

Town of Pomona Park - Town Council & Public Hearing Meeting Minutes
Tuesday, December 10, 2019 (6pm)

Mayor Joseph Svingala presided. Council present were Dr. Robert Warren, Lynda Linkswiler, CarrieAnn Evans, Patricia Mead, James Griffin, and Victor Szatkowski were all present. Attorney Sherar, Clerk Donna Fontana, Asst. Clerk Kelly Krupski and Maintenance Supervisor Bruce Wolfred were all present.

Mayor Joseph Svingala led in the pledge to the flag. Mayor Svingala called the meeting to order at 6:00 pm and welcomed everyone. There was a moment of silence in remembrance of resident and former Council Member Patricia Bergquist and resident James (Big Jim) Melchior, Councilman Griffin added the sailors that were killed in Hawaii.

Meeting Minutes:

The Mayor requested approval of the Minutes from 11/12/2019. Councilman Griffin made a Motion for approval of 11/12/28 and it was seconded by Councilwoman Evans. Councilman Szatkowski brought up that the minutes have a Deputy Town Clerk and Assistant Town Clerk Kelly Krupski on page 3 and on page 6 it says Clerk Assistant and down to the bottom it says appoint the Deputy Clerk to authorize a purchase. He said, the Assistant Town Clerk is not a Deputy Clerk, she can't do the purchases, she can't run the Town while she's off. On December 2018, we had a job vacancy announcement for an Assistant to Town Clerk. On 12/12/18, Kelly Krupski applied for the job and was hired to start the first of the year as Treasurer and Assistant Clerk. Mayor asked, excuse me but is this yours or am I reading it from here (minutes)? Councilman Szatkowski said, no I'm reading it from mine. On page 6 it says, if I am absent then I can appoint the Deputy Clerk to authorize purchases. He said, which one do we have? A Clerk Assistant or a Deputy Clerk? Our Charter does not have an Assistant to the Town Clerk. In the Charter, 3.03 we have a Deputy Town Clerk and an Assistant cannot do the work of a Town Clerk. When the Town Clerk goes to school or on vacation a Clerk Assistant can't take over the Town Clerk's job. The Town Council needs to make a decision, which job her title is, assistant to the Town Clerk or Deputy Town Clerk. Mayor said, Vic would you have a problem if the Council has time to absorb this for the month till we get into it in January and not get into in the holiday month of December because I think this could get a little heated with some people. I would prefer not to go that way this month without people being prepared? Councilman Szatkowski said, it don't bother, me but it needs to be taken care of. Mayor said, I don't want to upset you either. We will hold this off till January. Clerk said, if you're talking about me, it doesn't upset me. Councilman Szatkowski said, no, we're not talking about you. Councilman Warren asked, Joe, so we can prepare for it what are the options? Mayor said, Vic is questioning do we have a Deputy Clerk as per the Charter or Assistant Clerk who cannot do the work of a Deputy Clerk. Mayor said, that's what you have to look at for the month. Councilwoman Mead said, I thought she was the Financial Clerk? Mayor said, she is but also the Clerk can appoint a Deputy Clerk according to the Charter. Attorney Sherar said, with the approval of the Council. Councilman Szatkowski said, the assistant can't run the Town. Mayor said, you're right. Councilman Szatkowski said, this was brought up in 8/30/2016 by Joe Svingala. I brought it up to him 2, 3 weeks ago, we talked about it and when Donna leaves, Kelly can't run the Town as an Assistant Clerk. Mayor said, that's true. Councilman Griffin asked, so we're just asking for an Assistant or a Deputy, that's all, so why don't we do it right now? Mayor said, well because

