

**MINUTES  
TOWN OF MONTVERDE  
TOWN COUNCIL MEETING**

**May 10, 2016**

The Town of Montverde met in regular session on Tuesday, May 10, 2016 at 7:00 pm in the Town Hall Auditorium.

**Council Present:**

President Billy Bates

Vice President Glenn Burns

Jim Ley

Judy Smith

Jim Peacock

**Staff Present:**

Graham Wells, Town Clerk

Terry Burden, Public Works Director

Kevin Rausch, Fire Chief

Anita Geraci-Carver, Town Attorney

Sean Parks – Town Planner

Mayor Wynkoop called the meeting to order at 7:02 pm and led the Pledge of Allegiance.

The invocation was given by Councilman Jim Ley

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

**MINUTE APPROVAL**

**MOTION by Councilman Bates to approve the Regular Council Meeting Minutes from April 12, 2016; SECONDED by Councilman Ley**

**For: Bates, Burns, Ley and Smith Peacock**

**Against: None**

**MOTION CARRIED 5-0**

**MOTION by Councilman Bates to approve the Workshop Summary Minutes from April 26, 2016; SECONDED by Councilman Ley**

**For: Bates, Burns, Ley and Smith Peacock**

**Against: None**

**MOTION CARRIED 5-0**

**PRESENTATION BY SANDI MELGAREGO FROM GOVERNMENT SERVICES GROUP, INC UPDATING COUNCIL ON THE FIRE ASSESSMENT PROGRAM FOR 2016.**

*Mayor Wynkoop* introduced Sandi who gave some historical background of the transition from the \$40.00 Fire Assessment fee for residential property that was collected by the Town on a separate invoice to an assessed rate collected on the Tax Bill. It is a non-ad valorem assessment which has to benefit property to pay for fire services.

A fire assessment is a charge imposed against real property to pay for fire protection services. Case Law requires an assessment to have special benefit to property and also the fair and reasonable apportionment to each type of property benefitting from the service. The Town's Fire Department offers first responder level services within incorporated Montverde and therefor is able to have all calls for service included in the assessment, not just fire calls.

A study by GSG was conducted in 2015 using the historical demand methodology to establish the rates required to fully fund the fire department. They looked at the call data and demand from the previous year and apportioned the percentages to the four key categories of property; Residential, Non-Residential, Educational (Montverde Academy) and vacant land. It was agreed that Government property would be exempt and a hardship program introduced.

The rate of \$80.00 for each residential property was adopted for 2016 along with \$0.07 per square foot for non-residential (commercial and institutional), \$0.08 per square foot for educational and \$11.00 for each vacant land parcel. This would generate approximately \$72,000 from a dedicated funding source, the balance to fully fund the fire department coming from the general fund. The goal was to fully fund fire protection through the assessment without taking additional money from the general fund. The annual cost to fund the fire department is approximately \$110,000 which would require an assessment of \$120.00 for residential properties.

*Ms. Malgarego* gave an overview of the key dates that needed to be followed to have it put on the tax bill in November. The Council would have a workshop to discuss the level of the assessment for 2017 and a preliminary rate resolution (the maximum not to exceed) would be adopted at the June Council meeting. Last year this rate was \$160.00 although the final rate adopted in August was only \$80.00. Notices to newly affected property owners would be mailed out in July along with published notices. The final rate would be adopted at the August Council meeting.

Questions were taken from Alex Fersonke and Allen Hartle. *Councilman Ley* asked if the County had fire impact fees and a fire assessment. *Commissioner Parks* responded that the County had both and that the fire department was fully funded from them. There was no availability of additional money from the general fund.

Being no further discussion Mayor Wynkoop said that Council would meet at a workshop ahead of the June Council meeting to discuss the new rate for 2016.

## CITIZENS QUESTION AND COMMENT

*Kimberly Houston – 16850 Omega Court* brought up the issue of Code Enforcement. She had a particular issue with her neighbor who had put up tarps and signs. Attorney Anita Geraci-Carver said that the Town had a complaint driven policy and that there was a proper procedure that had to be followed before referring it to the code enforcement board. Council did not have jurisdiction.

