

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

June 10, 2014

The Town of Montverde met in regular session on Tuesday, June 10, 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
Terry Burden, Public Works Director
Mary Gillis, Town Clerk / Finance Director
Anita Geraci-Carver

Mayor Bennett called the meeting to order at 7:03 PM and led the Pledge of Allegiance.

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

MINUTE APPROVAL

Glenn Burns requested a change in the May 15, 2014 Minutes, page 3. Whereas the Minutes read "He stated that they only allow the water level to get as high as the docks on the North Shore," it should read "He stated that they only allow the water level to get as high as the dikes on the North Shore."

MOTION by Jim Pierce to approve the regular Council Meeting Minutes from May 13, 2014 and the Special Council Meeting Minutes from May 15, 2014, as corrected; **SECONDED** by Arthur Nix

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

PRESENTATIONS

Dedication of Memorial Tree and Plaque in Memory of Former Mayor, Councilman, and Fire Chief Tony Mancuso

Mayor Bennett explained to residents that long-time resident and Former Mayor, Councilman, and Fire Chief Tony Mancuso passed away. He said that Mr. Mancuso was an integral part of Montverde, and he and Town staff felt it necessary to honor Mr. Mancuso and all of his contributions to Montverde. So staff

had a plaque made honoring Mr. Mancuso, and planted a yellow tabebuia tree in front of the Fire House. Mayor Bennett recognized Mr. Mancuso's family in the audience, and thanked the family for their involvement in Montverde.

MAYOR and COUNCIL

Councilman Joe Wynkoop:

Councilman Joe Wynkoop explained that he regularly attends the Elderly Affairs Council meetings of Lake County. He said that this group offers a lot of products and services for seniors. For instance, residents can dial 2-1-1 on their phone, and a representative from United Way will answer to offer assistance with any problem they may be having. He also discussed the County's SHINE Program, which stands for "Serving Health Insurance Needs of the Elderly". He said that this program helps seniors with supplemental insurance. He said that the program representatives do not try to sell anything; it is just a service that Lake County offers. He invited residents to learn more about these programs and the Elderly Affairs Council. He asked if it was ok with Mayor Bennett to give him a couple of lines in the next newsletter detailing the products that Lake County offers. Mayor Bennett agreed.

Councilman Wynkoop then stated that the next Super Senior meeting is this Thursday.

Councilman Wynkoop then gave an update on the MPO, of which he is the Town's representative. He explained that the MPO deals with roads, bike trails, and railroads in the area, and that Commissioner Sean Parks serves on the MPO. He said that the MPO plans out ways to facilitate old roads and construct new roads. The MPO coordinates with developers and County Commissioners, and acts as a liaison with the State. He said that one issue that came up at the MPO meeting was bicyclists in the area. He stated that several people discussed the idea of banning bicycles in the area for safety reasons. But, the MPO found federal money to obtain a safety grant to cover the cost of paving and improving certain roads, like CR 455, to make them safer. He said that the MPO is doing a lot of things that will help Montverde.

Councilman Wynkoop then passed out a flyer that the MPO produced that showed a proposed bike trail going from the East coast of Florida to the West Coast. He said that this proposed trail would come right near Montverde, which would help with ecotourism. Mayor Bennett interjected that he rode his bike along the Apopka Trail over the weekend, and he thought that the trail was extraordinary.

Councilman Wynkoop then reminded residents that Super Seniors Bingo occurs this Friday at 7pm.

President Glenn Burns:

Council President Glenn Burns stated that he went to the City of Apopka Council meeting, where they discussed efforts to develop the North Shore Restoration Area for tourism. He stated that they want to form a committee made up of representatives from each municipal government on Lake Apopka, so the Town should expect that soon.

