

TOWN COUNCIL
REGULAR MEETING
MINUTES
January 17, 2023

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilman Marlin Daniels, Councilwoman Wanda Randolph, and Councilman Theo Washington. **STAFF:** Clifford Shepard, **Town Attorney**, Randy Singh, **Chief Administrative Officer**, Veronica King, **Town Clerk**, Chief Jenkins, **Deputy Chief**, Albert English, **Public Works Director**, and Tara Salmieri, **Certified Planner**, and Katrina Gibson, **Finance 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 – Amended agenda removing the hearing of the DEV2022-03 Special Exception **Motion for approval of amended agenda;** moved by Councilwoman Randolph; second by Councilman Washington **AYE: ALL, MOTION PASSES.**

CITIZEN PARTICIPATION - THREE (3) MINUTES STRICTLY ENFORCED.

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

DEREK BRUCE – (Accompanied by Sean Myers and George Williams) Made announcement about the upcoming Community Information meeting at the Hungerford Elementary School, January 31, 2023 at 6:30pm for citizens to ask questions and understand more about the Hungerford Park Project. The meeting is in partnership with the Unity Federal Credit Union represented by George Williams.

LADWYANA JORDAN – Requesting update on the Tommy Dixon property located next door to the Chamber of Commerce; there is lots of unusual activity. Thanks for someone coming by to mow the lawn. What is the Town planning to do with the property? Requesting update on the lien placed on the Chambers and how will she be notified; in response, the Dixon property will be discussed at the CRA meeting. No updates today on the lien; updates forthcoming, will have to come back before the Council. Mayor Gardner will contact Ms. Jordan before the scheduled CRA meeting on Thursday.

APPROVAL OF PUBLIC HEARING (First Reading): Approval of First Reading of request for Plat Revision to partially release a portion of an existing 20-foot utility easement; read preamble. Tara Salmieri made introductions of the request; plat revision area next to Zaxby's requiring changes to the plat book by way of an Ordinance (text change). CPH reviewed and worked with applicant; CPH along with Winter Park are recommending the vacating of the easement. **(No Public Comments)** Aaron Hickman (CHW, agent for the applicant was present to answer questions. **(Council Comments)** (Councilwoman Randolph) Is this to make more room for a new restaurant; in response, the intent is to clear the area for potential sell or contract with a future developer (Council Washington) Where is the utilities from; in response, the utilities run north/south of the driveway, water runs off the backside and is to remain as is. Need to look into the possibility of losing income due to development in the future. (Mayor Gardner) Request for visual explanation of location; open grass area which is a pad ready site for a future building. (Aaron Hickman) All utilities are in the ground, no limitations for future connections to the current utilities that are in place. Easement area is between Zaxby's and NAPA, easement runs down the center. (Attorney Shepard) There is no real con to the release of easement; unless public works come back and say that we have a future need; that we do not already have. In this case public works has not indicated this. **Motion for Approval of First Reading of request for Plat Revision to partially release a**

portion of an existing 20-foot utility easement; moved by Councilwoman Randolph; second by Councilman M. Daniels; **AYE: ALL, MOTION PASSES.**

APPROVAL OF CONSENT AGENDA:

Motion for approval of Consent Agenda approving meeting minutes for January 3, 2023; moved by Councilman Washington; second by Councilwoman Randolph: **AYE: ALL, MOTION PASSES.**

COUNCIL DECISIONS:

Motion for approval of the Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC); moved by Councilman Theo Washington; second by Councilwoman Randolph; **with discussion:** (M. Daniels) Item is being presented at the last minute; unfair to businesses and residents to rush through this when information was requested 3-4 months ago. Attorney did not review the agreement. (Ms. Nithiri) Have had a series of meetings with administration and the police department; this is an agreement versus a resolution. PEC acknowledged the professionalism working with the administration and police department. Without Macedonia MBC, the festival could not be done in Eatonville. School Board did not allow use of Hungerford property due to pending sale. Handouts were provided to Council to include the map of the festival. Preparation for Zora 2023 took less than five months due to the previous Zora that was held in June 2022. Zora 2024 may not be able to take place in Eatonville due to parking. There will be national media coverage. (Exclusive Rights) means that the town endorses event and will not allow outside vendors who have not passed the criteria to vend at Zora. No permits have been made until the agreement is approved by Council. Event is being promoted prior to approval. There was no counter of the agreement presented by administration. The festival is the 27th – 29th, road will be closed until Monday 2am. Councilman M. Daniels request a copy of MOT. (Permits) Councilman M. Daniels made references to Ordinance 2010-18, Vendors have a permit under the sponsor's blanket permit, will pay a special event permit, will cover police costs, will acquire one-million-dollar liability policy, residents and children are free (except for VIP). \$12, 280 is to be paid this Friday (paid to the Town of Eatonville) by noon. When will the business and residents be notified; in response, flyers will be distributed (Friday the 20th), MOT will give road closure dates and must be approved by Council. Signs should be permitted. There are flaws in the agreement. Towing company will be handled through the police department. Mayor Gardner confirmed that the land use was discussed for use during the outdoor festival. Agreement needs a signature block and date. (Chief Jenkins) four hours is the minimum of hours the officers should be paid. If the crowd is larger than expected, a call to the Sheriff's office for assistance will be made. If crowd is less than expected, officers will be released if necessary during the mid-day meeting: Friday, there is 5 officers to a 500 crowd, Saturday and Sunday, there is 7 officers to a 700 crowd, (Councilwoman Randolph) I see this as a plan for failure; late notice for the agreement; the correct way is to submit application, get permits, then execute the plan. No one has the right to use of land without approval. How were the deadlines established; should have been set by the town. What town employees will be utilized for the festival? (Mayor Gardner) most of the information being referenced is not listed in the ordinances and is administrative, is outside of the legislative box. Ask that Council stay within their legislative role. Ms. Nithiri have spoken with Orange County, Chief, Officer Hernandez, and has gone through all the steps. It will help to have a special event permit process. Attorney Shepard confirmed that Council is to make sure the ordinances are followed; everyone should follow the ordinances. Time should be spent on what the agreement should say or not say, how can it be revised quickly as an agreement and guide for people? (Vice Mayor R. Daniels) For Zora, we want the process done right. To NY Nithiri, it was discussed that a percentage of the vendor proceeds were to come back to the town. In response, the event proceeds go towards the K-12 grade programs and the proceeds from vendors go towards the things connected to the festival; porta potties, fencing, the MOT, stage, and entertainment. In order to get sponsorship, we have to plan ahead. (Councilwoman Randolph) The festival is at a different place; need to step back to discuss what is wrong and what is right. Should evaluate, build trust in the people, sponsors, participants, and the Town of Eatonville. Planning should start in June. (NY Nithiri) Zora is the longest running arts and culture festival of humanities with a reputation and with an international draw. We need to reclaim the splendor of the outdoor festival. (Vice Mayor R. Daniels) Would like to know why legal was not involved with the contract, does the Mayor have the authority

