

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

July 14, 2015

The Town of Montverde met in regular session on Tuesday, July 14, 2015 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns
Council Vice President Jim Pierce
Billy Bates
Joe Wynkoop

Council Absent:

Arthur Nix

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 7:05 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 June 9, 2015 and the Special Meeting Minutes from June 23, 2015; SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

CITIZEN QUESTION AND COMMENT

Mr. Lopez. Mr. Lopez asked about golf carts being driven around the Town. He said that the Academy has golf carts and they are running rampant around Town. He said that he does not want to stop the golf carts from running through Town; he would like to join in. Mayor Bennett stated that he has given a copy of the proposed Golf Cart Ordinance to the Public Safety Committee, and they are reviewing it and

making any recommendations that they feel are necessary. Mayor Bennett also said that driving the golf carts without the Ordinance in place means that it is a Sheriff's Office issue, and not a Town Hall issue. It is up to the Sheriff's Deputy whether to do something about the golf carts. But Mayor Bennett said that he and staff have been working to put some regulations in place, but until the Ordinance is adopted, the Town cannot legally regulate the golf carts. The resident stated that in the meantime, it seems that the golf carts are breaking the law. He asked Mayor Bennett to notify the Town Deputy, as they are driving in front of his house. He said that he is not interesting in stopping the golf carts, he would just like to join in legally. Mayor Bennett said that he would talk to the Sheriff's Deputy.

Karin Arellano. Karin said that she has a house for sale on Tenth Street, right next to the Park. She said that she has shown the house about ten times, and it seems that the Park has a lot of rough kids in it at all hours and they are there smoking pot, drawing graffiti, etc. She said that years ago, she remembers the Town used to lock the Parks to keep the kids away after hours. Mayor Bennett said that this kind of activity is worse in the summer, and said that it is very cumbersome to try to lock up the parks at night. Mayor Bennett said that this is an issue that has been a problem for years. He said a few weeks ago, the kids stacked up the picnic tables on top of one another to get on the roof of the Community Building. Mayor Bennett said that he has been hiring highway patrolmen for extra detail at nights and on weekends, and he said that he would direct them to monitor and patrol the parks in Town. He said that he would also speak with the Town's Deputy about patrolling the parks during the day. Karin thanked Mayor Bennett for listening and responding to her needs.

Councilman Wynkoop made a comment that speaking with the Town's Deputy would not do any good. He said that Council knows how he feels about that.

Mr. Lopez said that Council should increase police patrol through Town to stop this once and for all. Mayor Bennett said that it is a tricky situation, and the best thing to do is call the Sheriff's Office when you see them doing things they should not be doing. Mayor Bennett said that he tried stopping a kid on a golf cart from driving through Town property, and he almost got in trouble with the Sheriff's Office for stopping the kid.

Councilman Wynkoop said that the best thing to do would be to pay someone to lock the park at night. He said that Council had asked him to do it, but that he would forget to do so, so he suggested the Town hire someone.

Mayor Bennett said that locking it won't necessarily keep the kids out. Terry Burden concurred.

Mayor Bennett said that he would talk to the Sheriff's Deputy as well as the highway patrolmen about patrolling the parks during the day and evening hours. Karin thanked Mayor Bennett again.

RESOLUTION APPROVING MINOR SITE PLAN APPLICATION FOR F&M GAS STATION AND CONVENIENCE STORE

Mayor Bennett explained that the Town's ordinance mandates that setbacks be 25 feet. He said that the question with this application is that if the canopy stays outside the 25 foot setback, will it be safe? He said that this issue has two questions: (1) is Council ok with the 25 foot or greater setback and (2) is the canopy safe. He said that if Council can get past the two questions, then they can address the application. But if they get stuck on those two questions, then they need to postpone the resolution and advertise it differently.

