

TOWN COUNCIL  
REGULAR MEETING  
MINUTES  
September 20, 2022

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

### **CALL TO ORDER & VERIFICATION OF QUORUM**

Mayor Gardner called meeting to order at 7:30pm with a verification of quorum through Ms. Cathlene Williams

### **INVOCATION & PLEDGE OF ALLEGIANCE**

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

### **APPROVAL FOR ADDITIONAL AGENDA ITEM**

**Mayor Gardner motions for approval to add the requested agenda item from Vice Mayor Rodney Daniels adding James Benderson back pay as an agenda item; moved by Vice Mayor Rodney Daniels; second by Councilman Marlin Daniels; AYE: Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph NAYE: Mayor Gardner, Councilman Washington, MOTION PASSES.**

### **APPROVAL OF AGENDA**

**Mayor Gardner motions for approval of agenda; moved by Vice Mayor Rodney Daniels; second by Councilman Marlin Daniels; AYE: ALL, MOTION PASSES.**

### **CITIZEN PARTICIPATION - THREE (3) MINUTES STRICTLY ENFORCED.**

Mayor Gardner called for Citizen Participation to speak only on matters not related to the Public Hearing; with (6) participating citizens

**RYAN NOVAK** – Thanks for the updates on the homepage of the website; offer still stands in assisting the Town with the website. Thanks to Councilwoman Randolph for reviewing and responding to the Pickleball Proposal.

**MILLIARD LIVATT** – Flooding; Request that something is done quickly about the flooding in Catalina Park. Experiencing two feet of water during ten minutes of rain. Backyard is like a swamp and Public Works can attest to this issue.

**DEMETRIA HOUSER** - Flooding needs to be addressed. There is flooding in the yard and further down the street. Me and other residents have made effort to clean out the drain; the drain is filled with trash, debris, and sand.

**ANGELA JOHNSON** - Consider establishing a strategic retreat to address pay studies, job descriptions, and employee compensation; Solicit through RFQ or RFP to do a compensation/qualification study. There should be a common vision, prioritized goals, and objectives. Eatonville Chamber of Commerce: Is doing a great job establishing relationships with minority local businesses to include businesses along Lake Destiny and outside our area. Consider the true vision of the relationship between the Town of Eatonville and the Eatonville Chambers of Commerce; consider in the budget.

**EDDIE COLE** - Letter went out indicating that the former Mayor Eddie Cole had his developer brought to the Town; it connected Every Kid Outreach along with daughter who is now deceased to the development. Eatonville is in a situation where people are evil, and others are opportunists. The letter indicated that they had spoken with two council members before releasing the letter. Today is the opening wakeup call, I have done the research and have information of things that have not been done right. As a resident, I have to consider how I choose to use the information; it affects to whole town.

Enclave: Received an email to an old email where the Mayor requested from me paperwork from the Planning department to be returned; never had those papers. What was not stated about Enclave project; it is workforce homes not just affordable homes. There will be over \$200,000 dollars of new revenue for the Town.

J.E. JOHNSON - Disgusted with the water issues; it is affecting my sick child and others. Water has been cut off several times this month/year; something needs to be done immediately. Did not receive a notification on the water alert status. Also, to EPD, I am tired of people who hang out in front of the store up the street; want to see something done about it. We will walk the streets if we have to; to reclaim our streets.

## **PUBLIC HEARINGS:**

**Approval** of the first reading of **Ordinance 2022-06** an administrative request to adopt the required Property Rights Element into the Town of Eatonville's Comprehensive Plan amending The Text of The Town's Comprehensive Plan To Include A Private Property Rights Element as required by general law. Tara Salmieri, Town Planner gave introduction to the proposed amendment that is a minimum requirement of the House Bill 59; where all local governments must adopt the Private Property Rights Element in their comprehensive plan. Must be adopted before any other amendments can be adopted. (No Public Comments)

**Mayor Gardner motions for approval of the first reading of Ordinance 2022-06;** moved by Councilman Washington; second by Councilman Marlin Daniels with discussion to ensure that the 1<sup>st</sup> reading language is included in the motion; **AYE: ALL, MOTION PASSES.**

