

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

**November 11, 2014**

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

**Council Present:**

Glenn Burns  
Billy Bates  
Arthur Nix  
Jim Pierce  
Joe Wynkoop

**Staff Present:**

Graham Wells, Town Clerk  
Mary Gillis, Finance Director  
Anita Geraci- Carver, Town Attorney

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

Town Attorney Anita Geraci-Carver performed the swearing-in of Joe Wynkoop and Billy Bates as newly-elected Councilman. These Councilmen will serve two-year terms.

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

**MINUTE APPROVAL**

**MOTION by Councilman Nix to approve the regular Council Meeting Minutes and LPA Meeting Minutes from October 14, 2014; SECONDED by Councilman Pierce.**

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

**Against: None**

**ELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT**

**MOTION by Councilman Pierce to elect Councilman Burns as the Council President; SECONDED by Councilman Nix.**

**MOTION by Councilman Burns to elect Councilman Pierce as the Council Vice President; SECONDED by Councilman Wynkoop.**

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

**Against: None**

*At this point in the meeting, the recorder failed and did not record the rest of the meeting (which was only 50 minutes long). The following minutes will not be word-for-word, but instead will be a summary derived from the notes of the minute-taker.*

**EXPANDING THE FRANCHISE AGREEMENT WITH COMCAST TO PROVIDE AN EDUCATIONAL CHANNEL**

Chris Mitchell and Steve Gilbert of Montverde Academy addressed Council concerning Comcast providing an education channel to the Montverde area. Mr. Mitchell explained that State law requires that cable companies offer an educational channel to each municipality that the company serves. Comcast, the cable provider for the Montverde area, can make an educational channel available for the Montverde area if the Town of Montverde makes the request. Mr. Mitchell stated that Montverde Academy would like to use the channel to stream events, post announcements, etc. He said that in order for such a channel to come into existence, the Town of Montverde would have to make an official request of Comcast cable. Mr. Gilbert offered that the channel would be available for the Town's use as well: to announce upcoming activities and possibly stream events.

**MOTION by Vice President Pierce to make a formal request to Comcast for the educational channel; SECONDED by Councilman Wynkoop.**

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

**Against: None**

**ORDINANCE 2014-15 BUILDINGS AND PROPERTIES REQUIRING PROPER MAINTENANCE IN FORECLOSURE**

Mayor Bennett explained that this was the second reading of this ordinance, as Council approved the first reading at the last Council meeting. He then explained to residents that there are a lot of properties in Montverde that are in foreclosure, and the Town has not been able to control these properties from becoming overgrown. He said that this ordinance will allow staff to code-enforce the property, even in foreclosure.

Anita Geraci-Carver read the ordinance, in title only.

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

**MOTION by Councilman Vice President Pierce to adopt Ordinance 2014-15; SECONDED by Councilman Nix.**

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

**Against: None**

**ORDINANCE 2014-17: IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF USE AND BUILDINGS PERMITS FOR MEDICAL MARIJUANA RELATED FACILITIES AND ACTIVITIES**

Mayor Bennett stated that this was the second reading of this ordinance. He reminded Council that the State proposal to allow medical marijuana did not receive the required number of votes in the recent election, and therefore did not pass. Councilman Burns stated that he read in the minutes where Anita explained that if the bill did not pass, that this ordinance is “null and void”. Anita confirmed, but also stated that the ordinance is still a good measure to have in the Town’s Code. Councilman Bates asked if the Town should still proceed with adopting the Ordinance, and Anita replied yes.

Mayor Bennett explained to residents that a Moratorium is a legal authority to delay. He said enacting a moratorium allows the Town time to determine how they will address certain issues with medical marijuana, should it someday pass at the State level.

Anita Geraci-Carver read the ordinance in title only.

