

TOWN COUNCIL  
REGULAR MEETING  
MINUTES  
APRIL 19, 2022

**PRESENT:** Mayor Gardner, Vice Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, and Councilman Theo Washington. **STAFF:** Attorney **Dean Mosley**, Cathlene Williams, **Town Clerk**, Albert English, **Public Works Director**, Joseph Jenkins, **Deputy Chief**, and Katrina Gibson, Finance Director.

**I. CALL TO ORDER & VERIFICATION OF QUORUM**

Mayor Gardner called the Town Council meeting to order at 7:51 PM, Pastor Critton led the Prayer, followed by the Pledge of Allegiance.

**II. APPROVAL OF THE AGENDA**

Motion by Councilwoman Randolph to approve the agenda with the changes made, the motion was seconded by Councilman Washington; **AYE: ALL, MOTION PASSES.**

**III. INVOCATION & PLEDGE OF ALLEGIANCE**

**IV. AWARDS & PRESENTATIONS**

**V. CITIZEN PARTICIPATION (THREE (3) MINUTES STRICTLY ENFORCED).**

- **Vivian Jenkins-** Parents live at 116 Mulberry Street, we have been there since the early 60's, I am here on behalf of my parents, I have taken medical leave to care for my sick father. I am concerned about the area in front on our residence, I know this has been on the agenda for a while regarding the Right-of-Way, we have been maintaining that area, keeping it clean as much as possible; the Town needs to keep it green at all costs for the safety of the community. Understand, when my parents built their home in the early 60's, they had to give up 100x10 to put a road there to be sufficient for citizens in our community. So, if we want to give up something, lets consider what we have already sacrificed. Also, we have maintained that area; utilized it for the good of this community. Two years ago, when Ms. Barbara passed, during the height of COVID, my parents were the hosts for the families repass when they had to bury their loved one. We also hosted by father's 80<sup>th</sup> birthday two (2) years ago in that same green area. We are hoping to use that same area next month as my parents celebrate 60 years of marriage. So, I am here to speak and ask the Council on what we can do to keep that area green and not in a situation where we could lose it all together, it is not smart to do anything else there.
- **George Williams:** 147 Lincoln Blvd- I would like as a citizen that you could change the comment report, instead of it being at the beginning of the meeting, put it at the end, to give citizens the opportunity to speak on the Council, and the citizens speak to the Council
- **Thomasina Williams-** the minutes for the April 5<sup>th</sup> Council meeting; my name appears in the minutes right after the Roman numbers; I was relaying to the Council in response that came from a question from Councilman Rodney Daniels; I specifically stated on the record that I was relaying what Mr. Benderson had said. I did not say this in reference to myself

but was responding to a comment from Councilman Rodney Daniels about what Mr. Benderson had told him and Mr. Benderson referenced that in your February 15<sup>th</sup> Council meeting. And for the record on the video tape that discussion where I said that; that is not what I represented to the Council. On behalf of **BW Land 132 LLC; filed a petition for Right-of-Way back in December;** this is our 4<sup>th</sup> appearance on this matter. There is now a Resolution before you that our petition needs to be advertised publicly before it comes back to the Council. Ms. Williams asked attorney Mosley will the Council vote on this tonight? Attorney Mosley will amend the Resolution to ensure all items are included in the Resolution and bring it back next week. Will it require a public hearing and advertisement as asked by Ms. Williams? Mayor Gardner asked Attorney Mosley, if the Resolution is approved tonight; abandon of right-of-way; how would that affect the Jenkins family? Attorney Mosley replied, in the Resolution included is a provision that all the contiguous property owners be notified for the public hearing about this, and then come back and pass an Ordinance. The Attorney General allows this by either Resolution or Ordinance, with all the concerns, I wanted to ensure everyone participated in this before the Ordinance is passed. So, we are approving a Resolution to allow the abandonment of the right-of-way, as asked by Mayor Gardner? Attorney Mosley replied, YES. Councilman Marlin Daniels asked that the Attorney and all parties involved in this, make sure all documentation is clear and concise before this comes back. Ms. Williams stated that we are not going to build anything in the right-of-way, just to be clear. Mayor Gardner stated again that we are not approving the Abandonment, just the petition to give additional time for review. Attorney Mosley stated what we are acknowledging is Ms. Williams petition is a valid petition and that we can do this. Vice Mayor Daniels: do we have an opportunity to present to Ms. Williams to buy this from us instead of giving it away, find out how much it costs and work out a deal, and not take away what the Jenkins have done with this property; those taxes go to Maitland. If we can get some type of funding to help the Town, just asking for this board? Attorney Mosley replied that is something we can talk to Ms. Williams about; this was never contemplated until you brought it up. Councilwoman Randolph states she concurs with the comments from Vice Mayor Daniels; the area right-of-way proposed for the abandonment consists of 3919 square feet, which measures 13 feet by 260 square feet; the entire right-of-way is 50 feet by 263 feet which is 13,150 sq.ft. After reviewing the property, the side that she wants is Maitland side, they will benefit from the taxes; the Church would benefit from the other side. I agree if we could work something out, no one is giving up land these days. What will Eatonville benefit and not benefit. There is a road there, but has never been used as a road, this is where I stand, I will have to really think about this issue as we move along.

