

TOWN COUNCIL  
REGULAR MEETING  
MINUTES  
July 5, 2022

**PRESENT:** Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, and Councilman Theo Washington. **STAFF:** Jake Schumer (**Representing Legal Counsel**), Cathy Williams (**Interim Town Clerk**), Albert English (**Public Works Director**), Eric McIntyre (**Lieutenant Officer**), Sherronda Thomas (**Recreation Coordinator**), and Katrina Gibson (**Finance Director**).

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

Mayor Gardner called to order the Town Council meeting for 7:41 PM, confirming that there is a quorum through Veronica King, the Interim Town Clerk.

**II. INVOCATION & PLEDGE OF ALLEGIANCE**

Pastor Critton led the Prayer of Invocation, followed by the Pledge of Allegiance. \*\*Mayor Gardner redirected individuals to the forms if they would like to speak.

**III. APPROVAL OF THE AGENDA**

Mayor Gardner motion for approval of agenda; motion was moved by Councilman Theo Washington and second by Councilwoman Rodney Daniels; **AYE, ALL: MOTION PASSES**

**IV. PRESENTATION/ACKNOWLEDGEMENTS**

Florida League of Cities awards Certificate of Completion; presented by Town Clerk to Councilwoman Wanda Gardner for completing the Institute for Municipal Elected Officials held in Jacksonville, Florida on June 10-12, 2022; your completion is indicative of your commitment to quality government in Florida (All Applause; Picture taken)

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

Mayor Gardner called for citizen participation from Attorney Mosley; with (3) Participating citizens.

**RYAN NOVAK** – Good evening, everyone. At the second half of the year, I would like to give a report to the Council based upon observation. The Daniel Brothers vote with one another; Gardner and Washington vote similarly, and Randolph is the swing vote. To the Daniels, some things are done in haste. To Randolph, I am pleased with the agenda to want to press forward; love the initiative to receive certification to get more information about your position; at times, the focus is on insignificant matters. To Washington, with the length of time on Council, you once had passion about the Town but have become complacent. To Gardner, you have the Town's best interest; matters are well thought out with information, and I can get behind that. By large everyone does a good job with the Town. I hope you can come together more. Thank you for your service

**MICHAEL KENNEDY** – Good evening. From Eustis FL, came a month ago to Eatonville to do business, Barbeque Services. I filled out paperwork as it was asked and told to me. Intrigued by the history and independence of the Town to bring business and culture, I came to do business, network, and bring an increase to the Town. My concern is attempting to find an ordinance that speak to what you can and cannot do. I heard there was an ordinance on opening up next to a building/restaurant. There is no level of competition with the variety of food, also the daycare; it seems more of a compliment than a hindrance. What is the code? I want to know how to move forward and be part of the Town.

**ANGELA JOHNSON** – Good evening. Thank you to the senior’s group in partnership with the Town. It was a wonderful event on Saturday; great seeing the elected officials. I sat through the presentation on the fire service fees; it was not a taxation. I understand that it would reduce the mileage rate and overall citizens would pay a decrease amount in tax, although bring another fee. I challenge you to workshop it again. For six years me and my relatives have asked that something be done about the parking on Amador Circle. I beg and plead that a study is completed. Coming to tonight’s meeting, I was almost hit head on by another vehicle. Town would be liable because of the times we stood before you to beg for something to be done; the parking is creating a liability and risk to the residents. I was told by an officer that it is my responsibility to look before passing to ensure there is an open area to avoid contact with another vehicle. It is simple and not costly to erect “No Parking” signage to minimize the risk of causing injury, danger, and property damage. There is public record to support our claims; the Town would liable.

