



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL MEETING AGENDA

Tuesday, April 18, 2023 at 7:30 PM

Town Hall - 307 E Kennedy Blvd

I. CALL TO ORDER AND VERIFICATION OF QUORUM

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

IV. PRESENTATIONS AND RECOGNITION

A. Presentation on the Denton Johnson Tennis Corp (**Councilman M. Daniels**)

V. CITIZEN PARTICIPATION (Three minutes strictly enforced)

VI. PUBLIC HEARING

B. Approval of 1st Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits (**Administration**)

VII. CONSENT AGENDA

1. Approval of Town Council Meeting Minutes – April 4, 2023 (**Clerk Office**)

2. Approval of Resolution 2023-7 Reappointing Vera King to EPD Retirement Trust Board (**Administration**)

3. Approval of Town of Eatonville – Master Water and Wastewater Plans by CHP Engineering, LLC (**Administration**)

4. Approval of Public Works Surplus of Two Vehicles (**Public Works**)

VIII. COUNCIL DECISIONS

5. Approval of Charter Revision (**Councilman M. Daniels**)

IX. REPORTS

CHIEF ADMINISTRATIVE OFFICER'S REPORT

TOWN ATTORNEY'S REPORT

TOWN COUNCIL REPORT/DISCUSSION ITEMS

MAYOR'S REPORT

X. ADJOURNMENT

The Town of Eatonville is subject to the Public Records Law. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

****PUBLIC NOTICE****

This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

APRIL 18, 2023, AT 07:00 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Presentation on the Denton Johnson Tennis Corp
(Councilman M. Daniels)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS	YES	Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> N/A
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: To Hear Presentation on the Denton Johnson Tennis Corp

SUMMARY: Denton Johnson Tennis Corp was established in The Town of Eatonville. Denton Johnson Tennis Corp would like to present on their program and discuss how they can better partner with The Town of Eatonville.

Denton Johnson Tennis Corporation (DJTC) was established in November 2001 as a 501(c)3 non-profit organization by Tina McCall-Waters to help youth through tennis. The organization is named after Mr. Denton Pop Johnson, who initiated Eatonville's tennis program, of which Tina McCall-Waters was one of his first students. As a mentor, Pop Johnson asked that each of his proteges give back to the community in any way possible.

The Denton Johnson Tennis Corporation's primary mission is to create a haven where kids can attend after school and have access to computers, mentors, and nutrition while learning the game of tennis in a team format.

RECOMMENDATION: Recommending that Town Council hear a presentation on the Denton Johnson Tennis Corp

FISCAL & EFFICIENCY DATA: N/A



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

APRIL 18, 2023 AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of 1st Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits (**Administration**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: <ul style="list-style-type: none"> Ordinance 2023-6
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of 1st Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits.

SUMMARY: There is an urgent need for the Town Council to enact this temporary moratorium on the issuance of new building permits for new multi-family, mixed use, commercial, and single family residential (less than 2,500 square feet) development in order to temporarily preserve the status quo while the Town completes the Impact Fee Feasibility Study, adopts a new impact fee ordinance and schedule of fees by resolution, and receives input from the public, property owners, consultants and staff. Preserving the status quo will allow the Town to continue the application process for development, such as comprehensive plan and future land use map amendments, re-zoning applications, plats, variances, site plans, and special exceptions, while insuring that public infrastructure and facilities are not unduly burdened through the issuance of significant new building permits that will have an immediate and negative impact on said infrastructure and facilities without the assessment of properly adopted impact fees.

RECOMMENDATION: Staff request approval of the first reading of Ordinance 2023-6.

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE #2023-6

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW BUILDING PERMITS FOR NEW MULTI-FAMILY, MIXED USE, COMMERCIAL OR SINGLE FAMILY RESIDENTIAL (LESS THAN 2,500 SQUARE FEET) FOR A MAXIMUM OF THREE HUNDRED SIXTY FIVE (365) DAYS OR 90 DAYS AFTER THE ADOPTION OF AN IMPACT FEE ORDINANCE, WHICH EVER IS EARLIER; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TERM OF MORATORIUM; PROVIDING EXEMPTIONS; PROVIDING FOR VESTED RIGHTS AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. Legislative Findings and Intent.

Following are the legislative findings and intent of the Town Council of the Town of Eatonville relative to this Moratorium Ordinance:

(a) The State of Florida, pursuant to the *Florida Impact Fee Act*, FLA. STAT. § 163.31801(1)-(2), has found “that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth,” and “impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction.” *Id.*

(b) In accordance with Section 1.01 of the Town Charter, Article VIII of the Florida Constitution, and Chapters 163 and 166, Florida Statutes, as well as Section 163.31801, *Florida Statutes*, the Town Council has the authority to adopt an impact fee ordinance.

(c) Impact fees are charges assessed on new developments to help offset the costs and impacts on public infrastructure and facilities required to accommodate and maintain levels of service resulting from new developments.

(d) Impact fees are typically charged and collected in the final states of the development process, at the time a building permit is issued for new development.

(e) The Town of Eatonville expects substantial growth in new development and new development applications, particularly in multi-family, mixed use, commercial, and single family residential.

(f) Currently, the Town of Eatonville lacks an enforceable method under Section 163.31801, *Florida Statutes*, for assessing and collecting impact fees on new development.

(g) Impact fees must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and/or infrastructure and the increased impact generated by the new development. Similarly, impact fees must be proportional and reasonably connected to, or have a rational nexus between the expenditures of the funds collected and the benefits accruing to the new development.

(h) All impact fees must be calculated based upon the most recent and localized data. Thus, before enacting any impact fee ordinance or resolution, the Town of Eatonville must first commission an impact fee feasibility study.

(i) On April 4, 2023, the Town Council approved the commission of an Impact Fee Feasibility Study, which is a prerequisite to adopting an impact fee ordinance.

(j) Once the study is completed, the ordinance adoption process will take at least an additional 90-days, and the Town of Eatonville must provide at least an additional 90-day period after adoption before the effective date of any new impact fee ordinance.

(k) The impacts of the substantial new development expected in the Town of Eatonville on public facilities and infrastructure needed to serve such new development and maintain levels of service without the ability to offset those costs or having new development share in same will negatively affect the public, health, safety, and welfare of the Town.

(l) In the period between now and when a new impact fee ordinance is effective, building permits issued for new multi-family, mixed use, commercial, and single family residential (less than 2,500 square feet) development will have a greater negative effect on public facilities and infrastructure than any other form of new development due to their size and strain on existing infrastructure and facilities.

(m) There is an urgent need for the Town Council to enact this temporary moratorium on the issuance of new building permits for new multi-family, mixed use, commercial, and single family residential (less than 2,500 square feet) development in order to temporarily preserve the status quo while the Town completes the Impact Fee Feasibility Study, adopts a new impact fee ordinance and schedule of fees by resolution, and receives input from the public, property owners, consultants and staff. Preserving the status quo will allow the Town to continue the application process for development, such as comprehensive plan and future land use map amendments, re-zoning applications, plats, variances, site plans, and special exceptions, while insuring that public infrastructure and facilities are not unduly burdened through the issuance of significant new building permits that will have an immediate and negative impact on said infrastructure and facilities without the assessment of properly adopted impact fees.

(n) The Town Council has the authority to adopt this Ordinance by virtue of the Town's home rule authority under Section 166.021(4), Florida Statutes, and its general police power; by virtue of Section 163.31801, Florida Statutes, which recognizes the critical importance of properly adopted impact fee ordinances to offset the impacts on public facilities and infrastructure from new development; and based on the inherent authority conferred by general law with respect to comprehensive planning.

SECTION 2. Temporary Moratorium.

(a) There is hereby imposed a temporary moratorium on the issuance of all new building permits for new development for multi-family, mixed use, commercial and single family residential (less than 2,5000 square feet) development in the Town of Eatonville.

(b) During the time this moratorium is in effect, no building permits for new development subject to the provisions of this Ordinance, as set forth in subsection (a), shall be issued or approved within the Town of Eatonville.

SECTION 3. Term of Moratorium.

(a) The provisions of this Ordinance shall terminate upon the **earliest** of two occurrences: (1) 90-days after the adoption of a new impact fee ordinance; or (2) one calendar year at 11:59 p.m. on the 365th day after the effective date of this Ordinance, as set forth in Section 9.

(b) The provisions of this Ordinance may be extended once by ordinance for a period of not more than six additional months (180) days, upon a finding by the Town Council following public comment that good cause or excusable neglect exists, the harm to the public infrastructure and facilities from the issuance of new building permits for new multi-family, mixed use, commercial and single family residential (less than 2,500 square feet) development continues to exist, and a new impact fee ordinance has not been enacted.

SECTION 4. Exemptions.

Exemptions from this Ordinance are as follows:

(a) Building permits for general maintenance, repairs, and/or health and safety improvements on lawfully existing structures or accessory structures, so long as any such altered structures shall remain within the footprint of the original structure. Maintenance, repairs, and improvements, all of which are proposed for health and safety purposes, shall be certified by a professional engineer registered in the State of Florida as repairs which are necessary to correct structural deficiencies which pose a health and safety hazard and shall be approved by the Town Building Official; and

(b) Building permits for interior remodeling and decorating of currently and lawfully existing structures or accessory structures; and

(c) Building permits for exterior repainting or reroofing of lawfully existing structures or accessory structures;

(d) Building permits for the replacement of lawfully existing structures which pose a life, health, and safety hazard, so long as the structure, once replaced, complies with all provisions of the Town's code and comprehensive plan. Building permits for replacement shall be approved, but must be certified by a professional engineer registered in the State of Florida as being necessary

to correct structural deficiencies which pose a threat to the public life, health and safety and shall be approved by the Town Building Official; and

- (e) Building permits for landscaping and pavers; and
- (f) Any vested improvements as provided in this Ordinance; and
- (g) Any application for development or a development order that would not result in a building permit being issued; and
- (h) Building permits that are not for new multi-family, mixed use, commercial or single family residential (less than 2,500 square feet) development.

SECTION 5. Vested Rights and Administrative/Quasi-Judicial Review Procedures.

(a) Owner(s) of real property within the Town or owner(s)' expressly authorized agent may request a determination of vested rights by paying an application fee, provided hereunder, and filing a technically complete application with the Town's Chief Administrative Officer or designee.

