

TOWN COUNCIL
REGULAR MEETING
MINUTES
June 7, 2022

Recorded By: Milestone Recording Company (Peneo Thanos, Court Reporter)

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Transcribed By: Veronica King, Interim Town Clerk (Not Present) - ***Extended Format/Limited Content***

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, and Councilman Theo Washington. **STAFF:** Dean Mosley **Town Attorney**, Albert English, **Public Works Director**, Eric McIntyre, **Lieutenant Officer**, Sherronda Thomas, **Recreation Director**, and Katrina Gibson, **Finance Director**.

I. CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called to order the Town Council meeting for 7:46 PM, confirming that there is a quorum.

II. APPROVAL OF THE AGENDA

Mayor Gardner calls for a motion; Councilwoman Wanda Randolph motions for approval of agenda for June 7, 2022. The motion was second by Vice-Mayor Rodney Daniels; **AYE: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilwoman Wanda Randolph, MOTION PASSES. (**No record of vote in the transcript for Councilman Theo Washington; Councilman Marlin Daniels)**

III. INVOCATION & PLEDGE OF ALLEGIANCE

Vice Mayor Rodney Daniels led the Prayer of Invocation, followed by the Pledge of Allegiance.

IV. CITIZEN PARTICIPATION (THREE (3) MINUTES STRICTLY ENFORCED).

Mayor Gardner called for citizen participation from Attorney Mosley; with (4) Participating citizens.

MR. SHIPP – (West Kennedy). How is everybody doing today? This flyer shows the people the issues, some maintenance issues. The community pool is green with algae before the election and still full of algae; it looks even worse. The hole in the fence was this big before and has gotten bigger. Why can't we fix these issues? Is it because we do not have any money in the town? You know that I have been campaigning to get sidewalks on West Kennedy. Nothing is materializing here; what is the point of getting elected if we are not going to fix the issues? Please, if I could just get to me a timeline on when these issues can be settled, solved, and addressed.
MAYOR GARDNER: I will get with you.

RYAN NOVAK – Good evening, everyone. Ryan Novak, resident. I moved here and went online; this is what we currently have. I do not know where it's being hosted but it's archaic. I would like a beautiful website. I know one is already done waiting to be published. Here's our neighbor's website.; it is engaging, organized, it's modern, there's a calendar of events. These things need to be readily available to see. If there are grants, it can be published on the website to see review and put forth our opinion. Eatonville website can be more engaging, something that is available and transparent for everyone. With a lot of development coming, is reason to showcase the things that Eatonville has to offer. Our current website is not updated with information so that we can engage, e-mail if we have questions, give comments and concerns. My background is computer programming and I currently work in advertising technology. So, I am one of the most overqualified people to manage and maintain our website. I will put forth time to get us an updated site with transparent and relevant information. The agenda was not available.

I will volunteer and not charge the town; because I do care; in return my fee is transparency. The budget can be on there showing the spending and appropriation of money COUNCILMAN WASHINGTON: Thank you.
MAYOR GARDNER: Thank you.

TARUS MACK - 323 Eaton Street. Hello, Mayor, Council, and residents, and everybody else in their respective places. The Lynx bus transportation, I talked about implementing helping with the Catalina area; a lot of elderly people walk to catch the bus. If they do not make it in a timely manner, they have to sit and wait. This is unfair. If you can look into that. The cleanup event would have been my sixth anniversary and I think it should continue; the first week in June. It is a program associated with the Town of Eatonville at no cost. Waste Connection takes care of the trash, and pays for everything, Please look into the cleanup day. A lot of departments are not filled, specific the CAO, who runs the day-to-day operations; we need a CAO. We need the people in place to move the town forward and for the citizens. If we can, look into filling these departments. Public Works is not filled, the CAO, town clerk, recreation department. We have to make sure that we hire qualified people. Happy Anniversary to Mr. Jenkins and his wife who are celebrating their 50th year.

MILLARD LIVATT –Good evening, everybody; to the mayor, town council, everybody in their respective positions, I want to address each of you. Marlin, you are a sharp guy; good in Eatonville; I hope you can take your talents further than Eatonville; Orange County Commissioner. Mrs. Randolph, I respect -- good to have someone around for a long time to participate. I ask, that you get know me better before deciding what I am qualified for or not qualified for. I support all of you whether I voted for you or not; it is going to help my town. If I can do something to help, please let me know. Theo, a good guy on town council for a while; keep fighting for the West Side. Mayor Gardner, you are doing a pretty good job. Rodney Daniels: I want to encourage all to figure out a way to work together. We are an up-and-coming generation, leaving something for the world that's coming. The mayor deserves respect just like the rest of you. COUNCILMAN WASHINGTON: Thank you.

V. PRESENTATION AND RECOGNITIONS: NONE

VI. ADOPTION OF ORDINANCE - NONE

VII. PUBLIC HEARING - NONE

VIII. CONSENT AGENDA

Mayor Gardner stated as we get the minutes, we will incorporate them in the future.

