

The City Council in and for the citizens of the City of Lake City, Florida, met in a Special Called Session, on December 27, 2023 beginning at 5:00 PM, in the City Council Chambers, located at City Hall 205 North Marion Avenue, Lake City, Florida. Members of the public also viewed the meeting on our YouTube Channel.

#### PLEDGE OF ALLEGIANCE

INVOCATION – Mayor/Council Member Stephen Witt

#### ROLL CALL

Mayor/Council Member City Council	Stephen M. Witt Jake Hill, Jr. C. Todd Sampson Chevella Young Ricky Jernigan
City Attorney Interim City Manager Sergeant-at-Arms City Clerk	Todd Kennon Dee Johnson Assistant Chief Andy Miles Audrey Sikes

After Mayor Witt read the rules of decorum aloud, Mr. Jernigan inquired about consequences should someone violate the rules. Mayor Witt reported the citizen would be removed from the meeting.

#### APPROVAL OF AGENDA

**Mr. Sampson made a motion to approve the agenda as presented. Mr. Jernigan seconded the motion and the motion carried unanimously on a voice vote.**

#### PUBLIC PARTICIPATION – PERSONS WISHING TO ADDRESS COUNCIL

- Glenel Bowden
- Sylvester Warren
- Anthony Newton

#### NEW BUSINESS

##### Quasi-Judicial Proceeding

1. Appeal of Decision of Historic Preservation Agency's issuance of Certificate of Appropriateness as to COA23-31, submitted by Rocky Ford as owner, requesting a Certificate of Appropriateness in a Residential Single-Family 3 (RSF-3) zoning district as established in Section 4.5 of the Land Development Regulations and located within the View Shed of the Lake Isabella Historic District, established in Section 10.11.2, of the Land Development Regulations on property described as City of Lake City Parcel 13319-000.

## A. Preliminary Matters

At this time Mayor Witt closed the regular session to conduct a public hearing and receive comments for the Appeal of Decision of the Historic Preservation Agency's issuance of Certificate of Appropriateness as to COA23-31, submitted by Rocky Ford as owner, requesting a Certificate of Appropriateness in a Residential Single-Family 3 (RSF-3) zoning district as established in Section 4.5 of the Land Development Regulations and located within the View Shed of the Lake Isabella Historic District, established in Section 10.11.2, of the Land Development Regulations on property described as City of Lake City Parcel 13319-000.

Mayor Witt reported all public testimony would be taken under oath. Everyone testifying would be subject to cross-examination, all documents and exhibits would be entered into evidence. The giving of opinion testimony was limited to experts, and closing arguments were limited to the evidence of record.

City Attorney Todd Kennon explained to members the process of disclosing ex-parte communications, including any site visits.

At this time members disclosed of ex-parte communication:

Ms. Young disclosed ex-parte communication for comments made at the October 17, 2023 and November 7, 2023 Historic Preservation Meetings.

Mr. Sampson disclosed ex-parte communication for a conversation with Barbara Lemley; a text message received from an unknown number of 368-361-1155 and several emails addressed to council.

Mayor Witt stated he drives by the property in question during his everyday travels, and has spoken to a lot of citizens in the last few months that are involved, but not regarding this topic.

Mr. Hill stated he hasn't spoken to anyone regarding the topic.

Mr. Jernigan stated he read over the packet provided.

At this time the City Clerk, Audrey Sikes, swore in the applicant/appellant, staff, and all witnesses.

Mayor Witt asked that all exhibits, diagrams, photographs and similar physical evidence referred to during the testimony be submitted to the City Clerk at this time to be marked for identification. No exhibits, diagrams, photographs or physical evidence were submitted.

### **1. Applicant's/Appellant's Presentation**

Lang – did not speak

Brenda Douglas referenced the September 12, 2023 Historic Preservation Agency meeting and stated no public notice was given to be able to present public comment.

There was no cross examination of Ms.

Douglas. Mr. Layton – did not speak

Patricia Gimble – did not speak

Nancy Wozniak asked that council remembered the guidelines for the Historic District when making their decision.

There was no cross examination of Ms. Wozniak.

## **2. Staff's Presentation**

Robert Angelo of Growth Management deposited three staff exhibits to the City Clerk, attached as Exhibit 1, Exhibit 2, and Exhibit 3. He read aloud sections from the City's Land Development Regulations.

There was no cross examination of Mr. Angelo.

Rocky Ford reported he has agreed to comply with all requests from the Growth Management Department on this project and stated there are no restrictions on deeds referring to the Historic District.

There was no cross examination of Mr. Ford.

## **3. Testimony and presentation of evidence by the public with alternating speakers in support of and in opposition to the application and cross examination after each witness, if so elected.**

Barbara Lemley spoke in opposition of COA23-31. There was no cross examination or questions asked of Ms. Lemley.

Mavis Georgalis spoke in opposition of COA23-31, and to the architectural and aesthetic appearance of mobile homes. There was no cross examination or questions asked of Ms. Georgalis.

