

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

July 8, 2014

The Town of Montverde met in regular session on Tuesday, July 8, 2014 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns
Arthur Nix
Jim Peacock
Jim Pierce
Joe Wynkoop

Staff Present:

Troy Bennett, Mayor
Graham Wells, Town Clerk
Terry Burden, Public Works Director
Mary Gillis, Finance Director
Anita Geraci-Carver

Mayor Bennett called the meeting to order at 7:43 PM and led the Pledge of Allegiance.

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

MINUTE APPROVAL

**MOTION by Arthur Nix to approve the regular Council Meeting Minutes from June 10, 2014;
SECONDED by Jim Pierce**

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

PRESENTATIONS

Mayor Troy Bennett introduced guests in attendance: Fred Wood, one of the owners of Waste Pro.

Mr. Wood stated that Waste Pro is proud to have a new contract with the Town of Montverde. He said that Montverde is not too small for Waste Pro, as they have contracts with cities that have only 60 homes. Mr. Wood introduced John Jennings, who is majority owner of the company. John has been training at a garbage company in Costa Rica. Mr. Wood said that his parents and grandparents owned garbage companies, and he knows the business very well. He said that one thing that makes Waste Pro different is that they believe in taking care of their employees. They have an excellent bonus program: drivers that

work with Waste Pro for three years with no accidents and no real customer complaints get a check for \$10,000. He said Waste Pro has written over 200 of those bonus checks. Mr. Wood said that Waste Pro also awards longevity bonuses; employees receive \$250 every year they are employed with Waste Pro. Mr. Wood said he appreciated the Town's loyalty.

Councilman Nix said their employees are definitely excited to work for Waste Pro. Mayor Bennett said that he told Mr. Wood earlier that he does not have a list of complaints, because any issue is rectified immediately. Mayor Bennett also thanked Mr. Wood for their service on Montverde Day.

DEPARTMENT AND COMMITTEE REPORTS

Bill Broeker, Public Safety Committee. Mayor Bennett stated that the Sheriff's contract will be on the August agenda. He said that the Town sent the contract to the Sheriff's office, and when the Sheriff's Office returned it, they had stricken the clause that when the deputy is not in Montverde, that the Sheriff's Office must offer a replacement. The Town is trying to get the clause put back in the contract, so that the contract can be adopted. Bill Broeker pointed out that in the monthly report from the deputy, the total number of calls on duty was 15 while the total number of calls while not on duty was 21. He said that a deputy is never going to catch everything, but the Town does need more robust coverage. The Public Safety Committee is recommending that a deputy vary the times that he/she works each week. They also recommend deputies work Tuesday through Saturday, to catch speeding, loitering, and prowling. He said the community would benefit if the deputies had a more unpredictable schedule. Mr. Broeker would recommend deputies work from 4:00 to midnight.

Mayor Bennett stated that there has always been an issue of using off-duty deputies, so he encouraged everyone to attend the Budget Workshop on July 17, where the topic will be discussed. Mr. Broeker would prefer changing shifts first, then if that does not work, to look at hiring an additional off duty deputy. Mayor Bennett asked if Mr. Broeker was suggesting that the current deputy, Andrea McKane work that proposed schedule. Chris Hopkins, a member of the Committee, stated that the Sheriff would allow that. Mayor Bennett stated that in eight years, the Sheriff has never allowed the Town to determine scheduling. He said he did not want the Committee's hopes to get too high. Councilman Jim Pierce interjected that he, too, has been at the meetings with the Mayor and Sheriff where they have asked for the exact same thing, and the Sheriff has always said no. Mayor Bennett said that he may verbally agree to it, but when he submits his contract, he will leave it out. Councilman Pierce suggests that maybe the Sheriff will remove Andrea, and the Town will get someone else who will maintain a schedule that the Town wants.

Councilman Jim Peacock stated that right now, Andrea is working five eight-hour days. He stated that maybe she could continue working that schedule, just varying the times that she reports to work. Councilman Pierce stated that residents already pay for coverage, and what they are discussing is the Town of Montverde paying extra to have extra people. He stated that even if the Town did not pay for Andrea, residents would still get the same coverage that other residents in the County have. Councilman Wynkoop stated that we are paying \$85,000 each year for Andrea. Mr. Broeker said that we can keep negotiating the contract, and go to additional officers if need be.

MAYOR AND COUNCIL

Councilman Joe Wynkoop:

Pass.

President Glenn Burns:

Pass.

Councilman Jim Peacock:

Pass.

Councilman Arthur Nix:

Councilman Nix asked if Councilman Peacock need any help with compressors on Lake Florence. Councilman Peacock responded that he does not need help, but that there is an issue with Aquatic Eco-Systems and their maintenance agreement on the aerators. He asked to meet with Mayor Bennett and Anita Geraci-Carver after the meeting. He stated that the company does not want to maintain the aerators anymore.

Councilman Jim Pierce:

Pass.