(b) The application form shall, at a minimum, contain the following information:

1. The name and address of the applicant(s), who must be the owner(s) of the subject parcel(s) or real property, or an agent expressly authorized to apply on behalf of the owner(s).
2. A legal description, current tax parcel identification number and survey or a sketch of the real property that is the subject of the application.
3. The name and address of each owner of the parcel(s) or real property.
4. Any approved site plan or development plans or plat that is applicable to the real property.
5. Identify with particularity with specific reference to any ordinance, resolution or other action of the Town of Eatonville or failure to act by the Town of Eatonville, any statute or other general law, upon which the applicant relied and which the applicant believes supports the applicant's position that a building permit should be issued during the moratorium.
6. A statement of fact that the applicant intends to prove or demonstrate, in support of the application that vested rights exist which warrant the issuance of a building permit during the moratorium.
7. The application shall fully articulate the legal basis for being issued a building permit notwithstanding the moratorium.

8. Any other relevant, non-duplicative information that the applicant desires the Town Council to consider.
 9. Such other relevant information that the Town's Chief Administrative Officer or designee may request so long as it does not impose an undue burden on the applicant.
- (c) The applicant shall provide a sworn statement, executed by all owners of the real property at issue or an authorized agent averring that all factual information set forth in the application is true and accurate.
 - (d) The Town's Chief Administrative Officer or designee shall screen each application to determine whether the application is technically complete, as set forth herein. No screening shall take place until an applicant has paid an application processing fee of \$200.00. This sufficiency determination shall be made within fourteen (14) calendar days after receipt of the application. If not technically complete, the application shall be returned to the applicant with written notification identifying the deficiencies in the application and the applicant shall be granted fourteen (14) additional calendar days to complete a technically sufficient application. If a response is not submitted to the Town's Chief Administrative Officer or designee within the time specified in this subsection, the application shall be deemed abandoned.
 - (e) Upon the Town's Chief Administrative Officer or designee's acceptance of a technically complete application, for which the application fee has been submitted, the Town Council shall review the application, hold a public hearing, and make a final determination within forty-five (45) calendar days as to whether or not it has been clearly and convincingly demonstrated that the real property at issue has vested status and should be issued a building permit for new development notwithstanding this moratorium.
 - (f) Within seven (7) calendar days after making a final determination of vested rights status, the Town Council shall provide the applicant with a written order, notifying the applicant of the determination vested rights status. Notwithstanding the moratorium, if the Town Council determines that vested rights exist, and all other applicable provisions of the Town's code and comprehensive plan have been met, then a building permit for the new development shall issue and the applicant shall have the right to rely upon such written notification that the real property is vested. The Town Council's written notification shall be final and not subject to further appeal to the Town, revocation, or modification.
 - (g) The public hearing on the application for vested rights shall be a quasi-judicial hearing before the Town Council. The applicant shall present all the applicant's evidence in support of the application. The technical Florida Rules of Evidence shall not apply to the hearing, but basic notions of due process will be observed, and all testimony of witnesses shall be given under oath.

- (h) The Town Council's decision to grant vested rights status shall be based on common law criteria for vested rights determinations. The Town Council's decision shall be final.
- (i) Any property expressly exempt from this moratorium, as set forth in Section 4 is presumptively vested for purposes of this Ordinance and shall not be required to file an application under this Section.

SECTION 6. Severability.

If any section, subpart, or part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative, preempted or void, such provisions may be severed and such holding shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such parts therein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid as if this Ordinance had been adopted without such unconstitutional, invalid or inoperative part therein. If this Ordinance or any provision or part thereof shall be held unconstitutional, invalid, or inoperative as applied to any person, group, real property, kind of or classification of property, and/or circumstances, such holding shall not affect the application of the Ordinance to any other person, group, real property, kind of or classification of property or circumstances.

SECTION 7. Conflicts.

Any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict for the effective term of this Ordinance.

SECTION 8. Non-Codification.

The provisions of this Ordinance shall NOT be included and incorporated within the Code of Ordinances of the Town of Eatonville.

SECTION 9. Effective Date; Repeal or Expiration.

This Ordinance shall become effective immediately upon approval by the Town Council and shall stand repealed as set forth in Section 3 above. The Town Council may also repeal this Ordinance at any time and may extend it as set forth in Section 3 above.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2023.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2023.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

APRIL 18, 2023 AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Town Council Meeting Minutes – April 4, 2023
(Clerk Office)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE (CLERK OFFICE)
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Meeting Minutes – April 4, 2023
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of meeting minutes for the Town Council Meeting held on April 4, 2023.

SUMMARY: The Town Council Meeting was held on the 1st Tuesday, April 4, 2023, 7:30 p.m. and minutes were transcribed from the audio archive for approval for the public records.

RECOMMENDATION: Approval of April 4, 2023 meeting minutes.

FISCAL & EFFICIENCY DATA: N/A



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL

MEETING MINUTES

Tuesday, April 4, 2023 at 7:30 PM

Town Hall (Council Chamber) - 307 E Kennedy Blvd. 32751

SPECIAL NOTICE: These meeting minutes are presented in an abbreviated format intended as a public record discussion of stated meeting according to the Florida's Government-in-the-Sunshine law. Meetings are opened to the public, noticed within reasonable advance notice, and transcribed into minutes for public record. ***Audio Recording are available through the Town's website on the Council Agenda Page.*

CALL TO ORDER AND VERIFICATION OF QUORUM:

Mayor Gardner called the meeting to order at 7:31 p.m. and quorum was established through Mrs. Veronica King

PRESENT: (5) Councilwoman Wanda Randolph, Councilman Marlin Daniels, Councilman Theo Washington, Councilman Rodney Daniels, Mayor Angie Gardner.

STAFF: (6) Demetrius Pressley, **Interim Chief Administrator Officer**, Veronica King, **Town Clerk**, Patrick Brackins, **Attorney**, Joseph Jenkins, **Deputy Chief**, Albert English, **Public Works Director**, and Katrina Gibson, **Finance Director**

INVOCATION AND PLEDGE OF ALLEGIANCE:

Rev. Critton led the Prayer of Invocation followed by the Pledge of Allegiance

APPROVAL OF THE AGENDA:

Mayor Gardner Motions to approve agenda Moved by Councilman Marlin Daniels; Second by Councilwoman Randolph; **AYE: ALL, MOTION PASSES.**

PRESENTATIONS

Artwork as part of the Ultimate Art Endowment Program – Introduction of artist Jefre'; presented on his idea for the proposed artwork as part of the Ultimate Art Endowment Program. Looking for site ideas to create an iconic piece that identifies the strength of Eatonville, the town that freedom built, with emphasis on Freedom. Jefre' will donate his artist fee and ask that a percentage is used to further marketing efforts; with a narrated mini documentary talking about the artist work as a point in history. Idea: The word Freedom lit up in LED lights suspended in the air with an approximate base size of 20'x20'; can work with other artists to collaborate ideas into the final base design; placement ideas can be in a dedicated location or within a park. The results of a Jefre' piece will attract sponsors and people.

CITIZEN PARTICIPATION - (The Three-minute rule was strictly enforced)

Joyce Irby – Extended gratitude to the council members for their vote and their conversation, and to everyone who came to every meetings, keep coming out. Special thanks to Julian Johnson for the push and Ryan Novak for ideas.

Ryan Novak – Bicycle stolen off back porch after the community cleanup by six feet tall white male wear black shirt, gray slacks, and sandals. Orange County just approved a \$150,000 budget for license plate readers installed in high crime areas; recommend push back through ordinance. We should be free from governmental oversight; logging, keeping of data, and whereabouts. Information will be stored for three years, violation of the

4th amendment right. Will support an ordinance to scan license plate and delete information if nothing comes back, criminal activity. Consider the budget for cameras in specific public areas.

Julian Johnson – We won the battle but not the war; keep moving. Community planning and meeting: Sunday Catalina Park is hosting an Easter egg hunt (Francis Jerry Park), Community Conversations, April 11 at 6pm at PEC, Macedonia Health Fair April 15, and communicate with PEC concerning the lawsuit, Help CDC Weekend Wellness Workshop April 22, 11am (Library), also looking to have an organized community celebration event at the Denton Johnson Center. For the stakeholders meeting, if several meetings are needed, lets do it; people have to get involved.

APPROVAL CONSENT AGENDA: Mayor Gardner Motions to approve the consent agenda approving the Town Council Meeting Minutes for March 21, 2023; the GIS Agreement between Orange County and the Town; and the Impact Fee Feasibility Study; Moved by Councilman Theo Washington; Second by Councilman M. Daniels; **AYE: ALL, MOTION PASSES.**

COUNCIL DECISIONS:

Approval of Resolution #2023-2 Appointment of Vice Mayor. Presenting again the recommendation of Councilman Washington as Vice Mayor; to step in for the Mayor in the absence of; recommendation is made on the basis of the voting path, support of town events, respected by the citizens, willing to make decisions to move the town forward, and understands role; **Mayor Gardner Motions to approve Resolution #2023-2 Appointment of Councilman Washington as Vice Mayor;** Moved by Councilman Washington; Second by Councilman M. Daniels; **AYE:** Councilman Washington, Mayor Gardener **NAYE:** Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph; **MOTION FAILS.**
Discussion: Councilwoman Randolph recommends Councilman R. Daniels as an alternative option for the Mayor to consider. Legal feedback: Under Charter, the Mayor recommends the Vice Mayor.

REPORTS:

INTERIM CHIEF ADMINISTRATIVE OFFICER: Demetrius Pressley

Stakeholders Meeting: Follow up meeting is to be scheduled for April 18 at 6pm to discuss the results of the SWOT analysis and discuss further plans. An electronic survey is being prepared for the community; will be available on the Town and CRA websites as well as Facebook. Monthly updates will be sent tomorrow to Council; thanks for Mr. English, and Mrs. Gibson for working extra hours to complete tasks required. Financial Quarter one and two reports will be at the next meeting (4/18), continuing current assessments of the town; pay grade study. Upcoming meeting with key stakeholders; the School Board and Spectrum.

TOWN ATTORNEY'S REPORT: Patrick Brackins

No Report.

TOWN COUNCIL REPORT/DISCUSSION ITEMS-

Councilman T. Washington – Inquired about the Westside apartments, requesting information on permitting. Concern: that development did not come before Planning and Zoning nor Council; need to look into this matter.

