

**MINUTES
TOWN OF MONTVERDE
TOWN COUNCIL MEETING**

January 12, 2016

The Town of Montverde met in regular session on Tuesday, January 12, 2016 at 7:00 pm in the Town Hall Auditorium.

Council Present:

President Billy Bates
Vice President Glenn Burns
Jim Ley
Judy Smith

Staff Present:

Graham Wells, Town Clerk
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 7:02 pm and led the Pledge of Allegiance.

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

MINUTE APPROVAL

MOTION by Councilman Bates to approve the Regular Council Meeting Minutes from December 8, 2015, Special Council Meeting from December 23, 2015 and Special Council Meeting from January 5, 2016; SECONDED by Councilman Ley

For: Bates, Burns, Ley and Smith

Against: None

MOTION CARRIED 4-0

CITIZEN QUESTION AND COMMENT

Being no questions or comments, Mayor Wynkoop closed this section and invited County Commissioner Sean Parks to give an update on the severe weather systems that were due to come through our area in the next couple of days.

MAYOR AND COUNCIL SECTION

Councilman Ley – Wanted to introduce John Ardizone to update Council and residents on the Citizens on Patrol (COP) program. John had not arrived at this point and was deferred to later in the meeting. Councilman Ley had no further comment.

Councilman Bates – Requested an update on the lighting for the pedestrian trail between First and Third Streets that was approved by Council several months ago. Terry Burden addressed Council saying that Duke Energy had said that the Town could not connect to an existing light pole and requested that a separate pole and meter be put in for the new lights. TB said that once the meter was installed then the lights could be hooked up which would take another week or two.

Councilwoman Smith – PASS

Councilman Burns – PASS

Mayor Wynkoop – Drew their attention to Council packets where they would see the financial reports for both October and November. He outlined the format for the different sections of the report with all the revenues at the top followed by a total of expenditure by department with a number which corresponds to the departments in our accounting System. Further down is a detailed breakdown of all the expenses within that section. In addition was the opening and closing balances of the four bank accounts. He said that we were working towards having this information on the website where anyone can view all revenues and expenditure by month. This would give a new level of transparency. Should the need any clarification of the figures they should talk to him or Graham Wells who would do their best to explain them.

Mayor Wynkoop said that he along with Graham Wells and the Town's Planner Sean Parks were looking at certain areas within the Land Development Code and would be bringing a series of Ordinances to revise the code. One such area was the anomaly between having a screened enclosure around a pool which only required a 7.5 foot setback at the rear as opposed to a screened in patio which required a 25 foot setback. At present the only remedy was a variance which had a fee of \$800. The revisions would go before the Planning and Zoning Board for their input on January 25, 2016 and to Council for first reading at a special meeting on January 26, 2016. Following the second reading at the February Council meeting the new Ordinances would be put in place. He also mentioned the Fee Schedule which was also going to be reviewed.

He stated that the Town was starting up the "Add a Buck" program again which enabled residents to add a dollar to their water bill towards providing needed food to the less fortunate in our community. The money raised monthly would be sent to the South Lake Community Foundation who matches our donation 100 % through grants that they receive. He went on to explain how the program worked which ultimately brought food to the Methodist Church in our town for distribution to the residents in need. Ocoee and Minneola were also copying the lead set by Montverde and were going to adopt similar programs.

He commended Terry Burden for the work that he was doing around the Town, working on many projects over the next sixty days to benefit the residents. One of the projects was to take out rows of chairs in the auditorium and spread the remaining ones out to provide extra leg room and make it more comfortable. This clearly appreciated by the applause from the many residents who were present. He also added the moving of the projector screen back to the front so that the audience could see it better and follow the agenda more easily. He hoped to replace it in the future with a larger one. He said that we would also be adding a clock on the screen which would count down from three minutes when someone was speaking. This would better manage the meeting and keep individuals comments to a set period of time. Many other cities use a similar method.

The Mayor said that he had met several times with Sheriff Borders and his team and was excited that he had been able to get the three changes that he and the Council had been asking for. One was a new deputy to replace Andrea McKane along with more beneficial hours including weekends for the \$80,000 plus that the Town was paying and more control of their time spent in the Town using some sort of punch in, punch out method. He went on to say that this would enable us to reduce the need to employ off duty officers from FHP as we would have coverage at the times we need which we have not had before. Changes were also being made to the contract that we have with the Sheriff in that it did not have to be renewed and that we no longer had to give the six months' notice should we wish to come out of the contract. Resolutions for fixing items that were not working would also be reduced from the sixty day time period to two to three weeks.

