

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

**March 10, 2015**

The Town of Montverde met in regular session on Tuesday, March 10, 2015 at 7:00 PM in the Town Hall Auditorium.

**Council Present:**

President Glenn Burns

Arthur Nix

Jim Pierce

Joe Wynkoop

**Council Absent:**

Billy Bates

**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 7:04 and led the Pledge of Allegiance.

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

**MINUTE APPROVAL**

**MOTION by Councilman Pierce to approve the regular Council Meeting Minutes from February 10, 2015, and the Special Council Meeting Minutes Report from February 11, 2015; SECONDED by Councilman Nix.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

**CITIZEN QUESTION AND COMMENT**

None.

## **COUNCIL AND MAYOR**

### **Councilman Joe Wynkoop**

Councilman Wynkoop stated that he had a couple of people ask him if anything could be done about the fence at the Stecher property. Mayor Bennett replied that he could get quotes on repairing the fence, replacing the fence, or just tearing it down. He said he could bring the quotes to the next Council meeting.

The Friends of Montverde team suggested that the Town needs hurricane strategies implemented, and suggested that a team be put together to provide guidance to residents on what to do if a hurricane comes. Mayor Bennett stated that the Public Safety team could help in this regard.

The Friends of Montverde team also suggested that Town staff paint the fire hydrants in Town. Public Works Director Terry Burden stated that he and his staff are currently working on that.

The Friends team also would like to hold its Annual Flea Market either the weekend of April 25 or May 9. Mayor Bennett stated that holding the Flea Market would be no problem. The team would just have to go to Town Hall and fill out the Facilities Use Form and Event application to use the Park during the weekend that they choose.

### **Councilman Glenn Burns**

Pass.

### **Councilman Arthur Nix**

Pass.

### **Councilman Jim Pierce**

Councilman Pierce said that he is concerned about the private closing of the road along the grove. Mayor Bennett replied that staff is working on that, and he hopes to have that taken care of by the middle of next week.

### **Mayor Troy Bennett**

Mayor Bennett stated that a lady who runs a kids' summer camp approached him about renting the Community Building during the summer. She usually has about 20 kids; she charges \$99 per week for a half day and \$149 per week for a full day. She would hold the camp for five weeks: June 15 thru 19, July 13 thru 31, and August 3 thru 7. The camp is held from 9am to 4pm. She would like to rent the Community Building during these times for her camp.

Councilman Nix stated that that is a lot of time for one person to occupy the Community Building. Mayor Bennett said that the Town has never tied the Community Building up for this long before. He said that the Town charges 10% to those entities that use the Town's facilities to make money.

Councilman Pierce asked if the rates are different if the person using the facilities lives in Town or out of Town. Finance Director Mary Gillis replied that the charge is 10% for those who use the facilities to make money, regardless of whether they live in or out of town. Mayor Bennett also stated that if the use was not to make money, then residents would not be charged, while non-residents would pay a small fee for the day's use.

Mayor Bennett stated that the camp would "lock up" the Community Building for those weeks from Monday thru Friday. Councilman Nix asked if any other groups use the Community Building during the day on Monday thru Friday. Mayor Bennett stated that there are not many groups that use the building during the day. Councilman Pierce asked if there were any bookings so far during this time period. Mayor Bennett replied no. Councilman Pierce asked if staff felt like the camp would impede any normal summer activities at the Community Building. Mayor Bennett replied that he did not think so.

Councilman Pierce said that he is concerned about renting the building, because the building is for the use of the Town's residents, first and foremost. He said that the residents are the ones who pay for the buildings, its electricity, water, etc.

Mayor Bennett said that he did some calculations, and if the camp were full each day, it would mean about \$1,000 to the Town of Montverde over the five week period. Anita Geraci-Carver asked if the lady wanting to use the building had insurance. Mayor Bennett replied that she probably does, but he could get into that further if Council wanted to move forward.

Mayor Bennett asked if this was what Council thought the intent of the Community Building should be. Councilman Nix stated that he did not think so; that he thought the building would not last that long if it was rented out regularly for kids' camps.