Councilman M. Daniels –Concerns: last Friday, spoke with Orange County Commission in reference to appropriation of funds to Eatonville; learned that we submitted for appropriation funds of \$2.5 million dollars proposed for a development in Elizabeth Park; council does not know; possibly losing a park; unaware of the number of units. Request explanation of how did this happened; created in the CRA but it is town property. Great job on the workshop; knowledge is key. Must understand due process before speaking on a matter of one's decision; some matters are sensitive to the Sunshine Law. Charter Reference: Section:2.03 (a); Days to put departments head in place is 120 days of vacancy. Under Charter, the Mayor

has the authority to appoint, suspend, and remove; within 120 days. There is no direction in the Charter when the vacancies are not filled by the Mayor beyond 120 days: no expressed results.

Vice-Mayor R. Daniels – Request assessment of the pool; pool is salvable, and options will be brought to council at the next meeting. Thanks to Ms. Joyce Irby along with another citizen for the concerns and extra steps taken to learn more about Councilman Daniel's conviction/position. Town cleanup was great.

Councilwoman Wanda Randolph – Pertaining the Hungerford property, it is important to ask where we go from here, what are the plans, the needed funds, the direction of the town. Accumulation of hours for law enforcement; completed confirmed Chief Jenkins. Concerned about the new proposed development not shared with the council; request to be part of any future matters as such that should come before council. Attorney Shepard is working on the town logo matter. Violence and Crime: Are we prepared and trained for active shooting; yes, confirmed Chief Jenkins. The health fair details forthcoming and will update Julian Johnson once date is confirmed. Great presentation for the Juneteenth. Properties in Eatonville: many are zoned inconsistently with the Comprehensive plan; considering moratorium on building permits. Legal provided feedback on the zoning and the comprehensive plan needing to be consistent with one another; either change the zoning or change the comprehensive plan. Effective Friday, any properties zoned commercial or industrial can be developed as mix-use or multi-family without having to go through an application process, without council vote; when state law conflicts with local law, state law prevails effective July 1st. This will affect affordable housing and price controls. Every community in Florida will be affected by the ramification of this law.

MAYOR'S REPORT

Mayor Angie Gardner – In explanation, I did not want the funds for appropriations to walk; had it been known, letters of reference/support would have been asked of those who attended the stakeholders meeting. Because staff is stretched line, the grant was written by the Mayor; is for \$5.5 million dollars. Elizabeth Park was proposed because of its inclusion in the CRA Masterplan available on the CRA website with appropriate documents. If the town council says no to the subsidized townhomes, the funds will be reappropriated. Apologized for any inconvenience; it was a time sensitive matter. Thanks to Mr. Pressley for doing your job; not trying to make it hard for you. To Attorney Brackins and Attorney Shepard, thank you for the training. Attended the Greek Civic Fraternal Service at St. Paul AME and was also an honoree at the Coalition of 100 Black Women event. Mentioned the cleanup day and yard sale; the Jerry Park cleanup was nice. There is a Metro Mayor's forum on April 12, 2023, 11:30 am Winter Park Event Center; will be attending as a participating Mayor. Already spoke with Attorney Shepard about the Moratorium being a resolution versus an ordinance. Thanks to Tara Salmieri for the GIS consent agenda item; it is a big step forward. To Attorney Brackins, requesting a time to meet about an agreement; there are conditions of the agreement that have not been met.

ADJOURNMENT Mayor Gardner Motions for Adjournment of Meeting (Moved by Councilman M. Daniels; Second by Councilman Washington; **AYE: ALL, MOTION PASSES. Meeting Adjourned at 8:32 P.M.**

Respectfully Submitted by:

APPROVED

Veronica L King, Town Clerk

Angie Gardner, Mayor



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

APRIL 18, 2023, AT 07:00 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Resolution 2023-7 Reappointing Vera King to the Eatonville Police Officers Retirement Trust Board (Administration)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Resolution 2023-7
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: The Administration request approval of Resolution 2023-7 reappointing Vera King to the Eatonville Police Officers Retirement Trust Board

SUMMARY: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA TOWN COUNCIL TO APPROVE RE-APPOINTMENT OF VERA KING TO THE EATONVILLE POLICE OFFICERS RETIREMENT TRUST BOARD, FOR A TWO (2) YEAR TERM, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, According to Florida Statutes Chapter 185, the Membership of the Board of Trustees for Chapter plans consist of five (5) members, (A) two (2) of whom unless otherwise prohibited by law, must be Legal Residents of the Municipality and must be appointed by the legislative body of the municipality for a two (2) year staggered term, and (B) two (2) of whom must be police officers as defined in Statute who are elected by a majority of the active police officers who are members of such plan.

RECOMMENDATION: Staff recommends the approval of Resolution 2023-7 reappointing Vera King to the Eatonville Police Officers Retirement Trust Board

FISCAL & EFFICIENCY DATA: N/A

RESOLUTION #2023-7

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA TOWN COUNCIL TO APPROVE RE-APPOINTMENT OF VERA KING TO THE EATONVILLE POLICE OFFICERS RETIREMENT TRUST BOARD, FOR A TWO (2) YEAR TERM, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, According to Florida Statutes Chapter 185, the Membership of the Board of Trustees for Chapter plans consist of five (5) members, (A) two (2) of whom unless otherwise prohibited by law, must be Legal Residents of the Municipality and must be appointed by the legislative body of the municipality for a two (2) year staggered term, and (B) two (2) of whom must be police officers as defined in Statute who are elected by a majority of the active police officers who are members of such plan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, ORANGE COUNTY, FLORIDA AS FOLLOWS:

SECTION ONE: the Town Council re-appoint Vera King to the Eatonville Police Officers Pension Board; one (1) member shall be re-appointed for a two (2) year period.

SECTION TWO: CONFLICTS: All Resolutions or parts of Resolutions in conflict with any other Resolution or any of the provisions of the Resolution is hereby repealed.

SECTION THREE: SEVERABILITY: If any section or portion of a section of this Resolution is found to be invalid, unlawful or unconstitutional, it shall be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FOUR: EFFECTIVE DATE: This Resolution will take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 18th day of April, 2023.

Angie Gardner, Mayor

ATTEST:

Veronica L King, Town Clerk



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

APRIL 18, 2023, AT 07:00 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Town of Eatonville – Master Water and Wastewater Plans by CHP Engineering, LLC (**Administration**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Master Water and Wastewater Plans Agreement
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: The Administration request approval to execute agreement between the Town of Eatonville and CPH Engineering, LLC for professional services. (Master Water and Wastewater Plans)

SUMMARY: The Town wishes to enter into a professional services contact/agreement with CPH Engineer, LLC the master plans will help with developed and listing projects for the capital Improvement program (CIP). The Master Water Plan will utilize information currently being collected and reviewed for the Town's Water Supply Facilities Work Plan. Altamonte Springs previously mentioned that their WWTF is reaching the treatment capacity and the Town may need to look at other options for their wastewater flows. The master wastewater plan will include that consideration. This proposal is being submitted in accordance with the MASTER AGREEMENT FOR CONTINUING PROFESSIONAL SERVICES dated January 19, 2022, between the Town of Eatonville (TOWN) and the firm of CPH, Inc., (CPH). The study will take four to six months.

RECOMMENDATION: Staff recommends the approval of the proposal agreement between CPH Engineer, LLC; the Town of Eatonville for the above-described services in accordance with the Master Agreement for continuing Professional Services.

FISCAL & EFFICIENCY DATA: The current approve budget has funds allocated for professional services in **400-0536-3400** (professional services). The Engineering lump sum fee for the services described herein is estimated to be **\$77,600.00**, with the Master Water Plan lump sum fee at **\$37,350.00**, and the Master Wastewater Plan lump sum fee at **\$40,250.00**.

1117 East Robinson St.
Orlando, FL 32801
Phone: 407.425.0452
Fax: 407.648.1036

March 28, 2023

Mr. Albert English
Public Works Director
Town of Eatonville
307 East Kennedy Blvd
Eatonville, Florida 32751

RE: Town of Eatonville – Master Water and Wastewater Plans

Dear Albert:

The Town has met with CPH to discuss the need for master plans for both water and wastewater facilities. The master plans will help with developed and listing projects for the capital Improvement program (CIP).

The Master Water Plan will utilize information currently being collected and reviewed for the Town's Water Supply Facilities Work Plan

In addition, the Town currently has an agreement with the City of Altamonte Springs to send all the wastewater generated by the Town's residents and services area to Altamonte Spring's existing wastewater treatment facility (WWTF). Altamonte Springs previously mentioned that their WWTF is reaching the treatment capacity and the Town may need to look at other options for their wastewater flows. The master wastewater plan will include that consideration.

Hence, the purpose of this proposal is to provide a scope of engineering services related to preparing Master Water and Wastewater Plans. The master plans are intended to be used as a basis of planning for current and future infrastructure improvements, including providing a five-year CIP. The master plans will cover a 20-year utility planning horizon, with a year-end in 2043.

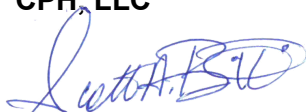
A detailed scope of services is provided in **Exhibit A**. CPH proposes to perform the services for the Master Water Plan for a lump sum fee of **\$37,350.00**, and the Master Wastewater Plan for a lump sum fee of **\$40,250.00**. The total lump sum fee of the project will **\$77,600.00**.

This proposal is being submitted in accordance with the *MASTER AGREEMENT FOR CONTINUING PROFESSIONAL SERVICES* dated January 19, 2022, between the Town of Eatonville (TOWN) and the firm of CPH, Inc., (CPH).

If the Town is in agreement with this proposal, then please have the Town Mayor sign the attached signature page for authorization to proceed with the described work.

As always, CPH appreciates this opportunity to provide our services to the Town.

Sincerely,
CPH, LLC



Scott A. Breitenstein, P.E.
Vice President/Associate

ALL TERMS AND CONDITIONS OF THE MASTER AGREEMENT ARE HEREBY INCORPORATED HEREIN. IN THE EVENT THAT THE LANGUAGE OF THIS PROPOSAL IS CONSTRUED TO BE IN CONFLICT WITH THE LANGUAGE IN THE MASTER AGREEMENT, THE LANGUAGE OF THE MASTER AGREEMENT SHALL CONTROL.

Made and executed by and between the Town and the CPH on this EXECUTED date HEREIN.

