

-
TOWN COUNCIL
REGULAR MEETING
MINUTES
APRIL 5, 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.

Mayor Gardner called the Town Council meeting to order at 8:09 PM, Pastor Critton led the Prayer, followed by Pledge of Allegiance.

- I. CALL TO ORDER & VERIFICATION OF QUORUM**
- II. INVOCATION & PLEDGE OF ALLEGIANCE**
- III. AWARDS & PRESENTATIONS**
- IV. CITIZEN PARTICIPATION (THREE (3) MINUTES STRICTLY ENFORCED).**

Thomacina Williams- asking for confirmation that this item will be brought back to Council at the next Council meeting for approval. Attorney Mosley stated he has looked at the property and vacate that right-of-way so they can do what they need to do. It looks like a corner lot, but it's not, my recommendation is that we address this issue and vacate the right-of-way. Vice Mayor Daniels stated it would be up to this board to approve the vacate of the right-of-way, but according to Mr. Benderson's recommendation, really like to know what Maitland says. Ms. Williams replied, Maitland has always maintained that this was in Eatonville, Maitland has said they didn't have a dog in this fight. Their development review committee spoke to grant our petition back in January. Mayor Gardner asked if there are no objections, we will put this on the Agenda for the April 19th Council meeting, we need to make sure we receive all the documentations for the meeting.

Ryan Novak- couple of suggestions, the CAO salary should be commensurate with experience. I want to address transparency and accountability; I really appreciate Councilman Rodney Daniels speaking on that; you are posting things outside; the website has not been updated since GEOCities; we need to have free access to that information. Give your citizenship technology at their fingertip.

Louissteen Cummings- Councilwoman Randolph, she mentioned some of the items she did not hear; to be honest you can't hear out here; that's why its so muffled you can't pick it up because it's not coming through. Also, can the podium be positioned in another area of the Chambers? With the Planning and Zoning Board, I have been on this Board off and on since Mayor Grant was the Mayor, I learned on my own. I don't think any of the Council members are knocking the resident from becoming a member of the Planning and Zoning Board, I feel anyone that comes on the Board should have at least about 6 weeks training.

Angela Johnson- the Council has been talking about transparency, since I have been back and involved in the Town; part of the issues I think in attracting qualified individuals is because you as elected officials have set a precedent of moving salaries from a salary line to contingency line simply to get rid of employees. The Council members are not running the HR department, I would

challenge you that the Attorney should not be tasked with writing a job description, unless he is acting in that capacity of an advisor. The Resolution for the Surtax, residents need to be informed on how this will impact them; the Town's needs do not dictate what you are going to receive; it will be pro-rated based on the amount of money you will receive. My question is who hires; does the Board hire or does the Mayor hire? The Mayor brings it for your consideration, I think we need to figure out who has the hiring authority, and will there be a level of trust for the individuals that will make those decisions? Back to the CAO salary, again is it the responsibility of this board to hire and to determine the salary? The question was asked where is the \$45,000 coming from? That is the net difference to move the salary up to the \$125,000. I looked up the average salary, which is for a Town of this size, at a minimum you are looking at \$95,000. Again, the Town has set a precedent on the way it operates to pull those individuals in.

Linder Greathouse- more information on the meeting that is taking place at Hungerford Elementary School concerning the building on the school board property, the Citizens have not heard anything.

V. PUBLIC HEARING- N/A

VI. CONSENT AGENDA

- 1. Approval of the March 15, 2022, Regular Council Meeting Minutes. (Clerk's Office).**
- 2. Approval of Proclamation Proclaiming May 21, 2022, as Kids to Parks Day in the Town of Eatonville. (Clerk's Office).**
- 3. Approval of Resolution #2022-15, Changing the Signature Requirements for Checks issued by the Town because of the March 5, 2022, General Election. (Clerks' Office).**
- 4. Approval of Resolution #2022-16, re-appointment of Eddis Dexter to the Police Pension Board for a two (2) year term. (Clerk's Office).**

Mayor Gardner put a motion on the floor to approve the Consent Agenda; Motion by Councilman Washington to approve the Consent Agenda, the motion was seconded by Councilwoman Randolph. **AYE; ALL, MOTION PASSES.**

