

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

August 11, 2015

The Town of Montverde met in regular session on Tuesday, August 11, 2015 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns

Council Vice President Jim Pierce

Arthur Nix

Billy Bates

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 7:07 and led the Pledge of Allegiance.

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

Mayor Bennett opened the meeting by saying that some residents had asked him to read the nominations again for the offices of Councilman and Mayor from the Caucus, which was held immediately before this meeting. He asked Caucus secretary Laura Pierce to read the nominations again:

Councilman: Glenn Burns, Judy Smith, Jim Pierce, Arthur Nix, Jim Ley, Chris Hopkins, Bob Tomlinson

Mayor: Troy Bennett, Joe Wynkoop, Terry Burden

MINUTE APPROVAL

MOTION by Councilman Bates to approve the regular Council Meeting Minutes from July 14, 2015;

SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

CITIZEN QUESTION AND COMMENT

Ruth Baker Ryan, 17529 Kirkland Road. Mrs. Ryan asked that her comments be included in the minutes word for word.

"I am asking Council to consider approving a 25% discount on the fire tax for all military veterans. The majority of veterans living in Montverde are senior citizens, and I believe the majority are long-time residents. If the veterans pay \$60 for fire tax instead of \$80, this would surely not hurt the Town or the Fire Department. Remember, since this will be on the tax bill now, all those who haven't paid the Town will be paying. There is a high amount that has accumulated that the Town lost because residents would not pay the tax and the Town found it almost impossible for the Town to collect. The approximate total lost is \$2,812.50. Many of the veterans have served either on Council, the Fire Department, or as Mayor. Just a few names that come to mind right away- Joe Morrin, Bill Morrin, Chester Binnix, Billy Bates, Bill Miles, Carey Harden, Tony Mancuso, Jose Gonzales, David Harden, etc. I am also one of the vets who served on Council. I am giving this to Mary for the minutes of this Town meeting August 11, 2015 which will be entered word for word and will become public record. Thank you Mayor and Council for listening."

Mrs. Ryan wished to address Council on a different topic, and she asked that her comments be included in the minutes word for word.

"I would like to bring citizens up to date on the dealings of Councilman Joe Wynkoop.

1. Wynkoop filed and drew unemployment from the Town. Being on Council does not make you a Town employee. I wrote a letter and caused a big shakeup and later it was stopped and he was made to pay it back. He was not entitled to it and he got caught.
2. When Wynkoop's mother passed away, he went to Town Hall claiming his mother lived with him and a burial plot in Montverde Cemetery was granted. Montverde Cemetery spaces are reserved for Montverde residents who lived in Montverde for three years before death. The Cemetery Committee, of which I am a member of, was not consulted. His mother was never a resident of Montverde and her obituary in the newspaper listed her as a resident of Summerfield (The Villages).
3. Wynkoop asked for and got his live-in girlfriend's child to be enrolled in Montverde Academy for free. I'm sure other residents would love to have their children enrolled in MVA free and receive a great education. He should recuse himself from voting on MVA issues, but he does not and continues to vote on issues MVA brings before Council.
4. You admitted at a Town Council meeting that laws were broken when you and other Councilmen were involved in emailing and texting each other, which is forbidden by Sunshine Law. Where are your ethics? Think about the oath you swore to abide as a Councilman.
5. When the contract with the Lake County Sheriff was before Council for approval, you asked for a break and then you and another Councilman just walked out of the Town meeting and didn't return, so there could not be a vote at the Town meeting because there was no quorum. Just like children who can't have their own way – just walk out! Pout!
6. I could go on and all this can be verified in public records. Now you want to be Mayor? It is easy to follow your path. Get whatever you can for free. Well there is no Santa Claus. We citizens of Montverde pay in taxes for everything you get free.

I am turning this in to be recorded in the minutes of this Town Meeting August 11, 2015 word for word in public records.”

