

TOWN COUNCIL
REGULAR MEETING
COUNCIL MINUTES

MARCH 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**, Albert English, **Public Works Director**, and Joseph Jenkins, **Deputy Chief**.

Mayor Cole called the Town Council meeting to order at 7:54 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-** Proclamation recognizing March as American Red Cross Month was read by the Town Clerk!
- IV. CITIZEN PARTICIPATION (THREE (3) MINUTES STRICTLY ENFORCED)**

TARUS MACK- resident, address is 323 Eaton Street; Mayor Cole, I received disturbing news earlier this week that you were seen taking pictures of my mother's house, and my belongs, this was very upsetting to her, you have said that I don't live in Eatonville. It's one thing to deal with me especially after I am a candidate for seat #3 for this election on this Saturday, never have I been to anyone's house taking pictures to try to convince people that I live somewhere else, I have surveillance and people taking pictures of you taking pictures of my mother's house. Please for the record, my mother told me to tell you do not come to her home taking pictures, if you want to speak to her, knock on her door. What I do is for the people of Eatonville. Mayor Cole: we talk about disrespect in general if anyone ever seen the side of her home. I brought my home when I first moved here at a young age; I have the luxury of living around a lake; Lake Sybela for the last 35 years I have walked the lake; there's a Church and cross there its beautiful. What we are talking now is this there is a Flyer saying I would prefer to live in Maitland than Eatonville, because I walk in Maitland, where I paid for my home, I get the amenities of both, so when we get up here and say things like this to hurt people, taking pictures of the side of a vacant house, was more people outside in the daytime, they would be able to tell you. When you see my name on a flyer, I have never said anything except for what we are trying to accomplish to cut another man down to build yourself up is not good, I would never do that; there is nothing about me living in Eatonville that should become racist, you will never see a flyer of mine, I walk around the lake, I must want to live in Maitland, I raised all my kids in the Town of Eatonville. I make no excuse for walking around the Lake, I think I deserve to walk around the Lake. I will never, because we know how it feels as an African American; say anybody who wants to live in the Town of Eatonville to have an opportunity to live in the Town of Eatonville. What if Maitland put out a Flyer that says "no African Americans in Maitland".

MILLARD LIVATT, JR: 330 Campusview Drive: Mayor when you were addressing the gentlemen about the Development, you said Layman terms, and certain things that go on with construction, they should still want to try to educate people; and also the comments of Councilwoman Gardner, giving the people proper information to be apart of what's going on; you referenced to the kids at school, which is apple to oranges; no everyone will go to College after High School; however, it is our educational system to teach and let them know what they have available. For citizens of the Town of Eatonville, lets get all the information available to make an informed decision. You're the Mayor, the man that was not here in position, "Benderson" if he did not have that title, and it was not his position, he should not have given the authority to move forward.

ANGELA JOHNSON: is there a maximum number of residents? You can have a house up to 8 people; two (2) per family, but I am not sure as stated by the Developer. What is the process to get those individuals on board with the project, and contract with the project if you are starting construction in the next (30) days, as asked by Ms. Johnson? One of the first things we do is clear the site; we will provide all information for subcontractors that will be interested to come in and meet regularly; to get certified they will get the construction documents, we start marketing next week with a vendor fair, you guys know the best way to market the community; this will be done over the next few months. On projects this size; what would be in impact fees, compared to the 125,000 estimated on the infrastructure of 500,000 for the apartments, what is the estimated term agreement for the rent rate increases under the affordable house factor? How many projects like these have you built in the past? Most of the jurisdiction that we build in we get our impacts fees waived 100%, the only thing we pay is 2-3% Administrative Fee. I have been doing this type of development about 6 years, with 6-7 developed projects; this is about 14 developments in our pipeline; from Florida to Texas. With the annual lease, the way the rent would be re-assessed is the area income of Orange County. These are incomes released by HUD each year, usually April 1st when they are scheduled to come out. The map Orange County shows that the road is totally in Eatonville. If Ms. Williams thinks any part of the property is in Maitland, then deal with them.

