

**MINUTES
TOWN OF MONTVERDE
TOWN COUNCIL MEETING**

December 13, 2016

The Town of Montverde met in regular session on Tuesday December 13, 2016 at 7:00 pm in the Town Hall Auditorium.

Council Present:

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

Staff Present:

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

Mayor Wynkoop called the meeting to order at 7:20 pm. As the LPA meeting preceded this Council meeting the Pledge of Allegiance was dispensed with. No formal roll call was taken but the Town Clerk determined that a quorum was present.

At this point, County Commissioner Sean Parks came forward to swear in newly elected Council Members Billy Bates and Jim Peacock. Each Councilman drew a number to determine which seat they will sit in. Once everyone was seated the election of Council President and Vice President took place.

A nomination to elect Jim Peacock for Council President was made by Councilwoman Smith; seconded by Billy Bates. The vote was carried unanimously.

A nomination to elect Jim Ley for Vice president was made by Billy Bates; seconded by Jim Peacock. The vote was carried unanimously.

MINUTE APPROVAL

MOTION by Councilwoman Smith to approve the Special Council Minutes for September 27, 2016; SECONDED by Councilman Bates

For: Bates, Burns, Ley Smith, Peacock

Against: None

MOTION CARRIED 5-0

**MOTION by Councilman Ley to approve the Regular Council Meeting minutes for November 8, 2016; SECONDED by Councilwoman Smith
For: Bates, Burns, Ley, Smith, Peacock
Against: None
MOTION CARRIED 5-0**

**MOTION by Councilman Peacock to approve the Council Workshop minutes for November 14, 2016; SECONDED by Councilwoman Smith
For: Bates, Burns, Ley, Smith, Peacock
Against: None
MOTION CARRIED 5-0**

CITIZENS QUESTION AND COMMENT

Mr. Joe Morrin commended the Montverde Fire Department for their service when his wife was recently taken ill. After an ambulance was called three firefighters from Montverde FD arrived within minutes, were very professional and did their jobs well.

Sandy Smith a local person said that she knows the members of the Council, the Attorney and the Clerk and it was encouraging to see them out and about supporting events that happened in the community. She said that it is appreciated and wished everyone a Merry Christmas.

COMMITTEES AND BOARDS

There were no Board or Committee members present to report.

MAYOR AND COUNCIL SECTION

COUNCIL MEMBERS

Councilman Ley – Complemented the staff, committee members and volunteers for their effort to make Montverde Day such a success.

Councilman Peacock – Agreed that Montverde Day was a great event. He raised the issue of the repaving and water line on Lowry Road that need to be addressed.

Councilwoman Smith – Voiced concern about the blight on her subdivision with snakes and rats congregating around the edge of the pond that was not being mowed. Also the derelict building on 8th Street needed to be demolished before someone got inside and got hurt. *Mayor Wynkoop* said that he would get Terry to take a look it. He recommended getting a list together of all properties that were in need of attention.

Councilman Bates – Wanted to ask questions about the Town’s LDR’s but was asked by the Mayor to hold his questions until another point in the meeting.

Councilman Burns – Said that someone needs to attend the Lake County Parks and Trails meeting when the date is set. Sean Parks said that the master plan is going to be updated and it is important that input is given from the Town. He would communicate the date when he knew it.

MAYOR

Mayor Wynkoop thanked the committee for putting on Light up Montverde. Around 250 people attended with over 100 remaining for the movie in the park.

He explained what had gone on with the stop sign that appeared on CR455 for about six hours. The Public Works department at Lake County had jumped the gun and promptly removed it. He welcomed residents to call him with their feelings on having it put back.

WastePro have been using a truck that has been leaking hydraulic fluid around the Town. He assured residents that he was dealing with the problem and that a crew had been hire by WastePro to clean up the mess.

He was having a workshop with Council to put a schedule together for Capital Improvements that needed to be funded in the next ten years.