After Mrs. Ryan’s #3 point, Councilman Wynkoop said that she does not go there for free, that he did not get unemployment. He said he did not know where she was getting her facts. Mrs. Ryan said she got her information from public records. Councilman Wynkoop said that he didn’t pay anything back in unemployment. He filed against his employer and because he was getting a certain percentage of his salary from the Town, the Town had to pay a percentage of his unemployment. He said his fiancé’s child does not go to the school for free. He told Mrs. Ryan not to forget about the corner; how he got Council to buy that corner lot that she did not want Council to buy. Mrs. Ryan replied thanks for reminding her.

After Mrs. Ryan’s #4 point, he said that he never emailed or texted Councilmen. He asked Mrs. Ryan which Councilman he contacted, and she replied that he admitted to it several times. He then asked the Councilmen to come forward and say who it was that he has emailed or texted. He said she is saying false information.

After Mrs. Ryan’s #5 point, Councilman Wynkoop said he could agree with that. A resident asked Mrs. Ryan if that was in public record, and Mrs. Ryan replied yes. She said that all of her facts were in public record.

Jennifer Hansen, 17064 Neal Drive. Ms. Hansen said that she has recently purchased lot 12 in the Frankin Pond subdivision. She said that the owner of lot 13 has shrubbery and debris that has grown into her area, and she asked Council for assistance in getting it cleaned up. Karin Arellano said that the property Ms. Hansen is talking about is being sold, and the closing is tomorrow. Karin said that the new owners were going to re-vamp the entire property. Mayor Bennett said that cleaning up that property has been an eight year battle, and staff has fought the overgrowing of the property through Code Enforcement.

COMMITTEES

Visioning Committee, Karin Arellano and Carolyn Ann. Karin stated that they have recruited eight residents to participate on the Visioning Committee. She said that if anyone else would like to help, they would welcome them. Carolyn Ann gave an update on Montverde Day. She said that they have secured the Jim Van Fleet Band, a popular country band. She said they are hoping that securing this band will mean that they can attract more vendors and visitors. Carolyn Ann also said that Rob Nichols will be returning to the stage, as well as the Greg Warren Band, and the First Baptist Church group. She said that they are currently looking for a sponsor for the Globe of Death Circus Act, which is the giant ball where the motorcycles drive around. A member of the family that originated this Globe lives in Montverde, and they are hoping to bring this act to the Festival. It costs \$7500, so they need a sponsor. For food vendors, they have a verbal agreement with Four Rivers to be the main food vendor. They are hoping to have some more seating areas where visitors can sit and eat, kind of like a Beer Garden.

Carolynn Ann said that the main reason they are here this evening was to talk about getting vendors for the festival. She said that they are trying to get new vendors to attract a bigger crowd and bring in more money. They found a company called Festivals of Florida Inc. This company has a network of vendors that they can tap into to bring in new life to the festival. They would help secure different vendors and sponsors; they charge a fee of 20% of any vendor or sponsor they secure. The Committee then would like to raise the cost of a booth for Montverde Day Festival. It has been \$20 for a booth for many years. Other cities charge around \$100 per booth, so the Committee would like the fee increased. Festivals of Florida would not only be responsible for booking vendors and sponsors, they would also help with setup and organization of the festival. Karin said that this company does the Blueberry Festival and other local festivals. She said that they are trying to get different vendors to the event.

Mayor Bennett asked if residents would still be able to get yard sale booths for free. Karin and Carolyn Ann both said yes. Karin said that they did not want to take away the hometown feel, they just wanted to bring in some different vendors. She said that anyone who has a water bill can get a free booth.

Karin said that she has noticed that some vendors get tired and break down at noon. She said that she wanted to get vendors to agree to stay until the end of the day.