Mr. Ford responded with a statement on the lack of consistency of the style of homes throughout the Historic District.

Dawn Lydick spoke in opposition of COA23-31 and read a Regulation from the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings from her personal cell phone. There was no cross examination or questions asked of Mrs. Lydick.

Sylvester Warren spoke in support of COA23-31. There was no cross examination or questions asked of Mr. Warren.

**4. Closing statement by staff**

Director of Growth Management Director Dave Young provided a closing statement and staff recommendation to issue a permit, as Mr. Ford had agreed to all stipulations.

**5. Closing statement by applicant/appellant**

Brenda Douglas provided a closing statement and inquired as to when final approval was given for COA23-31.

**6. Rebuttal statement by applicant/appellant**

Rocky Ford provided a closing statement and spoke on the need for affordable housing in the City.

**7. Discussion by Council of the evidence presented**

Mr. Jernigan stated it appeared Mr. Ford had checked all the boxes required by the City.

Mr. Sampson recommended confirming the Board’s action, as no rules with the City have been broken.

City Attorney Todd Kennon stated transcripts of the appeals had to be provided to members for consideration. He reported no transcripts were provided.

At this time, Mayor Witt closed the public hearing for Council deliberation.

**Mr. Sampson made a motion to affirm the Historic Preservation Agency’s issuance of Certificate of Appropriateness as to COA23-31, based on the presentation from City professionals Dave Young and Robert Angelo, and that the City follow the rules of the Land Development Regulations. Mr. Hill seconded the motion.**

<b>Mr. Sampson</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jernigan</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Nay</b>

**2. Discussion and Possible Action - Proposal to investigate the raises given by Paul Dyal for FY21-FY22, FY22-FY23, FY23-FY24 (Council Member Todd Sampson)**

Mr. Sampson reported raises that were given referenced a pay study as supporting documentation, but stated council never viewed or approved the study. He suggested an independent audit to review inconsistencies in raises given out.

Mr. Hill stated if an audit was to be performed, the City should look at all raises given out.

Mr. Sampson suggested a timeframe of from when Joe Helfenberger was City Manager until the present. He also stated some positions in the City were not properly advertised.

Mayor Witt suggested a policy on raises moving forward.

Mr. Sampson commented on the lack of documentation supporting the raises and reported having heard of a policy that would limit the amount of a raise the City Manager could give.

Ms. Young inquired as to what the consequences would be for determining how raises were given.

Members discussed the possibility of termination, to rolling back raises.

**Mr. Sampson made a motion to have auditors James Moore and Company look into raises given. Mr. Hill seconded the motion.**

PUBLIC COMMENT: Sylvester Warren

**Mr. Sampson clarified his motion would cover all raises given by Mr. Dyal.**

Ms. Young touched on consequences and suggested to let it go but look into policies.

PUBLIC COMMENT: Anthony Newton

City Clerk Audrey Sikes confirmed with Mr. Sampson the timeframe would be the time Mr. Dyal served as City Manager.

Clarified motion: **Mr. Sampson made a motion to have auditors James Moore and Company look into raises given by Paul Dyal during his tenure as City Manager. Mr. Hill seconded the motion. A roll call vote was taken and the motion failed.**

<b>Mr. Sampson</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Ms. Young</b>	<b>Nay</b>
<b>Mr. Jernigan</b>	<b>Nay</b>
<b>Mayor Witt</b>	<b>Nay</b>

3. Discussion and Possible Action - Proposal to investigate severance pay of Paul Dyal (Council Member Todd Sampson)

Mr. Sampson questioned the Council non-approved severance package Mr. Dyal had been receiving. He suggested filing a claim against the City Attorney's E&O Insurance policy as he felt they would be liable in this situation.

Mr. Kennon reported he would have no further comment due to a threat of a potential E&O claim.

**Mr. Sampson made a motion to refer the investigation of severance pay of Paul Dyal to the City’s auditor, James Moore, for inquiry as to the legality of this document and to determine if the City needs to pursue this any further. Mr. Hill seconded the motion.**

PUBLIC COMMENT: Sylvester Warren; Stew Lilker

**A roll call vote was taken and the motion passed.**

<b>Mr. Sampson</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Ms. Young</b>	<b>Aye</b>
<b>Mr. Jernigan</b>	<b>Nay</b>
<b>Mayor Witt</b>	<b>Nay</b>

#### COMMENTS BY COUNCIL

Mr. Sampson reported he would not be filling out the new required Form 6 Financial Disclosure.

Mr. Sampson tendered his written resignation, Exhibit 4, effective December 30, 2023.

PUBLIC COMMENT: Sylvester Warren

#### ADJOURNMENT

**Mr. Jernigan made a motion to adjourn at 7:00 PM. Mr. Hill seconded the motion and the motion carried unanimously on a voice vote.**

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Stephen M. Witt, Mayor/Council Member

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Audrey Sikes, City Clerk