

TOWN COUNCIL
REGULAR MEETING
MINUTES
August 16, 2022

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilman Marlin Daniels, and Councilman Theo Washington. **STAFF:** Attorney Clifford Shepard, **Town Attorney**, Cathlene Williams, **Interim Chief Administrative Officer**, Veronica King, **Town Clerk**, Albert English, **Public Works Director**, Joseph Jenkins, **Deputy Chief**, and Katrina Gibson, **Finance Director**. (**Not Present:** Councilwoman Wanda Randolph)

CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called to order the Town Council meeting for 7:30 pm and confirmed a quorum through Mrs. King, Town Clerk.

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 agenda; moved by Councilman Theo Washington; second by Vice Mayor Rodney Daniels with changes requesting items 4, 5, 6 be moved to Council Decision.

Motion has already been moved and second; AYE: ALL, MOTION PASSES.

CITIZEN PARTICIPATION - THREE (3) MINUTES STRICTLY ENFORCED.

Mayor Gardner called for citizen participation; with (1) submitted email (2) participating citizens.

ANONYMOUS EMAIL – (Submitted August 16, 2022, 9:14 a.m. for inclusion in the Town Council Meeting during citizen participation) - Intown Suites Water bill - “Why is this business water still on with a balance of \$9817.38?” He was given a \$1600 credit why? Mayor Gardner why is this business still able to have water but refuses to pay the bill? This is how much that was owed as of the July. So, what is the status in the August bill? Is it paid in full? – Mayor Gardner and Councilman Washington concluded to move on from the statement/questions?

RYAN NOVAK – (With PowerPoint Presentation) Before repaving tennis courts discussed in a previous council meeting, I recommend Pickleball, a fast-growing sport similar to tennis played on a smaller court with giant paddles and a ball. It is lower impact than tennis and for all ages; seen in the world at a 65 percent increase in the last six years and 60 percent among ages 55 and over. In 2020-2021, the largest participating group is between ages 35 and 54 and also six and seventeen years old. Maitland has a court doubled providing four pickleball courts and Winter Park has six pickleball areas. A Facebook group for pickleball shows about 5,000 members. The cost would be about \$20,000 to resurface and do everything.

PUBLIC HEARING

Mayor Gardner motions to approve the first 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; second by Mayor Gardner AYE: Councilman Washington, Mayor Gardner; NAYE: Councilman M. Daniels, Vice Mayor R. Daniels; **MOTION FAILS**

CONSENT AGENDA (Items 4, 5, 6 previously moved to Council Decision)

Mayor Gardner motions for approval of the consent agenda approving minutes from June 30, 2022, July 19, 2022, and August 6, 2022; moved by Councilman Washington, seconded by Vice Mayor R. Daniels; **AYE: ALL, MOTION PASSES.**

COUNCIL DECISION

Mayor Gardner motions for approval of Resolution 2022-43 Establishing a policy governing charitable donations made by the Mayor and Town Council; moved by Councilman Washington, seconded by Councilman M. Daniels with discussion; Councilman M. Daniels- the requested changes with necessary paperwork from the last meeting are not provided; pricing, changes to the seventh whereas not mentioning Orange County Government, add Florida Statues into the Resolution, include policy to go along with Resolution and Facility Use Agreement, and include non-profit agreement stating guidelines and procedures. This item was brought back with application but have not been clearly vetted. Mayor Gardner-we will take another look at it and bring it back; Ms. Williams please be sure to take all notes. **Mayor Gardner rescinds previous motion and states new motion to table Resolution 2022-43;** The motion was moved by Councilman Washington; second by Vice Mayor R. Daniels; **AYE: ALL, MOTION PASSES.**