IX. COUNCIL DECISION

1. Mayor Gardner motion to proceed with payment of final invoice associated with 35 Lincoln Street

Comments: No Comments

The motion was moved by Councilman Theo Washington; seconded by Vice-Mayor Rodney Daniels;
AYE by Councilman Theo Washington, Councilwoman Wanda Randolph, Mayor Angie Gardner: MOTION PASSES. (No record of vote in the transcript for Vice-Mayor Rodney; Councilman Marlin Daniels)**

2. Mayor Gardner motion for approval to proceed in executing and continuing professional services master agreement with CPH.

Comments: No Comments

The motion was moved by Councilwoman Wanda Randolph; seconded by Councilman Theo Washington;
AYE by Councilman Theo Washington, Councilwoman Wanda Randolph, Mayor Angie Gardner: MOTION PASSES. (No record of vote in the transcript for Vice-Mayor Rodney; Councilman Marlin Daniels)**

3. Mayor Gardner motion approval of continuation of services agreement for a certified planner for PlanActive Studio.

Comments: No Comments

The motion was moved by Councilman Theo Washington: **MOTION DIES FOR LACK OF A SECOND.**

- 4. Mayor Gardner motion for approval of resolution 2022-38 for lack of town staff to provide staffing services with the amended changes.**

Comments: No Comments

The motion was moved by Councilman Theo Washington: **MOTION DIES FOR LACK OF A SECOND.**

- 5. Mayor Gardner motion for approval to purchase and install playground mulch for Catalina Park, Denton Johnson Community Center back playground and Denton Johnson Community Center gated playground.**

Comments: No Comments

The motion was moved by Councilman Theo Washington; seconded by Vice-Mayor Rodney Daniels; **AYE by Vice-Mayor Rodney Daniels, Mayor Angie Gardner, Councilman Theo Washington: MOTION PASSES. (**No record of vote in the transcript for Councilwoman Wanda Randolph; Councilman Marlin Daniels)**

LEGAL COUNSEL REPORT: NO REPORT

COUNCIL REPORTS:

Councilman Marlin Daniels: Good evening, everyone. Thank you all for coming out this evening. Where do we stand on the summer program? I want an update on the pool. Is there any collaboration with the Boys & Girls Club and the pool program? **COUNCILMAN WASHINGTON:** I think the pool should have been knocked down; we need a new pool. Let us get some funding for it. **MAYOR GARDNER:** -- look at other options? **COUNCILMAN WASHINGTON:** The pool is out of date. I do not think OSHA will pass that pool. I think we should condemn it and put a new pool there **COUNCILMAN M. DANIELS:** Summer program, pool program; do we have other collaboration; Boys & Girls Club or anybody else about a summer program? **MS. THOMAS:** Evening, Council, Mayor Gardner, constituents. It is a budget issue; I have the same concerns with transparency with budget, so that we can get things done. As far as the pool, we have people that are willing to help -- fundraise the money, but we have to work with them. The pool is repairable; in the past we have not put in an effective plan to strategically maintain the pool. The pool was in the same state about 15 years ago. Somebody donated money and the council at the time and throughout the years did not put a proper plan in place to maintain the pool. After meeting with people that are trained and qualified to assess pools, they can fix the pools; not including the maintenance of the pool. If we have people to help fundraise for the maintenance, we can get it done. We have to do the legwork and be transparent with people who want to help the Town. I am not in favor of tearing the pool down -- it's a historic site; our residents deserve to have it. We have to get the funds to get repaired with a maintenance plan to maintain it weekly. We are operating the summer food program with the Second Harvest, Monday through Friday, for both breakfast and lunch. In the past, we have only offered lunch and a snack. This year is a combination of hot food and cold food. We do partner with the Boys & Girls Club. We just started the program on Wednesday of last week and up to about 80 kids for breakfast. We did 115 kids today for lunch; to include five kids that were not a part of a program. Boys & Girls Club bring their kids over to the Denton Johnson Center to participate in lunch and breakfast. The school operates a summer program during June; Hungerford students eat breakfast and lunch at the school. Fridays, they come to the Denton Johnson Center to eat. There is no summer school for the kids at Hungerford in July. I have 40 students tentative; already have 20. There is a partnership with the STEM/STEAM program with Ms. Candace Finley from Winter Park High School. We also partner with the library offering tutoring during the summer; they are able to go twice a week on Mondays, and Wednesdays -- 20 slots. The recreation department is rebuilding our foundation. I did secure a grant for \$13,500

