

TOWN COUNCIL
REGULAR MEETING
MINUTES
August 2, 2022

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, and Councilman Theo Washington. **STAFF:** Attorney Patrick Brackins, **Town Attorney**, Cathlene Williams, **Interim Chief Administrative Officer**, Veronica King, **Town Clerk**, Albert English, **Public Works Director**, Eric McIntyre, **Lieutenant Officer**, and Katrina Gibson, **Finance Director**.

CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called to order the Town Council meeting for 7:31 pm and confirmed a quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Critton led the Prayer of Invocation, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Gardner motions for approval of consent agenda; moved by Councilwoman Randolph; second by Councilman Washington Councilman M. Daniels requested that all items except items #2 and #4 be moved to Council Decision; Councilman Washington requested that item #2 move to Council Decision as well.

Motion, move and second was withdrawn. Mayor Gardner moved for approval of consent agenda moving all items to Council Decision and leaving item #4 on the consent agenda; moved by Councilman Washington, seconded by Councilman M. Daniels; AYE: ALL, MOTION PASSES.

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

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

RYAN NOVAK – Comments on Michael Johnson employment contract; Pay out was due if terminated without clause or pay out up to the day of termination was due if terminated with clause. This is not a good template whenever you pay out someone for not doing a job. Contracts like this should be written “At Will” allowing both parties to terminate relationship with any amount of notice given.

ISAAC JENKINS – Sanitation Conditions: Daycare next door has a dumpster on the front street of Kennedy with the lid open; it smells Dumpster should be closed. This should be addressed and brought to code. Dumpster should be kept clean , not visible, and closed. Also toys are piled up instead of placing in the dumpster. We need to pay attention and supervise to prevent things as such from slipping by us. The are overgrown trees overlapping electrical powerlines. (Ran out of time; asked to email the rest of his concerns to Cathy Williams.

DWAYNE RACKARD – I am upset with the direction of the town. I met Michael Johnson, and he laid out a plan because he wanted my property, the hotel, and property next to it. Dave the owner of the club and the laundry mat; Michael stated that he hated him and should hang him in the middle of the town. I became furious because my wife and children are half white; the conversation ended. To the Mayor, Michael has no morals and ethics and is a racist; should not be apart of any board and the town. I am furious you gave him \$90,000. Town needs to bow face and separate ties and go in another direction. Mayor, you need to stand on your own two feet; the people you are with I think will lead you to destruction if it has not already happened.

ANGELA JOHNSON – I employ Councilwoman Randolph to stand firm with the billing issues. The town entire billing system and customer deposit requirement system need to be overhauled. Eatonville one of a few who does not do a credit check to determine deposit; not sure when deposits are returned. The deposit should be sitting in a restricted account; any interest earning should be credited back to the customer. Integrity Group

– I challenge you to look at the proposal contract; no where does it speak to the 7.5% as was stated. Detail out how the fees will be charged on existing and new funds received. Ensure there is a clear understanding of their role as a vendor. School Board Property – consider reaching out to your counterparts; no way will they allow the overgrowth that we see on the property; a school board representative should contact and have them cut the grass on a regular basis. The Planning and Zoning meeting – with a potential developer coming back before the council, it is important to get information out to the citizens and consider moving the meeting to the Denton Johnson Center.

