

**MINUTES
TOWN OF MONTVERDE
TOWN COUNCIL MEETING**

April 11, 2017

The Town of Montverde met in regular session on Tuesday April 11, 2017 at 7:00 pm in the Town Hall Auditorium.

Council Present:

President, Jim Peacock
Vice President, Jim Ley
Billy Bates
Glenn Burns
Judy Smith

Staff Present:

Joe Wynkoop, Mayor
Graham Wells, Town Clerk, Treasurer
Terry Burden, Public Works Director
Kevin Rausch, Fire Chief
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner

Following the LPA meeting The Mayor called the Regular Council Meeting to order at 9:03 pm. and led the Pledge of Allegiance

Roll call was performed, and it was determined that a quorum was present.

MINUTE APPROVAL

MOTION by Councilman Bates to approve the Special Council Meeting Minutes for February 28, 2017; SECONDED by Councilman Ley

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

MOTION by Councilman Ley to approve the Special Council Meeting Minutes for March 14, 2017; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

CITIZENS QUESTION AND COMMENT

There was no Citizens Questions or Comments

PUBLIC HEARING

MONTVERDE ACADEMY – APPLICATION FOR REZONING AND AMENDMENT TO FUTURE LAND USE

Montverde Academy own six properties that they have requested to be rezoned from Residential to Public Facility - Institutional with a corresponding amendment to the Future Land Use. The properties are located at 17215 9th St, Montverde, Florida (ALT Key No. 1591651); 17404 9th St (ALT Key No. 1531250), Montverde, Florida; 16751 Porter Ave (ALT Key No. 1765994), Montverde, Florida; 17351 8th St (ALT Key No. 1531276), Montverde, Florida; 17329 10th St (ALT Key No. 2565225), Montverde, Florida; and 17243 9th St (ALT Key No. 1531438), Montverde, Florida.

This application had come before the Local Planning Agency prior to this Council Meeting which are under separate minutes. Ordinances 2017-02 and 2017-03 were tabled to a later date; the remaining ordinances were dealt with in order,

MOTION by Councilwoman Smith to table the reading of Ordinance 2017-02 to a later date; SECONDED by Councilman Ley

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

MOTION by Councilman Bates to table the reading of Ordinance 2017-03 to a later date; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

ORDINANCE 2017-04 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17404 NINTH STREET, MONTVERDE – AK 1531250.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Ley to adopt Ordinance 2017-04; SECONDED by Councilman Bates

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

ORDINANCE 2017-05 AMENDING THE ZONING DESIGNATION FOR A PARCEL LOCATED AT 17404 NINTH STREET, MONTVERDE – AK 1531250.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to adopt Ordinance 2017-05; SECONDED by Councilman Peacock

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

ORDINANCE 2017-06 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 16751 PORTER AVE, MONTVERDE – AK 1765994.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment. Mr. Jimmy Crawford, attorney for the Academy requested that to save time, the comments made at the LPA are incorporated into this public comment. There being no further public comment, the Mayor closed it and passed it back to Council for discussion and a motion

MOTION by Councilman Bates to adopt Ordinance 2017-06; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock

Against: Smith

MOTION CARRIED 4-1

ORDINANCE 2017-07 AMENDING THE ZONING DESIGNATION FOR A PARCEL LOCATED AT 16751 PORTER AVE, MONTVERDE – AK 1765994.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

Councilman Bates requested that the motion be made with the following wording; “That the property not be used for any utility, sewer system or other noxious uses and that it be tied into the schools sewer system if used for student housing”.

MOTION by Councilman Bates to adopt Ordinance 2017-07 with the addition that the property not be used for any utility, sewer system or other noxious uses and that it be tied into the schools sewer system if used for student housing; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock

Against: Smith

MOTION CARRIED 4-1

At this point, Councilman Bates wanted to reconsider the motion to approve Ordinance 2017-05 to include the wording incorporated in Ordinance 2017-07.

