

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

**May 12, 2015**

The Town of Montverde met in regular session on Tuesday, May 12, 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 7:06 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 April 14, 2015;**

**SECONDED by Councilman Nix.**

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

**Against: None**

**CITIZEN QUESTION AND COMMENT**

*Nancy Fishinger, Vinola Drive.* On behalf of the residents in her area of Vinola Gardens and the Trails of Montverde, Ms. Fishinger extended a heartfelt thank-you to Mayor Bennett and Town Council for their participation in the Minneola Town Council meeting. She said that it was wonderful to have the Mayor as well as two members of Council in attendance. She said that Mayor Bennett did a superb job in

presenting opposition to the attorney representing the developers of the Hills of Minneola, who want to greatly slash the green space originally designated on the development's east side adjoining the Trails and Vinola. She stated that Mayor Bennett putting the topic on the website, along with the date of the next meeting, has been very helpful to residents. Again, she thanked Mayor and Council.

She said that her group has produced a flyer, which she brought tonight to distribute. She said that the residents of the Trails and Vinola Gardens were blind-sighted as to what was going on with the development. Mayor Bennett stated that the Town could distribute the flyer Ms. Fishinger produced in the water bills.

Mayor Bennett then said he would like to discuss the proposed development. He displayed a map on the overhead showing the proposed development. He showed that the "industrial" part of the development abuts the Trails of Montverde. He said the industrial designation means that there is a maximum building height of 75 feet, which is a three-story building. He said the industrial language is very broad. There was a 1200-foot buffer that was initially supposed to be there, but it has been greatly reduced to about 100 feet.

Mayor Bennett said that the developer presented that he was Santa Claus; that he gave land for the turnpike exchange, therefore he should get whatever he wants. He said that the truth is that the developer sold the land to the State, and what he really did was create ingress and egress to his own property so that it would increase in value. Mayor Bennett said that this looks like it will be similar to Metro West. He said there was no developer's agreement yet, but it is going before the Minneola City Council on June 2. Mayor Bennett said that the Council has the ability to change it, but they seem like they are ready to approve as-is.

Mayor Bennett said that his argument at the Minneola Council meeting was that the City should have given the developer minimums and as time went by, the developer could come back and ask for more, which would be approved or opposed by the Council. He said the City gave them the maximum on everything, which would be five phases over the course of forty years. He said the industrial designation meant that there could be movie theaters, fast food stores, restaurants, and industrial plazas in Montverde's back yard. He said that throughout the meeting, the developer kept referring to Montverde as a "neighbor", but he felt they missed the true concept of the word, as they allowed no input or asked Montverde for anything. Montverde was never even invited to any meetings.

Councilman Burns said that in 2005 the developer spent a lot of time and money when they put the DRI together. Councilman Nix asked how the developer could get out of the DRI. Anita Geraci-Carver replied that the State changed the Statute, so that now properties within a CRA community do not have to be under a DRI. So, Minneola put all of that property under a CRA. Anita stated that this was odd, as that property cannot really be considered to be blighted. Councilman Burns said that the barn that is falling down on 561A is what they are considering the "blighted" area.

Mayor Bennett said that another thing that he took issue with is that there is residential zoning all around the big sewer plant. He suggested at the meeting for the developer to put the industrial near the sewer plant and the residential part near Montverde. But they did not want to do this. Mayor Bennett said that he also asked the planner for a definition on "Industrial" and the planner was supposed to email him, but he has yet to hear from the planner.

Councilman Pierce said that he attended the meeting at Minneola, and he said they made them raise their hands to swear an oath that they were testifying. He said that the developer made a big deal about how nothing had changed since 2005. Councilman Burns said that what the developer said was a lie. Councilman Pierce said that he wanted an overlay from 2005 to compare to 2015 to show what changed.

Mayor Bennett said that the reason they keep referring to what was done in 2005 is because when the Town did the ISBA, they based it on what was done in 2005, and now this is an entirely different development. If Council would have known this when they were doing the ISBA, they would have pushed for more leverage.

Councilman Pierce said that the developer even admitted that they had not done any traffic studies or anything. The attorneys said that they would do the traffic studies as they go along. He asked what sense that made to do the traffic studies after the traffic comes.

Councilman Nix said that he just came from the Odessa area, and that area is a nightmare. He said the development came to that area, but the improvements were way behind. He fears that this is what will happen in our area.

Anita Geraci-Carver said that one good thing from the meeting was that the Town's representatives, as well as the citizens that showed up, got the developer to agree to limit the industrial section to the western area. She said they were only proposing a 25-foot buffer, but the Town's representatives got them to agree to increase the buffer to 100 feet.