**Approval** of the first reading of **Ordinance 2022-07** an administrative request for the Hungerford Large Scale Amendment and HPRD Zoning Amendment; amending the Text of the Town's Comprehensive Plan to Amend the Text Of Future Land Use Element Policy 1.6.8; The Future Land Use Map and Density/Intensity Tables; **Ordinance 2022-8**, amending The Town's Comprehensive Plan to Change the Future Land Use Map Designation for Property Generally Located South of E. Kennedy Boulevard and West Of N. Wymore Road, From Commercial To Mixed Use on the Town's Official Future Land Use Map; **Ordinance 2022-9** amending the Text of Ordinance 2016-8 Pertaining to Certain Land Generally Located South of E. Kennedy Boulevard And East Of N. Wymore Road. Attorney Patrick Brackins gave further clarification that Ordinances 2022-07 and 2022-08 are for transmission to the state for future land use/comprehensive plan amendments; gave printed copies of Ordinance 2022-07 reflecting a change in content to indicate not applicable in the table titled as Hungerford Mix Use Developments on Page 2, in the Public/Institutional row; should read not applicable for the Max % land use mix (they can use as much as desired); also this change should be the same in the table reflected in Ordinance 2022-09. Tara Salmieri, Town Planner gave introduction to the proposed amendments and wants to ensure the developer meets the vision, mission, objectives, and keep to the commitments established. Planning and Zoning Board meet August 18, 2022, with recommendations to Council related to the three requested amendments by applicant with recommended changes by the Planning Board.

**Council Comments:** Councilwoman Randolph request for understanding of mix use; commercial versus commercial mix use and residential use. Ms. Salmieri gave clarity of commercial office use of 20%, being non-residential with supporting offices; commercial retail of 40% with examples of restaurants, coffee shop, and jazz club. There are no criteria to require residential up top and commercial retail below; does not allow for strip development. (Councilwoman Randolph) What will go on Kennedy Blvd; (Ms. Salmieri) the comprehensive plan policy requires retail on Kennedy Blvd. and in response to Councilman M. Daniels, Commercial Office on Wymore. (Councilwoman Randolph) How will the design blend with the historic and cultural significance of the town? The HPRD addresses the design loosely, also in response to Councilman M. Daniels, the HPRD defers to the code for landscape with minimum criteria; the planner recommends adding more specific criteria to both design and landscape. Signage code is outdated and needs to be updated with more specific criteria. (Ms. Salmieri) also stated for the record the previous meetings that took place for public listening and input were done on April 13, April 22, April 28, and August 18, 2022. (Mayor Gardner) Eatonville is a CRA District; would there be districting assessment fees? Also want to ensure that Eatonville is credited should the \$5.9 million grant provide for a reduction in the developers cost. Attorney Brackins will check into this and get back with council.

Dereck Bruce spoke on the proposed Hungerford Park project representing the applicant. The proposed project is a 100 acre mix use site consisting of commercial office space on Wymore Rd., Mainstreet retail on Kennedy Blvd., over five acres of

open space, 6 acres civic space turned over to the town for desired use, 350 dwelling/residential use (townhomes and single-family homes located behind commercial retail off Kennedy Blvd. and behind commercial office off Wymore Rd.). The CRA Redevelopment Plan has been reviewed to ensure that the development meets the objectives of the town as referenced in the PowerPoint. To ensure the historic and cultural value, there is an interest to partner with the council to meet goals; an arts center is to be included. Benefits to the residents; \$4 million on the day of transaction; 11 million of impact fees based on projection, 2 ½ million annually over the next ten years. The applicant accepts all recommendations of the Planning and Zoning board with one small modification: changing maximum percentage of land use from 20% to 30% with the same number of units (350). (Ms. Salmieri) In response to Mayor Gardner, this is the first-time hearing about the details of building the same number of units with the requested percentage increase of land use.

**Public Comments:** Total of eight (8) comments from the public.

LADWYANA JORDAN - Want to ensure that the town is getting what it deserves when it comes to impact fees, preserving the historical value to include an educational component. Interested to see if the town can get the land back.

JOHN BEACHUM – We cannot let this deal go through if we want to keep Eatonville’s historic value. We need to re-imagine Eatonville and consider convention space with 1000 seat (butts in seat); referencing Wyndam Worldwide/Zora Museum.

THEO MCWHITE - Want Eatonville to be a better place; has lost vision. If something is not done with the land, a lot will be lost. Must give our youth a better place to live and achieve their dreams.

JULIAN JOHNSON – Eatonville means pride and ownership. The project will be a wipeout of the town; beyond the ten years. Developer wants to take over and does not want to work with the town. It is a business deal that will not help the town; it’s a prey on the land.

NY NITHIRI – The plan is a complex situation and the citizens need to be informed; will affect the town over the next 100 years. Officials are elected to protect the interest of the town and consider the economic impact it will have.

MILLIARD LIVATT – Orange County took the property, and it has not been sold yet; we can still do something different.

