

**MINUTES
TOWN OF MONTVERDE
TOWN COUNCIL MEETING**

August 9, 2016

The Town of Montverde met in regular session on Tuesday August 9, 2016 at 7:00 pm in the Town Hall Auditorium.

Council Present:

President Billy Bates

Vice President Glenn Burns

Jim Ley

Judy Smith

Jim Peacock

Staff Present:

Graham Wells, Town Clerk, Treasurer

Kevin Rausch, Fire Chief

Anita Geraci-Carver, Town Attorney

Mayor Wynkoop called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

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

The invocation was given by Pastor Arch Fisher of First Methodist Church, Montverde.

The Mayor invited Andres Obregon, to address the residents of the Town. He is running for the position of Lake County Sheriff which will be vacated by Sheriff Gary Borders who will retire after the election in November. Each month the Town has invited a candidate to speak. Mr. Obregon spoke about his background, family and his experience in Law Enforcement and anti-terrorism training. He outlined the platform the he was running on before taking questions and addressing the concerns of the citizens of the Town.

MINUTE APPROVAL

MOTION by Councilwoman Smith to approve the Regular Council Meeting Minutes for July 12, 2016 correcting a date error; SECONDED by Councilman Burns

For: Bates, Burns, Ley and Smith Peacock

Against: None

MOTION CARRIED 5-0

**MOTION by Councilman Ley to approve the Special Council Meeting Minutes from July 26, 2016; SECONDED by Councilman Burns
For: Bates, Burns, Ley and Smith Peacock
Against: None
MOTION CARRIED 5-0**

CITIZENS QUESTION AND COMMENT

Michael Revell – 16824 Ridgewood Avenue requested that Council put in place an ordinance to help him with a high water bill. He said that he was not blaming anyone but that after paying his water bill (service was turned off), Public Works Director Terry Burden said that he was going to turn the water back on. He said that he was out of town when it was turned on and that a water hose was on and created a \$1,000 water bill. He had asked what the policy was in this instance and was told that there was no policy in place.

Mayor Wynkoop repeated what he had said for clarity; that the Town had turned his water back on, that the Town does not have a policy for turning water back on when a resident is not home as they do in Groveland, Leesburg and other cities, that he was out of town when it was turned back on and that Terry came by a couple of days later and found the hose on. He asked Mr. Revell what he was asking for. Mr. Revell responded that he wanted some clarity as he felt that the water should not have been turned on if no one was at home.

Councilman Burns said that it would be a good idea to put together a policy as it was the second time that this has come up in two meetings. He said that he had looked into it and most cities will split the bill between the resident and the city. Montverde should adopt a simple policy to cover this. *Mayor Wynkoop* said that this was a different situation from the other instance which was a broken pipe.

Mr. Revell said that he had waited around all day so that he could water his flowers, that Terry was busy and that he had to go out of town again. He said that there should be a policy outlining what happens if no one is at home. *Councilwoman Smith* asked what would have helped him. *Mr. Revell* responded that a phone call letting him know that the water had been turned on or asking when the resident would be at home so that they could come back.

Mayor Wynkoop said “let’s get a policy going forward, but what do we do for Mike now”? *Councilman Bates* said that this was different from a pipe break. *Mayor Wynkoop* said that the Town was partly to blame. *Councilman Bates* agreed. *Councilman Ley* felt that the Town was at fault for turning the water on when no one was at home. *Councilman Bates* said that he did not blame Terry as there was not a policy in place.

Councilman Ley said that he wanted more firm numbers. *Mayor Wynkoop* said that he needed to figure this out so that he either cut his water off or leave it on as he has a bill. *Councilman Ley* asked how long the water was off for. *Mr. Revell* responded that it had been off for two months as he was out of town. *Mayor Wynkoop* asked Council if they were saying that we should average the previous three months bills and subtract the amount from this bill and forgive the balance. *Councilman Bates* said that the average of three active months should be taken and to forgive the rest.

A motion was made by Councilman Ley to subtract the average of three active months' bills from this bill, whatever the number is and to forgive the balance. The motion was seconded by Councilman Bates.