President Burns also stated that he went to a Friends of Lake Apopka meeting, and there was a man from the Water Management District there. This man told the group that the Water Management District had signed a 20 year lease for a 300 acre sod farm on the North Shore Restoration Area. President Burns

explained that they have spent so much money on restoration, and then they turn around and lease a sod farm. Councilman Nix asked if there was already a sod farm there, and Mayor Bennett replied yes, but that it is along the fringe of the Restoration Area. President Burns stated that the Water Management District is supposed to be pushing for water conservation, and yet they are pushing sod farms. He said that we should be watching the Water Management District very closely, because no one knew this was going to happen. Mayor Bennett agreed, and said that there should be some sort of a watchdog over this organization.

Mayor Bennett then asked Sean Parks to discuss the changes to the proposed Comprehensive Plan Amendment for the Economic Prosperity Element, since the Element corresponds directly to the things that President Burns was discussing. Sean Parks then passed out the proposed changes to the Comp Plan, based on the discussions that Council had at the last meeting. Sean stated that the original plan was for Council to approve the Element tonight, and he would transmit to the Department of Economic Opportunity the next day. He explained that there was a mix-up with the newspaper, and the advertisement did not run for the Comp Plan Amendment. So, Council will approve the Element at July's Council meeting instead. He also said that he was working on an analysis of "jobs to houses built ratio" since there was so much discussion about this at the last Council meeting. He said that he would provide that to Councilmen before the July meeting.

Mayor Bennett explained that the reason he wanted Sean to discuss the Comp Plan Amendment is because the Amendment will allow Montverde to be the gateway to the North Shore, and will allow Montverde to have a say in what happens, especially with something like a sod farm.

Councilman Jim Peacock:

Councilman Peacock stated that he has been monitoring Lake Florence, and performing water sampling, and everything is in good shape. He expanded that the lake was in good shape, and the water clarity had improved. He said that the lake could still come up two feet, and that he was hoping for a wet summer, because that would improve the water quality a lot.

Councilman Peacock then asked if the exterior of Town Hall was complete. Public Works Director Terry Burden indicated that it was. Councilman Peacock inquired about the lightning protection, since the summer months are approaching. Mayor Bennett then interjected that in July, there will be some budget workshops, and Council can decide if they would like to go further with remodeling the Auditorium and lightning protection.

Councilman Arthur Nix:

Councilman Nix thanked the Fire Department for helping his son over last weekend, as he was out of town.

Councilman Jim Pierce:

Councilman Pierce asked if there was going to be a Special Meeting on the 15th. Mayor Bennett stated that he would get to that in his section.

Mayor Troy Bennett:

Mayor Bennett asked for Council permission to sell Town equipment. The Town would like to sell an old John Deere mower with a blown engine and an old trailer that is no longer in use. It is his responsibility to ask Council for permission to dispose of Town assets. He explained that they will not get much money for them, but they do need to be disposed of. Councilman Peacock asked if the trailer was road worthy. Public Works Director Terry Burden responded that it was not. Councilman Peacock then stated that the Town must be very careful with that, because the Town has a lot of liability with it not being road worthy. Mayor Bennett responded that on the Bill of Lading, it will be noted that the trailer would be sold as "scrap".

**MOTION by Joe Wynkoop to authorize the Mayor to Dispose of the John Deere Mower and Trailer; SECONDED by Jim Peacock
For: Burns, Nix, Peacock, Pierce, Wynkoop
Against: None**

Mayor Bennett then asked Council for two dates in July for budget workshops for FY 2015. It was decided that July 2 at 6:30 and July 8 at 6:00 would be the dates and times for the workshops. Mayor Bennett explained that these workshops are the preliminary stages before Council adopts the budget in September.

Mayor Bennett then announced that the Town has a new Librarian. Her name is Kathleen Gifford, and her passion is children. The Library is fully operational again and back to normal hours.

Mayor Bennett stated that he talked to Mr. David Harden today about the two acres he owns near the Firehouse. He said that the property was going up for sale, but he did not know what the price would be. He asked for a consensus from Council as to whether or not they are interested in purchasing the land. Councilman Nix asked if the property included the house, and if the property was contiguous to the Town's property. Mayor Bennett replied yes to both. The consensus from Council was that they were interested in purchasing the property.

Mayor Bennett then announced that Montverde Idol will be occurring on June 20 at 7pm at the Kirk Park Stage. He encouraged everyone to come, and said that the performances each year are phenomenal.

