

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

**April 8<sup>th</sup>, 2014**

The Town of Montverde met in regular session on Tuesday, April 8<sup>th</sup>, 2014 at 7:00 PM in the Town Hall Auditorium.

**Council Present:**

President Glenn Burns  
Vice President Joe Wynkoop  
Arthur Nix  
Jim Peacock  
Jim Pierce

**Staff Present:**

Mayor Bennett  
Terry Burden  
Mary Gillis  
Anita Geraci-Carver

Mayor Bennett called the meeting to order at 7:03 PM and led the Pledge of Allegiance.

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

**APPROVAL OF MINUTES**

**MOTION** by Jim Pierce to approve the regular Council Meeting minutes from March 11<sup>th</sup>, 2014;  
**SECONDED** by Arthur Nix

**For: All**

**Against: None**

**PRESENTATIONS**

**Presentation by Randy Green, one of the Owners of Bella Collina**

Randy Green says they are working on a re-launch of the community. He says 2008 was the worst time to open a luxury country club development; he bought it in 2012. They have been pumping money into the golf course and a clubhouse, which is now needed due to a tremendous surge in customers. He says when they first acquired the property there was a parcel of land zoned for commercial use on CR 455 adjacent to the church. The parcel of land has a heavy industrial zoning which is not conducive to the lodge. They have done a comprehensive plan amendment and have gone through the first stage with the County.

Tonight Mr. Green brought a sample elevation of the lodge done by Morris Architectural Group; they're known for doing the Lowe's Portofino at Universal. He says the facility will have a community meeting space. He predicts there will be another ten versions of this presentation before they present the final version.

Councilman Peacock asks how many homes are in Bella Collina currently. Mr. Green says there are forty homes out of 900 lots and there are three homes under construction now. Councilman Nix asks what happened to the CDD / Pine Island. Mr. Green is the chairman of that; it's still functioning. Mayor Bennett asks if he would like to discuss where the Equestrian Center was going to be. Mr. Green says no trails were ever designated, as there cannot be farm animals on the property; he doesn't understand where the concept came from and they're not going to be building it. Vice President Wynkoop asks where the clubhouse is going to be. Mr. Green says it will be by the secondary gate, where the cul-de-sac is located. Vice President Wynkoop also asks if they are enforcing the rule in the Developer's Agreement that requires people who bought land to build a house in a certain amount of time. Mr. Green says everyone is in default on that; it would have been difficult for any developer to enforce at that time since there was no financing available. They modified the compulsory build period to 18 months and they are agreeing to buy back if not built at 100% of their cost. This resets the clock for everyone to March 1<sup>st</sup>, 2014. He says when they bought Bella Collina there were only 50 lots and now there are over 400 lots, and it is anticipated to have 500 in the next six months. November 2014 is the anticipated re-launch.

Mayor Bennett asks him if he can give the Council a view of the property he owns in Montverde. Mr. Green says they refer to it as Montverde Estates; he says it will most likely be ready in the next six to eight months. This property is on Ridgewood and butts up against Magnolia Terrace.

Mr. Green says they are looking at creating an entrance on the inside of Bella Collina and shortening the 9<sup>th</sup> hole on the golf course to keep from pumping traffic out onto CR 455.

Vice President Wynkoop asks what their vision is for Montverde Estates. Mr. Green says they will develop it and have it enter into a builder's program as inventory.

Graham Wells is worried about the entrance into Bella Collina; Mr. Green says the property is self-contained and there are two entry points that could happen, such as CR 455 and internally in Bella Collina; right now they want to have the entry point internalized. He says they are proposing the only entrance to be inside.

## **MAYOR and COUNCIL**

### **Vice President Joe Wynkoop:**

Vice President Wynkoop says he went to the Impact Fee Meeting; they have asked for all the cities in Lake County to give them a wish list on what they would like the impact fee money to go towards and most all of the cities want their roads to be fixed. Anita Geraci-Carver says the traffic study that was presented to the County as part of their comprehensive plan amendment showed there is no impact on CR 455 with Bella Collina built out and including the lodge. There will be no impact if they do not widen Ridgewood to carry more traffic. They will have to provide one for Montverde Estates when the time comes. Vice President Wynkoop says he has the form to fill out; he wanted to make sure that Ridgewood

and the round-a-bout were the only roads the Council was concerned with getting fixed before submitting it. President Glenn Burns says he would like to include bike lanes as well.

Vice President Wynkoop says they are going to start turning dirt on Hancock Rd in December.

