

TOWN OF HAVANA  
REGULAR COUNCIL MEETING MINUTES  
SEPTEMBER 27, 2022

Member(s) Present: Mayor Pro Tem Bert, Councilman Tim Loughmiller, Councilwoman Jenny Stone, Councilman Decorkus Allen, and Councilman Dwight Vickers. Mayor Janice Hart in attendance via phone.

Member(s) Absent: Councilman Eddie Bass

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

Meeting was called to order at 6:00 p.m. by Mayor Pro Tem Bert. Invocation was given by Chief Tracy Smith followed by Pledge of Allegiance led by the American Legion Post 84.

***Recognition of Visitors:***

Visitor #1, Mr. Howard Williams was unable to attend, so instead Chloe, a graduate student at Florida State University with the Department of Urban and Regional Planning stood in for him. She presents with the Historic Preservation Project that is being funded by the Department of State. She proceeds to hand out a survey to anyone interested and informs them that if anyone is interested to please see her after the meeting.

Visitor #2, Jim Brennan of American Legion Post 84. Mr. Brennan reminds the Council of the upcoming event "Know Your Candidate Forum". The forum will take place on Saturday, October 15, 2022 at 9:00 a.m. at the Hazel Baker Community Center.

**Request to Approve Minutes**

- Minutes for August 30, 2022 Planning Workshop – Certificate of Appropriateness Review motion was made to approve by Councilwoman Jenny Stone, seconded by Tim Loughmiller. Motion carried.
- Minutes for August 30, 2022 Regular Council Meeting motion was made to approve by Councilwoman Jenny Stone, seconded by Tim Loughmiller. Motion carried.
- Minutes for September 12, 2022 Public Hearing motion was made to approve by Councilwoman Jenny Stone, seconded by Tim Loughmiller. Motion carried.

**Old Business**

N/A

## **New Business**

### **Item #1 Sharon Barnes – Do Life Big**

Ms. Sharon Barnes presents the Council with a request to use the Hazel Baker Community Center. She states she is the owner of Do Life Big and she is a Certified Holistic and Wellness Coach. She would like to offer the community and the Town of Havana monthly wellness workshops and fitness classes for free. She would like to request using the Community Center to facilitate these events.

Mayor Pro Tem Bert asks the board if there are any questions they would like to ask. Mayor Pro Tem Bert asks Ms. Barnes if she has liability insurance? Ms. Barnes stated she did. Mayor Pro Tem Bert also asked how often would she be doing the classes and Ms. Barnes said once a month. The fitness classes would be on Saturday morning at 10:00 a.m. at the beginning of the month. The wellness workshops would be on Thursdays at 6:30 p.m. once a month. Councilman Vickers asked if there was scheduling conflicts with the Fire Department on the scheduled dates. The Town Manager informs the council that the Town would work around the calendar to make it fit. Councilwoman Jenny Stone asks if the events would be preset or if the Council would approve them monthly like a Special Event. The Town Manager stated the Council will need to make that decision. She also states that most groups historically have set dates monthly on the calendar. Mayor Pro Tem Bert asked Ms. Barnes how long she would like to use the Center and she stated about six months at first depending on how well the Community responds. Councilwoman Stone asked how long the events would be and Ms. Barnes stated that each Wellness Workshop would be about two hours and each Fitness Class will be about an hour. Mayor Hart asked if she has to pay the use fee? The Town Manager states Ms. Barnes is requesting to not pay the use fee in order to give the free workshops to the community. Councilwoman Stone motions to approve the one Saturday a month, one Thursday a month classes barring it does not conflict with anything else that is ongoing. Motion was seconded by Councilman Allen. Motion carried.