Mayor Bennett announced that the Caucus is coming up in August. He stated that there are only a few cities in Florida that still has a Caucus. Montverde's Caucus will be on August 12 at 6:30pm.

Mayor Bennett then discussed the Sheriff's Town Hall meeting held a few weeks ago. He explained that he invited Sheriff Borders to Town Hall so that he could hear some of the concerns and complaints from residents. He stated that there was a large turnout to the meeting. Bicycling was discussed as well as golf carts, but the main topic of conversation was the speeding water trucks coming through Town. He said that the problem seems to be resolved, as they have asked Indian River to have their trucks not drive directly through Town. He asked Council if they wanted him to pursue an Ordinance banning trucks of a certain size from entering town, as well as prohibiting jake-breaking. Councilman Pierce asked if the Sheriff's Office could enforce these things, and Mayor Bennett replied yes. The consensus of Council was to proceed with such an ordinance. Sean Parks interjected that at the Lake County Board of County

Commissioners meeting today, that he asked that a speed study be done along CR 455, to see if the speed limit needs to be lowered. He said that the study would encompass CR 455 from Montverde, all the way to old 50. Mayor Bennett asked that the Town receive a copy of the results and conclusions of the study, and Sean Parks agreed.

Mayor Bennett then gave an update on the boat dock. He explained that currently, there is no contract. He explained that the Ropers' attorney had given the Town a contract that required the Town to give certain things to the Ropers in regards to their development in exchange for the property. Mayor Bennett explained that from the beginning, he has warned them that this exchange would strictly be a "cash for property" purchase, with no reference at all to the Ropers' development. So, the Ropers are now working on a simple agreement for the purchase of the 2.5 acres, but that would allow for an opt-out clause until October 1. Councilman Wynkoop suggested that Town use the simple Vacant Land Contract template, and Anita Geraci-Carver stated that she did create something similar.

Mayor Bennett stated that Mary Gillis will be making a change: she will be going back to simply being the Finance Director, and will vacate the Town Clerk position. The Town will be advertising for the Town Clerk position soon.

DEPARTMENT AND COMMITTEE REPORTS

No committees present.

CITIZEN QUESTION AND COMMENT

Billy Bates, 17302 Second Street. Billy Bates asked about the new Recreational Trail and whether there would be lighting along the trail. Mayor Bennett replied that the Town included lighting in the grant, but that the State did not approve to fund the lighting. Mayor Bennett and Councilman Nix agreed that it is dark near the wooded area along the trail. Councilman Pierce suggested the low lights that reflect light on the ground only. Billy Bates also asked about putting a fence along the trail, near where his sister and Speedy Gonzales live. Mayor Bennett stated that the Town initially included fencing in their grant application, but again, the fence was denied. Mayor Bennett stated that he would get some quotes for lighting and fencing and bring back at a later date.

Sean Parks, Lake County Commissioner. Commissioner Parks stated that Lake County decided to refund cities their share of the contributions for the South Lake Business Opportunity Center. He said that the Commission decided that the Business Opportunity Center was not as effective as it should have been during the year. Councilman Nix asked if the County was still keeping the Business Center, and Commissioner Parks replied yes.

NEW BUSINESS

Discussion: Vacation of Right of Way on Lake Street

Mayor Bennett explained that residents Dan and Janet Davis approached the Town about vacating a right of way along their property on Lake Street. He stated that the issue at the time was that the Town did not have a survey of that area, and staff knew that there would be problems in that area. He said that the two worst areas in Town for determining property and rights of way are the Alpine Terrace area, which is where the Davises live, and the Lowry Road area. Mayor Bennett reminded Council that they approved for a survey to be conducted of the area, and he then showed the completed survey on the overhead. Steve Romano then explained that the Lowry Road survey should be completed soon.

