

**MINUTES
TOWN OF MONTVERDE
TOWN COUNCIL MEETING**

September 13, 2016

The Town of Montverde met in regular session on Tuesday September 13, 2016 at 7:00 pm in the Town Hall Auditorium.

Council Present:

Vice President Glenn Burns

Jim Ley

Judy Smith

Jim Peacock

Staff Present:

Joe Wynkoop, Mayor

Graham Wells, Town Clerk, Treasurer

Kevin Rausch, Fire Chief

Anita Geraci-Carver, Town Attorney

Mayor Wynkoop called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

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

The invocation was given by Pastor Arch Fisher of First Methodist Church, Montverde.

The Mayor invited Peyton Grinnell, to address the residents of the Town. He is running for the position of Lake County Sheriff which will be vacated by Sheriff Gary Borders who will retire after the election in November. Mr. Grinnell declined the invitation as he felt it inappropriate due to his current position in the sheriff's office.

PRESENTATION FROM THE TOWN'S AUDITORS

Patricia Sykes-Amos from the Town's Auditors; Greenlee, Kurras, Rice, Brown, & Garner was invited to speak about the audit conducted for the fiscal year ending in September 2015. She said that the Town was in a good financial position. She went over the report explaining new standards to do with the Florida Pension Plan which is the best funded plan in the country.

Ms. Sykes-Amos referred Council to page eleven of the report showing the unassigned fund balance for the general fund of over a million dollars and only \$153,000 in liabilities. The only comment was that the money market bank account had not been reconciled by the previous financial director for over a year. This had been brought up to date by the current staff in Town Hall.

Councilman Ley asked if other than this, it was a solid report. *Ms. Sykes-Amos* concurred. She added that going forward the Town was doing really well. *Ms. Sykes-Amos* said that her firm was no longer conducting government audits as the partner that was doing them has left the firm. She added that to do government audits the auditor has to complete eighty two hours of training per year so they have chosen to back out. The Town will seek to engage new auditors for the year ending September 2016.

Councilwoman Smith asked if the FDLE does forensic audits. *Ms. Sykes-Amos* said that if it was felt that there were signs of impropriety or fraud then the Auditor General would investigate. *Councilman Peacock* asked if there anything to be concerned about. *Mayor Wynkoop* said probably not but he would task the new auditors to look at certain things. *Ms. Sykes-Amos* was thanked for attending and presenting the audit to Council and the citizens.

PRESENTATION BY BRETT SCHAEFER ON BEHALF OF SOUTH LAKE BIKE AND TRI

Mr. Schaefer owns a bicycle shop in Minneola. He wanted to talk about developing family friendly all-purpose trails for walking and recreational bike riders at the Stecher property owned by the Town. They would seek to copy the recreational trail project completed in Mt. Dora which was self-funded and volunteer driven. The trails would be for cycles only, not motor cycles.

Councilman Ley asked if there would be any environmental impact. *Mr. Schaefer* replied that it would be very low. Further questions as to the Town's liability, insurance, contracts, safety and emergency access were brought up and answered. The question of how much of the Stecher's thirty seven acres would be used was asked. The reply was all of it with a parking area near the road, bike washing facility and possible restrooms.

Grants may be available to develop the trails plus work from local volunteers. The hours of operation would likely be sun up to sun down as they do in Mt. Dora with the trail being closed during storms or heavy rainfall. *Mayor Wynkoop* said that he wanted Council to think about this and there would be workshops if they wanted to take it forward. *Councilman Peacock* thought that it was worth looking into further. *Resident Jim Pierce* thought that it was the perfect use for this property.

MINUTE APPROVAL

It was pointed out that Terry Burden was not present at the August 9, 2016 meeting and that there was a modification on page 8, 2nd paragraph to the statement that Councilwoman Smith had made.

MOTION by Councilman Ley to approve the Regular Council Meeting Minutes for August 9, 2016 correcting for the items above; SECONDED by Councilman Burns

For: Burns, Ley and Smith Peacock

Against: None

MOTION CARRIED 4-0

MOTION by Councilman Burns to approve the Council Workshop Meeting Minutes from August 11, 2016; SECONDED by Councilwoman Smith

For: Burns, Ley and Smith Peacock

Against: None

MOTION CARRIED 4-0

An additional line announcing the Final Public Hearing for the budget on September 21, 2016 at 6:30 pm was added. This was announced at the First hearing but missed from the initial minutes.