Mayor Gardner motions for approval of the Part-time Records and Evidence Clerk position: Deputy Jenkins speak to the position as a need to assist the current Record's Clerk who is overwhelmed. The position is in the budget process to take place in the new budget, if approved. Councilman M. Daniels asks, What is the salary? Deputy Jenkins: the salary is \$15,000 and we are asking today for approval of job description; not the salary. Vice Mayor R. Daniels ask, specific to crime in the city, what is going on to cause a large number of evidence? Deputy Jenkins: There is a lot of evidence; evidence is the next important part of the police department. If the evidence room is not properly maintained, it could lead to the department shutting down. Records and evidence are being done by the current person and records are taking up too much time; not allowing the proper time for evidence. A department of our size would normally have a separate person who does nothing but evidence and another who does records. Councilman M. Daniels- Looking at the job description, do you follow the same format as the Town? Deputy Jenkins -The description was taken from the record clerk's position and detailed for the part-time evidence clerk and does not follow the same format as the town. Councilman M. Daniels- for consistency, the format should include who the person reports to avoid issues and include a salary range. The position is about \$15.62 per hour at \$15,000; most job descriptions state a salary range. Deputy Jenkins- We can ensure this is in the budget. Today, the ask is to approve the job description that details the job to be performed for the amount that has been budgeted. **Motion previously stated;** moved and second; **AYE: Councilman Washington, Mayor Gardner, Councilman M. Daniels; NAYE: Vice Mayor R. Daniels, MOTION PASSES.**

Mayor Gardner motions for approval of the Towing and Wrecker Agreement: Deputy Jenkins introduces item; the current company is working under a temporary agreement. We received only one response to the RFP. The current towing company has updated the contract which will allow some funds to come back to the town. Councilman M. Daniels-What happened to the previous towing company; Deputy Jenkins-the owner died, and business was not maintained and could no longer provide the services. How many trucks does this company have and do they service other municipalities? Deputy Jenkins-they have six trucks and service Florida Highway Patrol (FHP), Orange County, Orlando Police Department (OPD), and Windermere; they offer a thirty-minute window on their service. If they are not available, a backup will be called. **Motion previously stated;** moved by Vice Mayor R. Daniels; second by Councilman Washington; **AYE: ALL, MOTION PASSES.**

Mayor Gardner motions for approval of Resolution 2022-44 for new job description for the Planning/Building department (Administrative Permit Clerk): Mayor Gardner introduces this item as a previously discussed item. **Motion previously stated;** moved by Councilman Washington; second by

Mayor Gardner; AYE: Councilman Washington, Mayor Gardner, Vice Mayor R. Daniels; NAYE: Councilman M. Daniels, MOTION PASSES.

Mayor Gardner motions for approval of Resolution 2022-48 for Lake Lovely Neighborhood Lake Park Improvements (No comments/Discussion); moved by Councilman Washington; second by Councilman M. Daniels; AYE: ALL, MOTION PASSES.

Mayor Gardner motions for approval of Settlement of Code Enforcement Lien, for property at 105 N. Wymore Road; moved by Mayor Gardner; MOTION DIES FOR LACK OF SECOND.

Attorney Shepard comments for the record that legal believes that this is a settlement to be accepted because of the risk and cost of going forward. Legal will follow the decision of council; however, recommends taking the settlement.

Mayor Gardner motions for approval of Lens Affordable Home Repair Contract for Air Condition Replacement at the Police Department (No comments/Discussion); moved by Vice Mayor R. Daniels; second by Councilman Washington; AYE: ALL, MOTION PASSES.

Mayor Gardner motions the approval of Biometric Utility Contract to Install Automatic Hydrant Flushing Devices (No comments/Discussion); moved by Vice Mayor R. Daniels; second by Councilman Washington; AYE: ALL, MOTION PASSES.

Mayor Gardner motions the approval of the Master Equity Lease Agreement with Enterprise Fleet Management; moved by Councilman Washington; second by Councilman M. Daniels with questions.