Councilman Bates asked which side of the property the setbacks in question were. Anita Geraci-Carver replied that it was the setback on Lakeside. She said that P&Z recommended an alternative that the canopy encroach upon the setbacks for safety reasons, so that there would be more room for someone to back up. From a safety perspective, it may be better to grant the variance, and let it be closer to the roadway. She said that Council could include the variance with the resolution, but staff would have to advertise the resolution, with the title explaining that a setback variance would be given.

Councilman Pierce said that the building obviously is not within the setback. Mayor Bennett stated that that was an historical issue. Councilman Pierce asked where the gas island was in relation to where the canopy would be placed. Mayor Bennett showed on the map where the canopy would be, then explained that the island is not the issue; the overhang on the canopy is the issue.

Mayor Bennett said that Council needs to address the two questions on setback before they get too deep of a discussion about the canopy itself. If the setback issue cannot be resolved, then the resolution will have to be tabled.

A representative for the F&M Mart said that the canopy could be moved back, but for safety reasons, he feels that a 15 foot setback, with variance, would be better for traffic flow. Anita Geraci-Carver asked where the pillars were to hold the canopy up. The representative pointed out where the pillars were, and noted that they fit the 25 foot setback. Mayor Bennett stated that it was just the overhang of the canopy that did not meet setbacks. Anita said that the definition of setbacks state that setbacks should be measured on a perpendicular line from the property line to the first vertical plane which intersects any portion of the structure other than a nominal overhang. So, the first vertical plane would be the pillars that are outside the 25 foot setback, so the canopy would meet the setback criteria.

Anita asked about the sign for the F&M Mart. The representative stated that the new sign would just be a change of plastics; the location and size would not change.

Anita Geraci-Carver read the Resolution in title only.

Sean Parks, Town Consultant, stated that the applicant is requesting minor site approval for the canopy for the gas pumps at the F&M Mart. He said the request also includes the re-installation of underground gas lines. He said that he reviewed the plans, as well as the Town Engineer. He said that

they were concerned about protecting the Town's water supply, so the Town Engineer requested that the gas lines be double-walled lines, and that these lines run through another piece of thick-gauge PVC piping. The applicant has agreed to do this.

Mayor Bennett asked if the canopy would be lit up. Sean replied no. He also said that the sign out front would not be a blinking sign, but it would be lit up. Councilman Pierce said that he thought that electronic signs were not permitted in Montverde. Sean replied that it cannot be a blinking sign. Anita Geraci-Carver clarified that the canopy is lit underneath; the fascia is just not lit. Councilman Pierce asked Sean to state where it was shown that the sign could be lit, because he knows residents have been concerned about bright lights in Town. Anita read from the Code of Ordinances, and stated that an electric sign prohibition is in effect for residential districts. She also said that the Code stated that signs that by illumination cause a hazard to traffic are prohibited, as well as signs that contain red or green lights which can be confusing to traffic are prohibited. Councilman Pierce pointed out that the proposed sign is red. Anita stated that the color could be confused with traffic control lights.

Sean pointed out Section 4.2.2 which discusses animated signs. Anita said that the Ordinance has to do with prohibiting highly illuminated signs and signs that confuse traffic. Sean asked the applicant if the sign was going to be any brighter than the one that is currently there. The applicant stated that the lights will be self-dimming so that they get dimmer at night. Mayor Bennett asked if the sign will be lit all night. The applicant stated that the sign can be turned off. Sean stated that just the numbers on the sign, indicating the price of gas, will be lit.

Councilman Pierce asked some of the P&Z members in the audience if they ever heard of residents near the F&M complaining about the light from the signs. They indicated no. Councilman Bates stated that the original signs had about 6 or 8 light bulbs in it, and it was initially very bright.

Sean suggested that Council include a condition that the sign cannot light more than one foot candle on the adjacent property. The representative for the applicant said he has done that before, and he has no problem doing that in Montverde.

