

**MINUTES
TOWN OF MONTVERDE
REGULAR TOWN COUNCIL MEETING**

April 14, 2015

The Town of Montverde met in regular session on Tuesday, April 14, 2015 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns
Billy Bates
Arthur Nix
Jim Pierce
Joe Wynkoop

Staff Present:

Graham Wells, Town Clerk
Terry Burden, Public Works Director
Mary Gillis, Finance Director
Anita Geraci- Carver, Town Attorney

Mayor Bennett called the meeting to order at 7:04 and led the Pledge of Allegiance.

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

MINUTE APPROVAL

MOTION by Councilman Wynkoop to approve the regular Council Meeting Minutes from March 10, 2015, and the Summary Report from April 2, 2015; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

CITIZEN QUESTION AND COMMENT

None.

COUNCIL AND MAYOR

Councilman Joe Wynkoop

Pass.

Councilman Glenn Burns

Councilman Burns asked Mayor Bennett if he had any news on what was going on with the proposed Plaza Collina area. Mayor Bennett replied that Clermont is using their ISBA to “jump around the map” and annex pieces of unincorporated Lake County. They are intending to annex Plaza Collina. Town Attorney Anita Geraci-Carver stated that she thought this annexation was up for Second Reading at the Clermont City Council meeting occurring that night.

Allan Hartle stated that he attended the First Hearing, and there was a lot of hostility against annexing the Plaza Collina area. He said that he thinks that the results of the last meeting were that Clermont gave Plaza Collina a Conditional Use Permit. He said that Clermont ended up annexing Don Mealey Chevrolet, the Nissan dealership, and the Honda dealership. He said they found out that they are also building a new dealership on the south end of Highway 50. Mr. Hartle said that there were a lot of residents that were opposed to all of the annexations.

Mayor Bennett replied that Clermont’s Council has not looked at East Colonial Drive in Orlando. That was once an area full of car dealerships; now it is just an area of empty car lots.

Councilman Burns stated that the next meeting will be April 28, and he hopes that residents will show up to make their voices heard.

Councilman Billy Bates

Councilman Bates asked about the Town putting up lights along the Trail. Mayor Bennett replied that that is one of the many things that staff is working on in relation to the Trail. He said that Town Planner Sean Parks met with Lake County yesterday about constructing a trail extension in Town. He said that staff has not forgotten about the things that need to be done to the trails; he said that it will just take time to coordinate everything.

Councilman Arthur Nix

Pass.

Councilman Jim Pierce

Councilman Pierce said that he wanted to commend the Librarian for the wonderful Easter Egg Hunt that she put on. He also thanked the Fire Chief for his help with the event. He said that the pictures he has seen of the Egg Hunt look phenomenal, and he is very proud of what the two departments put together. Mayor Bennett agreed, and thanked both the Librarian and Fire Chief for their hard work.

Mayor Troy Bennett

Mayor Bennett said that Lake Sumter MPO's Bicycle and Pedestrian Advisory Committee is up for renewal, and they are asking Montverde to name a representative to serve on the Committee. Mayor Bennett said that he spoke with Councilman Burns about this, as Councilman Burns has been very involved with the trails in Montverde and surrounding areas.

MOTION by Councilman Bates to elect Councilman Burns as the representative to the Lake Sumter MPO Bicycle and Pedestrian Advisory Committee, with Mayor Bennett as alternate; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-12 REPEALING ARTICLE II IN CHAPTER 10 OF THE CODE OF ORDINANCES

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett explained that Chapter 10 contained the old method of how Montverde collected funds for the Fire Department. Staff has been working very hard to make changes to the financial structure of the Fire Department, including creating a separate fund for the Fire Department, and putting the Fire Assessment on the property tax bills. He said that repealing the old Ordinance is the first step. The new ordinance will contain all of the things that staff and Council have worked toward in the workshops, meetings, etc.

Councilman Nix confirmed that this was a first reading. Mayor Bennett stated that there will be a full schedule of things that need to be done, going all the way to the month of August.

Mayor Bennett opened the floor for public comment. Seeing none, he closed public comment.