Councilman M. Daniels-Will this include for the moving of the CRA vehicle as well? Mr. English- No, it does not include the CRA vehicle. This fleet agreement will help to address the needs of the staff and our current vehicles are quite old. The vehicles moved to the police department were SUV type vehicles; the fleet vehicles are pickup trucks. The vehicles at the CRA are small and not regular work size pickup vehicles, with minimal capacity. The agreement covers two (2) vehicles with a strong possibility of getting a third vehicle. Councilman Washington- I think we are overdue on these vehicles. The stormwater fund supports these vehicles and I support getting the vehicles. We are charging for stormwater, and we are not providing the services vital for our citizens. Attorney Shepard- Mr. English sent over the Master Agreement for my review. There is a provision that needs to be adjusted to include an unlimited indemnity provision in section 12. A representative, Jacob was present and provided the updated provision to address the recommended language; updated provision was received, reviewed, and confirmed by Attorney Shepard.

Mayor Gardner motions the approval of the Master Equity Lease Agreement with Enterprise Fleet Management as amended; moved by Councilman Washington; second by Vice Mayor R. Daniels; AYE: ALL, MOTION PASSES.

Mayor Gardner brought back a previous agenda item related to the Settlement of Code Enforcement Lien, for property at 105 N. Wymore Road. Comments: Attorney Shepard gave a rendering indicating that the settlement is at \$16,000. The Council wanted \$25,000 and the litigator previously offered \$14,000. Attorney Shepard's partner Attorney Drew has been working on this matter. In speaking with Attorney Mosley, the \$25,000 offer settlement only came from sitting Board and not from the litigator. The settlement is now at \$16,000. Councilman M. Daniels- I want to recommend that there is a counteroffer. Question: I see the bill for the Shepard's firm; did Attorney Mosley bill us? Attorney Shepard cannot confirm. The Council has decided for legal to send a counteroffer of \$20,000 back to the litigator.

INTERIM CHIEF ADMINISTRATIVE OFFICER:

Cathlene Williams: No Report

LEGAL COUNSEL REPORT: No Report

Comment: Recommends revisiting the idea of having a retreat; an opportunity in a public setting to address voting conflicts, sunshine law, public record, and procedural matters. This will assist in moving the town in a better direction. Mayor Gardner directs Ms. Williams to make another attempt to schedule the retreat with Council.

COUNCIL REPORTS:

Councilman Theo Washington – Thanks to everyone for coming and condolences to the Randolph and Allen families. I had a chance to attend the FLC Convention; information and networking was amazing. I was able to reach out to companies and vendors to be a part of our community

Vice Mayor Rodney Daniels: Good evening, everyone. To Deputy Chief Jenkin, do we have a nuisance and abatement ordinance in place? In response by Deputy Chief Jenkin – Yes, we do but still need to get a board in place. To Mayor Gardner, where are we with Mr. Benderson back pay? To Mr. English, please address these matters; the crossing sign located at E. Kennedy has been down for about three weeks. Also, at Washington/Kennedy, there is a manhole with wire exposure. Ms. Ford, located at Peoples/Ruffel has been requesting sidewalk repairs for about two years. Hurricane season is coming up, where are we with generators on our lift stations? A concerned citizen, Mr. Madison heard an alarm go off and there were no numbers on the lift station to call the on-duty person to address the issue. I would also like an update on the Vereen lift station; the \$600,000 grant should cover the upgrade and upkeep of the lift station. Mr. English, please get back with me by email. To Mrs. King, I will get with you about a Resolution for the Universal Kings and Queens, Eatonville's only bike club; celebrating its anniversary. To Attorney Shepard, no disrespect but I like Attorney Schumer over you; I like his demeanor better. Mr. Allen is like an uncle and father figure; my prayers go out to the family. Condolences go to the Randolph family as well. I will never forget Rela Daniels, Michele Cole, Confidence Pringle, Mr. Jackson during the investigation of the Daniel brothers.