Sean Parks, County Commissioner was asked if he would talk a little about Wellness Way. Wellness way has been in the works for three to four years and is designed to take planning for growth from a piecemeal way characterized by unsystematic partial measures taken over a period of time to a master plan that all future development would adhere to. It was a planning principle that works with land owners, County and Cities to ensure that growth is properly managed. It is not a plan itself for subdivisions or commercial development but a plan for how we deal with the development when it comes so that the provisions for roads, schools and water can be made prior to and not after. Following some challenges from the State it is now called the Wellness Way Area Plan. *Allen Hartle* asked if this will affect the Minneola Project and Sean responded that it would not.

Mayor Wynkoop said that he had asked for someone from the Metropolitan Planning Agency (MPO) to come and address the residents to explain what was going on with US27 and the Orange Lake Parkway which would link US27 at Lake Louisa to SR429. They would outline the plan for housing in that area and also the new Turnpike exit. He hoped that it would be at the February Council meeting.

John Ardizone came forward to give an update on the COP program – His first update was that the Sheriff's office we not going to have any training programs this year. This information came from Sgt. Lovelace. Mayor Wynkoop said that Sheriff Borders had told him that there would be four training sessions during 2016 and he would look into why John's information was different. John went on to say that currently there were sixty volunteers in the program throughout the County.

He said that Montverde worked a little differently from other cities in that the Town owned the car so volunteers could come and go as their time permitted and were not held to a schedule as other cities were. He said that when he joined the patrol several years ago he was able to dedicate a lot of time to the program but due to current commitments that time was much less. He outlined what the role of the volunteer was which included traffic control and that they would attend road traffic accidents to assist the officers with traffic control. They also did property checks weekly for residents who were out of town and as part of the senior watch program would stop by and check in on the elderly in the community. He said they could be called upon in instance of a lost child and community events such as Montverde Day. Last year we had six volunteers at Montverde Day including Pastor Brian Kneser who was also still active in the program. He said that they were the eyes and ears of the community and worked alongside and communicated with the deputy's in the Lake County Sheriff's Office.

He said that they were limited on the things that they could do. They are not sworn officers, carried neither a firearm, spray nor a night stick to defend themselves with and could not be put in harm's way as a result of the liability issue. He emphasized that he was not a deputy and could not respond to certain situation other than as a backup and assistance to a regular law enforcement officer.

Councilman Ley thanked John for coming in to address the residents and also for his service to the Town. He emphasized that it was the Lake County Sheriffs program which we dovetailed into. It was their training and their selection process which was to do with the liability. He said that it was a good program particularly for the senior citizens but it was not a law enforcement program and that we should understand its limitations. He added that we could do with a few more volunteers to join the program.

Allen Hartle asked how the FHP off duty officers would be affected by the change in the arrangements with the new Deputy Sheriff. The mayor said that there was a cost for the FHP troopers but that they could be scheduled for four hour shifts and that they were extremely effective. He stated that the ability to have the deputy punch in and out meant that we could manage the scheduling of the off duty officers more effectively and also get more from the \$80,000 that we pay the Sheriff's office. FHP still wants to work with us, as do Lake County's Deputy's. He said that the FHP program was the sole product of the work of the Public Safety Committee. Bill Broeker, Jim Ley, Lance belcher and Chris Hopkins had worked well to arrive at a schedule that FHP could work to give the town additional coverage. Having an alternative to the Deputy had also made the Sheriff's Office behave better as they were no longer the only show in town. The Town would monitor how the County performs with the new requirements to ensure that they cover the hours that we need. *John Ardizone* asked if we receive any of the revenue from the tickets written. The Mayor responded that the amount was very small, maybe a dollar a ticket and the Town does not take it. He said that he wanted people to understand that we are not doing it for this reason.

Eloise Ross came to the podium to say that her husband who had applied for the Council position was at home sick and that she was there on his behalf.

REQUEST FOR CHANGE OF ZONING AND FUTURE LAND USE AMENDMENT

Mayor Wynkoop outlined what was in front of Council. There were two Ordinances covering the Future Land Use Amendment and Zoning change for a property owned by John and Karin Arellano. The property is located at 17533 County Road 455, which is the Roses Antique House. The current zoning and Future Land Use is R1-L, Single family Residential which does not permit a business.

Attorney Anita Geraci-Carver read Ordinance 2015-28 changing the zoning designation from R1-L to Office, Residential, Commercial (ORC). This was the second and final reading. The Mayor opened public comment and the being none, closed it and returned to council for a discussion.

Being no discussion a motion to approve Ordinance 2015-28 was requested.

MOTION by Councilwoman Smith to approve Ordinance 2015-28; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Smith

Against: None

MOTION CARRIED 4-0

Attorney Anita Geraci-Carver read Ordinance 2015-29 amending the Comprehensive Plan and changing the Future Land Use designation from Single Family Low Density R1-L to Office, Residential, Commercial (ORC). This was the second and final reading. The Mayor opened public comment and there being none, closed it and returned to council for a discussion.

