

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

October 14, 2014

The Town of Montverde met in regular session on Tuesday, October 14, 2014 at 7:00 PM in the Town Hall Auditorium.

Council Present:

President Glenn Burns
Arthur Nix
Jim Peacock
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.

Mayor Bennett opened the meeting by explaining that there was a motion on the table from the last meeting. He said that there was a motion and a second, and that Council was in the middle of a small break, when two Councilman did not return. Their departure meant that there was no longer a quorum, so the meeting had to end. He explained that the lack of quorum did not kill the motion, so the meeting tonight has to pick up where the last meeting left off. Per the minutes, there was a motion to approve the Lake County Sheriff's Office contract by Councilman Pierce, and a second was given by Glenn Burns. Council took a small break, and two Councilman did not return. Mayor Bennett explained that Council has the option tonight to kill the motions and start over, or continue on with the vote.

Councilman Nix asked for clarification on the motion. Mayor Bennett explained that the motion was to approve the contract with the Sheriff's Office in its current form for a Town Deputy. Mayor Bennett then opened the floor for public comment on this agenda item and motion.

Bill Broeker, Public Safety Committee Chair

Mr. Broeker stated that he was asked to lead the Public Safety Committee by the Mayor and Council. He said that the Committee looked at several options regarding law enforcement services for the Town. He

said that the Town currently pays over \$80,000 for a deputy that primarily works from 9:00 to 5:00, with holidays off. The Committee feels it would be better if the Town went to an off-duty program, which would allow the Town to hire off-duty deputies to patrol the streets. He said for the same amount of money as the current contract, the Town could get round-the-clock coverage, 365 days a year.

Mr. Broeker said that at the last meeting, Council appeared to have two issues regarding the off-duty deputy program. The first problem is that the Sheriff currently required the Town to remit a check to the deputy before he begins each shift, which would be cumbersome for Town staff. Mr. Broeker stated that the Committee was still hoping to meet with the Sheriff and discuss this matter in detail. He thought that the Sheriff would be agreeable to the Town paying the deputies at the end of the month.

As Mr. Broeker saw it, the second problem identified by Council was the liability issue: whether the Town would be forced to assume liability for the deputies if it went to an off-duty deputy detail. Mr. Broeker stated that resolution to this issue was that the Town could enter into a hold-harmless agreement with the Sheriff's Office.

Mr. Broeker stated that the Town has not received clarification from the Sheriff's Office on either of these two issues, so Council should postpone voting on the contract until clarification has been received from the Sheriff's Office.

Mayor Bennett then said that the Town has received clarification in the form of a letter from Sheriff Borders. He explained that the letter stated that the Sheriff was done negotiating. Mayor Bennett then passed around copies of the letter. He elaborated that the Sheriff stated that there would be no further amendments to the contract.

Mayor Bennett then passed around a letter he received from the Town's insurance provider concerning the liability issue. He said that having a "1099 employee" does not relieve the employer of all liability. He said that he employs 1099 individuals in his personal business, and there are strict rules as to when a worker is considered an employee and when he/she is considered a 1099 independent contractor. He said that one little slip-up, such as the employer telling the person when to show up for work, and the person becomes an employee, and the employer then incurs liability. He then stated that the letter from the insurance company addressed the question of whether there would be liability for the Town in having the off-duty deputies. In the letter, the insurance provider inquired as to whether Town staff has the proper training to oversee the activities of the off-duty deputies. The letter stated that the off-duty detail could bring potential public official liability claims into play as a result of the decision to implement the program. Mayor Bennett summarized the letter by stating that the insurance company was not strong supporters of the off-duty program. The insurance company said that the cost would be an additional liability premium of \$4,500 per year.

Mayor Bennett then stated that he is not fighting the Committee on their idea, and in fact, the off-duty program is something he has talked about for seven years. However, it is his job to get the facts straight

so that Council can make an informed decision. There seems to be a couple of big negatives with the program that out-weigh the positives.

Councilman Pierce said that he even with these developments, he feels as though there is a big win for the Town with this contract. He said that he felt that the Committee was instrumental in getting some things changed in the current contract, including the staffing of a deputy when the Town deputy is off. Mayor Bennett agreed, and said that the Committee has identified coverage needs in the Town, and the Town has the money to be able to hire off-duty deputies to augment coverage, specifically during the times that the Committee has identified as trouble times.

Councilman Wynkoop said when he left the meeting early last month, he understood that there were two issues identified by Council as preventing them from moving forward with the contract: the issue of timely paying the deputies and the issue of the Town assuming liability. He said that to hire off-duty deputies, the Town must complete a form from the Sheriff's Office, and on that form, it says at the bottom that the deputies must be paid within ten days of completing their shift. The form also says that the Town can request certain deputies to complete the duty.