PUBLIC HEARING

A. Public hearing of **Ordinance 2022-3** creating a new article and new sections 1 through 9, inclusive in Chapter 4 Business concerning registration and operation of rental homes. Angela Thomas, Is this ordinance for homes or for boarding houses? Mayor Gardner responded that the ordinance is for any rentals; any residence that is not owner occupied but rented out. Angela Thomas stated that this language needs to be in the Ordinance. Does it also include the hotel (Intown Suites)? Is it a hotel or resident for the people? It was stated by Mayor Cathy Williams that the article does not apply to motels and hotels as defined in section four (4). Code Enforcement will be a major part in enforcing this ordinance. To Attorney Brackins, can the hotel and boarding house be specifically stated. The Attorney did not look at this Ordinance; if not, then who wrote created it? Attorney Brackins, there is a difference between a hotel and motel; they both are a specific type of public lodging preempted to the state when it comes to regulation. Mayor Gardner, the Ordinance does include each room in a structure including a boarding house fraternity, sorority, hotel, motel, hospital, and nursing home. Ms. Greathouse, how are the rental fees going to be done? Mayor Gardner stated that it would be an annual license each year with a required inspection. The Ordinance was received from Daytona to gain control of the rental homes. We will monitor through the utilities services; a residential rental application will be required. The owner will be responsible for the fee each time there is a new renter (lease); an annual rental license fee and a fee per lease assessed. Angela Johnson – Does this include apartment complexes? Cathy Williams responded , for single family homes. Angela Johnson, in the tenant section there is a higher scrutiny on individuals with convictions. Consider that sometimes people make mistakes. There is a strong scrutiny on landlords but not apartment complexes. Cathy Williams, the town can enter into an agreement with owner of the apartment to ensure the property is maintained at all times; the town will seriously consider. Attorney Brackins will look to see if this would be an issue with Florida Statues. I challenge you to create a process where citizens can read up on the details so they can be prepared to ask questions **(Public Comments Closed)**

(Open to Council) Councilman M. Daniels, when did the process start when creating this Ordinance? Cathy Williams responded 2015) I think it should go back to the drawing board to include some type of governance. I have an issue with convicts not getting a second chance. There should be a link on the website with documents for residents to see and review. Mayor Gardner, I agree we need to make some amendments, but it has enough good stuff that can become a tool in the hands of Code Enforcement. Councilwoman Randolph, can a flyer be sent to residents about this through the water bill; before we pass a law, we need to ensure that the residents can be aware.

Mayor Gardner motions to table the 1st reading of Ordinance 2022-3 creating a new article and new sections 1 through 9, inclusive in Chapter 4 Business concerning registration and operation of rental homes; moved by Vice Mayor R. Daniels; second by Councilman M. Daniels AYE: Councilman Washington, Councilwoman Randolph, Councilman M. Daniels, Vice Mayor R. Daniels; NAYE: Mayor Gardner; MOTION PASSES

B. Public hearing of **Ordinance 2022-5** amending /updating the current policy governing procurement /purchasing, Ordinance 2008-6;adding a new Section Two (2) **(No Public Comments)**

(Open to Council) The Procurement policy is not include. Councilwoman Randolph, 2010-14 of the procurement is not a part of the Ordinance. Attorney Brackins, 2010-14 should be included if you intend to bring all thresholds this Ordinance. Councilman M. Daniels, we constantly have Ordinances out of order with several amendments; why not write a new procurement policy. Mayor Gardner, an internal auditor can make sure that the updated procurement makes sense and bring all parcels together. Orange County Comptroller from the CRA audit stated that we need to update our procurement policy. The goal is to fulfill the obligation of the investigation . If we adopt Orange County Procurement it will be updated Councilman M. Daniels, we a need to clean, streamline, and combine all versions in to one new updated procurement. **Mayor Gardner motions to table approve the 1st reading of Ordinance 2022-5 amending /updating the current policy governing procurement /purchasing, Ordinance 2008-6;adding a new Section Two (2); moved by Councilman Washington; DIES FOR LACK OF SECOND**

CONSENT AGENDA (Item #4 only, all other items were moved to Council Decision)

- 1. Mayor Gardner motion for approval of the consent agenda; moved by Councilman Washington, seconded by Councilman M. Daniels; AYE: ALL, MOTION PASSES.**

COUNCIL DECISION

- 2. Mayor Gardner motions for approval of Approval of Resolution #2022-44, New Job Description, and salary for Planning/Building Department. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels with discussion.**

