

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

October 13, 2015

The Town of Montverde met in regular session on Tuesday, October 13, 2015 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns

Billy Bates

Arthur Nix

Jim Pierce

Joe Wynkoop

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 7:02 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 September 8, 2015, the Special Council Meeting Minutes from September 9, 2015, and the Special Council Meeting Minutes from September 23, 2015; **SECONDED** by Councilman Nix

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

CITIZEN QUESTION AND COMMENT

Ruth B. Ryan, 17529 Kirkman Road. Mrs. Ryan said that she had some questions to ask Councilman Wynkoop. She said that she had a copy of the bio that he put on mymontverde.com. She said that she called him on the phone previously, and Councilman Wynkoop said that she was right, and that he would change the things that were wrong in his bio. She said that none of these things have been corrected. She asked the name of the "major national corporation" that he served with as Vice

President for over 30 years, as he states on the bio. Councilman Wynkoop said that it has only been a week since he spoke to Mrs. Ryan, and he did not feel like he had to update it. She asked for the name of the corporation. He said he knows the name, but he is going to make her wait for it. She said that he says in the bio that he is the owner of two local businesses. She asked for the names and addresses of the businesses. He said his answer was the same; he would make her wait for that too. Mrs. Ryan asked for clarification; she asked if what he was saying was a figment of his imagination. He said no and thank you. Mrs. Ryan thanked Councilman Wynkoop for not responding.

Judy Smith. Ms. Smith said that there is a problem and it is called bullying. She gave the definition of bullying, and then called Mrs. Ryan a bully. She said there are more bullies out there feeding her information.

Jennifer Hanson, 17624 Neal Drive. Ms. Hanson thanked Councilman Wynkoop for his service to Montverde as Councilman.

INTERLOCAL AGREEMENT WITH TOWN OF OAKLAND FOR THE SUPPLY OF EMERGENCY WATER TO LAKE APOPKA SOUND

Mayor Bennett explained that he has been working on this agreement for quite some time, and the engineering part is finally done. There has been some tweaking of the language, but it is finally ready to go. Anita Geraci-Carver stated that they met with Oakland earlier, who requested changes. All parties agreed to the changes.

Mayor Bennett stated that if the agreement gets signed tonight, then it will be before Oakland in December. Then after that, there would be a developer's agreement; then construction.

Mayor Bennett opened the floor for public comment. A resident asked if that produced any revenue for the Town. Mayor Bennett stated that yes, he actively pursued this agreement because it would provide the Town with "free money". He stated that the Town would get about \$50,000 in annual net revenue from the deal. He said it also enhances the Town's balance sheet by about \$1.2 million. He said the Town could keep this infrastructure or even sell it. The infrastructure is warranted for four years. The resident said Mayor Bennett made a good deal.

A resident asked if Mayor Bennett would explain the agreement. Mayor Bennett said a developer was putting in a subdivision near Kilarney, in Oakland. When he and Councilman Pierce negotiated the Interlocal Service Boundary Agreement, they negotiated for that area to belong to Montverde's water district. This means that the developer has to go through Montverde to get his development done. Mayor Bennett said that he did not want to release the developer, because he knew it would be a good revenue stream for Montverde. So he negotiated that the developer would pay for all the infrastructure and all legal and consulting fees, and agreements would be made with Oakland and Clermont whereby Clermont would provide the sewer and Oakland would provide emergency water. Because of this negotiating, Montverde will receive over \$50,000 each year in net revenue, and it will get over \$1.2

million in assets. He said Montverdians should be happy because they will be getting this revenue without annexing anybody. And, it will help ease the tax burden on residents because outsiders will be paying for water. He said even if Montverde does not want to keep the infrastructure, they could sell it to a company like Utilities Inc. and make half a million dollars on it.

Councilman Pierce asked for clarification from Anita that it was a thirty year deal, and that each party had the opportunity at year 28 to notify that they no longer wished to continue. Anita concurred.

MOTION by Councilman Nix to approve the Interlocal Agreement with Oakland; SECONDED by Councilman Bates.

For: Bates, Nix, Pierce, Wynkoop

Against: Burns

RESOLUTION ALLOWING FOR THE TEMPORARY SALE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON TOWN PROPERTY DURING SPECIAL EVENTS

Mayor Bennett said that it was Council's instruction to bring this resolution back for approval before each Town event. This resolution is for Montverde Day.