its going to get a little involved Jim because the Charter doesn't call for an assistant, the Charter calls for a Deputy. I'd like everybody just to investigate themselves so we can talk about it next month. Councilman Griffin said, ok, understood. Mayor said, thanks Vic, I appreciate what you're doing, I just prefer not to ruin my Christmas. Mayor asked if there were any other concerns about the minutes? Councilwoman Evans said, I do. It said in the minutes that Kelly was going to some class and she's not at this class. Mayor said, I will let the Clerk address that situation, that transpired between the last meeting and now. Clerk said, things change quickly. We have a whole bunch of things that are due in December and we just got two more assignments. One is from the Auditor and the other one is for the FDOE and all of those things have to be done by January 3rd. I did not cancel her class, we paid for it and so its still on the books. There is a class coming up in April that is in Deland and so I talked with Kelly and we decided to have her go in April. That way we can get these things all done that we have to get done in December. Councilwoman Evans asked, the same class? Clerk said, yes. It will actually save you some money because its closer and we won't need hotel. Councilman Warren said, the other one was in Tampa, where's this one? Clerk said, Deland. Mayor said, my only question with that, it doesn't need to be answered tonight but I'll question it anyway is that Kelly's not going to hers, but the Clerk is going to go to hers for 3 days and its before Christmas. Clerk said 2 days. Mayor said, I don't control what needs to be done in that office when these other organizations get in touch with Donna and Kelly, that's what they have to do, so I can't answer that its just that I'm uncomfortable with that. Clerk said, I explained it to you Mayor that I would cancel mine if I had to, but I was still going to try and make it because I've already cancelled that class once. Judy said, if Kelly is an Assistant and you're not going to address it until next month, she cannot do Donna's job because it does not say she's Deputy Clerk so how can she be gone and there'll be nobody that can do the Town. Unless you want to do that tonight and get it over with. I'm just saying, you just made that statement, that she can't do the work. Clerk said, well she did it for how many months until I was hired. Joyce said, well now that it was brought before the public. Clerk said, just to make it clear that I'm not the one that made her job title and I don't have a problem with it changing. Mayor said, does the Council have a problem with Kelly as Assistant Clerk filling in for Donna the Clerk, when she goes to a 2 day education seminar this month before our January meeting? Joyce asked, can't you take a vote as what is her title effective tonight? Mayor said, well I think its going to create a whole bunch of arguments that I really don't want to get into this month because I understand the Assistant and I understand not being an Assistant, that we don't have an Assistant. I'm the first one to say we don't have an Assistant. We have a Deputy and the Deputy is defined very well. Joyce said, I'm sure you have a majority that will agree with you so why not try and see if you could.. Attorney said, stop arguing with your wife Joe. Mayor said, go ahead Craig, I may need some help here. Clerk asked, did you guys want to vote on the minutes that you have on the table first? Attorney said, there is an official position called the Town Clerk. There is an official position called the Deputy Clerk. We don't have to have a Deputy Clerk. The Clerk could have a person working for her that would not be a Deputy. The procedures in the Charter say that the Clerk appoints..hold on.. Mayor said, a Deputy, it doesn't say Assistant, that's where the rub is. Attorney said, the Deputy Clerk is.. Joe I think what we're looking at is something very narrow here. Not as broad as what you're thinking. The Clerk may appoint the Deputy, subject to the approval of the Town Council. The reason for that is because the Deputy acts in the stead of the Clerk if the Clerk is not here. As opposed to, and I hate to say this but I thought she was the Deputy but maybe we did not go through that formality so until we actually do that formality of

the commission, well first it would have to be Donna would have to appoint Kelly. Which she may or may not want to do. Then if she did, it comes to the Council for approval and that's what gives the Deputy the ability to do what the Clerk can do. Councilwoman Mead asked, what was her title for the 3 months she worked before Donna started? Mayor said, Clerk, Treasurer, everything, she was everything. Councilwoman Mead said that was what she did that wasn't her title. Clerk said, she was hired as the Treasurer and Assistant Clerk, that's what the position description, the application and the ad was done for. That was before me, but that's what you all did. Attorney asked, what was the ad for? Clerk said, the ad was for Treasurer and Assistant Town Clerk. Attorney said, so it was for Treasurer and Assistant and you guys. Ok it isn't form over substance, there's a reason why you do this because a Deputy Clerk has the ability to do anything the Town Clerk can do in the absence of the Town Clerk and that's why the...plug your ears Kelly. Councilwoman Mead asked, why didn't you say this when we hired her? Mayor said, it didn't come up. Councilwoman Mead said, I'm not talking about coming up, I'm talking about if we were advertising. Attorney said, I thought we were hiring a Deputy. Vic is right, it was one of those things, I'm sorry. I thought when we were doing it, we were getting a Deputy Clerk but unless she actually had that approval as a Deputy, Vic is right. Donna could hire 4 or 5 people to go in there and work for her to run the Town and that wouldn't make them Deputies. The Deputy Clerk is a very specific person who has to get the empowerment by the Town Council to act as the Deputy which gives her the ability to act in the absence of the Clerk. Now I have to go back and look at the meeting minutes, we might have said assistant back when we hired Kelly but the way that the thing was done back then it may have been a fact that we were hiring her as the Deputy. I realize what Vic is saying about what it says in there, but I don't know if there was a transformation from what she was supposed to. If the resolution was: I move that we hire Kelly as the Deputy Clerk, then it doesn't make any difference what the ad said. Somebody said the magic word Deputy. If somebody said, we hire her as the assistant, then, again the magic word wasn't said. Councilwoman Evans asked, what was Brenda's title? Shirley said, I'm almost positive it was Assistant. Some citizens said no. Councilman Szatkowski said, the change came about, Treasurer/Assistant Clerk came about when Brenda Masciulli was about to retire and Cindy Hair wanted to be demoted to the Town Clerk. She stepped down when Joan O'Connor became the Clerk. When Cindy wanted to step down, the title changed, I have no idea who changed it, but it was changed. I thought it was Joan O'Connor that changed it because she wanted to get rid of Nancy but I'm not sure. Councilwoman Mead asked, can't we just make a Motion to appoint her, change her title to Deputy Clerk? Attorney Sherar said, to do it properly Donna would have to say, I want to appoint Kelly as the Deputy Clerk and then there would be a Motion by somebody on the Council with a second and then a vote. Mayor said, wait, Donna can't make a Motion. Councilwoman Mead said, she's not making a Motion, she's making an appointment. Attorney Sherar said, Donna would say, I want to appoint Kelly as the Deputy Clerk and then somebody has to make a Motion. Shirley asked, are we sure Donna wants to say that? Clerk said, first what Donna wants to say is would you like to vote on the Motion that is before you which is the minutes, the approval of the minutes? Attorney said, well she is actually, procedurally right about that. Councilwoman Mead said, well we can't if Vic has a problem with them. Clerk said, if there's something that needs to be changed about the minutes then Vic needs to identify where he wants that change but that's the Motion on the floor right now. Councilman Szatkowski said, just to get the Assistant Clerk changed, that's all I'm interested in. Clerk said, so you're just interested in getting the title changed, so, would you like to vote on the minutes? Attorney said, well yes, what it is, is