Councilman Burns said that he feels that in six months, there will be people in Montverde wanting a blinking electronic sign for the building, and they will point to this sign as being a precedent. Anita asked how many times the sign will be changed (ie, how often is the price of gas adjusted). The representative stated that it just depends on how often the supplier calls with new price information.

Mayor Bennett asked if it could be included in the Resolution that the sign was subject to prior approval. The applicant's representative stated that he would make the interior opaque so that only the logo is lit and not the entire sign.

Councilman Burns asked that Council consider prohibiting 20 foot signs, as they are a hazard if a hurricane comes through. Sean Parks indicated that the Code prohibits signs greater than 25 feet. Councilman Burns suggested Council look at this regulation at a later date.

Councilman Wynkoop also asked if they could require that the sign be turned off at a certain time. Sean answered yes.

Mayor Bennett confirmed again that the canopy would have down lighting only. He confirmed that the fascia and top of the canopy would not be lit. Mayor Bennett asked where the gas tanks were. The representative for the applicant showed a map where the tanks were located.

Councilman Wynkoop stated that he has some experience with gas tanks, and the biggest thing with gas tanks is the detection system. The representative for the applicant said that there is a sensor system on the tank to shut the tank off if it determines there is a leak. Sean stated that if the gas leaks out of the first line, it would have to leak out a second and third line before it could leak into the ground.

Mayor Bennett asked if the applicant would handle the striping in the parking lot. The representative for the applicant indicated that Sunoco has striping requirements, so they would be following those.

Mayor Bennett opened the discussion for public comment.

Mr. Lopez said that he thought it would be advantageous for the F&M Mart to have a lower sign so that drivers don't have to look up so high to see the sign. Sean Parks said that the height to the top of the sign is 20 feet.

Seeing no further comment, Mayor Bennett closed public comment.

Councilman Bates said that he was pleased to see that Montverde would have a working gas station again. Councilman Wynkoop said the F&M Mart is the only gas station he has been to where they put seven gallons of gas into his five-gallon can.

MOTION by Councilman Wynkoop to approve the Resolution Approving Minor Site Plan Application for the F&M Gas Station that the Planning and Zoning Board recommended, with the stipulation that the Town be able to manage the lights on the sign; SECONDED by Councilman Bates

For: Burns, Bates, Pierce, Wynkoop

Against: None

ORDINANCE AMENDING SECTION 20-87 IN ARTICLE IV OF CHAPTER 20 IN THE CODE OF ORDINANCES

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett said that this ordinance is administrative clean-up. Mayor Bennett opened the floor for public comment. Seeing none, he closed public comment.

MOTION by Councilman Bates to approve the Ordinance amending Section 20-87 in Article IV of Chapter 20 in the Code of Ordinances; SECONDED by Councilman Pierce

For: Burns, Bates, Pierce, Wynkoop

Against: None

INTERLOCAL AGREEMENT PERTAINING TO ANIMAL CONTROL SERVICES

Mayor Bennett explained that right now, if a resident has an animal control issue, they must call Animal Control Services, run by Lake County. Councilman Bates said that the Interlocal did not seem like anything new, but that he had never seen this Agreement before. Anita Geraci-Carver stated that the last agreement was signed back in 1987, so now the County just needs the Town to sign the agreement, which assigns the services to the Sheriff's Office.

MOTION by Councilman Bates to approve the signing of the Interlocal Agreement Pertaining to Animal Control Services; SECONDED by Councilman Wynkoop.

For: Burns, Bates, Pierce, Wynkoop

Against: None

RESOLUTION SETTING THE NOT-TO-EXCEED MILLAGE RATE FOR THE 2016 BUDGET

Mayor Bennett explained that typically, the Town has a budget workshop in July to go over the proposed budget, to set the not-to-exceed millage rate, and to set the date for the first public hearing. However, this year, staff could not find a date in which all Councilmen were in Town, and the only available date that all Council can meet is in August.

