

**MINUTES  
TOWN OF MONTVERDE  
SPECIAL COUNCIL MEETING  
May 15, 2014**

The Town Council of Montverde met in Special Session on May 15, 2014 at 6:30 p.m. in the Town Hall Auditorium.

**Council Present:**

President Glenn Burns  
Jim Peacock  
Jim Pierce  
Joe Wynkoop

**Absent:**

Arthur Nix

**Staff Present:**

Troy Bennett, Mayor  
Anita Geraci-Carver, Town Attorney  
Mary Gillis, Town Clerk / Finance Director  
Sean Parks, Town Planner

Mayor Troy Bennett called the meeting to order at 6:30 p.m., and then led the Pledge of Allegiance.

**ROLL CALL:**

Following the roll call by Mary Gillis, Town Clerk, a quorum was announced.

**Approval of Purchase of Land on Lake Apopka for Boat Ramp Grant**

Mayor Troy Bennett explained that this meeting was to approve the purchase of land on Lake Apopka to obtain a boat ramp grant from the Florida Fish and Wildlife Commission. He explained that the land purchase and resulting grant would enable the Town to construct an enhanced boat ramp and dock, with a paved parking lot, pavilion, and restrooms. Mayor Bennett explained that it was necessary to hold an emergency special meeting because the seller of the property (Waldo Morris) will be going out of town, and the grant deadline is fast approaching. He explained that initially, Council was looking to purchase the Pentz property, adjacent to the current boat ramp, but the Mayor's negotiations with Mr. Pentz fell through when Mr. Pentz wanted more money for the property than the Town was willing to pay. Mayor Bennett explained that he has been in negotiations with Mr. Morris for this 2.5 acre tract (also adjacent to the current ramp), and that they have verbally agreed to a price of \$200,000, plus a donation letter from the Town. The donation letter will state that if the property is worth more than \$200,000, that the seller can treat the difference as a donation for tax purposes.

Mayor Bennett explained that he and Town Attorney Anita Geraci-Carver specifically put in language in the agreement in section 7E, that this is a “clean” sale, with no strings attached to the development that the seller is proposing adjacent to the property. He stated that the owner did initially want to tie the purchase of the property to the approval of the development, but Mayor Bennett told him that would never happen.

Mayor Bennett then stated that Councilman Arthur Nix could not be here tonight, but that he had submitted some questions concerning drainage on the property. Mayor Bennett forwarded Councilman Nix’s questions to CPH Engineering, and they were now present at the meeting to answer any questions.

Mayor Bennett then opened the floor to questions by Council.

Councilman Joe Wynkoop asked if the proposed parking lot on the property would be impervious. Steve Romano, with CPH Engineers, answered that they did not get that far. He said that the main thing with the parking lot was for it to be able to handle stormwater.

Councilman Jim Peacock asked how much the Town needs to contribute to construct the park. Mayor Bennett stated that from what Fish and Wildlife representatives have stated in prior meetings, the Town would have to pay for the parking lot only. Steve Romano stated that he created a proposal for the park and boat ramp, costing a total of \$300,000, which includes the parking lot, boat ramp, landscaping, regrade, pavilion, etc. He then passed around a survey drawing of the proposed park.

Councilman Wynkoop stated that he noticed that the contract gives the Town 45 days to back out of the purchase. He also stated that the Town could do part of the park now, and complete the rest at a later date.

A resident asked if the park would be next to the existing boat ramp. Mayor Bennett answered yes. Jim Peacock asked about the restrooms, since the Town does not have a sewer system. He noted that a septic system would probably not be allowed so close to the lake. Steve Romano answered that the restrooms would be like those at the Ferndale Preserve, which have to be pumped out periodically. He stated that these restrooms could be hooked up to sewer at a later date.

Mayor Bennett asked about the shoreline, as the survey drawing provided by CPH indicates that there is a layer of vegetation on the property at the shoreline. Steve Romano answered that yes, there is vegetation at the shoreline that can not be removed. Councilman Wynkoop opined that the property really is not 2.5 acres, since part of it is a “swamp”.

A resident asked if the survey drawing includes the 100 year floodplain. Steve Romano stated that the property is not in the 100 year floodplain. Council President Glenn Burns asked exactly how much land would the Town be getting (excluding the swamp land). Joe Wynkoop interjected that the Town should get 2.5 acres of dry land. Steve Romano showed another drawing which reflected the slope of the land. He stated that since the property is not 2.5 dry acres, that the cost to build the park is less since it is not necessary to have such a large retention

pond. Having 2.5 acres that are totally dry with no swamp land would require a much larger retention pond. Increasing the size of dry land increases the size of the retention pond.