Councilman Pierce said that there were redundant sentences in Section B. Anita Geraci-Carver agreed. He also asked that letter X on page 5 be stricken. He said that letter X sneaks in that if the Mayor wants to have a special event, that he have alcohol. This goes directly against why Council wanted staff to request approval for alcoholic beverages before each event so that Council could make the decision for each separate event. Councilman Nix said that he agreed with Councilman Pierce.

MOTION by Councilman Pierce to adopt the Resolution, with the deletion of letter X on page 5, SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

CONTRACT BETWEEN THE TOWN OF MONTVERDE AND SUNSHINE AMUSEMENTS FOR THE MONTVERDE DAY CARNIVAL

Mayor Bennett stated that the main thing in this contract is that we require the carnival company to have \$1 million in insurance.

MOTION by Councilman Nix to approve the contract with Sunshine Amusements, with revised hours of operation, with the insurance requirement added, and with the word "County" changed to "Town", SECONDED by Councilman Wynkoop.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

REQUEST TO HOLD A SPECIAL EVENT ON TOWN PROPERTY

Mayor Bennett said that he received this application and the applicant Judy Smith wrote "same event as last year, with no application required". Mayor Bennett stated that this was exactly right; that if the applicant came to any Council meetings, they would know that this was just passed in the last few months. He said he doesn't want anyone to think that Council is picking on anyone; it's just that the rules have to be applied equally to everyone under the law.

Councilman Pierce asked about a question on the application that asked if the applicant had insurance for this event. Councilman Pierce asked how the Town would know whether someone had insurance or not. Anita Geraci-Carver stated that typically, the Town should require those who use the Town's property to have insurance for the event. Otherwise, if someone were to get hurt at the event, the Town's insurance would be primary coverage. Councilman Pierce asked Councilman Bates how much this type of insurance would cost. Councilman Bates said he did not know. Mayor Bennett responded that it would cost about \$350. Councilman Pierce said that this application was for something this month, but in the future, he feels like the Town should really consider requiring the insurance.

Mayor Bennett said that he does not have an issue with the application, but since it is election time, the only issue he has with it is that it is against federal law to politick on Town property. He warned those participating in the event that politicking would be against the law. He said that people will just do what they want though, apparently.

MOTION by Councilman Pierce to grant the special event permit; SECONDED by Councilman Burns.

For: Burns, Bates, Nix, Pierce, Wynkoop

Against: None

Mayor Bennett praised the Visioning Committee for all of their work this year, and said that he was really proud of how well they have done.

MAYOR AND COUNCIL

Councilman Wynkoop

Councilman Wynkoop gave an update on the construction that everyone is seeing in Clermont. He announced when the next Bingo night and Truck or Treat was.

Councilman Wynkoop asked if Council got to hire attorneys. He said that in the past couple of years, the Town has used attorneys, and he doesn't remember it getting approval by Council. Anita Geraci-Carver said that she would have to pull her contract, but she thinks that it reads that if a legal question falls outside her specialty, that the Town could hire outside counsel for. She said the Town Attorney is required to be hired by Council. He asked if there was something that Anita did not handle, if she then hired the attorney. Anita stated that she usually puts in her contracts, that if she hires a specialist, that it would then fall under her contract. He asked if she would be the one to decide who gets hired and not Council. Anita stated in the past, she has made the recommendation to hire outside counsel when it is outside her specialty. Councilman Wynkoop said that he doesn't know how to answer this person

who asked. Mayor Bennett asked who the person was; Councilman Wynkoop said he would rather not say. Mayor Bennett said there sure was a lot of secrets with Councilman Wynkoop this evening. Anita said that she would have to pull her contract to find out how it reads.

Councilman Burns

Pass.

Councilman Bates

Pass.

Councilman Nix

Pass.

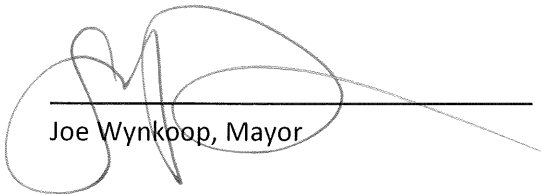
Councilman Pierce

Pass.

ADJOURN

MOTION to Adjourn by Joe Wynkoop; SECONDED by Arthur Nix at 8:05. Passed unanimously.

Respectfully submitted,

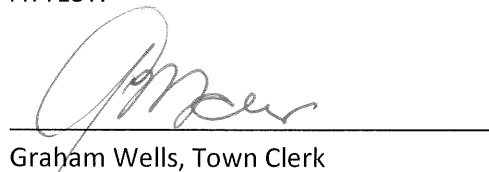


Joe Wynkoop, Mayor



Billy Bates, Council President

ATTEST:



Graham Wells, Town Clerk