Councilman Pierce said that he felt like this was out of Montverde's realm. Councilman Wynkoop said that he felt like it was too much liability for the Town. Councilman Nix said it was too much headache for Town staff.

Mayor Bennett thanked Council for their direction, and he would get back to the lady that contacted him.

Mayor Bennett then announced that the Fire Assessment Fee Workshop would be held on April 2 at 7:00. Councilman Nix said that he would not be in Town on that day. Mayor Bennett asked Anita Geraci-Carver if the date could be moved. Anita replied that the date was picked by the consultant, as she would like to present her findings to Council.

Mayor Bennett said that he needed to bring up something tonight that is not on the agenda. He said that Kirk Park is in need of replacement manufactured mulch. He said the mulch was installed six or seven years ago, and was designed to help kids stay safe on the playground. He said the mulch now needs to be replaced. Three quotes were obtained; the cheapest quote is \$7,200.

Councilman Wynkoop said that he saw a news special that some of the manufactured mulch can cause cancer. Councilman Pierce said that this is not the same type of mulch. Public Works Director Terry said that this mulch is not made from tires; that the mulch is specifically made for playgrounds.

Councilman Nix asked if there was already money in the budget for this. Mayor Bennett replied that there was not specific funding for the mulch, but that there could be some leftover money in repair and maintenance.

Councilman Burns commented that effectively, the Town is spending \$1,000 a year on mulch. Councilman Wynkoop said that he felt like the Town really has no choice. Councilman Pierce agreed, and said that the lack of mulch would be a safety issue.

Consensus of Council was to allow the Public Works Department to purchase the mulch.

Lastly, Mayor Bennett asked Sean Parks if there has been any communication from the state regarding the Lake Apopka Boat Ramp Project. Sean Parks stated that the Town was ranked 14<sup>th</sup> on the list for funding, which is very good. So, the project is being funded, but there has been no communication from the State about moving forward.

Mayor Bennett also asked Town Planner Sean Parks to consult with Senator Alan Hays on the next phase of the Trail Extension Grant. Sean replied that he is on track to submit the grant application by the end of March.

#### **RESOLUTION 2015-08 INCREASING THE RATE FOR WATER SERVICE**

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett explained that staff hired a consultant to perform a water study to determine what the Town's water rates should be. He said the consultants determined that over the next five years, the monthly water rates would have to be increased by \$0.56 per household each year.

Mayor Bennett opened the floor for public comment:

*Allan Hartle.* Mr. Hartle asked if staff looked at the current consumptive use of the Town, and the projected consumptive use of the Town. He said that he has noted that the city of Clermont has been going crazy with their consumptive use. Mayor Bennett replied that the Town is in great shape. He said that the Town is not projecting growth, so the current permit is more than adequate. Councilman Nix

stated that there was a concern for a while that the permit would be taken away since there had not been much growth.

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

**MOTION by Councilman Nix to approve Resolution 2015-08 increasing the Town water rates;**

**SECONDED by Councilman Burns.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

#### **AGREEMENT RELATING TO THE USE OF TOWN PROPERTY FOR ARCHERY TOURNAMENT**

Mayor Bennett explained that Joseph Steed's Archery and Firearms would like to host an archery tournament for the Florida State Senior Games. They asked that the tournament and parking take place on the Stecher property. They have provided an agreement for the Town to enter into, which Anita has reviewed.

A representative from Steed's Archery addressed Council, and stated that the Stecher property does not look like it is ready to hold a tournament as the grass is still high. Anita Geraci-Carver stated that the agreement states that the Town will mow the property to a five-inch height the week of May 11<sup>th</sup>. The representative stated that an arrow can be lost in two inches of grass. He stated that although the group would mow the property after the Town mows it down to five-inches, arrows could still get lost in clumps of grass. Terry Burden stated that he could get the mowing taken care of.

The representative stated that the fence belongs to Mr. Steed, and he would want to put in a gate between the two properties. Anita replied that it is her understanding that the fencing belongs to the Town. Terry Burden said that there is already a gate between the two properties.