Mayor Bennett asked if the company has a following among vendors, and Karin said yes. Councilman Nix asked what would happen if the company could not get their vendors to come. Karin responded that the Town still has their regular vendors that will be getting booths. Councilman Nix commented that these regular vendors are also expecting the booths to cost \$20. Mayor Bennett said that the Town usually has about 125 booths, and he asked if they were going to increase the number of booths available. Carolynn Ann said that the park is mapped out for 140 booths, so they will be hoping to sell out those 140. She said that the Committee is not going to be totally dependent on the company to sell booths; the Committee is still going to go out and sell booths on their own. Councilman Pierce asked if the company gets a piece of all the vendors or only the ones that they bring in. Carolyn Ann said that she is not sure. Mayor Bennett asked if the company thought that the Town should be charging \$75 to \$100. Karin said that the company felt the Town should be charging even more than that; the Committee decided \$75 to \$100 was appropriate. Karin said that other local festivals charge significantly more than Montverde.

Councilman Nix said that he doesn't mind the idea, he would just like a contract to look at. Anita Geraci-Carver stated that she feels a contract would be necessary for these services. Mayor Bennett suggested the Town compose a Memorandum of Understanding.

The representative from Festivals of Florida spoke and said that he could answer any questions. Councilman Pierce asked for clarification about the number of booths. Karin stated that there are 140 paid spots. Councilman Pierce asked the representative what he would do if the Town only sold 40 booths on their own. The representative said that by only charging \$20, the Town is not getting quality vendors. He said that he understands that this festival is not necessary a money-maker for the Town, but if the Town is interested, there is money to be made. Councilman Pierce said that they are not

interested in growing the Festival, because there is no room for additional booths or parking. The representative said that it seems the Town is interested in growing the quality of the Festival. Councilman Pierce asked the representative if he will be getting a cut of all the booth sales or just the ones that he sells. The representative responded he will get a cut of the booths he sells. Councilman Pierce asked how the Town will know which booths he sells. He asked if someone calls Town Hall and wants a booth, what will happen. The representative said that to make it easier, everyone should just come through him. He said that management is part of the services they provide. Mayor Bennett asked if the company was bonded; the representative replied that he is insured. The representative said that he has a list of about 300 good quality vendors that they can contact. In their vendor agreement, it states that the vendor has to stay the entire day.

Councilman Pierce stated that these good quality vendors are used for the Blueberry Festival and other larger festivals; are they going to be upset that Montverde is so small and that parking is so limited? The representative said that is a risk, and there are going to be risks associated in changing the festival. Carolyn Ann said that she has been around for two years, and there has already been this discussion among vendors that they aren't making any money. She said they are hoping to change that. Councilman Pierce said that he is just concerned because the Town's festival cannot put out Blueberry Festival numbers.

Mayor Bennett said that he is all for this, because putting the festival together is exhausting. Councilman Bates asked how set up would work. The representative said that they will assign each vendor a number and they will assign each vendor a time to set up so that not everyone is trying to get in and set up at once. Councilman Bates said that he knows from experience that set up the morning of the festival is very hectic.

Councilman Bates also said that he concerned about the local vendors that have been coming for a long time and whether they are going to be able to afford the increased cost. He mentioned the bird house vendor, the candle making vendor, etc. The representative said that he would suggest doing away with these vendors as the intent is to bring in better quality vendors which would in turn bring in more people. He said that the Town keeps bringing in the same \$20 vendors and keeps getting the same turnout and the same amount of money. Councilman Bates said that there were a lot of \$20 vendors that he would not like to see go away. The representative said that this is Montverde's festival, and if Montverde wants to have the old vendors, then they can. But, there is a lot of competition with other festivals in the area, and if Montverde wants to compete, then it will have to get new vendors. Councilman Nix said that he did not remember a whole lot of local vendors last year. Councilman Bates said that he knows of some that come from Ferndale and some from the Trails of Montverde. Councilman Nix said that he helped some vendors set up last year, and some of the things they put out to sell were of very poor quality. Councilman Bates said that he remembers the local man who made bird houses, which were of good quality, and he would hate to see that go away.

Mrs. Mercer, a resident who lives on Ridgewood, said that she knows that the Founders' Day Festival has a lot of local vendors, and their booths cost \$300 to \$500. Karin said that the Founders' Day Festival is a three day event.