### **Item #2 Citizen Complaint**

Citizen complaint from Sherron Flagg Complaint on Main Street. Ms. Flagg approaches the podium and states that she was invited and wanted to know what the Council wanted. The Town Manager states she was hoping Ms. Flagg would address the concerns she has with the Town Council and Havana Main Street that she sent via email. Ms. Flagg states the complaint was not filed with the Town of Havana. She told the Town Manager what she received was a copy of the complaint. Ms. Flagg also states there is nothing to talk about. She states she did not file a complaint with her she filed a complaint about the Town Council for a long term and illegal activity of funds by the Town Council in collusion with Havana Main Street. Ms. Flagg states she has filed the complaint with the IRS, the Better Bureau of Investigations, The Florida Department of State, and the Florida Auditor General. Ms. Flagg states they are the people the Council needs to be talking to not her. She states the Town Manager was informed that the issue was with Main Street and the Town Council and that Main Street would not be present. Mayor Pro Tem Bert thanked Ms. Flagg for her comments.

**Item #2 Response To Citizen Complaint (Karen Kent) – Havana Main Street (Continued)**

Ms. Kent approaches the Council and states that she thinks there were some misconceptions maybe some confusion as to the different organizations in the complaint. She states we do have a Downtown Improvement Committee that is an arm of the Town Council which has been in existence since 2009. It was funded by the CRA for the Downtown area. A lot that is written in this complaint was done by the Downtown Improvement Committee instead of Havana Main Street. Havana Main Street came about in 2017 and they also have to go through some very stringent requirements to become a Main Street. Ms. Kent also states this could have all been avoided if both parties would have been able to sit down together to discuss this complaint. Mayor Pro Tem Bert thanked Ms. Kent for her comments.

**Item #2 Response to Citizen Complaint (Mark Pettus) – The Havana Herald**

Mr. Pettus states that he does not live inside the town limits but he does own several buildings downtown that does bring in sales tax for the Town of Havana. He also stated that Main Street has been around a long time. He said they promote the people and the place of Havana. They were tasked with promoting the community, Main Street encompasses all of Havana. He lastly encourages anybody that would like to come forward and talk to the Council about changing a policy. If you have a better idea bring the idea to them. Mayor Pro Tem Bert thanked Mr. Pettus for his comments.

**Item #2 Response from the Town Manager Kendrah Wilkerson**

The Town Manager asked the Mayor Pro Tem that she would like to address the Special Events Process and some areas that they think the Town could do a better job with transparency of how those requests are made. Later in the meeting she states she has some revised Special Permits she would like to put in place for being more transparent. This is a result of this email. She also stated that any organization who needs the support of the Town will have to put what they need on that permit. There can be no requests after the fact whatever is on the permit when Council votes on it is the support that the Town will provide. She said she has already reached out to Main Street about making amendments to the Special Events coming up.

**Item #3 FY 23 Gadsden County Fire Interlocal Agreement**

The Town Manager states this is an Interlocal Fire and Rescue Agreement we have signed in the past and we have every year. The Town's Attorney has reviewed it and its terms are the same as last year. The Town Manager recommends the Council go ahead and sign this agreement. Motion was made to approve by Councilman Allen and was seconded by Councilwoman Stone. Motion carried to approve agreement.

**Item #4 Medical Center – A/C Replacement \$10K**

The Town Manager stated that the Town has had intermittent issues with the A/C at the Medical Center that the Town owns. It has been repaired and now has a leak that cannot be fixed and will have to be replaced. She states she has three quotes and that this was not a budgeted item for current year or for FY 23. We will have to allocate some funds and we cannot avoid replacing this unit. The Mayor Pro Tem

**Item #4 Medical Center – A/C Replacement \$10K Continued**

Bert is requesting a copy of the third vendor quote as they do not have a copy and he also asked who it was. She states John Jones is the third quote and that it came in at 4:00 this afternoon. Councilwoman Stone asked where the money would be allocated from to pay for this replacement. The Town Manager stated that she would review all open projects to see if any of them could be pushed off until this is replaced. Councilwoman Stone asked if the Town could use Rescue Act monies to do this replacement. The Town Manager said she did not know but she would check into it. Councilwoman Stone stated this is why she did not want to put the Rescue Act money somewhere else because of things like this that comes up. Councilman Allen asks the Town Clerk if she has a copy of the additional quote and the Clerk says she does not. He presents her with a copy for the record. Motion was made by Councilman Loughmiller to approve the purchase of the low bid seconded by Councilwoman Stone. Motion carried to purchase new A/C for the Medical Center.