Discussion: Councilman M. Daniels, need to look at all job descriptions before adding a \$35,000-\$45,000 salary into the budget. Councilwoman Randolph requests number of permit; may not warrant a full-time position but a flex person up to forty (40) hours. The job descriptions need some tweaking; perform duties as required instead of the word marginal. To know and understand the land Development Code should be included. Some duties appear to be repetitious. Need to look at the salary range; is this an hourly or salary employee? If hourly, it hourly pay need to be stated. Councilman M. Daniels, can this position start off part-time? Katrina Gibson, it is a full-time position; the position will plan meetings for Planning, do business taxes, work with code enforcement, do business permits, plan for the Historic Preservation Board, deal with lot clearing, site planning, and building permitting.

The motions was moved by Councilman Theo Washington; seconded by Councilman M. Daniels; ROLL CALL Councilwoman Randolph-NAYE, Councilman Washington-AYE, Mayor Gardner-AYE, Vice Mayor R. Daniels-NAYE, Councilman M. Daniels-NAYE, MOTION DOES NOT PASS.

Comment: Councilwoman W. Randolph, recommend tabling until further changes are made; Councilman M. Daniels, bring back to drawing board and bring.

- 3. Mayor Gardner motions for approval of Resolution #2022-46, Settlement of Code Enforcement Lien, for property at 105 N. Wymore Road.**

There is No Resolution. Councilman Washington, we need to know the attorney fees that cost the town before any settlement. They owe \$56,000; The \$14,000 is not even half. Attorneys dealt with this matter off and on; what is the fees spent up to date. We should table until we get this information. Councilwoman Randolph, this is the result of someone not taking care of their property; what has been paid out in attorney fees? Attorney Brackins and Attorney Shepard have reviewed and discussed and then given to Attorney Drew Smith to finalize settlement. Fees are covered in the proposed settlement; but not sure of Attorney Mosley's fees. Councilwoman, to table until the fees have been determined with documentation. Councilman Washington, settlement should cover the attorney fees; need to get the number and then negotiate from there. Attorney Brackins, a resolution is not needed to authorize this type of settlement; you can amend motion to state whether you are authorizing the settlement. **Mayor Gardner amends motion to authorize the Settlement of Code Enforcement Lien, for property at 105 N. Wymore Road for \$14,000; seconded by Councilwoman Randolph; ROLL**

CALL Councilwoman Randolph-AYE, Councilman Washington-NAYE, Mayor Gardner-AYE, Vice Mayor R. Daniels-NAYE, Councilman M. Daniels-NAYE, **MOTION DOES NOT PASS.**

Comment: Councilwoman M. Daniels, recommend tabling to bring back with pertinent information; how much it cost for fees and then decide.

4. Mayor Gardner motion for approval of Resolution 2022-43 Establishing a policy governing charitable donations made by the Mayor and Town Council..

Councilman M. Daniels, would like to table; spoke last time about bringing back with application, fee schedule to include in-kind. Councilwoman Randolph, request change in language; should state “the town wishes to establish policies and procedures. The 5th whereas should go by what the Florida Statutes says, take out “potential” in the 2nd whereas, and take out “designee” on the last page Mayor Gardner, I will gather requested information and send to the board. Councilman M. Daniels, it does not have to include the statement to address the concern of Orange County. Vice Mayor R. Daniels, can language be added allowing access to information on how tax dollars are being spent? Attorney Brackins, unless there is exceptional amount of money and work for the town, the members of the public would not have rights to the information. It is common to add to the policy that if an entity receives a donation over certain threshold, that they would need to provide records of monies spent or provide record as an audit. Vice Mayor R. Daniels to attorney, as an entity making a record request can I ask for information on monies spent; Attorney Brackins responds stating most likely not, unless it is written in another agreement.

Mayor Gardner motion to table Resolution 2022-43; The motion was second by Councilman M. Daniels; AYE: ALL, MOTION PASSES.

