

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

March 11th, 2014

The Town of Montverde met in regular session on Tuesday, March 11th, 2014 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns
Vice President Joe Wynkoop
Jim Peacock
Arthur Nix
Jim Pierce

Staff Present:

Mayor Troy Bennett
Anita Geraci-Carver, Town Attorney
Mary Gillis, Financial Director and Town Clerk

Mayor Bennett called the meeting to order at 7:04 PM and led the Pledge of Allegiance.

Mary Gillis performed the roll call and it was determined that a quorum was present.

APPROVAL OF MINUTES

MOTION by Jim Pierce to approve the regular Council Meeting minutes and the special Council Meeting minutes; **SECONDED** by Arthur Nix.

For: All

Against: None

PRESENTATIONS

Presentation by Jim Stivender, Lake County Public Works Director

Jim Stivender, Publics Work Director of Lake County, says he has a copy of the study they did when they evaluated the intersection of Ridgewood and CR 455. The concept plan for that location is a copy of the one in Tavares near the Judicial Center. He says there are three Districts in Lake County for impact fees; he doesn't know if this will qualify for impact fees but the team meeting with all the cities is next week on Wednesday at 2:00 PM. All of the South Lake cities will be there. Vice President Wynkoop will be there.

Jim Stivender says they are going to present something to the Board on August 12th, 2014; he says they are going to talk about some of their unfunded programs based on reports that come out of the city meetings so they can show the board the need for funding for certain types of projects.

Anita Geraci-Carver asks if it's not funded with impact fees, how else it can be funded. Jim Stivender says there are two different ways: gas tax and sales tax. President Burns asks why it wouldn't qualify for impact fees. Jim Stivender says the new structure is tied to capacity now and not just the flow of traffic. Lake County Engineer Fred Schneider says it is going to cost anywhere from \$200,000 to \$250,000.

Jim Stivender says they are going to try to establish a 2015-2020 road plan at the team meeting next week. Councilman Peacock asks if there are any plans for Ridgewood. Jim Stivender says that it needs to be resurfaced but he doesn't know where funding is in the program. Councilman Nix asks if they are involved in the Blackstill West project. Fred Schneider says they are required to overlay that road and build turn lanes onto Old 50. Jim Stivender tells them that Hancock Road is moving forward, the Turnpike is in full design, and the private property owner of Hills of Minneola is also in design.

Mayor Bennett says the last time Jim Stivender was there they discussed the Golf Cart Ordinance and invites the Council members to ask Mr. Stivender any questions they may have. Jim Stivender says they finished one in Leesburg that covered the whole downtown. Fruitland Park, Lady Lake, and Tavares have all done it with little to no issues.

Kasey Kesselring says there are supposedly three exits scheduled to go out to Blackstill Lake Road from the Blackstill development. Jim Stivender says he only knows of two. Kasey Kesselring asks if it's the developer's responsibility to widen that road and put the exits in. Jim Stivender says yes. Jim Ley asks if there is a timetable. Jim Stivender says there is no timetable; they're just talking concepts right now. There is no planning for it. There is also no timetable on the resurfacing of Ridgewood but Jim Stivender says he feels comfortable saying it will take at least two years.

Kasey Kesselring asks if there are any Federal Transportation dollars. Jim Stivender says they just got a message that the budget has been submitted; there is \$600 million budgeted for the whole country.

Jim Stivender says his projected cost on the Hancock project is \$7.5 million; the projected cost on the Turnpike project is \$30 million for a total of almost \$50 million. Kasey Kesselring asks if the resurfacing on Highway 19 was Federal money. Jim Stivender says it was probably State money.

Mayor Bennett asks Jim Ley if he has any questions regarding the Golf Cart Ordinance. Jim Ley asks if golf carts are prohibited from being on State roads. Jim Stivender says as long as they are street legal and the speed limit is 35 miles per hour or under and it's allowed. Golf carts are not allowed on the road in Tavares. Mayor Bennett asks the citizens if they are interested in golf carts in Montverde; the consensus seemed to be no.