technically Vic is out of order because he's bringing up the substantive issue when the issue before you is the minutes. How she was termed in the minutes is only voted on as to whether or not the words spoken were accurate. After the Motion is passed on the minutes then Vic could bring up the issue that he just brought up. That would be the appropriate place to bring it. It would probably be more appropriate under new business than it would be under minutes. Clerk said, so officially then if I have Deputy Clerk in the minutes, I should change that because as of that meeting her title was not Deputy Clerk. Attorney said, no the minutes reflect the words that were spoken, so if people were saying Deputy Clerk and that's the words they said, the minutes would be accurate. They would be accurate as to words that were spoken not as to whether or not she'd officially been appointed as Deputy Clerk. Mayor said, so the minutes reflect what was said that night, whether what was said was proper or improper, doesn't matter, it's the minutes need to reflect what people said. Attorney said, yes. Vic said, the only one that said that was the Clerk as we were talking about Bruce getting the money to spend else besides the Town Clerk and that she said that she could appoint the Deputy Clerk to authorize purchases and that was all that was said. The accuracy of Kelly's position would be more properly brought up under new business. Mayor asked if anyone else had concerns about the minutes. None, vote was unanimous to approve the minutes.

Guest Speakers:

Nicole Grace Executive Director of Keep Putnam Beautiful spoke about a litter audit back in July that she did. She thinks our area is lovely and especially the lake. I am trying to address the larger issues in Putnam County which is litter cleanup. We want to expand the wildflowers, when you come into Pomona it is beautiful. If that is something that you are interested in or initiating a cleanup. We have the Great American cleanup coming up in March but if you have an individual one, I have no problem driving down. Our cleanups are organically generated, started in your area. I can help support the cleanup of a park or a road. I am available for presentations also. Councilman Griffin asked if they provide dumpsters? Nicole said, we actually provide bags and WastePro comes and picks up the bags. I don't drop off dumpsters. It's a high cost for dumpsters. Tires are a challenge. A lot of grants specify no tires. Councilwoman Mead asked, what about building materials? Nicole said, there is a fee for that, it's different, you can't just drop it off. She left information and wildflower seeds. Mayor asked, about expanding the wildflowers that we have. Nicole said, Welaka is interested in expanding it down 309 along the sides of the roads. FDOT does have some grants. Mayor said, you probably noticed our Town is pretty clean, our 3 man Maintenance work force, they stop and put it in the back of their vehicle. Every day, 5 days a week, 8 hours a day and that's why it looks so good. Councilwoman Mead said, we also have people that walk and pick it up.

Public Hearing items:

None.

Unfinished Business:

Councilwoman Linkswiler gave an update for Beautification Special meeting from 11/26/19 to reassign the money that was refunded to us. It came back from the Christmas decorations for the poles that was cancelled. Motion was passed to spend the \$1500 on holiday decorations. FPL \$500 is not arriving until late in the month. There was a moment of silence in honor of Pat Bergquist that we lost. She was a valued member of our Beautification Committee and we will

miss her. Breakfast for 12/7 was served 45, took in \$246. It was a low month but its not just about the money but also the community spirit. Talked about getting a bigger sign for the library and a banner for Founders Day. We approved up to \$400 monthly spending for groceries and other things for the kitchen because Judy, the chairperson cannot go out and buy things we need without a Motion. We set a date for the Christmas light contest for December 20 at 6:30pm. 1st prize is \$100, 2nd is \$75 and 3rd is \$25. We are doing a raffle basket for Valentine's Day. There will be a \$50 gift card from Water's Edge and \$25 on other items for a total of \$75. It will be given away on February 7th. We talked about name badges for the members and Donna wants to use the Ptouch that the office has so that when we change them out it will be more economical. We approved to buy 1 box of business cards for \$30 and they will be to hand out to invite people to our breakfast, meetings, volunteers. We approved a Motion to buy a stone for Pat Bergquist to place out front.