VII. COUNCIL DECISIONS

- 5. Consideration of the approval of Resolution #2022-17, support of placement of one percent (1%) transportation surtax referendum on the November 8, 2022, County Wide Ballot for consideration by the voters of Orange County, Florida. PREAMBLE READ BY TOWN CLERK: Motion by Councilman Washington, the motion was seconded by Vice Mayor Daniels; **AYE: ALL, MOTION PASSES.****
- 6. Approval of Agreement between the Town of Eatonville and CPH-for Continuing Professional Services dated January 19, 2022. Motion by Councilman Washington, the motion was seconded by Vice Mayor Daniels; **AYE: ALL, MOTION PASSES.****
- 7. Consideration of the approval of Resolution #2022-18, appointment of one (1) individual as a member to the Planning & Zoning Board for a three (3) year term.**

Motion by Councilman Washington and seconded by Vice Mayor Daniels to table this item: AYE: ALL, MOTION PASSES: TABLED.

8. **Consideration of the approval of Resolution #2022-19 appointment of one (1) member to the CRA Board of Directors.** Motion by Councilman Washington, the motion was seconded by Vice Mayor Daniels to table this item: AYE: ALL, MOTION PASSES. TABLED.

9. **Consideration of the approval of Resolution #2022-20, move salary of Chief Administrative Officer from the Contingency line #001-0511-511-5800 to the salary line #001-0512-512-1200, increasing the salary from \$80,000 to \$125,000 salary range-** Mayor Gardner stated this position is important to the Town, we are at \$80,000 for this position; after discussion with Ms. Williams and the feedback that I am getting, the problem has been the salary. Councilwoman Randolph agrees we do need to have a Chief Administrative Officer for the Town of Eatonville; the salary of \$125,000 compared to the \$80,000 is a 35% increase in salary. In your description for your request states the funds will be taken from contingency fund, which has a balance of \$169,000; but the line is listed for \$227,000; transfer \$125,000 to that line item, but that line item has only \$45,000. We must take into consideration the Town's population of about 2,400, the position is listed as full-time. I just want to ensure we are doing what we are to be doing. The information I received; we want to circumvent hiring a Police Chief for the Town. How long has this position been vacant? Ms. Williams replied: about 5 Years, but the hiring of a CAO will not circumvent the hiring of the Police Chief. CAO is not a law enforcement officer, I think we need to get back to basics, we need to have a police chief, its time for this Town to move on. The Police Chief is not in the budget, it should be a vacant funded position, I don't feel comfortable in hiring someone for \$125,00 here for the Town of Eatonville. If we bring that salary down to a comfortable range the Council can be comfortable with, I will support that. The Council needs the opportunity to look at the candidates, and the other publications this position was advertised. Vice Mayor Daniels: I hate the word experience, planning experience. Councilman Marlin Daniels asked where is the \$45,000 coming from? Ms. Williams replied, these funds will come from Contingency Fund. The Chief Administrative Officer is a well-rounded Administrator; know all the functions of running a government, all the departments; contract negotiations, whether a bachelor's degree, the individual has a wealth of knowledge when it comes to running an organization. Councilman Marlin Daniels asked Ms. Williams how was the salary determined? Ms. Williams replied, the starting salary for a Chief Administrative Officer with experience starts at \$130,000 medium range \$285,000. Councilman Marlin Daniels asked Ms. Williams where is this job being advertised? Ms. Williams replied to Quality Cities magazine, which is free advertisement, the Town's Website. What about Indeed, its not on Indeed. With Indeed or the Orlando Sentinel, we have tried that avenue, and do not receive the candidates; I understand that Eatonville is small, the biggest challenge has always been the salary, so to be competitive with the market and get the candidate that Eatonville need, we have a lot of projects on the table, we need someone to oversee these

projects. Councilman Marlin stated we do need a CAO, but if we are not putting out a quality project, we will not get quality candidates, maybe we should consider using a recruiter. Ms. Williams asked what is the price we are willing to pay for a recruiter? He will get back to me on this. Councilman Washington asked is the Mayor or the Council looking for a candidate? Mayor Gardner stated before we spend the money on recruiting; make the salary more competitive. Ms. Williams stated that another thing we don't have is the FRS Florida Retirement System. **Mayor Gardner put a motion on the floor to approve the salary range of \$80,00-\$125,000;** motion fails for lack of a second. Councilman Marlin Daniels made a motion that this be tabled until we get more clarity on the position.