A resident asked the representative what attendance number would make him happy, as well as the vendors and the Town happy. The representative said that increasing the number of visitors is not what they are looking for, but rather increasing the quality of the event. Sandy Farnsworth, also with Festivals of Florida, said that they want to bring quality vendors as well as a variety of vendors. She said that it does not take 3,000 people buying from the booths to make it successful for the vendor. She said it is about providing a good environment that promotes the festival as well as the vendor. If the Town provides good quality vendors this year, the crowds will definitely increase next year.

Jose Gonzales said that this new process is fine, but this event started out as a community event for this small town. He asked if the Town was going to provide increased security for the increased crowds. Mayor Bennett said that the Sheriff's team shows up every year to provide security.

Nancy Jo Davidson said that she has been a long time resident in Montverde, and she agrees with Councilman Bates. She thinks this is a small community event, and it is fine to have the event grow, but she would hate to see the Town turn its back on vendors that have been coming in the past. Mayor Bennett suggested that the old vendors could be offered their booths for the normal \$20; they could be grand-fathered in.

A resident asked what kind of vendors the Town would be getting. He asked if the Town would just be getting more food vendors. Karin Arellano said that she felt the focus should be on the variety of vendors that Festivals of Florida can offer, not necessarily on the quality of vendors they can bring. Carolyn Ann said that they have had feedback from prior vendors that they aren't happy or selling as much as they would like. So they are trying to fix that. She said that they still want to work with the locals but they want to bring in some new different vendors as well.

Councilman Pierce said that he wanted to point out that Karin and Carolyn Ann have done a lot of work for the Visioning Committee, and as a Councilman, he has to listen to what his Committee is recommending. He said that he hopes that those who disagree with what the Committee is recommending would join the Committee and get involved and put the time in. He said that if Council continues to cut the legs off of the Committee as they have in the past, then all that is going to do is stop community involvement by residents. He said Karin and Carolyn Ann are very proud of the fact that they now have eight members, and that everyone should remember that this is what the Committee is recommending, not just what some company wants. Councilman Nix concurred.

Mayor Bennett said that he likes the idea of blending the festival. He would like to see the old vendors back as well as a variety of different vendors. He said it is a lot of time and a lot of work to put together.

Carolyn Ann said that the next Committee meeting is August 13 at 2pm in the strip mall next to the F&M Market. She said their Committee has been meeting since the past year.

Councilman Nix asked if the representative could provide a contract; he replied yes. Councilman Nix asked if Council could have a special meeting to approve the contract. Councilman Pierce said that they could just authorize the Mayor to sign the contract.

The representative said that it wasn't his intention to get rid of older vendors, he just knows that the Town is behind schedule now for booking booths, and it appears to him that the Town needs help in booking booths. Even with bringing back the old vendors and giving booths away for free, the Town still has quite a bit of booths to fill.

The representative said that he can provide a list of vendors who are accustomed to paying \$100 for a booth, that are experienced, and that will stay the whole day.

Councilman Wynkoop asked what the qualification was to charge only \$20 for a booth. Mayor Bennett said that staff has a listing of everyone who has booked a booth in the past eight years. Councilman Wynkoop asked if Festivals of Florida would administer this. Karin said that staff would have to provide him with a list of vendors. Councilman Wynkoop said that his concern is that the representative is financially motivated to wrongfully turn down someone for \$20 so that he could sell the booth for \$100. The representative said that he is on the Visioning Committee and has been for the past year. He said that it was never his intention of getting involved in this way; he was just volunteering his time. He said that even if he sells all of the Town's booths, it is a lot of work for a small amount of money. It would equate to about \$10 an hour. Karin clarified that the Committee asked him to join as they admired his expertise.

Councilman Nix told Councilman Wynkoop that it took an awful lot of time for staff to put on Montverde Day every year. He said it took Chris many hours out of her day to book booths. This would eliminate the long hours for staff. Councilman Wynkoop said that he would like to see it policed where old vendors get the \$20 rate and do not get cut out.