## **VI. CONSENT AGENDA**

Mayor Gardner indicated that we are still awaiting transcripts from court reporter; but they have been requested. Minutes will be transcribed once received. Mayor Gardner motion for approval of minutes for May 17 regular council meeting and approval of minutes for June 21 regular council meeting; motion was moved by Councilman Washington and second by Councilwoman Randolph with necessary changes; there were areas observed by Councilwoman Randolph requesting for review with changes in the May 17 meeting minutes. Mrs. King will review the statement on issues of automobiles and review council decision (Item 3) for inclusion of statement (if recorded) about moving in another direction. Motion was moved (Washington) and seconded (Randolph) to accept minutes with corrections. **AYE, ALL: MOTION PASSES**

## **VII. COUNCIL DECISION**

- 1. Mayor Gardner motion to approve Planning Support Services to bring back certified planning contract.** The motion was moved by Councilman Washington; seconded by Councilman M. Daniels with discussion; Councilman Daniels; we need a planner. Who is the Project Manager? Language needs to be addressed. In a potential contractual debate, a Town Project Manager may be called into question by an attorney.; this position is not on the organizational chart. In the Procurement it allows up to \$2,000; we have to follow the proper channels. There is a contract for \$5,000. How many hours will the planner work when considering \$40,000? Mayor Gardner stated, not to exceed \$40,000; if it needs to be changed, it can be changed. Councilman M. Daniels, is the planner coming in as a planner for the Town and not just for major developments; to assist with all planning aspects? Attorney Schumer spoke to the language; the Project Manager seems to be on an assignment basis; whomever the Mayor or Department head would assign. The contract read clearly and not problematic as long as the Town makes it clear with whom they are coordinating. Mayor Gardner states that there is a resolution on the \$5,000 that she will get to Council; the planner has 28 hours and have not touched the \$5,000. It has been about two weeks approximately two hours per day; depending on the work. Councilman Daniels: How much did we pay a planner for a year? Mayor Gardner: about \$56,000. Councilwoman Randolph: What happens after the \$40,000; contract for extended hours. We need to move forward with a planner because of the projects coming. Vice Mayor R. Daniels: Did we advertise for the planner, do not see it on the website; Mayor Gardner, yes. Ms. Williams: There is projects outside of the large projects; she comes recommended by CPH. With the amount of work, her experience and expertise, the amount is low; there are many projects coming that has to be reviewed by a planner. The planner will communicate hours when they are low to identify the most important projects. Councilman M. Daniels concern: Transparency, breaking the procurement. The emergency policy does not exist. How much will the \$40,000 last; up to \$40,000 up until October. Are we going to actively look for a planner instead of having a consultant? Ms. Williams: An inside planner will address things like, roofing, plumbing, housing addition, demolition of homes; for big projects like

Enclave, Lake Weston, the School Board Property, we need a someone of experience to review plans. Councilman M. Daniels: This should be under a different budget instead of hiding under a line item we know is not true. Ms. Williams: Yes; salary line for planner, and another line for contractual professional services. Mayor Gardner, the planner is under the correct line, contractual professional services. I interviewed an applicant and they asked for \$80,000, but we pay \$56, 000. Councilman M. Daniels: Bring it back to council and not go outside the scope of procurement. Mayor Gardner: I will send you the resolution that allows up to \$5,000. Attorney Schumer: There are two procurement standards, one allows for tangible personal property items up to \$2,000; the second allows for items that are not tangible personal property items up to \$25,000; have you discussed the difference between the two codes? Mayor Gardner restates motion of approval Planning Support Services to bring back certified planning contract; calls for the question. **AYE by Councilman Theo Washington, Councilwoman Wanda Randolph, Mayor Angie Gardner, Councilman Marlin Daniels: NAYE by Vice-Mayor Rodney; MOTION PASSES.**