He thanked the Visioning Committee for putting up and decorating the seven Christmas trees and also the Public Safety Committee for their work on a new golf cart ordinance.

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

Fire Chief’s Report – Councilman Bates said that he was curious as to why one of the Lake County Fire Trucks attending the fire on the mobile home park was going down 1st Street. The Fire Chief stated that on the GIS map, 3rd Street was still showing as being open. This was an issue that he would address in conjunction with Sean Parks.

Library Report – No comment or questions were received.

NEW BUSINESS

RESOLUTION 2016-26 GRANTING FINAL PLAT APPROVAL FOR MORNINGSIDE PARK SUBDIVISION

The Planning and Zoning Board have considered the application in accordance with the procedures for granting Final Plat Approval in Chapter 8 of the Land Development Code, subject to conditions. The Planning and Zoning Board recommended approval of the Preliminary Plat with conditions, and the Town Council approved the Preliminary Plat with conditions. The proposed Final Plat includes 5’ wide sidewalks adjacent to all rights of way, the installation of street lights and the installation of swales on each lot for stormwater purposes. The Planning and Zoning Board and Staff recommended approval of the Final Plat with the conditions described above.

Anita Geraci-Carver read the Resolution title. The Mayor opened public comment; there being none he closed it. *Sean Parks* outlined the procedure that has got to this point. The final plat approval requires sidewalks and street lighting to be installed. The developer will install the lights as long as the Town pays the electricity bills ongoing. The question of the size of the lots being half-acre was raised. *Mr. Parks* said that this was originally platted in 1925 for fourteen (14) lots. The developer has re-platted the subdivision reducing the number of lots to eight (8). The lot size is in line with the current zoning on the parcel which is R1-M (1/4 acre lots).

There being no further discussion a motion was requested.

MOTION by Councilman Bates to adopt Resolution 2016-26; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE SOUTH LAKE REGIONAL WATER COOPERATIVE

The Agreement is proposed to be between the five south Lake Cities, Lake County, and Lake Utility Services, Inc., a private utility provider in south Lake County. Elected officials from each of the five cities and Lake County will be members, and staff will provide expertise and support at their meetings. The purpose of the Cooperative is to work jointly to identify opportunities for funding, sharing of capital resources, hiring consultants, and working towards common requirements and programs for the conservation of water resources.

If funding is needed for a project, a separate Memorandum of Understanding will be entered by those parties participating. The MOU will appoint a lead agency to oversee the project, but all members will participate in selection of consultants and receive the work product. Any MOU which the Town will participate in which requires funds will be brought before Council for approval prior to proceeding.

Sean Parks explained that St. Johns will not give funds to individual cities for water projects, only to a cooperative. The Interlocal Agreement was approved some four to five years ago and this is just to update the existing agreement. *Councilwoman Smith* expressed concern over the excess water usage from illegal irrigation practices and bottling plants. She felt that the Town should be more proactive in clamping down on those who water their lawns outside of the times permitted by St. Johns.

The Mayor opened public comment; there being none he closed it and requested a motion.

MOTION by Councilman Peacock authorizing the Mayor to sign the Interlocal agreement: SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

NOMINATION BY THE MAYOR FOR CITIZENS TO SERVE ON THE TOWN'S BOARDS AND COMMITTEES

Council's approval for these citizens to serve on the respective Board and Committee was requested.

Karin Arellano to replace Skip Perry on the Planning and Zoning Board.

MOTION by Councilman Bates to approve Karin Arellano to serve on the Planning and Zoning Board; SECONDED by Councilman Burns

For: Bates, Burns, Ley Peacock, Smith

Against: None

MOTION CARRIED 5-0

Marlene and Duane Clark to serve on the Visioning Committee.

MOTION by Councilwoman Smith to approve Marlene and Duane Clark to serve on the Visioning Committee; SECONDED by Councilman Peacock

For: Bates, Burns, Ley Peacock, Smith

Against: None

MOTION CARRIED 5-0

APPROVAL FOR THE PLANNING AND ZONING BOARD TO REVIEW THE TOWN'S SUBDIVISION ORDINANCES.