Councilman Bates queried the process for transmitting the change of the Comprehensive Plan to the Department of State. *Sean Parks* outlined that the process had changed and that this was a small scale change to the plan. The ordinance if approved would be transmitted to the Department of Economic Opportunity.

Being no further discussion a motion to approve Ordinance 2015-29 was requested.

MOTION by Councilman Bates to approve Ordinance 2015-29; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Smith

Against: None

MOTION CARRIED 4-0

ADOPTION OF A FORMAL WRITTEN POLICY TO CLARIFY AND CODIFY THE INVOCATION PRACTICES OF THE TOWN OF MONTVERDE

The Town Council desires to maintain a tradition practiced by Congress and dozens of state legislatures by opening its legislative meetings with prayer to place the Town Council in a solemn and deliberative frame of mind and invoke divine guidance in Town affairs for the benefit and blessing of the Town Council.

Mayor Wynkoop opened by saying that this is something that the Council was looking to do and the Ordinance would give the choice to have or not have prayer or a moment of silence before the commencement of Council meetings. He passed it over to the attorney to outline what was in the ordinance.

Anita Geraci-Carver said that it was for any legislative meetings, your Council meeting or Land Planning Agency meetings. This would set a policy for invocations if the town wanted to have them. She cited the Town of Greece that had an invocation policy almost identical to the one that the Town was trying to implement. Their invocation policy went to the Supreme Court who ruled that it was constitutional and proper and that it was a good procedure to follow. Once a year, the Town would establish a list of religious congregations from within Montverde that could come and perform the invocation. The policy also addresses any issue of the eligibility of the organization. In addition a resident who attended a church outside of Montverde could make an application to the Town Clerk to have that church added to the list.

The Mayor opened it up for public Comment.

Perry Woodruff – 16525 Pine Timber Avenue said that it seemed like the Town was being restrictive and creating a certain group that can come in and do it rather than open. One thing that we have lost in this country is tolerance, what happened to tolerance. We have a select group and as soon as you define a group, someone else will want to un-define the group. The Mayor agreed but pointed out that if someone wanted to be on the list then once a year they can make an application to be on it. Mr. Woodruff felt that we were adding stuff on to stuff that we really don't need and in his opinion we did not need this. If somebody wants to come up and say something, that's fine; if they want silence then that's fine also. If they want to beat themselves over the head with a hammer then that is also fine. He felt that by including this we were taking time out from the business that we should be doing. He said that this was his opinion but he could be wrong.

Mayor Wynkoop said that we needed opinions and we appreciate everyone that comes to give their opinion.

Sandi Smith – 15630 Vinola Drive, Friend of Montverde – said that we pray every day, all of us in our own way and we ask for help and at this time, as the gentleman mentioned, it is a time for us to drop to our knees. She felt that despite whatever a particular religion, it was a good thing to stand up and do this. If anyone does not want to stand and pray then they can respect someone else's choice to do so.

Being no further comment, public comment was closed and returned to Council for discussion.

Councilman Ley said that he had brought this up at the last meeting and made the recommendation as he felt that there was a need for prayer. He added that if you look at history, we have opened legislative meetings with prayer. He was not advocating any particular religion or type of prayer but that we should seek guidance and many of us should ask for grace. He knew it was controversial and that people had different opinions, but he prayed for wisdom and would like to see us bring it back.

Councilman Bates said the he thought that divine guidance would be a good thing in today's age.

Mayor Wynkoop said that he supported this one hundred percent.

Being no further discussion, Attorney Geraci-Carver read Ordinance 2016-01 and a motion to approve or not was requested.

MOTION by Councilman Ley to approve Ordinance 2016-01; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Smith

Against: None

MOTION CARRIED 4-0

APPOINTMENT OF BOARD AND COMMITTEE MEMBERS FOR 2016

Following the Special Council meeting on January 5, 2015 Mayor Wynkoop said that twenty five people had stepped up to serve on the various Boards and Committees with three serving on more than one committee. He said that this was outstanding and that he appreciated them serving. There were two additions to the list that was put forward at the meeting. These were Joseph Martin for the Code Enforcement Board and also Karin Arellano for the Parks and Recreation Committee. He asked if there were any comments or discussion before a motion was made.

Allen Hartle asked if there were still any vacancies for any of the committees. The Mayor responded that most have at least four and some have five. Only the Parks and Recreation Committee has only one member at present. That committee organizes Montverde Day, the Concerts in the Park and Montverde Idol; although they were going to change it to Montverde has Talent to attract other acts as well as singers. He went over by name the people who had agreed to serve on various Boards and Committees and emphasized the need for more members for the Parks and Recreation committee which he said was "work". Town Hall Staff over the past two years has really stepped up to help.