Councilman Burns said that the original plans had a nature preserve and trails. Mayor Bennett said that it upset him that the developers presented themselves as Santa Claus, and the Minneola Council kept saying that the developers had given them so much. He said the Council was asking the developer "could you do this for us?" instead of having the mentality that they are Council and they should have a say in how the land was developed.

Councilman Wynkoop said he attended the meeting as well, and his takeaway from it was that Minneola City Council was not interested in how this impacts Montverde. Mayor Bennett concurred.

A resident said that a concrete block plant (or similar) could fit the industrial zoning, and the noise would impact those in the areas for miles.

Mayor Bennett stated that Minneola City Council could have put restrictions on it; they could have done something to protect their residents and our residents, and they did not. He invited residents and Council to attend the June 2 meeting.

Mayor Bennett asked Town Planner Sean Parks if he had anything to add. He said that the County would be setting up some meetings, and as the Town's County Commissioner, he would certainly go to bat for the Town and the entire area.

Mayor Bennett said that he and the Town representatives are meeting with the City on May 20 at 10am to discuss the ISBA. Mayor Bennett said that the reason to discuss the ISBA is for Minneola's sewer line. The nearest point of entry to Minneola's sewer line is 561A and 455, which is too far for Montverde. He explained that when Montverde Estates gets under construction, the Academy and Bella Collina wanted to extend sewer lines through Town to possibly Minneola's sewer line to eliminate the Academy's old sewer system.

Mayor Bennett thanked Nancy Fishinger for coming, and said that he was sorry to see this happening to her, because the area she lives in sure is beautiful.

*Roy Patterson, Seventh Street.* Mr. Patterson said that he wanted to make everyone aware that he had a stranger that tried to enter his house and garage apartment last Thursday. He said the person entered the garage apartment, asked where the owners were, and then left. He said that person was in their mid-thirties, driving a white Jeep Cherokee. He warned everyone to lock their doors, and keep their eyes open.

## **COMMITTEES**

Mayor Bennett stated that he wanted to talk about the Public Safety Committee for a minute. He said they have done some good work recently in finding that the Florida Highway Patrol can do some of the work that they were wanting the Sheriff's off-duty deputies to do. He said that they are \$10 more an hour, and the Town has to pay for mileage. But he said they are very eager, and scheduling has been great. He said that they will do what we ask them to do, and staff does not have to go through supervisors to get the job done. He said that the primary deputy that has been doing the work for us was recently ranked the Patrolman of the Year, and he lives in the Trails of Montverde. He said that he gave out 18 tickets in four hours. He can deal with drugs, break-ins, etc.

Mayor Bennett said the cost of hiring these patrolmen should be within budget, and he thanked the Safety Committee for their work in doing this.

Mayor Bennett also discussed the Visioning Committee. He said that there are two people in Town that want to join their Committee: Tammy Brasher and Angie Mercer. He asked for a vote from Council to put them on the Visioning Committee.

**MOTION by Councilman Wynkoop to add Tammy Brasher and Angie Mercer to the Visioning Committee; SECONDED by Councilman Burns.**

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

**Against: None**

Mayor Bennett then reminded Council and residents that Montverde Idol is coming up. He said that prize earnings have increased, and he thinks that there are some pretty good singers competing this year. Four Rivers BBQ will be there.

Mayor Bennett then said that the Visioning Committee asked Mayor Bennett to present something to Council. The Committee wants to bring Jim Van Fleet to Montverde Day as entertainment. He is a weatherman, and he has a band that apparently brings in a lot of people. The 60-minute concert would cost \$3,000. The Committee needs a decision by tonight because the band's schedule is getting full very fast. Councilman Nix asked if the Town would still have other acts performing on Montverde Day, and Mayor Bennett replied yes. He said the Committee wanted to make this guy the headliner, kind of how the City of Oviedo made Kelly Pickler their headline act for their recent event. Councilman Nix asked how much the Town usually pays for a band at Montverde Day. Mayor Bennett replied \$1200. Mayor Bennett said the Committee thinks that if they get a headliner, that they could get more money in contributions for the Festival. Councilman Pierce asked if anyone has spoken to the Jim Van Fleet Band to determine what they would need as far as sound equipment goes, and if Montverde can provide it. Mayor Bennett responded that the Town has the use of very good equipment on Montverde Day, so he did not think that would be a problem.

**MOTION by Councilman Wynkoop to approve the expenditure of \$3,000 for the Jim Van Fleet Band for Montverde Day 2015; SECONDED by Councilman Nix.**

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

**Against: None**

## **COUNCIL AND MAYOR**

### **Councilman Joe Wynkoop**

Councilman Wynkoop said that he has been asked to remind everyone about getting cushions for the chairs in the Community Building. Mayor Bennett said that he would take care of it. Councilman Wynkoop also asked if staff could update the bios of the Councilmen on the Town's website; Mayor Bennett agreed.