Resident asks if anyone is happy with the roundabout at the bottom of Sugarloaf. Jim Stivender says the recession killed the project and only part of it was built; there was supposed to be three roundabouts and a whole city down there by now.

Mayor Bennett tells the Council there is a 2nd Agenda Meeting on March 25th because there are over sixteen (16) agenda items for this month.

DEPARTMENT and COMMITTEE

Safety Committee

Jim Ley, 17328 1st Street

Jim says at their first meeting they discussed crime statistics. They elected Bill Broker as Chairman. They are going to have monthly meetings.

MAYOR and COUNCIL

Mayor Troy Bennett:

Mayor Bennett tells the Council and citizens that Ron Nolette, the "Lawn Mower Man," passed away.

He asks the Council for direction in legalizing the Tiley-Burden property and the dispute over the property between two neighbors. Anita Geraci-Carver says they are requesting two things from the Council this evening. They have been asked to participate in pre-litigation mediation with the McQuaig family and the Burden family over a road for which a fence permit was applied. Anita Geraci-Carver says they denied the fence permit because the information they had said it was a public road. The McQuaig family requested through their Attorney that the Town participate in mediation.

Anita Geraci-Carver says she spoke with the Attorney today and indicated to him that she didn't know what the Town could offer in resolving the dispute and asked him if they would agree to the Town not being part of the mediation and would not have to share in the fees for the mediator, but allow herself and Mayor Bennett to be present by telephone. She also says that a few years ago, prior to this coming about, she helped Terry Burden with this issue; he and his wife have agreed to sign a conflict waiver so she can continue to represent the Town in this matter. Terry and his wife are represented by another Attorney, so she is also asking for the Town to give her permission to continue to represent them even though she previously gave advice to Terry Burden.

Mayor Bennett says they need direction from the Council to allow them to say no in participating in the mediation other than by telephone and they also need a release of a conflict waiver for Anita Geraci-Carver so she can participate in this case.

Mayor Bennett says it's an argument of who owns the property and it has nothing to do with the Town at all. He does not want the Town to get dragged into the middle of this. The dispute is between two citizens.

MOTION by VP Joe Wynkoop to approve Anita Geraci-Carver and Mayor Bennett participate in mediation by telephone; SECONDED by Jim Pierce.

MOTION by Jim Pierce to release a conflict waiver; SECONDED by Glenn Burns.

For: All

Against: None

Mayor Bennett says the trail is being worked on at a very fast speed; it should be finished in a few weeks.

VP Joe Wynkoop:

Vice President Wynkoop says he has some property across the street from Bella Collina; he says he received something in the mail today about the Board of County Commissioners doing a future land category change. He asks Sean Parks if he knows anything about that; Sean Parks says he has recused himself from that issue with the County since he is the Town Planner. Mayor Bennett says he has been to the meetings. He says there are a bunch of rocks and blocks behind the Grace Baptist Church; they are going to build a 100-room boutique hotel there. He says Montverde is in the middle of it because of the ISBA, and the question of who will supply them water. He says he has a meeting with Randy Green at Bella Collina on Tuesday so he will be able to get Vice President Wynkoop more caught up on this subject after that.

Vice President Wynkoop asks them to consider building another Community Building, as the BINGO nights have a lot of people show up.

He also says the Library people wanted him to ask about a Consulting Grant / Construction Grant to build something. Mayor Bennett says he hasn't seen anything but will check on it. Vice President Wynkoop says the deadline is April 1st.

Vice President Wynkoop says he went to the Lake County Arts and Culture Alliance meeting and it was great; they were happy to hear about the things that Town of Montverde is doing.

Super Senior Meeting is on Thursday at 1:30 PM. Bingo is on March 21st.

President Glenn Burns:

Pass.

Jim Peacock:

Councilman Peacock says he has been alternating the compressor running since December on Lake Florence; he says he should have them all back up and running next month. They've had quite a few pollen and algae blooms on the lake this winter. The lake is stabilized. Mayor Bennett asked if they've gone any farther with the plants they were going put in the water. Councilman Peacock says he doesn't know; he will check back into it.

Arthur Nix:

Pass.

