

TOWN COUNCIL
REGULAR MEETING
MINUTES
November 1, 2022

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

CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called meeting to order at 7:30pm with a verification of quorum through Mrs. King

INVOCATION & PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion for approval of agenda; moved by Councilman Theo Washington; second by Councilman M. Daniels; **AYE: ALL, MOTION PASSES.**

PRESENTATION: Reading of Proclamation by Town Clerk recognizing the Week of the Family

CITIZEN PARTICIPATION - THREE (3) MINUTES STRICTLY ENFORCED.

Mayor Gardner called for Citizen Participation; with (2) participating citizens

RYAN NOVAK – Asked individuals at Visit Orlando about Randy Singh and they spoke very highly of his capabilities and character; in favor of the appointment admonishing not to focus on the incentive pay but how the town will advance forward. Mountainous speed bumps and potholes on Gabriel and Bel Air causing wear and tear to vehicles.

CRYSTAL WHITTAKER – Against 1st reading of Special Exception; today the gate was left open and someone had left trash. The landscape provided to hide the fencing will take about ten years to grow above the fence; not justifiable and the town deserves better. Against hiring Randy Singh as CAO; salary is too high and should hire a consultant. Question: Why does the town not have impact fees?

PUBLIC HEARING

Second Reading amending chapter 42 of the Town of Eatonville Code to provide pass-through fees for costs associated with certain land development applications.

No Community Comments/Council Comments:

Motion for approval of 2nd Reading of amending chapter 42 of the Town of Eatonville Code to provide pass-through fees for costs associated with certain land development applications; moved by Councilman Theo Washington; second by Councilman M. Daniels; **AYE:** Councilman Theo Washington; Councilman M. Daniels; Mayor Angie Gardner; Councilwoman Randolph **NAYE:** By Vice Mayor Rodney Daniels; **MOTION PASSES.**

First Reading of Special Exception at 440 W. Kennedy Blvd. a parcel located in the I-1 Planned Industrial District requesting automobile repair services and sales. Due to the Quasi-Judicial requirement, legal counsel (Shepard) stated that anyone who have had conversation5/communication about this item should identify the individual(s) and disclose information discussed. Mayor Gardner stated that she had met with Mr. Spears for a tour of the premise. Councilwoman Randolph stated that she had visited the facility and toured both inside and outside with Mr. Spears.

Staff Presentation: Tara Salmieri presented the staff recommendation to approve special exception for building reuse at 440 W. Kennedy (Old Costco) with use of used/preowned vehicles for automobile repair and sales. Applicant has met all criteria according to the Land Development Code. Because the Planning and Zoning meeting was scheduled for October 18th with no quorum, the request was deferred to Town Council without a recommendation from the planning and zoning board. In addition to the one hundred (100) existing lots, one hundred (100) parking lots are be requested. (Gardner) Request for clarity pertaining to energy products, collection receptables, and opportunities for students wanting to get into the automobile industry, training program, community involvement. (Randolph) Did this item come directly to Council due to a default of the town not meeting in a timely manner in compliance with the 40-day written notice requirement and due to a lack of quorum; (Shepard) clarified that it's a recommendation no matter how it has come before the Council. (R. Daniels) Request for the Planners recommendation; they recommendation is to approve the request with the exception of auto sales of new vehicles; the special exception in the Land Development Code only allows for used/preowned vehicles.

Applicant Presentation: Clay Spears, owner along with staff leadership from Telsa presented the proposed plan. The plan is technology focus to capture data onsite to allow Telsa to service electrical vehicles; clean, safe automotive services. Traffic was a major concern identified in the two organized community meetings. There will be minimum traffic to Campusview. Project will increase capacity of delivery trucks inside the new installed gates, resolving truck loading on the street. Not your traditional automobile repair service center; little to no oil, gas, transmission just replacement on electronics. Community Involvement: Joining the Chambers, job opportunities; 20+ more job with training program. Energy products/storage/collections typically are stored offsite unless for customer pickup; power walls will only be stored at the service center. Warehouse for offsite storage is off Jetport Dr. in Orlando. The cleaning and collection system follow strict federal environmental health safety guidelines. Successful hiring program for community; not just in Eatonville but in Maitland; culturally minded. Also bring to the table coaching opportunities, development of skill sets; four (4) week program that focus on the basic technical development. Internal inspections include daily monitoring and monthly regional inspections. Outreach: Would like to establish a footprint in the community through Chamber membership and community events.