Mayor Bennett asked Councilman Wynkoop how the Friends of Montverde Flea Market went. Councilman Wynkoop replied that it went pretty good. There were about 28-30 booths, and those there seemed to enjoy it. Councilman Nix said that he was there, and made about \$280, but the damage to his car was about \$300.

Councilman Wynkoop reminded everyone about Bingo this Friday night.

Councilman Wynkoop said that he had a couple of residents ask him if the Town could put “Do Not Feed the Gators” signs in the parks. Mayor Bennett said that he would take care of it.

Councilman Wynkoop said that he played in a golf tournament recently and he was speaking to some other government officials. He said that other cities put their garbage fee on the annual property tax bill. He thought that maybe Montverde should consider it. Mayor Bennett said that he liked the idea.

Councilman Wynkoop said that he wanted to bring up the City Manager and Clerks meeting. He said that if anyone cannot go, that he would like to go. He said he feels these meetings are a valuable resource for small towns like Montverde.

**Councilman Glenn Burns**

Councilman Burns said that there is a meeting tomorrow for the Bicycle/Pedestrian Advisory Committee, for which he is the representative for the Town. At the meeting, they are going to look at the Current Master Plan, and the bicycle and pedestrian facilities in this area. He said the first thing that he wanted to make sure gets put on the map is connecting the Stecher property with the Ferndale Preserve. He asked if Council and residents agreed with that. Consensus was yes. He said that he did not know how it would go north (Sugarloaf Mountain development) or west (Hills of Minneola development).

Councilman Nix said that he felt that the development should include bicycle lanes along the roads.

Town Planner Sean Parks said that the County always recommends bike lanes and sidewalks for developments that are outside the cities, but said that it is the responsibility of cities to regulate these things for developments being proposed in their city. He said the County only has permitting authority for access points: those areas that provide access on the County roads. He said it is up to the cities to make these kinds of requirements for the developments in their area.

Mayor Bennett said that Sean Parks did submit the trail grant application to the State, and he is hopeful that the project will be approved. Sean said that in the past, there was only one real issue preventing the Town from getting the grant, and that has been resolved. So he thinks the Town has a really good chance of getting the grant.

Councilman Burns said that the Office of Greenways and Trails released information last week that they are providing grants to cities to buy property for trails. Sean Parks said that he is aware of this grant, and he is looking at submitting an application for the Town.

**Councilman Arthur Nix**

Pass.

**Councilman Jim Pierce**

Pass.

**Mayor Troy Bennett**

Pass.

**PUBLIC HEARING: ORDINANCE 2015-12 REPEALING ARTICLE II IN CHAPTER 10 OF THE CODE OF ORDINANCES**

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett explained that this was the first step in reorganizing and restructuring the Fire Department, and getting the Fire Assessment on the property tax bill. He said that there is still a lot more work to do, and that there will be a lot more discussion on the topic at June's meeting.

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

Councilman Wynkoop said that the only thing he is concerned about is letting people know that they will not be billed twice for fire services in one year. Mayor Bennett explained that what he was talking about is that the Town had been billing in April for fire services for the prior year. Putting the bill on the property tax bill would mean that the Town would be billing for fire services in the following year. So, if Council did this, residents would be charged twice in one year. He said that Council was looking to not charge fire assessments for this year, and effectively, forgive the fire assessment charge for 2015. Councilman Nix said that he really saw no other way than to forgive this current year's assessment.

**MOTION by Councilman Pierce to approve Ordinance 2015-12 repealing Article II in Chapter 10 of the Code of Ordinances; SECONDED by Councilman Nix.**

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

**Against: None**

**RESOLUTION 2015-14 ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES**

Anita Geraci- Carver read the Resolution in title only.

The representative from Government Services Group, the firm that performed the Fire Assessment Study, asked to explain the resolution. She said that the rates included in the resolution are the rates that were discussed at the April workshop. The rates will fund 100% of the Fire Department expenditures, and provide a small reserve for future capital needs. She said that currently, the Fire Department is funded from the fire assessment and from general fund millage. This resolution will mean that the Fire Department is 100% funded by fire assessment fee revenue.

Mayor Bennett explained that the Water Fund has its own funding source, and property taxes do not have to pay for water services, and they are trying to make the Fire Department operate in the same way.

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

Mayor Bennett stated that all residents would be getting notices about the fire assessment very soon.