Mayor Bennett stated that when he took office, Councilman Burns told him that one of the things that needed to happen in Montverde was that a survey needed to be completed for the entire Town. Mayor Bennett said that he has slowly completed these surveys, and the Town has corrected any problems that the surveys have uncovered. He said that the Lowry area also needs a lot of new water piping, as that area has the original pipes, and there have been some issues with the water. Lowry also has some roads and drainage issues, but the survey was the starting point to fix the water, road, and drainage issues in that area.

Mayor Bennett then explained the parts of the survey, and stated that some of the rights of way in the Alpine Terrace subdivision had already been vacated in the 1980s. The Davises were asking for another right of way next to their property to also be vacated. Mayor Bennett stated that the Davises were having a lot of problems with kids and trailers traveling down that right of way, and that is why they are asking for the right of way vacation.

Councilman Peacock asked about the owner of the adjacent property, and whether he had any input. Mayor Bennett said that the Town had not heard from him yet. Councilman Nix inquired as to what would happen if the Town vacated the right of way. Anita Geraci-Carver replied that the right of way ownership would be split between the Davises and the adjacent property owner.

Councilman Pierce asked that if the adjacent property owner decided to develop his property, could the Town still accommodate his needs for ingress and egress. Anita Geraci-Carver replied that the owner/developer would create his own roads in a replat of the property.

Councilman Pierce asked if the Town does not vacate the right of way, how can the Davises resolve their problem. Mayor Bennett said that the Davises initially wanted to put a gate across it to keep kids from going back there, but they could not because a right of way cannot be fenced in.

Mayor Bennett stated that he has a good relationship with the adjacent property owner, because there has been a property owner in Magnolia Terrace that cuts across his property to access the back of his own property. He stated that the adjacent property owner has worked with the Sheriff's Office to stop the man from doing this because he did not want the liability associated with someone using his property without permission. Mayor Bennett stated that this adjacent property owner would probably be in favor of the Town vacating the right of way.

Councilman Nix asked Steve Romano with CPH Engineers what he thought the downside of vacating the property was. Steve answered that there would be no real downside, that the adjacent property owner would replat the area anyway if he were to develop it.

Councilman Burns asked how long the right of way in question was. Mayor Bennett replied about 300 feet. Mayor Bennett informed Council that the Davises have been maintaining the road.

Councilman Peacock asked Anita Geraci-Carver if she saw any downsides to vacating the right of way. Anita answered that Council cannot vote to vacate it tonight, since property owners have to be noticed and an Ordinance needs to be drawn up. She stated that staff decided to have Council come up with a consensus as to whether they would allow this right of way vacation, so the Davises would not have to go through the time and expense of applying if Council would not allow it. Mayor Bennett interjected that he was just trying to find out if it would be worth it for the Davises to go forward with their application request.

Mayor Bennett pointed out that the property next to the water tower that the Town owns was purchased from Mr. Mancuso.

Councilman Peacock asked if the Town had to incur any cost to vacate this right of way. Anita clarified that any costs incurred by the Town would have to be paid for by the Davises.

Mayor Bennett told the residents that the reason they are going through such lengths to discuss this topic was because it is almost taboo for a city to give up any property. Councilman Pierce and Burns agreed. Councilman Nix said that his only concern is that the right of way may be needed as a retention area later, but stated that it would be the responsibility of the developer/adjacent property owner to create retention areas.

Councilman Wynkoop said that he generally does not like to vacate property, but he does see the need here. Councilman Pierce clarified that there would not be any cost to the Town, and Mayor Bennett confirmed that the Davises would have to reimburse the Town for all costs.

It was the consensus of Council that they are in favor of vacating the right of way near the Davis property. Mayor Bennett then instructed the Davises to come to Town Hall to complete their vacation request.

Approval of New Contract with Waste Pro for Garbage Services

Mayor Bennett explained that he has been in negotiations for this new contract for many months. He stated that he has negotiated a reduction in rates of about 80 cents per resident per month. He also stated that the new contract provides that Waste Pro has 45 days to cure any problems before the Town can opt out of the contract. Mayor Bennett explained that Council has the option to approve this contract or go out to bid and sign a contract with another company.