The representative from Steed's Archery then said that they hoped to use the building on the property during their tournament. They offered to paint the building, but Terry Burden noted that there would not be any place to house the equipment that is currently in there. Mayor Bennett stated that the group could erect a tent.

The representative then stated that there was a Plan B: Mr. Harden has offered the group the use of his property, and there would be a lot less work in getting it ready for use. He asked if they used the Harden Property, would they still have to fill out the same Special Event Form and pay the fee. Anita replied yes.

Mayor Bennett asked where parking would be if they held the event on Mr. Harden's property. The representative stated that parking would be on the east side of Mr. Harden's property.

Councilman Nix asked if the grass was low enough on Mr. Harden's property. The representative stated that his grass is shorter than the grass at Stecher.

Councilman Wynkoop reminded the group that they will need trash receptacles during the event. Mayor Bennett interjected that the group needed to list each of these things on their event application submitted to the Town.

**RESOLUTION 2015-06 GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO THE FIRST BAPTIST CHURCH OF MONTVERDE**

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett explained that First Baptist Church purchased the blighted property on 8<sup>th</sup> Street. He explained that they wish to use the property for parking and general activities related to the Church. The Town's Land Development Code requires a Conditional Use Permit for churches.

Mayor Bennett also thanked the Church for purchasing the property, as it was in terrible condition and an eye-sore in Town. He said that they made big improvements to the property.

Town Planner Sean Parks stated that this issue went before the Planning and Zoning Board, who approved the Conditional Use Permit unanimously.

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

Councilman Wynkoop asked if the Conditional Use Permit had to be approved every year. Sean Parks replied that the permit is not renewed every year.

**MOTION by Councilman Wynkoop to adopt Resolution 2015-06 granting the Conditional Use Permit to the First Baptist Church of Montverde; SECONDED by Councilman Burns.**

**For: Burns, Pierce, Wynkoop**

**Against: None**

**Abstain: Nix**

**ORDINANCE 2015-02 REGULATION OF ADULT ENTERTAINMENT IN THE TOWN OF MONTVERDE**

Sean Parks explained that this is the second reading of this ordinance. The ordinance is lengthy, because it must be very thorough so that each issue is addressed.

Mayor Bennett stated that he wanted to clarify that no business has applied to open an adult entertainment establishment in the Town. The idea to create the ordinance came from watching the City of Clermont struggle as they had an adult entertainment establishment apply to operate in their City, and they were not prepared for it.

Mayor Bennett opened the floor for public comment. A resident asked what exactly the ordinance said. Sean Parks offered to summarize the lengthy document:

Sean said that the ordinance defines what adult entertainment is. Then it creates a new zoning known as C2, which is the only zoning where an adult entertainment establishment is allowed. He said that the C2 designation is not currently anywhere on the zoning map. He said that if someone wished to apply to locate an establishment in Montverde, the zoning would have to be changed to C2, which would require that everyone within 300 feet be notified. He said that the zoning designation could not be within 2,500 feet of a school, park, or church.

Councilman Nix asked if other municipalities had the distance requirement in their ordinance. Anita replied yes, and stated that Florida Statute requires 2,500 feet from a school.

Mayor Bennett then said that there is an establishment in Town that is "grand-fathered-in". Anita added that the establishment must come in to Town Hall to register as an adult establishment, and they must become compliant with the Town's code on adult establishments.

Sean Parks then said that if an adult establishment succeeds in having a property's zoning changed to C2, the next step would be site approval by Council, just like with any other property. Then the establishment will have to obtain licenses from the Town and Lake County, which requires a background search, permit fees, etc.

Councilman Burns asked for confirmation that it would stand up in Court. Sean replied yes.

Anita Geraci-Carver said that the research material that was referenced in the ordinance is also being admitted as part of the public hearing on this ordinance. The research materials will support the findings that Council will make if adopted.

Mayor Bennett explained that this ordinance covers everything: adult book stores, theaters, escort services, adult motels, etc.