Resident Allen Hartle said that the Town should have a workshop to set out a policy so that this does not create a precedent for anyone to come and ask for relief when they get a high water bill. He said that more research should be made before a decision is taken. *Mayor Wynkoop* responded that he would put a policy in place going forward that water would not be turned on unless the owner was at home. What he was asking for was direction from the Council to address this situation.

Mayor Wynkoop asked Mr. Revell if he would be happy with the Council's recommendation to which he responded "yes absolutely he would" Being no further comment the motion was voted on.

MOTION by Councilman Ley to subtract the average of three months active bills from this bill, and to forgive the balance: SECONDED by Councilman Bates

For: Bates, Burns, Peacock, Smith, Ley

Against: None

MOTION CARRIED 5-0

CITIZENS QUESTIONS AND COMMENT

Jane Tomlinson thanked those including the Mayor and Council members that turned up to help clear the roadsides of rubbish and litter.

Sandy Smith thanked the Fire Chief and his crew who helped her during a recent fall at her home after being found on the floor by Angie the mail lady.

Being no further discussion the Mayor closed Public Comment.

PROJECT UPDATE

Mayor Wynkoop gave an update to Council on the refurbishment of the Community Center and the Auditorium. He said that the Tree on the island on Lowry Road was about to be taken down. There was nothing to report on the boat ramp. Some of the flowers in the beds were being changed out as they were not flourishing in the Florida heat and had died.

MAYOR AND COUNCIL SECTION

COUNCIL MEMBERS

***Councilman Burns* – PASS**

***Councilwoman Smith* – PASS**

***Councilman Bates* – PASS**

Councilman Ley – Followed up on the ordinance for nuisance homes. *Attorney Geraci-Carver* said that the only ordinance the town has is for the upkeep of homes that are in foreclosure and does not cover other properties. She added that they would be covered through the normal code enforcement procedure.

Councilman Ley asked Sheriff Deputy Young how many homes in the Town get regular police calls. *Deputy Young* thought that there were three homes that were problem properties. These are the ones the ordinance is for *Councilman Ley* said and asked *Attorney Geraci-Carver* to pull down the ordinance that he knew existed in Jacksonville and research the matter further for the town. *Deputy Young* also reported on two burglaries that occurred just outside of the Town's limits which involved a stolen refrigerator and a motor cycle.

Councilman Ley thanked Deputy Young for his service to the town and the good job that he did. He referenced the recent bad press that law enforcement in general was getting and wanted him to know the support that the town has for him and his colleagues. In appreciation of his service a cake was made in his honor which would be enjoyed by all at the end of the meeting.

Councilman Ley said that there was two or three items regarding the benefit package for town staff that he wanted to discuss at a future workshop.

Councilman Peacock – PASS

MAYOR WYNKOOP

Mayor Wynkoop invited Sean Parks in his capacity as County Commissioner to give the citizens an update on the funding for road projects in the town. *Mr. Parks* said that the road plan was approved at County level and that the resurfacing of Ridgewood and the roundabout at Ridgewood and CR455 was fully funded. The funding was through to 2019 and the project would be started once the right of way acquisitions needed for the roundabout were completed. Jim Stivender, County Public Works Director had said that he wanted to complete both projects at the same time.

There was a new light going up at the intersection of CR455 and Old Hwy 50 by Collina Bay. This intersection has seen a number of accidents so this will help greatly. *Mr. Parks* said that both were funded as a result of the penny sales tax and also the gas tax. He added that there was state funding to apply for grants for new subdivisions and sidewalks which the Town was taking advantage of.

Mayor Wynkoop said that the Auditors would be attending the September Council meeting to answer any questions that Council or the citizens have regarding the financial reporting of the Town. He also gave an update on Montverde Day which would be on Friday November 11 and Saturday November 12 this year. The carnival and a band will perform on Friday night like a concert in the park and then on the Saturday the full Montverde Day with vendors, entertainment and food from 8 am to 10 pm.

Peyton Grinnell who is running for the position of Lake County Sheriff will address the citizens at the September meeting if successful in the Republican Primary at the end of August.

Mayor Wynkoop gave an update on the impact fee study. Where the town only has one fee for water, other cities has four or five for things like sidewalks, library, parks etc. The town is also looking at alternatives to the County to handle permitting. A letter from resident Lanny Evans was handed to Council which outlines his opposition to the proposed annexation of the property known as Blackstill East. *The Mayor* asked that they read it and be prepared to discuss it at the next workshop.