Councilman Wynkoop then said that he spoke to someone at the Sheriff's Office, and they told him that the Town and the Sheriff's Office could come to some sort of an agreement as to when the deputies would be paid. He said that the County must be paid \$3 an hour for use of the car, and that payment must occur once a month. He said that the Sheriff's Office said that the deputy must be paid \$27 an hour, and the Sheriff's Office was agreeable to coming up with some sort of agreement to pay the deputies once a month.

Regarding the second issue of liability, Councilman Wynkoop said that he called Sheriff Borders and then spoke with David Porter, the attorney for the Sheriff's Office. Mayor Bennett stated that he spoke to David Porter, and he said that he never talked to a Councilman from the Town of Montverde named Joe about hiring off-duty deputies; that he spoke to someone from an auto leasing company named Joe about the issue. Councilman Wynkoop said that he wanted to talk to Mr. Porter about other companies' off-duty detail as well. Mayor Bennett said that David Porter said that he never spoke to anyone as a representative of the Town of Montverde, except Mayor Bennett. Councilman Wynkoop said that he talked to David Porter hypothetically about a company hiring off-duty deputies. Mayor Bennett then said that a private company would be a different scenario; there is a big difference between a government hiring law enforcement services and a private entity hiring for extra security.

Councilman Pierce then called for a vote, since there has been a motion and a second on the table for so long. Mayor Bennett responded that the motion was open for public comment at this time. He called for any additional comments from the public regarding the matter.

Bill Broeker, Public Safety Committee Chair

Mr. Broeker said that in a typical year, the Town is only receiving service for 230 days a year, after factoring in the deputy's vacation and training. The Town is spending over \$80,000 a year for this level of service, and it could be spending the money for round-the-clock coverage for 365 days a year.

Jose Gonzales, Third Street

Mr. Gonzales said that because one councilman got hot under the collar at the last Council meeting, and then left, that the meeting was forced to end. He felt that this action was a disservice to Council and to residents by walking out on meeting and stopping the vote from occurring. He said that he feels that the Councilmen who left should be docked their pay for walking out on that meeting.

Mike (last name not given), Virginia Circle

Mike stated that last week, his step son "lost it", and then showed Council the visible bandages on his arms. He said that he feels the Town needs a deputy here every day, as it took quite a bit of time for a deputy to arrive. The deputy had to come from Groveland and the Four Corners area. Luckily, they caught him in front of Doris Avenue. Mayor Bennett stated that he was sorry that Mike had to go through something like that.

Seeing no further public comment, Mayor Bennett closed this section, and turned the vote back over to Council.

Councilman Wynkoop stated that he talked to David Porter about the liability. He said that he specifically asked if a company hires an off-duty deputy, is the company liable for that deputy. He said that David Porter answered no. He said that if the Town asked him to unload a trailer full of pumpkins, then yes, the Town would be liable. But if the deputy was performing regular duty during his shift, the Town would not be liable for the deputy. Therefore, neither issue that the other Councilman has raised is actually a hurdle for the Town. Mayor Bennett stated that David Porter told him something different.

Councilman Arthur Nix stated that this really did not matter, as the insurance company is telling the Town that the Town is liable. He said that they are the ones that the Town would have to pay for the liability. If the Town tells the insurance company that we are going to strictly off-duty detail, they are going to bill us for the additional liability, according to their letter. Councilman Wynkoop said that it was only \$4500, and Councilman Nix agreed that the amount was not as bad as he expected.

Mayor Bennett asked Councilman Wynkoop who he would get to manage the off-duty deputy program. He said that it would not be managed by staff or the Mayor, as he and his staff have no training or expertise in law enforcement services.

Councilman Nix said that he wondered what the program would become in five years. He worried that the program would become a program of "Barney Fife's", run by inexperienced people. He said that the Town does not have the personnel to manage this. Councilman Wynkoop answered that Council could do a monthly schedule, listing the days that they wanted deputies to work during the month. Then

Council could notify the Sheriff's Office of the days they would need a deputy, and the Sheriff's Office would fill it. He said that he asked Jody with the Sheriff's Office if the Town could require the off-duty deputy to "punch in" when they arrived in Town and "punch out" when they left, and she answered that the Town could require that. He said he also asked her if the Town could require the deputy to leave his vehicle and do a walking patrol around Kirk Park, and she answered "absolutely". He said that these are things the Town cannot do with the current program and the current deputy. Councilman Nix said that he doesn't think that those issues are such bad things. He said he is not sure that he wants someone at Town Hall responsible for police operations. He feels that it would put a lot of liability on the Town. He said that if there ever is a law enforcement problem in Town, he is sure that we could call the Sheriff's Office asking for additional deputies for help with the problem. He said that he reads all the time about small towns trying to run their own law enforcement, and there is nothing but problems. He said that he likes the way the current contract operates. Mayor Bennett reminded Council that there is money in the budget to hire off-duty deputies for extra coverage beyond what the contract provides. Councilman Wynkoop said that the Committee feels like the Town needs to spend its money on law enforcement in a better manner. Mayor Bennett said that he does not think the off-duty deputy program would work as easy as Councilman Wynkoop implies. He said staff has had some practice with it, in hiring extra detail at various times, and it is not as easy as Councilman Wynkoops thinks.