Mayor Bennett explained that the not-to-exceed millage is similar to the way that staff recently advertised the fire assessment rate. Residents have to be noticed of the highest amount that will be charged. They will see this rate when they get the TRIM notice in August. Mayor Bennett asked what the Town advertised last year. Finance Director Mary Gillis replied that the Town advertised the actual proposed millage of 2.83.

Mary Gillis then shared that the Property Appraiser noticed the Town that the proposed taxable value for this year was an increase of \$2,227,268 over last year. She said that with the typical 2.83 mils, this increase would mean additional revenues of \$6,600 in property taxes.

Councilman Bates said that we should just set the rate at the same rate as last year. Councilman Pierce asked if the Town had just advertised the actual rate every year. Mary Gillis replied that typically, we advertise the actual rate because we usually have the budget workshop by now.

Mary Gillis reminded Council that even if the Town adopts the same millage, we will have to advertise the millage as an increase, because with the increased assessment value, the Town will be collecting more in property tax revenue. The only way to avoid advertising the millage rate as an increase in

September is for Council to adopt the roll-back rate. Councilman Bates asked if the rolled-back would actually be an increase this year. Mary Gillis replied that in times of decreasing property values, the roll-back rate is less than 2.83 mils.

Councilman Wynkoop asked if there was anything that the Town would need extra money for next year. Public Works Director Terry Burden responded that he was planning to begin replacing water meters next year. Mary Gillis reminded Council that expenditures for the water meter would come from the Water Fund, not General Fund millage.

Anita Geraci-Carver read the Resolution in title only.

Mayor Bennett opened the floor for public comment. Mr. Lopez asked what would happen if a hurricane or other emergency came, how would the Town handle it financially. Mayor Bennett replied that the Town had reserve money to cover emergencies, and that insurance would also cover any physical damages. Seeing no further comment, Mayor Bennett closed public comment.

MOTION by Councilman Bates to set the not-to-exceed millage at 2.83; SECONDED by Councilman Wynkoop.

For: Burns, Bates, Pierce, Wynkoop

Against: None

Mayor Bennett asked for a date for the Budget Workshop. Consensus was to have the workshop on August 5 at 6:30, with an additional workshop scheduled on August 12 at 6:30, if necessary.

Mayor Bennett then explained that we need to establish the date for the First Public Hearing on the 2016 Budget. Mary Gillis explained that the meeting has to be between September 3 and September 18. Our meeting cannot be on the dates that Lake County School Board has their budget hearing, or the dates that the Lake County Commission has their budget hearings. Consensus was to have the Public Hearing on September 9 at 6:30 in the Town Hall Auditorium.

MAYOR'S PROCLAMATION FOR GENERAL TOWN ELECTION

Mayor Bennett read a Proclamation regarding the Town Election, which will be held on Tuesday, November 3, 2015, during the hours of 7:00am and 7:00pm at the First Baptist Church of Montverde. On the ballot will be the seats for Mayor and three Council positions. The Caucus will be held on August 11, 2015 at 6:45 at the Town Hall Auditorium. Registered voters can also participate in early voting.

REQUEST FOR FUNDING TO INSTALL TWO LIGHTS ON THE BIKE TRAIL

Mayor Bennett stated that he has had requests from a few residents and a Councilman to install some lights along a portion of the trail, where it gets very dark. Public Works Director Terry Burden said that

he was hoping to install lights similar to what is in the Town Hall parking lot, which would provide light for the trail, without lighting up nearby houses and residences.

Terry explained that it would cost about \$5,000 for Duke Energy to come and install the lights.

Mayor Bennett opened the floor for public comment. Speedy Gonzales said that he is concerned that putting lights on the trail would encourage the skateboarders to be on the trail at all hours of the night. He said that people walk along the trail first thing in the morning, and during the early evening hours when it is still light. He suggested having a switch so that the lights turn off at 10:00pm. Mayor Bennett said that that was a valid point.