**Item #5 Howard Zoning – 302 N. Main Street Clarification**

The Town Manager states that Howard Zoning is representing the party that is looking at purchasing the old Coastal Building downtown. Their concern is the way our Performance Zoning Ordinance reads if there was a total loss of the building the worst case scenario they would be required to rebuild the building as to the Performance Zoning Standards as they are today. Part of this requirement is extensive off street parking, they would have to meet setbacks, and doing landscaping. The Town Manager states her understanding is if there was a total loss of the building they would be able to rebuild their building in the downtown district exactly the way it is now. The way it is now with the CBD is in the case of a loss with a downtown building that the owner would have to build the building back exactly like it is today with the same layout. The Performance Zoning Ordinance does not read that way so what Howard Zoning has requested is a letter that says it is the Town's agreement and understanding that if there was a total loss of the building that they could rebuild it in the same footprint and the same size it is now. No more additional parking required, same setbacks, they do not have to provide additional landscape buffering. They want something from the Town stating they can rebuild just as they are buying it. Mayor Pro Tem Bert asked if this affects every building downtown? The Town Manager states this gets Howard Zoning through closing but that the Town needs to do some work on the Performance Zoning Ordinance as far as the CBD is concerned. The Mayor asked who would be dealing with the Building and Permitting. Mayor Pro Tem Bert stated that the Town does the Zoning. Councilwoman Stone asked that the Town start working on updating the Performance Zoning. The Town Manager stated that Ben Chandler with Apalachee Regional Planning who was in attendance at this meeting and he was already working on that change. Ben Chandler approaches the Council about the use of the Zoning Ordinance and its intention when originally established. He states this addresses non-conforming uses and preservation issues as they come about. The idea is to be more specific when dealing with such issues. Motion was made by Councilman Vickers to approve the letter was made by Councilman Vickers and seconded by Councilwoman Stone. Motion carried.

**Item #6, #7, & #8 Special Events Permits – Music Fest 10/22/22, Pumpkin Fest 10/08/22, and Winter Fest 12/10/22 Amendments**

Chief Smith approaches the Council with the Special Events Permit Amendments. He states the Council previously approved these three permits. He states the Town Manager has decided to be more detailed in what exactly is being requested. The only issue that he states he does have a problem with is the Music Fest's request for the bleachers. He states the bleachers are in very bad shape. It takes a lot of effort to get them moved from the ball field to downtown. He states they did hear from Gocki's of the concern of the bleachers being moved out after the event. All the other amendments look good everything has been listed that is requested from the Town and he asks the Town to approve and take in to consideration what to do about the bleachers. Councilwoman Stone states that moving these bleachers keeps ruining them. Mayor Pro Tem Bert stated that the bleachers were really old. Another small set has been donated to the Ball Park and the request has been made to use them instead. Don Harrison stated they could probably use the old bleachers one more time. Mayor Pro Tem Bert asked about insurance on using the bleachers if someone was to get hurt. Janice Eakin with Havana Main Street stated that Main Streets Hold Harmless Form should cover it in addition to another insurance that covers all of Main Streets events even on private property. A Certificate of Liability was submitted. A contingent motion was made by Councilwoman Stone to approve the use of the bleachers for Music Fest and removing them before Gocki's opens the following day. Councilwoman Stone also requests that the old bleachers not be used and moved for any more special events after this one. This motion was seconded by Councilman Allen. Motion carried. The Town Manager stated that the Council did not discuss this but if there is a deadline for an action that is needed please be as clear as you can so the Town can schedule accordingly and the Town knows to have it done if there are special permits. Councilwoman Stone clarifies that any organization that is doing any type of event on Havana property needs Council approval. **Additional Special Events Permits – Kickball Game by Neals Temple Church** The Chief states that another Special Event came in today from Neals Temple Church for a kickball game at Gus Bert Field at 3 p.m. The only request of the Town is to unlock the bathroom so they may have access to it and just the use of the field. They did sign a hold harmless waiver. Motion made by Councilman Allen and seconded by Councilwoman Stone to approve a kickball game at Gus Bert Field. Motion carried.