Mayor Troy Bennett:

Mayor Bennett welcomed new Town Clerk Graham Wells.

Mayor Bennett stated that he has been approached by Harden family. He said that he has talked to each Councilman separately about the Town possibly purchasing the Harden property next to the Firehouse, which is approximately 1.3 acres. He said that the property is actually two parcels together. He noted that there is an alley way on the property. Back in 1920's, the Town was mapped out with "blocks", each block had an alley way so that someone could drive behind their house for trash, etc. The 20 foot alley way does not really exist anymore.

Mayor Bennett noted that the property also has a house on it. He said the Town is interested in the land, because it is the only piece of property left that is contiguous to government buildings. He said that the house is in good shape, as the Hardens have taken good care of it. It is approximately 1,100 square feet, made of concrete block, built in 1956. Mayor Bennett said that unlike the purchase of the Stecher property, the Town does not really have a plan for this property yet. He said that one Councilman suggested turning the house into the Town's Library.

Mayor Bennett stated that the appraised value of the land is \$130,000, and the Hardens are asking \$300,000. He said that Council must also look at the purchase from the point of view of where the Town wants to go. Mayor Bennett said that this is a discussion item now, and if they are interested in purchasing the property, that it could be placed on the August agenda.

Councilman Pierce stated that he is a proponent of having contiguous land for future development, because the Town is currently land-locked. He said that the Library is built on land that was dedicated for a basketball court. He also said that he did not feel as though the property was worth \$300,000.

Mayor Bennett pointed out that the Town could close the right-of-way on Fifth Street to give the Town a little more room. He also said that the Town has never figured out what to do with Stecher, so the Town could possibly sell Stecher to purchase this property. Councilman Nix opined that selling Stecher makes more sense.

Councilman Wynkoop asked if the Town was committed to purchasing the land for the dock. Mayor Bennett replied that the Town did not commit to purchase the land for the dock, as they are waiting to hear back from Fish and Wildlife Commission.

Councilman Peacock asked if there was going to be any movement from the appraised price and the asking price. Mayor Bennett replied that he spoke with David Harden today. He said that he really respects him and his family. He said that he told Mr. Harden that after speaking with each Councilman individually, he determined that Council was more in favor of paying \$200,000. He said that it would be up to the Hardens as to whether the price was negotiable.

Councilman Pierce wanted to add that there was an additional eight acres for sale, and to be thorough, he asked if Council wanted to purchase all of the property. Mayor Bennett responded that Mr. Harden said that he was offered \$1 million for all of it. Councilman Wynkoop asked how many home sites could be built on the eight acres. Mayor Bennett replied not more than sixteen. Councilman Nix stated that he was going to buy the eight acres in 1988, and he did the layout for the property, and he could only get ten homes in the eight acres, when green space is factored in.

Councilman Pierce asked if Council could have a meeting to discuss. Councilman Peacock said that it would not hurt to pursue the purchase, but he hesitates on paying \$300,000. Councilman Nix stated that purchasing this property makes more sense than keeping Stecher. Mayor Bennett agreed, and stated that the topography of the land at Stecher makes development tough. Councilman Nix stated he thought the Mayor should proceed in purchasing the property.

Mayor Bennett stated that he appreciated David Harden coming to the meeting. He asked David if there was anything he wanted to say; David replied no.

Mayor Bennett opened the floor for public comment. Seeing none, he closed public comment.

Councilman Pierce stated that the Town obviously needs a Library solution, since the current Library is on its last leg. Councilman Nix stated that the home on the property can also double as a Community Building.

Councilman Wynkoop asked if Council could get maps showing the property with measurements. Mayor Bennett agreed. Councilman Wynkoop asked if staff could bring ideas for what to build on the property. Mayor Bennett said that there were no real plans for the property at this time; the issue was that the property was valuable because it was contiguous to Town properties.

MOTION by Jim Pierce to authorize the Mayor to proceed with negotiations to purchase the Harden property; SECONDED by Arthur Nix
For: Burns, Nix, Peacock, Pierce, Wynkoop
Against: None

Mayor Bennett informed Council that there will be a Budget Workshop on July 17, 2014 at 7pm. He invited all residents to attend.

NEW BUSINESS

Comprehensive Plan Amendment for Economic Prosperity Element

MOTION by Jim Pierce to move Comprehensive Plan Amendment to next month's agenda; SECONDED by Arthur Nix
For: Burns, Nix, Peacock, Pierce, Wynkoop
Against: None

Purchase of Vacant Lot at Corner of Franklin Avenue and Eighth Street

Mayor Bennett explained that the Town has been working for many years to purchase this property as a parking enhancement for the Town. He said that the property was behind the Green Mountain Deli, and is approximately .25 acre. The property has been in the court system for four years, and it is now owned by the Brecheen family. The family has offered the property to the Town for \$40,000.