2. **Mayor Gardner motion for approval to hire legal counsel services. Councilwoman Randolph presents opening statement to hire Clifford B. Shepard; Shepard, Smith, Kohlmyer & Hand, P.A. as town attorney.** The motion was moved by Councilman M. Daniels; seconded by Councilman Theo Washington; Comments: Mayor Gardner, resolution states interim but motion is to hire as permanent. Usually, it would need to be advertised but firm already has municipal contract; no advertisement is needed. **AYE, ALL: MOTION PASSES.**
3. **Mayor Gardner motion for approval of resolution 2022-37 to established interlocal agreement between the Town of Eatonville and Community Redevelopment Agency.** Mayor Gardner states before discussion that there is a resolution but not agreement; same as what was previously presented by the Mayor Gardner. Councilwoman Randolph: Recommend to table until all documents are received. **Mayor Gardner motion for item to be moved until next meeting.** The motion was moved by Councilwoman Randolph; seconded by Councilman M. Daniels **AYE, ALL: MOTION PASSES.**
4. **Mayor Gardner motion for approval of resolution 2022-40 to change status of Interim Clerk to Town Clerk with starting pay of \$55,000. Councilman M. Daniels presents opening statement to make Veronica King the permanent Town Clerk; charter does not speak to an interim town clerk.** Comments: Mayor Gardner states that policy indicates advertisement in house for seven (7) days and outside. Position was never advertised due to the grievance submitted by former town clerk. Councilman M. Daniels: it should have been posted after the ten (10) grievance period. Vice Mayor R. Daniels: For the record, Attorney Mosley indicated that there was not grievance period for statutory officers; the town attorney and town clerk. Mayor Gardner: We will post the position. Attorney Schumer: In charter, if the town clerk is appointed; you do not have to worry about other procedures. If personnel manual set leave days for the town clerk; the appointment is subject to the personnel policy. In this case the town clerk is an employee. If the personnel manual tells how to hire employees; the town clerk is an employee; the advice is to follow the personnel manual as a matter of caution. Councilwoman Randolph: Is the town clerk an “At Will” employee? Town Charter: 3.02 addresses the issue of the Town Council having the right by majority vote to hire and terminate the Town Clerk and Town Attorney. The Town Council also confirms the CAO of the town. Ms. Williams: Position will be posted tomorrow; in house for seven (7) days and externally until there is a candidate. **Mayor Gardner motion for item to be moved until next meeting.** The motion was moved by Councilman Washington; seconded by Councilman M. Daniels **AYE by Councilman Theo Washington, Councilwoman Wanda Randolph, Mayor Angie Gardner, Councilman Marlin Daniels: NAYE by Vice-Mayor Rodney; MOTION PASSES.**

Councilman Washington: Parliament order is to motion, move the motion, and second the motion.  
Attorney Schumer: you can set your own rules but most generally most follow Roberts Rule. Mayor Gardner: the discussion items from the workshop can be a part of Council reports.

**INTERIM CAO REPORT:** Officers have yet to paid from PEC; another reason given as to why payment has not been received. Councilwoman Randolph: What is the reason? Lieutenant McIntyre: sent email to everyone outlining the cost plus 10%.; NY Nithiri, Executive Director of PEC has continued to delay payment. The recommendation to the Council is to begin litigation or express that this is an unacceptable practice. Next year the officers will not present W-9 but will have to go through the town. Vice Mayor R. Daniels: have the town paid when officers did not receive their pay? Lieutenant McIntyre: the town was patient with PEC allowing it to go four up to eight months at a time. This s an option if the town want to compensate the officers. Councilman M. Daniels: we discussed this extensively and told this would not happen: did we get a MOU signed? I want a copy. A cashier's check was issued but return back to PEC; this is bad practice on our part. Mayor Gardner: the check could not be cashed; it was not made out to the town preventing deposit. I will talk to NY Nithiri tomorrow; payment to be paid by Friday as indicated by NY Nithiri. Councilman M. Daniels: a formal memorandum/demand letter need to be made; not verbal communication. Ms. Williams clarified that NY Nithiri stated that she would respond by Friday; not make payment. PEC is trying to get a grant. Vice Mayor Daniels: we need to ensure officers get paid and hold Pec accountable. Next require all funds are paid upfront to officers before Zora Fest. Councilwoman Randolph I am not in favor of taking money from the town to pay for what PEC should have paid. Councilman M. Daniels: To attorney, since officers performed their duty, they are entitled to be paid? Attorney Schumer: Yes, normally officers are paid by the person hiring them for security. Councilman M. Daniels: The MOU was with the town. Councilwoman Randolph: if not paid by Friday, we want to authorize legal to send a demand letter for payment. Lieutenant McIntyre: Because officers are mandated to work, it is the obligation of the town to take care of the officers. Declaratory judgement action can be issued by the attorney since there was an agreement. Attorney Schumer: If there was a MOU with the town, then the town will need to collect; but there has to be money there. Mayor Gardner: If agreed, we can take money from contingency: it would need to be ratified. Councilman Washington: be sure to get invoices/hours from officers to the finance department for exact amount. **Mayor Gardner motion to pay from contingency, if money is there for the fees of the officers and for resolution transferring from contingency to line item to pay officers at the next meeting; with legal involvement assuring legal fees are assessed to PEC.** The motion was moved by Vice Mayor Daniels; seconded by Councilman M. Daniels **AYE by Councilman Theo Washington, Councilwoman Wanda Randolph, Councilman Marlin Daniels, Vice-Mayor Rodney: NAYE by Mayor Angie Gardner; MOTION PASSES.**

