

TOWN COUNCIL
REGULAR MEETING
COUNCIL MINUTES

FEBRUARY 1, 2022

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

Mayor Cole called the Town Council meeting to order at 7:30 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)**

TANISHA AVERY: 234 Amador Circle- why the community pool is not open for the residents for them to have free swimming lessons for the kids and adults. There are streets lights not working on some of these roads, they have been out for a while, some of the roads are dark, I was in an accident because the roads are too dark, on Katherine Street, in front of 501. Mayor Cole thanked Ms. Avery for bringing to the attention of the streetlight, I know Mr. English will get this taken care of. During the night, the police department is looking at where lights are out, and let staff know of the lights that are out, and they will gladly accommodate that. When any of our residents do not get satisfaction from our staff. I know Mr. English will look at this, with as many things as they are doing right now, but we will address this, thank you so much. As for the pool, for the last year before the pandemic began, the pool was open every day, then COVID hit. We go through a program, not our personal program. For the pool, you make your priorities, for those that know anything about municipality, pools are wonderful and refreshing; but they are also a leisure of the day-to-day things that you have in your city. Our main thing is to ensure our infrastructure is right, we've had one pipe that broke on West Kennedy Blvd, and that was about \$50,000, we had to make a choice on the pool or getting the pipe repaired for the citizens. If you look at the pool now, it is in the second phase of algae, it is being cleaned, again, it will go on a priority list of pending matters and making sure; the public works department will be putting in touch meters for more accurate readings; putting in these touch meters became a priority for our community. If we had all this money we say for the Town, the pool should have gotten fixed, as stated by Ms. Avery. As for us having all this money, don't know where its coming from, we don't have all that money as stated by Mayor Cole, but we are working as hard as we can. **Vice Mayor:** most cities have pools, which are up to code, zero level to whatever, we need to bring the pool up to code, and build a new one; pools are now done like a beach; our pool is out of code; most municipalities are building new pools, we have to just plan to move these things; were not planning, we are worried about everything else; but not the things that our residents need. Fields, sports stuff, pools, tennis courts, were not worried about that stuff. I'm big on recreation, we used to have several teams out here,

with football, now we have zero, we are losing our youth to other teams and other areas. So, we need to look at the pool; knock it down and rebuild it.

V. PUBLIC HEARING- N/A

VI. CONSENT AGENDA

- 1. Approval of the January 18, 2022, Regular Council Meeting Minutes. (Clerk's Office).**
- 2. Approval of amended Resolution #2022-2, Bank Signature for TD Bank Account for the CRA (TOECRA). Administration. MOVED TO COUNCIL DECISIONS.**

Motion by Vice Mayor Washington to approve the Consent Agenda, with item #2 being moved to Council Decisions; the motion was seconded to Councilman Rodney Daniels; **AYE: ALL, MOTION PASSES.**

VII. COUNCIL DECISIONS

- 3. Consideration of the approval of Resolution #2022-7, appointment of two (2) citizens to the Canvassing Board for the March 5, 2022, General Election.** Mayor Cole stated the names he has recommended are as follows: Pastor Earl Madison, and Mr. Julius Dix; Motion by Councilman Rodney Daniels, the motion was seconded by Councilwoman Gardner; **AYE: ALL, MOTION PASSES.**
- 4. Consideration of the approval of Resolution #2022-8, Town Council authorizing the approval for Finance Department to increase the contractual line in the amount of \$3,750.00.** Motion by Councilman Marlin Daniels, the motion was seconded by Councilman Rodney Daniels; **AYE: ALL, MOTION PASSES.**
- 5. Consideration of the approval of Resolution #2022-9, Appointing a Chairman and Vice Chairman of the Community Redevelopment Agency Board of Directors.** Mayor Cole stated his recommendation, we had another recommendation; my recommendation is the Mayor would be the Chairman, and the Vice Mayor of the Town would be the Vice Chairman of the CRA, I am going to start with that. Vice Mayor Washington: he would like to recommend Marlin Daniels as the Chairman of the CRA Board, and the Mayor would be the Vice Chairman, this is my recommendation; the Mayor should not be the Chairman and the Mayor, someone needs to be in the middle, to make sure things get to us, sometimes they didn't in the past. We need to have someone there besides the Mayor that is in the office all day. Councilwoman Gardner stated she is good with this recommendation. Councilman Rodney, sitting on this Board, it has always been the Mayor as the Chairman and Vice Mayor as the Vice Chairman of the CRA Board, going back and forth, we all eventually agreed that the Mayor is the CAO. Mayor Cole replied, if you will recall, the same thing happens with the other former Mayor's; Mayor Grant; I think it was then Vice Chairman Donovan Williams recommended the Mayor as Chairman and the Vice Mayor should be the Vice Chairman of the CRA Board; this was in 2015. Vice Mayor