Jim Pierce:

Councilman Pierce asks if anything came of the boat ramp they discussed at the last Council meeting. Mayor Bennett says yes; the property owner of the first piece of property they were interested in is asking more than Council wanted to spend. He says on the other side of the boat ramp, there is someone very interested in letting him have two acres for \$200,000. It would be 175 feet of lakefront. Mayor Bennett says he is waiting on him to come back from talking to his other partner. He expects to have an answer by next Monday. Councilman Pierce says Osgood Grove that dead ends in the middle is a 60 foot right-of-way that services two roads but leads up to a huge piece of the land that they could use for parking.

Councilman Peacock says he wants to start planting in the Community Garden Plot.

CONSENT AGENDA

Ordinances 2014-05, 2014-06, 2014-07

Mayor Bennett says he grouped together the budget transfers that are necessary to “clean up” budget accounts in the current fiscal year. He says the Town is not taking money from the citizens; the money was on last year’s budget and they didn’t use it, so it will be used this budget.

Anita Geraci-Carver reads all three ordinances.

MOTION by Jim Pierce to adopt Ordinances 2014-05, 2014-06, and 2014-07; SECONDED by Glenn Burns.

For: All

Against: None

No Public Comments.

NEW BUSINESS

Zoning Variance Request

Mayor Bennett says Mr. Gillman was going to build a pool and a gazebo on his property on Franklin Pond. He says he was driving around and saw the building being built; he inquired about a permit and there was no permit. The documentation has been to Planning and Zoning twice; there is also documentation from the County stating there was no approval for the gazebo. The only thing on the building permit was the swimming pool, not the gazebo. This is why he got “red-tagged.” Once he got “red-tagged,” he needed clearance from the Town of Montverde; the Town Planner and Public Works Director found that the building is encroaching the setbacks.

They have taken the issue to Planning and Zoning two times. The minutes from the first meeting, on December 4th, 2013, state that the building is 25% completed. He says that Planning and Zoning went

through it thoroughly. Mr. Gillman told the Planning and Zoning board that licensed contractors came in over the weekend to build it. The contractors began the work without a permit, knowing that they needed one. They ended up postponing the first P&Z meeting since there were questions about another shed on a different resident's property. The difference between the two sheds is that the one on the different resident's property is temporary. Mr. Gillman asked if Sean Parks would come out to measure the building; Sean Parks gave him explicit directions about what to do and how to be ready.

At the second Planning and Zoning meeting, on February 4th, 2014, the minutes show that Mr. Gillman says that the County gave him a permit for both the pool and the gazebo, but that was false. The County gave him a notice of commencement.

During the Planning and Zoning board meeting, the Chairman was talking about the Osgood Grove Road right-of-way of the Town at the back of the property. The area has no parcel number so the Town considers it a road.

Mayor Bennett says the property is a little odd; it has what he would consider two back yards, of which it breaches both of those in means of setbacks. He says the LDR at hand is very strict to the six pieces of criteria that determine whether the variance fails or passes. He also says if they allow this to pass, they may as well rip the criteria page out of the LDR and throw it in the trash.

Sean Parks says he wants to present his report for the zoning variance request by Mr. Gillman for the property at 17708 Virginia Circle. He says that the variance request has been properly noticed by the Town. The property is 0.25 acres and is zoned for single family medium density which requires a side yard setback of 7.5 feet and a 25 foot rear yard setback. The gazebo does not meet the rear yard setback; it is 12feet from the rear yard property line.

After reviewing the six criteria of the LDR, the gazebo does not meet all criteria and is non-conforming with the Town's code. Staff has recommended denial of this variance request.

Sean Parks says on February 4th, 2014 and the Planning and Zoning board meeting, Mr. Gillman says the County gave him permission to build the gazebo along with the pool and was given a notice of commencement. Mary Gillis explained to the Planning and Zoning board that the applicant did not apply for the gazebo, just the pool. Mr. Gillman says he applied through the Lake County Building Department and received approval. Mary Gillis told Mr. Gillman that was the incorrect process and that Lake County will not approve anything without first receiving a zoning clearance from the Town. Mr. Gillman disagreed and stated that Lake County gave him a notice of commencement to begin. Mary Gillis then requested verification from the Lake County Building Department; they responded by stating that they found no approvals from the Building Division for a gazebo.