Town:

**TOWN OF EATONVILLE, a Florida
municipal corporation**

By:

Angie Gardner
Title: Mayor

DATE: _____

Consultant:

CPH, LLC,



By: _____
Scott A. Breitenstein, P.E.
Title: Vice President/Associate

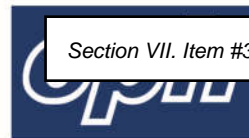


EXHIBIT A

SCOPE OF SERVICES

TOWN OF EATONVILLE MASTER WATER AND WASTEWATER PLANS

SCOPE OF SERVICES EXHIBIT "A"

PROJECT DESCRIPTION

The Town of Eatonville has requested CPH to prepare Master Water and Wastewater Plans for a 20-year planning horizon. The master planning effort is necessary at this time because of the significant growth related residential and commercial development in their service area. CPH will assist the Town with developing a five-year capital improvement program (CIP) that will be included in master plans. The 20-year planning horizon will end in 2043.

TASK 1 - Master Water Plan

CPH will have a kick-off meeting to discuss the project and deliverables. Additional work items are as follows:

- CPH will coordinate with the Town's planning department to establish the existing and future water service area boundaries and will help develop population growth projections for the 20-year planning period. CPH will request any information that the Town may have for other growth projections.
- CPH shall visit all existing water facilities with Town Staff. The "Plan" will describe the evaluation of all components such as water main sizing, water plant condition, wells, storage and pumping facilities and tabulate existing capacities, while assessing condition and useful life. Pictures of the treatments, storage and pumping components will be taken and included in the plan.
- CPH will establish design criteria for water supply, treatment system(s), water storage and high service pumping consistent with the Florida Department of Environmental Protection (FDEP) rules, and current Town practices.
- CPH will compute and tabulate total water system flows including average day and maximum day flows over the past five (5) years. Using this data and the documented service connections for the same time period, the per capita water usage (gpcd) will be computed. Current US Census data for the Town of Maitland will be reviewed and used as necessary.
- CPH will evaluate average day and max-day flow conditions relative to peak hourly demands for peaking factors and ascertain appropriate fire flow requirements plus max-day flow as determined from the MORs. Fire hydrant flow testing data will be requested and evaluated.
- CPH will evaluate existing and proposed raw water (well) sources considering quality and quantity. Review available data on geology, hydrogeology and area water quality and evaluate potential long-term use of existing well fields considering possible quality degradation, and excessive aquifer drawdown.
- FDEP design treatment and capacity criteria established in Chapter 62-555, FAC, will be reviewed based on requirements, and recommendations on improvements will be developed.
- CPH will obtain from the Town all available documents in electronic format, including GIS maps of the existing water distribution system. Our fee includes time to coordinate with the Town on updating the existing GIS maps. The updated figures/maps will include information such as property parcels, water bodies, township and section, Town limits, and other available information. The GIS maps will include labeling lakes, streets, service boundaries, and the piping network of the water distribution system.

- Once the GIS base map is received from the Town, and updated, CPH will develop a WaterCAD hydraulic model. The hydraulic model will be used to assist in evaluating the operation of the Town's water facilities and existing water distribution system. The computer model will be calibrated with all available data, including fire flow testing, so that when it is run it will simulate the existing system operation under similar flow demand as programmed. Future flow conditions will be simulated in five-year increments through the 2043 planning horizon.
- The hydraulic modeling will be run with several operating scenarios, including the current and projected peak flow demands. CPH will provide recommendations on necessary water system improvements relative to proper engineering criteria, and the results for the modeling scenario analyses.
- CPH will prepare a map, which shows the recommended improvements (new proposed water lines) for the distribution system.
- CPH will study and analyze expansion capabilities of existing facilities, as it relates to capacity requirement for the next 20-years, including the need for additional water plant and/or storage locations capable of servicing the water needs of the immediate and overall service area.
- CPH will recommend a staged implementation of the water treatment plant(s), and distribution system improvements, to show construction of various system components for the five (5), 10 and 20-year needs.
- CPH will prepare planning level project cost estimates for staged implementation of the plan for five (5), 10 and 20-year needs, as necessary.
- CPH will submit up to four (4) copies of the draft Master Water Plan to Town that will include descriptions, text, charts, graphics, existing and future water system maps, WTPs site plans, and other figures as needed for review and comment. CPH will meet with the Town to address any comments.
- CPH will revise and submit for the Town's records a "signed and sealed" 2023 Master Water Plan and will make available in electronic format the Master Water Plan, and associated information including GIS maps.

TASK 2 - Master Wastewater Plan

CPH will have a kick-off meeting to collect and review pertinent data and reports related to the existing lift stations, including the collection and transmission system, and additional sewer service connection data for the last five (5) years. Additional work items are as follows:

- CPH will coordinate with the Town on sewer population projections for the next 20 years, as related to the populations established in the Water Supply Facility Work Plan. As the Town knows, there are areas in the Town's service area that are on septic tank systems, so the sewer population is not the same as the water population. The Plan will include a discussion on centralized sewer and a connection program of the septic tank systems and the potential change in future flows. A map of the areas will be provided.
- CPH shall meet with Town staff to discuss all available information noted above and will provide in the Plan a description of the existing collection/transmission system, lift stations, and facility capacities from the information provided by the Town, and from past CPH work. Town's current agreement with the Town of Altamonte Springs will be reviewed and discussed with the Town related to future potential growth.

- CPH will visit selected lift stations (Vereen L/S) as coordinated with Town Staff. CPH will develop with Staff critical lift station needs, and problem areas, and prepare a map of the lift station locations.
- CPH will obtain from the Town, in electronic format, maps of the existing wastewater distribution system, including the Town's GIS maps with information on property parcels, water bodies, township and section, Town limits, and other available information. CPH will update GIS maps to include labeling lakes, streets, service boundaries, and the piping network of the wastewater distribution system.
- CPH will refine the staged implementation of the CIP, as essential, to show construction of various system components for the five (5), 10, 20-year needs. The associated planning project cost estimates will be provided for the stated years. CPH will prepare a map, which shows the recommended improvements for the collection and transmission system, as necessary.
- CPH will submit up to four (4) copies of the draft Master Wastewater Plan to Town that will include descriptions, text, charts, graphics, existing and future water system maps, WWTFs site plans, and other figures as needed for review and comment. CPH will meet with the Town to address any comments.
- CPH will revise and submit for the Town's records a final "signed and sealed" 2023 Master Water Plan and will make available in electronic format the Master Wastewater Plan, and associated information including GIS maps.

Deliverables:

1. Master Water Plan
2. Master Wastewater Plan

COMPENSATION

Compensation paid to CPH for services described herein and rendered by principals and employees assigned to the project are computed by multiplying Standard Classification Billing Rates for all classifications of employees directly engaged on the project, times the number of hours worked on the project.

The Engineering lump sum fee for the services described herein is estimated to be **\$77,600.00**, with the Master Water Plan lump sum fee at **\$37,350.00**, and the Master Wastewater Plan lump sum fee at **\$40,250.00**.

The lump sum fee includes out-of-pocket expenses and will be specifically identified in periodic invoicing, and include such items as transportation and subsistence of principals and employees when traveling in connection with the project, tolls, telephone calls, photocopies, prints and plots, etc. Invoices will be submitted periodically, indicating the hours expended during that billing cycle.



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

APRIL 18, 2023, AT 07:00 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Public Works Surplus of Two Vehicles

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Title of Ownership
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval to surplus two vehicles parked in the yard through Enterprise Fleet Management INC.

SUMMARY: The Public Works Department is using Enterprise Fleet Management INC to lease commercial trucks for daily use involving Public Works & Utilities on behalf of the Town of Eatonville.

There are two surplus trucks currently sitting in the yard. The vehicles information is listed below:

1. 2008 Ford F150 with the VIN# 1FTRF12268KE35468
2. 2008 Ford F150 with the VIN# 1FTRF122X8KE42228

RECOMMENDATION: Staff recommends approval to allow the Town of Eatonville to surplus these two vehicles to Enterprise Fleet Management INC or Giddings Auction of Apopka FL

FISCAL & EFFICIENCY DATA: 400-0536-536-3400

enterprise

FLEET MANAGEMENT

CONSIGNMENT AUCTION AGREEMENT

THIS AGREEMENT is entered into by and between Enterprise Fleet Management, Inc. a Missouri Corporation (hereinafter referred to as "Enterprise") and Town of Eatonville (hereinafter referred to as "CUSTOMER") on this 19th day of August (hereinafter referred to as the "Execution Date").

RECITALS

- A. Enterprise is in the business of selling previous leased and rental vehicles at wholesale auctions; and
- B. The CUSTOMER is in the business of Government.
- C. The CUSTOMER and Enterprise wish to enter into an agreement whereby Enterprise will sell at wholesale auction, CUSTOMER's vehicles set forth on Exhibit A, attached hereto and incorporated herein, as supplemented from time to time (collectively, the "Vehicles").

NOW, THEREFORE, for and in consideration of the mutual promises and covenants hereinafter set forth, the parties agree as follows:

TERMS AND CONDITIONS

1. **Right to Sell:** Enterprise shall have the non-exclusive right to sell any Vehicles consigned to Enterprise by a CUSTOMER within the Geographic Territory.
2. **Power of Attorney:** CUSTOMER appoints Enterprise as its true and lawful attorney-in-fact to sign Vehicle titles on behalf of CUSTOMER for transfer of same and hereby grant it power in any and all matters pertaining to the transfer of Vehicle titles and any papers necessary thereto on behalf of CUSTOMER. The rights, powers and authorities of said attorney-in-fact granted in this instrument shall commence and be in full force and effect on the Execution Date, and such rights, powers and authority shall remain in full force and effect thereafter until terminated as set forth herein.
3. **Assignments:** Vehicle assignments may be issued to Enterprise by phone, fax, or electronically.
4. **Service Fee:** For each Vehicle sold, the CUSTOMER shall pay Enterprise a fee of \$400 ("Service Fee") plus towing at prevailing rates.
5. **Sales Process:** Enterprise shall use reasonable efforts to sell each Vehicle. CUSTOMER may, at its discretion, place a Minimum Bid or Bid to be Approved (BTBA) on any Vehicle by providing prior written notification to Enterprise.
6. **Time for Payment:**
 - (a) No later than ten (10) business days after the collection of funds for the sale of a Vehicle, Enterprise will remit to the CUSTOMER an amount equal to the Vehicle sale price minus any seller fees, auction fees, Service Fees, towing costs, title service fees, enhancement fees and any expenses incurred by Enterprise while selling Vehicle, regardless of whether the purchaser pays for the Vehicle.
 - (b) Enterprise's obligations pursuant to Section 6(a) shall not apply to Vehicle sales involving mistakes or inadvertences in the sales process where Enterprise reasonably believes that fairness to the buyer or seller justifies the cancellation or reversal of the sale. If Enterprise has already remitted payment to CUSTOMER pursuant to Section 6(a) prior to the sale being reversed or cancelled, CUSTOMER agrees to reimburse Enterprise said payment in full. Enterprise will then re-list the Vehicle and pay CUSTOMER in accordance with this Section 6. Examples of mistakes or inadvertences include, but are not limited to, Vehicles sold using inaccurate or incomplete vehicle or title descriptions and bids entered erroneously.
7. **Indemnification and Hold Harmless:** Enterprise and CUSTOMER agree to indemnify, defend and hold each other and its parent, employees and agents harmless to the extent any loss, damage, or liability arises from the negligence or willful misconduct of the other, its agents or employees, and for its breach of any term of this Agreement. The parties' obligations under this section shall survive termination of this Agreement.