Bob Tomlinson said that the biggest problem he sees is getting quality vendors. He said that Montverde Day is unique, there are kids singing onstage, and proud parents walking around. He said that he has seen improvement with bringing the Fair to the Festival. He said that he doesn't see what the problem is, as this man is offering to sell our booths for a fee, bring in different types of booths, and it alleviates time for staff. The representative clarified that he was hoping to sell the booths for \$75, with the Town getting \$50.

Councilman Pierce said that the problem is trying to get everyone going at the same pace. He said that company would like to go 180 miles an hour, some residents want to go 20 mph, while the Committee wants to move it to 40 mph. Council is trying to get everyone moving forward at the same pace.

A resident asked if there are other festivals going on at the same time, where will the company get its vendors. The representative said that he has his bank of vendors that he can count on.

Mayor Bennett said that for the last eight years, vendors have come to the Cashier at Town Hall, so maybe that should continue. She could continue to accept money. The representative said that he could do that. Mayor Bennett said that he would hate to lose someone who calls Town Hall asking for a booth and then is told to call someone else.

Councilman Burns clarified that old vendors would get their booths for \$20. He asked about the Not For Profits. Mayor Bennett said they have gotten their booths for free, so that would continue. Councilman Burns also verified that residents would get their booths for free. Councilman Burns said that he liked the way Montverde Day was, he liked the kids singing, the families playing in the park.

Councilman Bates said that his only concern is that there are people who have been coming back to Montverde Day looking for the same booths. He said that every year, he buys his wallet at Montverde Day because he looks forward to seeing that vendor. Councilman Bates said that he just wants to make sure we don't eliminate these older vendors.

Councilman Pierce said he thinks that this company will be a turn-key administrator for this festival. They would be doing more than just providing vendors. He said that it requires so much work to put the festival on, that it would be nice to get some help.

Mayor Bennett said that he doesn't want to see the face of Montverde Day change. He said that he is proud of what he has helped it become. But he sure could use the help.

Colleen Buns stated that her company has been edged out of Montverde because the Town will not allow more than one vendor to participate. Mayor Bennett said that that is the hot topic every year. People fight over this every year. He said there is no winning with this. He said maybe the Town can look at allowing more than one vendor for the professionals (more than one bank, more than one realtor, etc.). Karin Arellano said that there is a difference between allowing more than one vendor and allowing a vendor to compete with a sponsor. She said that if someone is a major sponsor, they usually do not allow a competing firm to have a booth. Colleen said that she thinks Karin has done a great job as main sponsor for the event, but maybe the sponsorship should be open for everyone to have a chance. Mayor Bennett suggested Colleen go the Visioning Committee meeting to discuss and get involved.

Councilman Wynkoop said that everyone should go to the Committee meeting, and that he is going. Councilman Burns said that he thought Councilmen could not participate in committees. Councilman Wynkoop said that he could go and just not vote. Mayor Bennett said that Ethics courses will tell Councilmen to stay away. Councilman Wynkoop said he could just go and observe.

The representative said that if the Town is happy with \$50 per vendor, and he sells the booth for \$75, then he would get to keep \$25. If he brings in a sponsor, then he would get 20%.

MOTION by Councilman Pierce to negotiate and sign a contract with Festivals of Florida, oversee the Committee and the company, and come up with a reasonable contract, keeping in mind the attitude and direction given by public comment and Council; SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

Mayor Bennett opened the floor back up for public comment. A representative from Montverde Academy asked to address Council. He said that it is not the policy of the Academy to disclose financial information for any student. This information is only provided to the parent; it is not public information. He also said that everyone has the right to apply for financial aid to attend Montverde Academy. They must apply through a third party organization, which determines the amount of financial aid to provide. He then said that there is not an improper relationship between the Academy and Council. The Academy has made an effort to partner with this community and to help with projects that help the Town and the Academy. This has involved working closely with the Mayor and the Council.

UNIFORM COLLECTION AGREEMENT WITH THE LAKE COUNTY PROPERTY APPRAISER REGARDING FIRE ASSESSMENTS

Anita Geraci-Carver stated that Council adopted a similar agreement with Lake County Tax Collector, whereby statute allows them to recover their costs, up to 2% for any mailings and administrative work that they do. The Property Appraiser has work to do as well, and this just memorializes the agreement with them.