New members were proposed by the Mayor to join various committees. They are:

Visioning Committee	- Dewayne Clark
Safety Committee	- Perry Woodruff
Cemetery Committee	- Jan Davis
Parks & Recs Committee	- Russell Anderson
Parks & Recs Committee	- Lance Belcher
Parks & Recs Committee	- Maggie Wattier

MOTION by Councilman Bates to approve new members to committees; SECONDED by Councilwoman Smith

For: Bates, Burns, Peacock, Smith, Ley

Against: None

MOTION CARRIED 5-0

Dan Davis has signed up for the Citizens on Patrol (COP) program. The first training session is scheduled for the end of August which is first class. If anyone would like to be a part of the program then please call the Mayor. \$5,000 has been put into the budget to replace the towns COP car which is requiring significant repairs.

Deputy Young thanked everyone for the cake. He said that the Town was slow right now after spending nearly two weeks targeting speeders on CR455. He has been venturing further towards Ferndale to slow those down approaching the town. He advised residents that there had been a lot of car burglaries, not in Montverde but particularly on south 27 and 192. In one night there were sixteen so make sure your car doors are locked. Motorcycle thefts are also on the rise with many being found in Ferndale. It is believe that they are being stolen for resale. Lastly he advised that the Explorers will be there to assist with Montverde day for parking and other duties.

A date for a Council workshop was set for August 23, 2016 to discuss Blackstill East and also the benefit package for Town staff.

COMMITTEE REPORTS

Bob Tomlinson – Visioning Committee. Showed the carpet squares that the committee had picked out for the auditorium and gave a brief update on the progress with the auditorium lights and the kitchen and windows in the community building. He added that the committee was working on having two signs specifically for veterans parking installed outside of Town Hall and the Post Office.

Mr. Tomlinson brought up the issue of the Sunshine Law affecting committees. He asked as a committee working for Council and the Mayor whether they fell under the sunshine law. *Attorney Geraci-Carver* responded that as an advisory committee they are more autonomous and are making decisions within the budget. Giving advice to Council brings you within sunshine.

Mr. Tomlinson questioned that they could not talk to other committee members, even spouses. *Ms. Geraci-Carver* spelled out that their meetings must be noticed on the website and bulletin Board not less than seven days in advance unless it was an emergency meeting. She added that minutes of the meeting must be recorded and made available to the public. Anything that is in the realm of possibility in coming before the committee falls within sunshine and must not be discussed between members outside of a properly noticed meeting.

Only committees that are only purely fact finding are exempt from the Sunshine Law. *Mayor Wynkoop* said that he needed more clarification about fact finding committees and would steer them more in that direction in the future. *Attorney Geraci-Carver* stated that violation of the Sunshine Law is a criminal offence.

Resident Don Hiatt asked the committee to come up with a long range modern looking, forward thinking plan for the Town's buildings and infrastructure.

Rusty Meyers – Cemetery Committee. She said that the committee was working on Veterans Day and needed musicians to play some of the old hymns. The committee was also working on a memorial for our Veterans.

Sandy Smith – Historical Committee. In response to earlier talk about having a new community building in the Town she opined that we have a million dollars of peace and quiet and do not need one. We should strive to keep Montverde the way it is and if it is to be built, make it away from these historical buildings.

PUBLIC HEARING FOR RESOLUTION 2016-12 SETTING THE FIRE ASSESSMENT RATE FOR 2016-2017

The resolution title was read by Attorney Geraci-Carver. *Councilwoman Smith* said no one likes to raise taxes but also nothing is for free. We can either pay for the fire protection provided by the Town or we can go to Lake County which is a lot more. The new developments planned in the town may bring in more tax but right now we have to deal with what we have. Dipping into the general fund is not an option.

The Mayor said the assessment needed to be increased to \$120 per household per year to cover the cost of the fire department without taking money from the general fund. *Councilman Peacock* said that a \$40 increase was a big hit and that he was more comfortable with a \$10 to \$20 increase and to move it up to the amount needed over time. *Councilwoman Smith* made a motion to increase it to \$100. *Councilman Ley* interjected that he was opposed to any increase and want it to remain at \$80.