8. **Liens, Judgments, Titles and Defects:** CUSTOMER shall defend, indemnify and hold Enterprise its parent, employees and agents harmless from and against any and all claims, expenses (including reasonable attorney's fees), suits and demands arising out of, based upon, or resulting from any judgments, liens or citations that were placed on the Vehicle, defects in the Vehicle's title, or mechanical or design defects in the Vehicle.

9. **Odometer:** Enterprise assumes no responsibility for the correctness of the odometer reading on any Vehicle and the CUSTOMER shall defend, indemnify and hold Enterprise its parent, employees and agents harmless from and against any and all claims, expenses (including reasonable attorney's fees), suits and demands arising out of, based upon or resulting from inaccuracy of the odometer reading on any Vehicle or any odometer statement prepared in connection with the sale of any Vehicle, unless such inaccuracy is caused by an employee, Enterprise, or officer of Enterprise.

10. **Bankruptcy:** Subject to applicable law, in the event of the filing by CUSTOMER of a petition in bankruptcy or an involuntary assignment of its assets for the benefit of creditors, Enterprise may accumulate sales proceeds from the sale of all Vehicles and deduct seller fees, auction fees, Service Fees, towing costs, title service fees, enhancement fees and any expenses incurred by Enterprise while selling Vehicle from said funds. Enterprise will thereafter remit to CUSTOMER the net proceeds of said accumulated sales proceeds, if any.

11. **Compliance with Laws:** Enterprise shall comply with all federal, state, and local laws, regulations, ordinances, and statutes, including those of any state motor vehicle departments, department of insurance, and the Federal Odometer Act.

12. **Insurance:** CUSTOMER shall obtain and maintain in force at all times during the term of this Agreement and keep in place until each Vehicle is sold and title is transferred on each Vehicle, automobile third party liability of \$1,000,000 per occurrence and physical damage coverage on all Vehicles. This insurance shall be written as a primary policy and not contributing with any insurance coverage or self-insurance applicable to Enterprise.

13. **Term:** This agreement is effective on the Execution Date and shall continue until such time as either party shall notify the other party with thirty (30) days prior written notice to terminate the Agreement with or without cause.

14. **Modification:** No modification, amendment or waiver of this Agreement or any of its provisions shall be binding unless in writing and duly signed by the parties hereto.

15. **Entire Agreement:** This Agreement constitutes the entire Agreement between the parties and supersedes all previous agreements, promises, representations, understandings, and negotiations, whether written or oral, with respect to the subject matter hereto.

16. **Liability Limit:** In the event Enterprise is responsible for any damage to a Vehicle, Enterprise's liability for damage to a Vehicle in its possession shall be limited to the lesser of: (1) the actual cost to repair the damage to such vehicle suffered while in Enterprise's possession; or (2) the negative impact to the salvage value of such vehicle. Enterprise shall not be liable for any other damages to a Vehicle of any kind, including but not limited to special, incidental, consequential or other damages.

17. **Attorney's Fees:** In the event that a party hereto institutes any action or proceeding to enforce the provisions of this Agreement, the prevailing party shall be entitled to receive from the losing party reasonable attorney's fees and costs for legal services rendered to the prevailing party.

18. **Authorization:** Each party represents and warrants to the other party that the person signing this Agreement on behalf of such party is duly authorized to bind such party.

"ENTERPRISE"

Signature: _____

Printed Name: _____

Title: _____

Date Signed: _____

"CUSTOMER"

Signature: _____

Printed Name: _____

Title: _____

Date Signed: _____

7.	6	SWE	2444
AUDIT #			



**STATE OF FLORIDA
APPLICATION FOR VEHICLE/VESSEL
CERTIFICATE OF TITLE**

Section VII. Item #4.

T# 5090010
546423745
B# 1974688

TITLE NUMBER	VEHICLE/VESSEL IDENTIFICATION #	YR. MAKE	MAKE or MANUFACTURER	BODY TYPE	VEHICLE COLOR	WT/LENGTH	GVW/LOC	
100995526	1FTRF122X8KE42228	2008	FORD	PK	WHI	4529		
DATE OF ISSUE MO. DAY YEAR	TRANS CODE	VEHICLE USE	HULL MATERIAL	PROPULSION	FUEL	VESSEL TYPE	WATER	FL NUMBER
07 07 08	ORT	PRIVATE						
Applicant/Owner's Name & Address TOWN OF EATONVILLE 307 E KENNEDY BLVD EATONVILLE, FL 32751						BIRTHDATE SEX MO. DAY YEAR Y N ALIEN RES.# X 17		
						1st OWNER FL/DL# OR F.E.I.D.# 591023080-01		
						2nd OWNER FL/DL# OR UNIT #		
VOLUNTARY CONTRIBUTIONS								
AGENCY FEE 4.75								
TITLE FEE 29.00								
SALES TAX 0.00								
GRAND TOTAL 33.75								
Action Requested: ORIG NEW TITLE								
Brands:								
PREV. STATE	DATE ACQUIRED	NEW	USED	ODOMETER / VESSEL MANUFACTURER	ODOMETER DECLARATION CERTIFICATION			
	06/20/2008	XX		10 MILES 06/20/2008 ACTUAL	<input type="checkbox"/>			
LIEN INFORMATION				DATE OF LIEN	RECEIVED DATE	FEID # OR FL / DL AND SEX AND DATE OF BIRTH	DMV ACCOUNT #	
NAME OF FIRST LIENHOLDER: FORD MOTOR CREDIT COMPANY ADDRESS ELECTRONIC LIEN				ELT 06/20/2008	06/30/2008	381612444-01	201944541	
SELLER INFORMATION				SALVAGE TYPE				
NAME OF SELLER, FLORIDA DEALER, OR OTHER PREVIOUS OWNER HEINTZELMAN'S TRUCK CENTER, INC. ADDRESS 2424 JOHN YOUNG PKWY ORLANDO, FL 32804 DEALER LICENSE NO. VF10013161				CONSUMER OR SALES TAX EXEMPTION #				
SALES TAX AND USE REPORT				INDICATE TOTAL PURCHASE PRICE, INCLUDING ANY UNPAID BALANCE DUE SELLER, BANK OR OTHERS \$				
TRANSFER OF TITLE <input type="checkbox"/> PURCHASER HOLDS VALID IS EXEMPT FROM EXEMPTION CERTIFICATE FLORIDA SALES OR <input type="checkbox"/> VEHICLE / VESSEL WILL BE USE TAX FOR THE USED EXCLUSIVELY FOR RENTAL REASON(S) CHECKED <input type="checkbox"/> OTHER				INDICATE SALES OR USE TAX DUE AS PROVIDED BY CHAPTER 212, FLORIDA STATUTES \$ 0.00				
				<input type="checkbox"/> SELLING PRICE VERIFIED				
APPLICANT CERTIFICATION								
I/WE HEREBY CERTIFY THAT THE VEHICLE/VESSEL TO BE TITLED WILL NOT BE OPERATED UPON THE PUBLIC HIGHWAYS/WATERWAYS OF THIS STATE.								
I CERTIFY THAT THE CERTIFICATE OF TITLE IS LOST OR DESTROYED.								
I CERTIFY THAT THIS MOTOR VEHICLE/VESSEL WAS REPOSSESSED UPON DEFAULT OF THE LIEN INSTRUMENT AND IS NOW IN MY POSSESSION.								
I/WE HEREBY CERTIFY THAT I/WE LAWFULLY OWN THE ABOVE DESCRIBED VEHICLE/VESSEL, AND MAKE APPLICATION FOR TITLE. IF LIEN IS BEING RECORDED NOTICE IS HEREBY GIVEN THAT THERE IS AN EXISTING WRITTEN LIEN INSTRUMENT INVOLVING THE VEHICLE/VESSEL DESCRIBED ABOVE AND HELD BY LIENHOLDER SHOWN ABOVE. I/WE FURTHER AGREE TO DEFEND THE TITLE AGAINST ALL CLAIMS.								
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.								
Signature of Applicant/Owner				Signature of Applicant/Co-Owner				