Mayor Bennett explained that the Town has been interested in purchasing the property for years, and converting it in to a gravel parking lot for additional parking in the downtown area. He said that he asked Councilman Nix to draw up a sketch of how many parking spaces could be put on the property, and Councilman Nix determined that twenty spaces could be located on the property, with no retention.

Mayor Bennett said that Mr. Brecheen asked that a six foot fence be erected between this property and his property. Mr. Brecheen also asked that any lights erected adhere to Dark Sky requirements.

Councilman Pierce indicated that the lack of parking precludes the commercial properties from flourishing in Montverde.

Councilman Nix stated that gravel does not work well in Florida; sand or clay would be better. Councilman Wynkoop asked what restrictions Mr. Brecheen placed on the purchase. Mayor Bennett responded that the restrictions were that the Town use "Dark Sky" lighting, construct a six foot fence between the parking lot and his property, and allow the Church to use the parking lot.

Councilman Wynkoop asked if the Town would have to change zoning. Anita Geraci-Carver replied that if it is zoned commercial, then the Town should be able to use it for parking.

Councilman Nix asked if the Town can purchase the property with the current legal description. Anita Geraci-Carver replied that in the purchase documents, she used the legal description in Mr. Brecheen's deed to the former property owners. Mayor Bennett stated that the Town could get a survey of the area.

MOTION by Joe Wynkoop to purchase the Brecheen property for \$40,000; SECONDED by Arthur Nix

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

Refund of \$250,000 in Fees Paid by Pineloch Management Corporation

Mayor Bennett stated that Pineloch Management gave the Town \$250,000 with a letter, several years ago. The letter stated that \$225,000 is for prepaid portion of applicable connection fees, and \$25,000 is for legal and engineering fees. He stated that over eight years, almost all of those legal and engineering fees have been spent.

Mayor Bennett explained that he is asking Council to either terminate the contract or go back and renegotiate the contract. He said that there are items in the letter that are vague, and are no longer applicable. He said that the Town was supposed to start running a water pipe upon receipt of required funding, which was back in 2005.

Anita Geraci-Carver said it is in the best interest of the Town for the Mayor to have a conversation with the developer, to find out what the developer's plans are and how imminent the plans are. Then the Town and developer could make modifications to the agreement.

President Burns asked if the Town could just give the money back. Anita Geraci-Carver replied that the agreement states that the money runs with the land. Councilman Pierce confirms that the Town has no way out of the contract. Anita Geraci-Carver replied that the Town and the developer would both have to agree to terminate.

Mayor Bennett explained that there is discrepancy over what the money given to the Town was actually for. Discussion ensued over a letter from Pineloch Management Corporation in 2009, detailing what the money was intended for. Councilman Peacock interjected that since the letter was not part of the agreement, that it did not matter what the letter stated.

Councilman Pierce confirmed that impact fees were not in existence in 2005. Councilman Nix noted that now, the Town imposes a connection fee and an impact fee.

Anita Geraci-Carver stated the real problem with the agreement is the timing. The Town needs to know what the developer's plan are, and when they intend to begin development.

Councilman Nix asked Steve Romano, CPH Engineering, if it would have been in the Town's best interest to have run a water pipe to the development back in 2005. Steve replied that it would be best for the pipe to be installed immediately before the development began construction. He said that had the Town installed the water pipe in 2005, it would have been a tremendous cost to the Town to maintain it, as water would have had to flow through the pipe constantly. Mayor Bennett stated that he needed to

meet with the developer over Section 3a of the agreement, requiring the Town to install the pipe immediately upon receipt of the funds.

Councilman Pierce brought up capacity. He asked what would happen if the Town's water system is at capacity when the developer finally gets ready to develop the property. Anita Geraci-Carver responded that the Town would have impact fees to pay for the additional infrastructure needed. Mayor Bennett asked if this development was included in our current CUP computations. Councilman Nix replied yes.

MOTION by Jim Pierce to authorize the Mayor to enter into discussions with the developer to either modify or terminate the Pineloch agreement and to put an expiration date on the agreement;

SECONDED by Arthur Nix

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

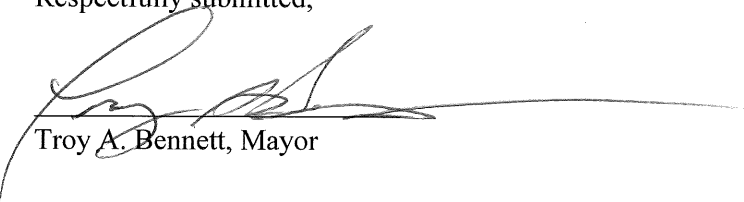
CITIZEN QUESTION AND COMMENT


None.

ADJOURN


MOTION to Adjourn by Jim Pierce; SECONDED by Jim Peacock at 9:15 PM. Passed unanimously.

Respectfully submitted,


Troy A. Bennett, Mayor


Glenn Burns, Council President

ATTEST:


Graham Wells, Town Clerk