Councilwoman Mead held the December Tree Board meeting. Finalizing plans for the 2020 Arbor Day. We are finishing up 29 years as a Tree City USA. This means in January we begin 30 years of our beginning to formally honor our great fortune of having so many wonderful trees in our community. This is a pretty important milestone in starting our 30th year and we need to make it special and have everybody attend. We traditionally celebrate it on the second Friday which is January 10 at 4:00pm. We chose this day because the 3rd Friday is Florida Arbor Day and we would have the first access to the forester. Palatka, Interlachen and Crescent City celebrate Arbor Day on January 17th. We would like to plant a large Live Oak tree at Mayor's Park. Similar to the tree John Bergquist planted in 2018. John had bought and paid for this tree before he died. This new tree will become the home of the memorial stone honoring the late Tom Skidmore. The tree planted for Tom at the Community Center at one of the first Arbor Day Celebrations, but the tree died and was removed. Sunday, I talked to Tom Jr., who still has a residence in Pomona Park and is in Town about once a week. I invited him and his family and mother Carolyn and extended an invitation to Arbor Day and the replanting of this tree. Carolyn was a member of the Town Council her and she is living mostly in Daytona near her daughter. I would like the Town to purchase a 30 gallon tree from Perez Nursery in Seville. It is 10' tall, 2.5" trunk measure and costs \$90. This is the same size tree as the one John planted. The maintenance department could pick up the tree and plant it in Mayor's Park before January 10th and to replace the Skidmore marker there. They will set up the space as they normally do with the podium and a few chairs for those who can't stand. The forester will be there to hand out free trees. I would for all of you to be there and to invite your friends to make this a great 30th celebration. Councilman Griffin made Motion to buy the tree for \$90, second by Councilman Szatkowski. Unanimous to approve the Motion.

Bruce Wolfred gave a maintenance update and thanked Jeff and the team for doing all the Christmas lights and saved me from it. The guys have been removing and disposing of all the debris that we accumulated over the summer and as of Thursday it is complete. We began the ballfield rehab. As of today, we have tilled 2 fields, grass removed and only have the peewee field to go. We are checking the irrigation, several heads leaking and we are replacing as we go. Jeff put together a new program for all the fields where we can point water as needed. Thank you Jeff. I have a meeting tomorrow morning with a couple vendors regarding the tractor that you approved for us this year. Hopefully within the next week or 2, I will have the final numbers on that to be brought to you. The water line at the Community Center runs in a direction that it

shouldn't. I have to rent a locator from Sunbelt or somewhere, trace that out because it doesn't run directly, straight line underneath the kitchen to the back of the CC. It runs somewhere up the sidewalk and then makes a turn somewhere. Once I locate it, I don't believe I'll have to disturb the sidewalk. Councilman Griffin asked how much time do you think it will take to relocate the water? Bruce said, until I know where it is, I'll have to crawl. Councilwoman Evans asked, is it proper procedure to have the vehicle running with the doors open and no men to be seen? Bruce said, no, it is not. Councilwoman Evans said, I've seen it numerous times at the CC and it's not the proper place, we have crazy people that will jump in it and run. Bruce said, I will address that tomorrow morning.

Clerk Assistant, Kelly gave an update on the financials. Councilwoman Evans said, I keep seeing overtime, F&A, R&S. Kelly said, those have all been allocated through the office and through the Mayor. I can pull the time sheets to give you specific dates if you'd like. Councilwoman Evans said, I didn't think we were allowed to have overtime without Council permission. Mayor said, if you're right, you're right, I'm not going to say you're wrong. I thought it was the Mayor. With the schooling that they've gone to and the travel time, it's off regular hours and all that time has to be made up. Its got to be made up within the work week because if it's not, by labor law you have to pay that time as overtime, time and ½ so we do the best that we can to get it done within that week. Kelly said, it was put in the budget for overtime for F&A and R&S. The maintenance overtime was Friday afternoon, when we got called by the Health Department that said, shut your beach down. The maintenance guys had already left so we had to call them back to shut and lock the beach down. The beach is now open. Kelly said, you may notice 4 payments to card services. That's because with the training I took a couple days off around Thanksgiving. This is how the bills were paid so there were no late fees occurred. I had to pay them when I was here and when time was available to make them paid. Typically, it's every month you see 1 transaction, or 2, 1 credit card for Donna and 1 for myself. This month there's 4 because they were paid on the days I was available to do the checks. Councilwoman Evans said, why are we still paying Nancy Lajoie? Kelly said, I knew you were gonna ask me that. On May 24th, there were Clerk's Notes sent out that after discussion with the Mayor and Councilman Szatkowski, the last paycheck for Nancy would be issued in the amount of \$608.25. Szatkowski identified that the employee manual and other factors that this is not required however, all parties have agreed to write the check. When Joe was on vacation in New York, Vic told me not to write the check, so I followed his orders. On 11/25, Donna sent me an email saying the check hadn't been paid, to cut the check. Clerk said, well I had talked to you about that a couple of times before that as well. Kelly said, well the final email was sent on 11/25 and I cut the check. Attorney said, what that was CarrieAnn is there was an issue about the way Nancy's carry over pay shouldn't be done or not be done, sick leave or whatever back and forth and because it was \$500. I basically told everybody for \$500, you're going to spend more money fighting about it than figuring out what the right answer is. Councilwoman Evans said, ok so we're done with her then? Yes.