RAWN WILLIAMS- regarding the right-of-way abandonment; the information that my sister received shows part of the right-of-way in Maitland, and part of it in Eatonville. My sister had a conversation with Jacqueline Holt with the City of Maitland. Again, Ms. Holt stated when talking with my sister that she had not talked to anyone from Eatonville. Attorney Mosley replied he doesn't know Ms. Holt, but he spoke personally to someone from Maitland; I know James Benderson spoke with someone in Maitland. I asked Mr. Benderson to get a map from Orange County to get the location of the road. Attorney Mosley will contact the City of Maitland, the contact person on the list. Attorney Mosley also stated that we need a survey, what we received was a sketch of the property.

V. PUBLIC HEARING- N/A

VI. CONSENT AGENDA

- 1. Approval of the February 15, 2022, Regular Council Meeting Minutes. (Clerk's Office).**
- 2. Approval of Proclamation recognizing the Month of March as American Red Cross Month.**

3. **Approval of proposal in the amount not to exceed \$15,000 for miscellaneous services. MOVED TO COUNCIL DECISIONS.**
4. **Approval of payment for Frank Gay Services for water meter and install \$3,620.00 for commercial water meter installation in Interstate Park.**

Motion by Vice Mayor Washington the motion was seconded by Rodney Daniels to approve the Consent Agenda, with **ITEM:3** moved to **COUNCIL DECISIONS; AYE: ALL, MOTION PASSES.**

VII. COUNCIL DECISIONS

5. **Approval of termination of Developer's Agreement entered into March 16, 2004, and recorded on April 28, 2004, between the Town of Eatonville and Kennedy Commerce Center.** Motion by Councilman Rodney Daniels, the motion was seconded by Vice Mayor Washington; Vice Mayor Washington asked, if it never happen why do we need to terminate this, it was done 17 years ago? Attorney Mosley replied, he suggested to Mr. Lopez that since the Agreement was 17 years old, there are some questions about the conditions being waived; there was conversation about the first developer giving money to Eatonville with some expectations of some things to be done; I didn't want Eatonville to still be responsible for something that was created in 2004 that had not been done, so there would be no liability for something we had not done, even though we received money, we can argue that they didn't do their part either; whomever had the original agreement, but kind of abandoned it; but just to protect Eatonville, I thought it need to be terminated. Vice Mayor Washington states we are entering into a Developer's Agreement that we didn't have anything to do with until tonight. Attorney Mosley stated to Vice Mayor Washington, the termination of the old Agreement doesn't force the Council to enter the new Agreement tonight, you can table this Agreement and look at it again and refine things that you want, but you want to get rid of the old agreement, so they can start new with this project. **AYE: ALL, MOTION PASSES.**
6. **Consideration of the approval of Agreement between the Town of Eatonville and MHP FL II, LLC. For the 14.93 acres of vacant land located approximately 890 feet West of the Intersection of Keller Road and Kennedy Blvd.** Motion by Councilman Rodney Daniels, the motion was seconded by Councilman Marlin Daniels. Councilwoman Gardner, the project had time to go through a proper process that is why its there; secondly we have representatives here based on authority that did not exist; again Mr. Benderson is a Planner not a Planning Director; the other part, there wasn't enough citizen participation, so with that I can not support this development the way that it has been brought to us, Mayor Cole stated that if someone wants to build something on their property, does it always have participation of what I am building, I am not real clear on that because; we have had 4-5 homes built in Eatonville; if they are zoned for that? Attorney Mosley responded, this is something different, you're talking about a single-family home versus a development. With developments they are giving the citizens the opportunity to know what the project is about. When you talk about developments citizens can have the opportunity to speak on it as to whether or not its good for the community. Council still