Councilman Pierce said that this ordinance to him is part of several items that Council will be addressing. He discussed the gambling houses known as "Sweepstakes", and said that he hopes to move forward with an ordinance addressing those. He said that he would also like to see an ordinance in place providing regulations in case medical marijuana is ever legalized. He said that he hopes there will be a complete plan in place to address all of these types of things so that the Town never gets taken over by these types of establishments.

Mayor Bennett stated that the ordinance mimics a lot of what is in the Florida Statutes.

A resident stated that at last month's meeting, someone brought up that pornographic material is being sold at the F&M Market, and asked if that was being addressed by Town staff. Mayor Bennett replied that the store would have to come down and register as an adult entertainment establishment. The resident stated that he thought the F&M Market was closer than 2,500 feet of Montverde Academy. Anita replied that that would be a state law violation, and not anything that the Town could enforce. Mayor Bennett stated that the Academy could contact the State Attorney's Office, the Sheriff's Office, or FDLE to start an investigation. Sean Parks stated that the ordinance will prohibit them from expanding their current pornographic material.

A resident asked why the Town could not just enact legislation to strictly prohibit any of these types of establishments in Town. Anita replied that the United States Supreme Court has ruled that it is a freedom of speech issue, and that an adult establishment constitutes freedom of expression. So while the Town can regulate the establishments, they cannot prohibit them completely.

Councilman Pierce said that he is trying to think of this matter in the long-term. He said that he is not sure that there is any property in Town that is not within 2,500 feet of a school, church, or park. He also said that thinking in the long-term, the Town could annex property outside of Town, and he would want this ordinance to apply.

A resident asked about internet cafes, and how to regulate them from becoming a place where pornography is regularly viewed. Sean Parks stated that he thinks this current ordinance covers the fact that if it is clear that a business is acting like an adult establishment, then the Town could go after them.

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

Anita Geraci-Carver read the ordinance in title only.

**MOTION by Councilman Wynkoop to adopt Ordinance 2015-02 regulating adult entertainment establishments; SECONDED by Councilman Burns.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

**RESOLUTION 2015-09 SETTING THE APPLICATION FEE FOR ADULT ENTERTAINMENT ESTABLISHMENTS**

Anita Geraci-Carver read the resolution in title only.

Mayor Bennett said that the application fee is \$550, and then there are annual fees that must be remitted.

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



**MOTION by Councilman Pierce to adopt Resolution 2015-09 setting the application fee for adult entertainment establishments; SECONDED by Councilman Nix.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

**ORDINANCE 2015-05 AMENDING THE 2015 BUDGET FOR FIRE DEPARTMENT EXPENDITURES**

Mayor Bennett said that this is the second reading of this ordinance. This amendment will add money to the Fire Department's budget for this year to replace fire hoses, purchase an air compressor, and purchase additional sets of turnout gear.

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

Anita Geraci-Carver read the ordinance in title only.

**MOTION by Councilman Wynkoop to approve Ordinance 2015-05; SECONDED by Councilman Pierce.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

**ORDINANCE 2015-07 AMENDING THE 2015 BUDGET FOR WATER MAIN AND LINE REPLACEMENT**

Anita Geraci-Carver read the ordinance in title only.

Mayor Bennett explained that the water main pipe behind the convenience store keeps blowing out. It services the homes and the church behind the convenience store. Councilman Nix asked if we had an easement for where the pipe is located. Public Works Director Terry Burden confirmed that the Town did have an easement there. Councilman Nix said that the Town should never locate a water line on private property.

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

Mayor Bennett said that the pipe has been patched about as many times as it can be patched. He asked if staff could wait another month while plans and specs for the pipe are drawn up. Councilman Wynkoop said that he would rather approve the money so that it can be replaced now.

Councilman Pierce asked how many houses the pipe services. Terry replied twelve. Mayor Bennett said that there is a lot of water pressure in that area, so when the pipe goes, there is a mess.