Sean Parks suggested that they should make a formal complaint and let it be investigated and passed to the Code Enforcement Board if remedies were unsuccessful. He addressed the canopy issue by explaining the three types that the town permits as part of the existing code. The canopy ordinance has been looked at by planning and zoning and Council over the past few months but no change has been made. He suggested that the Town contact the building department at the county to have them look at it.

Anita Geraci-Carver said that the proper procedure was for town staff to investigate the complaint, issue a notice of violation with a specific time to remedy. In this instance the county would be contacted and dependent on the outcome they would either cite the owner for not having a permit or we would proceed through code enforcement. She added that the town had to be careful with signs on residential property as there were changes to the state statutes. The town could not infringe on the owners first amendment rights.

Mayor Wynkoop said that he had taken care of the fence issue in the front yard but was not aware that there was a problem in the back yard. He would go and take a look at it.

## COMMITTEE REPORTS

*Bob Tomlinson – Visioning Committee*, gave an update on several of the projects that the committee had been working on. New LED lights were being installed in the auditorium which would save money, improve the lighting and aesthetics. Planting was to take place in the eleven flower beds around the town and just waiting on the nursery for the plants.

There is an opportunity coming up where the Academy were replacing their auditorium seating and would gift some of their old seats to the Town. This brought up the problem of increasing the number of holes in the floor from the old seats. It was suggested that carpet squares be put down which would cover the holes before new seating was put in.

*Councilman Peacock* commented on the unevenness of the floor which he said would need to be fixed before the carpet could be laid. He also stated that vinyl flooring should be put under and in front of the seats in the wear areas and carpet in the aisles'. Further discussion took place on the best way to go. No decision was made.

Flags would be put up on fifty five poles on CR455 for the Memorial Day weekend. The flags had been purchased locally at a cost of \$12 each. Terry Burden was putting up the brackets in readiness. *Mr. Tomlinson* showed the design for the two reserved parking signs that the committee wanted to put up in the Town Hall parking lot to honor our veterans. New no littering signs had also been put up by the County at the three entrances to the Town.

The final project the committee wanted to bring to Council was to renovate the kitchen in the community building with new cabinets, appliances and lighting. *Rusty Meyer* was charged with finding quality cabinets at a good price. *Mayor Wynkoop* liked the idea and said that there was money in the budget for it.

*Rusty Meyer – Cemetery Committee*, said that they were working with the visioning committee on a memorial wall to honor our veterans. The details and the place to put it were still being worked on. Flags were going to be placed on all the veterans' graves in the cemetery for Memorial Day. The committee was enlisting the help of the Scouts to locate the graves and place the flags. This would also be done on the 4<sup>th</sup> July and on Veterans Day.

Rusty was also working with the Town Clerk to continue the work of the previous committee to find out how many of the reservations that were issued prior to 1988 were still required. Letters were sent to all those who had a reservation but fifty came back return to sender where they had moved on from the last known address. These were being investigated with the help of Jeanne Gonzales.

Once everyone has been contacted and a final tally of the number of reservations still required was known, the committee would bring the information to Council. At that point recommendations would put forward and the Council would decide how the reservations and future ones would be handled.

## **MAYOR AND COUNCIL SECTION**

### **COUNCIL MEMBERS**

*Councilman Burns* – PASS

*Councilwoman Smith* – Announced the Friends of Montverde seminar on May 17 where the guest speaker from the Attorney General's office would talk about identity theft. Light snacks would be provided. Following the elder affairs meeting she attended she wanted to give notice of organizing a health fair for the town where vendors would be invited to give information and also health screenings. Once a date was finalized she would bring more information.

*Councilman Bates* – PASS

*Councilman Ley* – Thanked Commissioner Parks for getting the cross walk installed across CR455 at Porter Ave.

*Councilman Peacock* – Said that he had long thought about changing the Town’s Charter from a Strong Mayor form of government to a City Manager. He believes that the complexities of running a small town are immense and that with all the new regulations imposed on us, the day to day running of the town should be carried out by a professional and qualified City Manager. Montverde is one of only a few cities and towns that still have a Strong Mayor form of government

He felt that the current form of government could be prone to an abuse of power by the Mayor which has happened in the past. The issue of the cost of a new City Manager position was raised and Councilman Peacock suggested that the positions of City Manager and Town Clerk could be combined. *Anita Geraci-Carver* said that it would take a majority vote of the people and a ballot amendment to get it on for this year’s election in November if the Council wanted.