Councilman Bates asked about the veteran's discount that Mrs. Ryan talked about. Anita Geraci-Carver said that these veterans would have to make application to the Town and the Town would have to determine whether to allow the discount. She said that what Mrs. Ryan is proposing would have to be established next year, since the advertisements have already been done for this year. She said that a resident could still provide for hardship.

MOTION by Councilman Wynkoop to approve the Uniform Collection Agreement with the Lake County Property Appraiser; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-20 AMENDING THE BUDGET FOR FY 2015 FOR ADDITIONAL FUNDS FOR FHP EXTRA PATROL

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett opened the floor for public comment. A resident asked how much is generated from tickets. Finance Director Mary Gillis replied that the Town only gets about \$600 or \$700 each year. Councilman Nix said that they aren't really doing the extra patrol for the money, but rather to stop speeders.

Seeing no further public comment, Mayor Bennett closed public comment.

MOTION by Councilman Pierce to approve the Ordinance 2015-20; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-21 AMENDING THE BUDGET FOR FY 2015 FOR INSTALLATION OF LIGHTS ON THE RECREATIONAL TRAIL

Anita Geraci-Carver read the Ordinance in title only.

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

MOTION by Councilman Bates to approve Ordinance 2015-21; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-13 AMENDING THE BUDGET FOR FY 2015 FOR MAINTENANCE IN FIRE DEPARTMENT

Anita Geraci-Carver read the Ordinance in title only.

Councilman Nix confirmed that Council already approved these expenditures. Mayor Bennett replied yes, and that this was just administrative clean up.

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

MOTION by Councilman Pierce to approve the Ordinance 2015-13; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

ORDINANCE 2015-22 AMENDING THE BUDGET FOR FY 2015 FOR THE PURCHASE OF THE HARDEN PROPERTY

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett explained that this was a \$250,000 transfer for the purchase of the Harden property. He said that he got a lot of phone calls on this after Council voted to purchase the property. Mayor Bennett said that if the Town were to get an appraisal on the property and house, it would not be worth \$250,000. He said that the copies of appraisals he obtained said it was only worth about \$170,000. But it wasn't about what the property was worth at that particular moment. It was about where the Town was going in terms of available land. If the Town was ever going to expand, this was the only way it could do it. Ten years from now, the Town will be very glad that the purchase was made. Councilman Bates commented that this was like the Stetcher property as far as having a lot of future value. Councilman Nix added that the cost of the property was initially a lot more - \$350,000. He also added that there is a house on the property now that could be used for a new library, fire department, etc.

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

MOTION by Councilman Pierce to approve the Ordinance 2015-22; SECONDED by Councilman Nix.

For: Burns, Bates, Nix, Pierce

Against: Wynkoop

CONTINUING SERVICES AGREEMENT FOR ENGINEERING CONSULTANT

Mayor Bennett explained that the Town went out for bid for an engineering consultant. Mayor Bennett said that Steve Romano has left CPH and joined a new firm. Steve has worked hard for the Town's projects, and understands the layout of the Town. Two firms responded to the RFQ, and the two firms were ranked. Councilman Pierce asked if CPH responded. Anita Geraci-Carver stated that their contract is still in effect, and their contract states that the Town can have more than one engineer. So the Town has the option of going to CPH for engineering services or to the other contracted firm.

Mayor Bennett said that the firms were ranked on their overall capability and experience, understanding of the Town's needs, location of office, etc. Kimley Horn was ranked first; CCEI was ranked second.

Councilman Nix said that his concern is double-dipping. Will CPH be charging for the June project during the interim while Kimley Horn charges for the same thing? Steve Romano responded that he thought the Town has paid CPH for the June project. Councilman Nix said that staff needs to let CPH know that Kimley Horn will take over some of these projects so there is not double-charging.

