



COMMUNITY REDEVELOPMENT AGENCY

REGULAR MEETING MINUTES
NOVEMBER 19, 2019
5:30 P.M.

PRESENT: Chairman Theo Washington, **Vice Chairman**, Rodney Daniels, **Director**, Marilyn Davis-Sconions, **Director**, Eddie Cole, **Director**, Tarus Mack, and **Director** Brent Gardner Director Clarice Hopkins, and **Attorney** Greg Jackson. **Also, in attendance:** Jasmyne Reese, and **CRA Consultant** Michael Johnson.

Chairman Washington called the CRA Meeting to order at 5:30 PM, moment of silence followed by the Pledge of Allegiance.

I. CALL TO ORDER

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS & AWARDS

- A. October 2019 Financial Statement** - Mr. Johnson stated he did not forward this to the Board, since he just received it; board members do not have this information. Mr. Johnson will provide this information to the board members tomorrow. Attorney Jackson reminded the Chairman and Mr. Johnson that the CRA Budget still needs to be passed; this Board is now approximately two (2) months passed the due date of the budget being passed; the CRA is currently operating out of the guidelines of the Budget. Mr. Johnson replied that it is required by the statute to post the budget on-line, before it is adopted, the Budget is posted on-line, we do not have the budget, waiting on Ms. Gibson, she will have this information at the end of the month. Mr. Johnson asked Attorney Jackson the Statute number that states a Budget must be passed at a certain time. Attorney Jackson replied that information applies to FL. Statute 286.11 ¶4, Mr. Johnson stated it is required that the proposed budget is posted on-line before the budget is adopted; the Budget will be adopted in December when Ms. Gibson provides me with the numbers from Orange County when she receives them. Chairman Washington replied how can we pass a budget when we do not have the numbers; the Town was late in

adopting their Budget. **Attorney Jackson** stated that the Statute does not contemplate on the Budget being more than two (2) months past due for a budget being passed; this is why there is a deadline, so that a public body will know when a budget is being submitted and approved; yes you can have proposed and tentative budgets; but its not contemplated to be a budget that you are operating from in perpetuity. You may have one that is posted on-line, again I say to this board to pass a budget. Mr. Johnson replied that he is not disagreeing with Attorney Jackson, you cannot pass a budget without having the numbers, I have asked Ms. Gibson for these numbers for that last two (2) months and have not received them; she said they would be ready at the end of the month. Chairman Washington asked Ms. Gibson are we ready to adopt the CRA Budget, it has already been posted online. Mr. Johnson asked Ms. Gibson does she have the information from Orange County to pass the Budget? Ms. Gibson replied that in the past she has received an invoice from Orange County indicating the amount to pay to the CRA, which is not received until November, in the past we have did the Budget with a 3% increase, once the numbers are received the Budget is changed. I relayed this information to Mr. Johnson; the numbers are based on what the Town receives in real property taxes; but Yes, the Budget can be passed until we receive this information. Mr. Johnson stated that the process is to have a Budget Workshop to ensure everything is adequate and being addressed. Director Cole states that the proposed budget can't be posted online until this board has seen it. The only reason I seen a budget at all is receiving it from Ms. Gibson. Chairman Washington stated that we need to have a budget workshop with the Budget and go from there. Director Sconions stated she doesn't think we need to do a proposed budget; we already know the amount of money in the CRA; all we need to know are the numbers that we will receive from Orange County.

IV. CONSENT AGENDA

- A. Approval of TOECRA B.O.D Special Session Meeting Minutes-10/22/2019.** Motion by Director Cole, the motion was seconded by Director Mack to approve the Special Session Minutes; **AYE: ALL, MOTION PASSES.**

