

**MINUTES  
TOWN OF MONTVERDE  
TOWN COUNCIL MEETING**

**July 12, 2016**

The Town of Montverde met in regular session on Tuesday July 12, 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  
Terry Burden, Public Works Director  
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 Montverde Deputy Sheriff Danny Young.

The Mayor invited Daniel Sells, 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 will invite a candidate to speak. Mr. Sells spoke about his background, family and his experience in Law Enforcement. 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 Councilman Bates to approve the Council Workshop Minutes from May 3, 2016;  
SECONDED by Councilwoman Smith  
For: Bates, Burns, Ley and Smith Peacock  
Against: None  
MOTION CARRIED 5-0**

**MOTION by Councilman Bates to approve the Regular Council Meeting Minutes from June 14, 2016 with two typo amendments; SECONDED by Councilman Ley  
For: Bates, Burns, Ley and Smith Peacock  
Against: None  
MOTION CARRIED 5-0**

**MOTION by Councilman Bates to approve the Council Workshop Minutes from June 28, 2016; SECONDED by Councilman Ley  
For: Bates, Burns, Ley and Smith Peacock  
Against: None  
MOTION CARRIED 5-0**

**CITIZENS QUESTION AND COMMENT**

The Mayor opened up the floor for Citizens Questions and Comment.

*Pam Wright – 16178 Hillside Circle* came forward to talk about setbacks in the canopy ordinance and was asked by the Mayor to hold her comments until it was discussed as an agenda item.

*Alec Chiu – 16603 Pine TimberAve* addressed Council regarding an underground water pipe break which resulted in a \$789 water bill using 133,000 gallons.. His normal regular monthly bill is around \$82.00. He said that he had talked to Stephanie who asked if he could produce a plumber’s invoice for the repair. This he did, the cost was \$298. He said that it was a lot of money and asked Council if they could ease the burden.

*The Mayor* said that he had asked Mr. Chiu to come to Council to see if they were prepared to help him with this water bill. *Councilwoman Smith* asked if there was any provision for this; what are we able to do? *Councilman Peacock* said that it was an amazing amount of water. He added that resident’s requests for relief had been rejected in the past. The last one was only allowed to pay the bill over time.

*Attorney Geraci-Carver* said that there was nothing in the code that prevents council from making a decision to help. *Mayor Wynkoop* said he was cautious about setting a precedent for future claims and suggested that council think about it before the next meeting. *Councilwoman Smith* thought that the Town should have something in place to enable us to deal with it. *Councilman Ley* stated that other cities have a forgiveness provision for broken pipes. *Mayor Wynkoop* said that since the pipe was repaired the bills have returned to normal. Council will consider the request and bring it back next month.

Being no further discussion the Mayor closed Public Comment.

**COMMITTEE REPORTS**

There were no committee reports. The Mayor thanked the cemetery committee for the placing of flags on July 4.

## MAYOR AND COUNCIL SECTION

### COUNCIL MEMBERS

*Councilman Burns* – PASS

*Councilwoman Smith* – Said that she had attended the Lake Sumter Grantmanship workshop in Mt. Dora which was very helpful in writing grants. She had also been to the City of Mascotte to look at their form of government. They have a voting Mayor, Vice Mayor and three Council Members. They create policy and the City Manager implements it. She said that it was helpful in determining whether Montverde would benefit from this type of government.

*Councilman Bates* – PASS

*Councilman Ley* – Directed his question to Anita Geraci-Carver regarding complaints about nuisance homes. He asked her to look at coming up with a usable tool to deal with them. She said that she would find something.

*Councilman Peacock* – Asked for an update on the pending list. Mayor *Wynkoop* replied that the Community Building kitchen was in the process of being renovated; money was in the budget, the auditorium lights were up and the electrician has it on his schedule to wire them up, nothing on the auditorium floor right now, chairs were okay, nothing to report on the boat ramp or the lightning protection system.

### MAYOR WYNKOOP

*Mayor Wynkoop* said that he now had the 2015 audit report but would not be distributing it to Council until he had read it.

A Special Council meeting date was set for July 26, 2016 6:30 pm to discuss the McQuaig/Tiley law suit and also the Vacation/sick time for town hall staff. A date for the budget workshop was set for August 2, 2016 at 6:30 pm. Both meeting will take place in the Mayor's office at Town Hall.

Regarding the roundabout at the intersection of Ridgewood Ave and CR455, Lake County were negotiating with the property owners and if successful, the project, along with the resurfacing of Ridgewood Ave could take place as soon as next year.

He gave an update from the meeting between Council and the developer of Blackstill East who want to annex into the Town. The density they are requesting is higher than is desired by the Town.

**RESOLUTION 2016-12 SETTING THE NOT TO EXCEED MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016**

The resolution title was read by Attorney Geraci-Carver. Councilwoman Smith asked what the 4.35% change was which Ms. Geraci-Carver explained. Mayor Wynkoop gave an overview of the rate and emphasized that the millage rate of 2.83 would not increase.

He then opened it up for public comment and there being none passed it back to Council for a motion.