Mayor Bennett says the cost of moving this would not have been Mr. Gillman's responsibility if he had applied for a proper permit; he would have realized it was within the setbacks and could have adjusted his plans accordingly or at that time could have requested a variance.

Anita Geraci-Carver reads Resolution 2014-04. She points out that criteria number two from the LDR is definitely not met. She says if the Council finds that Mr. Gillman is the cause of this circumstance, they don't really need to consider the other factors.

Councilman Pierce asks if it meets any of the six criteria. Anita Geraci-Carver says she thinks the applicant should be allowed to speak as to whether it meets any criteria. Sean Parks says he and Anita Geraci-Carver have both gone over this and the gazebo does not meet the setbacks on the side yard or the back yard. Councilman Pierce asks if the gazebo is 13 feet from both rear yard setbacks; Sean Parks says yes 12 feet to 13 feet.

James Gillman, 17708 Virginia Circle

Mr. Gillman says that the Planning and Zoning board recommend approval unanimously at their board meeting; Councilman Nix says it's in their report. He hands sets of pictures to the Council members; he tells them that some of the pictures in the set are not directly related to the project but he wanted to show the progression of the property since he has owned it from a foreclosure.

Councilman Peacock asks Mr. Gillman if he is a contractor. Mr. Gillman says no; he does a lot of concrete work which doesn't require him to be a contractor or pull permits for the type of work he does. Councilman Peacock asks him if he realized he needed a permit for this type of structure. Mr. Gillman says he went to Lake County to get a permit for the pool and the gazebo, the lady asked him if he would like to do both of the items on a single permit and he said yes. He says looking back he didn't have enough paperwork for that to happen but it was not brought to his attention at the time. He left the Lake County office with the impression that he would have a permit for both. He says he received a packet from Lake County in the mail a week later that consisted of 20 to 30 pages and admits that he did not go through it page by page.

Councilman Peacock asks who designed the structure. Mr. Gillman says a local engineer. Councilman Nix asks if he had that prior to going up to the County; Mr. Gillman says no, he had a hand-drawn sketch. Mayor Bennett asks why he did not include the gazebo on the permit that he turned into the County; Mr. Gillman says it was an error.

Mayor Bennett says the permit was given August 2013 and he believes Mr. Gillman got "red-tagged" in October. The drawing was included after he had been "red-tagged" because he had to draw it up to submit a new permit. Councilman Peacock asks if the drawing was produced after the "red-tag"; Mayor Bennett says yes. Councilman Peacock asks if he had an agreement with a contractor to do the work. Mr. Gillman says he has it set up to do it himself.

Councilman Peacock asks Steve Smith and Graham Wells from the Planning and Zoning board why they approved the variance. Graham Wells answered that their reasons were listed in the P&Z minutes.

Councilman Peacock tells Mr. Gillman that on the surface it looks like he deliberately tried to bypass the system hoping to not get caught, and now he is asking for forgiveness instead of having asked for permission. Mr. Gillman says he thought he was in compliance. Mary Gillis says his fiancé did come in to Town Hall to inquire about the pool permit and that is when Mary told her that if Mr. Gillman intended to build a gazebo that close to the pool that he needed to get a permit and variance. Mr. Gillman says that conversation happened after Mayor Bennett noticed the building and he had been "red-tagged." He says at that point, they did everything they could to comply with the Town as far as paper-work and their process. He says this is when they paid a \$250 zoning fee, and \$150 variance fee, and \$500 on engineering plans to be drawn up. He says it took six weeks to get on the Planning and Zoning board agenda in December which ended with the board wanting more information; then they had to wait until the February meeting

to present the information. Mr. Gillman says there has been no work done in the backyard since October.