Washington stated that wasn't good either, my main thing is the mayor should not be the Chairman of the CRA, there were issues in the past when the Mayor was the CRA Chairman. My recommendation is Marlin Daniels. Councilman Marlin Daniels asked how long is this appointment as the Chairman and Vice Chairman? Mayor Cole replied these appointments are done annually. Councilman Marlin Daniels stated to be fair to the citizens and this board, at this moment I will decline this recommendation only because I have been trying to get information from the CRA, both the CRA and the Town are in critical state, so I don't think it would be fair to take this position, I don't have all the information I need right now. Vice Mayor Washington replied, I think this is the best time for you to learn. Mayor Cole stated there is a motion on the floor; Mayor will be Chairman of the CRA and the Vice Mayor will be the Vice Chairman of the CRA; motion by Councilman Rodney Daniels, the motion was seconded by Councilman Marlin Daniels; AYE: Mayor Cole, Councilman Marlin Daniels and Councilman Rodney Daniels; NAYE: Councilwoman Gardner, and Vice Mayor Washington; **MOTION PASSES.**

2. Approval of amended Resolution #2022-2, Bank Signature for TD Bank Account for the CRA (TOECRA). At this time the CRA has one (1) signature that is being used for check signing and any business that they must get done in the CRA. The bank will go by our Resolution, that we are supposed to have two (2) signatures. I am going to move for our **Resolution #2022-2**; Motion by Councilman Rodney Daniels, the motion was seconded by Councilman Marlin Daniels. Councilwoman Gardner asked, what is the verbiage going to be on the Resolution? Mayor Cole asked Attorney Mosley is there anything in the Resolution that should be stricken? Mayor Cole stated we should have all the Town Council on the signature cards. Attorney Mosley replied, the word Govern probably should not be included. The Preamble should read as follows: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, ADDING FIVE (5) MEMBERS OF THE TOWN COUNCIL AS CHECK SIGNATURES ON THE TOECRA BANK ACCOUNT WITH TD BANK, THE TOWN COUNCIL IS AUTHORIZED, AND HAS JURISDICTION (TOECRA) PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. Mayor Cole stated with these changes, all in Favor: **AYE: ALL, MOTION PASSES.**

COUNCIL REPORTS:

MAYOR COLE- Councilman Rodney Daniels, I know you requested the Zoom meeting on Tommy Dixon, I do have that meeting, and I want to speak on that tonight, so we can go ahead and deal with that. Ladies and gentlemen and to this Council. I was okay with this and let's go ahead and do what we can do and put some things in motion, I have been speaking with the Attorney that understands guardianship well, I got a very good hands-on what guardianship should be. Did every Council person have an opportunity to review the link that that passed from the Executive Director to Ms. Williams; Ms. Williams then forwarded to Councilman Rodney Daniels; Councilman Daniels stated this was not what he requested. Vice Mayor Washington stated, when the guardianship came about with this property; did anyone else know about this property? The CRA did not go out and seek this property. So, when you keep saying guardianship, he was in the