Discussion ensued about the merits of doing it or not with some suggesting that there was not sufficient time to get it done for this year. *Alex Fresonke* felt that that the communication of the proposed change could be successfully done in time for this November. *Bob Tomlinson* suggested opening it up to get the input of residents at a workshop.

*Mayor Wynkoop* said that he was in favor of the change as the Mayor’s position takes an enormous amount of his time and that most people unless they were self-financed could not afford to be Mayor. He felt that for the change to be successful and get passed, more time was needed to educate and communicate to the residents the benefits of a different system. *Sean Parks* said that as this was a general election year more people would vote but if they didn’t understand the reasons for the change they would likely vote no.

*Councilman Peacock* wanted the idea kept in the forefront for future discussion.

## **MAYOR WYNKOOP**

*Mayor Wynkoop* has invited the people that are running for Lake County Sheriff to come and address Council. Charles Broadway would be attending in June and others in the following months.

Potential dates for the McQuaig meeting were set for either July 6, or July 21, 2016 at Town Hall.

Date for the workshop to discuss the Blackstill East Project and also the preliminary rate for the fire assessment was set for June 7, 2016 6:30 pm at Town Hall.

*The Mayor* reminded Anita that she would report back on the options that the developer of Blackstill East had if the property was developed in the County. *Sean Parks* was to find builders that would be willing to develop the property with half-acre lots.

At this point Anita Geraci-Carver read aloud the first five sections of the Charter. The intention is that over a number of months the whole charter will be covered and any questions that Council Members have can be covered so that they have a complete understanding of it.

*Sheriff Danny Young* gave a brief update on his first three months covering the Town. All is quiet and good aside from a couple of drug houses which were being investigated. *Councilman Ley* said that he often saw him patrolling his neighborhood and thanked him for his activity.

*Fire Chief Rausch* gave an update on the Fire House. He reported that Pastor Jonathan Winningham from the First Baptist Church had agreed to be their Chaplain.

**ORDINANCE 2016-06 AMENDING THE CODE FOR WHEN THE TOWN CAUCUS IS HELD**

The ordinance was read by Attorney Anita Geraci-Carver. This is the second reading of Ordinance 2016-06. Section 8-3(a)(1) in Chapter 8 of the Code of Ordinances of the Town of Montverde provides for the caucus to be held “prior to the regular town council meeting in September”. Traditionally the caucus has been held immediately prior to the regular town council meeting in August because the deadline to provide candidate names to the Lake County Supervisor of Election is earlier than the regular town council meeting in September. Ordinance 2016-06 amends the code to change the caucus date from September to August. The Mayor opened public comment and there being none closed it and requested a motion.

**MOTION by Councilwoman Smith to approve Ordinance 2016-06; SECONDED by Councilman Peacock**

**For: Bates, Burns, Ley, Peacock, Smith**

**Against: None**

**MOTION CARRIED 5-0**

Councilman Peacock reiterated his desire to move forward with the Charter change to a City Manager form of Government and asked what we needed to do to progress to the next stage. It was suggested that Council Members familiarize themselves with the City Manager style and the differences that should be considered. *Anita Geraci-Carver* explained the procedure necessary to change the Charter and said that there were people who would advise the council and write the new Charter. She would send the contact details of Marilyn Crotty to the Town Clerk. Ms. Crotty does Charter reviews and is a great resource for pros and cons of mayor-strong form of government and city manager strong form of government.

Being no further business a motion to adjourn was requested.

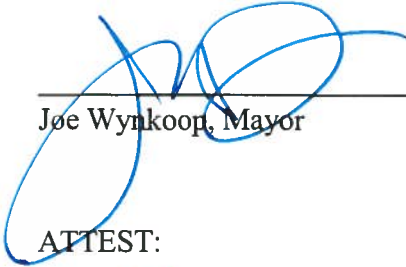
**MOTION TO ADJOURN by Councilman Peacock to adjourn; SECONDED by Councilman Bates**

**For: Bates, Burns, Ley, Peacock, Smith**

**Against: None**

**MOTION CARRIED 5-0**

Respectfully submitted,

  
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Joe Wynkoop, Mayor

  
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Billy Bates, Council President

ATTEST:

  
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Graham Wells, Town Clerk