Being no further discussion a motion was requested.

MOTION by Councilman Bates to accept the applicants to serve on Boards and Committees as presented; SECONDED by Councilman Burns

For: Bates, Burns, Ley, Smith

Against: None

MOTION CARRIED 4-0

Mayor Wynkoop went on to say that the people would be informed and that we would be setting up meetings with them to go over what we wanted them to do. At the beginning of the meeting we would go over the role of each Board or Committee and planning things for them. If you are not on a committee you can still participate by making suggestions or have ideas of things that you would like to see achieved. You can also attend the meetings and introduce yourself to the members. *Councilman Ley* thanked everyone for their service which he said was greatly appreciated.

APPOINTMENT OF NEW COUNCIL MEMBER

Also at the Special Council Meeting, applications for the remainder of the term for the Council position vacated by Joe Wynkoop when he became Mayor were brought for discussion. Applications and Bio's had been received from Chris Hopkins, Roy Patterson, Dale Heathman, Jim Peacock and Jack Ross. *Mayor Wynkoop* thanked them all and said that three of the candidates came to the meeting and had the opportunity to address Council. The position is elected by a majority of the four sitting Council members and he stated that he had talked to each council member and that they had all voiced that this was not an easy decision. The Mayor said that following the Special Meeting that tonight they would vote for the person that they wanted to take the position.

The Mayor opened the floor for public comment and being none he closed it and returned to Council for a motion and discussion.

MOTION by Councilwoman Smith to appoint Jim Peacock as Councilman to fill the seat vacated by Joe Wynkoop; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Smith

Against: None

MOTION CARRIED 4-0

Councilman Burns said that he had been on Council for a long time and this was the hardest decision that he had ever had to make particularly as the people on the list were personal friends.

Councilman Ley echoed Councilman Burns comment and thanked all the applicants for stepping up. He added that they are all upstanding members of the community and it was a win win for the Town to have such a pool of quality people to choose from.

Councilman Bates said that it was a hard decision with such quality candidates. He cited one being a former Mayor, former Councilman and others who regularly attended Council meetings.

Mayor Wynkoop thanked them all and asked that even though they did not win that they will stay involved in the Town and join one of the committees.

SWEARING IN OF NEW COUNCILMAN JIM PEACOCK

The swearing in was conducted by Sean Parks in his capacity as County Commissioner following which Councilman Peacock took his place at the Council bench.

Mayor Wynkoop asked if anyone had anything else that they wanted to bring to Council.

Sandy Smith came to the podium to say that she was anxious to bring the historical things back to Montverde. She also stated that she did not like the new position where the podium had been placed as it was difficult to address the audience as well as the Council at the same time.

Councilman Peacock stated that he appreciated the Council members support and promised that he would do his very best to carry out the duties of the office and maintain the qualities of Montverde while bringing it forward into the modern world. He spoke about his background and family plus his extensive career in the construction industry. He hoped to put that experience to good use in the Town and would like to see the inside of the auditorium finished and improvements made to Lake Florence.

He said that when he was previously on Council one of the things that irritated him was that the many things that were discussed or voted on were put in the minutes and forgotten about. He cited the boat ramp, the road improvements on Lowry Road and lightning protection for some of the Town's buildings. Where were they at now, he asked. What was the status on those projects? He asked if we could create a list of outstanding projects and items that have been talked about that have not been resolved. *Mayor Wynkoop* asked everyone to send him an email and he would compile the list which we can get updates on.


Councilman Bates asked for an update on the Fire Chief moving in to occupy the house on the Harden property that the Town had purchased. *Mayor Wynkoop* responded that advice that he had received said that it was not a good idea and that it was not going to happen.

Sean Parks – Town Planner said that he did have an update on the boat ramp although it was not a good one. He had been in contact with Fish and Wildlife and the gentleman who had come and spoken before but had no response. He had taken it higher up but still no response. Senator Alan Hayes had been contacted and asked to take it up and we were waiting on an answer.

Being no further business a motion to adjourn was requested.

**MOTION by Councilman Bates to adjourn at 8:18 pm; SECONDED by Councilwoman Smith
For: Bates, Burns, Ley, Smith
Against: None
MOTION CARRIED 4-0**

Respectfully submitted,

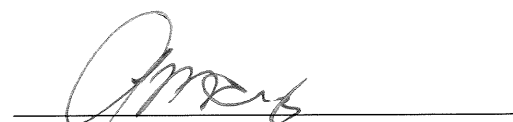


Joe Wynkoop, Mayor



Billy Bates, Council President

ATTEST:



Graham Wells, Town Clerk