V. OLD BUSINESS ACTION ITEMS

B. Resolution #2019-30 Ratifying Legal Agreement and payment of Retainer to Dean Mosley for Legal Representation in all cases stated as Brishaun Enterprises versus Town of Eatonville CRA. Motion by Director Mack, the motion was seconded by Director Sconions to approve Resolution #2019-30, Attorney Jackson: before the board takes any actions on this particular agenda item, I would like to give some guidance in regards to what this board is proposing to do; the attention of Dean Mosely in this case has violated not just your Bylaws but the Policy and Procedures of the CRA, particular the procurement policies and procedures. As it relates to the particular violations of this act, it appears that Dean Mosley has already began working on behalf of the CRA, I'm not certain how that came about because I didn't see in any of the minutes where this board either approved, authorized or selected Dean Mosely as the Attorney, or the amount that he would be paid; this should be outlined before there are any procurement legal services. Because of the contention between myself and this board; I do not represent this board, I represent the Town of Eatonville's Community Redevelopment Agency (CRA); that means that if the board makes a decision that hurts this Agency; I have to stand for this Agency; my position differs from Mr. Johnson because Mr. Johnson takes his direction from the Chair and from this Board even when it has been brought to this boards attention that following that advice violates the policies and procedures; following that advice is something I can't agree with. With the Rhodes & Brito item, I said then to Mr. Johnson that he couldn't do this; Mr. Johnson indicated that he would clear it up, because in the Policy and Procedure manual there is a process to clean-up when you are following the statute pertaining to architectural services; this issue has not been cleared up. Director Sconions; if you leaned over to Mr. Johnson to tell him that, you were in a meeting with the Board you should have explained this to the Board at that time. Mr. Jackson replied that he did address the board about this at the meeting. Director Sconions replied NO Mr. Jackson did not address this issue during that meeting. Mr. Jackson stated that he has sent multiple emails to this board outlining the violations of the Procurement policies as well as the Bylaws. Mr. Johnson; under the Policies and Procedures manual 3.575 which talks about legal services; there are two (2) processes in which this board can follow; (1); myself and the Attorney get together; recommending legal expertise to represent the Board; (2); the board will always maintain the authority to hire who they want to; this language is in 3.75; the board has the privy to hire whom they want to hire. In Mr. Jacksons contract, this board must enter into a separate contract to provide legal services to represent this Board in matters of litigation, and if they did not use you; first right of refusal would go to Conrad Sinburg, Esquire.

AYE: Directors; Marilyn Sconions, Tarus Mack, Brent Gardner; and Chairman Theo Washington; **NAYE:** Vice Chairman Rodney Daniels; Director Eddie Cole, and Director Hopkins; **MOTION PASSES; 4-3.**

VI. NEW BUSINESS ACTION ITEMS

A. Administration Items

B. BOARD OF DIRECTORS ITEM

- 1. Approval of Resolution #2019-31 Authorization of final payment to Rhodes & Brito (\$45,000) for 100% completion of Denton Johnson Park Master Plan.** Mr. Johnson; during the last Special Session, Rhodes and Brito presented their final draft of the renderings from the Community meetings the CRA Board, and Advisory Board; they are requesting that their final payment be released, its been in the office for about three (3) weeks now since they submitted their request for payment; they have met all of their deliverables of 100% per the terms of the contract that were approved by the Board. Attorney Jackson; before this board take any actions on this, this is another violation of the policies and procedures; Florida Statutes, Section 287.055; as it relates to Architect, Engineering, Landscaping, Surveying, & Mapping. This is another time that I have advised this Board with this violation of not just your Policy and Procedures. **Director Sconions** does not understand why this is coming back to the Board, once we approved Rhodes & Brito to do the work; if there were issues when they were approved and wanted this to come back to the Board for final payment, that should have been apart of the motion at that time. We approved Rhodes & Brito to do the job, not that this has been done; we need to pay them. **Vice Chairman Daniels** asked Attorney Jackson that with all the violations that have occurred, have they been placed in the proper authority's hand to get clarification? **Attorney Jackson** replied its being dealt with; the individual who contacted me about this violation was the Comptroller of Orange County. I am not saying to stop progress, I'm not saying not to pay Rhodes & Brito, what I am saying is there has been a violation of your policy and procedures; there is a process in place to correct the violation of the policy and procedures, that needs to be done. Mr. Johnson stated to Attorney Jackson, this is your recommendation to the Board that policies and procedures have been violated; it is up to this Board to determine that, you nor I tell the Board what to do; if the Board wants to address this, I do not have a problem with this. Orange County coming to do an audit is due a statement that was made to Orange County; Mr. Dawkins of some improprieties had taken place; which was inaccurate and

unprofessional. The statement was also made that we misused County funds. If they are going to do an audit, there are three (3) years of audits to do. Director Cole stated maybe they need to go back 10 years; they can't pick and choose. Motion by Director Sconions, the motion was seconded by Director Mack, to approve **Resolution #2019-31**; Director Cole stated that he is approving this because the person has done the work; this is not Rhodes & Brito issue; this is our issue, that will be handled within itself. **AYE:** Director Marilyn Sconions, Director Tarus Mack, Director Brent Gardner, Director Clarese Hopkins, Director Cole, and Chairman Theo Washington; **NAYE:** Vice Chairman Rodney Daniels; **MOTION PASSES; 6-1.**

CITIZENS COMMENTS-

Angela Johnson- the CRA is not required to have an independent auditing firm. Everyone need to be on the same page for the interest of the Town.

BOARD OF DIRECTORS REPORT

Director Hopkins- agree with Director Sconions, we need to be more specific on Resolution language; situations come up and we have questions like we did tonight, I think that adds to some of the contention that goes on with the Board. I believe we need to have workshops to understand procurement procedures, and other policies and practices. With the Interlocal Agreement, we have had one Workshop since I have been on the Board; the books are helpful that Mr. Johnson provided, but we have to return them need to have Workshops before regular meetings; need to be on one accord and work together.