New Business:

Clerk Fontana M&B Tree quotes. I can only approve up to \$2000 so I am bringing it to you for approval. At Town Hall there is a palm tree, a dead tree on Pleasant St. and the large oak tree at Community Center that caused the problems breaking up the sidewalk and the street and causing problems with the water line. Pat discussed that tree at the last Council meeting and requested it

to be removed because it will cause more problems there. Mayor said, that tree is so huge, its perfectly healthy and should never be cut down. It's been trimmed over the years for the road sake. It's never been trimmed over the Community Center. 75% of that tree is over the Community Center. If a limb goes we are in huge trouble. Councilwoman CarrieAnn made a Motion that we allow the \$2700 to remove the 3 trees, Councilman Griffin seconded the Motion. Councilwoman Mead said, he wrote on here that the tree is worth saving. It's not the tree's fault and the tree is perfectly healthy but it is creating a problem that is only going to get worse. Do these prices include the stump grinding? Clerk said yes and I'll have them put that on there. Bruce said, we do not want that stump ground at the CC because that's right in the water lines. Attorney said, you may want to check to see if he has insurance. Clerk said, we have his COI. Attorney said, check the date on it to make sure he didn't cancel it. Unanimous vote to approve the \$2700 to remove the trees.

Clerk Fontana discussed the animal ordinance. People are coming in and asking about having a horse on .58 acre that has a house on it and can they have a horse and 1 acre property that wanted to have 11 goats on it. We don't currently have anything in our Ordinances that discusses that. My understanding was that if we don't have anything, then we can use the counties ordinance. However, I'm not certain that Craig agrees with that. Attorney said no, because we are not a subdivision of the state, so it doesn't apply. The only thing that would apply would be state statute. We don't have anything in our code which stresses that specifically because you can have a horse on less than an acre. There's no reason why you shouldn't have a horse in a residential area although you wouldn't necessarily want that. It depends on what you want for the character of your neighborhood. If they put one in there, so long as its not a nuisance, I don't think it's a violation of our code. The lady that wanted to have 11 goats on 1 acre, that's a lot of goats in that area. Mayor said, but wouldn't that have to come under nuisance, because we don't have anything? Attorney said, it would have to come under a general nuisance. Councilwoman Mead asked, wouldn't it also matter where this acre was located, whether its right in the middle of Town or out in the middle of city limits? Attorney said, there's nothing in particular about goats, even in a residential neighborhood that would be, I mean most goats don't make any noise but dogs would bark and nobody would say anything about having a dog except if the dog barks then it becomes a nuisance and you can't have a dog. Best management practices (BMP) put out by University of Florida Agriculture is not to have that many goats, it also depends on what size they are because if you have miniature goats they can be smaller than a medium size dog or you can have a regular size goat which is the size of a small horse. I think anybody that is putting 11 goats on 1 acre is kind of looking at animal, I don't want to say animal cruelty, but I don't know that it's necessarily fit to have that. We don't have anything in there. Donna put in here what the county has, which I've always that is funny that we're a rural county but if you want to have a horse and you don't have an acre, you don't have 5 acres, you've got to go out and have an internal fence 10' off your outside fence. Clerk said, well they say 1 horse or other equine per acre, but that acre cannot include a dwelling. Attorney said, but I think it says if its below 5 acres, you have to get a special permit. Clerk said, if its not zoned agriculture. You can ask for a special exception to have it in a different zoned area, but I'm not even talking about the zoning part as much as I am about the square footage part. The property is .58 and that includes the house so you're looking at maybe .3 or .25 for the horse. Judy said, I thought the way y'all made your rules that if it's not in there that you can't do it, remember when this all came up, then you can do it. Attorney said, you are absolutely correct, that is more design in the broadest sense it's