MOTION by Councilman Bates to reconsider the motion to adopt Ordinance 2017-05 with the addition that the property not be used for any utility, sewer system or other noxious uses and that it be tied into the schools sewer system if used for student housing; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock

Against: Smith

MOTION CARRIED 4-1

ORDINANCE 2017-08 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17351 EIGHTH STREET, MONTVERDE – AK 1531276.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Peacock to adopt Ordinance 2017-08; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINANCE 2017-09 AMENDING THE ZONING DESIGNATION FOR A PARCEL LOCATED AT 17351 EIGHTH STREET, MONTVERDE – AK 1531276.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to adopt Ordinance 2017-09 with the addition that the property not be used for any utility, sewer system or other noxious uses and that it be tied into the schools sewer system if used for student housing; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINANCE 2017-10 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17329 TENTH STREET, MONTVERDE – AK 2565225.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to adopt Ordinance 2017-10; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock

Against: Smith

MOTION CARRIED 4-1

ORDINACE 2017-11 AMENDING THE ZONING DESIGNATION FOR A PARCEL LOCATED AT 17329 TENTH STREET, MONTVERDE – AK 2565225.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to adopt Ordinance 2017-11 with the addition that the property not be used for any utility, sewer system or other noxious uses and that it be tied into the schools sewer system if used for student housing; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

Mr. Crawford commented that this property was already connected to the schools sewer system.

ORDINACE 2017-12 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17243 NINTH STREET, MONTVERDE – AK 1531438.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Ley to adopt Ordinance 2017-12; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

COMMITTEES AND BOARDS

There were no committee members present to report.

Sheriff Deputy's Report – No comment or questions were received.

Fire Chief's Report – No comment or questions were received.

Library Report – No comment or questions were received.

COMMITTEE MEMBER APPROVAL

The Mayor requested Council approval for Candi Keys to serve on the Parks and Recreation Committee and Allen Hartle to serve on the Public Safety Committee.

MOTION by Councilman Ley to approve Candi Keys to serve on the Parks & Recreation Committee; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

MOTION by Councilman Ley to approve Allen Hartle to serve on the Public Safety Committee; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

MAYOR AND COUNCIL SECTION

MAYOR

The Mayor updated residents on the following topics:

- Annexation of the Black East property was on schedule and would be completed in May.
- Residents and Council members had requested greater Police protection in the Town. The Mayor explained that the cost of adding another Deputy was \$80,000 a year.
- The Town was moving forward with five new impact fees which would yield revenues that could be put away for future capital projects.
- The community building floor was being renovated the first week in May.
- The new fence at Truskett Park has been installed and looks great.
- All stop bars and crosswalks were being repainted around the Town.
- Street signs that had discolorations were being replaced with new mold resistant ones.
- The new fence is installed around the Stecher property.
- The money donated to the Visioning Committee by the Academy was buying new seats for the Auditorium and the remainder on new street lighting by the Green Mountain Pizza. Kasey Kesselring offered to install the lighting if the Town purchased all the equipment.
- Terry Burden was thanked for all his work on the flower beds.
- The Cemetery Committee has been working on revising the rules and procedures and once completed they would be sent to all residents.

COUNCIL MEMBERS

Councilman Ley – Thanked Terry Burden for the completion of the sidewalk.

Councilman Peacock – PASS

Councilwoman Smith – Asked for permission to invite a group called New Vision for Independence to give a short presentation at a future Council meeting. The aim was to inform and address sight problems and solutions for the residents.

Councilman Bates – Complimented the new fence at Truskett Park but urged not to forget the playground equipment that was included in the budget. He asked whether the tree on the corner of 2nd street and Porter Ave belonged to the Town or the resident. He said that large limbs were falling off and if it was on Town property then we should take it down. Terry Burden said that he would check.

Councilman Burns – PASS

NEW BUSINESS

GOLF CART ORDINANCE 2017-18

This is the First reading of Ordinance 2017-18. The Town of Montverde has certain responsibilities for the public health, safety and welfare within the Town limits. The Town Council has considered the speed, volume, and character of motor vehicle traffic using the roads finds that golf carts may safely travel on or cross the public roads or streets listed in the ordinance.

Mayor Wynkoop said that the public safety committee had worked on this for quite a while. It would be completed in three steps, the last step addressing driving golf carts after dark. There were two different vehicles to consider; golf carts and utility vehicles so they split it up. Deputy Young and Attorney Geraci-Carver attended the last meeting and both agreed that existing State laws can be used to enforce the use of utility vehicles. The Town can use them but they are not allowed on CR455. He added that the ordinance would be refined over the next couple of months.

The Mayor opened Public Comment.

Don Hiatt – Said that they had looked at several other cities including Oakland, St Johns and Winter Garden. There had been some disagreement between committee members over the direction of the ordinance with regards to use after dark particularly on event nights. He said that the ordinance was missing things and should be done right.

Councilman Ley who had attended the meeting said that they were following State statutes and were moving in baby steps. Mayor Wynkoop said that they had looked at this three or four times and this is what the committee wanted to go with. It is just about golf carts and not about utility vehicles.