from the Winter Park Health Foundation to help fund the summer program; after-school program has been operating since February. When we do well with this \$13,500, we can go after additional funds for the recreation department. COUNCILMAN M. DANIELS: Ms. Gibson, I have not seen a monthly ledger account since sitting on here; by next week, I would like to have a monthly ledger account, available at every council meeting. Also, I need an update on the grant from the State of Florida and the implementation timeline. Have we started the timeline on that \$5.9 million? Mr. English, I was looking for an update on Ruffel Street to Calhoun; to be ready last Wednesday and I see the road is still unprepared. Also, update on the meters; how many meters have been put in? There is a lot of missing signs and stop signs in the town. Police department: I received status a month ago on Deputy Chief; I have not heard anything back. I have not seen police officers riding in multiple cars, is there a car issue we need to address? We have SUVs parked back at town hall just sitting. What maintenance program do we have? Is everything functioning? For next council meeting, from Ms. Katrina a resolution to increase starting pay for police officers; if we expect for them to show up for us when our family is in trouble, we need to increase. Closest to us in size is Belle Isle whose starting pay is \$44,000, Edgewood-\$45,000, and Fruitland Park-38,000. Eatonville starting pay is around 32,000 Maitland - \$46, 000, Winter Park - \$50,000, and Ocoee - \$42,000. My recommendation is to make a budget adjustment in this fiscal year; to adjust the pay of our police officers to \$40,000, a livable wage. Mayor, I sent an e-mail asking about employees hired to what position. I asked ATTORNEY MOSLEY about an interim -- I did not know when that took place. As Mr. Mack said, status of COA -- applicants and status. We see emails from developers on projects being held, possible litigation going on. We have to address these issues. The town cannot handle a major litigation. Attorney, I want to hear from you the process of calling and polling people. How is that supposed to take place according to the charter? ATTORNEY MOSLEY: I understand your town clerk would do it. COUNCILMAN M. DANIELS: As a councilperson, if there is a need for a meeting, we would contact the town clerk, and then the town clerk shall poll the rest of the board for their availability to a meeting? ATTORNEY MOSLEY: Yes COUNCILMAN M. DANIELS: no one should stop that? ATTORNEY MOSLEY: correct. COUNCILMAN M. DANIELS: If they are trying to stop it, what is it called? ATTORNEY MOSLEY: obstructing a meeting. COUNCILMAN M. DANIELS: Okay. I have seen emails from you, Attorney, about the grievance process. How many grievances do we currently have? ATTORNEY MOSLEY: I only know one. Ms. Cathy Williams: I do not believe I've gotten documents yet. COUNCILMAN M. DANIELS: What about the one from the previous planner? ATTORNEY MOSLEY: I drafted a document to the former mayor and a town clerk saying that a previous planner should have had a grievance and there was a process he should have followed. I believe the former mayor was in election mode, so he never called it up; it laid there. COUNCILMAN M. DANIELS: It was the former mayor's responsibility or was it the town clerk? ATTORNEY MOSLEY: Should have been both of theirs. The town clerk should have presented to the mayor. I sent it directly to both because I understood that Mr. Benderson had attempted to start a grievance process, and it stalled. I then got involved showing them step by step what's supposed to happen. COUNCILMAN M. DANIELS: I am asking you these questions for equality; transparency. If equality across the board, we never run into issues. The same process should be said for the town clerk position; when I talked to you, you said ten days. Why weren't we told this before the previous grievance? ATTORNEY MOSLEY: that was my position with the former mayor and the town clerk about Mr. Benderson; if you are going to do this, move this forward. The email you are talking about today is because I kept hearing about this grievance with Ms. Williams; I've not received any documents; wanted to make everybody aware of the grievance - - there are benchmarks you got to hit at a certain time for it to move on according to your policies. COUNCILMAN M. DANIELS: I ask that you provide that grievance process to all the board. ATTORNEY MOSLEY: I sent it to everybody. COUNCILMAN WASHINGTON: It is all administrative, it'll come to us at the grievance time. ATTORNEY MOSLEY: I think Councilman is talking about the ten-day window. Are there any other legal issues we have? ATTORNEY MOSLEY: No. COUNCILMAN M. DANIELS: Where do we stand on the Wymore Road litigation? ATTORNEY MOSLEY: ATTORNEY MOSLEY: We're trying to negotiate; there is a company, an

insurer of Aloma Title, trying to negotiate on behalf of Aloma Title, we may get it resolved. The mayor gave me permission to negotiate. COUNCILMAN M. DANIELS: Is there a timeframe on that? ATTORNEY MOSLEY: Not yet. COUNCILMAN M. DANIELS: Thank you.

Vice Mayor Rodney Daniels: Good evening. Attorney, I disagree with the grievance process of only two positions, the attorney, and the clerk. ATTORNEY MOSLEY: Yes. We talked about that. I would like to get an ordinance in place to prohibit move out trash, when the residents or whoever in an apartment or home move out before trash day; they put trash out on a Wednesday and we have to go a whole week, watching the trash. I'm proud of my community, and don't want to see where someone moved out and just threw everything on the corner; not fair to neighbors or to the people that's traveling in our community. Also, our workshops need to be moved to a different day. This will allow council meetings to start at 7:30. Another issue is the water and sewer, I thought funds are set aside for replacement of pipes; not at one time. If we find a study; do we start from the lift stations out, or do we start from the homes out to the street? Every administration wants to raise funds to start getting our infrastructure, our water, our pipes, our sewer lines replaced. a little piece at a time. Also, to the acting Deputy Chief or Sergeant McIntyre, the activity on Washington Street; had a couple of residents to come to me asking for help. I will get you information on the resident you can go by and talk to them. Also, Mayor, we don't have a planner. Is it possible to reach out to Mr. Benderson to bring back in some capacity; contractual to help out until we're able to find one? I've asked Mayor about the cameras for the CRA. I would like to know are you familiar with that, Attorney? ATTORNEY MOSLEY: The cameras? VICE MAYOR R. DANIELS: Yes. I've asked for particular dates of the cameras and who's over the cameras? Is it a firm or is it an individual? over the cameras to the CRA? Can you get back with me ATTORNEY MOSLEY: Yes, I will take a lead on it. VICE MAYOR R. DANIELS: I've been waiting almost a month. Activity: To move forward, we need some lobbyists in Tallahassee. I hope to become the next Tulsa or the next Black Wall Street; it's going to take funding, collaboration, partnership, and understanding. Our motto is process -- progressive through understanding. We can get some funding to help us out with whatever needs we have, marketing and infrastructure. Everyone should know about the oldest Black municipality; Scott, when he was governor, he didn't even know that we were the oldest Black municipality. I will remember my daughter Rela Daniels, my goddaughter Michelle Cole, and I will remember Mr. Pringle, my friend, and that's my report.