Ms. Williams: DEO has more funds for first responders who worked during the pandemic; to our officers \$1000.00. Budget calendar: pending dates for to begin workshops; avoid dates for hearing September 13, 18, 22. Should have started June/July 1<sup>st</sup>. Decided to plan workshops on Tuesdays, 5:30pm Retreat: Scheduled for July 16<sup>th</sup>, 8am – 1pm to be held at Embassy Suites downtown on Pine Street; pending availability from Council. Breakfast and Lunch to be served. Entrances to the Town: signs have been ordered and installation scheduled for next week at both ends of Wymore and the west and east side. Sidewalks in front of the barbershop have been leveled along with leveled pavers; finished last week. Mr. English is pending one more quote for repairs to the tennis court, park place lift station, and the areas at the Denton Johnson Center. Directors of departments have been noticed not to work overtime unless it is an emergency and approved in advance. Finance has filled the utilities specialist position. Public works have three (3) candidates; hoping to fill positions by next week. Roof: CPH did an assessment and scheduled to start the work in August/September; three-day period, looking to begin on a Friday and work through the weekend. Councilwoman Randolph met with Chris Moore pertaining to the seventeen (17) acres; if other council members are interested in meeting, I can schedule the meeting. Met with Lt. McIntyre and there is work needed to bring up to standard the police department; inventory of vehicles will

be given, walkie talkies and cell phones are antiquated, the building need work; hoping to take care of over next couple of years. Questions: Councilwoman Randolph: has the officer on FML exceeded the 480 hours/year? Williams: No

**LEGAL COUNSEL REPORT:** No Report

**COUNCIL REPORTS:**

**COUNCILWOMAN RANDOLPH** – Receiving emails from clients that the staff are no responsive; not answering phone or returning calls; this needs to be corrected. Concerned about water breaks; 2-3 on my street and appears it is happening weekly. Trying to be transparent, looking at all sides objectively. I do not accept the inappropriateness of addressing the brothers that sit on this council. To address them as the Daniels brothers insinuates that they are not transparent. They ae elected by people the people and should be respected. I vote my conscious and influenced by others, making my decision not taking sides. To Ms. Johnson, I will refer the officers to look at your situation. Let us be fair, work together as a team and move forward. Thank you.

**COUNCILMAN WASHINGTON-** I enjoyed the senior’s event on Sunday. Would like to see more events in the community where we are coming together, especially with the Chambers; this has been the history of the town to monthly events.

