and I've tried to make that clear. I think one of the things that you have was a communication or email that I had where I tried to make that clear. Commissioner Pat Tully stated that she does have that. Commissioner Pat Tully also stated that as far as appeals go, from what she sees the appeal was June 30, 2021, and he had 30 days. Attorney Christopher Anderson stated that it was extended a number of times. Most district courts won't dismiss a pleading or an action, they will give them time to file an initial brief. They went through a number of times, I think at one point in time, he sent a letter that the district court construed as an extension of time of which they granted, but ultimately, they dismissed it earlier this year because he never filed an initial brief. The only reason I knew that is because somebody on behalf of the town had to appear and again, my special appearance in the district court made clear that if there was an initial brief that the town was going to file an answer brief that he was going to retain other council.

PUBLIC COMMENTS

DEPARTMENT REPORTS

Budget/Finance (Commissioner Tully)

Financial report for the month of May 2022

Fire report for the month of May 2022

Maintenance/Road and Bridge (Commissioner J Schwing)

Public Works report for the month of May 2022

Road and bridge report for the month of May 2022

Water, Law Enforcement, Animal Control (Commissioner S Schwing)

Law Enforcement report for the month of May 2022

Report Given by Cery Logeman

Water report for the month of May 2022

Report Given by Cery Logeman

Health, Welfare and Recreation (Commissioner I Young)

Recreation report for the month of May 2022

Planning, Zoning, Code Enforcement (Commissioner Vacant Seat)

Code Enforcement report for the month of May 2022 **Report Given by Phillip Thompson**

PUBLIC COMMENTS

Attorney Christopher Anderson states that he was asked by the commissioners at the last meeting to look into the issue of rescheduling the elections to coincide with every other municipality. What I have done I haven't drafted up the draft ordinance, but what I have done is propose right along with some of the changes that I think should be made. Most of them relate to changing the election from sometime in March to the first Tuesday in April which is what I think it is and then the next meeting, the next Tuesday would be when the mayor and commissioner coming in would be sworn in. I will schedule it for 5 o'clock so that it could all be done before the 6 o'clock meeting day. So, that's the main thing, the only other thing that I wanted to do a little bit of is that there was a little bit of language that created a huge issue the last time we had a special election. So, I've tried to eliminate that issue and basically said that an election had to be held within 30 days of the passage of the enabling ordinance. The issue was that in talking to Ms. Jones, who did an enormous amount of stuff to help us when we were bumping up against the special election that we had, what that did is that it created a timeline that was impossible for us to do the qualification and notice that is required by the state statute, so what I have done is I have eliminated that 30 day restriction so that we have plenty of time to put on a proper special election. So, those are the main things that I have done. I can go ahead and hand it out to the commission and if the commission is okay with it then I will go ahead and enforce an ordinance the next time, but with the draft, hopefully if you have some comments, you can get with me and let me know before then. Commissioner Joyce Schwing asked Attorney Christopher Anderson if he just wanted them to get back with him individually and he replied, if you can. Due to the hour, it will be easier to do it that way. Commissioner Pat Tully asked him which way is the cheapest way to contact him. He replied that he will be happy to get off the phone earlier but if there are no issues to just email him. He replied, if there are issues he is always happy to come early. He said one of the things he suggested a while ago is that he is committed to come for the regular meetings every month and that is a set rate and that another way to save money that he has tried to raise a number of times is that if we can get like a mobile appearance that he can come for some of the code enforcement meetings that I don't have to drive out here, that will save a lot of money too. So, those are the things that I know, there was an issue with the internet, but if that can be setup in a way that I can appear remotely. Commissioner Joyce Schwing advised it should be setup shortly. Attorney Christopher Anderson states that would be one way to save money and he is always wanting to save you guys money as much as possible because ultimately that means I can bill for clients that have a higher rate for what I bill.

Attested By: Town Clerk

Approved By: Mayor

Transcribed by Tammy Ballinger, Accounts Payable