to allow use of land owned by the Town and the CRA without coming to Council. The Town is not getting any finances from the festival. Who wrote the agreement and who helped write the agreement? (Councilman Washington) The Enclave project was given a blanket permit and all fees were waived; but we are giving Ms. Nithiri a hard time about permits for the festival. (Councilman M. Daniels) Concessions were given to the Zora Festival last time; purpose for collecting permit fees is to offset the cost of staff without a tax burden to the residents. For the residential homes located near the festival, has anyone spoken with them? (Ms. Nithiri) Requested for a point person from the Council; the Mayor indicated that she would be that person. Requested for a workshop on April 19, 2022 to discuss how to move forward. Have asked in the agreement for use of the land. (Councilman M. Daniels) Asked that this item be tabled and have Attorney Shepard to review the agreement. (Mr. Singh) Use of the Town and CRA property is a recommendation in the agreement and brought before the Council for consideration. (Attorney Shepard) The issue is the timetable to getting the agreement approved; I can review and get it turn around. (Mr. Singh) Recommend having legal to review the agreement and discuss on Thursday. This is the issue of not getting information on time; item was supposed to have been on the January 3rd meeting but did not receive the information. Timing is an issue and challenge for staff. (Attorney Shepard) Because this is a Council issue, the meeting would have to be noticed as a special council meeting. MOT is to be paid tomorrow. **Open Motion for approval Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC), AYE: Mayor Gardner, Councilman Washington; NAYE: Councilwoman Randolph, Councilman M. Daniels, Vice Mayor R. Daniels. MOTION FAILS. Comments:** Clerk will send Zora agreement and Ordinance 2010-18 to Attorney Shepard and Ms. Nithiri will send the approved MOT. Council came to a consensus to schedule for a special council meeting for Thursday, 2-19-23 at 5:30 p.m.

REPORTS:

CHIEF ADMINISTRATIVE OFFICER: (Randy Singh) Received letter/order between Florida Department of Environmental Protection and the Town of Eatonville; there are several violations that date back to 2019. The water is not up to EPA standards. There are chemical compounds in the water. (Carlos Tola, contracted consultant, Biometric) Made every effort to contact the previous administration; now working with Mr. English to flush the system. A test was done on Friday and another test will take place in two weeks. Currently in stage two, according to DEP, the water is unsafe. (Attorney Shepard) asked consultant would he drink the water; yes. The standards have built in margins for error. Adding ammonia to the chlorine will cut the reading down about 33 percent; will see a change in about 3-6 days. The process requires engineering and approval before beginning; estimated cost could be \$10,000-\$30,000. Need to notify the public by letter; constructed by DEP. The citing is for 2021-2022 and letter was sent to Mr. English. Consultant recommends waiting before deciding; until after the second test to compare with the first test. **Motion for approval of Biometrics to proceed to the next steps in making sure the chemical levels are in line with the state and with the health of the community, bringing back costs and contractual obligations;** moved by Councilman M. Daniels; second by Councilman Washington: **AYE: ALL, MOTION PASSES.**

LEGAL COUNSEL REPORT: (Clifford Shepard) There is a pending case between the Town and the Real Estate Commission; due to conflict, Attorney Jackson will take over as representing counsel.

COUNCIL REPORTS:

Councilman Marlin Daniels – Good time at the MLK Parade. Let's move forward and do things right, more transparency. Would like updates on the police department; see Chief Jenkins but thought Friday was his last day. Concerns about missing records, deleted emails, computers being wiped out, and terminated employee still having access.


Councilwoman Wanda Randolph – (Concerns) MLK Parade was good. Keep hearing about turkeys; the Thanksgiving event was for everyone and was not to takeover or take away from anyone; had nothing to do with the Town of Eatonville.


Councilman Theo Washington – No Report, thanks to everyone for coming.

Vice Mayor Rodney Daniels – Concerned about the water situation; letters went out, but nothing was done. As a board we cannot agree that missing files and a computer being wiped out is wrong; that is criminal.

Mayor Angie Gardner – Thanks to Jonita Robinson, staff, volunteers, fraternities, sororities, citizens, parade participants, sponsors, and attendees; it was a successful parade. Anticipate a great Zora Festival; prefer the street festival look. Let's make the planning process better. The World Conference of Mayors (WCM) and the HBTSA will meet in the Chambers on January 28, 2023 at 8am; Town Council is invited.

ADJOURNMENT: Motion to adjourn, moved by Councilman Washington; seconded by Mayor Gardner; **AYE: ALL, MOTION PASSES. MEETING ADJOURNED** at approximately 10:29PM.

Respectfully Submitted by:

Veronica L King, Town Clerk

APPROVED

Angie Gardner, Mayor