EDDIE COLE – Hungerford, Eaton, Lawrence were white individuals. Be careful what you say when you do not understand the history; we must make sure we are not creating reverse discrimination. We only own 30 percent of our homes. When our parents pass away, we sell the homes; but yet we think that someone is taking the homes from us. This Hungerford property is about economic development.

RYAN NOVAK – I am ignorant to the history, but I want to learn more; I am educating myself. Information is hard to find. When I hear the presentation, I do hear economic impact although I do not know the historical impact. I see how the development can help the town and hope that together it can preserve the historical significance.

JEAN ALEXANDER – I am a member of the original families of Eatonville. Will the name stay the same, Eatonville? We have to work together. The development should put a school on the property.

**(Close Public Hearing)**

**Motion for Approval** of the first reading of **Ordinance 2022-07**; amending the Text of the Town’s Comprehensive Plan to Amend the Text Of Future Land Use Element Policy 1.6.8; The Future Land Use Map and Density/Intensity Tables; moved by Vice Mayor Rodney Daniels; second by Councilwoman Wanda Randolph with discussion. Vice Mayor R. Daniels asked would the developer accept 25%? Mr. Bruce conferred with applicant confirming that they would accept 25%; also, that the developer’s agreement would ensure that the goals are met. (Councilman M. Daniels) 5 percent of 100 is 5 acres; there is no concrete answer for the allotted space between buildings. Applicant representative responds stating that increase in the maximum mix land use will allow for flexibility and good planning when considering amenities without try to build with 350 units at 30% versus 20%. (Ms. Salmieri) Once transmittal to State, council can still accept or deny the amendments. (Councilman M. Daniels) want to ensure the desires are specific and stated in the developer’s agreement. For clarification, Mr. Bruce stated that the 11 million

in impact fees is throughout the buildout process; the 10 year projection was used as an example and the estimated time for the buildout phrase is 4-5 years. (Councilman Washington) If passed, the developer need to continue to come before this council unlike previous developer's who made decisions without coming back to the council. Attorney Brackins confirmed that the site plan/developer's agreement will come back to council at least once and up to three times. (Mayor Gardner) The Orange County has disrespected this town. There is an additional 17 acres with approximately 60 homes to consider. Previous motion was rescinded. **New Motion for Approval** of the first reading of **Ordinance 2022-07**; amending the Text of the Town's Comprehensive Plan to Amend the Text of Future Land Use Element Policy 1.6.8; The Future Land Use Map and Density/Intensity Tables with modifications of changing maximum use of land percentage from 20% to 25% with no increase in the maximum 350 residential units permitted; moved by Vice Mayor Rodney Daniels; second by Councilwoman Wanda Randolph; **AYE: Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph NAYE: Mayor Gardner, Councilman Washington, MOTION PASSES.**

**Motion for Approval** of the first reading **Ordinance 2022-8**, amending The Town's Comprehensive Plan to Change the Future Land Use Map Designation for Property Generally Located South of E. Kennedy Boulevard and West Of N. Wymore Road, From Commercial To Mixed Use on the Town's Official Future Land Use Map; moved by Vice Mayor Rodney Daniels; second by Councilman Marlin Daniels with discussion, will the 20% to 25% increase of maximum use of land percentage be noted in this ordinance? No, the map amendment changes from a commercial use designation to a mix use designation; does not call for the stipulation of the maximum land use percentage increase from 20% to 25% to be noted in Ordinance 2022-08, but yes for Ordinance 2022-09; **AYE: Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph NAYE: Mayor Gardner, Councilman Washington, MOTION PASSES.**

**Motion for Approval** of the first reading **Ordinance 2022-9** amending the Text of Ordinance 2016-8 Pertaining to Certain Land Generally Located South of E. Kennedy Boulevard And East Of N. Wymore Road with one change modifying the maximum use of land percentage from 20% to 25% with no increase in the maximum 350 residential units permitted; moved by Vice Mayor Rodney Daniels; second by Councilwoman Wanda Randolph; **AYE: Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph NAYE: Mayor Gardner, Councilman Washington, MOTION PASSES.**

#### **APPROVAL OF CONSENT AGENDA**

**Mayor Gardner motions for approval of consent agenda**; moved by Councilman Washington; second by Vice Mayor R. Daniels; **AYE: ALL, MOTION PASSES.**

#### **COUNCIL DECISIONS:**

**Motion for Approval** of the Settlement of Code Enforcement Lien, for property at 105 N. Wymore Road; was moved by Councilman M. Daniels; second by Vice Mayor R. Daniels; **AYE** by Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph, Mayor Gardner; **NAYE** by Councilman Washington;