Mayor Bennett explained that the Town is done with the June project to a point. The Town will have to engineer a long water line for emergency water backup. Oakland does not want June to do that, but rather Montverde. June would then reimburse Montverde. This would all come together with the developer's agreement.

Anita Geraci-Carver stated that she submitted the exhibit and Jimmy Dunn had some changes. Then she will circulate that to Oakland to make sure they are ok with the changes. Then Council will have to re-

approve it, then it would go back to Oakland for approval. Mayor Bennett asked what was changed. Anita said that Jimmy Dunn is just providing an exhibit that is being attached to the agreement.

Mayor Bennett stated that the discussions have been over the placement and installation of this water line, as well as the placement of the head, and then to define what emergency water meant. Oakland thought that if all wells shut down on the property, the emergency system would kick in, and they would allow Montverde 14 days to fix it, then the emergency lines would shut down. Steve Romano stated that Oakland was worried that if all the backup contingency was based on their interconnect, that the Town wouldn't maintain the plant, that it would just get the water from Oakland.

Councilman Burns asked about the Third "Whereas" in the contract, which states "whereas consultant has represented whereas Town has relied to its detriment that consultant is qualified..." Anita Geraci-Carver explained that that is essentially stating that if the Town is harmed because the engineer was not qualified, then there is a legal issue.

MOTION by Councilman Pierce to accept the rankings, authorize the Mayor to negotiate the fees and terms, and approve the Mayor to sign the Engineering services contract; SECONDED by Councilman Nix.

Councilman Wynkoop asked for more time to review the contract. Mayor Bennett said that time is of the essence as Steve was in the middle of some projects that the Town needs him to pick back up. Councilman Nix stated that the Town does not have to actually use Kimley Horne; CPH can still be used.

For: Burns, Bates, Nix, Pierce, Wynkoop
Against: None

COUNCIL AND MAYOR

Councilman Burns

Pass.

Councilman Bates

Councilman Bates said that it was good to see such a turnout for the Caucus.

Councilman Nix

Councilman Nix said that he would like to see something done with the overgrown properties in Town. He brought up Vera Higuera's property. Mayor Bennett said that the property is in between ownership, as it is in probate. Councilman Wynkoop asked if the property can be liened. Mayor Bennett said that he could do that, if that was Council direction. Councilman Nix also asked about the right of way on CR 455; he said that the County is obviously not mowing there. He asked if the Town could mow it. Sean Parks said that he would look into it.

Councilman Pierce

Pass.

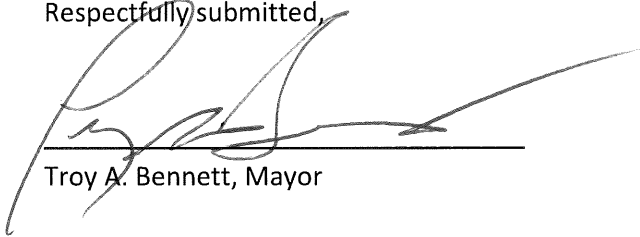
Mayor Bennett

Mayor Bennett said there are people who have paid their fire assessments ahead of time, so the Town needs to start writing checks to them. And there are people who haven't paid for prior assessments, so the Town needs to write it off. Anita Geraci-Carver asked if there was a way for the Town to include prior assessments on the tax bill, would staff want to do that. She said Council could leave it as an either/or to either write it off or include it on the tax bill, if possible. Consensus was to write off the past due assessments.

ADJOURN

MOTION to Adjourn by Councilman Bates; SECONDED by Councilman Wynkoop at 8:55pm. Passed unanimously.

Respectfully submitted,

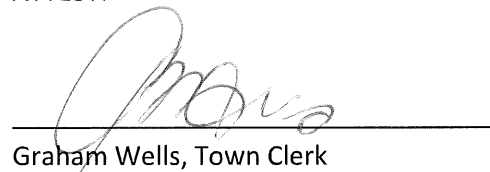


Troy A. Bennett, Mayor



Glenn Burns, Council President

ATTEST:



Graham Wells, Town Clerk