MOTION by Councilman Nix to approve Ordinance 2015-12 repealing Article II in Chapter 10 of the Code of Ordinances; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

UNIFORM COLLECTION AGREEMENT BETWEEN LAKE COUNTY TAX COLLECTOR AND TOWN OF MONTVERDE FOR FIRE ASSESSMENTS

Anita Geraci-Carver explained that Council had adopted a Resolution of intent to put the Fire Assessment on the Tax Roll, and the Statute allows the Tax Collector to collect a 2% fee to put the Assessment on the Tax Roll and then collect it for the Town. She said that Lake County's Tax Collector, Bob McKee, has sent the Town an agreement which details how the Tax Collector's office will go about collecting the Fire Assessment Fee. The agreement is an automatic renewal. It authorizes them to

collect a 2% fee, and provides that taxpayers who pay their obligation early will receive a discount on the Fire Assessment fee.

Mayor Bennett said that the reason this is coming before Council now is that staff is trying to get the Fire Assessment Fee put on this year's tax bills, which are issued in November. Mayor Bennett said that in the past, residents received a fire fee bill in April. Beginning this year, the Fire Assessment will be listed as a separate item on the property tax bill. This will help the Town in being able to actually collect the fee.

Mayor Bennett opened the floor for public comment. A resident asked what was going to happen in regards to the timing of the assessment, since in the past, the April fee collected funds related to the year prior. Mayor Bennett responded that Council would discuss that in May. He said that nothing has been officially decided, but Council has discussed not levying the fee in April, and thereby "forgiving" the 2014 fire fee for all residents. Councilman Pierce said that Council had discussed in a workshop that it would be easier to forgive the fee than to collect for it twice in one year.

A resident asked if the rate would be controlled by the Town or the County. Mayor Bennett replied that it would still be controlled by the Town, and would be driven by budget needs. He said the Town would just be paying for the service of the County Tax Collector collecting the fee. The resident asked if putting the assessment on the tax bill would give the Town more leverage in collecting past due accounts. Mayor Bennett replied yes.

Mayor Bennett stated that there will be more information coming to residents in the mail and on the Town's website. He invited residents to attend future meetings where the rate and Fire budget will be discussed. The first-class notices for the fire assessment will go out May 19. June 9 will be the date for the first hearing, with public comment.

Seeing no further comment, Mayor Bennett closed public comment.

Councilman Bates asked about page 3, section 4 where it states that the agreement will renew itself, but only for one year. Anita responded that the agreement will renew for one year at a time, but it will continue to renew until one party opts out.

MOTION by Councilman Pierce to approve Agreement with Lake County Tax Collector; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-03 AMENDMENT TO CHAPTER 10, SETTING FORTH THE AUTHORITY AND DUTIES OF THE FIRE DEPARTMENT

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett stated that this Ordinance provides for inspections of public buildings in Town. The Fire Department could inspect the Academy. In May or June, the Town will amend the Fee Resolution to include fees for fire inspection. He said that this ordinance defines who the Fire Department is, and defines the roles and responsibilities of the Department.

Mayor Bennett opened the floor for public comment. Allan Hartle stated that Lake County performed yearly inspections, and asked if the Town would be performing yearly inspections. Mayor Bennett responded yes.

Mayor Bennett closed public comment.

Councilman Pierce asked if department members had the training or expertise to perform the inspections. Fire Chief Rausch responded that he and another member both had the qualifications to perform inspections.

Councilman Bates asked what the inspections fees would be. Mayor Bennett said that the fees would come later, but other municipalities charge around \$30.

Councilman Nix said that he felt this type of ordinance was a long time coming. Councilman Pierce agreed, and said that this is the first time that there have been qualified inspectors on staff to perform the inspections.

MOTION by Councilman Nix to adopt Ordinance 2015-03; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-10 CREATING CHAPTER 11, ENTITLED EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

Anita Geraci-Carver read the ordinance in title only.

Fire Chief Rausch explained that this ordinance was the result of some editing and re-arranging of the prior ordinance. Councilman Nix asked if there were a lot of false fire alarms going off. Chief Rausch stated that occasionally, the alarm will go off at the First Baptist Church. He explained that there are nuisance alarms in Town, such as false fire alarms or false medical alarms, and this ordinance would establish penalties for excessive false alarms.

Councilman Bates asked for clarification about when the penalties kick in. Chief Rausch responded that the first two false alarms in a six-month period require warnings, but the third false alarm will be charged. Anita Geraci-Carver clarified that the ordinance does not specify actual rates; rates will come next month as part of the Fee Resolution.