At the November 29, 2016 Planning and Zoning Board meeting where Ordinance 2016-16 came before the Board, it was suggested that a full review of the Town's subdivision ordinances was needed. A motion was made requesting Council's permission to review the ordinances as it would require the assistance of Staff which has a financial implication.

Permission for the P & Z Board to review the subdivision ordinances with the assistance of staff was requested.

MOTION by Councilman Ley to approve the Planning and Zoning Board to review the subdivision ordinances with the assistance of the Town Planner, Attorney and Engineer; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

NOMINATIONS PUT FORWARD BY THE MAYOR TO SERVE ON THE COMMITTEE TO APPOINT A NEW AUDITOR FOR THE TOWN

The firm that the Town has engaged to conduct the audit over the past few years is no longer conducting Governmental Audits. As such the Town will have to hire a new firm. There is a procedure and State requirements to follow when hiring a new auditor including the creation of an Audit Committee.

The committee consisting of five citizens of the Town will recommend to Council what should be included in the proposal for services. The request for proposal would be advertised and all responses would be reviewed by the committee and their recommendation made to Council at a public meeting as to who they should hire.

Nominations to serve on the audit committee are Russell Anderson, Roy Patterson, Don Hiatt, Denarvise Thornton and Al Chiu.

Approval for these citizens to serve on the committee was requested.

MOTION by Councilwoman Smith approving the nominations to serve on the Audit Committee; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINANCE GIVING THE MAYOR THE AUTHORITY TO DECLARE A LOCAL STATE OF EMERGENCY IN THE TOWN

Anita Geraci-Carver read the Ordinance title. This is the first reading of Ordinance 2016-28 amending Section 2-21 in Chapter 2 of the Town's code of ordinances. It provides for the Mayor to declare a local state of emergency where necessary to protect the health, safety and welfare of the citizens of Montverde.

The Mayor opened public comment; there being none he closed it and requested a motion.

MOTION by Councilman Ley to adopt Ordinance 2016-28 as read; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINANCE AMENDING CHAPTER 10, SEC.13 OF THE LAND DEVELOPMENT CODE

Anita Geraci Carver read the Ordinance title. This is the first reading of Ordinance 2016-17 amending Ch.10, Sec.13 of the LDC to allow a minimum residential lot size of less than one acre for certain properties. All property annexed into the Town after March 7, 2000 that is subsequently used for residential purposes has to maintain a lot size of one acre. This ordinance provides for an exception for certain properties located north and west of Blackstill Lake Road where they can develop lots less than one acre but not exceed two residential units per acre.

The Mayor opened public comment; there being none he closed it and passed discussion back to Council.

Councilman Bates asked if this change should be made to the LDR's as it doesn't say Gross or Net. *Sean Parks* said that the ordinance provides for an exception. *Councilman Bates* asked if we should add NET to this ordinance and that we should define the difference between gross and net. *Mayor Wynkoop* said that this was a task that the Planning and Zoning Board are doing in their review of all subdivision ordinances.

Councilman Bates said that he would like to see all future changes of this nature go through P & Z. The more eyes that go over it, the better. *Anita Geraci-Carver* said that it could be added to the correct section of the code but at present Comprehensive Plan amendments are not required to go through Planning and Zoning.

Being no further discussion the Mayor asked for a motion.

MOTION by Councilman Ley to adopt Ordinance 2016-17 as read; SECONDED by Councilwoman Smith

For: Bates, Ley, Peacock, Smith

Against: Burns

MOTION CARRIED 4-1

ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF MONTVERDE

Anita Geraci-Carver read the title of the ordinance. This is the first reading of Ordinance 2016-18. Center Lake Properties, LLLP has made an application to annex the property know as Black East into the Town of Montverde. The property is not contiguous to the boundaries of the Town, however the Town is authorized to annex the property under the terms of the Interlocal Service Boundary Agreement (ISBA) and Section 171.204, Florida Statutes.