Councilman Pierce said that he was glad to hear from Mr. Gonzales because he has really only heard from Billy's sister that she would like the lights along the trail. Councilman Pierce said that he is concerned about Mr. Gonzales' comments. Since the parks close at 9:00, the trail should probably be closed at 9:00 as well, he opined. Mayor Bennett said that Mr. Gonzales had a very good point.

Councilman Bates said his concern is that in the winter, it starts getting dark at 6:00pm, and lots of people do not get home until 6:00. Councilman Pierce said that he would be ok with the lights coming on, but turning off at a certain time like 9:00 or so. Mayor Bennett asked Mr. Gonzales if he would be ok with the lights being turned off at 9:00pm. Mr. Gonzales said yes.

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

Councilman Bates suggested turning the lights off at 10:00.

MOTION by Councilman Wynkoop to install the lights, and turn them on and off at certain times of the day; SECONDED by Councilman Bates.

For: Burns, Bates, Wynkoop

Against: Pierce

FUNDING FOR THE CONTINUATION OF THE OFF DUTY PATROLS CARRIED OUT BY THE FLORIDA HIGHWAY PATROL

Mayor Bennett explained that they have tried using the Florida Highway Patrolmen for the past month, and it runs smoothly. He said that the Public Safety Committee suggested a work calendar for these patrolmen, and therefore an additional \$5,000 is needed to fund this program through the end of the year. Mayor Bennett said that the kids are out of school now, so it will help with that as well.

A resident stated that the patrolmen only seem to help with traffic. In the Pines, there have been reports of screens being pushed in and kids getting in. While he appreciates traffic enforcement, he is more concerned with personal safety of residents. Mayor Bennett said that if residents have any of these issues, to please call him, and he will make sure the deputies patrol the areas that are having

problems. The resident said that the current Sheriff's Office Deputy seems to be mostly in her office or patrolling CR 455, and the prior deputy used to patrol the neighborhoods, and he would like to see more of that. Mayor Bennett said that he can instruct the highway patrolmen to patrol neighborhoods, and asked where the resident lived, as he could instruct the patrolmen to make special patrols through that neighborhood. The resident said that he wasn't asking for anything special, he just thought that personal safety of residents was more important than regulating traffic. Mayor Bennett said that he understood completely, but unfortunately, he cannot dictate what the Sheriff's Office does. But, he can direct the highway patrolmen. Mayor Bennett told the resident that he would talk to the patrolmen about doing more patrols in all of the neighborhoods to ensure the safety of the residents. But Mayor Bennett urged residents to call the Sheriff's Office if they see anything suspicious. Councilman Bates concurred.

Councilman Wynkoop said that the Town pays \$85,000 a year for the Sheriff's Deputy, and we cannot tell her what to do. The resident suggested that staff talk to her supervisor to instruct her. Councilman Wynkoop said that that does not work. He said that at the next Council meeting, they will discuss whether to even continue with the Sheriff's contract. Councilman Pierce urged the residents to contact her direct supervisor, Captain Moss, about her and her hours.

Sean Parks said that as the Town's Commissioner, he knows that there were some break-ins in the area, and he will personally call Sheriff Borders to ask for the street crimes group to patrol the area. Mayor Bennett said that the summer months is usually when crime goes up in Montverde, and he would appreciate the help.

MOTION by Councilman Bates to approve adding funding of \$5,000 for the highway patrolmen;

SECONDED by Councilman Wynkoop.

For: Burns, Bates, Pierce, Wynkoop

Against: None

ANNOUNCEMENT OF CLOSED DOOR MEETING

Anita Geraci-Carver stated that the town is in a lawsuit with the McQuaig family regarding access near the Burden property, and the issue is whether the property is a public easement or private. She said that they need direction from Council regarding litigation strategy, so she is requesting a closed door meeting on Tuesday, August 11 at 5:30pm. The meeting will be approximately one hour, and those in attendance will be Mayor Troy Bennett, Council President Glenn Burns, Council Vice President Jim Pierce, Councilman Arthur Nix, Councilman Billy Bates, Councilman Joe Wynkoop, Town Attorney Anita Geraci-Carver, and Litigation Counsel Mark Riones.