Councilman Theo Washington- Thank you very much. With the lobbyists, that's more money we don't have in our budget; we thought about this years ago. But on the planner situation, I think the information Ms. Salmieri gave us was thought out; went through detail of what we need to do in our community, with developers. The developer for the Hungerford property, did not give us all the information of what they wanted to do. We need people in place looking out for us making sure they are doing what we want to do in our plan. If they want to get it changed, change the zoning, they have to come to this board. We need people to make sure that developers are following our policies and land use. We put a CAO in place -- they have to return back to us with good information that is good for the community; if it's not good for the community, it's not good for this board. A lot of units, multifamily townhouses, and we do not need that. We do not need no more housing, no more apartments; we need a commercial district where people come in and entertain themselves. We need an amphitheater. Our parades have gone down. Eatonville was the parade maker, others trendsetting off our parades. We need to get it back to bringing people to this community. People that want to do projects here, it should not be difficult for them. Events: food truck Fridays, whatever a person want to do, a good organization, to help bring people here. Let us see what we can be about three or four years from now. We are the legislators and not the administration We need to stand by our ordinances and resolutions when we do these things. Our job is to say, come in and enjoy yourself in Eatonville. What do we have to give them? We do not have a souvenir store. Something I talked about years ago. We need to open our town up and do better. Thank you.

Councilwoman Wanda Randolph- Good evening. I wanted to find out from Attorney Mosley what was the outcome of the Enclave project as far as the impact fees? **ATTORNEY MOSLEY:** we took some reports from Maitland and Apopka and other places to try and figure out what they were charging. I tried to average it out seven percent of what the fee should when bringing a building out of the ground. We shared that with Enclave, and they have not said no. They are moving forward. I talked to a lawyer yesterday. I talked Jody Rothery; we are communicating about trying to make that happen. Mr. English is going to speak to them tomorrow. And we should have an answer in a few days. **COUNCILWOMAN RANDOLPH:** Juneteenth is coming up here pretty soon; Unity Juneteenth, there is a flyer. It is going to be a service at Macedonia, Sunday, June the 19th at 4:00 p.m., so we're hoping that everyone would be able to come out and enjoy in the services. There's going to be singing. It's going to be different types of talent on program. Also, I will be attending a two-day seminar this coming weekend in Jacksonville for municipal elected officials. I have also enrolled in an online course for newly elected officials; to help me to be more effective representing the town Eatonville. Mr. Benderson -- is alleging \$8,500 that is due to him based upon a previous action or incident that occurred; he was no longer employed, or he was on suspension -- some action that was taken against him. I'd like a report on that to see where we are refunding him the \$8,500. **ATTORNEY MOSLEY:** My understanding is that when Mr. Benderson got arrested, the former mayor put him on suspension with pay. When the case was nolle prosequi, dismissed, I suggested that we pay Mr. Benderson up until the case was dropped because he on suspension with pay. After Mr. Benderson was paid up until the case was dropped, the issue became a legal issue with a budget. because council never decided to adjust the budget to pay Mr. Benderson. Something was passed to make Mr. Benderson's job a part-time job; he was supposed to reapply if he wanted to come back in as a part-time planner. Mr. Benderson never reapplied. But the former mayor in some kind of way figured out how to pay Mr. Benderson from somewhere, and it was not clear where he was paying him from. There was no decision by you all where the money was coming from to pay Mr. Benderson. If he worked, he should be paid. My understanding: there's no budget category to pay Mr. Benderson. You have to decide how you're going to pay him -- which category you're going to pay him from for the other times he worked. It's my understanding that Mr. Benderson was still working as a planner or a part time planner for the Town of Eatonville; even though he wasn't getting paid. I drafted a memorandum because he was working; he should be paid. **COUNCILWOMAN RANDOLPH:** We can't just not pay people. If he's due compensation by right, he needs to be paid, and we need to figure out how that's going to be done. Some of the previous members being on the council, I'm quite sure you all aware of this incident more so than I am; my opinion is that we need to move on and make sure we are being just -- that he gets his just pay. **COUNCILMAN WASHINGTON:** Whatever work he did, he was getting paid for; I had a talk with Ms. Gibson about the finances. -- pull up invoices or pull up the ledger **ATTORNEY MOSLEY:** The issue is statutorily you can't spend money from a budget that's not approved. **COUNCILWOMAN RANDOLPH:** Katrina, can you check that out, please? **MS. GIBSON:** I will. Also, I'd like to find out when we will hold the budget for the upcoming year; we need to review the budget? **MS. GIBSON:** there will be a schedule coming for workshops. **COUNCILWOMAN RANDOLPH:** I just want to make everyone aware that today the Orange County Board of County Commissioners had their meeting today. I saw an agenda sheet that they had passed out to everyone; the town they were going to approve -- I think it was approved today for that session -- \$917,000 funds allocated for the Town of Eatonville for the CRA. Projects we have, we need to start thinking out of the box considering 30 to 50 years from now. What is it that we need to do here in Eatonville to make sure that we have adequate funding for everything that's needed? We have to forecasts the future of what we're going to do, how are we going to run this town, and how are we going to fund all these projects and the infrastructure and all the other things that we need. Now, The Zora festival was this past weekend. Concerning the police department, how did that go? **LT. MCINTYRE:** We had officers from Seminole County, Orange County, Belle Isle, Oakland to assist us in law enforcement services. The festival went well. There were no incidents to report. We do have a debriefing memo that will be sent out to show the pros and cons. People got bit by a wasp because of the high grass. But other than that, it was a very eventful