The Super Seniors are having a flea market on May 10<sup>th</sup>, 2014. The Super Seniors meeting is on Thursday, April 10<sup>th</sup> at 1:30 PM. Bingo is on Friday, April 18<sup>th</sup>.

**President Glenn Burns:**

President Burns says the Grand Opening for the Apopka Trail was a few weeks ago; it's about 14 miles of trail from Magnolia Trail to Astatula. The trail head on CR 455 will make it 18 miles at the North Shore. He says within a few months they will open up a driving trail also. The access point in Astatula is on Ranch Rd. Mayor Bennett asks if there is any signage. President Burns says there is no signage, you have to know it's there and maps are needed. The trail is a lime rock trail.

**Jim Peacock:**

Councilman Peacock says all of the 20 compressors are going on in Lake Florence so it will be reflected in the electric bills; the lake is in good shape.

**Arthur Nix:**

Pass

**Jim Pierce:**

Councilman Pierce says he heard on the news that the redistribution of the gas tax came to Montverde's favor; hasn't seen the number yet. Mayor Bennett says he has the number.

**Mayor Troy Bennett:**

Mayor Bennett says he received the gas tax number today from the County; they need the County Commissioners to approve it along with a majority of the municipalities. He says it will be on the May agenda. The first and second cents have to do with population and the third through the sixth cents have to do with the percentage breakdowns. It will take their road tax distribution from \$20,000k+ to between \$63,000k and \$65,000k.

Mayor Bennett states that there is now a natural gas line that runs to Magnolia Terrace; Mayor Bennett says that interested residents should contact Lake Apopka Gas.

Mayor Bennett says the trail is almost completed, it is usable. It needs signage, striping, and landscaping soon. He says they applied for the other grant to extend the trail down to Stetcher. He said all of the point values should be high because they basically duplicated what President Glenn Burns and Sean Parks did a few years ago. The only reason they didn't get that grant was because they already had a grant in process. He says the right-of-way has been rectified so they should be able to get this grant now.

Mayor Bennett says he is not going to ask direction for this tonight but he will be bringing it in May so he wants to give the Council time to think about it; he is going to ask if he can go to bid on garbage. He is

not getting any cooperation from Waste Pro on duplicating the County's contract; they are getting hung up on the service portion. Anita Geraci-Carver says that the County is offering subdivisions the option of voting for two pickups a week and then they would charge the subdivisions that voted an additional amount on their tax bill. She asks why Waste Pro wouldn't match the rate that they gave to the County. Mayor Bennett says the cooperation from Waste Pro is zero. Mary Gillis says the ownership of the toters is an issue as well. Mayor Bennett says he will have more information in May.

## **DEPARTMENT AND COMMITTEE REPORTS**

### **SAFETY COMMITTEE**

#### **Renewal of Agreement with Lake County Sheriff's Office**

Bill Broeker says the Safety Committee is pretty good with the whole contract except for a few items.

- 1) Section six: excuses Sheriff from being obligated to provide deputy if current deputy is out.  
The Safety Committee recommends getting a back bill from the Sheriff or a rebate for the allotted time the current deputy is out so they can hire an off-duty deputy.
- 2) Section twelve: Mayor or designee converse about business items with Sheriff or designee.  
The Safety Committee recommends making someone on the Committee a designee.
- 3) Section fifteen: one year written notice to Sheriff for contract renewal  
The Safety Committee recommends making that period shorter; maybe six months

Mayor Bennett asks if Mr. Broeker and the Safety Committee are recommending that they go back to the Sheriff's office to get these changes and approval will be based on that. Mr. Broeker says yes.

Council agrees that the time frame for the contract renewal should be 90 days.

Councilman Pierce says he has talked to the Sheriff himself about the vacation pay issue and the Sheriff already said no; he says it became an argument of "rookie" vs. "veteran." Mr. Broeker says they were just going to address the vacation pay. Andrea McKane says she has no vacation time right now because she just came back from maternity leave.

Mayor Bennett says he will get with the Sheriff and bring it back in May; he says he will take Bill Broeker or Jim Ley.