Councilman Nix said that he thinks that all that the off-duty program would lead to is more traffic tickets in town. He is not sure he wants Montverde to be known this way.

Councilman Wynkoop said that he would step up and manage the program himself for one year.

Councilman Nix said that he sees this as a problem because he would rather an impartial, professional who is apart from Council manage law enforcement duties. He sees nothing but trouble for the next five years.

Councilman Peacock asked if the Town's current deputy is on a fixed schedule week after week. In other words, is the deputy working 9:00 to 5:00 Monday thru Friday. Mayor Bennett said that there is no such scheduling, and that the Sheriff schedules the deputy when he needs her to be in Montverde. He said that he does not know what that schedule is, but Council could ask for it. Councilman Wynkoop then said that the Town's current deputy back-fills for deputies who have vacation in other areas, such as Minneola, Astatula, etc. Mayor Bennett replied that she does not do this. Councilman Peacock verified that she is specifically assigned to the Town of Montverde, and then asked who sets her schedule. Mayor Bennett replied that Sheriff Borders does. Councilman Peacock asked if anyone received a copy of the schedule, then stated that the scheduling has always been a problem for him because he does not like 9:00 to 5:00 coverage. Mayor Bennett stated that the Town could ask Sheriff Borders to have Andrea in Town at a certain time, but the Sheriff will not allow the Town to manage the deputy's time. Councilman Peacock said that he was just looking for a rough idea of the deputy's schedule. Mayor Bennett asked Deputy Andrea McKane if she could answer the question of what her schedule looks like from week to week. Deputy McKane responded that she is not able to answer any questions regarding the contract. Mayor Bennett offered to ask Sheriff Borders for this information. Councilman Peacock said that he has always wanted to know when what the deputy's schedule looks like.

Councilman Pierce said that Andrea's superior stated on the record at the last meeting that she does vary her schedule, and that she had just worked on a Saturday. He said that she sets her schedule based on what she sees is happening in the Town. So Council already did get that information from her superior.

Mayor Bennett then called for a vote on the motion:

For: Burns, Nix, Pierce

Against: Wynkoop, Peacock

Councilman Nix asked for how long the contract would be in effect. Mayor Bennett responded one year.

MINUTE APPROVAL

Councilman Nix said he read in the minutes that it takes 120 days to code enforce a house, and asked if this was true. Mayor Bennett responded no, and asked where Councilman Nix read that. Councilman Nix said that it was at the time Council was discussing mowing lawns that were overgrown. Councilman Pierce said that he wanted to discuss this later in the meeting when they talk about code enforcement.

Councilman Peacock had a correction on page three, paragraph two of the minutes. He said that his communications with the Fire Chief were verbal; they were not by email.

MOTION by Councilman Nix to approve the regular Council Meeting Minutes, with changes, from September 9, 2014; SECONDED by Councilman Burns

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

COMPREHENSIVE PLAN AMENDMENT FOR ECONOMIC PROSPERITY ELEMENT

Anita Geraci-Carver read the Ordinance in title only. Mayor Bennett explained that this issue was the matter that was just discussed at the Town LPA meeting.

Town Planning Consultant Sean Parks stated that staff is requesting approval to transmit the new Economic Prosperity Element of the Comprehensive Plan to the Department of Economic Opportunity. He said that transmittal will include changes made during the LPA meeting: changing "by-way" to one word, and adding "Heritage Tourism" as an industry. Sean Parks stated that staff would have a final vote on this after the State has reviewed it. Mayor Bennett asked if Council would then see it again in December. Sean Parks responded yes.

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

MOTION by Councilman Pierce to approve the transmittal of the Economic Prosperity Element of the Comprehensive Plan; SECONDED by Councilman Nix

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

AGREEMENT WITH SUNSHINE AMUSEMENTS FOR CARNIVAL FOR MONTVERDE DAY

Mayor Bennett stated that we got caught/surprised this year for the Montverde Day Festival. He said that staff had a hard time getting a hold of the company who runs the carnival for Montverde Day. He said it was always hard getting a hold of her, but when staff finally was able to speak with her, she said that she will not be able to come to the Festival this year, as she had another place to be on this date. He said that staff found a new carnival, and they agreed to come to the Festival. The new carnival group submitted an agreement to Anita, and Mayor Bennett is asking for Council permission to sign the agreement. He said that the only thing they are asking to take out of the contract is on page two, where it says that Sunshine Amusements will pay state inspections and obtain any and all County permits that may be required. He said that there are no County permits required, so they are going to strike the part that mentions County permits. He said this company has insurance (\$1.3 aggregate). The company has less than four employees, so Workers Compensation does not kick in. Also, they have obtained all necessary State permits.