Mayor Bennett opened the floor for public comment. Seeing none, he closed public comment.

MOTION by Councilman Pierce to adopt Ordinance 2015-10 creating Chapter 11; SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

RESOLUTION 2015-08 INCREASING THE RATE FOR WATER UTILITY SERVICE

Anita Geraci-Carver read the Resolution in title only.

Mayor Bennett explained that this is the result of a study performed by Raftelis Consultants. The study concluded that the Town is lacking in funding for the Water Department. Over the next five years, the water rates will increase 5% each year. For this year, the rates will increase \$0.56 per month.

Mayor Bennett opened the floor for public comment. A resident asked if the study incorporated increased usage of water. Mayor Bennett responded that the gallons consumed are the same each year in the study.

Mayor Bennett stated that this is the Second Reading of this Resolution. He said that there are only a few types of Resolutions that get two readings, and this is one of them.

A resident asked how often Council would review water rates. Mayor Bennett said that this is the first time the Town has done a study like this. The rates would have to be looked at again in five years.

Seeing no further comment, Mayor Bennett closed public comment.

MOTION by Councilman Nix to adopt Resolution 2015-08 to increase the rate for water utility service; SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

AGREEMENT WITH 4RIVERS SMOKEHOUSE FOR THE USE OF THEIR LOGO

Mayor Bennett stated that the Visioning Committee has done a great job this year in bringing events to Montverde. As part of this, they would like to continue to have 4Rivers Smokehouse come to the events to sell food and drinks.

Anita Geraci-Carver remarked that the clause on line 8 that any litigation would take place in Orange County must be changed to Lake County.

**MOTION by Councilman Pierce to approve 4Rivers Smokehouse Agreement, with proposed change;
SECONDED by Councilman Nix.**

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-07 AMENDING THE 2015 BUDGET FOR WATER MAIN AND LINE REPLACEMENT

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett explained that the water main pipe behind the convenience store keeps blowing out. This Ordinance would allow funding for the replacement of the main and lines. This is the Second Reading of this Ordinance.

Mayor Bennett opened the floor for public comment. Seeing none, he closed public comment.

Councilman Pierce asked if the water main fed only commercial entities. Mayor Bennett replied yes.

MOTION by Councilman Wynkoop to approve Ordinance 2015-07; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

POSSIBLE PURCHASE OF HARDEN PROPERTY ON PORTER AVENUE

Mayor Bennett explained that about a year ago, the Harden family told him that they were interested in selling their property on Porter Avenue, adjacent to the Fire Department and Library. Since this time, Mr. Harden has revised his price, and Mayor Bennett wanted to bring the possible purchase to Council for discussion.

The property is 1.33 acres, and has a house on it that is about 1,400 square feet. The roof is fairly new and the house has been properly maintained. Mr. Harden is offering the house and property to the Town for \$250,000.

Mayor Bennett explained that this is the last piece of contiguous property to current Town properties. If the Town does not purchase this, there will be no other property near current Town buildings in which to expand.

Mayor Bennett said that he saw an appraisal on this property at one time, and it was around \$178,000.

Councilman Bates said that he would like to see the property become another community building/fire department. Mayor Bennett said that there are lots of ideas for the property. He suggested that the Library could move into the house. Councilman Nix stated that the house could also be rented.

Speedy Gonzales stated that the house had fresh paint and was in move-in-ready condition.

Mayor Bennett said that this property was prime real estate, and at a later time, Council could regret not buying this property. Councilman Pierce agreed that it was prime property, but said that he was having a hard time with the price. He said he was anxious for public comment.

Councilman Nix asked Councilman Wynkoop if the Town could get \$250,000 for the house and property right now. Councilman Wynkoop replied no.

A resident stated that he thought \$250,000 was a good deal for the property, especially with real estate prices going up. Another resident stated that the purchase would really increase the amount of property that the Town owned.

Mayor Bennett stated that he felt that Council should not look at this proposed purchase in terms of today's value. He said that Council should look at this in terms of five or ten years from now.

Speedy Gonzales said that the Town could vacate the road between the Fire Department and the property. Mayor Bennett agreed.