**MOTION by Jim Pierce to table until May; SECONDED by Jim Peacock**

## **PUBLIC HEARINGS**

### **Second Reading: Ordinance 2014-05**

Anita Geraci-Carver read Ordinance 2014-05

**MOTION by Joe Wynkoop to approve; SECONDED by Jim Pierce**

**For: All**  
**Against: None**

**Second Reading: Ordinance 2014-06**

Anita Geraci-Carver read Ordinance 2014-06

**MOTION by Jim Pierce to approve; SECONDED by Arthur Nix**

**For: All**  
**Against: None**

**Second Reading: Ordinance 2014-07**

Anita Geraci-Carver read Ordinance 2014-07

**MOTION by Jim Pierce to approve; SECONDED by Arthur Nix**

**For: All**  
**Against: None**

**Second Reading: Ordinance 2014-08**

Anita Geraci-Carver read Ordinance 2014-08

**MOTION by Joe Wynkoop to approve; SECONDED by Jim Peacock**

**For: All**  
**Against: None**

**First Reading: Ordinance 2014-10 Prohibiting Gated Communities**

Anita Geraci-Carver read Ordinance 2014-10

Mayor Bennett says President Burns has done more research on this and asks him to talk about his discoveries. President Burns says the ordinance does prohibit gated communities. He says he found several more cities that prohibit them in North Carolina and Idaho as well as one in Orange County, Florida. The one in Orange County doesn't prohibit gated communities but it has 25 pages of regulations. He says that Montverde is not the only place that is doing this.

Councilman Nix asks about Bella Collina with Montverde Estates. Anita Geraci-Carver says they would not be allowed to have a gate; she says they have talked about grandfathering in some properties. Mayor Bennett says he doesn't want Montverde Estates to be fenced or walled off because of how it will look as well as the fact that Montverde is responsible for fire and safety in that community. He feels this Ordinance will at least put the ball in their court for control when it comes up. Anita Geraci-Carver says no variance will be available.

Mayor Bennett says he feels President Burns is trying to give the Town more strength.

Councilman Pierce says there is no future land development in Montverde other than the Osgood property and Montverde Estates. He says if they pass this it could actually preclude any building. Councilman Nix says Montverde Estates will be developed, regardless.

*Anna Meyer (resident)* says she heard the Roper Property was going to build a wall behind the houses; she wants to know the difference between a wall and a gate. Councilman Pierce says this Ordinance has nothing to do with walls, only gates.

*Steve Smith, Magnolia Terrace resident* says Orange County likes gated communities because they have private roads and the County isn't responsible for them. He asks if they're going to service the water from Bella Collina; Mayor Bennett says that's out on the table right now but probably not. He says if they pass the Ordinance at least they will have some negotiating power.

Councilman Pierce asks what they will end up with on those properties if they pass the ordinance tonight and then no homes are built. Mary Gillis says those properties are zoned residential. Councilman Pierce says they would then end up with a zoning change / comprehensive plan change amendment. Anita Geraci-Carver says they have no obligation to grant a change request. President Burns says it is going to be residential, no matter what.

Councilman Nix says if they don't let them have a gated entrance for Montverde Estates then there will be a turn lane on CR 455 and access on Ridgewood which the residents will not like. Councilman Pierce says if it's prevented then all of Bella Collina would be able to use Ridgewood as an access road. Anita Geraci-Carver says don't let them connect. Councilman Peacock doesn't have a problem with them gating that property as long as it's done correctly; he asks Anita Geraci-Carver about the grandfathering. Anita Geraci-Carver says it's possible. Councilman Peacock thinks it would be an asset to the community. Mayor Bennett says without this they still have the power to deny a gated community during the Developer's Agreement. Anita Geraci-Carver says it would be a matter of negotiation since there is nothing in the Montverde code addressing gated communities. Councilman Peacock thinks Anita Geraci-Carver should revise the Ordinance to grandfather Montverde Estates in. Councilman Nix says they can make it general; "any property contiguous to a gated community."

**MOTION by Jim Peacock to approve Ordinance 2014-10 with request to modify by adding language: currently contiguous piece of property with existing gated community outside of Town limits; SECONDED by Joe Wynkoop**

**For: All**

**Against: None**

President Burns says he wants to start working on a wall ordinance. Randy June wants to put up a wall like Bella Collina did. Mayor Bennett tells him to do the research and bring to him and they'll put it on the agenda. He asks President Burns if they could just amend the fence ordinance; President Burns says no.

## **PUBLIC COMMENT**

*Samantha Bates, Girl Scouts* says she would like to put mile markers on the trail; they will not be hazardous and they'll be bright colors so they will stand out.

**Consensus: yes.**

*Judy Smith, 17625 Neal Drive* says in the last 12 years she has never seen the Library in the condition it is now; she says she wants it back and she wants Martha Pollack brought back.

*Jennifer Hansen, 17624 Neal Drive* says she was raised here and brought her daughter back and she goes to the library all of the time. Ms. Hansen says her daughter was devastated when she went to the Library on Saturday and saw that it's now only open three days a week. Her daughter cannot go during the hours that it's open because she is involved in other activities during those times.