Mayor Bennett said that the company is a large company out of South Florida. He is hoping for a good relationship so that they can come back in the future. He said they supplied some free arms bands for rides for some of the Academy kids.

MOTION by Councilman Pierce to approve the Mayor signing the contract with Sunshine Amusements; SECONDED by Councilman Nix

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

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

Mayor Bennett stated that the first agreement that Council approved for the sale of alcoholic beverages on Town properties had an expiration date of one year. He is now bringing the resolution back for approval, with a one year extension to allow these vendors at the Montverde Day Festival to sell beer. He said this is the same resolution that Council approved in the past, and he was bringing it back to Council to extend the term for an additional year. He said the resolution simply allows the sale of alcoholic beverages during special events at the Park. Anita Geraci-Carver said that the time frame she used for the resolution was until November 30, 2015, which would allow for alcohol to be sold at the next two Montverde Day Festivals.

Mayor Bennett opened the floor for public comment.

Name inaudible, Ridgewood Avenue

This resident stated that he felt the events in the park were family-friendly, and he urged Council to consider not approving the resolution as he saw no need to serve alcohol at these events.

Seeing no further public comment, Mayor Bennett closed public comment.

Councilman Pierce said that he agreed with the resident, and that over the years, he has seen conduct unbecoming during some of the Town's events. He said that he is not 100% against serving alcohol in the park; he is just against a blanket resolution that allows alcohol to be sold at all events. He said he would rather it be where Council is approached before every event, and asked for permission to serve alcohol for that particular event. He said that what he has witnessed over the years would not allow him to vote for a blanket resolution.

Councilman Nix asked what other events would be held in the park that would fall under this resolution. Councilman Pierce said that there are Movies in the Park, and he does not feel like alcohol needs to be served at a Movie in the Park. He said he wondered whether alcohol was an enhancement at these events, or the only reason some people are coming. He said that he has changed his support for this resolution, after having witnessed some of the drinking at these events. He said he is no longer comfortable with supporting a blanket resolution.

Councilman Burns said that he agrees with Councilman Pierce. Mayor Bennett asked if Council wanted to change the resolution so that it only included this upcoming Montverde Day. Councilman Pierce answered yes. Councilman Burns stated that he wanted Council to review the sale on a case-by-case basis. Councilman Nix agreed. Mayor Bennett asked if Council wanted to cancel the resolution all together or have the resolution apply only to this Montverde Day. Councilman Pierce said he wanted to allow alcohol only for this Montverde Day, and see how it goes for this year, before approving next year's resolution.

Mayor Bennett said that the word "alcohol" is used in the resolution, and asked Council if they would rather use "beer and wine". Councilman Wynkoop said that there would be two different licenses for alcohol and beer and wine. Mayor Bennett asked if Council wanted to change the word "alcohol" to just "beer and wine". Consensus was yes.

Councilman Peacock said that it should read "beer and wine" for the Montverde Day Festival in 2014, and then after that, the sale should be voted on by Council on a case-by-case basis.

Anita Geraci-Carver stated that she understood the changes as follows: (1) to allow only beer and wine to be allowed in the Park; (2) to allow this beer and wine only at Montverde Day Festival 2014; and (3) after the Montverde Day Festival 2014, the approval for beer/wine in the Park would be on a case-by-case basis. Council concurred.

Anita Geraci-Carver read the resolution in title only.

MOTION by Councilman Pierce to approve the resolution with the three changes, SECONDED by Councilman Nix.

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

LAKE COUNTY TOURISM DEVELOPMENT SPONSORSHIP

Mayor Bennett stated that there is a grant offered by Lake County whereby they agree to provide matching funding if the Town advertises the Montverde Day Festival outside of the County to attract tourists to come to Lake County. He said the grant award is up to \$2500. He is asking for approval to sign the grant for the Tourism Sponsorship.

MOTION by Councilman Wynkoop for the Mayor to sign the Lake County Tourism Development Sponsorship Agreement, SECONDED by Councilman Burns

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

BUILDINGS AND PROPERTIES REQUIRING PROPER MAINTENANCE IN FORECLOSURE

Anita Geraci-Carver read the Ordinance in title. Mayor Bennett said that there have been a lot of properties in Montverde that have been vacated, returned back to the bank, and the Town has not been able to control the properties from becoming overgrown. He said that this ordinance will give the Town an entity to code enforce if the property becomes overgrown.