event; seemed peaceful. COUNCILWOMAN RANDOLPH: Also, this past weekend, the mayors were here. I was disappointed that the council did not receive an invitation to attend the mayor's events, to greet the mayors from around the United States. If we want to have more harmony, especially among the people that you work with, I think it was disrespectful, that we were not included to come to town hall or participate. Whenever the mayors had a function, they invited the council to be a part of the activities. I have concerns about going in a new direction; moving the town in the manner that it needs to be moved? Dealing with a lot of issues. Particular, concerning the CRA activities. When asking for meetings, special meetings; no responses, no cooperation. We've had the Enclave project for the permits put on hold, costing these developers money. The mayor has initiated more delays in getting something done, unnecessary efforts; seems to me like things are just intentionally omitted, not placing items on the agenda when you send them. We have this \$917,000 coming to our town for the CRA to help our residents and our town with improvements in blighted areas. I am going to put a motion on the floor; asking the mayor to entertain a motion by virtue of the majority vote of this council to recall the chairperson of the CRA board. We deal with terminated employees coming to work, doing work, and being sneaky and hiding, and being deceitful. I move that by a recall by the majority vote for the chairperson of the board so we can move on. And after that, we will seek to get a chairperson of the board so we can move on COUNCILMAN WASHINGTON: Who moved the motion? I have a question about Enclave. VICE MAYOR R. DANIELS: Councilwoman, are you asking the mayor to move it or -- COUNCILWOMAN RANDOLPH: I'm asking the mayor to give me the floor to move what I said. I want to recall by a majority of the vote the chairperson of the board. COUNCILMAN WASHINGTON: Who's the mayor? The question was the mayor is supposed to be the chairperson. That's what you all voted on. COUNCILWOMAN RANDOLPH: One minute. I have a motion on the floor. If the mayor does not want to carry it, we're going to ask the vice mayor. COUNCILMAN WASHINGTON: You all made it simple that the mayor is supposed to be the chairperson COUNCILWOMAN RANDOLPH: Read your bylaws. MAYOR GARDNER: Well, the bylaws say December. COUNCILWOMAN RANDOLPH: We have a motion on the floor, Council. MAYOR GARDNER: There's no motion on the floor. VICE MAYOR R. DANIELS: Mayor, are you going to carry the motion MAYOR GARDNER: There are bylaws. VICE MAYOR R. DANIELS: Councilwoman Randolph is asking for you to move a motion. ATTORNEY MOSLEY: Can we look at this and see whether this process is legal? I'll be honest with you; I've not seen this before. Can we give it a few days to look at this and make sure we are doing this right? COUNCILWOMAN RANDOLPH: No, sir. Because you know when they did it before? Do you know when this happened before? When Mayor Cole was removed as chairperson and Councilman Washington was made chair. ATTORNEY MOSLEY: That was before I got here. MAYOR GARDNER: What month was it? VICE MAYOR R. DANIELS: I'm not sure when, ma'am. MAYOR GARDNER: So that's worth looking into. That's what your bylaws say. VICE MAYOR R. DANIELS: Yes. I'm not sure. I don't think it was, but I'm not sure. But I don't think it was. It wasn't a common practice. Attorney we're asking for the mayor to move the motion. COUNCILMAN WASHINGTON: She hasn't moved it. COUNCILWOMAN RANDOLPH: -- three times. You keep interrupting. You need to be quiet and let this process go through. MAYOR GARDNER: Go ahead. Are you finished, Councilwoman? COUNCILWOMAN RANDOLPH: I move for a recall by majority vote; a recall for the chairperson of the board for the CRA. How many times do I have to repeat that? MAYOR GARDNER: I need Councilwoman Randolph to go ahead and finish, so I can make my motion. COUNCILWOMAN RANDOLPH: If you don't want to use the word recall, we can say remove. MAYOR GARDNER: I'm not going to make that motion.

Vice-Mayor Rodney Daniels makes a motion to what Councilwoman Randolph has said to remove the chairperson of the board, which is Chairman Gardner.