Council Vice President Pierce stated that he learned something interesting about medical marijuana during the election. He said that he did not know that medical marijuana is already allowed in the State of Florida, in pill and oil form. He said the Morgan and Morgan commercials on television intimate that voters should vote for the bill because people who suffer from seizures have no other recourse but medical marijuana. But he learned that pills and oil are already available for these patients, and these forms do not contain the ingredient that makes a person high.

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

**MOTION by Council Vice President Pierce to approve Ordinance 2014-17; SECONDED by Councilman Nix.**

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

**Against: None**

**ORDINANCE 2014-18: IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ISSUANCE OF USE AND BUILDING PERMITS FOR ADULT ENTERTAINMENT ESTABLISHMENTS**

Mayor Bennett explained that this ordinance is similar to the ordinance just approved, and it is a moratorium on adult entertainment establishments in the Town of Montverde.

Anita Geraci-Carver read the ordinance in title only.

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

**MOTION by Councilman Nix to approve Ordinance 2014-18; SECONDED by Councilman Wynkoop.**  
**For: Burns, Bates, Nix, Pierce, Wynkoop**  
**Against: None**

**ORDINANCE 2014-19: BUDGET AMENDMENT FOR ASSISTED LISTENING SYSTEM FOR AUDITORIUM**

Mayor Bennett explained that Council Vice President Pierce has championed the idea of providing an assisted listening system in the Auditorium for those residents hard of hearing. He said that staff obtained a quote from BIS Digital for an assisted listening system, and the cost was estimated at \$3,450.

Anita Geraci –Carver read the ordinance in title only.

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

**MOTION by Council Vice President Jim Pierce to approve the first reading of Ordinance 2014-19;**  
**SECONDED by Council President Burns.**  
**For: Burns, Bates, Nix, Pierce, Wynkoop**  
**Against: None**

**RENEWAL OF HEALTH INSURANCE CONTRACT FOR EMPLOYEES**

Mayor Bennett stated that the health insurance contract for employee health insurance was up for annual renewal. Finance Director Mary Gillis stated that this year's renewal reflects a 15.1% increase from the prior year. She also stated that the FY 2015 budget was prepared with a 13% increase. She stated that the Town's insurance broker did shop insurance rates with other companies, and Blue Cross Blue Shield came in at the lowest rate. Councilman Wynkoop asked which employees are covered under health insurance. Mary Gillis replied that only full-time employees are covered by insurance. Council Vice President Pierce asked if the Town provided insurance for just the employee, or for the employee and family. Mary Gillis replied that the Town pays for the insurance of the employee only. If the employee desires coverage for spouse or family, the employee would be responsible for paying for the coverage.

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

**MOTION by Councilman Wynkoop to approve the Mayor signing the new Health Insurance Contract;**  
**SECONDED by Council President Burns.**  
**For: Burns, Bates, Nix, Pierce, Wynkoop**  
**Against: None**

### **ALCOHOL FOR CHRISTMAS TREE LIGHTING CEREMONY/MOVIE IN THE PARK**

Mayor Bennett reminded Council that they recently voted that staff would obtain permission from Council to have beer and wine vendors at any Town-sponsored event. He said that the Christmas Tree Lighting Ceremony/Movie in the Park will be occurring in December, and he asked Council if they wished to have beer sold at the event. Council Vice President Pierce stated that he really did not see problems with beer and wine being served at the Montverde Day Festival. He also said that he did not think a movie in the park was an appropriate place to have beer or wine served. Councilman Nix agreed, and stated the Movie in the Park is more of a family-friendly event. Consensus by Council was to not allow a beer or wine vendor at the Tree Lighting Ceremony and Movie in the Park.

### **AGREEMENT WITH SECO FOR FRANCHISE FEES**

Mayor Bennett explained that SECO presented Council with a thirty-year franchise agreement several months ago. Council made several changes to the document: reducing the thirty-year term, including provisions about tree trimming, and including a requirement that SECO provide underground utilities in certain situations. Mayor Bennett stated that representatives from SECO are at the meeting tonight, to explain why the terms Council wanted cannot be included in the franchise agreement contract.