Director Gardner- NO REPORT

Director Sconions- just listening to everything that was discussed in tonight's meeting, and when we have someone to speak to us; we need to follow different policies, in the future when this is brought up, be able to put this in my hand so I can read it, I'm not just going to take someone word; because the CRA is very fragile, I would not want to see anything happen to the Towns CRA, and not get funded anymore the way we are going; the State is going to hear about everything that is going on; they do not want CRA's. When I came aboard this last term of office, Mr. Bargaineer said to me the Town Council does not need to be the CRA Board, it should be residents; to a certain extent I agree with this; we need to be careful about what we do and say. Don't come to me about what someone said; these concerned citizens; putting these letters in my mailbox with no name, I put it in the trash. This was done one year when a young lady was running for Mayor in Eatonville; that was Earlene Watkins, they put out a smut letter on her; It read: "concerned citizens of the Town of Eatonville". We have used money on the CRA side that we shouldn't have used, but no one told us we couldn't; we do not know all the laws, because they change constantly.

We are the Board; we need to move the Town forward; I would ask the Chair to have the Comptroller do 10 years of an audit.

Director Mack- just to echo the sentiments of Director Sconions of someone outside the Council to be the CRA Board; I do think it causes some conflict; I do recognize what Attorney Jackson stated before; the body Government is the one that what Tallahassee wants on the Board; I recall the Attorney stating that the Board should stay as is with Elected officials, instead of the CRA Board being created of citizens. We are not doing anything significant in the Town to move it forward, if we continue putting ourselves in this capacity of doing nothing. In the three (3) years that I have been on the CRA Board, we have not done anything significant. This Board must make a lot of tough decisions, our job is not easy; we need to do a lot of things for the Town of Eatonville.

Director Cole- on the CRA side it was said that nothing passed to give the money to Host Dime; we passed something on the CRA side, but not on the Towns side, so what we did was honest, it was approved on July 19, 2016; for the \$200,000. And then on the CRA meeting; Resolution #2017-12; on October 17, 2016; we looked at the language regarding the number of years for the appropriations; when this was approved; the members on the board were; Vice Chairman Donovan Williams; Eddie Cole, Angela Thomas, Theo Washington, Rodney Daniels, Nathaniel Vereen; and the Town was Greg Jackson. The Host Dime project is a proven deal; this is a \$25,000,000, project. In speaking with a lot of Mayor's; we are the only CRA that looks like it is fighting against itself. Our polling of meetings; do a better job; if we are not polled, how do we know we have a meeting? Director Sconions; I understand what Director Cole is saying; I think our Bylaws says that Special Meetings must go through the Chairman or the CRA Director/Consultant to call the meeting; Board members can request a meeting.

Vice Chairman Daniels- my concerns were with the polling of the meetings also; to Ms. Reese, I had a great Veterans Day Celebration; a lot of guys from Post 51 attended the ceremony; their main question was; what is the status of the Butterfly Garden? Ms. Reese asked that Mr. Johnson answer this question. **Mr. Johnson;** Based upon 287.055; this process did not go out for bid; we will have to go back and properly re-address this issue; it did not go through the procurement process. And secondly, if you can recall, this reason I have not tried to report on this; there were some other ideas about relocating this to the Park; since we were doing this Master Park and keeping it consistent in the area; the architect on this project stated there maybe opportunity that we can relocate the butterfly garden. The board needs to decide on whether they are going to bid this project out and go through the right procurement process to hire an architect; this is the board's decision. Chairman Washington asked whom did the money (\$100.00) go to? Vice Chairman Daniels replied the \$100.00 went the Veterans Day. Ms. Reese; the process on acquiring the landscape architect, we acquired three (3) estimates for it; those estimates were voted on by this Board. This was the process that was used, and this is what we followed; the contracting was done by RFQ's for the

building of the Garden; this was at the time when we were partnering with the Foundation; and the non-profit; we were doing the fund raiser for the bricks, this is the way this process was going. Ms. Reese stated that the Foundation was running the brick fundraiser. Director Cole replied that when you get a tax deduction, it is not done through a City.

Chairman Washington- CRA Ordinance; to demolish the Council as the CRA Board- Director Cole stated that to demolish the Council as the CRA Board would be a decision by Orange County. HostDime Project; instead of giving them the \$200,000 for their project, we need to do a site plan. Director Cole; with this \$25,000,000; whomever the Developer that buy this property they are not worried about that \$200,000, if our name goes out there that we have changed our mind on this project we will feel the pain of this. Plans need to be put in place for this project as stated by Chairman Washington.

Attorney Jackson- any information that I give to this Board is coming from Florida Statutes, and the Policies and Procedures of this Board and the Bylaws of this Town. I don't want there to be any confusion with my role and protecting this Board. Anytime something happens on this Board; the first question that comes back is what did legal say?

7. ADJOURNMENT- Meeting adjourned at 7:02 PM.

RESPECTFULLY SUBMITTED BY

Cathlene Williams, Town Clerk