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

Councilman Pierce inquired about the section in the Ordinance that required a registry of foreclosed homes. He asked how the registry would be implemented. Anita Geraci-Carver recommended that the staff provide a notice on the Town's website that Montverde has a foreclosure registry. She said that banks and lenders know to check with local governments to see if they have a registry, as the practice is becoming more and more common. She said staff would be responsible for public awareness.

Councilman Pierce confirmed that the lending industry is aware that local governments are requiring this registry. Mayor Bennett asked what would happen if the lender did not register; he asked if it would then become a code enforcement issue. Anita answered yes, that the mortgage company could be code enforced in the same manner that the Town has been code enforcing.

Mayor Bennett explained to residents that there have been a lot of properties in Montverde that are in the process of foreclosure, and during this process, the property becomes overgrown and full of debris. Historically, the Town was not able to do anything about it, because the former owner will not do anything, and the bank has not taken full possession, so the bank will not clean it up either. He said that

this Ordinance will make the banks register the property, which will allow the Town to code enforce the property.

Councilman Nix asked about condemning a property. Anita Geraci-Carver replied that condemning would require the Town hire a building official to make those determinations. Councilman Nix stated that the Town currently has a contract with the County to provide building services. Anita answered that the contract does not allow for an official to come out and make a determination on condemning a property. Councilman Nix stated that he feels there are a couple of vacant homes that may need to be condemned.

Mayor Bennett asked if the Town had any liability in allowing someone to move into a home that is considered condemn-able. Anita Geraci-Carver stated that the liability would be considered small, but that a condemn-able property is something that is an eye-sore, and something that devalues other properties. Councilman Nix asked if the Mayor should speak to the County about coming out to declare a property as condemned. The Mayor agreed that he could do that.

Anita Geraci-Carver stated that the Ordinance also applies to the realtor that is listing the property, not just the bank. She said that when staff sees a realtor sign go up on a foreclosed property, they should give the realtor a courtesy call that they need to apply to be put on the registry.

MOTION by Councilman Pierce to adopt the Ordinance requiring proper maintenance for properties in foreclosure, SECONDED by Councilman Wynkoop.

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF USE PERMITS AND BUILDINGS PERMITS FOR MEDICAL MARIJUANA RELATED FACILITIES AND ACTIVITIES

Mayor Bennett explained that a Moratorium is a legal authority to delay. He said that there are issues coming up in the November election that the Town needs to address. He said that other cities are addressing these issues in case they are legalized. He said enacting a moratorium allows the Town time to create ordinances to address Town concerns should these issues pass at the State level.

Mayor Bennett said that this ordinance places a moratorium on medical marijuana distribution centers and farms in Montverde.

Anita Geraci-Carver read the ordinance in title only. Mayor Bennett explained that this is a moratorium, but Council can vote to bring this ordinance into law. The moratorium gives the Town until April 14 to put together an Ordinance that addresses the Town's issues regarding medical marijuana.

Anita Geraci-Carver explained that if medical marijuana is approved at the State level, people could come in for approval to grow or dispense, and the Town has no Ordinance that addresses what zoning

they should be allowed in. So the professionals need time to address these issues, possibly creating a new zoning district.

Councilman Nix asked what would happen if medical marijuana did not pass at the State level. Anita responded that the Ordinance would be null and void.

Councilman Pierce stated that he thought he read that a license to dispense medical marijuana also acts as a license to grow. Mayor Bennett stated that this is the reason that a moratorium is needed, because there are so many un-knowns.

**MOTION by Councilman Pierce to approve the Ordinance imposing a moratorium on medical marijuana, SECONDED by Councilman Nix.
For: Burns, Nix, Peacock, Pierce, Wynkoop
Against: None**

IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ISSUANCE OF USE PERMITS AND BUILDING PERMITS FOR ADULT ENTERTAINMENT ESTABLISHMENTS

Mayor Bennett explained that this is a moratorium on adult entertainment establishments. Anita Geraci-Carver read the ordinance in title only.

Mayor Bennett said that he had some residents ask about online gambling establishments. Mayor Bennett confirmed with Sean Parks that the State Statutes on this topic are very strict, and it has been determined that a moratorium on gambling establishments is not needed.

Councilman Nix asked what brought this moratorium to the surface. Mayor Bennett replied that there appears to be some new legislation talk at the State. Councilman Nix wondered why the Town did not already have something in place for these types of establishments.

Mayor Bennett opened the floor for public comment.

Juan Bernal, 16048 Ridgewood Avenue

Mr. Bernal asked what law was coming forward that is making the Town seek a moratorium. Mayor Bennett explained that there is nothing in the Town's Code to prevent someone from taking these foreclosed homes and opening an adult establishment right in the middle of Town. He said what staff is trying to do is determine a zoning, to possibly keep such establishments away from the school, etc. Councilman Nix stated that this will buy time so that staff can properly research the matter and then Council can address any issues.