Jim Peacock asked if a developer bought the property, how many buildable lots could he make out of it. Mayor Bennett replied four. Mr. Peacock suggested buying the property, and potentially selling the back half for future development.

A resident asked what the Town's surplus is this year. Mayor Bennett said the Town is in good shape, except that the Fire Department has been in need of some emergency funds.

Jim Peacock asked if the seller was willing to hear a counter-offer. Mayor Bennett said that the seller was firm on this price. Mr. Peacock asked what the original price was. Mayor Bennett stated \$350,000.

A resident suggested that if the Academy purchases the property, then it will go off the Tax Roll. Councilman Nix stated that if the Town does not act, the Academy will most likely purchase the property.

**MOTION by Councilman Wynkoop to approve the purchase of the Harden property for \$250,000;
SECONDED by Councilman Nix.**

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

**RESOLUTION 2015-11 UPDATING TOWN OF MONTVERDE'S STANDARDS AND CONSTRUCTION
SPECIFICATIONS MANUAL**

Anita Geraci-Carver read the ordinance in title only.

Mayor Bennett explained that Steve Romano and Public Works Director Terry Burden have worked on this Manual for quite some time. He explained that Councilman Nix had made some comments previously that Montverde needed to adopt some standards in relation to stormwater, water, roads, etc. Terry and Steve then spent a good amount of time coming up with these standards for Montverde.

Councilman Pierce said that tab 12 of the Standards mention roadways, and he asked which roadways these standards would apply to. Steve replied that there currently are no roadway standards; the Manual will be adopted in phases and the roadways section would come at a later date. Councilman Pierce asked what all is covered in the current Manual being proposed tonight. Steve replied that all of water and wastewater is covered. Stormwater may have some revisions issued, due to some new pronouncements from the State. Roadways will be addressed at a later date.

Anita Geraci-Carver stated that the Resolution she prepared includes the Roadways portion, so that the Resolution can be re-used when the Roadways section is adopted. Mayor Bennett said that staff is trying to get sections of the Manual adopted, as they are completed.

Mayor Bennett opened the floor for public comment; seeing none, he closed public comment.

MOTION by Councilman Nix to approve Resolution 2015-11 updating the Town's Standards and Construction Specifications Manual; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

DISCUSSION OF MONTVERDE ACADEMY'S DESIRE TO PAVE ACADEMY LANE

Mayor Bennett stated that he and Councilman Nix have had long discussions about Academy Lane. He said that there was some drainage needed, which has been completed and approved by the Water Authority. Now, the Academy wants to pave the road with their own funds.

Mayor Bennett explained that the road already has a base and drainage; the Academy is just looking to pave it. Councilman Bates said that he remembered this discussion when the Academy put in the limerock base on the road. He said that he remembered that there was a reason why the Academy did not pave it at the time. Councilman Nix replied that the drainage was the problem at the time. He said that a drainage pond has been added near the baseball field, which has helped the issue. He said the limerock base has been in place for at least a couple of years, and it is impervious.

A representative from the Academy added that another swale has been added in the area to help with drainage. Council and staff then demonstrated on a GIS map where the drainage ponds and berms were located.

Councilman Nix said that he would like the Academy to get with the Town's Public Works Director and the Town's Engineer to make sure the paving is up to the Town's standards.

Councilman Pierce asked that the Academy pave the road in a manner in which the Town can reasonable maintain it.

MOTION by Councilman Bates to approve the Academy paving Academy Lane; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

INTERLOCAL AGREEMENT WITH LAKE EMERGENCY MEDICAL SERVICES PERTAINING TO FIRST RESPONDER SERVICES

Fire Chief Rausch stated that this agreement had been signed in the past, with the former name of Lake Sumter Emergency Medical Services. Since the name has changed, the Town needs to sign a new agreement. Mayor Bennett reiterated that the only thing that has changed between agreements is the name of Lake EMS.

MOTION by Councilman Pierce to sign the Interlocal Agreement with Lake Emergency Medical Services; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

AMENDMENT TO POLICY LCC-63 REGARDING IMPACT FEES FOR LAKE COUNTY LIBRARY SYSTEM

Mayor Bennett explained that this new policy really does not affect the Town of Montverde. But since Montverde is a part of the Lake County Library System, the Town must approve the new policy.