7	6	SWE	2444
AUDIT #			

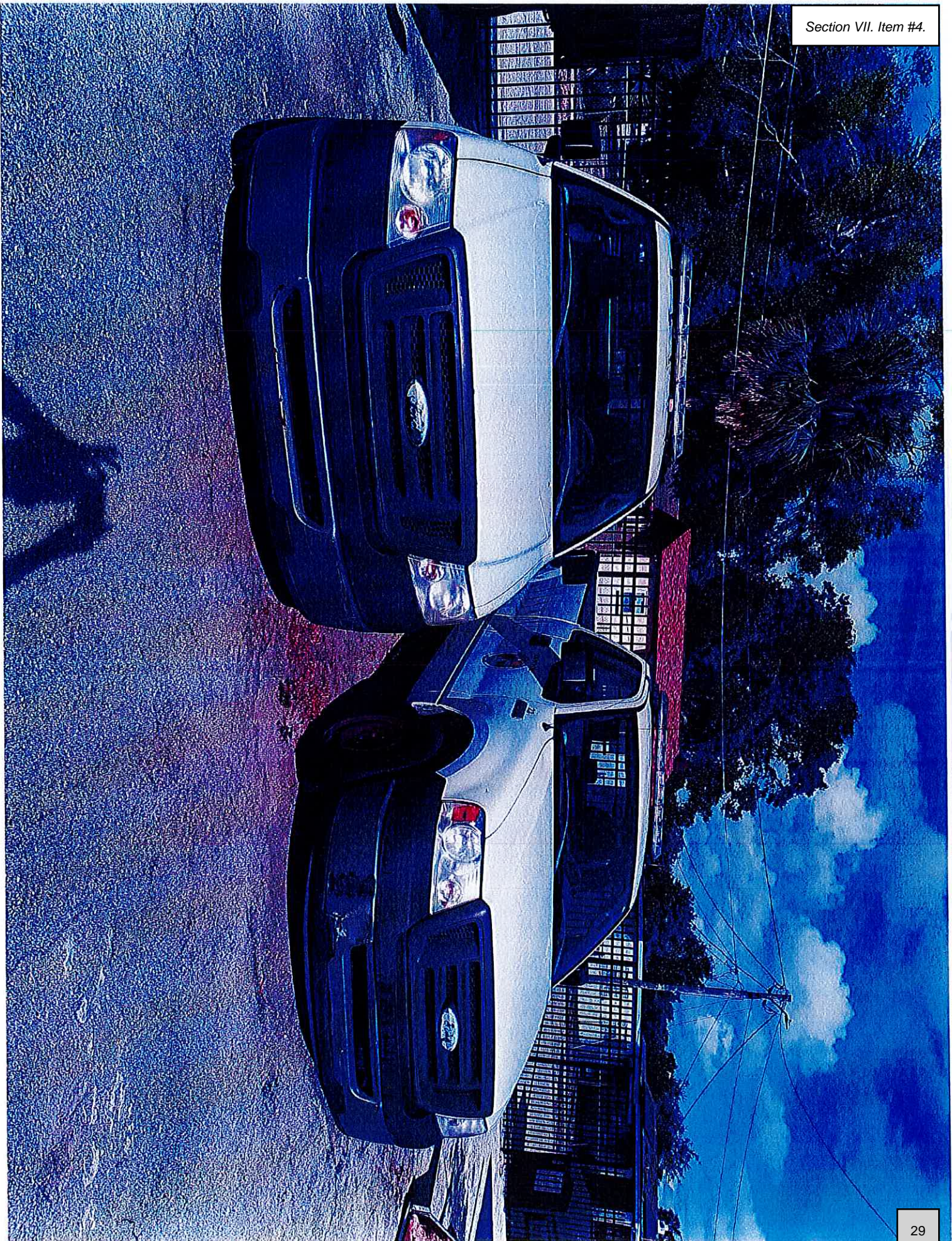


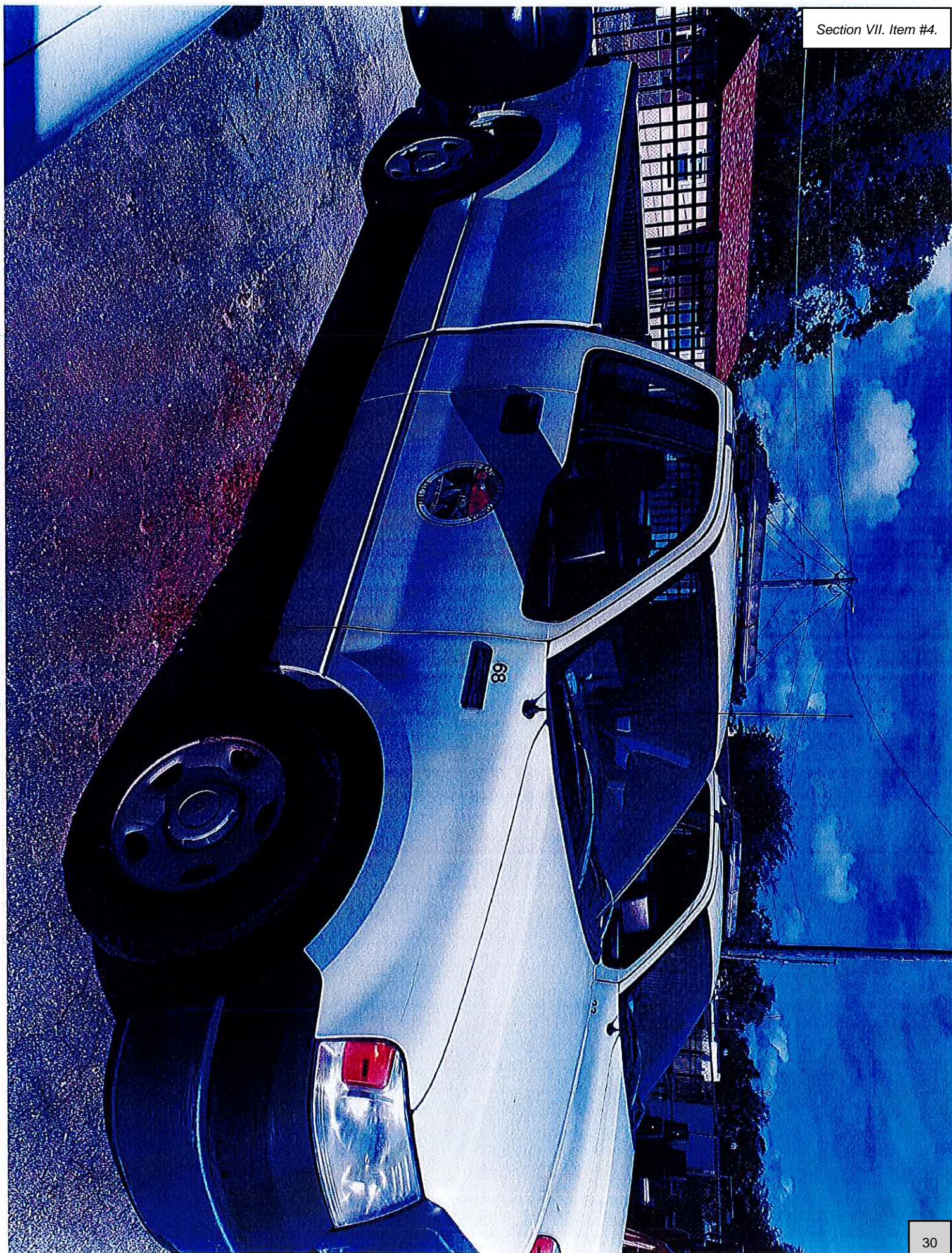
**STATE OF FLORIDA
APPLICATION FOR VEHICLE/VESSEL
CERTIFICATE OF TITLE**

Section VII. Item #4.