## **VI. PUBLIC HEARING**

### **A. Approval of Resolution #2022-5, Petition for Abandonment of Right-of-Way.**

**PREAMBLE READ BY TOWN CLERK-** A RESOLUTION OF THE TOWN OF EATONVILLE TO VACATE THE PERRY STREET/FORD AVENUE RIGHT OF WAY, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion by Councilman Washington, the motion was seconded by Councilman Marlin Daniels; In section one that Florida Statute 336.09 is not apart of that; Attorney Mosley stated that will be ~~stricken~~ from the Resolution, and add the two (2) utility companies; four (4) were contacted to ensure they had no objections to vacating the right-of-way, so there were two (2) utility companies not included in the

Resolution that I need to get from Ms. Williams. AYE: Mayor Gardner, Councilwoman Randolph, Councilman Washington and Councilman Marlin Daniels; NAYE: Vice Mayor Daniels; **MOTION PASSES.**

#### **VII. CONSENT AGENDA**

- 1. Approval of the April 5, 2022, Regular Council Meeting Minutes. (Clerk's Office).**
- 2. Approval of Resolution #2022-25 Certificate of Appointment for CRA Board Members.**
- 3. Approval of Resolution #2022-21 appointment of Rodney Daniels as the Vice Chairman of the CRA Board of Directors.** Mayor Gardner referred to the By-Laws- are those appointments not made in December? Ms. Williams stated this Resolution should have been on the March 15, 2022, Council agenda.
- 4. Approval of Resolution #2022-24, Partnership with Supreme Seniors of Eatonville. TABLED.**
- 5. Approval of Proclamation recognizing the Central Florida Council, May 14<sup>th</sup> highlight the accomplishment of women around the world.**
- 6. Consideration of the approval of Resolution #2022-23, establishing procedures for citizens appointed to Town Boards. TABLED.**

Motion by Vice Mayor Daniels, the motion was seconded by Councilman Marlin Daniels, with corrections to the April 5, 2022, Council minutes; **AYE: ALL, MOTION PASSES.**

#### **VIII. COUNCIL DECISIONS**

- 7. Consideration of the approval of Resolution #2022-18, appointing two (2) individuals as alternates to the Planning and Zoning Board. TABLED.**
- 8. Consideration of the approval of Resolution #2022-19, appointing one (1) individual to the Community Redevelopment Agency Board of Directors. TABLED.**
- 9. Consideration of the approval of Resolution #2022-26, revised job description for the position of Chief Administrative Officer. PREAMBLE READ BY TOWN CLERK:**  
A RESOLUTION OF THE TOWN OF EATONVILLE, APPROVING THE AMENDED JOB DESCRIPTION FOR THE CHIEF ADMINISTRATIVE OFFICER, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. During the April 5<sup>th</sup> Town Council meeting, there was discussion regarding the job description for the CAO, this item was tabled to look at other municipalities job descriptions for; City Managers, and City Administrators; so, what I did was get the job descriptions for City of Maitland, City of Apopka, City of Winter Park, and City of Oakland, which is similar in size for Eatonville. Their job descriptions, although they are big cities and full service, the only thing Eatonville doesn't have is the Fire Department. Our job description is pretty much in line with those cities. The only changes made to the Town's job description are the highlighted areas in yellow for the CAO job description. Their job descriptions included the salary range, which start at \$90,000. Those job descriptions are included in the packet to do comparison. Vice Mayor Daniels didn't like the word "experience" but those job descriptions included the word experience; Bachelor's degree in Public or Business Administration or another related field, 7-10 years' experience, so you may have someone