Mayor Bennett tells Mr. Gillman if he had come in the office, with his engineering, and filled out a clearance form, he would have been told the setbacks in which he could build; he could have then gone to the County, got it permitted, and would have been able to start building immediately. Mr. Gillman says if he had known how expensive this process would have been, he would have torn it down right away. He says he now feels like he is too far to turn back. Mayor Bennett says if he would have done the permit, he wouldn't have this problem. Councilman Peacock says Mr. Gillman elected to proceed without a permit. Mr. Gillman says he wasn't aware it hadn't been granted. Vice President Wynkoop says he feels that Mr. Gillman wasn't trying to hide anything since inspectors have to come and inspect the pool in many different stages of being built. He asks Graham Wells to come up and explain what happened at the second Planning and Zoning board meeting on February 4th, 2014.

Graham Wells, Planning and Zoning board, says at the first meeting they looked at all of the information they had at the time. When they reviewed the six criteria that need to be met, there were some issues with the setbacks. He says Sean Parks brought more information to the second meeting. Mr. Wells says if they looked only at the six criteria it is standard, but they looked at it on the basis that even if Mr. Gillman had come initially to seek a permit it couldn't have been granted because there isn't enough space in the yard for the gazebo. Mayor Bennett says at that time they tell the owner what their obstacle is and they have a choice to downgrade their structure or they can prepare themselves to apply for a variance which would have come to Planning and Zoning.

Graham Wells says at the second meeting, it wasn't clear at the time whether it was side or rear property. It was found that the neighbor to one side had other buildings, which they looked over to see if they were temporary or not. He says some of those buildings are encroaching within three feet of their lot line. He says they also looked at the fact that the road behind the property, Osgood Road, may not really be a road. The gazebo was out of view of the street. The neighbors came to the Planning and Zoning meeting and had no issues with the gazebo. He says they believed it added value to the property and Mr. Gillman had already spent a lot of money on the structure; these are all reasons that the board unanimously approved the variance.

Mayor Bennett asks Mr. Wells how they overrode the LDR. Mr. Wells says the Planning and Zoning board looked at everything and made the recommendation to make the final decision.

Mr. Gillman says out of four houses in a line, his structure will be further from the property line than his neighbors. He says one of his neighbors has a storage shed that fits within the Town Code; another neighbor has a shed built on a slab three feet from his property line. Mayor Bennett points out that his neighbor's shed may have been built before the Town Code became effective. Mr. Gillman says he is looking to enjoy the same rights as his neighbors. Councilman Peacock asks if he would consider modifying the structure to meet the setbacks. Mr. Gillman says it would take all of the structural integrity out of it if they tried to modify it.

Jason Ramsey, 17643 Virginia Circle

Mr. Ramsey says he lives across the street from Mr. Gillman; he did not receive notice that this subject was on the agenda tonight, he just assumed. He says he thinks the principle issue is whether Mr. Gillman

acted purposefully; he says it doesn't feel it was good form to continue on without reviewing his permit. Mr. Ramsey feels Mr. Gillman was not trying to go around the process, especially since he went to the County first. Mayor Bennett asks if they are friends. Mr. Gillman says Mr. Ramsey came by to help him prepare for the Planning and Zoning board meeting that was held on February 4th, 2014.

Chris Hopkins, 16443 Magnolia Bluff Drive

Mr. Hopkins says he knows there are laws, statutes, and LDRs to follow but the Planning and Zoning board used common sense. The neighbors don't mind the structure. He says he took the house from foreclosure and been a lot of money into it to make it look nice. He also says he remembers last October or November someone else got a variance for a similar issue. Mayor Bennett says it was a historical hardship that allowed that. He asks Mr. Hopkins if he has had a previous conversation with Mr. Gillman. Chris Hopkins tells Mayor Bennett that's none of his business.

Mayor Bennett asks Anita Geraci-Carver to explain the difference between the two cases. Anita Geraci-Carver says with the first case several months ago, when the owners first purchased the property the pool was in the setback. In this case, the owner who applied for the variance did not cause the problem. They had extended it to further encroach on the setback and the Town required them that out but allowed them to keep what was there prior to their purchase.

Councilman Nix says he wants to let the record show that he and Chris Hopkins have talked. Vice President Wynkoop says he talked to Mr. Hopkins about this subject as well. President Burns, Councilman Peacock, and Councilman Pierce have spoken to Mayor Bennett.