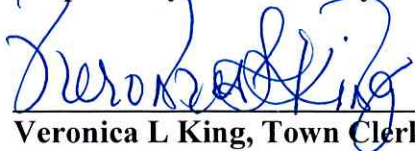
Councilman Marlin Daniels – Good evening, everyone; thank you for coming out. I will address the water bill issue because we need to be fair across the board when it comes to the water bill. For a business to have a \$9,000 bill; needs to be addressed. I will get with Mrs. Gibson to see what the policy states. I would like a copy of our vendor list. We should vet the vendors and know who they are. To Mr. English, there are several complaints from residents about not getting phone tree messages; need to do whatever it takes to update the system. Residents did not know we were under a boil water alert, and it was just cancelled on Monday at 11:45am after I sent an email at 11:41am. There are no excuses when phone tree messages go out when it concerns events that are not a town function; but not concerning public safety matters. This should never happen again. There was no written notice rescinding the boil alert. We should invest in door hangers with stickers to place on the residents' doors. I have asked for the Frank Gay invoices. Do we have anyone on staff who can fix broken lines? Mr. English offer response of yes depending on the break. Small breaks can be addressed inhouse. In response to Councilman M. Daniels' question about staff training, Mr. English stated that there are hands on training. The biggest problem is not having the equipment and trucks to address these types of problems. The equipment that Frank Gay has, the town does not have. We are trying to get a vector machine but will need a trailer or bigger truck to pull it. Councilman M. Daniels – the labor pool is expensive; over \$7,000. Is it cost effective to hire staff instead of going through the labor pool? In response, Mr. English says we are having difficulty finding staff. We do have new staff coming on board starting Monday; received another application; pending an interview. Sidewalk repairs: why is


someone fixing sidewalks out of a Corolla vehicle? Are they a business; No, he works on behalf of Labor Finders under my (Mr. English) direction. He is a professional who comes highly recommended. The work done in Catalina Park was done by him and the staff (required all on deck). The work could have been done better but it is safe with ninety-nine percent improvement from the previous condition. Councilman M. Daniels is requesting qualifications of the worker in question; send an email on how to handle a warranty defect; will it be on the town or on Labor Finders? Founder's Day – I still have not seen a MOU, no documentation of location. Residents are asking how to get tickets. I am declining my tickets since the residents cannot bring their families. The Randolph and Allen families are in my prayers.

Mayor Angie Gardner: Thanks everyone for coming out. Since taking office, the water bill at the hotel was \$16,000; now it \$9,000. We just met with the owner, and we need a couple more pieces of information to determine what needs to be credited. A letter will be given to Attorney Shepard for clarity so that the matter can be solved. To Mr. Novak, pickleball is definitely a way to stay in shape. I look forward to the retreat; a healthy way to open up and state what needs to be stated. Founder's Day – the work put into Founder's Day cost money; we are down to one ticket per family and \$25.00 thereafter. This not a lot of money and not too much to ask for a quality event. Next time, we will try to get it free for everyone. What you are getting far out ways \$25.00, and we are getting back what was paid into Mainstreet. I hope everyone come out and enjoy themselves. You should have received a call from the CRA phone tree line. If you are not getting calls, please contact the town to ensure your number is added in the system. The town system is for emergency purposes; therefore, we used the CRA phone tree for Founder's Day. On Thursday and Friday from 5-7 p.m., I will be at the Denton Johnson Center to give a ticket to each household. All you will need is your identification and your last water bill. Next year, we will do better. This is a great place to start. To Ms. Williams, I hope you took notes of all the concerns, because I do hear the concerns expressed through Councilman M. Daniels and Vice Mayor R. Daniels concerning the repairs that are needed. In November, the next election, there is a penny sells tax that Mayor Demings is pushing; the town could receive up to \$200,000 plus dollars a year; to fix sidewalks. Think about that when you go to vote, and I hope everyone is voting. Until then, we will use the budget and the capital improvement plan to help us to get a path forward. Condolences to the Allen, Randolph, and Holmes families; to all families who have been affected by death.

ADJOURNMENT: Motion by Mayor Gardner to adjourn, moved by Councilman Washington; seconded by Councilman M. Daniels; **AYE: ALL, MOTION PASSES. MEETING ADJOURNED** at: 8:30PM.

Respectfully Submitted by:


Veronica L King, Town Clerk

APPROVED

Angie Gardner, Mayor