MOTION by Councilman Burns to approve the Amendment to Policy LCC-63; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

DISCUSSION ON ORDINANCE AMENDING THE BUDGET FOR FIRE EXPENDITURES

Mayor Bennett explained that there are several emergency expenditures needed in the Fire Department. A good amount of repair is needed on the Engine, which will leave the Attack truck as the only apparatus that could fight a fire. The Town will have to get a loaner engine during the time the Town's engine is being repaired. The Town can get a loaner engine for about \$3500.

Another emergency expenditure is the repair of the MSA Thermal Imager Camera. The Town can repair the current camera for around \$900 or purchase another one for \$5600. Chief Rausch said that the camera is ten years old. Mayor Bennett asked if the Town's insurance could cover the cost. He said that he would contact the Town's insurance provider.

A resident asked if the camera could be obtained from an army surplus store. Chief Rausch responded no, that the camera had to be fire-certified.

Councilman Wynkoop asked how often the camera was used in the last five years. Chief Rausch said they have used it in training, but since he has not been Chief for five years, he does not know. He said that every fire call he responds to, they bring the camera with them.

Mayor Bennett summarized by saying that since the engine will be repaired, the Town will need a loaner truck. He asked if Council was ok with spending \$3,500 for the loaner truck. Consensus was yes.

Councilman Wynkoop suggested adding \$6,600 for the camera. Chief Rausch suggested paying for the camera in October.

Mayor Bennett suggested adding a total of \$12,000 to the Fire Department budget for the repairs to the Engine, the rental cost of the loaner engine, and the cost to repair the camera.

MOTION by Councilman Nix to allow the Mayor to spend up to \$12,000 for the repairs in the Fire Department; SECONDED by Councilman Pierce.

MINUTE APPROVAL

MOTION by Councilman Wynkoop to approve the regular Council Meeting Minutes from March 10, 2015, and the Summary Report from April 2, 2015; SECONDED by Councilman Pierce.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

Jim Peacock asked to address Council. Mr. Peacock asked about drainage control around the lake near Lowry. He asked about constructing swales around Lowry; Steve Romano said that there is no way to construct swales without acquiring property.

Mayor Bennett said that there is a big need for a turn-around at the end of Lowry. He said the garbage trucks and dump trucks have complained about not having a turn-around. Mayor Bennett said he did not see a way to create one without acquiring more property.

Mr. Peacock discussed the aeration system in Lake Florence. He said that the company that was performing maintenance on the system was bought out. The new company was not interested in

performing maintenance, and as such, the aeration system has been without maintenance for over a year. He said there are five compressors that need to be replaced, as well as two fans.

Mayor Bennett asked if Mr. Peacock knew of anyone that would take over the maintenance. Mr. Peacock replied no, but that he did not have a problem with replacing the compressors himself.

Councilman Pierce asked if there was money budgeted each year for this maintenance. Mayor Bennett replied yes.

Mayor Bennett asked if Mr. Peacock would get with Public Works Director Terry Burden to get the compressors and fans replaced. Mr. Peacock agreed.

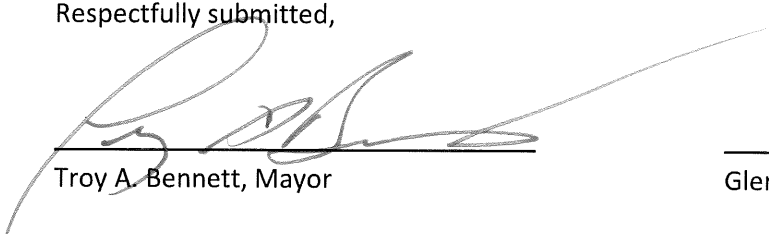
Mayor Bennett asked when the stones need to be replaced. Mr. Peacock said every two to three years. He said it was something that could be looked at over the summer.


A resident asked for an update on the status of the lake. Mr. Peacock said that it has been stable for the past year or so. He said that he thinks that the fishing is better, and that some algae have been eliminated.

ADJOURN

MOTION to Adjourn by Councilman Wynkoop; SECONDED by Councilman Nix at 8:37pm. Passed unanimously.

Respectfully submitted,


Troy A. Bennett, Mayor


Glenn Burns, Council President

ATTEST:


Graham Wells, Town Clerk