The representative from SECO stated that the majority of Montverde is covered by Duke Energy, not SECO. He said that the thirty-year term in the agreement is standard in the industry, and SECO would not be willing to reduce the term. He said that the franchise agreement must be thirty years in order for Montverde to continue receiving electric franchise fees. He also said that service boundaries in Montverde would remain unchanged unless an agreement between Duke Energy and SECO were approved by the Public Service Commission. Therefore, a thirty-year agreement is necessary.

Regarding the tree trimming issues raised by Council, the SECO representative stated that SECO has been designated a Tree Line USA by the Arbor Day Foundation. This designation was earned by the company for its tree trimming practices in helping the community while maintaining the environment. The SECO representative stated that SECO would notify the Town before it performs any tree trimming.

With regard to the underground utilities issue raised by Council, the SECO representative noted that SECO has provisions in place allowing underground utilities, where appropriate, upon payment for differential construction costs and the retirement of overhead facilities by the customer requesting underground service. He noted that Montverde's recently adopted ordinance seems to require underground utilities for certain new developments, and as such, SECO would be happy to accommodate this request. He also informed Council that a municipality may not require a utility company to provide underground utilities at its own expense, as this would have a disparate impact on rate payers.

Finally, the SECO representative stated that the agreement needs to be signed quickly, so that the franchise fees the Town is earning do not come to a stop.

**MOTION by Council Vice President Pierce, SECONDED by Councilman Nix to approve the original SECO agreement.**

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

**Against: None**

## **COUNCIL AND MAYOR**

### **Councilman Joe Wynkoop**

Councilman Wynkoop presented to Council a spreadsheet, formulated by the Public Safety Committee, detailing proposed times for off-duty deputies to be hired to augment law enforcement services. He suggested that extra detail will be needed in the next couple of months with the holidays approaching. Mayor Bennett replied that there is \$2500 in the 2015 budget to fund extra detail services for the first quarter of the fiscal year.

Councilman Wynkoop reminded residents that next Friday night is Bingo night, and invited all residents to attend. He also stated that the chili cook-off presented by the Friends of Montverde went very well during the Montverde Day Festival.

### **Council President Glenn Burns**

Pass.

### **Councilman Billy Bates**

Mayor Bennett welcomed Councilman Bates back as a Councilman for the Town of Montverde. Councilman Bates thanked Mayor Bennett, and said that it was good to be back on board.

### **Councilman Nix**

Councilman Nix discussed the Montverde Day Festival, and thanked those who volunteered their time for the event. Mayor Bennett then thanked Councilman Nix for all of his hard work during the Festival. He said that Councilman Nix's work on the Festival every year is invaluable to the Town.

### **Council Vice President Jim Pierce**

Pass.

### **Mayor Troy Bennett**

Mayor Bennett told Council that he needs a date for a Workshop to discuss the water rate and impact fee study, as well as the Randy June project. Consensus by Council was that the workshop would occur on Wednesday, December 10 at 6:30 pm.

Mayor Bennett then announced that the Annual Christmas Tree Lighting Ceremony will be held on Friday, December 5 at 6:00. He said that immediately following the ceremony, there will be a Movie in the Park featuring a Christmas movie. He invited all residents to attend.

Mayor Bennett also reported on Montverde Day, and said that the Festival went very well. He thanked staff for their hard work on the Festival, and thanked Karin Arellano of Arellano Realty for being the primary sponsors for the event.

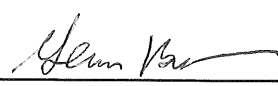
**CITIZEN QUESTION AND COMMENT**

None.


**ADJOURN**

**MOTION to Adjourn by Joe Wynkoop; SECONDED by Arthur Nix at 7:58. Passed unanimously.**

Respectfully submitted,

  
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Troy A. Bennett, Mayor  
\_\_\_\_\_  
Glenn Burns, Council President

ATTEST:

  
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Graham Wells, Town Clerk