

TOWN OF HAVANA
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 28, 2023

MEMBERS PRESENT: Mayor Janice Hart, Councilman Eddie Bass, Councilman Tim Loughmiller, Councilman Dwight Vickers, Mayor Pro Tem Nick Bert, Councilwoman Jenny Stone, and Councilman Decorkus Allen

MEMBERS ABSENT: None

Roll Call: Mayor Janice Hart, Councilman Dwight Vickers, Councilman Tim Loughmiller, Mayor Pro Tem Nick Bert, Councilman Decorkus Allen, Councilwoman Jenny Stone, Councilman Eddie Bass and the Town Manager Kendrah Wilkerson

The Regular Council Meeting was called to order by Mayor Janice Hart at 6:00 p.m.

Invocation was led by Mr. James Brennan and the Pledge of Allegiance was led by American Legion Post 84.

VISITORS

The Mayor asked if there were any recognition of visitors.

Visitor #1 – Mr. Jim Brennan

Mr. Jim Brennan of American Legion Post 84 presents with a Certificate of Appreciation for Mr. Don Harrison of the Town of Havana and a Certificate of Appreciation for Lieutenant Khang Bui of the Havana Police Department. The Town Manager accepted the Certification of Appreciation on behalf of Mr. Don Harrison and Mr. Khang Bui accepted his presentation of the Certificate of Appreciation.

Visitor #2 – Ms. Leanne Little

Ms. Leanne Little of 606 NE 2nd Street approaches the Council seeking protection for her and her daughter. She states she has been harassed by a Law Enforcement Officer for quite some time now. She has given a detailed statement to the Police Department and the Sheriff's Department. This officer has broke into her home on multiple occasions. Councilman Bass and Councilwoman Stone asked Ms. Little did she know who it was? Ms. Little replied she did not

Visitor #2 – Ms. Leanne Little (Continued)

but that he drives a F150 and she has the tag information. Mayor Hart asked Ms. Little did she have a security camera or surveillance. Ms. Little stated she did that he came in her home and cut it. Police Chief Smith stated Khang Bui has been investigating this incident. The Chief also stated he would post some surveillance of their own to catch who was doing this. This is an ongoing investigation that will be monitored.

Visitor #3 – John Browning

Mr. John Browning of 408 China Berry Lane who is the Concord Fire Department Fire Chief comes before the Council to state Concord's fire rating. He presents a rating map to the Council. He also states that he believes there is a misunderstanding of the 10.0 rating. Clarification was made of the ISO fire rating.

REQUEST TO APPROVE MINUTES

1. January 31, 2023 Certificate of Appropriateness Workshop
2. January 31, 2023 Regular Council Meeting Minutes
3. February 22, 2023 Emergency Meeting Minutes

All the above referenced meeting minutes were motioned for approval by Councilwoman Jenny Stone and seconded by Councilman Eddie Bass. Motion carried to approve all minutes.

OLD BUSINESS

None

NEW BUSINESS

Item #1

REQUEST FOR LOT MERGE -2ND (Final) Reading. A final reading of the Lot Merge at 604 2nd Street NE and 606 2nd Street NE was read with a motion for approval of final reading by Mayor Pro Tem Bert seconded in motion by Councilman Eddie Bass. Motion passed to approve request for Lot Merge at 604 2nd Street Ne and 606 Street NE.

Item #2

Water Services Contract – Amendment & Assumption

The Town has contracted with Southern Water Services LLC (Wayne Conrad) since May 2020 to provide water services to the Town. In December 2021, the Town and Southern Water Services agreed to amend the contract to increase the monthly services fee from \$2200 to \$2900. That contract term expires in December 2023. Southerland Environmental Solutions LLC (Jason Southerland) contracts with Southern Water Services to provide the day to day water services for the Town of Havana. Mr. Southerland has also provided guidance on our recent well issues. In the fall of 2022, Mr. Conrad expressed an interest in reducing his direct contracts as he approaches retirement. In order to maintain the continuity of operations of our water system, the Town Manager is requesting that the Town amend the current contract with Southern Water Services to allow Mr. Conrad to assign it, under the same terms and conditions, to Southerland Environmental Solutions who will assume it for the remainder of the term, which expires at the end of this year. Mr. Southerland has tremendous knowledge of our water system and has provided exemplary service to the Town. He has clearly demonstrated his ability to maintain our system without issue. This change will have no fiscal impact on the Town. Motion made by Councilman Eddie Bass and seconded by Councilwoman Stone to approve the Water Services Contract. Motion carried.

Item #3

Resolution 2023-01R – Adopting Local Mitigation Strategy

This is a resolution adopting the Local Mitigation Strategy for the County. This 5-year plan has been updated for 2022, and was adopted by the Gadsden Board of County Commission on February 7th. Each jurisdiction must adopt the plan via resolution to be eligible to apply for any HMGP funding. Motion was made by Mayor Pro Tem Bert and seconded by Councilwoman Stone. Motion carried to approve Resolution 2023-01R- Adoption of Local Mitigation Strategy Plan.

Item #4

Town Charter – Section 2.06 Vacancies

The Town Charter Section 2.06 Vacancies provides language regarding Town Council Authority related to removing a Council Member and/or suspending a Council Member. The Governor of the State of Florida also has the power to suspend a Council Member based on FS 112.51.