**MOTION by Councilman Bates to approve Resolution 2016-12; SECONDED by Councilwoman Smith**

**For: Bates, Burns, Peacock, Smith, Ley**

**Against: None**

**MOTION CARRIED 5-0**

**ORDINANCE 2016-02 AMENDING THE CODE, CLARIFYING THE DEFINITIONS OF ACCESSORY BUILDINGS CANOPIES AND SHEDS**

*Anita Geraci-Carver* read the title of the ordinance. This is the second reading of the ordinance that has been through Planning and Zoning and come before Council in January and March; both times it was tabled. The issue surrounds only Semi-Permanent Canopies; other sections of the ordinance were not in dispute. New wording had been introduced since the last attempt to approve it. At the first reading in June, a motion was made to approve the ordinance with the striking through of the color of semi-permanent canopy in Section 4-290.

*Pam Wright – 16178 Hillside Circle* said that she had concerns with the setbacks and that there was no grandfather verbiage. *Graham Wells* said that the only setback change was for sheds and canopies. *Attorney Geraci-Carver* said that there were provisions in other sections of the code where existing structures if properly permitted would be grandfathered in. She added that if they were destroyed, any replacement would have to comply with this ordinance.

*Ms. Wright* asked if there was any chance of changing the setback to three and a half feet as it was twenty years ago. *Councilman Burns* said the setback at that time was to give enough room behind a shed to get a lawnmower through. *Attorney Geraci-Carver* felt that if they were legally conforming at the time then they were not affected but she would double check.

*Councilman Burns* made a motion to table the ordinance until Ms. Geraci-Carver could check the code, seconded by Councilwoman Smith.

**MOTION by Councilman Burns to table Ordinance 2016-02; SECONDED by Councilwoman Smith**

**For: Bates, Burns, Ley, Peacock, Smith**

**Against: None**

**MOTION CARRIED 5-0**

**CHANGE TO THE AGREEMENT FOR CONSULTING SERVICES, ADDING AN IMPACT FEE FEASIBILITY STUDY**

*Mayor Wynkoop* gave an update on charging impact fees for new developments such as Montverde Estates, the Roper property, and Blackstill East. Currently the Town only charges impact fees for water whereas other cities such as Clermont and Mascotte charge impact fees for Police, library, parks and fire.

This agreement is for Raftelis Financial Consultants to conduct a feasibility study to ascertain which impact fees the Town could reasonably impose on new development. This is the first stage in a two part process. The second part is a separate study to ascertain the levels of impact fees that the Town could charge. The cost of the first study is expected to be around \$5,500 however the Mayor was asking for \$7,500 should it go over the estimated cost.

*Councilman Burns* wanted it to go on record that the Town is under no obligation to allow the development of the Orange groves on the Roper property.

Being no further discussion a motion was requested.

**MOTION by Councilman Bates for the Mayor to sign the Agreement with Raftelis; SECONDED by Councilman Ley**

**For: Bates, Burns, Ley, Peacock, Smith**

**Against: None**

**MOTION CARRIED 5-0**

**RESOLUTION 2016-13 ANNOUNCING THE PROCESS OF STUDYING AND IMPLEMENTING IMPACT FEES AND UPDATING THE TOWNS WATER IMPACT FEE**

The resolution title was read by Attorney Geraci-Carver. It provides to give the 90 days' notice required by the Town that it intends to impose impact fees in the future.

*Mayor Wynkoop* opened it up for public comment. Being none he returned to council for a motion.

**MOTION by Councilwoman Smith to approve Resolution 2016-13; SECONDED by Councilman Ley**

**For: Bates, Burns, Ley, Peacock, Smith**

**Against: None**

**MOTION CARRIED 5-0**

**INTERLOCAL AGREEMENT BETWEEN THE TOWN AND LAKE COUNTY FOR THE PROVISION OF LIBRARY SERVICES**

*Attorney Geraci-Carver* outlined the agreement which is required for the Town to receive grant money from impact fees charged by Lake County. The agreement will expire in September 2019 with either party able to terminate giving sixty days' notice. The current level of funding for 2016-2017 is budgeted to be \$24,150.

**MOTION by Councilman Ley to approve the Mayor to sign the Interlocal Agreement;  
SECONDED by Councilman Smith  
For: Bates, Burns, Ley, Peacock, Smith  
Against: None  
MOTION CARRIED 5-0**

**CHARTER REVIEW**

*Mayor Wynkoop* said that after the review of the Charter is complete, it was his intention to review each section of the Interlocal Service Boundary Agreement (ISBA).

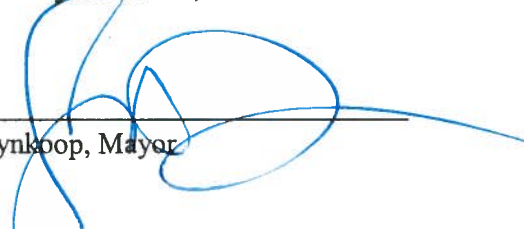
At this point Anita Geraci-Carver read aloud the final sections, eleven to seventeen of the Charter. There were no questions about these sections; however Councilwoman Smith wanted to revisit section nine on page four reviewed at the last Council meeting.

Section nine states that employed officers of the Town will include, but not limited to, Town Clerk, Treasurer and Director of Public Works. Her question was that we do not have a Treasurer. *Mayor Wynkoop* responded that as when Mary was here we have one person covering two positions. Councilman Smith asked if the Town Clerk was also the Treasurer. The Mayor replied, yes.

Being no further business a motion to adjourn was requested.

**MOTION TO ADJOURN by Councilman Peacock to adjourn; SECONDED by Councilwoman Smith  
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