**MOTION by Councilman Wynkoop to adopt Resolution 2015-14; SECONDED by Councilman Nix.**

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

**Against: None**

**REQUEST FROM PINES OF MONTVERDE HOMEOWNERS ASSOCIATION TO HAVE TOWN PAY THEIR STREET LIGHTING BILLS**

Mayor Bennett said the Pines of Montverde pays for the leasing of their street lights and for the electricity. He said that they are the only development in Town that pays for their street lights. He said that he does not know why they never had their street lighting paid for. The Pines approached the Town, and said “since the Town is paying for street lighting for all the other developments, why can’t it pay for ours?” Mayor Bennett stated what the costs of street lighting are for all the other developments in Town, and said that the Pines’ costs are in line with every other development.

Councilman Pierce said that the original developer’s agreement is unknown to Council, so Council does not know if the Town gave the developer something in lieu of paying the street lighting. Councilman Nix said that he was the Town Engineer back then, and he does not remember there being anything given to the Pines.

A resident asked if Council should postpone the topic until staff has time to find the developer’s agreement. Mayor Bennett said that staff looked for one, but could not find it. Councilman Nix said that the development was brought to the Town in 1999, and there were at least a dozen meetings with the developer. He said that he does remember the issue of street lighting being brought up, but that he does not remember what the resolution was.

Mayor Bennett said that he is sure they will be discussing this issue when Montverde Estates begins construction on their development.

Councilman Pierce said that in looking at the Pines bills, the utility company is billing the “Pines of Mt. Verde”. He said that if the Town pays the bills, then the utility company needs to get the name right.

**MOTION by Councilman Nix to have the Town begin paying the Pines of Montverde’s street lighting electricity and pole rental; SECONDED by Councilman Pierce.**

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

**Against: None**

**INTERLOCAL AGREEMENT REGARDING DISTRIBUTION OF LOCAL GOVERNMENT INFRASTRUCTURE SURTAX**

Mayor Bennett said that this Interlocal Agreement reflects the discussion a year ago when Council voted on the methodology of how the county would split the Infrastructure Sales Tax among cities.



Town Planner Sean Parks said that the penny sales tax has been in place for almost 15 years. The revenues are split in thirds among the County, cities, and the schools. Sean Park said that the renewal of the sales tax will be on the ballot in November.

Mayor Bennett said that the new distribution will mean Montverde will get \$75,000.

Councilman Burns confirmed that this is simply a renewal; not a new tax. Sean Parks stated that in the past, the sales tax has funded parks, Sheriff's deputy's vehicles, ambulances, construction of schools, etc. The sales tax revenues can only be spent on capital.

Councilman Nix asked what the gross intake of the penny sales tax was. Sean Parks replied \$35 million was received last year. Councilman Wynkoop pointed out that of \$35 million, the Town is getting only \$75,000. Sean Parks pointed out that Montverde's population is only 1,400.

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

Councilman Piece said that this is one tax that everyone pays. People who visit the area pay just like the residents do.

**MOTION by Councilman Wynkoop to approve the Interlocal Agreement regarding the distribution of Local Government Infrastructure Surtax; SECONDED by Councilman Nix.**

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

**Against: None**

Sean Parks updated Council on the construction on Hancock Road. He said they are extending Hancock all the way up to the school. He said that there will also be a sidewalk on the west side, and a trail along the east side. He said there will be bike lanes along the road as well. He pointed out that this construction is being funded by Transportation Impact Fees.

Mayor Bennett told everyone that Planning and Zoning will be meeting in June to review the Montverde Estates development. He invited residents to attend to join in the discussion.

Sean Parks said that a site plan application will be submitted to Council for improvements to the F&M gas station. So Council should be seeing this come forward in the next few months.

One final issue that Mayor Bennett brought up is the ballfield batting cages. He said that they are not used very much, and the canopy seems to be falling apart. He asked if Council had any objection to staff taking it down. Consensus was to take it down. Mayor Bennett also said that he would like some direction from the Historical Committee on what to do with the old Fish Camp building. Public Works Director Terry Burden said that he is going to have to board up the windows, because the kids keep breaking the windows, and he is worried someone is going to get hurt.

A resident said that when she first moved here, there was talk of making the Fish Camp a museum. Councilman Nix said that years ago, he got a cost estimate to make the building ADA-compatible, and the estimate was \$75,000.

A resident said that since the building is made of cypress, it may be valuable because cypress is very expensive.

Mayor Bennett said that he just wanted to clean up the area, because it is beginning to look bad.

**ADJOURN**


**MOTION to Adjourn by Councilman Pierce; SECONDED by Councilman Nix at 8:12 pm. 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