(Recessed at 9:12pm / reconvened at 9:17pm)

5. Mayor Gardner motion for approval of invoice from Frank Gay, for emergency repair operation at the Intersection of Mosley & Ruffel Street, \$24,195 Invoice#98680382. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels with discussion.

Discussion: Councilman M. Daniels, how much has been paid out in fixing pipes; I’ve asked for this information. Mr. English, this a sinkhole and not a tie-in. Vice Mayor R. Daniels stated that it is Calhoun and Ruffel; not Mosley. Councilman M. Daniels, why is payout taking this long; we have to pay vendors on time. Cathy Williams stated that we were waiting on vendor to send over invoice.

The motion was previously moved and second; AYE: ALL, MOTION PASSES.

6. Mayor Gardner motion for approval of invoice from Frank Gay, for emergency repair services at 227 Toni Street, \$9,147.50 Invoice#103557951. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels with discussion.

Discussion: In response to questions from Councilman M. Daniels, Mr. English states this is partial tie-in and a broken valve. Frank Gay did they work, broke the valve and the town expected to pay because work was done in good faith to assist the town; our valve are not in the best condition. The town received \$4,000 for the tie-in; the town is out about \$5,147.50. Staff is unable to do the work at this level. Fay Gay initially charges \$3,000 on the high end. Councilman M. Daniels, these types of matters should come before the council. Mayor Gardner, this would be a part of the impact fees. Vice Mayor R. Daniels, I learned that the wrong piping was used causing low pressure on Toni street; need to ensure that the appropriate pipes and cut off are used to prevent this issue from happening again. Councilman Washington, keep in mind that the valve do corrode which cause cracking and breaking.; need to look at our valves. **The motion was previously moved and second; AYE: ALL, MOTION PASSES.**

7. **Mayor Gardner motions the approval of invoice from Frank Gay, for emergency repairs at 340 Lime Street, \$7,990.95, Invoice#99569979. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels; AYE: ALL, MOTION PASSES**

8. **Mayor Gardner motions the approval of invoice from Frank Gay, for emergency repairs at 517 South Lake Destiny Drive, \$9,453.10, Invoice#102234146. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels with discussion.**
Discussion: In response to questions by Councilman M. Daniels and other Council members, Mr. English explains that the leak identified could not be repaired by Public Work; did not have the appropriate equipment. Frank Gay was asked to care of the matter installing a new valve. The valves are plastic and covered up. We do not know where all the valves; the current schematic layout is not accurate. Not being able to locate the valves is causing issues that impact the town at large. It would cost about \$20-25,000 for a company to come out and locate the valves. The sewer and water master plan would address this; finding valves and repairing them go together. Councilman M. Daniels, you should come to next meeting with a resolution to cover the location of valves to prevent these types of problems in the town. **The motion was previously moved and second; AYE: ALL, MOTION PASSES.**

9. **Mayor Gardner motions the approval of Agreement between Blue Sky Emergency Management DBS Integrity Group. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels with discussion.**
Discussion: Clarification needed on the 7.5%; is it on the existing money and 7.5% on the money that comes in? This is not clarified in the document provided and pages are missing per Attorney Brackins. **There motion, move, and second was withdrawn. Agreement between Blue Sky Emergency Management DBS Integrity Group to get all pages and further review; The motion was moved by Councilman Theo Washington; seconded by Councilwoman Randolph; AYE: ALL, MOTION PASSES**