the uses within the zoning. For instance, where that normally comes up is in if you have it zoned residential and it doesn't say that you can run a tire shop, then you can't use it. If it's industrial and it doesn't say you can run a tire shop, then you can't do it. If you strictly apply that to animals, because you can't just apply it to horses and goats. It's going to be to all animals. If you take that interpretation to be that if we don't allow animals in residential areas, that means you've got to chase off all dogs & cats. If you are raising animals in your residential areas for agricultural purposes, that would come under an agricultural use in a residential area, but having a horse as a pet, I don't think comes under that. Clerk said, the problem is that these 2 people came to us before they had the animals, I've got to be able to tell them something. Attorney said, you can use the BMP as evidence at a hearing to determine whether or not it is a nuisance, because that is a scientific definition as to what you can or can't have for animals. Clerk said, I just want to understand that what the Council is telling me and Kelly to tell people is that they can do it but if somebody complains then they may get a code enforcement case against them for nuisance. Attorney and several Council members said that is correct.

Clerk Fontana discussed the status of 549 West Main St. That is Marshall Sapp's property, it has been condemned again by the County and the Special Magistrate hearing is on the 17th of this month. Craig's recommendation was that we may want to offer to buy that piece of property from him. There was further discussion about purchasing and then selling it with a Stipulation that they could purchase the property but they would have to clear the home off of there within 3 months and if they did not do that within the time period, we could either take the property back or we could abate it and charge them for the abatement. Councilwoman Evans asked, are you suggesting that we pay the last 3 years of taxes? Attorney said, I would suggest you authorize Donna, this would come under Code Enforcement under the budget which means she's got \$2000 authority on her own. I would go ahead with the enforcement hearing that we're doing and then get him to come over here, with a deed ready and have \$1000 cash ready in he signs. Mayor said I would think she needs a Motion because its not in the budget. Attorney said, yes it is, under Code Enforcement. Councilwoman Evans made a Motion that we budget up to \$2000 and no more than \$2000 to offer for the property at 549 W. Main, Councilman Griffin seconded. The vote was 6 to approve and the Mayor opposed. The Mayor said, not that I'm totally opposed, I'm nervous of it.

Clerk Fontana, FMIT selection form shows that last year the Council opted not to have the uninsured motorist and underinsured motorist coverage. This is an annual renewal option. FL Cities told me that most cities don't choose this coverage. Employees are at work and are covered under workman's compensation and by adding this they can double dip. This is not for vehicle coverage it is for missed wages, bodily injury in general. Many cities have had problems where people use this to get double pay. Councilman Warren asked if there were a ceiling on workman's comp claims. No, workman's comp is determined by the guidelines and the Physician. Attorney said, she's right if one of our people get hit by an uninsured motorist, our worker's comp is going to cover all their medical. It won't cover their pain and suffering, but it will cover their medical and their lost wages under the comp law. Councilman Warren made a Motion to renew the insurance without uninsured motorist and underinsured motorist coverage and it was seconded by Councilwoman Evans. The vote was unanimous to approve.

Councilman Szatkowski wanted to discuss the title of Deputy Clerk. The Clerk said, I have a couple of questions. There seem to be some issues with the title of assistant. I don't care about that title, I didn't give her that title, but what I want to discuss is that I have not had the opportunity to look at the Deputy Clerk job description. I don't want there to be any misunderstanding between me and the Council and Kelly in regards to that I will still be her supervisor and she will still have things that she will assist me with. Every other municipality in Putnam County has more than 1, they the Clerk and then they have 2 or more office staff. We've got the Clerk and Kelly so I cannot do the job without having the support from the Council that she will still be doing things that I need help with. Attorney said, the Deputy Clerk only exercises the Town Clerk's duties in the absence of the Town Clerk so, you could for instance have a Town Clerk, a Deputy Town Clerk, an Assistant Town Clerk and the Assistant and the Deputy are basically doing the same functions at the same level in a wire diagram its just that if you weren't here, the one that was designated the Deputy would be the one that would be filling in for you, even though in all respects they are an Assistant. Mayor said, the question comes up Craig, to put it point blank, the question is coming up, where does Assistant come from? We don't have it in writing anywhere. That's it in a nutshell its nothing else. Joyce asked, are there job descriptions that say exactly what are the duties of the Town Clerk and the Deputy Clerk? Attorney said well, let me use an extreme example so that it might add clarity. Donna could ask for Joyce to be the Deputy Clerk. Your only responsibilities, if it were approved would be when she's not here, you're the person that signs the checks or whatever her administrative functions are in her absence. That has nothing to do with what Kelly would be doing on a day to day basis. You'd be out there running around doing whatever it is you want to do. Donna gets sick, gets put in the hospital. Oh, the Clerk of the Town's got to sign something. Like when we send our Ordinances to the Secretary of State, it's got to be signed by the Clerk, right? So, Kelly is still doing her assistant stuff, we've got an official Town document that has to be signed by the Clerk. You are the Deputy Clerk, you run in, you sign the document and you and then you go back to doing what you're doing. It doesn't change what Kelly does, it doesn't change what Donna does, its just that we need to have somebody to have that official authority as the Deputy Town Clerk to sign off on that particular document. Mayor said, Craig you're not answering the question, it is where does Assistant Clerk come from? There's nothing in writing and I keep getting ask this and I don't have the answers. I don't read Assistant anywhere. Craig said, because the Deputy Town Clerk is Town official in the absence of the Town Clerk. That doesn't mean that the Deputy, Bruce could be the Deputy Town Clerk. Donna's here, Kelly is doing her thing, Bruce is out there doing her thing. Donna gets hit by a car, an official Town document has to be signed by the Town Clerk, because there are certain documents which are produced which must be signed by an official. Just like you're the Mayor, there are certain documents that must be signed by you. Mayor said, we understand that, you're just not catching the question and I'm not trying to be obnoxious. The question is, where does Assistant Clerk come from? That's what needs to be answered, that's why I didn't want to go through this tonight. It's not written anywhere. Attorney said, it's whatever you guys decide it is. Mayor said, that's right, that's why I didn't want to do it tonight. I think there's going to be arguments on it. Attorney said, but we aren't deciding what an Assistant Clerk does right now. Now we're just deciding who fills the position of being the Deputy Clerk. Councilwoman Mead asked, can the Assistant and the Deputy be the same person? That makes more sense to me than Joyce off the street. Attorney said, you're right Pat, that makes the most sense. I'm just saying that there is a thing which is an administrative person, which is the Assistant Clerk and there is a Town official which is the

