



HISTORIC TOWN OF EATONVILLE, FLORIDA CHARTER REVIEW COMMITTEE MEETING MINUTES

Thursday, September 7, 2023 at 5:30 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 5:31 p.m. and quorum was established through roll call by Mrs. Veronica King

PRESENT: (4) Councilwoman Wanda Randolph, Councilman Marlin Daniels, Vice Mayor Rodney Daniels, Mayor Angie Gardner (**Absent:** Councilman Theo Washington stated in advance that he would not be present)

STAFF: (4) Demetrius Pressley, **Chief Administrator Officer**, Veronica King, **Town Clerk**, Clifford Shepard, **Attorney**, Joseph Jenkins, **Deputy Chief**

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Gardner led a Moment of Silence followed by the Pledge of Allegiance

CITIZEN PARTICIPATION - (The Three-minute rule was strictly enforced) – None.

COUNCIL DECISION:

Presentation of Final Report of Charter Review and Direction for Preparation of Referendum and Ordinance: (Shepard) A draft ordinance has been provided with highlights. There are questions with the summary, the title, the explanation, and the summary as it would appear on the ballot. Ordinance and amendments are available through a town records request. There is a total of six questions based on the information Council wanted to put to the voters for consideration. We can look at all of amendments one by one, the changes, and how they actually look. If there are changes needed, we will make them and add them in. **(The Review took place)**

- **(Review of Question #1)** Pertaining to Qualifying (Section 2.02) a new section was added called qualifying. The underlined text is the new text and proposed amendment to go in the charter if the voters vote yes on question one. If language is voted yes, a fee would need to be established or a fee of zero. The amendment was read line by line. Some of the draft text in the amendment regarding the dates and calculations were taken from the City of Maitland. To know what it might look like going forward with information within a resolution, for this upcoming election, a resolution will be brought forward at the next council meeting which will include the qualifying period. **(No Discussions)**
- **(Review of Question #2)** Pertaining to Confirmation of Mayoral Appointments, providing a revised method for confirming mayoral appointments and avoiding deadlocks so that vacant positions can be filled (Section 203). The amendment was read line by line. It includes the ballot proposal or title, amending the method for confirming mayoral appointments to avoid deadlock, and the more fulsome explanation. The title has to be less than 15 words and the summary has to be less than 75 words. **(Discussions)** What is done if it s beyond

the 180 days? (The only way this could run into a problem is if the mayor makes the one appointment, it's rejected, and she doesn't bring more to the table, and then insists on appointing the original one. If it gets to the point where council can't agree on a candidate and the Mayor provides the three candidates, the Mayor can choose the permanent candidate. The Mayor can always appoint the original candidate if there is no confirmation after the Mayor has brought three candidates to the table. Whether candidates do not qualify, the Mayor has to comply with providing at least three candidates including the interim. The interim should be a W2 rather than a 1099 because it is a job. An interim contract can absolutely be established. A letter from the Mayor can be sufficient. From a legal perspective, there is no requirement to do it one way or another, but there is probably a best practice. Considering Florida law, everybody is at will. You can fire an employee for any non-discriminatory reason unless they have a contract. In some ways, the more paper you have the less rights you have as an employer. Employees in Florida want contracts to have something to argue about and employers don't want to give contracts so they don't have anything to argue about. A letter can be provided that describes without becoming a contract, what is paid, how often to be paid, what are the benefits or no benefits. Providing an actual contract with signatures creates a relationship that doesn't have to exist under Florida law.

- **(Review of Question #3)** Pertaining to Selection of Vice Mayor (Section 2.04) The charter amendment would change the method for selecting the vice mayor to provide for election by the town council. The amendment was read line by line. The ballot title question summary are amending the method for selecting the vice mayor. The summary is amending the method for selection of vice mayor to provide for election by the town council. I adopted, the vice mayor will be elected by the town council annually from among its members, no later than the second regular council meeting in March. If the ballot and passed, there should not be any more deadlocks. After nomination and three votes, the vice mayor is appointed. **(No Discussions)**
- **(Review of Question #4)** Pertaining to Clarification of the effective date of salary increases for mayor and council (Section 2.05). The amendment was read line by line. This charter amendment would allow council to include an effective date by ordinance, the effective date of any increase in the mayoral or council salaries in the ordinance implementing the increase. The ballot title is allowing council to establish the effective date of any mayoral or council salary increase. **(Discussions)** Should the effective date statement be added to page ten? (Does not have to be added because the parts of an Ordinance already has the whereas clauses, what it's doing, the codification, and the effective date.
- **(Review of Question #5)** Pertaining to Relocating the right to hearing forfeiting office (Moving from Section 2.08 to Section 2.07 B5). The amendment was read line by line. This Charter Amendment relocates the existing section, providing a right to a hearing for an official facing potential forfeiture of office to the section governing forfeiture of office, where it correctly belongs. **(No Discussions)**
- **(Review of Question #6)** Pertaining to Clarifying and supplementing the powers and duties of the town clerk. This section was thought to be in the Charter because Municode (Section 3.02). It was never in the Charter which was confirmed. Municode has since made the correction. However, there were some good information and language that should be in the duties of the clerk. The amendment takes language about the clerk's duties that was in the section that had never been in the charter legally, and now moved to the town clerk's section, clarifying, and supplementing the powers and duties of the town clerk. It is amending the charter by clarifying the duties of the town clerk and adding certain responsibilities to the position. The amendment was read line by line. **(Discussions)** The administrative assistant assigned to the clerk's office is not established by a majority vote. Based on the amendment, the administrative assistant is under the charge of the town clerk and can be removed by the town clerk. The question about Office of the Council was explained for better understanding (The office elected to is essentially determined by what kind of formal government and the powers are also determined in the same way). How do we ensure that the clerk

gets all records? (the clerk is not over the police department and not over public works, but when the clerk says to those departments, I need these records, she should be able to make them stop whatever they're doing because the town is ultimately has answer for the records. They have to cooperate with her immediately, not weeks later. The clerk, is an authoritative figure that can go and get records as necessary. With Mr. Pressley (CAO) in place and understanding the significance of the clerk receiving records, a person's job should be in jeopardy if they are not complying. It should never get to this level. Concerning the CRA, they are a separate agency, but for the purpose of record production, if there are records, the CRA is under the town and the town have responsibility to get the records. The bylaws state that the town clerk is the custodian of records. It's in the CRA document. Having a CAO in place who can go and say, bring the records, or bring me your badge or your resignation.

(All discussion ended with no noted changes to amendments.)

COMMENTS: No Staff Comments

ADJOURNMENT Mayor Gardner Motions for Adjournment of Meeting; Moved by Vice Mayor R. Daniels; Second by Councilwoman Randolph; **ALL, MOTION PASSES. Meeting Adjourned at 6:09 P.M.**

Respectfully Submitted by:

APPROVED

Veronica L King, Town Clerk

Angie Gardner, Mayor