LEGAL COUNSEL REPORT:

NONE

COUNCIL REPORTS:

Councilwoman Wanda Randolph- upgrading our system, this is long overdue, I have confidence this will get done. In regard to preparation for this office, I feel some of the information we get is poorly prepared, we have to keep calling for documentation. If a Councilmember requests information, it should not reasonably deny or be delayed for whatever reason; if it is we need to be notified of the status of that information request. If information is being requested from my, the information should be shared with all Council members, to avoid repeating the request. I had a very difficult time through my communication, whom is the custodian of records. If I am requesting records from the CRA who is the custodian of records? Attorney Mosley replied: the Town Clerk is the custodian of records; the Agency of the CRA should share their records with the Clerk as well. Since the Director is not an employee of the Town of Eatonville, it would not be out of the ordinary to send communication to him or whomever is over there. Councilwoman Randolph spoke with the Executive Director today, he indicated that the Town Clerk. Regarding this building, we have about 25-30 people here, we should have a scan, we don't know who is coming in the building, the Town is responsible to protect the citizens; everyone coming in the building should be scanned. Employees do not have badges, need badges for our employees. Want to emphasize the board vacancies, we should have a copy when they become available. Still have pending issues concerning Mr. Tommy Dixon property; what is the status of the Deed that was to be prepared? Attorney Mosley stated it has to be decided, will the CRA make that decision on the CRA Attorney, I will make myself available. If the Council gives one of us direction it will be done. Attorney Mosley stated that he and CRA Attorney are not on the same accord; his position is he represents the Director and not answer to the Board of Directors. As the Town Attorney according to the Charter, I am the person that any agency can call to do something if someone doesn't. If you all ask me to step in, I will step in. As the Attorney for the Town, it is my expectations that I will ask you to provide information next week regarding Mr. Dixon's property, as stated by Councilwoman Randolph. The Town owns the property, so the liability falls on the Town. The office of the Council is very important, I appreciate Ms. Williams and Mrs. Gibson taking time showing me around the building. I am the newly elected official, when I request information, I am not trying to stir up anything, just trying to do my job as your Council and leader.

I haven't received a paycheck yet, not sure if its delayed. If information I requested is not ready, please call and let me know, cell phone, business cards, the Council office needs to be cleaned. Issue from resident about their water bill, everyone should pay their water bill, I will be asking for print out, to ensure everyone is treated in the same manner. We have unfinished business with the CRA, not sure where we are with this, we need to take care the business of the CRA and get this Town running the way it should be.

Councilman Washington- when did the Council get an office? Ms. Williams stated when she was showing Councilwoman elect, I showed her an office and indicated this will be the Council office, when the room is ready. With the IT situation, we need to get it up and running, efficiently and professionally. Resolutions and Ordinances signed by the Mayor, uploaded on the website for public accessibility. First official meeting of the Council, let Administration get IT to update the website, hear a lot about it, need to make it professional. We need to become more transparent and that we are all on the same page. Hope everyone has a good night and thank you for coming out.