10. **Mayor Gardner motions the approval of Resolution 2022-46 To hire a Police Chief. The motion was moved by Councilman Theo Washington; seconded by Councilman M. Daniels;**
Councilwoman Randolph, the position has been vacant for over five (5) years and need to be filled. Mayor Gardner, the salary needs to be revisited for possible increase; \$80, 90,000 for Chief of Police. Councilman M. Daniels, consider removing the Deputy Chief and move salary around with incentives; look at restructuring. Councilwoman Randolph, the position was created not an original position. Mayor Gardner, I would like to keep the Deputy Chief position just in case it serves a need. Councilwoman Randolph, incentives will motive current officers to move up. In response to questions from Council, Lieutenant. McIntyre, we have an organizational chart and will provide a copy. Currently we have a shortage of offices, about 5-8 officers. There is a minimum mandatory to function as an agency; we are currently at that minimum. We have budget discussion on Wednesday to discuss incentives and bonuses. Clarity: the Deputy Chief position was previously called Captain and later changed to Deputy Chief; the position has always existed. In response to Council, Cathy Williams stated that Chief Jenkins is no longer on Family Medical Leave. We currently have two (2) applications for the Chief position pending interviews. Councilman M. Daniels is requesting copies of the applications. **The motion was previously moved and second; AYE: ALL, MOTION PASSES..**

11. **Mayor Gardner motions the approval of quote for Emergency repair on East Kennedy Blvd.**
12. **Discussion:** In response to Council, Mr. English states that he will send a letter to Orange County for assistance with the \$77,640.08; this amount is on the high end and could be less. Although it is a county

road, it is the town's pipes. Two other vendors were research; one could not do it, the job was too large for the other vendor. Money currently has not been moved but spoke with finance; funds will come from Public Works budget to include contingency and some other line items. The actual amount will come depending on findings; it should take about 24 hours and will have a boil water alert if water is shut off. Councilman M. Daniels, this has to be fixed because of public safety. What or I would like to know the step by step plan to notify the residents; notification, flyer, phone tree. I have not been getting the phone tree message; may need to look at the system. Mayor Gardner, for clarity of the vote, the work should be up to \$77,640.08; not to exceed this amount. **Mayor Gardner amends motion the approval of quote for Emergency repair on East Kennedy Blvd not to exceed \$77,640.08; seconded by Councilwoman Randolph; AYE: ALL, MOTION PASSES.**

INTERIM CHIEF ADMINISTRATIVE OFFICER:

Cathlene Williams: Welcome signs are installed; three (3) and one (1) pending. The retreat is scheduled for August 13, 8am-1pmp located at the Denton Johnson Center. Catalina Park Retention update: CATO is unable to clean; will have to research other companies, Fence repairs are scheduled for August 19. Meter: seventy-five (75) commercial meters were delivered. Ready to put the utility software in place; may take 2-3 weeks. Cack School: Sherronda Thomas, will take place on Monday, August 8, 4 – p.m. planned for Eatonville residents. Have seventy-six (76) back packs; goal is to service 100 children in Eatonville. Haircuts for (25) boys and styles for (25) girls is a part of the \$7500 event budget: from the recreation budget, youth line item. Receiving donations for school supplies. It will be a fun with an inflatable for games, school supplies, haircut/styles, and DJ. Founders: Cathy William, Thursday, August 18 is a luncheon at Imperial Designs, Saturday, August 20 3-11pm Entertainment on school board property behind the library, and Sunday, August 21 is a prayer breakfast at Imperial Designs followed by a worship serve at St. Lawrence AME, and the Founder's Day closeout also on Sunday evening with more entertainment on the school board property: parking is located off of Wymore. \$35 general entrance, \$25 early bird, and discount resident cost. Council will receive up to five (5) tickets and residents will receive one (1) free ticket per day and must show proof of residency; \$25 for two or more tickets. To date 250 tickets have been sold. School Board fee has been paid; Vice Mayor R. Daniels is requesting confirmation from school board for use of the property. Lieutenant. McIntyre, still working on public safety between Michael Johnson (Mainstreet). Compensation of officers: Deposit is due on August 15 and documentation will be provided on the public safety. Permits: Cathy Williams, special events application has been submitted; per Michael Johnson, Michael Johnson has stated that he has a \$150 permit from the Town of Eatonville; no documentation has been provided. There is a raised question as to if the event will take place on the school board property; due to alcohol restrictions in the school board facility use agreement (Section 11). There is no MOU established with the town. In process of securing public safety, funding officers, and documentation including a summary of meetings. It has been stated that all insurances are in place; Eatonville is not insured. Attorney Brackins confirmed that if it is a town's event and using the town's name, the town needs to be insured. Michael Johnson stated to Lieutenant. McIntyre, it has nothing to do with Eatonville because it is on private property. No known fencing has been discussed. Councilman M. Daniels is requesting copies of permits and insurances (certificate of insurance) and the MOU/contract to be completed. To include information about the tickets. Mayor Gardner, I will provide the permits and insurance and will make sure the town is protected.