Mayor Bennett says the Library is not closed; the situation should be rectified in the next couple of days and will resume regular hours by Thursday and will hopefully come back to normal. He says the hours were temporary because he doesn't have the staff; they solicited the entire Lake County library system for paid help and got no response.

*Mike Anderson, 17644 Doris Street* asks if it's going to be a volunteer staff that opens the Library on Thursday. Mayor Bennett says it is regular staff and volunteer staff.

## **END PUBLIC COMMENT.**

Councilman Peacock asks about the outcome of the engineering and the surveying of Alpine Terrace. Steve Romano of CPH says the title search is done and there is a right-of-way there. Mayor Bennett asks if they are going to continue the survey all the way down to Lowry; Steve says they will be happy to. Mayor Bennett says it needs to get done as soon as possible.

Mayor Bennett announces that Rock Town is playing a concert at Kirk Park on April 26<sup>th</sup>, 2104 at 7:00 PM. The Greg Warren Band will play a concert on May 31<sup>st</sup>, 2014. Councilman Peacock says Lake Minneola High School has a Barbershop Quartet, he thinks it would be great if they could do a half time show. Mary Gillis says she is up for suggestions on bands to perform.

## **NEW BUSINESS**

### **Resolution 2014-09 Expressing Town's Desire to Apply to the Florida Fish and Wildlife Conservation Commission for a Florida Boating Improvement Program Grant**

Anita Geraci-Carver read Resolution 2014-09.

Sean Parks says he is requesting approval of this Resolution; he wants to designate Mary Gillis to be the project manager. He has copies of Site Plan B upon approval; he says they have time to make changes if

the Council wants to. Mr. Parks takes the time to thank Dennis Renfro for guiding Montverde through the grant process.

Mayor Bennett says the goal tonight is to secure the grant. He says he has asked the Ropers if the Town could purchase three acres of their land along the boat ramp area (roughly 175 lakefront footage) for \$200,000. He says he's about 99% sure it will work out, but the partner is coming next week to confirm the deal. He makes it clear that there will be no strings attached.

Councilman Nix is worried about the engineering side of things. Sean Parks says it's merely conceptual right now; once the resolution is approved and turned into Fish and Wildlife, they will do preliminary engineering. Fish and Wildlife want this to happen, hence their guidance.

Councilman Pierce asks if getting the grant is contingent upon buying the land. Sean Parks says the cost of the land is factored into the match. Fish and Wildlife will approve the grant without the land, but they will not give the grant until the land is owned. Councilman Pierce asks about the maintenance life. Sean Parks says the Fish and Wildlife will require some kind of maintenance for a time period, probably 25 or 30 years. Councilman Nix asks if the Town of Montverde will own the dock; Mayor Bennett says yes. Councilman Nix asks if there will be an Archeological study done; Mayor Bennett says it's already been done.

Mayor Bennett asks Sean Parks if this will fit into his comprehensive plan. Sean Parks says it will; he would like to go ahead and schedule an agenda time or a special meeting to get them up to date on the DEO and give them an economic prosperity update on the Comp Plan. He says Dennis Renfro could not be here tonight but will hopefully be able to attend the next meeting. Sean Parks also points out that the boat ramp will be the only deep water access ramp on the west side of Lake Apopka.

**MOTION by Jim Pierce to adopt Resolution 2014-09; SECONDED by Arthur Nix**

**For: All**

**Against: None**

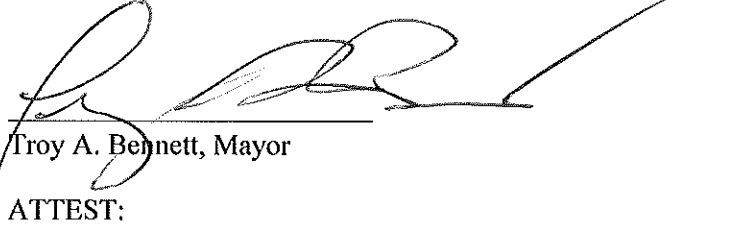
Mayor Bennett asks how fast the Fish and Wildlife can approve the application. Sean Parks says that it will be a couple of months, it's already submitted.



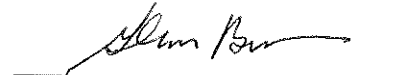
**ADJOURN**

**MOTION to Adjourn by Jim Pierce; SECONDED by Jim Peacock at 8:43 PM. Passed unanimously.**

Respectfully submitted,




Troy A. Bennett, Mayor



Glenn Burns, Council President

ATTEST:



Mary Gillis, Town Clerk