Deputy Clerk which can be the same person. The Clerk said, it can be the same person, the problem is that there are problems right now because there are some people that, I don't know how else to say it, that are not supporting me as your Clerk. That feel like she should not have to things that I ask her to do. Councilwoman Mead said, oh, that doesn't make sense. Clerk said, that's why I'm bringing it up as an issue. I need to understand that you guys agree, I cannot do everything without being able to assign duties to her. Councilwoman Mead said, that's why we have a second person in the office. Judy said, I believe that you can ask the Deputy Clerk to do anything that you want her to do, am I not correct? Attorney said, that's where the problem is coming in, as I see it. We are getting wrapped around the axle about this position, an official Town position. Just like the Mayor Pro Tem. It's very clear, when Joe's here Vic is just one of the guys. When Joe's not here, Vic signs on the documents that the Mayor's got to sign. The Deputy Clerk only means something when Donna's not here. Judy said, so you could do like Pat said, make her Deputy Town Clerk/Assistant/Treasurer. Attorney said, it would be a slash she would be Deputy Clerk and Assistant Clerk. Mayor said and that's where the question came up, Donna and I need answered, Vic needs answered. Where does Assistant come from? This is why I didn't want to get into this tonight, because its going to take us until after New Year's to figure this out. Joyce said, I know exactly what she's talking about and there is a conflict. Ok? Maybe I shouldn't be opening my mouth but for instance, she has a stack of stuff that needs to be filed and she goes and puts it on the file cabinet and she wants Kelly to do the filing. Mayor said, that happens now. Joyce said, so where do the duties lie? Can Donna do her own filing? Clerk said, that's one example of many which we're not going to get into all that because I don't want to and I don't think Kelly wants to either. Councilwoman Mead said, its her Assistant, she does whatever she tells her to do. Clerk said, and you have that understanding because that's the way its always been in here and now its not that way. Mayor said, no its that way, Donna look at, I didn't want to get into this crap tonight. It is that way but there's a personality conflict in there so its not working. Clerk said, I disagree, its not a personality conflict. Mayor said, that's the only reason because it has worked since I've been here for 11 years and there's never been this animosity in that office. Councilwoman Mead said, that has nothing to do with a job description Joe. Mayor said, where do we find Assistant written down? Attorney said, well somebody came up with what the job description was and the advertisement that Vic has. It's the same thing as Bruce, where's Bruce's job description written down? Joyce said, I think the bottom line is that you have to put Deputy in front of whatever so that if anything happens where she's not here, its covered. That's what she does now. Councilwoman Evans said, but it has to be official. Attorney said, Donna has to designate a Deputy and the only thing that the designation of Deputy means is that when Donna's not here, whoever you guys have designated as Deputy Clerk acts as Donna. Councilwoman Mead said, and it should be someone that knows how to run the office and nobody in here knows it but Kelly. Joyce said, it has to be Kelly because I don't know what her job is. Attorney said, you don't need to know what her job is. All we need is somebody to sign off on official documents. Clerk said, it shouldn't be anyone except Kelly, I just want to make it clear... Joyce voiced that she didn't want to put her name on an official document. Clerk said, I would request to the Council that Kelly will be the Deputy Clerk and still retaining her current titles as well. Mayor said, and what is that? Clerk and Pat said, Treasurer and Clerk Assistant. Mayor said, Pat we don't have assistant written down anywhere. Mayor said, for the last 2 months Donna, we haven't voted on anything without, according to Craig for the last years and I agree a 1000% we either do an Ordinance or a Resolution but we don't vote, so let's move on. Councilman Warren said, wait a minute, I will