Joe Wynkoop stated that he is still struggling with the idea of buying even a small portion of swamp land. He asked if we could get a longer parcel. Steve Romano answered that the seller indicated that the ramp had to be in that corner of his property. He stated that the Town could construct a boardwalk along the swampy area. Mayor Bennett said that he liked that idea.

Jim Peacock asked if the water level increases, will that affect the proposed dock. Glenn Burns replied that the St. Johns River Water Management District controls the water levels. He stated that they only allow the water level to get as high as the dikes on the North Shore. Steve Romano stated that there is a fifteen foot drop-off from the top of the park to the water, so even if the water rises three or four feet, the park should still be ok.

Jim Peacock then asked if Steve felt there would be any problems with the lake getting polluted during and after construction. Anita Geraci-Carver stated that she included a clause in the purchase contract that the seller must give to the Town any archeological studies and environmental studies that they have in their possession.

A resident asked which streets would see increased traffic from this new park. Steve Romano stated that Broad and Abrams could see an impact. The resident asked if there would be any restrictions on the size of boats permitted to use the ramp. Mayor Bennett stated that the depth of the water would determine how big of a boat could use the lake. The deepest part of the lake is fifteen feet. The resident asked how many parking spaces are proposed. Mayor Bennett answered 13. Joe Wynkoop said that he did not think there would be a lot of people using the ramp, since people can also go to Winter Garden and the north side of the lake for access.

At this point in the meeting, Florida Fish and Wildlife representative Dennis Renfro arrived. Mayor Bennett explained that there is currently a contract on this 2.5 acre parcel, and Council is here tonight to approve the purchase. He showed Renfro the survey drawing of the park, and stated that there would be 13 truck and trailer parking spaces, and 11 car parking spaces.

Joe Wynkoop asked about having a floating dock, like the one at John's Lake. Dennis Renfro answered floating docks are nice, and the Town could use bumpers along the dock.

Mayor Bennett asked about the area by the swampy part of the property. He stated that there is a section that does not seem to be very deep. Dennis Renfro explained that the backwash from motors in the current ramp are causing a berm to develop. He stated that Fish and Wildlife can fix that area. Mayor Bennett asked how often will a berm develop. Joe Wynkoop added that it was last corrected several years ago. Dennis Renfro stated that the lower water levels have added to the berm problem.

A resident asked what size of boat can maneuver in Lake Apopka. Dennis Renfro stated that a twenty-foot boat is easy to maneuver. The resident explained that she was concerned about street traffic with an improved boat ramp. She then asked what the benefit is to Montverde in improving the boat ramp. Mayor Bennett stated that Montverde has the only deep water access

in Lake Apopka. Jim Pierce stated that he wished the resident had seen Sean Park's presentation at the last Council meeting, whereby he presented the Montverde boat ramp as a "gateway to the North Shore". Glenn Burns added that putting in a park and enhancing the ramp would be like rewinding Montverde's economy because decades ago, fishing was Montverde's main economy. Jim Pierce stated that the old fish camp building could possibly be moved out to the park.

Jim Peacock asked about the total cost of the park, specifically the total cost of what has been drawn on the plans. Steve Romano stated that the total cost to build what he drew would be approximately \$300,000, but that he thought the purchase of the land would be Montverde's share, so he drew a very elaborate park for Fish and Wildlife to fund. Mayor Bennett stated that staff could go to the County and ask them to contribute. He then asked if the Town could charge visitors. Dennis Renfro replied that Fish and Wildlife does not charge patrons for using their parks, so the Town could not either. Joe Wynkoop asked how Council should reply if a resident asks "why are we spending \$200,000 on a park?" Jim Pierce stated that he would reply that the park is part of the proposed economic plan, presented by Sean Parks, that will eventually be part of the Comp Plan. Mayor Bennett added that the money would be spent on the park in an effort to bring Montverde back to its heritage. Dennis Renfro also added that the park will bring money and people to Montverde. Joe Wynkoop stated that Lake Apopka is a 30,000-acre polluted lake, and as such, residents could be negative about building a park. Dennis Renfro stated that from the perspective of Fish and Wildlife, the Lake is not a dead lake. They are seeing a large catch rate of large mouth bass. He stated that the improved conditions of the lake have been kept a secret, but more and more people are visiting the lake.