The motion was moved by Councilwoman Wanda Randolph; seconded by Vice-Mayor Rodney Daniels; AYE by Councilwoman Wanda Randolph, Vice-Mayor Rodney Daniels, NAYE: Mayor Angie Gardner, Councilman Theo Washington: MOTION PASSES. (No record of vote in the transcript for Councilman Marlin Daniels)**

Comments: MAYOR GARDNER: -- we've accepted an agenda; that's not on the agenda. The bylaws say any changes are made in December. They're next going to come to tell you who they want for the executive director position. All of this is not by chance. Mr. Shipp before you all leave, I have not forgotten about the sidewalks. Mr. Brooks, from the county came to give a presentation on the one percent penny tax. If it passes, the town gets about two hundred and something thousand dollars per month -- per year. We can allocate that toward sidewalks and everything else. Also, the road widening project comes into play. In regard to the pool, the water in the pool is there because if you take the water out, it's going to buckle. The water is sitting there; it's lower because it needs to be low. I believe that the pool should be fixed. There was \$180,000 check from SGL, and they did the I-4 expansion. SGL was the contractor. Part of their contract, states that they we're going to give \$1.0-something million to the different municipalities. The two checks given, one went to paint the tower, the second check was supposed to be for culture and arts; internally it was asked can we change it to the drum corps? Last week the culture and arts and the county called me and said, we're doing a tour. What are you all going to display? "Well, you have a room full of instruments." I said, "Instruments without kids?" That doesn't make sense. It -- so I asked them if the money could be reappropriated. But the check that I was talking about, was March 1st. I received that check March 31st. Am I right, Ms. Gibson? MAYOR GARDNER: You fill in the gap. Where was the check? So now \$180,000, hopefully we can use it for things that matter. The fence around the tennis court, we're thinking about the pool, the courts being redone. How can we get it all done? The planner told everyone that our comp plan said five to 20 percent residential. I knew she wasn't going to be approved. That contract wasn't going to be approved because she's doing the right things. She's saying, developers, you're not going to put in 50 percent more houses in that spot. Mr. Novak, I did have that meeting with the website. I love that website that you showed. I will be getting with you. The other website doesn't look like that. Mr. Mack left, but Lynx was a part of that one percent, transportation, and mobility. Having some sort of transportation for the seniors, not a large bus but a smaller bus might be something we can look at. The CAO position status, I have interviewed two people. The one that was perfect; it's a no. The Zora and the conference of mayors, which was my very first one; at the very last minute, someone said, "Hey, did you send an invitation to the council?" I didn't think about because I was getting the agenda ready; assistant out sick and the town clerk they wanted is not starting until after the Tuesday meeting. The staff, Ms. Gibson, Ms. McCoy, they set this room up. I can't think about any negative that you would have to say about an invitation. Councilman Washington showed up. How did you know about it? COUNCILMAN WASHINGTON: I saw an email -- you came. Thank you. If you have experience with this before, then you knew that they were having it. One of the things I had to do was to figure out why our fees are so low. Our fees have been low for 16 years because we try to make developers happy. Enclave walked away not paying anything. Lake Weston didn't pay anything. So how do we get this stuff and how do we get the town looking beautiful; it doesn't come by only grants. Grants are hit or miss. The Capital Improvement Plans, which includes maintenance over the years. We haven't had CIP plans and that's a part of the budget. That's something we look at doing so that we can look at doing sections. But the biggest thing is that you had a USDA management report that said there was about maybe 17 to 28 million, depending on which path you took, that it would take to do all of the work here. That plan -- you got it before I did, Vice Mayor Daniels. Nothing was done with that plan. Until the information on this 5.9 million started from that plan because someone looked at the plan, saw where the needs were because they had already been identified, and they put it into a grant; you ask about the timeline. They have a scope of work. Deputy Chief is on FMLA. Maintenance program definitely we need it. Should have been in place already. Mainstreet: we really need to understand what mainstreet do. They let people know about your town, not just for one event, everything. They can write grants to take care of some of these dilapidated buildings that are on the main street. They liven up your towns to bring tourists in, foot traffic. Lack of knowledge is killing us. The \$917,000; it should be close to 2 million because if they're just giving money to the CRA, where's the town's money? So that number seems low to me. But now the money is being restored. The money is being restored; the only thing they wanted was a procurement policy update. Those are the documents I have