Mr. Gillman reads excerpts from the Planning and Zoning board meeting that was held on July 24th, 2013 in reference to 17701 8th Street under Resolution 2013-04 where a variance was requested even though it did not meet the six criteria of the LDR and no permits were pulled for the pool. The variance failed in front of the Planning and Zoning board but the Council ended up granting the variance in the end. Mr. Gillman says if his variance is not granted it will feel unfair. He says he is well over \$5,000 into his project; he feels the Town should have given him an idea of the financial uphill battle he would have been facing so he could have cut his losses back in October.

Mayor Bennett tells Mr. Gillman that the Planning and Zoning board is an advisory board. He says the previous variance he is talking about was approved based on its history. Mayor Bennett reminds Mr. Gillman that this is not the only issue the Town has had with him; the Town had to code him three times because he was conducting a concrete business building fire pits in his back yard. Mayor Bennett says he has had to spend money with the Attorney to get Mr. Gillman to get all of the materials out of his backyard. Mr. Gillman's neighbors are the ones who called Town Hall, which started the code enforcement action. Mr. Gillman says he has never been cited for any issues on his property; he was only given one warning for a converted school bus that was a recreational vehicle used for tailgating. He says he never sold the fire pits for profit when he was building them in his backyard; he has since moved all operations to a warehouse in Oakland. Mary Gillis says she did cite Mr. Gillman twice for code enforcement issues. She then produced the documentation, showing that he had been code-enforced twice for the same issues.

Mr. Gillman says he doesn't like the way Mayor Bennett handles his business with a strong arm and threats. He says Mayor Bennett called him back in December around 9:00 AM or 10:00 AM and showed

his disdain in dealing with Mr. Gillman and made it very clear that he would try to stomp out his effort to get this variance. He says Mayor Bennett told him he would go as far as vetoing it if the Planning and Zoning board and the Council passed it.

Anita Geraci-Carver says it is her opinion that based on the six criteria that need to be met for the LDR, one through five are not met, but possibly number six is met. Mr. Gillman asks if they could go more in depth about the previous property that was granted a variance due to historical nature even though it did not meet the criteria and the Planning and Zoning board voted no. Councilman Peacock says that has no bearing on this; he says what bothers him most is that Mr. Gillman disregarded the permit and elected to proceed without any drawings whatsoever. Mr. Gillman says he brought a structural engineer on site during the process. Councilman Nix agrees with Councilman Peacock. Councilman Peacock says he knows that Mr. Gillman knew better than to proceed without a permit or any engineered drawings.

Vice President Wynkoop says he wants to believe Mr. Gillman didn't understand all of the permitting perfectly. Mayor Bennett says Mary Gillis handles these types of situations on a constant basis at Town Hall. Vice President Wynkoop acknowledges that Mr. Gillman did go to County.

President Burns' concern is that it only meets one of the six criteria. He says he has no problem being creative and stretching things to make some things work, but they have to pay some attention to the LDRs and if they grant a variance to someone who only meets one out of the six criteria, then they aren't paying attention to the LDR. He hates that Mr. Gillman will have to move the structure to make it legal but he doesn't see how they can get around that. Mr. Gillman says he met a couple of the criteria. Mayor Bennett says according to Anita Geraci-Carver, he only met one. Mr. Gillman says he thinks he meets number three because his neighbors have special provisions. Mayor Bennett says those foundations that are close to the property line were built back in the 1950's and 1960's before the LDR was created. Mr. Gillman states that he feels he almost meets number four.

Councilman Pierce says he wants to address the common sense issue; he says they are elected officials and they swear to uphold the laws of the Town. He goes on to say that if they want to apply the common sense to this subject, it would have been common sense to relocate the gazebo \$5,000 ago or not to have built it until he had the permit. Because common sense was not used, it has now landed on the elected officials. He says if they pass the variance and anything happens, the Town will be responsible in a lawsuit; it comes down to protecting the citizens and that's why there are six criteria.