that has a Bachelors degree but not the experience and vice versa was also added to the CAO job description. Vice Mayor Daniels stated that if you have someone that has a bachelor's degree and the experience, that qualifies. Ms. Williams stated, a lot of City Managers have worked in municipalities that may have started out as Public Works Director, or Supervisor, but overall, they have the municipal government experience to run the Town and know the functions of all departments. Councilman Marlin Daniels: the salary is still not included in the job description. Ms. Williams replied; we wanted to bring the amended job description back to council for approval, and bring the salary back to the Council as recommended by the Mayor. Councilman Marlin stated if we approve this with the amended language on the job description that means we will have to come back. I recommend that we table this and bring them back together. Mayor Gardner stated we can approve this with the salary range, and not have to bring this back. Ms. Williams replied, that was a lot of discussion also, when we brought this before; I hear your concerns, Councilman Marlin. **TABLED.**

- 10. Consideration of the approval of Resolution #2022-27, rescinding the approval of the Enclave's Development Agreement. PREAMBLE READ BY TOWN CLERK. A RESOLUTION OF THE TOWN OF EATONVILLE, RESCINDING THE APPROVAL OF THE ENCLAVE'S. DEVELOPMENT AGREEMENT, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.** Motion by Councilman Washington; motion fails for lack of a second.

- 11. Consideration of the approval of Resolution #2022-28 signature requirements for checks issued by the CRA. PREAMBLE READ BY TOWN CLERK A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, CHANGING THE SIGNATURE REQUIREMENTS FOR CHECKS ISSUED BY THE TOWNS, COMMUNITY REDEVELOPMENT AGENCY, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.** Motion by Councilman Marlin, the motion was seconded by Vice Mayor Daniels; Councilman Washington asked Attorney Mosley has he seen this Resolution; why does it have Town Council, shouldn't it say CRA Board we are mixing the two (2)? Attorney Mosley states it probably should say Board of Directors. Councilman Marlin Daniels asked Attorney Mosley did any of the independent board of directors' sign checks? Attorney Mosley replied, he would think not, it would be someone separate from the Directors signing checks. Councilman Marlin stated it has always been the practice that the Town Council are the only one allowed to sign checks for any agencies dealing with the Town, correct? Attorney Mosley that's what I would think, Yes. **AYE: Mayor Gardner, Councilwoman Randolph, Vice Mayor Daniels, and Councilman Marlin Daniels; NAYE: Councilman Washington; MOTION PASSES.**

**LEGAL COUNSEL REPORT:**

the Eatonville case with Grant was dropped and dismissed, so no

longer exists, no fees were paid.

**COUNCIL REPORTS:**

**Councilwoman Wanda Randolph- NO REPORT**

**Councilman Washington-** thank everyone for attending the meeting tonight.

**Vice Mayor Rodney Daniels:** thank everyone for attending the meeting tonight, we want to make sure, Attorney and this board that the projects are started back in a timely manner; the Enclave and the Lake Weston project; just want to make sure we are on board as a Town. Decency and Order, up here we are to conduct ourselves as professionals. We are family up here, when we are up here, we need to conduct ourselves as family. If there is a destruction in the audience, the chairman will address that situation, its not to this board to chastise the individual. Everyone up here knows its about respect; whomever they are, they are due respect, let the chair handle it. Last month we recognized women and their accomplishments; Mayor Gardner you should be receiving an email for an invite as the first elected female Mayor. Thank everyone for attending the meeting tonight, lets keep those projects going and have a good night.