At this point an amount of passionate discussion took place by both Council and citizens with differences of opinions over what period the \$80 charged last year covered and what the proposed increase represented. *Councilman Peacock* asked whether we need to raise it at all and if we do not, are we losing anything by taking the money from the general fund. He agreed with Councilman Ley not to raise the rate for the sake of making the Fire Department self-financed.

There was a question of the validity of having an increased assessment with a corresponding reduction in the millage rate. *The Mayor* explained that this did not work and actually benefitted high value homes while smaller homes paid more. There was also a benefit to the assessment as the Academy paid an equitable share based on the square footage of their buildings and the homes they own in the town.

Councilman Bates made an accurate statement explaining the history since the fire assessment was added to the tax roll last year. In prior years a \$40 assessment was billed in advance and collected by invoice directly from the Town. This had a very poor collection rate and by putting it onto the tax roll the delinquencies would be eliminated. When the new rate of \$80 was voted on and put on the tax roll it is collected in arrears. This meant that both the \$40 and the \$80 would be due in the same year making a total of \$120 for that year only. As a result Council voted to waive the \$40 charged by the Town. The new rate was \$80 for the year which amounted to a \$40 increase. Going forward the rate would remain at \$80 or whatever increase Council decided.

At this point, 9:22 pm a five minute break took place.

On resuming the meeting the Mayor reminded Council that Councilwoman Smith's motion was still on the table and a second to the motion was requested. There not being one the motion was defeated.

A motion by Councilman Ley to keep the rate at \$80 for residential properties was seconded by Councilman Peacock. A vote was taken with Council members Ley, Peacock and Burns in favor and Council members Bates and Smith not. *Attorney Geraci-Carver* requested that the motion be amended to adopt Resolution 2016-11 which also included the rates for non-residential, educational and vacant land. A new vote was taken as follows:

MOTION by Councilman Ley to approve Resolution 2016-11; SECONDED by Councilwoman Smith

For: Bates, Burns, Peacock, Ley

Against: Smith

MOTION CARRIED 4-0

COUNCILS RESPONSE TO MR. CHIU'S REQUEST FOR ASSISTANCE WITH A HIGH WATER BILL DUE TO A BROKEN PIPE.

Mayor Wynkoop said that he could not find anything to help. He had checked with other cities and they only allowed the bill to be paid over time. Councilman Peacock recalled a previous request from a resident who was allowed to pay over time but no grace was given on his bill.

He added that this was a broken pipe and was happy to split the bill with the owner. He doesn't want to set a precedent as long as we can see where the water went. Councilwoman Smith felt that we would be setting a precedent if the break was on their side of the meter. *Councilman Bates* said that the Town should establish a protocol first before we do anything.

Councilwoman Smith said that it was not smart to let anyone come to council with a high water bill if there is not a policy in place to deal with it. Council could help him tonight but put a policy in place for the future. *Attorney Geraci-Carver* said that it would set a precedent if a similar case came before Council. *The Mayor* said that if Town Hall had any requests for an adjustment to a water bill, staff would refer them to Council to make a decision.

Councilman Peacock made a motion for the Town to forgive 50% of the cost due to the nature of the problem and the repairs that were verified; seconded by Councilman Ley. *Councilwoman Smith* felt that the assistance should only be one-third and Mr. Chiu be allowed to pay the balance over time. She added that in the future ordinance a cap should be included. *Councilman Bates* wanted a cap of \$500 to be included in the motion should anyone else come forward in the future. A revised motion was made.

**MOTION by Councilman Peacock to help Mr Chiu with 50% of his bill not to exceed \$500;
SECONDED by Councilman Ley
For: Bates, Burns, Peacock, Ley, Smith
Against: None
MOTION CARRIED 5-0**

Being no further business a motion to adjourn was requested.

**MOTION TO ADJOURN by Councilman Peacock to adjourn; SECONDED by Councilman Bates
For: Bates, Burns, Ley, Peacock, Smith
Against: None
MOTION CARRIED 5-0**

Respectfully submitted,



Joe Wynkoop, Mayor



Billy Bates, Council President

ATTEST:



Graham Wells, Town Clerk