**Discussion:** Attorney Brackins needed to confirm the approved settlement lien offer at \$17,000; have to communicate with the opposing council. Motion needs to be rescinded and restated; it is asked that the motion states the reduction of settlement offer of \$17,000 contingent upon making payment within 30 days. Mayor Gardner rescinded motion preceding with a new **MOTION for Approval** of the Settlement of Code Enforcement Lien, for property at 105 N. Wymore Road for reduction of settlement offer of \$17,000 contingent upon making payment within 30 days; was moved by Vice Mayor R. Daniels; second by Councilwoman Randolph; (Councilman Washington) stated for the record that the original amount owed was \$56,000. **AYE** by Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph, Mayor Gardner; **NAYE** by Councilman Washington; **MOTION PASSES.**

**Motion for Approval** of Invoice for Emergency Repair for Lift Station(s) at Campusview and Eaton St. (Public Work); was moved by Councilman M. Daniels; second by Vice Mayor R. Daniels; Question: (Councilman M. Daniels) Did we just go through this with the same lift station?; Yes, confirmed Ms. Williams. We has the Eaton/Clark lift station struck by lightning. (Mr. English) We have two lift stations that have only one pump Catalina Park and the other at Eaton/West Str. The three quotes are to get them replaced. (Councilman M. Daniels) Were they connected to any kind of surge protector/generator? Yes, connected to a generator and are grounded; generator not connected at Catalina. Insurance has been contacted; they are doing the report to determine if the lift stations were struck by lightning; consistent with the affidavit. It has been assigned an adjuster and claim number. It is with hopes to be able to recuperate monies spent including possibly overtime costs. **AYE: ALL, MOTION PASSES.**

**Motion for Approval** of Resolution #2022-52 recognizing The Eatonville Chamber of Commerce as the Official Welcome Center in the Town of Eatonville; moved by Councilman Washington; second by Vice Mayor R. Daniels with discussion. Discussion: (Vice Mayor R. Daniels) Is there any funding coming from the town? Nothing has been put in the budget confirmed Mayor Gardner. A Memorandum of Understanding (MOU)/Interlocal agreement needs to be established outlining what is expected from the Chambers and from the Town; what each is responsible for (Councilman M. Daniels) request that the Chambers send something to the Town with specifics to the partnership; startup/associated costs so that a budget adjustment can be done. Also include insurance, and attorneys, etc. Motion has been moved and second with the amendments to follow up with MOU; **AYE: ALL, MOTION PASSES.**

**Motion for Approval** of Resolution #2022-53 Canceling All Resolutions for Emergency Hires; Attorney Brackins confirmed that discussions has taken place with Attorney Shepard and Councilman M. Daniels; there is no legal resolution prepared at this time. There is the personnel policy and the procurement policy to be considered when establishing a resolution; to include the charter officers that are also employees. (Councilman M. Daniels) The purpose is to address/cancel the many resolutions that are not applicable. For clarification from the Attorney, the only two positions that the town council can hire is the Clerk, the Attorney, and also to confirm the Chief Administrative Officer (CAO); Attorney Brackins confirmed. An emergency hire for that will still have to come before this council to be confirmed; if not confirmed it is not a legit employment. Attorney Brackins, the Mayor can hire someone but they would not have the charter duties of the Chief Administrative Officer. Clarity, the Mayor could pass on the duties to someone else at the salary line item they already have. Attorney Brackins, if there were a budget line item for the Chief Administrative Officer, the delegate does not automatically get that salary; the Mayor can decide to authorize a raise. **Motion to table** Resolution #2022-53 moved by Councilman M. Daniels; second by Councilwoman Randolph; **AYE: ALL, MOTION PASSES.**

**Motion for Approval** of Resolution #2022-54 Authorizing A Wage Study Not To Exceed \$4000. Councilman M. Daniels stated that the attorney did not have a chance to create a resolution; would like to put a motion on the floor to authorize a Wage Study Not To Exceed \$4000. Attorney Brackins asked if there was a position in mind? Councilman M. Daniels stated no; looking at wages for all staff. **Councilman M. Daniels rescinds his motion.**

**Vice Mayor R. Daniels Motion** for the Attorney, Clerk, and the Financial Officer to contact Mr. James Benderson to address the back pay he is due not to exceed \$20,000; moved by Councilman M. Daniels; second by Councilwoman Randolph; Discussion: (Councilman M. Daniels) would like to see this done in this fiscal year; by September 30, 2022; to ensure everything is closed out and not transferred into the next fiscal year. (Councilman Washington) What is owed to Mr. Benderson? Councilwoman Randolph responds stating that finance has the information and can pull it; it was discussed about two weeks ago. **AYE: Vice Mayor R. Daniels, Councilman M. Daniels, Councilwoman Randolph NAYE: Mayor Gardner, Councilman Washington, MOTION PASSES.**