**Item #9 Resolution Number 2022-13R: Emergency Conditions Pay**

The Town Manager states this Resolution is an addition to our Personnel Policy for emergency conditions pay. If in an event such as a Hurricane and the staff has to work overtime non-exempt employees would get paid overtime. Some of our superintendents are not eligible to receive overtime. This revision states that if there is declared a state of emergency by the Governor the Town can elect if need be that exempt staff will be paid overtime for worked hours over 40 in a week. Mayor Pro Tem Bert asks if FEMA would pay this overtime? The Town Manager states there is no guarantee that anyone except the Town would pay this overtime fee. She feels like it is a personal thing to her and that it is the right thing to do to pay all staff for overtime in an emergency situation. Motion was made by Councilman Loughmiller to approve seconded by Councilwoman Stone. Motion carried.

## **Report of the Town Manager**

### **Update on 2019-2020 Audit**

The Town Manager reports that it will still take the Audit team another two weeks to complete the audit. The Town Manager has applied for another 30 day extension but has not heard back from the Legislative Audit Committee about any approval of that additional extension. She states for the record that FMPA's Accountant Jim Arntz has been a Godsend for the Town by helping the Town get through the last few things that needed to be done. The Town Manager states that as soon as she knows if the extension approval was approved she will let the Council know.

### **Cemetery/Town Hall Lawn Maintenance**

The Town Manager states she has got some quotes for maintenance of the Cemetery and Town Hall which was discussed at the last Town meeting. She says she has got two quotes so far and they are wildly different. The Town will continue to reach out to get some more additional quotes that might be reasonable.

### **Old Elementary School – Nuisance Violations – Lien on Property**

All information on the Old Elementary School along with the nuisance violations has been forwarded to the Town's attorney. He is currently working on a lien of that property. The fines assessed is a \$100/day and the Town has already met the \$10,000 threshold. The Town has requested a lien on the property.

### **Playground Equipment**

There are some known issues with the playground equipment. The Town Manager states the Town has ordered the replacement pieces for the existing playground equipment. The estimated arrival time is the end of November, they were ordered in July of 2022. It is the Town Managers recommendation that the area needs to be roped off and no children should be playing on it until the new equipment comes in.

### **Fire Protection Class Rating – 10**

The Town has confirmed that our ISO rating has went to a 10 because the Town does not have enough Fire One Certified on our Roster to attend each fire. The Town needs to have four Fire One Certified Personnel to attend each fire. The Fire Chief is currently working on getting some of the current firemen certified.

### **Storm Preparation/Planning**

The Town Manager reports that there was a sandbag station open today. Thank you to Councilman Loughmiller, please call if you need the address. Bags and a shovel is available at the location.

**Recognition of Each Council Member**

Councilman Tim Loughmiller has no comments

Councilman Dwight Vickers has no comments

Mayor Pro Tem Nick Bert has no comments

Councilman Decorkus Allen states his steps are getting shorter and his hair is turning gray because his birthday is tomorrow.

Councilwoman Jenny Stone comments that she would like to talk to Ben Chandler after the meeting.

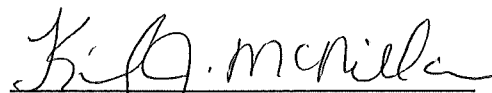
Mayor Janice Hart has no comments

Motion was made by Councilwoman Stone and seconded by Councilman Allen to pay the bills. Motion carried.

Motion to adjourn was made by Councilwoman Stone seconded by Councilman Allen. Motion carried to adjourn the meeting at 7:20 p.m.

  
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Presiding Town Council Official

ATTEST:

  
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Kimberly J. McMillan, Town Clerk