Councilman Pierce read the definition of adult establishments, and explained that it included: adult bookstores, theaters, bars, cabarets and other establishments where sexually explicit books, magazines, novelties, and videos are sold, and sexually explicit films or live performances are viewed.

Councilman Wynkoop stated that he thought that the F&M Market currently sold sexually explicit magazines. Sean Parks stated that there is nothing in the Code that specifically allowed these establishments in Montverde. Anita Geraci-Carver said that if there is an establishment currently operating in this capacity, the Town would need to make provisions for the establishment. Anita said that the State law requires Montverde to allow them, but Council could direct where in Town to locate them.

Councilman Pierce stated that the Town is concerned about the school and churches located in Montverde.

Mayor Bennett closed public comment.

MOTION by Councilman Pierce to adopt the ordinance imposing a moratorium on adult entertainment establishments, SECONDED by Councilman Wynkoop.

For: Burns, Nix, Peacock, Pierce, Wynkoop

Against: None

DISCUSSION OF A NEW COMMUNITY BUILDING

Mayor Bennett explained that this discussion was requested by Councilman Wynkoop. Councilman Wynkoop said that he was hoping that a few professionals from Clermont would be able to attend tonight's meeting to discuss a new Community Building. Mayor Bennett asked if he would like to continue the discussion at the November Council meeting. Councilman Wynkoop responded no, that he would briefly discuss it now. He said he felt a new building was needed because the current building would only fit 50 people. He said that the Town will need a bigger building in the future. He saw what the City of Clermont did in acquiring their new Community Building, and he said that they are booking weddings there, and it is really working for them. He said he knows that the Town has money, but he would also like to see about the Town obtaining grant funding.

Councilman Wynkoop said that Bingo night typically has 50 people attending, and the Friends of Montverde meetings usually have 40 people. He said that he realizes these things take time, and he would like Council to begin thinking about building a new facility.

Councilman Nix stated that he agreed with Councilman Wynkoop. He said that the Community Building and the Library will need to be repaired extensively in the future. Councilman Wynkoop said that the Community Building needs a new kitchen, and it does not seem logical to put \$10,000 in to such an old building. Councilman Burns said that he does not want to get rid of the Community Building.

Mayor Bennett said that this topic brings up the idea again of purchasing the Harden property so that the Town has the ability to expand. He said that it was a shame that the Visioning Committee was not active, because this is the type of thing that they could be looking into. He asked Councilman Wynkoop

if he could put together a Visioning Committee and charge them with the task of formulating ideas for a new Community Building. Councilman Wynkoop said that if the Mayor does not make it a committee, that he (Councilman Wynkoop) could help them. Mayor Bennett responded that Councilman Wynkoop could still help the committee, he just could not vote. Councilman Wynkoop stated that he would be happy to do that. Councilman Peacock stated that he would be a “civilian” next month, and he would love to get involved, since his background is construction. He said that he would like to see the current Auditorium turned back into a real theater. He said that Andre Provencher with the Theater Troupe told him that Montverde has one of the nicest theaters in the area.

Councilman Burns stated that he wanted it understood that the Town was not going to tear down the current Community Building. Councilman Nix stated that it could cost a lot of money to keep the building going. Councilman Burns said that it is an historic building, as it was built by the WPA in the 1930s. Councilman Nix asked if it was designated historic by the State. Mayor Bennett responded no. Councilman Burns said “if we consider it historic, then it is historic.” Mayor Bennett responded that nothing will happen to the current Community Building.

COUNCIL AND MAYOR REPORTS

Councilman Joe Wynkoop

Councilman Wynkoop reminded residents that Friday night is Bingo, and Tuesday is the next meeting for the Friends of Montverde. He reminded residents that the Friends of Montverde will be having a Truck or Treat on Halloween night. He said that the Girl Scouts will be doing a Haunted House there as well. He said the Friends of Montverde will also be doing a Chili Cook-off at the Montverde Day Festival.

Councilman Wynkoop said that at the November Friends of Montverde meeting, there will be two insurance companies there to discuss lowering insurance rates. He said that there will also be representatives from SHINE to discuss Medicare and health insurance needs.

Councilman Glenn Burns

Councilman Burns said that the overlook and trailhead north of Ferndale opened last week. He said there will be a Grand Opening on Monday, December 8 at 10:00.

He also said that he went to the Coast to Coast Trail meeting, where they discussed the effort to connect trails from St. Pete to Titusville. It will be a couple hundred miles of trail.

He then talked about the Lake Apopka Ecotourism Steering Committee, and said that Orange County has been dragging their feet, so there has not been much activity.