make that Motion that we agree with Donna in appointing Kelly as the Deputy. Mayor said, we don't have a Resolution to do it. Councilman Warren said, I beg your pardon? Councilwoman Evans said, he made a Motion. Mayor said, we don't have a Resolution for you to even make a Motion. Attorney said, you guys have not been doing that. Mayor said, Donna have we. Clerk said, you have started doing Resolutions, but you don't have to if someone seconds that Motion, they can vote now. Attorney agreed. Councilman Griffin seconded the Motion. Mayor said, what's the Motion? Councilman Warren said, that we appoint her adding Deputy Clerk to Kelly's present titles. Councilman Griffin said, and I seconded it. Mayor said, we have a Motion and a second, I still say there's no title anywhere that says assistant. Attorney said, we are getting a administrative job wrapped around a charter job. I know I've said this before and I've got to say it again. You guys are sucking Assistant Clerk into Deputy Clerk. The Deputy Clerk is only an official title, just like the Mayor Pro Tem is only an official title. The fact that somebody gets designated Deputy Clerk changes nothing except when Donna's not here. Mayor said, so Doc make your Motion that Kelly be Deputy Clerk period. Clerk said, there's already a Motion on the floor. Councilwoman Evans said, he can amend his Motion. Clerk said, then I'll withdraw my appointment until after the first of the year. It was asked who's going to cover when you're gone? Clerk said, this is playing games and this is why you guys have been losing Town Clerks. Attorney said, there is a Motion and a second if I recall it correctly, Kelly to be designated the Deputy Clerk and the Assistant Clerk. There was a second, there can be an amendment to that or they can withdraw the second and a new Motion can be made. Mayor said, I thought you could only have one thing on a Motion. This is 2. Attorney asked Clerk if I had a note on what the Motion said? Clerk said, yes, his Motion is to appoint Kelly as Deputy Clerk along with her other job titles. Mayor said that's 2. Attorney said, ok, because she's also the Treasurer and the Clerk Assistant. Mayor said, is that 2 Motions Craig? Attorney said, no that's actually one Motion. If the Motion passes it will be Kelly Deputy Clerk/Assistant Clerk/Treasurer. Councilman Warren said, correct. Mayor said, well if that's the Motion and second, I totally disagree because we do not have anything that says Assistant Clerk and what Assistant Clerk does. Clerk said, you do actually Joe, because you have the job description. Councilwoman Evans asked Kelly if she had anything to say? Kelly said, I agree with Joe, there is no Clerk Assistant in the Charter as far as positions. It was in the ad that was posted but in our Charter there is no title as Clerk Assistant. Attorney said, correct, that's because the Clerk Assistant is an administrative job like Bruce is an administrative job and the duties of the Assistant Clerk may need to be defined but have nothing to do with the appointment of a Deputy Clerk. Mayor said, that's why I don't want to combine them with it. Attorney said don't do it because its got nothing to do with her (Kelly), it's got nothing to do with her (Donna), its got nothing to do with you and its got nothing to do with this whole big thing that's going on that I've been hearing about. Its that just as the Town Clerk is defined in the Charter, that's what she's supposed to be and you appoint that person to be the Town Clerk and now you are appointing a person in an official capacity to be the Deputy Town Clerk which has nothing to do with anything else. Mayor said, yep. Mayor said, but the Motion doesn't say that. Attorney said, yes it does, it says they are going to appoint her to be the Deputy Town Clerk along with the Assistant Clerk, whatever that is, and the Town Treasurer, whatever that is. Mayor said, at this point we don't know what Assistant Clerk is. Clerk said, yes you do there is a job description which has already been identified by the Council. It is what was posted and given out with the application when Kelly applied for the job. Councilwoman Mead said, that's what it is. Attorney said, Joe the way to do this is you've got a Motion, it votes up or down. Regardless

if it votes up or down, I think there is an issue for clarity's sake as to what the Assistant Town Clerk is supposed to do and that is something we can address at another meeting.

Councilwoman Mead said, we can vote on this now and address the Assistant at the next meeting or whenever. Attorney said, or never. Mayor asked all in favor of the Motion, 6 approve, Mayor opposed.

Questions and comments. – Councilwoman Mead said we have a sign ordinance and I would like to see that sign that is stuck in front of the Community Center removed. Its not supposed to be there and makes it difficult for the guys to cut the grass. The sign is Crime Stoppers. Clerk said, I've asked the maintenance team to pick up signs as they see them and I'll request them to remove that one.

Upcoming events: Were reviewed from the packet.

Councilman Griffin made a Motion to adjourn. Adjourned 8:07 pm.