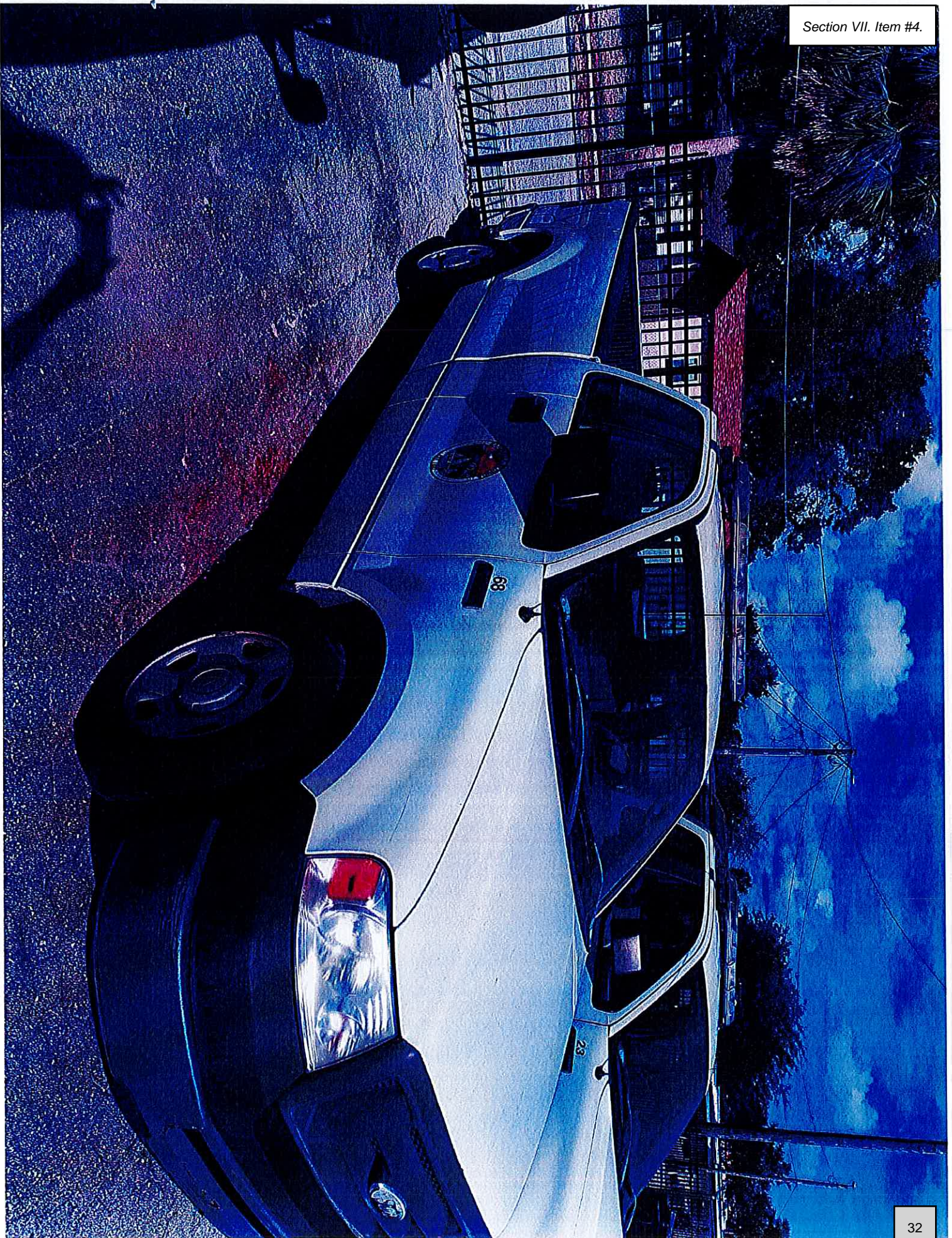
T# 546417283
B# 1974688

TITLE NUMBER		VEHICLE/VESSEL IDENTIFICATION #		YR. MAKE	MAKE or MANUFACTURER	BODY TYPE	VEHICLE COLOR		WT/LENGTH	GVW/LOC
100995124		1FTRF12268KE35468		2008	FORD	PK	WHI		4529	
DATE OF ISSUE MO. DAY YEAR		TRANS CODE	VEHICLE USE	HULL MATERIAL	PROPULSION	FUEL	VESSEL TYPE	WATER	FL NUMBER	
07 07 08		ORT	PRIVATE							
Applicant/Owner's Name & Address TOWN OF EATONVILLE 307 E KENNEDY BLVD EATONVILLE, FL 32751						BIRTHDATE SEX MO. DAY YEAR		RESIDENT Y N ALIEN	CNTY RES.#	
						1st OWNER FL/DL# OR F.E.I.D.#		2nd OWNER FL/DL# OR UNIT #		
						591023080-01				
VOLUNTARY CONTRIBUTIONS										
						AGENCY FEE	TITLE FEE	SALES TAX	GRAND TOTAL	
						4.75	29.00	0.00	33.75	
Action Requested: ORIG NEW TITLE						Brands:				
PREV. STATE	DATE ACQUIRED	NEW	USED	ODOMETER / VESSEL MANUFACTURER			ODOMETER DECLARATION CERTIFICATION			
	06/20/2008	XX		10 MILES 06/20/2008 ACTUAL			<input type="checkbox"/>			
LIEN INFORMATION		DATE OF LIEN	RECEIVED DATE	FEID # OR FL / DL AND SEX AND DATE OF BIRTH			DMV ACCOUNT #			
ELT		06/20/2008	06/30/2008	381612444-01			201944541			
NAME OF FIRST LIENHOLDER: FORD MOTOR CREDIT COMPANY						SALVAGE TYPE				
ADDRESS ELECTRONIC LIEN										
SELLER INFORMATION										
NAME OF SELLER, FLORIDA DEALER, OR OTHER PREVIOUS OWNER HEINTZELMAN'S TRUCK CENTER, INC.										
ADDRESS 2424 JOHN YOUNG PKWY ORLANDO, FL 32804										
DEALER LICENSE NO. VF10013161						CONSUMER OR SALES TAX EXEMPTION #				
SALES TAX AND USE REPORT						INDICATE TOTAL PURCHASE PRICE, INCLUDING ANY UNPAID BALANCE DUE SELLER, BANK OR OTHERS \$				
TRANSFER OF TITLE <input type="checkbox"/> PURCHASER HOLDS VALID										
IS EXEMPT FROM EXEMPTION CERTIFICATE						INDICATE SALES OR USE TAX DUE AS PROVIDED BY CHAPTER 212, FLORIDA STATUTES \$ 0.00				
FLORIDA SALES OR <input type="checkbox"/> VEHICLE / VESSEL WILL BE										
USE TAX FOR THE USED EXCLUSIVELY FOR RENTAL										
REASON(S) CHECKED <input type="checkbox"/> OTHER						<input type="checkbox"/> SELLING PRICE VERIFIED				
APPLICANT CERTIFICATION										
I/WE HEREBY CERTIFY THAT THE VEHICLE/VESSEL TO BE TITLED WILL NOT BE OPERATED UPON THE PUBLIC HIGHWAYS/WATERWAYS OF THIS STATE.										
<input type="checkbox"/> I CERTIFY THAT THE CERTIFICATE OF TITLE IS LOST OR DESTROYED.										
<input type="checkbox"/> I CERTIFY THAT THIS MOTOR VEHICLE/VESSEL WAS REPOSSESSED UPON DEFAULT OF THE LIEN INSTRUMENT AND IS NOW IN MY POSSESSION.										
I/WE HEREBY CERTIFY THAT I/WE LAWFULLY OWN THE ABOVE DESCRIBED VEHICLE/VESSEL, AND MAKE APPLICATION FOR TITLE. IF LIEN IS BEING RECORDED NOTICE IS HEREBY GIVEN THAT THERE IS AN EXISTING WRITTEN LIEN INSTRUMENT INVOLVING THE VEHICLE/VESSEL DESCRIBED ABOVE AND HELD BY LIENHOLDER SHOWN ABOVE. I/WE FURTHER AGREE TO DEFEND THE TITLE AGAINST ALL CLAIMS.										
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.										
Signature of Applicant/Owner						Signature of Applicant/Co-Owner				











HISTORIC TOWN OF EATONVILLE, FLORIDA
TOWN COUNCIL MEETING
APRIL 18, 2023, AT 07:00 PM
Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Charter Revision (Councilman M. Daniels)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none">Town Charter
CONSENT AGENDA		
COUNCIL DECISION	YES	
ADMINISTRATIVE		

REQUEST: The request is for Town Council to approve the Town Attorney to facilitate and document changes for a Charter Review.

SUMMARY: The Town Charter was last adopted in 2016 and the Town Council seeks a Charter Review. According to the Charter, Sec. 6.02. there shall be a periodic review of this Charter by a Charter review advisory committee appointed by the Town Council in 2024 and every eight (8) years thereafter.

The Town of Eatonville is within the timeframe of a Charter Review.

RECOMMENDATION: Recommendation is for Town Council to approve the Town Attorney to facilitate and document changes for a Charter Review.

FISCAL & EFFICIENCY DATA: N/A

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA PROVIDING FOR A REVIEW OF THE TOWN'S CHARTER, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Charter of the Town of Eatonville was last reviewed in 2016; and

WHEREAS, the Town Council has expressed its desire to review and or update certain sections of the Town's Charter; and

WHEREAS, the Charter Review Committee shall consist of the members of the Town Council of the Town of Eatonville; and

WHEREAS, the Town requires the expertise of professionals in the legal and government fields to guide the charter review process, and town funds will need to be allocated for this purpose.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, ORANGE COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: The Town Council shall act as the Charter Review Committee for the Town.

SECTION TWO: The Charter Review Committee shall make a report of all recommended changes to the Town Charter and shall consider adoption of an ordinance submitting any proposed charter amendments to the voters for consideration at the next general election.

SECTION THREE: The Town Council shall propose and adopt a schedule for its meetings as the Charter Review Committee, a proposed budget to complete the review, and shall establish guidelines for the Charter Review Committee's review process, including public participation.

SECTION FOUR: All Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed. If any section or portion of a section of this Resolution is found to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FIVE: This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 18th day of April 2023.

Angie Gardner, Mayor

ATTEST:

Veronica King, Town Clerk

REVISED CHARTER
TOWN OF EATONVILLE, FLORIDA

PREAMBLE

We the people of the historic Town of Eatonville, Florida, the Oldest Incorporated Black Municipality in the United States, under the constitution and laws of the State of Florida, in order to provide the benefits of local government responsive to the will and values of our citizens, do hereby adopt this Charter to define the powers and structure of our government. By this action we enable our government to provide services and meet the needs of the people efficiently; allow fair and equitable participation of all residents in the affairs of the Town; provide for transparency, accountability, and ethics in governance; foster fiscal responsibility; promote prosperity and advance the quality of life; and, preserve our unique history for generations to come.

**ARTICLE I POWERS OF
THE TOWN**

Section 1.01. Powers of the Town.

The Town shall have all powers possible for a Municipality to have under the constitution and Laws of the state of Florida as fully and completely as though they were specifically enumerated in this Charter.

Section 1.02. Construction.

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

Section 1.03. Intergovernmental Relations

The Town may participate by contract or otherwise with any governmental entity of this State or any other State or States or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Section 1.04. Corporate Boundaries

The corporate boundaries of the Town of Eatonville remain as they exist on the date this amended Charter takes effect, provided that the Town shall have the power to change its boundaries in the manner prescribed by law. A dated description of the boundaries is posted on the Town's website, is on file at the Town Hall, and is available to the public.

Section 1.05. Form of Government

The Town of Eatonville is a Municipal Corporation with a Mayor-Council form of Government.

ARTICLE II TOWN COUNCIL

Section 2.01. General Powers and Duties

All powers of the Town shall be vested in the Town Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

Section 2.02. Eligibility, Terms, and Composition

- (a.) **Eligibility.** Only registered voters of Orange County who have resided within the Town of Eatonville Town limits for twelve consecutive months prior to the date of qualifying shall be eligible to hold the office of Mayor or Council Member.
- (b.) **Terms.** The term of office of the Mayor and Council Members shall be four (4) years elected in accordance with Article V. The terms of all such persons shall commence at the first regularly scheduled Council meeting following the certification of election results by the Canvassing Board. All such elected officials shall hold office until their Successors have been elected and qualified or until their tenure of office has otherwise been terminated in accordance with law.
- (c.) **Composition.** There shall be a Town Council composed of five (5) members, one of whom will qualify for and be designated as Mayor, elected by the voters of the Town, at large, in accordance with the provisions of Article V.

Section 2.03. Mayor; General Duties

The Mayor shall be the Chief Executive Officer of the Town and shall be responsible to the electorate for the Administration of all Town affairs placed in the Mayor's charge by or under this Charter. The Mayor shall:

- (a) Appoint and suspend or remove all Town employees and appointive Administrative Officers provided for by or under this Charter. Department heads shall be appointed by the Mayor within one hundred twenty (120) days of any vacancy and confirmed by the Town Council. The Mayor may authorize any administrative officer who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (b) Direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this charter or law;
- (c) Chair and be a voting member of the Town Council;
- (d) See that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the Mayor or by officers subject to the direction and supervision of the Mayor, are faithfully executed;
- (e) Prepare, or have prepared, and submit the annual budget, budget message, and capital program to the Town Council and implement the final budget approved by Council to achieve the goals of the Town;
- (f) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;

- (g) Make such other reports as the Town Council may require concerning operations;
- (h) Keep the Town Council fully advised as to the financial condition and future needs of the town;
- (i) Encourage and provide staff support for regional and intergovernmental cooperation; and
- (j) Promote partnerships among Council, staff, and citizens in developing public policy and building a sense of community.

Section 2.04. Vice Mayor

A Vice Mayor will be recommended by the Mayor and elected by the Town Council annually from among its members no later than the second regular Council meeting in March. The Vice Mayor will assume the duties of Mayor in the Mayor's absence.

Section 2.05. Compensation; Expenses

The Town Council may determine the annual salary of the Mayor and Council Members by Ordinance, but no Ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The Mayor and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.06. Prohibitions

- (a.) **Holding Other Office.** Except where authorized by law, neither the Mayor nor any Council Member shall hold any other elected public office during the term for which the Mayor or Member was elected to the Council. No Council Member shall hold any other Town of Eatonville office or employment during the term for which the Mayor or Member was elected to the Council.

Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council Member to represent the Town on the governing board of any regional or other intergovernmental agency.