**Councilman Marlin Daniels:** thank everyone for attending tonight, it's been a long day; I was disturbed to see that projects had been stopped without notifying Council. Mayor I am asking that we move forward with projects, we've entered binding contracts, and I ask that we move forward. We have been talking transparency, I have been very transparent, because someone else don't like someone, I will not do that, I try to be business and professional. I want to address something, Ms. Williams and Attorney Mosley are appointed by this Council, we have the right to direct and ask them to do things, I take it as a slap in the face for me to ask for things, and then be told the mayor said not to do it. The Former Director of the CRA told me the same thing, the mayor told me not to do it. If I am giving you respect, I would like to have respect on the other side, for me to find out these projects are being halted without having any insight from the Town is another slap in my face. I should not be receiving documents from outsiders saying do you know this development has been halted. I hope going forward that we have transparency and have this respect across the board so we can move this Town forward.

**Mayor Gardner:** thank you Councilman Marlin for bringing this up, thank everyone for attending the meeting tonight. The Enclave Project, we were all here when this was approved and signed, I protested, but I lost, it was voted to move forward. In that meeting there was a specific document that allowed the circumvention of the re-zoning planning and zoning process. Once I took office, I did my due diligence, there was nothing in the office, no files, on the Enclave or Lake Weston, all the documents should be in there, that had nothing to do with me, that is a planning process. That night, we terminated the 2004 Agreement; also, by majority vote, you approved the new agreement. When the old agreement was terminated, that document was attached to the old agreement. When the new agreement was signed where is the document? On March 23<sup>rd</sup>, I simply asked for the documents. All I ask, if you don't have the document just go through that process so the citizens can see the project. When you think of the document and its not in the file, that is an administrative process. The property is zoned C-3, multi-family units can be built there, it is

not unreasonable for the citizens of this Town to know how that happen. The \$125,000, if it was another City, it may be 5-7 hundred thousand dollars per unit. The Lake Weston Project, we are due for an RFQ for an Engineer we are also looking for a Planner, we have 31 permits, which paid based on the work. The Planner will ensure the cost of the work is not low balled to ensure we are getting the funds that we are due, I am doing my job as the Mayor, I am not stopping the process, I want this done right for our citizens. Update on Founder's Day, we are looking at a Prayer Breakfast, Food Trucks, live entertainment, Historical information so that we learn about the people. Councilman Marlin stated to Mayor Gardner, I hear your heart, we do need a Planner on the Town side, can we call a special meeting to discuss getting a Planner in place, its not the Developer's fault this is on our side. As a family can we work together and lift some of this burden off you and work through it, as stated by Councilman Marlin Daniels? Mayor Gardner replied, I hear you, but I don't feel it, we say the word family and working together, but we are not. If the transparency is not there of us knowing, this Council not knowing, you are going to get roadblocks, so a lot of times we can get passed this if we are transparent. I talked about the CAO, I understand they need to make more money, I understand what's needed, but it must be transparent. There were things not there, so you might get a roadblock sometimes. Mayor Gardner replied, this was administratively, it came to you. Councilman Marlin asked Mayor Gardner, what gives her the responsibility as the Mayor to stop a project? Mayor Gardner replied, process and procedures, administration. Vice Mayor Daniels asked Mayor Gardner, did we include the Attorney, the statute says it's okay now to build homes in a C-3? Attorney Mosley replied, it is now. Vice Mayor Daniels asked Mayor Gardner, about the Developer's Agreement, the one that was signed you have that right? Mayor Gardner replied, Yes. Attorney Mosley stated that he did see the letter that was signed by the acting planner, that stated the Enclave could build low-income houses in commercial 3 zone but doesn't know where it is now. That letter acknowledges the County allowing it, not the Town, otherwise we would have to do a rezoning process.

**ADJOURNMENT:** Motion by Mayor Gardner to adjourn, the motion was seconded by Councilman Washington; **MEETING ADJOURNED** at: 8:59 PM.

Respectfully Submitted by:  
  
Cathlene Williams, Town Clerk