Being no further comment the Mayor closed Public Comment and passed it back to Council for a motion.

MOTION by Councilman Ley to adopt Ordinance 2017-18; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

MINOR SITE PLAN APPLICATION WITH VARIANCE REQUEST – 17440 SEVENTH STREET

Parks Consulting Services (PCS) has conducted a Minor Site Plan Application review for the above referenced project. Mr. Steve Romano, P.E., Town Engineer assisted with the review and provided engineering analysis to ensure consistency with the Town of Montverde Land Development Code (LDC). Ms. Karin Arellano (Applicant) has requested approval to renovate the building located at 17440 7th Street for use as a restaurant with some outdoor seating.

Approval of Resolution 2017-20 granting Minor Site Plan Approval for renovation of building at 17440 7th Street for restaurant use and Approval of Resolution 2017-21 granting a variance from the minimum parking requirements required in Sec. 4-116, Town of Montverde Land Development Code (LDC) with conditions specified by staff.

The Mayor invited Karin Arellano and Maggie Wattier to address Council. Ms. Wattier said that it was a great opportunity for a restaurant with open seating which would serve deli sandwiches plus entrees that would vary on a regular basis. They also intended to provide meals on the go, deserts and ice cream. Maggie said that everything would be made from scratch including the bread for sandwiches and other bakery items.

Councilman Ley questioned the affect of noise on the property owners of nearby homes. Ms. Wattier felt that it would not be an issue and that the restaurant would only be open until 9 pm. When questioned she replied that they would be using the existing public parking on Park Lane.

The Mayor asked for any comment from the public and being none passed it back to Council.

MOTION by Councilman Ley to approve Resolution 2017-20 granting the Minor Site Plan Application; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

MOTION by Councilwoman Smith to approve Resolution 2017-21 the Variance from the minimum parking requirements; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

INTERLOCAL AGREEMENT WITH LAKE COUNTY MPO

The agreement is between the Lake-Sumter MPO, Lake County, Sumter County and the municipalities of Astatula, Clermont, Eustis, Fruitland Park, Groveland, Howey-in-the-Hills, Lady Lake, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Tavares and Umatilla for funding and implementation of the transportation management system and for creation and management of a fund for non-grant-eligible-expenses.

**MOTION by Councilman Bates to approve the Mayor to sign the Interlocal Agreement;
SECONDED by Councilwoman Smith
For: Bates, Burns, Ley, Peacock, Smith
Against: None
MOTION CARRIED 5-0**

SALE OF TWO PIANOS

At the last Council meeting it was decided to get a piano tuner to look at the two pianos, one in the community building and also the auditorium to ascertain their value. The estimates of condition and value have been provided.

Following some discussion Mayor Wynkoop asked Council for permission to advertise the pianos on the internet and get as much as we can for them.

**MOTION by Councilman Ley to approve the Mayor sell the pianos for as much as he can get for them; SECONDED by Councilwoman Smith
For: Bates, Burns, Ley, Peacock, Smith
Against: None
MOTION CARRIED 5-0**

CONSOLIDATION OF THE TOWNS BANK ACCOUNTS

The Mayor had met with First Green Bank who offered him a significantly better interest rate than we are currently receiving from USB. We also have Certificates of Deposit with Fifth Third Bank and SunTrust. The Mayor feels that it would be in the Towns best interest to consolidate the Towns deposits into one interest bearing account. Five other banks have been contacted to get competitive rates.

Mayor Wynkoop explained that the Suntrust CD had automatically renewed in 2013 for a further ten years. Allen Hartle asked if there would be any penalty for taking the money out early. Mayor Wynkoop responded that the additional interest from First Green Bank would cover the penalty cost in one year if we move it.

Councilman Ley asked if all the money was moved to one bank that we would be protected from the banks failure. Mayor Wynkoop assured him that government money was covered to a higher level than private money. Councilman Peacock highly recommended First Green Bank and made a motion to allow the Mayor to move the money.

**MOTION by Councilman Peacock to authorize the Mayor to move funds to First Green Bank;
SECONDED by Councilman Ley
For: Bates, Burns, Ley, Peacock, Smith
Against: None
MOTION CARRIED 5-0**

Being no further business a motion to adjourn was requested at 10:21 pm.

MOTION TO ADJOURN by Councilman Peacock to adjourn; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0


Respectfully submitted,



Joe Wynkoop, Mayor



Jim Peacock, Council President

ATTEST:


Graham Wells, Town Clerk