Vice Mayor Rodney Daniels- it's been a long night, has the Town received any litigation? Attorney Mosley replied, we received a Writ of Mandamus from Aloma Title, trying to force the Town to satisfy a lien. I have responded with a motion to dismiss their petition, they didn't follow procedure, only Council can waive lien fees. A lot of times up here we have issues, and we try to get along, we are family up here. I have issues with the CRA, I have questions: What By-Laws are we following, are we following the old ones; is Ms. Henderson a Board member or not? The contract situation with the Executive Director, we know the contract was passed, the CRA Attorney didn't see it. There was an audit done, how many had the opportunity to see the Audit? We have former Councilmember Tarus Mack saying there is a million dollars missing. On page three (3) of the Audit; Attorney General; should the board have a right to give away their authority? Response was to the City of Avon Park; should not give away authority, but we did. In the audit report, it shows multiple transactions, without transactions memorandums, as stated. Shows problems with the Executive Director, the staff, code enforcement, financial staff; who's watching the Executive Director. We have been disrespected as a people; I have been disrespected as a Council person. I have been requesting documents and must go around circles to receive them. Right now, Mayor, I would like to make a motion that we suspend the CRA until these audit issues are addressed, lets be transparent about what's going on, lets take this and correct the problem. Mayor Gardner stated this item was not brought up during workshop, you can't put it on the 7:30 Agenda. This is not a CRA Meeting; however, if we are going to be transparent about those items you are referring to have been cleared up. Vice Mayor Daniels stated for the record, our Executive Director is very disrespectful. Vice Mayor Daniels asked Attorney Mosley could the Town Council suspend the CRA? Attorney Mosley replied the Board of Directors could, but this is not a CRA Meeting. The reason you do not want to suspend it is because it is a special district; legislation will take the CRA away, and you will not have it again; you also give Orange County the option to never pay the \$800,000; my recommendation was to go through the Writ of Mandamus. Vice Mayor Daniels has respectfully asked the Clerk to poll the Board members so that we can have a meeting, it hasn't happened yet; what other avenue do I have to get this meeting scheduled and discuss this issue? Vice Mayor Daniels requested to have a Special Session CRA

meeting on Friday April 8th at 5:00, asked the Clerk to poll everyone since we are under the old Bylaws. Attorney Mosley indicated that the Bylaws can not supersede the Statutes, when you try to take away your Board of Directors to call a meeting, then you are overstepping the Statutes. Bylaws cannot prevent you from meeting statutory obligations. I do agree with the Mayor on the motion because it wasn't brought up in the workshop

Councilman Marlin Daniels: asked Attorney Mosley is the CRA an agency of the Town? Attorney Mosley replied, yes in his opinion. Orange County Taxing Authority could suspend the Eatonville CRA, correct? As asked by Councilman Marlin Daniels. Attorney Mosley replied they could deem that its delegatory to Eatonville has been violated and shut it down. Information that I requested 5 months ago, just received today at 2:30 PM., someone used the word nepotism, I have evidence of that being done in the CRA, which is leading me to suspend the CRA. Everyone up here has fiduciary responsible for the monies being used in the CRA the wrong way, we can all go to jail. We are going to be transparent and hold people accountable. Mayor Gardner stated if you really want what is best for the Town and get the truth, you will at least come to the retreat. I don't think you will get the answers because you are not looking for them. My discussion items; the Zora Festival supposed to be June, haven't received anything back, need to come before Council, haven't heard anything about Founder's Day, that needs to come before Council; job vacancies; descriptions and everything. Budget adjustments, we need to look at the Budgets; the salaries for the police officers, they are not acceptable; the Police Chief position is not in the Budget. We try to workshop and Town Council meeting the same day, my suggestion would be, maybe this could be in a Resolution; the first Tuesday is the Workshop, the third Tuesday we vote on from the previous Workshop; and vice versa. I understand emergencies may come up, but this gives adequate time to research, accountability, and transparency, those are key things. I was in favor of suspending the CRA, but I am backing down from it; Mayor I understand you are not going to move that motion tonight, so Ms. Williams I will be asking for a special meeting on Friday; 4/8/2022 for the Town Council to suspend CRA, we will get this Town straight.

Councilwoman Randolph agreed to a Special Session, we need to get to the bottom of this, and possibly suspension. Comments from Councilwoman Randolph as made during the workshop: racism is not being condoned by Mayor Cole, presentation regarding special restricted funds for youth, specifically drum core; also to acknowledge the historical moment of our Mayor being the first female; and also to acknowledge former Councilwoman Ada Sims was appointed as Mayor; and also myself and my husband James Randolph; historically first married couple on the Council.

Mayor Gardner: On April 13th there will be a listening session for the development of the Hungerford Property. All citizens should receive a flyer, this will be held at the school cafetorium, this communication is coming from the Developer. I heard everything everyone said tonight, 22 days in and I am feeling it, there are a lot of things we have to work on, the retreat is open to the public from 9-5 some of these issues will be discussed on Saturday.

ADJOURNMENT: Motion by Mayor Gardner to adjourn, the motion was seconded by Councilman Washington; **MEETING ADJOURNED** at: 10:09 PM.

Respectfully Submitted by:

Cathlene Williams, Town Clerk