process of losing his home on the front step of the courthouse. Councilwoman Gardner stated she did not look at the link, but she will and discuss it in a CRA meeting, this is not the place to discuss a transaction that took place in the CRA, see the whole meeting, and then have a discussion in the appropriate place and time, with the appropriate people, this is not it. For the record, Mayor Cole says if this is not the time, this is not a CRA issue now, the Council did ratify all properties that purchased by the CRA, we found out that the CRA could not own property; this issue is the Town's concern, is this right or not Attorney. Attorney Mosley replied, the Town did ratify some properties, I don't recall if we ratified this one or not. Mayor Cole stated this is the time and place. (Zoom video playing at this time). We paid for these taxes first, then they got the person to sign the document. Several of the board members voiced their concerns regarding this transaction. Mayor Cole stated that he has requested documents from the CRA, but have yet to receive them, there are so many things. This is not the only thing that is not above board, Positive Flow; \$10,000; never showed where the money went; guess what I did find out from Attorney General's opinion, anytime you use taxpayers' money; we can't say that is a private 501 (C) 3. I am still asking Attorney Mosley and Attorney Perry to get together and maybe finding a guardian for him, so we can do this thing right. The other thing is we say we allow a person to stay in a home. Councilman Marlin Daniels says he is in agreeance with Vice Mayor, it does need to be handled with someone from the outside, question to Attorney Mosley, who addresses something like this? Vice Mayor Washington replied, first learn what CRA's can and can not do, look at Chapter 163, then you go on and do an investigation. Councilman Marlin Daniels stated he is not knowledgeable of Chapter 163, therefore we need the investigation, so it is out of our hands, and no sides to take. Government Ethics Organization, its more than Chapter 163, its also Article 4, Section 10; State Constitution says you can't use government money to pay a personal bill for a person, the way it was done as you just heard in that tape, a bill was paid for a citizen, they didn't know it was being paid, that's the biggest problem, and then the other thing is Chapter 163 does allow the CRA to acquire property, they are considered a governing body, that's not an issue, we do know the CRA can acquire property, in this case, on the video you saw a lot of talk about Mr. Dixon not having compacity to understand the transaction; you had a lawyer talking to Mr. Dixon without being represented, as stated by Attorney Mosley. I don't blame the Director for that, but I will say most lawyers would know business is not done that way, when you know someone is incompetent, you know you should not be dealing with them directly. A guardian appointed or have a recess to figure out if someone else is on the property to further that transaction. So, there are a lot of issues there, and yes, for the ethics situation whether we should not have involved our selves in a situation like that because; one; we are not supposed to pay bills for personal people; and two; when you are doing transactions like this, it is supposed to be the meeting of minds on both sides. Councilman Rodney Daniels: I've always said when you are from here, then you know of Mr. Dixon's capacity; I'm surprised with Vice Mayor, he was raised here and had dealings with Mr. Dixon; speaking with Mr. Dixon at Costco, I knew something wasn't right. No further discussion on this issue.

COUNCILMAN MARLIN DANIELS- I am requesting to have the Council packets a week prior to the Council meeting because if I have questions, I need to contact the Attorney or whomever, the weekend or two (3) days is not enough time to review the agenda. Again, Founder's Day is coming up, we need to start planning this event and be intentional on everything that is going on.

Because of issues like this, don't know if its in the Budget, we need to have all our items scanned to be able to go back and find the document. We need to update our technology and change this area (Council Chambers); we want to do things the right way so that everyone can be engaged; we need to upgrade our audio and video in this area; I am willing to champion this and look for funds.

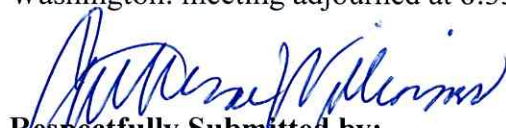
COUNCILMAN RODNEY DANIELS- thank everyone for coming out to the Council meeting tonight, where are we with Mr. Benderson situation? Mayor Cole replied: its being worked on. There were other options on the purchase of Mr. Dixon's property.

VICE MAYOR WASHINGTON- NO REPORT

COUNCILWOMAN GARDNER- its still disturbing that we are taking care of this in a Town meeting, when we have questions for the person that is not here. CRA 163, part-3, there is a comprehensive plan that they must follow; their hands really were kind of tied, again, this is something I don't need to say; it was a bad situation, something I may not have voted for, I know that he is in his home, if there is something that we need to look into, lets look into that, but to villainize an agency of the Town when clearly they had a lot of questions; and all the questions cannot be answered here tonight, this was not the appropriate place; yes, it should be discussed. We need to be vigilant; we are in February and if you are watching the news there are some hateful things going on right now with our Black Universities, schools, and communities; keep our eyes and ears open to keep each other safe. What is the status of the 2020 Audit, this is Town business? Citizen tonight talked about the pool being out of compliance for two-three years, and out of compliance. We talked about pipes broken, and touch read meters; the Town has enough business of its own, we should only be talking about Town Council business. How the Tommy Dixon issue was addressed tonight was not the right way to do it, yes it needs to be addressed so that everyone is clear on it. Everyone drives safely and thank you for coming.

MAYOR COLE: as many times as, I have heard our staff get belittled in this meeting and saying what they didn't do, even called names, it's so ironic that when it happened a different way, now we have problems with it, we have talked about it in our staff meetings how people are belittled here. The only thing I am saying is take the same medicine you give; we watch you do it and repeatedly on how we should treat people. So, we need to work together, right now this will work itself out. We will have a give-away soon; more information is forthcoming. Is anyone available that we can have a CRA Meeting on Thursday. Vice Mayor Washington stated you can't call a meeting have you spoken with the Executive Director, that's the problem, we don't make meetings, you don't tell us when to meet.

ADJOURNMENT: Motion by Mayor Cole to adjourn, the motion was seconded by Vice Mayor Washington: meeting adjourned at 8:33 PM.



Respectfully Submitted by:
Cathlene Williams, Town Clerk