LEGAL COUNSEL REPORT:

Attorney Patrick Brackins: Enclave is proceeding through the site plan process. Hungerford property is on schedule for the August 18 Planning and Zoning meeting.

COUNCIL REPORTS:

Councilman Marlin Daniels: Requesting copy of garbage of garbage contract. To the Mayor, you say you are protecting the town but noted that a MOU for Founder's Day is not important, this is not the best interest of the citizens. To Lieutenant. McIntyre, it was confirmed that this is not a town's event because it is own private property; I expect for all rules to allow to anyone who comes to do a festival of this type; will follow up with

Attorney Shepard to inquire about the authority the Mayor has to enter an agreement when planning Founder's Day. Budget: In Section 4.01 of the Charter is states that the fiscal year starts October 1 – September 30; Section 4.02 states that the budget is to be submitted on August 1 and I have not received. Mayor Gardner, we are behind in the budget and the audit. Council M. Daniels, I am looking for transparency in the budget workshop; I have been doing my research.

Vice Mayor Rodney Daniels – Thanks to Mr. Jenkins for speaking out about the sanitation. To Mr. Novak, I saw the contract and had concerns about the Executive Director, the contract that had not been reviewed by the attorney; the contract was still voted on. I asked for an investigation; it was voted no. I communicated that Ms. Dawkins is interested in helping out in anyway; due to lack of response I have forwarded the information to Mrs. King and Attorney Shepard and Mrs. Gibson. She has experience working with the comptroller and can help finance. Community Pool: it needs to be up and functioning; would like to partner with a foundation to provide swimming lessons for our children. To Mr. English, there is a crosswalk sign that has been down for about three (3) weeks on Eat and Kennedy. There is also a manhole covering that is exposed on Kennedy and Washington; this need to be given attention right away. I have asked for the account number (last four digits) for the vendor who monitors the cameras; monitoring services and the tapes; I am asking again. We also need a lobbyist in Tallahassee. To the Mayor, where are we with Mr. Benderson back pay? To Mrs. King, I am requesting all applications for the CAO position and a summary of how things are going as the Town Clerk. Town Attorney: thank to Attorney Shepard for insight on the Powers of the Mayor on hiring an interim clerk and attorney; which was rejected under another Mayor; in which Mayor Gardner spearheaded.

Councilman Theo Washington – Dumpsters on the front street should not be allowed; if they are not enclosed, they are violating the policy. Mainstreet, I try to stay out of it because it is run by non-political individuals; it is supposed to be non-political when doing things in the community.

Councilwoman Wanda Randolph – I want to share an incident report on Amador Circle; Mrs. King has pictures to show. What you see in the pictures of about 15 feet long particle boards with nails sticking upright. Complaints from neighbors have come in and the police have been called; this harmful towards people, kids playing, damaging to vehicles, and a liability to the town. I am asking that Public Works, Mr. English remove the boards. This should not be tolerated. There is a case number given by Lieutenant. McIntyre. If you see something, say something.

Mayor Angie Gardner: Founder's Day is for the town, a time where we remember where we come from; it is time to stop the negativity. Good night.

ADJOURNMENT: Motion by Mayor Gardner to adjourn, the motion was seconded by Councilman Washington; **MEETING ADJOURNED** at: 10:32 PM.

Respectfully Submitted by:


Veronica L King, Town Clerk

APPROVED


Angie Gardner, Mayor