before you; to look at. This document was an existing document that the town already had; the CRA didn't have. When the county asked us for now, we already had it. This is the summary addendum. The summary addendum is patterned after the county's policy so that they know they can't say no to their own work. And then the final resolution draft is for the charitable contribution application and steps. If the CRA needed it, then the town needed it first because it was all adopted from the town side. Planner: She saw the importance of this town. VICE MAYOR R. DANIELS: You're talking about this planner. Mr. Novak, you keep saying transparency, right? I'm going to tell you my issue is: What does procurement say about bringing in a consultant? What is the limit? You talk about transparency; it's supposed to be \$2,000 for me to find out in a meeting tonight that a contract has been sent for \$5,000 and \$3,500. Tell me transparency. COUNCILMAN M. DANIELS: Ms. Gibson, what does procurement say? MS. GIBSON: We do have a resolution where that it was passed. It was a resolution passed where that you can hire a contract person for six months. COUNCILMAN M. DANIELS: With no limits? MS. GIBSON: I can't remember the limits. COUNCILMAN M. DANIELS: How do we declare this to be an emergency? MS. GIBSON: It has always been there. Brought it up when Bruce Mount was here. COUNCILMAN M. DANIELS: You said emergency hire, so you're saying this was emergency hiring? MS. GIBSON: Let me go back and correct myself. The procurement policy has emergency in there, and you can hire when you set the amount. But there's a limit to what you can hire for; we also have a resolution where you can hire for six months. COUNCILMAN M. DANIELS: Does it have to come back to Council? MS. GIBSON: Council adopted that and put that in place, and nobody has never brought it back. COUNCILMAN M. DANIELS: You're saying it's okay for this planner to come in and make this money. MS. GIBSON: All the positions we have vacant, we need people to come in. COUNCILMAN M. DANIELS: Just answer my -- MS. GIBSON: Yes. There are some things that need to be taken care of. Since we don't have those positions in here, I have learned a lot about other things that deals with financial and deal with the other departments where the planner and the other position in some ways is willing to help and keep the town moving, I think you should make that step. Yes. COUNCILMAN M. DANIELS: It should have been brought back. We haven't had a police chief in how long? MS. GIBSON: It wasn't a priority. COUNCILMAN M. DANIELS: If we're talking about the need and necessity of things, we have to be transparent. I found out about this planner on a Friday. MAYOR GARDNER: But she's not new. COUNCILMAN M. DANIELS: When did she come in? MAYOR GARDNER: You received her information COUNCILMAN M. DANIELS: But she didn't come and do the presentation MAYOR GARDNER: You had the information. I mean, she's not new. COUNCILMAN M. DANIELS: So, we received a copy of the current contracts that she's up under? MAYOR GARDNER: Because those are the emergency. That's why she's here today. COUNCILMAN M. DANIELS: You don't think it would be good for us to know? -- but then you don't have her looking at the Hungerford property, but we have other issues that's going on that's dealing with permitting. Was she brought in just to handle one thing, or this is the totality of everything that we are doing with planning? MAYOR GARDNER: She's a planner. COUNCILMAN M. DANIELS: Why did the project stop, Mayor? MAYOR GARDNER: The Enclave? COUNCILMAN M. DANIELS: Yes, Mayor. COUNCILMAN WASHINGTON: The zoning? Have we got the zoning yet? MAYOR GARDNER: What do you mean -- what do you mean -- COUNCILMAN WASHINGTON: Enclave has not been to the planning zoning board; policy says they must; and we let them do all this stuff without coming to the board to get the zoning changed? I have no problem of this coming to the board to change from commercial to residential, multifamily, agricultural, whatever they want to change it to, But it might be somebody who got paid. COUNCILMAN M. DANIELS: See my disclosure at any time you want to see it. COUNCILMAN M. DANIELS: Money has been taken. A \$71,000 check was written from the agency. COUNCILWOMAN RANDOLPH: I did not finish my counsel report. Before we leave this meeting, we need to move for a chairperson of the board. I have a motion ATTORNEY MOSLEY: This is a town council meeting; you are now doing business for the board of directors in a town council meeting. You made one that is okay, but now you have to deal with this other thing in your board of directors meeting; moving to set a chairperson for the board of directors in a town council meeting; is that my understanding? COUNCILWOMAN