Councilman Jim Peacock

Councilman Peacock asked about the issue with Pentair. Mayor Bennett explained that staff is currently working on that issue. Councilman Peacock explained to residents that Aquatic Ecosystems had been hired to perform maintenance on the aerators in Lake Florence. A few years ago, the company was

acquired by Pentair, and they notified Councilman Peacock that they were no longer interested in performing the maintenance. He said that one of issues with the maintenance is that the Town had given Aquatic Ecosystems money to purchase an extra set of air stone diffusers that need to be changed out periodically. They were going to hold onto the extra set and change them out periodically. Councilman Peacock said that when Pentair refused to continue yearly maintenance, that he asked them to turn over the stones, and they said they did not remember anything about them. Now, the system is in need of a new compressor. The only place where a compressor can be purchased is from Pentair. He is hoping staff can still purchase the compressor until the stone matter is resolved.

Mayor Bennett stated that the Town had received a letter from Pentair's attorney where they were willing to sell us the extra set of stones for \$895. He said that he had to respond to them by Friday, September 12. He had it on the agenda for September's meeting for approval, but two Councilmen vacated the meeting, so the meeting could not continue. He said that he is trying to get a hold of Pentair to see if the offer is still on the table. Councilman Nix asked how much the stones are worth. Mayor Bennett replied \$3500, but the Town has already paid for them. So now, the Town has to pay more money for something they already paid for.

Mayor Bennett stated that he hated to use this company, as their integrity is quite questionable. Councilman Peacock said that unfortunately, there aren't many companies in this business.

Councilman Joe Wynkoop

Councilman Wynkoop stated that he forget to tell everyone that at the last MPO meeting, it was announced that the turnpike exchange design contract will be back for approval at the start of 2015, and the exchange should be completed in 2016.

Councilman Arthur Nix

Councilman Nix thanked Sean Parks for working with the County to get Blackstill Road completed during the construction. He noticed they were starting to widen the road, and it appears much safer now.

Councilman Nix said that he heard good things about the new librarian. He said his wife is on the County Library committee, and the county is just ecstatic about her. Mayor Bennett said she has been very impressive.

Councilman Nix said he is charge of volunteers for Montverde Day, and he is in need of volunteers. He needs people to show up early to help vendors get into booths. He said YWAM is coming to help, but he still needs 10-12 people. He said he needs people early in the morning. He passed out his information so people could contact him if they were interested in volunteering.

Councilman Jim Pierce

Councilman Pierce stated that last month's meeting really upset him. The fact that the Town had two Councilman walk out of a meeting was terrible. He said these actions were very unbecoming of a councilman. He said that Councilman Peacock left the meeting, and said that he was sick. He then saw

Mr. Wynkoop go outside with the Public Safety committee chairman. They talked, and then Councilman Wynkoop never returned. He said that he and Councilman Burns were left standing there with a motion on the table, and no way to vote. He said that one Councilman left due to illness, and the other left because he must have done the math and realized that without Councilman Peacock, he would have lost on the issue of the Sheriff's contract. He said that he did not feel that Councilman Wynkoop should be able to run and hide on this. He does a great job at community organizing, but he leaves a lot to be desired as far as his actions as councilman. He explained that the Lake County Sheriff was on his way and heading over here, so Council could vote on this issue, then he had to turn around and go home once the two Councilmen left. Councilman Pierce stated that the Town looked like the biggest joke in the county. In the private sector, when you walk off your job, you quit or are terminated. His question to Anita was is there anything that could be done to censure this Councilman for this act, because he doesn't want anything like this to ever happen again. He does not want a Councilman walking out on a vote and stopping a vote just because he isn't getting his way. He said that Councilman Wynkoop's mentality of "if I'm not getting my way, I'm going to take my toys and go home" speaks a lot about his character. He asked Anita if there was anything that could be done to prevent this from happening in the future.

Anita Geraci-Carver explained that the Code discusses Council malfeasance and misfeasance. And that malfeasance/misfeasance would have to come down to a vote by Council, and it would need a supermajority to take action. She said she would have to look at the definition of malfeasance to see if it would apply to this situation. Councilman Pierce confirmed that a super-majority is four votes. He said that since there were two Councilmen who left, they would have to vote for each other to be reprimanded. So there is nothing that can be done if two Councilman walk out.

Councilman Pierce said he has never been part of a professional organization where someone can just walk out if they are not getting their way.

Mayor Troy Bennett

Mayor Bennett asked for a date for a workshop in November to discuss the June project. He said Randy June will be there, as well as all the Town's professionals. Councilman Pierce requested that they receive information concerning the meeting ahead of time. Consensus was that the meeting should be held on November 10 at 6pm.

Mayor Bennett said that with all the development coming in to Town, he feels like there should be a Recreational Impact Fee, since there would be a Recreational impact. This would provide money for future trails, boat ramp, etc. Mayor Bennett asked if Council would be interested in doing something like that. The Town would need a study to be performed to levy the impact fee. Anita Geraci-Carver suggested staff get a copy of the proposals received by the County so that they can determine a rough cost of the study. Sean Parks stated that the County wide study was an update and it cost \$20,000, so the Town's study should cost \$6,000 or less. Mayor Bennett stated that the study would determine how much to charge for an impact fee.