Community Comments: (Crystal Whittaker) Been here since 2015 and has done nothing for the community; no hiring and do not give back to Eatonville. Campusview is my neighborhood where children play on the playground and there is a lake in which both backs up to the building. More should have been done with the landscaping; we deserve more. (Angela Johnson) Concerns at the community meetings were the safety of children at the park; with the gate being left open along with the in/out traffic not being monitored. Observed loading off the street and items sitting out at the Lake Destiny Dr. location; will the expansion of sq. ft. resolve these issues? Observed another parking lot further down on Lake Destiny with about one hundred (100) cars parked with service signs. There should be more data analysis to determine the real impact on the community. Job opportunity through a mentoring process should potentially lead to more than service jobs. Battery explosions has been an issue; what is the risks, hazard, and environmental safety for the residents who live within 200 ft of the service center. Other inquiries: Cycle for collections, third party inspections, ratings. To Council/Staff, what potential will this type of request come from other companies wanting to do the same; want to ensure Eatonville does not turn into a car dealership. (Applicant response: For clarity, the fencing that exist is standard in the database industry; security for data center operations. The second lot on Lake Destiny is for service and loaner vehicles. All vehicles have some form of oil, but Telsa is by far the cleanest vehicle, with minimum fluids. There is a difference between a battery fire and a combustibile fire; working with the state to address; to the community, there will be no contamination. (Whittaker) The entrance should be used for emergency only not for employee

entrance/speeding. There is a light and crosswalk at the front of building; children and persons in wheelchair are unable to cross the street.

Council Comments: (Washington) Has Telsa been approached or have Telsa reached out to become a community partner: no. (Telsa staff) The requested 100 parking is for used/preowned vehicles; service capacity. (Salmieri) Confirmed the special exception request is consistent with land development code; the previous exception was done without conditions granting the existing parking for new car; done by the prior planning staff. (Randolph) Did the fencing go through the proper permitting process? (Spears) Yes, application and permits where done. (Salmieri) confirm that there is paperwork specific to application but there are no minutes to be located; (Washington) would like to see the paperwork. Zoning is a car dealership; the used vehicles are permitted through the special exception. The land development code was changed in 2021 reflecting the standards as it stands today. (M. Daniels) On public safety/test driving, street loading, community hiring; (Telsa staff) there will be a slight increase in test driving but not in the residential areas (currently about 40 per/day). The loading capacity will increase addressing the truck loading from the street. Telsa is specialized and requires an age requirement of 21; no effort to inform the community on job opportunities. Interested in community hiring; (some jobs) sales, advisors, vehicle movement specialist, leadership, parts/prep. (M. Daniels) Must take time to speak with residents to address concerns (risk assessments/traffic study). Outside of the two community meetings, nor risk assessments not traffic study has been done; 4:30 – 5:30pm is Tesla’s busiest time (shift change). (Washington) HostDime primary uses the gate entrance and many of its staff drive Telsa; it may be others outside of Telsa in/out of the gate who have access to the gate. (Spears) The gate is supposed to be closed; at times because of issues with the gate, it may result into the gate being opened. (Randolph) Why did Telsa come Eatonville and what other maintenance facilities are similar to the service center being proposed for Eatonville? (Telsa staff) Car sales in Orlando is the largest in the country and Eatonville (one of three locations) is a centralized location in the area. There about 13 out of 22 service centers similar to what is being proposed.

Mayor Gardner motions for approval of 1ST Reading of Special Exception at 440 W. Kennedy Blvd. a parcel located in the I-1 Planned Industrial District requesting automobile repair services and sales (Telsa); moved by Councilman Washington; second by Councilwoman Randolph **DIES FOR LACK OF SECOND: MOTION FAILS.**

APPROVAL OF CONSENT AGENDA

Motion for approval Consent Agenda; moved by Councilman Theo Washington; second by Councilman M. Daniels; **AYE:** Councilman Theo Washington; Councilman M. Daniels; Mayor Angie Gardner; Vice Mayor Rodney Daniels **NAYE:** By Councilwoman Randolph; **MOTION PASSES.**

COUNCIL DECISIONS:

Resolution 2022-54 Hiring Randy Singh as Chief Administrative Officer

PowerPoint presentation by Mayor Gardner: Presentation highlights - Presented proposed salary \$125,000 based to include incentive pay up to 25,000 per quarter based upon grants received (grant administrative fees to cover the incentive salary portion), salary comparisons, justifications (Removal from state oversight-Financial Deficient-Audit-Sewer/Infrastructure-Grants-CRA Interlocal Agreement with County-Negotiations-Impact Fees-Efficiency)

Community Comments: (Crystal Whittaker) not in favor, too much money (Ann Dawkins) in favor, have worked with Mr. Singh; he is a negotiator in budget matters, worked for the county; the proposed salary is lower than his worth. (Ryan Novak) in favor, elected officials make decisions like hiring a CAO; the CAO manages the town and elected officials set forth policies. The incentive pay is based upon incentives that will benefit the town. (Angela Johnson) in favor, Consider the applicant based upon the experience; will not attract top level employees

if you do not pay them. Identify key performance indicators to justify the incentives; consider a 6 month to one (1) year probationary period. (Ruthie Critton) There is a need for CAO especially if the applicant is qualified. Why the urgency now since this position was brought up in the past and voted against.

Council Comments: (Gardner) Since taking office, an ideal candidate was identified but they did not take the position. Hired the former Town Clerk who did a good job based upon her abilities. (M. Daniels) Where is the money coming from; No money for the CAO and the \$5.9 Million grant is reimbursable where the town will have to use its own money first. There are HR issues to be addressed; June 8th an email from a qualified candidate was sent and he was informed that the position had already been filled. Had a chance to speak with Mr. Singh today; informed by staff that I could only speak with Mr. Singh on November 1st expecting for me to make decision on November 1st. Mr. Singh stated that he would have wanted to speak with the Council prior to confirmation being presented at this meeting; the Mayor still pushed forward. (Gardner) The selection is of the Mayor; June 8th we did have someone in position, was my prerogative in choosing to keep the current person in that position. As for the CAO, the money was in the salary line and moved to contingency. (M. Daniels) \$85, 500 was moved not \$125,000; where will the difference come from. ***Recessed at 9:30PM - Reconvened at 9:41PM – Councilwoman Randolph requested a break*** Further discussion with review of the minutes, the Charter, and the policy on the budgeted CAO salary amount and on employee merits.

Mayor Gardner motions for approval of Resolution 2022-54 Hiring Randy Singh as Chief Administrative Officer; moved by Councilman Washington; **DIES FOR LACK OF SECOND: MOTION FAILS.**

Further discussion of the Charter language specific to “the Mayor Shall” and “the Council Shall”. (Shepard) The Mayor has a duty to make the appointment and the Council has to weigh in on the appointment; Council does not have to vote yes to confirm but Council cannot choose to not vote.

INTERIM CHIEF ADMINISTRATIVE OFFICER (Cathlene Williams not present; Report read by Mayor Gardner); Hurricane debris will be addressed; received proposal from Waste Connection; a robo call will be sent out. Police will be in the Catalina Park areas due to the gun situation. Audit is almost completed upon which a special session will be called to approve the audit. CPH: will have final plans towards the air conditioning by November 18th.

LEGAL COUNSEL REPORT:

Attorney Clifford Shepard: Raises concern about the lack of vote for the CAO confirmation. To not vote is a problem whether voting yes, no, or to allow for more time. If more time is needed to interview, check references, or discuss further, then decide to do that versus letting it die for a lack of second. The Mayor has the power to appoint, and the Council has a duty to vote; if you do not want the candidate, vote it down and go to the next possible candidate. The difference in hiring the former town clerk, the Mayor used her temporary hiring authority to hire her as the acting CAO. At the budget hearing, salaries were move to contingency until positions are filled; to stop emergency hires. (M. Daniels) How is the CAO being paid; (Gardner) out of the same salary line item with money left for other roles. (M. Daniels) September 30th ended the last fiscal year, as of October 1st, there is no money in the CAO salary line. Having discussed concerns with the Attorney, the Attorney General along with Ethics will be contacted; the Mayor does not have the fiduciary right to pay someone that is not in a salary line.