A resident asked if the lake was in danger of being over-fished. Dennis Renfro replied that it would be a long time before that happened.

Joe Wynkoop stated that if Council decided to go forward with the project, that staff should be aggressive in getting the word out to residents about why Council is constructing this park and ramp. Glenn Burns stated that staff did bring up the issue at a regular Council meeting when the Town was considering purchasing the Pentz property, and there were quite a few residents at the meeting who were supportive of the idea.

Mayor Bennett reminded Council that the Town received a DEO Grant to update the Town's Comp Plan by adding an Economic Prosperity component, and this park and improved ramp would fit right along with that. He stated the changes to the Comp Plan would make it more eco-friendly.

Jim Peacock asked when the Town would know whether or not they received the grant. Dennis Renfro answered that they would not know until the fall. Mayor Bennett interjected that he and staff were told that Fish and Wildlife Department would be voting on the projects in May, and that the Town would know by June. Dennis Renfro stated that Town staff was told an incorrect date. Mayor Bennett said that he was rushing along the purchase process because he and staff were told by Fish and Wildlife that the projects would be voted on in May. Dennis Renfro stated that the proposed project would go to the Grant Committee, and he was not sure when they meet, but he was fairly certain that the Town would not find out if the project was funded until September.

Joe Wynkoop stated that he was worried that the Town could agree to purchase the property now, and then get denied by Fish and Wildlife for the grant funding. Mayor Bennett then stepped outside to call Waldo Morris, one of the owners of the property, to inquire about the timing of the contract.

Jim Peacock remarked that even if the Town does not get approved for the grant, the land on Lake Apopka would still be valuable, and could be sold, possibly for profit. He asked what the width of the property was. Steve Romano replied that it was 230 feet of lakefront, similar to having two lakefront lots. Joe Wynkoop pointed out that in the contract, the Town would provide \$5,000 of good faith money to the seller. He stated that the Town would just have to forfeit the \$5,000 if the grant funding was not approved.

Jim Pierce asked if the Town had to own the property to obtain the grant. Dennis Renfro answered that the purchase of the land could not be used as a match. Sean Parks added that the grant was proposed as a 50/50 split. Dennis Renfro stated that Fish and Wildlife would put in the dock and ramp, which would total about \$150,000. Mayor Bennett asked if that was guaranteed. Dennis Renfro stated that that is the part that Fish and Wildlife would pay for, as long as the Town does their part. Jim Pierce summarized it all by saying that the Town would have to pay \$200,000 for the land, then roughly \$300,000 to develop it, but the Town would get \$150,000 back. Steve Romano reminded Council that it would cost \$300,000 for the elaborate park that he planned, but that could be scaled down. Dennis Renfro reiterated that the Fish and Wildlife grant would cover the boat ramp and dock, estimated to be \$150,000. Steve Romano stated that in his drawings, the boat ramp and dock construction only totaled \$50,000.

Jim Peacock asked if a lot of fill needed to be brought in to the site. Steve Romano answered no. Mayor Bennett asked why it would cost almost \$250,000 to develop the site. Steve Romano stated that there are several things that can be done to reduce the cost of the park, including using gravel for the parking lot, etc.

Troy Bennett then told Council about the phone conversation he just had with Waldo Morris. He stated that Waldo told him that if the Town signs the purchase contract now, but wants to wait until September or October (until after the grant is/is not awarded) to finalize the contract, then he would need 10% as good faith money. Mayor Bennett then told Dennis Renfro that the Town was going to need more help from Fish and Wildlife in terms of funding this project. He told Renfro that Fish and Wildlife has been very eager about getting this park built, and if they want the deep water access that Montverde can provide, then they need to help Montverde to build this.

Glenn Burns asked to go over the numbers again. He stated that the property cost \$200,000, and the park and ramp would cost \$300,000, of which Fish and Wildlife would pay for the ramp and dock. Sean Parks then asked Dennis Renfro what Montverde is required to do so that Fish and Wildlife pays for the dock and ramp. Dennis Renfro stated that the Town needed to put in 18-22 vehicle and trailer parking spaces.

Mayor Bennett then discussed that the Town could take their own money, put in a new ramp and parking spaces on an improved road, and possibly save a lot of money. Glenn Burns agreed, and stated that using grant funds would mean the Town would pay \$350,000 for the park and ramp.

Jim Pierce asked if the Town only spends \$150,000, would the Town receive less funding from the grant. Sean Parks responded that the grant would provide the Town with a ramp and dock. Jim Pierce stated that the grant would provide that, as long as the Town provided the parking. Sean Parks agreed.