The ordinance if adopted shall become effective upon the date a final order is issued by the Department of Economic Opportunities or Administration Commission finding the Comprehensive Plan Amendment affecting the Property in compliance in accordance with Section 163.3184, Florida statutes.

Mayor Wynkoop welcomed public comment at this time.

Joe Morrin – Resident for twenty nine years referred back to the late eighties and early nineties when he served as Mayor and on Council. At that time residents were against any kind of growth within the town and would not support the annexation of Bella Collina into the town. As a result, thousands of dollars of revenue was lost to the Town. We should not make the same mistake again. Annex Black East and take the money.

Don Hiatt – Said that we should annex the property, control the growth and keep the value of our homes up.

Sam Davis – Said we should let them come in on our terms and not change them to accommodate them. Montverde is a very desirable place to live so we should stick to the rules that are already in place.

Being no further comment from the public, Mayor Wynkoop passed discussion back to Council.

Councilman Bates said that we should do it and have control over the value of the homes and how the development looks through the design standard that will be put in place. If we do not annex them in then we will not have any control. One of his concerns was the possibility raised by Jim Peirce of residents from Black East taking over the Council. He requested that that the Town set up four districts with one at large Council member.

He also wanted to add to the LDR's at the end of the book that Council can require anything they deem necessary to go through Planning and Zoning. *Anita Geraci-Carver* said that it can be added to future revisions. *Councilman Peacock* wanted to be sure that by annexing Black East that we were not setting a precedent for other properties. *Anita Geraci-Carver* said that this applied only to this property.

Being no further discussion the Mayor asked for a motion.

MOTION by Councilman Ley to adopt Ordinance 2016-18 as read; SECONDED by Councilwoman Smith

For: Bates, Ley, Peacock, Smith

Against: Burns

MOTION CARRIED 4-1

ORDINANCE AMENDING THE TOWN'S COMPREHENSIVE PLAN

Anita Geraci-Carver read the ordinance title. This is the first reading of Ordinance 2016-19 amending the Town's Comprehensive Plan by amending the Comprehensive Land Use Plan Designation for the Property known as Black East. *Sean Parks* said that the amendment is a change to the future land use map from Lake County Urban Low and Rural Transition to Town of Montverde Single Family Low Density Residential – Planned Urban Development (PUD) as mentioned in the LPA.

Councilman Bates asked if there was anything going to bite us by going forward with a PUD. *Sean Parks* replied that he felt that it was better than traditional zoning. *Anita Geraci-Carver* said it allows the Town to impose restrictions that are not in the LDR's such as landscaping, setbacks and what the houses will look like. *Sean Parks* said that they will be held to the design standards imposed by the town.

Being no further discussion the Mayor asked for a motion.

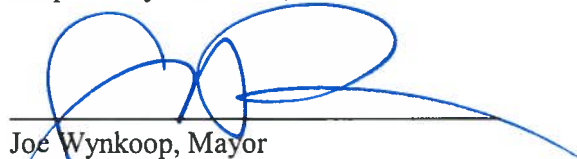
MOTION by Councilman Bates to adopt Ordinance 2016-19 amending the Comprehensive Plan; SECONDED by Councilwoman Smith
For: Bates, Ley, Peacock, Smith
Against: Burns
MOTION CARRIED 4-1

Mayor Wynkoop said that we will bring back at the next Council meeting what items should go to Planning and Zoning or committees such as Fiscal Impact Analysis before projects move forward. *Don Hiatt* gave an update on the FEMA refund. *Councilman Ley* thanked the committee for the work that they had put in.

Being no further business a motion to adjourn was requested at 8:57 pm

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

Respectfully submitted,



Joe Wynkoop, Mayor



Jim Peacock, Council President

ATTEST:



Graham Wells, Town Clerk