**MOTION by Councilman Wynkoop to approve Ordinance 2015-07; SECONDED by Councilman Nix.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

## **INTERLOCAL AGREEMENT FOR THE RETENTION OF A CONSULTANT TO OVERSEE SOUTH LAKE WATER SUPPLY AND INFRASTRUCTURE STUDIES**

Anita Geraci-Carver explained that the Committee of cities in South Lake County has agreed to hire a consultant to oversee the water and infrastructure studies for the area. It is anticipated that the consultant's cost will be \$30,000; this agreement provides that the Town's share is \$600.

Mayor Bennett said that the committee was not happy that the Town only had to pay \$600, but that Sean Parks and Anita Geraci-Carver fought to keep that amount. Even though the Town pays only \$600, it is getting full benefit of the results of the study.

Sean Parks said that this initiative stops South Lake's utility (water) from being part of a larger project, like Orange County or Orlando. He said that the consultant will be a warrior to fight for South Lake County.

A resident asked if there were any plans in the South Lake Water Initiative to slow down development and limit water use. He said there have been so many massive developments approved, that it seems as though it will never stop. Sean Parks said they will be implementing guidelines for water conservation and regulation, and that individual cities will be responsible to try to regulate growth. Councilman Wynkoop stated that the MPO also has a hand in limiting large-scale development.

**MOTION by Councilman Wynkoop to approve the Interlocal Agreement for the consultant; SECONDED by Councilman Nix.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

## **ALLOWING THE SALE AND CONSUMPTION OF ALCOHOL DURING THE MUSIC IN THE PARK CONCERT SERIES AND MONTVERDE IDOL**

Mayor Bennett asked the Visioning Committee to come forward. Karin Arellano addressed Council as part of the committee, and stated that they are looking for direction as to whether Council would like to have beer and wine served at the events they are planning. She said the committee is recommending beer and wine be allowed to be sold during the three Music in the Park Concerts, Montverde Idol event, and Montverde Day. For the Movies in the Park and Light Up Montverde, they are recommending no beer or wine be sold. She said that the Committee is trying to cater to everyone.

Mayor Bennett stated that with the Concert Series coming up, Council needs to decide whether or not to allow beer and wine to be sold. Councilman Wynkoop said that he has not seen a problem in the past when anyone drinking and getting out of hand. Councilman Pierce said that he objects to the principle of selling beer and wine at a family event. Karin said that they are trying to secure different food vendors, and some of them will only come if they can sell beer and wine. Councilman Nix asked which food vendors the Committee was looking at. Karin replied that the Committee was going to have 4Rivers BBQ at the Music in the Park Concerts.

Councilman Pierce said that he thinks the committee is trying to say that selling beer and wine will improve the event. Karin said yes, and that the Town could control it. Councilman Pierce said that the Town cannot, and that people who want to drink are going to bring their own anyway. Karin said that selling beer and wine would help bring in food vendors, which makes more people come to concerts.

A resident asked if the Town checks to make sure these restaurants have the right permit to sell beer and wine, and Mayor Bennett replied yes.

Councilman Burns asked Councilman Nix what he thought. Councilman Nix said that he does not personally drink, but he does understand where they are coming from as far as being able to attract food vendors. Councilman Burns asked what Councilman Pierce thought. Councilman Pierce said that his whole reasoning for having the Committee come to Council before every event was to evaluate whether the drinking was getting out of hand or not. He said that if the Committee feels it would add to the quality of the event, then he would be ok with allowing it just for these few concerts.

Mayor Bennett asked residents how they feel. A resident asked if the Town received a cut from the beer and wine sales. Mayor Bennett said that the Town really does not receive a cut during the concerts.

**MOTION by Councilman Burns to allow the sale of beer and wine at five Town-sponsored events;**

**SECONDED by Councilman Wynkoop.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

#### **PROVIDING INTERNET TO THE LIBRARY THROUGH COMCAST BUSINESS**

Councilman Pierce explained that there has been a change in the County's Library software. There is a thing called e-rate, which is how schools and libraries get paid back some of the money they spend for internet service. Currently, the Library has a T1 line that allows the Library to do administrative work with the County system, and provides internet. A T1 line is a maximum 1.5 megabits; normal households run at 25 to 50. It is not enough; the Library is getting all kinds of complaints about how slow everything is. However, the Town is locked in with e-rate, meaning that the Town would suffer for another year with slow internet. Councilman Pierce said that he spoke with the head of Lake County Library System, and he said that the Town could supplement with anything they want. So the decision is to go with Comcast, which is a one-year contract, and will provide 50 megs. The cost will be an additional \$148 a month.