**INTERIM CHIEF ADMINISTRATIVE OFFICER:** No Report

**LEGAL COUNSEL REPORT:** No Report

## **COUNCIL REPORTS:**

**Councilwoman Wanda Randolph** – Thank you for the prayers and support during the loss of her late husband, Mr. James Randolph. Glad to see everyone here tonight; need more support in the future. Neighborhood quads are going along well. Catalina Park met last week with get results; encouraging citizens to get involved. Eaton Point is having a meeting this Monday at the Denton Johnson Center. Tomorrow (9-21-22) will be the Lake Lovely meeting. Information will be coming to residents about “Don’t Lose Your Property” to include information about wills probate, and other information to save your home. Excited about the Welcome Center; will be an added asset to our community. Thanks to everyone again and good night.

**Councilman Marlin Daniels** – Thank to everyone for coming out. It’s been a journey; people put out propaganda to stir up the citizens versus giving them resources and the truth. Thanks to all who attended the budget meetings; get a copy of the budget. There is still a lot of work to be done with the budget; will be asking for a budget amendment. We do not have clarity in this town which has led to issues with developers, To Ms. Williams, you along with the Mayor stated that an RFQ/RFP cannot be done without a budget line item; Ms. Williams responded that the funds have to be there. (Councilman M. Daniels) Where did you get that information? (Mayor Gardner) In response, the information came from policy. (Councilman M. Daniels) I called several municipalities and spoke with the attorney; RFP and RFQ do not have to be in the budget; money can be moved for it to begin operating. Our budget was given with flawed numbers causing extra work. Attorney Brackins, before spending the money, you should have the money to reflect it. You may not have to do an amendment if the money is already there. If a budget amendment is needed, you should do it before spending the money. You do not need something specific in the budget for every request made. (Councilman M. Daniels) I ask for transparency; in staffing, job description, etc. The water situation in Catalina: I walked with Ms. Johnson in the rain and we were soaked because of things not being addressed. We want results not excuses. To NY Nithiri, there should not have been flyers distributed with my personal number; it should be my town phone number instead; and using the town logo. People were calling thinking that the information was a town event. To the Mayor, you were quick to say the Chambers had to have a MOU, but you have a First Friday business event with Mainstreet with a distributed flyer; is there a MOU? Why is there a flyer out? Money is being collected and going to Mainstreet; this is unacceptable. Mainstreet is supposed to be located within the Town of Eatonville; where is the building/address? They must have a physical location. In order to be a Mainstreet, they have to be within the town. We continue to collaborate with people who are not following the rules.

**Councilman Theo Washington** – No Report

**Vice Mayor Rodney Daniels** – Thank you for coming out. Want to apologize to the citizens who have had to deal with the smelly water and water flooding in this community. We will address the water issue; we have a long ways to go but we will get it done. Orange County owns the Hungerford property; I appreciate them including Eatonville. I am not going forget Rela Daniels, Michele Cole, Confidence Pringle, Mayor Gardner for having the Daniel brothers investigated.

**Mayor Angie Gardner** – The flood in Eatonville has been happening for many years; I reached out to another municipality hoping that they could bring out their truck; the said no. The relationships have not been that strong. Mr. English is working on getting someone out to fix the problem and not put a bandage on it. Mainstreet: I hear you Councilman M. Daniels; I am going to read the Mainstreet agreement. Ms. Williams gave an update on the water break. Mr. English just sent information that a phone tree will need to go out tonight and tomorrow. They were not able to secure water break due to contractor hitting a water line. About 11:00 am tomorrow, the town will be under a water boil alert until further notice. The break is located between Lincoln and Kennedy. The contractor were/is putting down fiberoptic; they will be responsible for the repairs. The water has to be cut off in

the whole town because the break could not be secured in that one location. As a precaution, the entire town will be cut off. (Councilman M. Daniels) A media alert needs to be sent; everyone is not on the phone tree.

**ADJOURNMENT:** Motion by Mayor Gardner to adjourn, it's been moved and second; **AYE: ALL, MOTION PASSES. MEETING ADJOURNED** at: 10:35PM.

Respectfully Submitted by:  
  
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Veronica L King, Town Clerk

APPROVED  
  
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Angie Gardner, Mayor