has to approve it or not. Citizens should have the opportunity to influence their elected officials on decision making. Councilman Marlin asked Attorney Mosley how much input he had in this development agreement? Attorney Mosley replied, he drafted one before; this is a little different from the one I drafted before. I do have a concern that you brought up earlier about the NWBE contracting, I would like to see us maybe define some benchmarks to make sure the reasonable efforts are to bring minority people into this project. We need to define the whole section on MBA participation. Mr. Lopez stated we will follow the state guidelines, and these are consistent with those requirements. Attorney Mosley stated to Mr. Lopez, we will need to know the name of your General Contractor (GC). Hennessey Construction is the General Contractor as stated by Mr. Lopez. People would use the program and not use minority contractors, this is Eatonville, this is a unique situation, we want you to commit to using minority contractors and not hide behind the States programs, which recommends 10-15% participation and rarely gets it. Mayor Cole stated, I think we have a Resolution that was done by former Mayor Anthony Grant that made sure we had a percentage of minority participation. Councilman Marlin stated all these concerns should have been hashed out with the developer before this meeting. The difference between a Planner and Planning Director, why does this keep coming up, the last four (4) years, who has been signing off on these types of projects? Mayor Cole replied; the Planner. Attorney Mosley responded, the Land Development code uses the term Director, the authority is not given to anyone else. Any other Development that has come forth, who signed off on them as asked by Councilman Marlin Daniels? Have we ever had a Planning Director? Not with the terminology of that name as stated by Mayor Cole. Councilwoman Gardner stated when a project comes up it goes to the Planning & Zoning Board, in which case you would not need a planning director at that point because it would be going through the process that is in the Land Development Code. If the process is circumvented, that would be done with the level of authority of a Planning Director as stated in the code. Attorney Mosley stated a Planner can do everything a Planner is supposed to do, a director can make exceptions to your LDC Code, you may have not followed it. Mayor Cole asked Attorney of his recommendation. Attorney Mosley only concern is the minority business component of it, the rest is what Council decides, maybe expound on that a little bit. No further discussion; **AYE:** Mayor Cole, Councilman Rodney Daniels, and Councilman Marlin Daniels; **NAYE:** Councilwoman Gardner and Vice Mayor Washington; **MOTION PASSES.**

3. Approval of Proposal in the amount not to exceed \$15,000 for miscellaneous services.

Councilwoman Gardner: in the cover letter it states to refers to Section 2.1: of the January Agreement; it states the Town shall include a detailed description of the project, and other sections as read: My question is we are approving using all of the \$15,000. Councilman Marlin asked Mr. English; we are approving this up to \$15,000, we don't have an account with them, money will be put aside for on-going projects, Mr. English replied Yes. Councilwoman Gardner states she understands and it's not a concern, this just seems like a piece to circumvent this, it saying we are doing the same thing; because the \$2.1 its saying that you want to submit the work order. Motion

by Councilman Rodney Daniels, the motion was seconded by Vice Mayor Washington; **AYE:**
ALL, MOTION PASSES.

LEGAL COUNSEL REPORT: NONE

COUNCIL REPORTS:

COUNCILWOMAN GARDNER: talked with a resident, he was erecting a fence; received all permits, on the white sheet of the permit, it says 7 inches setbacks, the orange sheet says; 7 ½ feet setback, when he called the Town representative 7 ½ feet survey not on a corner; representative, he was told to line it up with the fence down the way, when lined up it was off, what happen, can't keep happening. They asked for this in writing, didn't get it; since this is close to a corner, the surveyor didn't designate as a corner lot; Town representative said it is a corner lot. So instead of 7 ½ you need to line it up move it back 7 ½ feet. So now this owner may have to pay \$3,000 to move it 7 ½ feet or hope that the fencing company will do it at no charge. What we have saw here is Developers can circumvent a whole process. When I closed my carport in, had to go through the process, for little people we must go through the processes; we can't do business like this; what we did today will affect more projects. I was hoping Ms. Gibson was here, I am going to state it for the record. When we had the auditing meeting last Thursday, the document emailed was inadequate for a preview for questioning. In the Audit, it stated in August 2021, the Town received 1.2 million COVID relief funds; the budget shows only \$570,000; where is the other part of the 1.2 million? The Audit also showed some of the same errors; if the Town is going to be awarded 5.9 million in Grant Funds, I hope we will bid out the administration of that Grant. The Audit shows we were co-mingling funds. Mr. Williams, I want to apologize to you, I had spoken with your sister regarding the email; it was unclear the protocol of reporting; that is an issue. Attorney Mosley you are doing a great job, not about you; we budgeted \$70,000 for attorney fees, I noticed the work that Attorney Mosley is doing recently, had not to do with Town business. March 8th bids due for the 17.6 acres, we need to ask the School Board to give to the Town. Thank everyone for attending the Council meeting tonight.