Mr. Gillman says he is unclear about why he only meets one of the criteria. Anita Geraci-Carver says there is nothing particular about his piece of property that is different from other properties in the same zoning category that would allow this structure to go in the way it has been set up. The actions are the results of what he has done; he chose to put the pool in which then shortened the length of the backyard so that the gazebo encroaches on the setbacks. He started this project without getting the correct approval. Anita Geraci-Carver tells him that he is not being treated differently than other people in his zoning category as they would not be allowed to build the structures he has built in the way he has built them because it would not meet code. She says there is no minimum they could grant him to make this work; he is able to use his backyard, his house, and his pool once it is completed. His backyard is just too small for the pool and the gazebo. She also says it is not in harmony with the Town code. These are the reasons he does not meet the first five criteria.

MOTION by Jim Pierce to deny the variance; SECONDED by Arthur Nix.

President Burn says he would like to hear Councilman Nix's take on the situation. Councilman Nix says he feels sorry for Mr. Gillman but he agrees with Councilman Peacock. He knew he didn't have a permit and continued on with it anyone. The Council is there to uphold the law and he doesn't see how passing it would be upholding the law.

Mary Gillis performs roll call for denial of the variance:

Glenn Burns: Yes

Joe Wynkoop: No

Jim Peacock: Yes

Arthur Nix: Yes

Jim Pierce: Yes

Zoning Variance Request Denied.

**Contract with Raftelis Financial Consultants for Water Rate and Water Impact Fee Study;
Resolution 2014-08**

Mayor Bennett says he projected that the water study was going to cost \$20,000 but it is coming in at about \$24,490. Mary Gillis says Raftelis Financial Consultants did have to work with the CPH so there will be some fees incurred to the Town.

Mayor Bennett says he needs the Council to approve the contract and the resolution. He asks Tony Hairston with Raftelis how close they are to being done. Tony says they are ready to get started; they are looking at an April, May, June time frame. He wants to point out that in their agreement there is a 90-day provision on increases in new impact fees. Councilman Nix asks if they need this for the ISBA. Mayor Bennett says it's been over five years since this study has been done.

MOTION by Jim Pierce to sign Contract and adopt Resolution 2014-08; SECONDED by Joe Wynkoop

Councilman Peacock wants to know if they are talking about \$24,490 plus CPH fees, and how much the CPH fees will be. Mary Gillis says up to \$5,000. Councilman Peacock asks Tony what his company is going to do for them to make sure the Town can recover this money in the future. Tony says there are phases to go through; this also is not guaranteed to be a lump sum contract. Councilman Pierce says last year the Town charged a water impact fee of \$101,000 to Montverde Academy, and they ended up having to refund \$35,000; he says they were confronted and challenged by Montverde Academy and they ended up giving back \$65,000.

Mayor Bennett simplifies the situation for the citizens; he says they have a budget of \$20,000 for a water rate and water impact fee study. They found out it is going to be more than \$20,000 but will not exceed \$25,000. He asks if anyone has any questions. *Resident* asks if Tony Hairston is related to anyone in the Town. Mayor Bennett says no.

For: All
Against: None

PUBLIC COMMENT

Pam Canavan, Human Resources Improv Clermont

Pam Canavan says they have been doing Improv shows for a while. She says they are very interested in teaching Improv classes in Montverde. Instead of charging the Town charging them 10% as they normally would, Councilman Pierce says he would be okay with accepting a donation just to keep the books straight.

Consensus is yes. Mayor Bennett asks Ms. Canavan to get with Mary Gillis.

She goes on to say they are family friendly. There is a show on Saturday night at 7:00 PM for \$5.00 per person.

Chris Hopkins

Mr. Hopkins suggests making the proposed round-a-bout a four way stop to save money. Mayor Bennett tells him to call Jim Stivender.

Interlocal Service Boundary Agreement between the City of Clermont and Lake County

Councilman Nix asks why the Town needs to be involved in Clermont's ISBA. Mayor Bennett says because they are part of the partnership; all cities in South Lake have participated in each other's ISBA. Anita Geraci-Carver says the Town doesn't need to be a part of Clermont's ISBA, as their ISBA does not affect Montverde. Anita Geraci-Carver says the ISBA negotiations were all done in writing, there were really no meetings.