**VICE MAYOR DANIELS:** Kudos to a good event on Sunday; it was a great time. To Mr. English, I am requesting in writing updates on the leak at Wymore and Kennedy; last conversation we were waiting on permits. Audio System: it is embarrassing at times; need a spirit of excellence. I requested to have workshops at a different time, another day. Mr. English, check into the hole with fiber covering at the corner of Washington; it is a hazard to vehicles. To Ms. Williams, When did the employee go out on FML? Williams: Middle of April. I asked for public records on the camaras since May 9; no updates to date. Who is over the cameras? To Councilwoman Randolph, I appreciate the statement about referencing the Daniel brothers; its offensive because of the allegations brought; taking money from developers. I am hoping for an opportunity to witness What was said and who said it; to straighten the lies. I will not forget; Rela, Michele Cole, Confidence Pringle, and Mr. Jackson.

**COUNCILMAN M. DANIELS:** Mainstreet; understanding is needed for the Town’s Founder’s Day; entered into with another organization without a MOU. We could face another issue; look at PEC. Mainstreet should come to this board, less than a month away. Hurricane Season: the trees need to be addressed. A tree came down behind St Lawrence, on the other end breaking power lines. Need to take care of canopies/trees; to not do so will cost us more in the end. To Mr. English, residents are concerned about the ditch in Catalina Park behind Katherine; there is a lot of foliage. Great shout out to the Eatonville Supremes to great event. Sitting on the Community Action Board for Orange County; there are resources available. There are workshops scheduled July 6, 20, August 3, 24, and September 7; \$5,000 for rental assistance. Contact Orange County for more information. The Office Asian in Orange County has information to assist seniors in need of resources, hot water heater, etc. Website/Technology: Would like to see two (2) 70-inch screens and one screens behind us; allowing for casting/projection to improve our presentations. Training: staff should go to trainings and get trained on equipment; cannot do things because we are still antiquated. Staff should virtual certifications. Organizational chart needs updating with a secondary chart formatted with names; residents can know who to go to. Before budget workshops/hearings, I am asking for assets we have and are depreciating; get rid of old vehicles we are paying insurance on. In align with Councilwoman Randolph, beyond being referred as the Daniel brothers, I am Marlin Daniels. I have my own identity, a veteran with a master’s degree. We should be in a better place than referring to us as the Daniel brothers.

Councilwoman Randolph request to state one last item to share before the Mayor's report. Catalina Park Neighborhood will be meeting. My goal is to assist them by providing a place, tools, and leadership so they can get up and running; meeting scheduled for July 13<sup>th</sup> at 6:30 – 8:30pm. Other quads will meet at a later date. Comments: As an elected official, if we decide to attend, do the meeting have to be posted? Councilwoman Randolph: This meeting is not political but geared for citizens to get involved. As elected officials, we are obligated to help; they will plan organize the neighborhood meeting.

**MAYOR GARDNER:** Thankful for the Supreme senior's event. I stated that I would share more information about Founder's Day. The social media flyer is one of the flyers providing details. On August 19, is a luncheon, August 20<sup>th</sup> is live performances, and Sunday will be a Prayer breakfast; at 1pm more live performances. The event is no longer free because of live performances; first two tickets are free and \$25 thereafter at a discounted rate. The general admission is \$35.00. Councilwoman Randolph: Where will it be held? Council has not received any information. Mayor Gardner: On the six acres of land; I will confirm. I will get information to Council once the updates are made. Councilman M. Daniels: On the same day are other events that will factor into Founder's Day. As an elected official, I cannot speak to Founder's Day; I heard about the \$85 cost. Mayor Gardner: Concerning the audio, I attended a MetroPlan meeting. I would like to see and hopes to a completely new system. I spoke to Mark Glover about grants; there is money to leverage for the audio system. That is why I fight; there is no way we cannot have these things. Everybody has a good night.

**ADJOURNMENT:** Motion by Mayor Gardner to adjourn meeting; **MEETING ADJOURNED** at: 9:40 P.M. The motion was moved by Councilman Washington; seconded by Vice Mayor Daniels **AYE, ALL: MOTION PASSES.**

**RESPECTFULLY SUBMITTED BY:**

  
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Veronica L King, Town Clerk

**APPROVED**

  
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Mayor