Councilman Pierce said that the broader picture may be to move Town Hall and the Fire Department to the same Comcast connection down the road. He said he tried that with the T1 line several years ago, but the contract would not allow the Town to continue to do that.

A resident asked if the Town could enter into a three-month contract. Councilman Pierce said that they wanted a three-year contract, but staff talked them into a one-year contract.

**MOTION by Councilman Wynkoop to approve the Mayor signing the contract with Comcast for internet at the Library; SECONDED by Councilman Nix.**

**For: Burns, Nix, Pierce, Wynkoop**

**Against: None**

A five-minute recess was called.

After recess, Mayor Bennett announced to Council that the case with Martha Policke has successfully ended.

#### **UTILITY DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND LAKE APOPKA SOUND**

Mayor Bennett stated that this agreement involves the ISBA, which established the Town's right in certain areas outside of Town, as well as defined the Town as a utility company, among other things.

Mayor Bennett explained that there is a 102-home development called Lake Apopka Sound that is in Montverde's service area, where Montverde has the right to provide water and sewer. The Town has worked with the developer, Randy June, to come up with a Developer's Agreement, which now needs approval by Council.

The agreement discusses the profitability of providing water and sewer to the 102 homes. It also discusses bond agreements that will be put in place, along with a list of assets that will belong to the Town.

The sewer will be provided thru a bulk-sale agreement with the City of Clermont. Five wells located on the property will provide potable water and irrigation. The Town of Oakland will provide emergency water, if needed.

The residents in the development will always be classified as out-of-town customers.

Mayor Bennett pointed out that the financial analysis in the agreement shows that in 2019, \$51,000 in net revenues for water and sewer will be earned by the Town. Anita Geraci-Carver added that the agreement provides that the developer will pay user fees for all 102 properties by 2019, regardless of whether the development is built-out or not.

Mayor Bennett stated that as soon as the Developer's Agreement is signed, the Town has a four-year warranty on the water equipment. After that, the Town owns the equipment, valued at \$1 million,

outright. This means that the Town always has the option to sell the equipment and service, should it become necessary. A company like Utilities Inc. buys this type of service from municipalities.

Mayor Bennett said that the Town's professionals have worked for a year and a half on this agreement.

Councilman Pierce said that the developer has given the Town of Montverde a four-year bond, which means that if anything goes wrong with the equipment during those four years, the developer would take care of it. Councilman Pierce said that if something happens and the market drops, and only four houses are built in the development, the Town would have to operate a \$1 million plant for the four houses. Councilman Pierce said that in his industry, the bond does not start until the development is 95% built out. He said that Mr. June's projects seem to build out very quickly, but that he has asked Mayor Bennett to make the warranty period begin after a certain build-out percentage is achieved. Anita Geraci-Carver responded for municipalities, it is common practice that once the equipment is established and operating properly, then it is turned over to the municipality, and that is when the maintenance bond begins. The Town's Code calls for a two-year bond, but the developer has agreed to four years. Steve Romano stated that even if four homes are only developed, the Town must still operate the equipment and provide water to those four homes. Councilman Pierce replied that providing water to four homes then makes the equipment and service "un-sellable" to another company like Utilities Inc. Steve Romano agreed, but also stated that no development stays dormant forever; that even Collina Bay took a few years, but it did come back.

Steve also stated that the revenue analysis on providing water and sewer assumed full build-out. He said that rates could always be increased if there was not full build-out to obtain higher revenues.

Councilman Pierce said that he agreed that the development probably would not stay dormant forever, but he just did not want to burden Montverde's tax payers. Steve Romano said that he thought the equipment and service would still be sellable because companies like Utilities Inc. look at future revenue potential.