Sean Parks then updated Council on the boat dock. He said that he spoke with the Fish and Wildlife Commission, and the approval of the grant is imminent. Mayor Bennett said that we are waiting to see if they approve the grant, and then also to find out what the Commission's conditions are. Councilman Burns said that we really want this new dock; there is just no way for us to afford it, so we need help from the State. Sean Parks said that it would be really easy to opt out if there are conditions Council does not like.

Mayor Bennett confirmed with Steve Romano that the drainage study on Lowry would be starting soon.

Mayor Bennett announced that Chris Zuccaro has decided to retire. She served the Town for seven years, and the residents really loved her. She has been replaced by Stephanie Kernan, who was the utility billing clerk at Webster. It looks like she will be a perfect fit. If you have time, stop by and say goodbye to Chris.

Mayor Bennett also announced that Montverde Day is next month. He said there are booths still available, and if you are having a yard sale, the booth is free. He said that residents should contact Town Hall if they would like a booth.

Councilman Jim Pierce

Councilman Pierce said that has always wondered how many trucks are coming to the Artisan well on County Road 455 each day, and how much water they are hauling away. He said that Mayor Bennett stopped at the well one day and asked a driver about this. He said the driver gave him his work papers, and according to the papers, there are 5,000-6,000 gallons of water in each truck. He said that Niagara gets 986,000 gallons of water from the well per month. So with a little math, there are 200 trucks coming into the area to access the well each month. Mayor Bennett said they seem to be very strict about how much water is drawn.

CITIZEN QUESTION AND COMMENT PERIOD

Dennis Spinabella, Sugar Pine Way

Mr. Spinabella said that he went on vacation in July, and when he came back he got a water bill for 174,000 gallons of water usage. He said Chris from Town Hall had called him and notified him of his high usage, and told him to check for leaks. He said that he checked for leaks and there were none. He said 174,000 gallons of water would have left some sort of depression in the soil. Mayor Bennett stated that staff sent his meter away to be tested, and the meter is performing properly. Mr. Spinabella confirmed this. He said that the next month, his water usage was back to normal.

Mayor Bennett stated that the Town has never relieved anyone of their water bill, and this would set a tough precedent. He mentioned that even the church had an overflow at their baptistery, and had to pay for an increased bill. Councilman Nix asked how much Mr. Spinabella's water bill was. Mayor Bennett responded that it was \$800. He said that the responsibility to the homeowner is the portion of the water lines behind the meter. Mr. Spinabella said it is like someone is putting a gun to his head and

making him pay this bill. He also said he doesn't understand how that much water could have been used. Mayor Bennett said that the meter was tested by an independent company. Mayor Bennett also said that eight years ago, he himself had a \$350 water bill, and he had no choice but to pay. Mr. Spinabella said he would pay if someone could show him where the leak was. Mr. Spinabella asked if Council could vote to split the bill with him. Mayor Bennett said that that would open up a can of worms, because this request happens constantly. Mr. Spinabella said that there should have been a depression in the ground if this much water was used. Mayor Bennett and Councilman Nix responded that this area has sand as the predominant soil, so there would not be a depression. Mr. Spinabella stated that there should be something in place to help people in his situation.

Janet Davis, Lake Street

Mrs. Davis asked if there was anything that the Town could do about the trash at the dock. She said that someone had dumped the trash and trash can in the water and all along the dock at Truskett Park. Mayor Bennett said that he went there today, and there was some teenagers just hanging out in the park. Mayor Bennett said that staff would get the dock cleaned up.

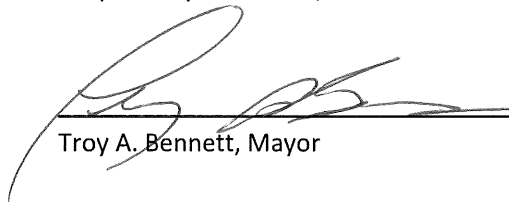
Mike (last name withheld), Virginia Circle

Mike would like to thank the Fire Chief for going above and beyond the call of duty on his issue Friday night. Mayor Bennett said that Chief Rausch has done a great job for the Town, and the Town is very proud of their Fire Dept.

ADJOURN

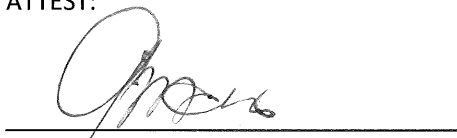
MOTION to Adjourn by Joe Wynkoop; SECONDED by Arthur Nix at 8:54. Passed unanimously.

Respectfully submitted,


Troy A. Bennett, Mayor


Glenn Burns, Council President

ATTEST:


Graham Wells, Town Clerk