Councilman Peacock stated that he felt Waste Pro has provided good service to the Town. Councilman Pierce asked the Mayor how he felt about the contract. Mayor Bennett replied that he thought that there was more money that could be cut from Waste Pro's fees, because he felt that Waste Pro was getting a good dump rate from Sumter County's landfill. Commissioner Parks interjected that the County got a

good deal from Waste Pro based on this fact. Mayor Bennett stated that he feels like he could get a \$15.15 rate from other companies, but the quality of service we would get is unknown. He said that staff still has some issues with Waste Pro: some days they show up very late, their trucks are always breaking down, they constantly spill chemicals all over the road, etc.

Councilman Wynkoop stated that he is a huge Waste Pro fan, but he does wonder if the Town can get the same service for a better price. Councilman Pierce stated that the real issue of cost comes down to the actual toters. He says that the Town does not own the toters, like the County does. So, it is difficult to compare the Town's contract with Waste Pro to the County's contract with Waste Pro.

Mayor Bennett explained that the Town could go out for bid, which would mean that the Town would exactly spell out the services that are required, or they could go out for proposal, which means that companies would offer proposals on the services that they could provide. So, if Council does not approve this contract, then Council would need to decide to either go out to bid or go out to proposal. Councilman Wynkoop suggested staff go out to bid.

Commissioner Parks stated that the County spent four years working on their contracts for garbage service. Councilman Pierce asked the audience if anyone knew of what surrounding areas are paying for garbage. No one in the audience responded. Councilman Nix said that he agreed with Councilman Wynkoop, but he felt that the Town would be wasting a lot of time and effort to generate very small, if any, savings.

Councilman Peacock stated that Waste Pro has always helped out on Montverde Day, and that is worth money to the Town. Councilman Nix felt like Mayor Bennett has squeezed Waste Pro down as far as they will go. Councilman Wynkoop stated that he felt that the contract term was too long. Councilman Peacock asked if Waste Pro can come back and ask for fuel increases in the future. Anita Geraci-Carver replied that the contract states that they can ask for an increase, and if the Town denies the increase, then Waste Pro has 20 days to opt out of the contract. She reminded Council that they will be locked in for five years, because the contract gives Waste Pro the right to cure any deficiency.

MOTION by Jim Pierce for the Mayor to Sign the New Contract with Waste Pro, SECONDED by Arthur Nix

For: Burns, Nix, Peacock, Pierce

Against: Wynkoop

CITIZEN QUESTION AND COMMENT

Councilman Wynkoop asked the Mancuso family to introduce themselves. As they did, they explained that they were also related to the Lowry family.

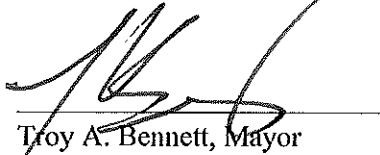
Billy Bates, 17302 Street. Mr. Bates asked Council about the trees near his house right on the Town's right of way. Mayor Bennett stated that it would cost the Town about \$1500 to remove those trees. He said that the Town has paid a lot of money this year to remove trees in the right of way. Consensus from Council was to remove the trees.

Ruth Ryan, 17529 Kirkland Road. Mrs. Ryan asked when Council was going to remove the vegetable garden in Town. Mayor Bennett stated that Town Hall gets a lot of complaints about the garden. Councilman Pierce said that most of the plots in the garden were used by Councilman. Mayor Bennett stated that most people in Montverde have enough land to have a garden at their house, if they choose. Councilman Peacock agreed, but stated that many people have too much shade to grow anything. Mayor Bennett agreed, but also stated community gardens tend to work better in larger cities. Billy Bates suggested residents use the Stecher property for a community garden.

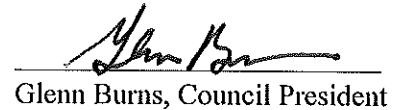
ADJOURN

MOTION to Adjourn by Jim Pierce; SECONDED by Joe Wynkoop at 8:40 PM. Passed unanimously.

Respectfully submitted,



Troy A. Bennett, Mayor



Glenn Burns, Council President

ATTEST:



Mary Gillis, Town Clerk