Mayor Bennett asked Mr. June if he was going to bring in Meritage homes to build the homes in the development. Mr. June said that he had not made that decision yet. Mayor Bennett responded that his current development that is using Meritage Homes looks like it is doing really well. Mr. June stated that he did not have a problem with the suggestions Councilman Pierce was making, but also stated that he has not had a problem in the past with build-out.

Councilman Nix stated that the Agreement references a water connection fee. Anita Geraci-Carver stated that the fee was taken from the Town's Fee Schedule Resolution. She explained the Town charges a \$2500 water system connection fee, which would be charged once and will cover two meters located on each property. The Town will also collect a water deposit and water turn-on fee for each meter. Councilman Nix confirmed that the Town would purchase the meters and install them.

Mayor Bennett said that the Town was hoping to install better meters that did not require Terry to drive around and manually read them. Public Works Director Terry Burden stated that he has been researching these new meters, and he has a few that he wants to try out first. Mayor Bennett asked if that needed to be part of the Agreement, and Steve Romano replied no. Councilman Wynkoop asked if the \$2500 connection fee would cover the cost of these types of meters, and Councilman Nix replied yes.

Councilman Pierce noted that the Agreement does not include the Town's actual fees; that it merely references the Town's Fee Resolution. So if the Town increases fees, they will automatically apply to this development.

Mayor Bennett pointed out that on page five, it states that in the event that less than 102 homes have received CO's within two years from when Lake County approved the development, then the owner of the development shall pay to the Town user fees for the water for the number of residential units equal to 102 less the actual number of residences. Mayor Bennett stated that the Town then has some protection after two years. Anita Geraci-Carver replied that the developer would have to pay these user fees until the 102 build-out was achieved. She also said that the user fees that the developer would have to pay equal the minimum water usage.

Councilman Wynkoop asked about impact fees. Anita Geraci-Carver replied that since the developer is putting in the infrastructure, that the Town could not charge an impact fee. However, the Town is charging a \$50 administration fee, which would cover the cost of staff setting up the account and performing other administrative duties.

Mayor Bennett opened the floor for public comment. A resident asked where the waste water would be going. Mayor Bennett replied to Clermont; that there would be a pipe running underneath the turnpike that will have a bulk-meter on it.

Councilman Pierce asked Mr. June if they would provide natural gas to the consumers. He said that would be up to the builder.

A resident asked if the water that the Town would be providing to this development would affect the Town's CUP. Mayor Bennett replied no; that all of the wells would be less than four inches, so they would not affect the CUP.

A resident asked about the waste water system. Councilman Pierce replied that the City of Clermont needs the waste water, so they were very willing to enter into this agreement with us. At the time the agreement was first discussed, Clermont was only using 40% of its capacity.

Councilman Pierce said that he has followed this project for a year and a half, and any concerns that he has had were addressed and tended to by the professionals and Mr. June. He said that he has no

reservations with who they are dealing with and what they are doing. He said that the professionals have done a good job with this.

Mayor Bennett told Mr. June that he has been a pleasure to work with, and Mr. June replied that it has been a pleasure to work with Mayor Bennett as well.

Councilman Wynkoop confirmed that the exit strategy is to sell the service and equipment.

**MOTION by Councilman Pierce to sign the Developer's Agreement; SECONDED by Councilman Nix.**

**For: Nix, Pierce, Wynkoop**

**Against: Burns**

**ADJOURN**

**MOTION to Adjourn by Councilman Pierce; SECONDED by Councilman Nix at 9:48. Passed unanimously.**

Respectfully submitted,



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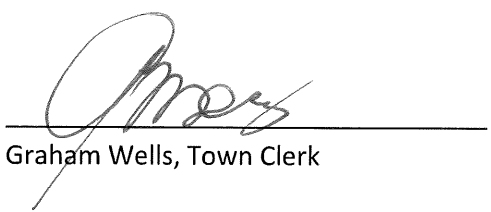
Troy A. Bennett, Mayor



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Glenn Burns, Council President

ATTEST:



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Graham Wells, Town Clerk