COUNCIL AND MAYOR

Councilman Wynkoop

Councilman Wynkoop said that he understood that the County was hiring a lobbyist, and he asked Sean Parks to talk about this. Sean stated that the County does not currently have a lobbyist at the state level. The County has budgeted \$25,000 for a state lobbyist this year. He said that he understood that it is a turn-off to a lot of people, but what he has found is that the State has put a lot on the cities in the last few years through legislation and unfunded mandates. And most of the time, local governments do not find out about it until it is too late. So the County has decided to hire a lobbyist to fight for the local governments. The County is hoping that cities will eventually partner with the County in this regard. He said that the cities of Clermont and Groveland have expressed interest.

Councilman Wynkoop said that he does not have any experience in this topic, but he feels the lobbyist would be beneficial for Montverde.

Councilman Wynkoop also said that the County is looking for places to regionalize sports. He suggested the Stecher property would be great for this. Sean stated that the County has put out an RFQ for master planning in the South Lake Regional Park. With the growth in the South Lake region, there are not enough fields to meet the population and demand for sports. The intent is to get the South Lake Regional Park designed and built, and to bring in the other cities in the area. Councilman Wynkoop said that it would be the equivalent of an MPO for sports. He joked that he would volunteer the Academy's property for sports fields for other cities in Lake County.

Councilman Wynkoop said that he would like to see something from the County to put in the cities' newsletters about renewal of the penny sales tax. Mayor Bennett stated that the County did do this, and a few cities got really upset because they did not feel like they should be made to promote the County's taxes and other business. Councilman Wynkoop stated that he would like to see this in the Town's newsletter so that people understand it so that it gets renewed. Mayor Bennett read an email excerpt from another city whereby they balked at promoting the sales tax, as it was against the law to spend public funds to promote the passing of public issues. Information can be provided, but it cannot be an advertisement promoting the renewal. Councilman Wynkoop said that he does not think the County is doing a good job at promoting the renewal. Councilman Wynkoop said that he is inviting Sean Parks to come to the Bingo night to talk about it.

Councilman Burns

Pass.

Councilman Bates

Pass.

Councilman Pierce

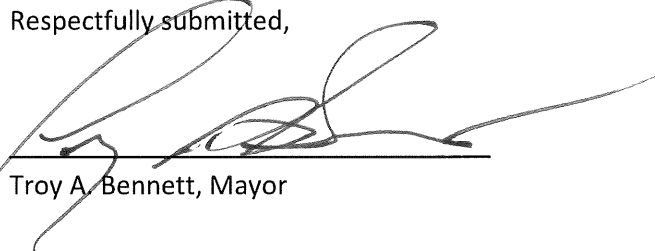
Councilman Pierce asked for the status on the boat ramp. Mayor Bennett said that he talks with Sean Parks daily on the issue. Sean Parks said that he got excited because several weeks ago, he got a call

from the Fish and Wildlife Commission that they would be sending an award letter. Mayor Bennett said that they received notification from the Water Authority that they would be willing to contribute a sizable amount for the boat ramp, but they can't seem to move forward with the Fish and Wildlife Commission. Sean Parks said that he will keep calling until he gets answers.


ADJOURN

MOTION to Adjourn by Councilman Bates; SECONDED by Councilman Wynkoop at 8:45pm. Passed unanimously.

Respectfully submitted,

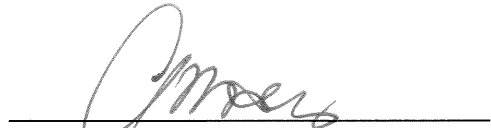


Troy A. Bennett, Mayor



Glenn Burns, Council President

ATTEST:



Graham Wells, Town Clerk