VICE MAYOR THEO WASHINGTON: NO REPORT

COUNCILMAN RODNEY DANIELS: I keep suggesting we have a workshop on Thursdays, if we have questions for the Attorney; people listening to the meeting on-line can't hear; vote this Saturday; 3/5/2022.

COUNCILMAN MARLIN DANIELS: I am perplexed that people have gone to the motion of politics over people; and it should be people over politics. Because people have their own agenda; and not the agenda of the people; that's why I think we face so much adversity and trials sitting up here. In my research you have 6-10,000 people moving to Orange County every month. Everyone

else around us are growing, we are still at the same 3.2 million deficit forever in a day, because we don't have the courage and the heart to move forward. I am saying this to be transparent; the lies, the slander all that stuff, I am not running but to put out that the Town is being sold out is crazy. You have a problem with brand new apartments to make our community a lot better; but you don't have an issue with someone charging \$250 a week, but you have a problem with \$100 to a lot more comfortable to have all the amenities. Encourage everyone to vote on Saturday; glad when the election is over to move the Town a lot further, and not play politics with people lives. Not happy with getting packets on Friday, emailed around 7PM packet around 8PM; need at least a week in advance.

MAYOR COLE: 17 acres of land; on March 27th, 2019, we were called into an emergency meeting, under our Charter; an emergency meeting means a situation that is life or death; as we talked to the School Board with Teresa Jacobs, their board gave us 6 acres; the front part to Hungerford School. The School Board property is going for 14.6 million dollars; 10 million for them 4.6 million to the Town. I think it would be good to give Dr. Jenkins a call. Desperate people do desperate things, we had one of the greatest events you could ever see; half of the building done at host dime; staged people put signs up outside; the Mayor is a sell-out. There was only five (5) people that knew about the event, this board. Before Thursday was over, the former Mayor called here about the event. Vice Mayor Washington stated it was 6 people on the email. I defend this board we will never say something like this on the flyer; this doesn't represent the Town. Those who are saying these things we are losing it; I am looking at all of them and I will go to the Orange County Tax Roll; 80% of them own absolutely nothing here. I find it very embarrassing that we would put out flyers like this and mail them to certain people. I would rather lose than to say I want all black living here, a title is just a title, the responsibility that you have, when you sell yourself to somebody, and you sit in this seat, they are going to want something in return. Why are three (3) candidates writing everything about me when they have their own opponents. This is a great City were not that bad; they put my daughter on a flyer saying she is corrupt; she worked to make sure our kids got the education. We received a 5.9 million grant, I stood in this room and voted for that Grant on 9/7/2021; Flyer went out, say three (3) people championed it- on the website. People have voted on things, should not have, conflict of interest, giving money to non-profits, I never said anything, it hurts the whole City. Will have Ms. Williams poll the Council, have a meeting on Thursday; March 3rd around 5:30 PM to quit claim Mr. Tommy Dixon house back to him, this will be a CRA meeting.

ADJOURNMENT: Motion by Mayor Cole to adjourn, the motion was seconded by Vice Mayor Washington: meeting adjourned at 9:47 PM.


Respectfully Submitted by:
Cathlene Williams, Town Clerk