COUNCIL REPORTS:

Councilwoman Wanda Randolph – Mistakenly voted no for the consent agenda; will not asked for reconsideration since the item passed. There are old signers on the town’s TD Bank account; inquired into this and it’s been six months, and nothing has been done. Spoke with residents about Eatonville having its own unique zip code; will bring to Council for discussion, will require legislation and survey of the community for potential interest. Thanks to everyone who attended the Breast Cancer event. Is the meeting on Facebook today and it is owned by the town; (King) yes. Observed basketball goals in the street; this is a safety hazard that need to be addressed. Former night club on the corner has pieces of the wall falling to the ground and is a liability; it’s been this way for some time, and nothing has been done about it. Received report that the Mayor has inappropriately hired a CRA Executive Director; did not come before the board. Neighborhood quad meeting for Eaton point will take place on Monday at 6:30pm at an alternative location (St. Lawrence AME) due to repairs at the Denton Johnson Center. Stress the need for security at the meetings; (Jenkins) we are looking into acquiring security

wands. On hold, there is a health fair and seminar on saving your home due to the repairs at the Denton Johnson Center. Would like to see meaningful interaction from the town when it comes to reading proclamations.

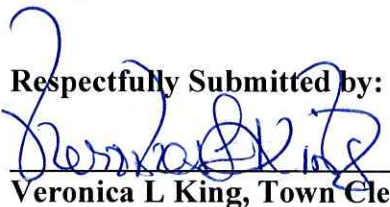
Councilman Theo Washington – Reflecting on the basketball goals in the streets; we need recreation for our youth. The paperwork of developments that is missing or cannot be found should be addressed.

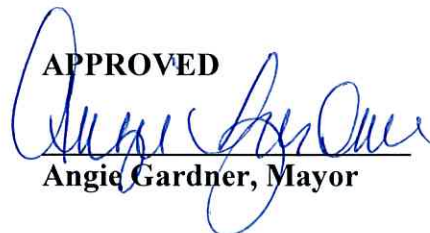
Councilman Marlin Daniels – Fema is ready to assist with cleanup; we are the only municipality waiting. Have asked about impact fees; need to push forward on bringing impact fees to the town. Inquiring about information pertaining to MLK and Zora Fest.; don't want to wait until the last minute. Encourage everyone to exercise their right to vote. Sunday is the last day for early voting and Friday is the get out and vote event featuring Pastor John P. Kee. In progressing forward, we must have transparency.

Vice Mayor Rodney Daniels – Concerned about public open discussion with Council decisions, no confidence in the attorney nor the administration. The council/board should be included when hiring the CAO and CRA Executive Director (CRA side). To minimize budget disagreements, Katrina should be present with the budget. In reference to the CAO salary, I recall the \$125,000 being added to the job description not the budget. The Mayor fired the recreation coordinator; may be reason why basketball goals are on the streets. Recycle Program: Give incentives to encourage recycling. Lack of Communication: Department heads not communicating with Council and residents needs to be addressed. Would love to see Eatonville with its own unique zip code. Requesting status on the payback to Mr. Benderson. Excited about the Unity Bank; was glad to represent Eatonville along with other town officials. November 11th at 11am is the Veteran's event with Commissioner Regina Hill as guest speaker; invited everyone to come out. (Randolph) Requested for legal to give an update on Mr. Benderson's payback (Shepard) After reviewing the meeting audio links and minutes for the December 6th and 16th meetings, it is determined that Mr. Benderson has been paid what was owed to him. Councilwoman and the Clerk has been emailed; the clerk will forward the email to council. Concerning the public speaking on items on the agenda: this has been law since 2013 and consistent with F.S. 286.0114.2; I teach this law all over the state of Florida

Mayor Angie Gardner – The Boys and Girls Club event was very nice. Impact Fees: the Fire/Safety Ordinance is an impact fee; the vote died. We are looking into other options for impact fees (water/sewer) and to conduct studies. I ran on the fiscal stability of the town; as Mayor, I have to be able to do my job. The door has opened with getting someone who is qualified and can get the numbers in line, bring policies and procedures up to standard and get us out of the mess.

ADJOURNMENT: Motion to adjourn, moved by Councilman Washington; seconded by Mayor Gardner; **AYE: ALL, MOTION PASSES. MEETING ADJOURNED** at: 10:36PM.

Respectfully Submitted by:

Veronica L King, Town Clerk

APPROVED

Angie Gardner, Mayor