RANDOLPH: That is what we have done before. COUNCILMAN M. DANIELS: On March 15th. COUNCILWOMAN RANDOLPH: You should remember March 15th; it was the day we were sworn in. The bylaws today say December. They should be honored. COUNCILWOMAN RANDOLPH: They should be what? MAYOR GARDNER: They should be honored. COUNCILWOMAN RANDOLPH: We are not going to wait until December to do this process. VICE MAYOR R. DANIELS: Which this board did not follow because if that that was the case then, the chair at that time, Mayor Cole, wouldn't have been removed. It was by majority vote. MAYOR GARDNER: But we are talking about what month. COUNCILMAN M. DANIELS: Attorney, do you have a copy of the resolution 2019-15? ATTORNEY MOSLEY: You're talking about the scheduling COUNCILMAN M. DANIELS: Right. that still did not show up; you said I could bring it from the floor, correct? ATTORNEY MOSLEY: Yes, sir. COUNCILMAN M. DANIELS: Councilwoman Randolph is doing this right now, it is the same precedents, right? ATTORNEY MOSLEY: The difference is your resolution is about town council business. ATTORNEY MOSLEY: Doing a board of directors meeting in the council meeting to place a new chairperson. COUNCILMAN M. DANIELS: And I thought the CRA was always going on the town side. ATTORNEY MOSLEY: No, the CRA is created by a statute that creates a board of directors when you first created it; you can sit as council members to govern. Or if you first create it, you can make it independent, but after you decide to govern it the way you govern it, it should always stay the same. COUNCILMAN M. DANIELS: So, in the past, where did we get the chair? Who -- on what side was it done? Was it on the CRA side, or was it the town side? COUNCILMAN WASHINGTON: Town side. COUNCILMAN M. DANIELS: She's within her right, Attorney. COUNCILMAN WASHINGTON: She's in the right, but it says the mayor should be the chairperson, and the vice mayor should be the vice chairperson. ATTORNEY MOSLEY: Councilman Marlin Daniels, a lot of things are done differently than according to the statute should be done or how the bylaws should be followed. I would think that you would do that in a in a directors meeting. But if you all have precedent where it has happened before, then follow your precedent. MAYOR GARDNER: But it needs to be done by bylaws; in December COUNCILMAN M. DANIELS: It was not in December when Councilman Washington tried to make me the chair; and I turned it down. MAYOR GARDNER: When was that? COUNCILMAN M. DANIELS: And you sent me the motion, and I turned it down. COUNCILMAN WASHINGTON: You had a resolution COUNCILMAN M. DANIELS: But you just told me that it had to be the mayor? I have never been the mayor. It was a motion put on the floor, and I declined it. MAYOR GARDNER Always the mayor be the chairperson. The vice chair can change if that is what we want to do ; but you said let the mayor be the chairperson. VICE MAYOR R. DANIELS: Part of the democratic process did not allow Bruce Mount to be the chairperson. VICE MAYOR R. DANIELS: They did not allow him to be chairperson. VICE MAYOR R. DANIELS: Although I voted for him, board had majority vote, and he was not the chair. ATTORNEY MOSLEY: This is a problem when people do not follow their own rules. You follow the rules, and everybody knows what they are supposed to do the next time. My intent here is to try and get you all back to the middle of following your own rules. VICE MAYOR R. DANIELS: The rules also say that when you submit something to the chair, that it gets put on the agenda. MAYOR GARDNER: This is not CRA meeting. ATTORNEY MOSLEY: Everybody who decides not to do something that is supposed to be done makes the problem larger, is more compounded. MR. GARDNER: I am sorry, Attorney. This is not a CRA meeting. I do want to finish my last part about the grievance. The policy states if you quit, you do not have a grievance; he was being paid illegally. COUNCILMAN WASHINGTON: No but was too late MAYOR GARDNER: he still was able to do the paperwork, but he did not; because he could not state a job that was in our budget. He was suspended without pay because you could not attach it to a job. ATTORNEY MOSLEY: The budget was there for a purpose, and we decided not to follow the budget process. That is how Mr. Benderson either became a victim or not. I wish that everybody would just follow the rules. COUNCILMAN M. DANIELS: But, Attorney, as legislators, we cannot force somebody to quit by moving money out of the budget? ATTORNEY MOSLEY: You can constructively displace a person. Many times, government entities decide where they want to place their money in terms of importance, and sometimes people

lose their jobs to budget decisions, but you are right. You can constructively terminate somebody by writing them out of the budget. COUNCILMAN M. DANIELS: Back to Councilwoman Randolph having a motion. If a motion is out there, do we push it forward? COUNCILWOMAN RANDOLPH We've already voted on the first, but the other half is to move for a chairperson or chairperson of the board tonight before we leave here. COUNCILMAN M. DANIELS: Attorney, if we disagree on a motion, we should do what? ATTORNEY MOSLEY: Table it. COUNCILMAN M. DANIELS: You said if something happens and we disagree with it, what should we do? A rule on the opposite side and it do not go our way, then we have a right to do what? ATTORNEY MOSLEY: You could bring it up and present it and vote on it until the majority vote. COUNCILMAN M. DANIELS: Are you saying if there is a process that we do not agree with, I can file an injunction or file a suit against it; be my own legal and file an injunction against it, correct? ATTORNEY MOSLEY: That's correct.

Councilwoman Wanda Randolph recommends a motion that that we move that Vice Mayor Rodney Daniels be the chairperson of the board of the CRA until further notice.

Comment: VICE MAYOR R. DANIELS: So once again, Attorney, do we wait for the mayor to move that motion? MAYOR GARDNER: I am not -- I'm not moving the motion. COUNCILMAN M. DANIELS: Resolution 2019-15 says during formal meetings that if that happens, then another council person can move the floor. That is why I asked Attorney does he have 2019-15. VICE MAYOR R. DANIELS: Attorney? Since she is recommending me, am I excluded from moving that motion? ATTORNEY MOSLEY: You can.

Vice-Mayor Rodney Daniels makes a motion that Rodney Daniels becomes the chairperson of the CRA board. The motion was moved by Councilman Marlin Daniels; seconded by Councilwoman Wanda Randolph; AYE by Councilwoman Wanda Randolph, Councilman Marlin Daniels, Vice-Mayor Rodney Daniels, NAYE: Mayor Angie Gardner, Councilman Theo Washington: MOTION PASSES.

Comments: MAYOR GARDNER: Well, that looks like it concludes our meeting tonight. COUNCILWOMAN RANDOLPH: Now we can move our town. Thank you.

Mayor Gardner: No report

ADJOURNMENT: Motion by Mayor Gardner to adjourn; **MEETING ADJOURNED** at: 9:28 P.M. (**No record of vote in the transcript for Vice-Mayor Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, Councilman Theo Washington)

RESPECTFULLY SUBMITTED BY:



Veronica L King, Town Clerk

APPROVED



Mayor