Jim Peacock asked if Fish and Wildlife would pay \$150,000 for the ramp and dock, or whatever amount it takes to build the ramp and dock. Dennis Renfro replied that Fish and Wildlife is committing to a two-lane dock, and according to their calculations, it is going to cost \$150,000 to construct. Jim Peacock questioned if the Town had to provide \$150,000 in facilities to get Fish and Wildlife to build the ramp and dock. Dennis Renfro replied that, according to the application submitted by Sean Parks, the Town would provide parking, improvements, etc. Jim Peacock asked if the grant was a matching grant. Dennis Renfro answered that the grant will be scored by Fish and Wildlife, and matching will be determined at that time.

Joe Wynkoop said that the boat ramp, dock, and park could cost between \$350,000 and \$400,000, and then asked Council if they felt like the Town should spend that. Jim Peacock and Jim Pierce both replied "no". Glenn Burns asked Sean if he felt the County would be interested in contributing to the park. Sean Parks stated that the Town probably would not be able to get an answer from the Lake County Commission by the grant submission deadline.

Sean Parks stated that to reduce the cost, the Town could reduce the amount of parking projected. Dennis Renfro interjected that reducing the parking would change the grant, and decrease funding.

Glenn Burns opined that the Town has the option of buying the property now to apply for the grant, and if the grant does not come in the way the Town wants, the Town could sell the property at a later date. Jim Peacock stated that that idea would give the Town time to try to solicit contributions from different agencies, such as the Water Authority.

Glenn Burns suggested that the Town could spread out the cost to build the park over three years. Mayor Bennett agreed that it was a good idea, and stated that the Town could still sell the land at a later date, if grant funding fell through.

Jim Pierce asked Joe Wynkoop what the Town could sell the land for, at a later date. Joe Wynkoop answered that in his opinion, the Town could get \$50,000 for each lot.

Jim Peacock asked if the land purchase contract allowed 45 days for the Town to back out. Anita Geraci-Carver answered that the contract allows 45 days for the Town to back out for any reason. Jim Peacock stated that in the 45 day period, the Town could solicit other agencies to contribute funding.

Steve Romano said that there are costs that can be cut from his proposal, such as reducing landscaping, making the parking lot unpaved, etc. Jim Pierce stated that there is a point issue with the grant: if the Town reduces the amount it will contribute, the grant will not get scored as high, point-wise. Dennis Renfro said that he could get information from Fish and Wildlife regarding how the point system works in grading applications.

Mayor Bennett stated that the Town did not want to invest \$350,000 for a boat ramp. But he agreed with Glenn Burns, that the Town could purchase the property, spread the cost to build the park over three years, and then the Town could charge for parking. Montverde resident Laura Pierce stated that she felt angry that Fish and Wildlife initially wanted to help the Town build the park, but that now they are only promising a small amount of funding. Mayor Bennett agreed, and stated that the Town could build the park themselves, with a much less investment of money, and still return Montverde to its fishing heritage.

Jim Pierce stated that he was ok with the Town going forward with the contract with the opt-out 45-day clause, but he wanted staff to present other options for what the Town could do with \$350,000. For instance, could a new library be built for that amount? Joe Wynkoop added that a new Community Building could be built. Jim Peacock noted that Councilmen could get a better idea from residents if they even wanted to build this park, during the 45 day opt-out period.

Sean Parks stated that the Town could enter into the contract, and during the 45 day opt-out period, he and CPH could come up with a new design, with new costing, to provide a lower cost to the Town. Sean Parks and Steve Romano agreed to look at other opportunities for funding. Jim Peacock suggesting they speak with the County and other agencies.

**MOTION by Jim Pierce, SECONDED by Jim Peacock, to sign the land purchase contract with Waldo Morris for two and a half acres on Lake Apopka, which would include \$5,000 good faith money, as well as a 45 day opt-out clause.**

**FOR: Burns, Peacock, Pierce**

**AGAINST: Wynkoop**

**MOTION CARRIED: 3-1**

**ADJOURNMENT:**

**MOTION by Jim Peacock, SECONDED by Jim Pierce to adjourn.**

**FOR: Burns, Peacock, Pierce, Wynkoop**

**AGAINST: None**

**MOTION CARRIED: 4-0**

Respectfully submitted,

  
\_\_\_\_\_  
Troy Bennett, Mayor

  
\_\_\_\_\_  
Glenn Burns, Council President

ATTEST:

  
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Mary Gillis, Town Clerk