~~3~~ Item #4

Town Charter – Section 2.06 Vacancies (Continued)

The current charter mirrors the language provided in FS 112.51 Municipal Officers; suspension, removal from office. The Governor may suspend an elected official or municipal officer for the same reasons that the Havana Town Council may suspend a Council Member. Current council has expressed concerns with the language or wording of the Town Charter and as such, would like to engage in a discussion to determine if there is a need to update the Charter to reflect updated verbiage. This discussion is intended to allow Council to determine if there is a sincere interest and need to update the language of the Charter relating to Council Conduct, Suspension and/or Removal. If such updates are requested, the Town Attorney will be given all suggestions from this discussion and will participate in the process to draft new language for Council review at a later meeting date.

There was a Town Charter language discussion from the Council about removal of a Council member. Discussion ensued about seeking input from the Town Attorney. Councilwoman Stone stated the Council should not be acting as judge and jury. Council members need to be given the benefit of the doubt. She advised that the Town Attorney should look over. Mayor Pro Tem Bert stated the Council should mirror the Governor's image on such issues. He also stated that the Council should not suspend until a Council member has been formally charged. Councilman Eddie Bass stated suspension should take place after the State Attorney's Office has convicted. Mayor Pro Tem Bert agreed that no one should be removed until convicted. The Police Chief stated that the State Attorney does not charge that Law Enforcement does. The Prosecutor next will increase or decrease the fine or completely dismiss it. The Chief also stated the case could be weak, there could be a plea, or it could be dropped. Mayor Hart stated there needs to be an amendment to the entire Town Charter. She recommended an eight to thirteen person committee be formed. Councilwoman Stone disagreed. Councilwoman Stone stated again that legal advice must be obtained. Mayor Hart stated that there should be a workshop for possible language change to the Town of Havana charter. Motion was made by Mayor Hart to have a workshop for possible language change to the Charter, motion was seconded by Councilman Eddie Bass. Motion passed.

Suggestion

Item #5

Approval of Special Events Permit – HMS Arts and Crafts Bazaar on 4/8/23

The Chief presents to the Council the Special Events Permit for the Havana Main Street event on 4/8/23. He stated there will be a food truck that will need plug up accesses. The Town

Item #5

Approval of Special Events Permit – HMS Arts and Crafts Bazaar on 4/8/23 (Continued)

Manager stated that might incur charges and there needs to be a permit cost. Councilman Vickers asked would there be a need for officers. The Chief stated several. Mayor Pro Tem Bert asked if there would be extra money for that and he stated they do get paid. Motion was made to approve the Special Events Permit by Mayor Pro Tem Bert and seconded by Councilman Eddie Bass. Motion passed.

Item #6

Approval of Special Events Permit – Havana Main Street Jazz'n Havana on 4/29/23

The Chief presents to the Council the Special Events Special Events Permit for the Havana Main Street Jazz'n Havana on 4/29/23. There will be a use of the downtown parking lots there will be no lane closures. Police presence will be in downtown area during event paid by the host. Motion was made to approve the Special Events Permit by Mayor Pro Tem Bert and seconded by Councilman Decorkus Allen. Motion passed.

Report of the Town Manager

Walking Park Grant

The Town Manager stated the Walking Park Grant Bid Awards did come in but were really high. This grant is for the Restrooms and Pavilion at the Walking Park.

Downtown – Trees

The Manager said there was a plan to remove all of the trees downtown. There currently is a stump grinder rental and that all trees would be removed. There were safety issues and infrastructure issues underneath. Councilman Vickers told the Town Manager to have Don call him and he could borrow his stump grinder.

Black History Month Honoree – Havana

The Town Manager stated she attended an event where an Honorable Mention was made about Mayor Hart receiving an award for being the Town's first Black Female Mayor.

Report of the Town Manager (Continued)

Citizen Concern – Stormwater Issues on S. Main

She states there have been some stormwater issues on South Main. On the westside of South Main Street from 12th to 16th. There has been a Hazard Mitigation Grant submitted in June 2022 and there was a Legislative Appropriations Request submitted on January 2023. The application is pending.

Havana Volunteer Fire Department Chicken Pilau will take place on March 2, 2023 from 5-7 at the Havana Walking Park.

Havana Shade Tobacco Museum will host 2023 Cigar Days on April 1, 2023 from 10 am to 4 pm.

Municipal Elections Deadlines/How to Run information was distributed to the Council.

There will be a Certificate of Appropriateness Review meeting on March 28, 2023.

The Manager stated in the years past the Council has allowed the Town employees to be off on Good Friday.

Motion made by Councilman Bass and seconded by Councilwoman Stone. Motion passed.

RECOGNITION OF COUNCIL MEMBERS

Councilman Vickers did not have any comments.

Councilman Loughmiller did not have any comments.

Mayor Pro Tem Bert did not have any comments.

Mayor Hart stated she attended NWFLC Workshop and she passed handouts. She also commented on May Andrews of the HDC was recognized in the workshop. She also stated that DEO had money for water/sewer systems.

Councilman Allen stated that he had a resident complaint about the Town's website reflecting the Town Manager was listed as a public records request and custodian. He stated that needed to be changed.

Note specifics of documents

Regular Council Meeting
February 28, 2023
Page Seven

Councilwoman Stone did not have any comments.

Councilman Bass did not have any comments.

Motion to pay the bills was made Mayor Pro Tem Bert and seconded by Councilman Bass.
Motion passed.

Motion to Adjourn made by Councilman Allen and seconded by Councilman Bass. Meeting was adjourned at 7:30 p.m.

ATTEST:

Kimberly J. McMillan
Town Clerk

Presiding Council Member