- (b.) **Appointments and Removals.** Neither the Town Council nor any of its Members shall in any manner control or demand the appointment or removal of any Town administrative officer or employee whom the Mayor or any subordinate of the Mayor is empowered to appoint, but the Council may express its views and fully and freely discuss with the Mayor anything pertaining to appointment and removal of such officers and employees.
- (c.) **Interference with Administration.** The Council or its Members shall deal with town officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the Council nor its Members shall give orders to any such officer or employee, either publicly or privately.

Section 2.07. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) **Vacancies.** The office of the Mayor or a Council Member shall become vacant upon the member's death, resignation, suspension, or removal from office or forfeiture of office in any manner authorized by law.

(b) **Forfeiture of Office.** The Mayor and Council Members shall forfeit that office if the Mayor or Council member:

- (1) Fails to maintain the residency requirements as set forth in Section 2.02 (a);
- (2) Violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving a felony; or
- (4) Fails to attend four (4) consecutive regular meetings of the Council without being excused by the Council.

(c) **Filling of Vacancies.** Should a vacancy in the office of Town Council occur when there are (60) days or less left in the unexpired term, no appointment shall be made and that vacancy will be filled at the next regular municipal election. Should a vacancy occur when there are more than sixty (60) days left in the unexpired term that vacancy shall be filled by the Town Council within thirty (30) days of the date of the vacancy with any qualified resident so appointed to serve until a successor is elected at the next regular municipal election.

If a vacancy is not filled by the Town Council within thirty (30) days after the vacancy occurs as described above, a special election shall be held within ninety (90) days after such vacancy occurs or as soon thereafter as such election may be held; and the person so elected shall serve the remaining unexpired term of office.

Should a vacancy occur in the office of Mayor, the Vice Mayor will assume the office of Mayor until the next regular Municipal election. If there is time remaining in the term of the Vice Mayor after the election, the Vice Mayor shall return to the Council to fill the remainder of the term.

(d) **Extraordinary Vacancies.** In the event that all council members are removed by death, disability, resignation, or forfeiture of office, or any combination thereof, the governor shall appoint interim Council Members who shall call a special election within not fewer than thirty (30) days or more than sixty (60) days after such appointment. Such election shall be held in the same manner as the elections under this charter. Appointees must meet the all requirements for candidates as provided in this charter.

Section 2.08. Judge of Qualifications

The Town Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation in the town at least one calendar week in advance of the hearing.

Section 2.10. Procedure

(a) **Meetings.** The Town Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. **Special meetings** may be held on the call of the Mayor or of two (2) or more Members and, when practicable, upon no less

than twenty-four (24) hours' notice to each Member. **Emergency Meetings:** The Mayor or any two (2) members of the council may convene an emergency council meeting upon reasonable notice of such meeting given to each council member. The first order of business at an emergency council meeting shall be the determination, by affirmative vote of at least three (3) members of the Council that an emergency situation involving health, safety, or public welfare warranting council action exists. Only matters relating to the emergency may be considered at the emergency meeting and any action taken at such meeting must be approved by at least three (3) members of the Council, except for emergency ordinances which shall be adopted in accordance with state law.

- (b) **Rules and Minutes.** The Town Council shall determine its own rules and order of business and shall provide for keeping digital minutes of its proceedings.
- (c) **Quorum.** Three (3) members of the Council shall constitute a quorum. No action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.

Section 2.11. Ordinances in General

All ordinances, including emergency ordinances shall be adopted pursuant to Section 166.041, Florida Statutes, as amended. Every adopted ordinance shall become effective as provided in the body of the ordinance.

ARTICLE III DEPARTMENTS, OFFICES, AND AGENCIES

Section 3.01. General Provisions

- (a) **Creation of Departments.** The Town Council may establish Town departments, offices, or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices, and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (b) **Direction by Mayor.** All Departments, offices, and agencies under the direction and supervision of the Mayor shall be administered by an officer appointed by and subject to the direction and supervision of the Mayor.
- (c) **Grievance Process.** The Town Council shall establish and maintain a written grievance process for all town employees.

Section 3.02. Town Clerk

The Town Council shall appoint an officer of the town who shall have the title of Town Clerk. The Clerk shall be appointed and may be removed by a simple majority vote of the Council. The Town Clerk shall be the custodian of all Town Council records; shall give notice of Council

meetings to its members and the public; shall keep minutes of its proceedings; and perform such other duties as are assigned by this charter or the Town Council.

Section 3.03. Town Attorney

There shall be a Town Attorney appointed by the Town Council. The Attorney shall be appointed and may be removed by a simple majority vote of the Council; and, shall be a member in good standing of the Florida Bar. The Town Attorney shall serve as chief legal advisor to the Council, the Mayor, and all town departments, offices, and agencies; shall represent the Town in legal proceedings; and shall perform any other duties prescribed by state law, by this charter, or by ordinance.

Section 3.04. Chief Administrative Officer

The Mayor shall appoint a Chief Administrative Officer on the basis of education and experience in the accepted practices of local government management. The Town Council shall confirm the appointment. The Chief Administrative Officer will assist the Mayor in carrying out executive responsibilities and will provide central coordination of administrative functions.

ARTICLE IV FINANCIAL MANAGEMENT

Section 4.01. Fiscal Year

The fiscal year of the Town shall begin on the first day of October and end on the last day of September.

Section 4.02. Submission of Budget

On or before the first day of August of each year, the Mayor shall submit to the Town Council a budget for the ensuing fiscal year and an accompanying message.

Section 4.03. Budget Message.

The Mayor's budget message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the Mayor deems desirable.

Section 4.04. Budget.

The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the Town Council may require for effective management.

Section 4.05. Town Council Action on Budget

The Town Council shall adopt an annual budget in accordance with all applicable state statutory provisions including but not limited to Sections 166.241, 200.001, 200.065, and 200.068, Florida Statutes, as amended.

Section 4.06 Amendments After Adoption

Budget amendments after adoption of an annual budget shall be processed according to Sections 166.241, 200.065, and 218.503, Florida Statutes, as amended.

Section 4.07. Administration and Fiduciary Oversight of the Budget.

The Town Council shall provide by Ordinance the procedures for administration and fiduciary oversight of the budget.

Section 4.08. Independent Audit.

Pursuant to the provisions of Sections 11.45, 119.07, 163.31801, 166.021, 218.39, and 218.391, Florida Statutes, as amended, the Town Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary.

ARTICLE V ELECTIONS

Section 5.01. Nonpartisan Elections

All qualifications and elections for the offices of Town Council and Mayor shall be conducted on a nonpartisan basis without regard for designation of political party affiliation of any candidate, nominee, or any nomination petition or ballot.

Section 5.02. Town Council Seats

Town council seats are hereby designated as seats 1,2,3,4, and 5 for the purposes of identification. The Mayor shall hold seat 1. Each candidate for the office of council shall declare at the time of qualifications the seat to which such candidate seeks election. No person shall run for more than one council seat in an election. Candidates for Town Council seats shall be elected at large. If more than two candidates qualify for the same seat, the candidate receiving the most votes shall be deemed elected. In the event of a tie vote, such office shall be filled by the drawing of lots among the candidates receiving the same number of votes. Such determination by lot shall be made under the direction of the Town Council in existence prior to the election, no later than seven (7) days after the certification of the election. The candidates shall be notified of the time and place of the drawing of lots and have the right to be present.

Section 5.03. Elections.

Town elections shall be conducted in accordance with the general election laws of the State of Florida, Chapters 97 -106 Florida Statutes, as amended. Regular town elections shall be held on the first Saturday in March of each election year. All elections will be held in even years except for the first election following the adoption of this revised charter. In 2017, seats 4 and 5 will be elected for three (3) terms of office, but beginning with the 2020 election and every four (4) years after that, the terms of office for seats 4 and 5 will be four (4) years. Beginning in 2018, and every four (4) years after that, Council seats 1, 2, and 3 will run for election. If a regular election occurs in the same month a Presidential Preference Primary is conducted, the Town Council may choose to hold the Town election on the same date as the primary.

Section 5.04. Canvassing Board

A town canvassing board shall be established for the purposes of canvassing ballots and election results. The canvassing board shall be composed of the Town Clerk and two (2) citizens who shall be selected by majority vote of the Town Council at the time the election is called.

Section 5.05. Recall

The registered voters of the Town shall have power to recall elected officials of the Town pursuant to Section 100.361, Florida Statutes, as amended.

Section 5.06. Initiative and Citizen Referendum

Initiative. The registered voters of the Town shall have power to propose ordinances to the Town Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of town officers or employees, or ordinances pertaining to comprehensive planning or zoning.

Citizen Referendum. The registered voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees, or ordinances pertaining to comprehensive planning or zoning.

(a) Commencement of Proceeding; Petitioners' Committee; Affidavit.

Any five (5) registered voters may commence initiative or citizen referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Petitions.

- (1) **Number of Signatures.** Initiative and citizen referendum petitions must be signed by registered voters of the town equal in number to at least ten percent (10%) of the total number of registered voters as of the last general election.
- (2) **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
- (3) **Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (4) **Time for Filing Referendum Petitions.** Referendum petitions must be filed within thirty (30) days after adoption by the Town Council of the ordinance sought to be reconsidered.

(c) Procedure after Filing.

- (1) **Certificate of Clerk; Amendment.** Within twenty (20) days after the petition is filed, the Town Clerk, with the assistance of the Supervisor of Elections, shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitions' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of Section 5.06 (b) above, and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under paragraph (2) of this subsection within the time required, the Clerk shall promptly present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (2) **Council Review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

- (3) **Court Review; New Petition.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(d) Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition,;
- (3) The Council repeals the ordinance; or
- (4) Thirty (30) days have elapsed after a vote of the Town on the ordinance.

(e) Actions on Petitions.

- (1) **Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II of this Charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within sixty (60) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the Town.
- (2) **Submission to Voters of Proposed or Referred ordinances.** The vote of the Town on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one year from the date of the final Council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) **Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing with the Town Clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) Results of Election.

- (1) **Initiative.** If a majority of the voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) **Referendum.** If a majority of the registered voters on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE VI

CHARTER AMMENDMENTS

Section 6.01. Amendment

Amendments to this Charter may be framed and proposed pursuant to Section 166.031 Florida Statutes, as amended.

Section 6.02. Charter Review

There shall be a periodic review of this Charter by a charter review advisory committee appointed by the Town Council in 2024 and every eight (8) years thereafter.

ARTICLE VII

TRANSITION AND SEVERABILITY

Section 7.01. General Law

All Town Ordinances, Resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Section 7.02. Severability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.