MOTION by Jim Peacock to decline signing the agreement; SECONDED by Arthur Nix

For: All
Against: None

Resolution 2014-03: Authorization for the Mayor to Negotiate and Execute an Interlocal Agreement Related to the Distribution of Lake County's Local Option Gas Tax

Mayor Bennett says back in the day when the gas tax was available they did not equally distribute it amongst all of the cities in Lake County; Clermont, Montverde, Astatula, etc. got a real small percentage. The small towns have grown and the way it was designed last time should not apply this time. A formula should be used that takes in account a multitude of elements such as population, mileage in the towns, etc. Mayor Bennett says Montverde's current gas tax is \$20,000 but if they can cue this up the way they want, it could give them up to \$64,000.

Sean Parks says this is the first of three gas tax renewals. Vice President Wynkoop asks if each city has equal rights in voting. Sean Parks says the bigger the city the more vote they are going to have. Anita Geraci-Carver says adopting Resolution 2014-03 gives Mayor Bennett the authorization to negotiate the Inter-local on adopting a proper formula to distribute the gas tax revenues. Councilman Pierce says the reason it is so important is that the agreement for the next 29 years. President Burns asks if their bike trail could be counted as a transportation-expenditure. Mary Gillis says no, because the trail is grant funded. Mayor Bennett says Clermont is pushing really hard for distribution formula #2. Sean Parks says all five cities plus Lady Lake needs to vote yes; he thinks it will pass on number #2.

MOTION by Arthur Nix to approve Resolution 2014-03; SECONDED by Jim Peacock

For: All

Against: None

Interlocal Agreement for Services Pertaining to the Development and Evaluation of Water Supply Options and Strategies

Mayor Bennett says that the South Lake Water Initiative has determined that it's going to cost about \$300,000 to operate. He says they pro-rated everyone proportion and Montverde is only being required to pay 2% which equals \$6,000; it's a one-time fee. Mayor Bennett says this participation is part of their CUP. Councilman Nix says their CUP is for ten years, so he feels they got a good deal. Sean Parks says he is cautiously optimistic that the State will help pay for half of the South Lake Water Initiative expenditures. He says if they don't participate in this, a few years down the road they may have to participate in someone else's initiative, like Orange County, with much higher numbers. Mayor Bennett asks who is on the board of the initiative. Sean Parks says it's defined as an Inter-local. Mayor Bennett asks if he can serve on the board. Sean Parks says absolutely; the meetings are advertised. He says it's a cooperative group meeting.

Mayor Bennett asks if they sign the Inter-local then Clermont is the point-main and if that's where the payment goes; Anita Geraci-Carver says Clermont will send the Invoice. Councilman Pierce says everyone else is paying 14%, including the County, except for Montverde. The County is putting \$50,000 towards the initiative. The next meeting is in April; he will forward the information to all of the Council members.

MOTION by Jim Pierce to accept and sign the Interlocal; SECONDED by Arthur Nix

For: All

Against: None

Mayor Bennett, Arthur Nix, and Steve Romano of CPH agree to have a meeting about doing an overall analysis and the Town's water system.

Renewal of Franchise Agreement with SECO

Anita Geraci-Carver says the Council had requested that the agreement be changed from 30 years to five years so that change was made; she attached a copy of the provision of their code where they were talking about underground electrical lines. She says she also put in the agreement that SECO must submit their plans in advance to the Town so they can decide if they need an exception, etc.

Councilman Nix asks how much of the Town is powered by SECO; Mayor Bennett replies that one third of the Town is.

MOTION by Jim Pierce to accept the renewal; SECONDED by Jim Peacock

For: All

Against: None

ADJOURN

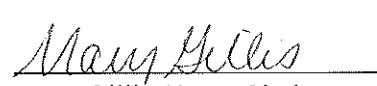
MOTION to Adjourn by Joe Wynkoop; SECONDED by Arthur Nix at 10:16 PM. Passed unanimously.

Respectfully submitted,


Troy A. Bennett, Mayor


Glenn Burns, Council President

ATTEST:


Mary Gillis, Town Clerk