MOTION by Councilman Burns to approve the First Public Hearing for the Budget revised minutes from September 7, 2016; SECONDED by Councilman Ley

For: Burns, Ley and Smith Peacock

Against: None

MOTION CARRIED 4-0

SHERIFF DEPUTY'S REPORT

Deputy Young was asked to come forward to give an update to citizens on the Town's policing. *Councilman Ley* asked about the two burglaries that were on his report. He responded that entry to the properties had not taken place and that they were both outside of the Town's limits. He added that he was continuing with speeding motorists and stop sign violations but other than that the Town was quiet.

CITIZENS QUESTION AND COMMENT

Allen Hartle referred to the two water issues from the last meeting asking what progress had been made in implementing a policy. *Mayor Wynkoop* responded that Terry Burden was away and that he would have a workshop to deal with this when he returned.

Larry Kontny brought up the huge monstrosity that was being built on the corner of Ridgewood and CR455. He said that he had talked to a Planning and Zoning Board member and that it had not gone before them. Why was that? It had been permitted at County level and a zoning clearance from the Town had been issued. He said that the County could not tell who had signed the zoning clearance.

Mayor Wynkoop deferred the question to Sean Parks, Town Planner who said that although the 40 feet x 60 feet was larger than the principle dwelling, the owner was increasing the size of the home to make up for the difference in square feet. *Councilman Peacock* said that it was a monstrosity and asked what it was going to be used for.

Mayor Wynkoop said that he signed the zoning clearance as it had gone through the proper process. It had to be equal or less than the square footage of the existing residence. He had looked at the combined square footage of the house and garage. There was no requirement for it to go through Planning and zoning as it met the square footage and height requirement and was not going to be used for a Business. The owner will use it restoring old cars.

PROJECT UPDATE

Mayor Wynkoop gave an update to Council on the refurbishment of the Community Center and the Auditorium. New lights had been installed in the auditorium and the kitchen was almost completed in the community building. The Trees on the island on Lowry Road have been taken down. There was nothing to report on the boat ramp or the lightning protection.

COMMITTEES AND BOARDS

Bob Tomlinson – Visioning Committee asked for clarification about the sunshine laws and how they affect committees in the Town. *Attorney Geraci-Carver* said that as an advisory committee they fall under sunshine. Only a fact finding committee is not. She added that the way the Town operates their committees, they fall under sunshine. *Bob Tomlinson* posed a scenario and asked where they stood and *Ms. Geraci-Carver* clarified the position put forward by the Attorney General.

Mr. Tomlinson said that the visioning committee wanted to put the canoe and historic pictures on the back wall of the auditorium so that people could see the history of the Town. He also wanted the Town to have a photo competition with prizes for the best pictures to be mounted on the side wall. The pictures would be judged by the visioning committee and the winning ones would be framed and remain on the wall along with the photographers name. The Council liked the idea and would be willing to fund the prize money.

Councilman Burns said that on the property behind the Green Mountain Deli that the Town owned there was an old hand dug well. If excavated by an archeologist they would find historical items in the well. *Sean Parks* said that he could get someone to clear it. *Councilmen Burns, Ley and Peacock* liked the idea and suggested that it should be included in the next newsletter. The final pictures for the competition should be framed and labeled.

Nancy Fishinger – Historical Committee had contacted Awards and More to get sample plaques that can be added to the three monuments at the entrances to the Town. The plaques would have “Settled 1883” on them. A smaller sample of the type of plaque was handed to Council to look at. They would be made of bronze with raised polished letters with a black background. The size would be 10” high and 20” wide and oval in shape. With the twenty percent discount the cost is \$450.00 each, total \$1,350 for the three.

Resident Jim Pierce asked how the committee arrived at the 1883 date which *Nancy* explained. *Mayor Wynkoop* suggested that that everyone go away and think about the decision and then the historical committee can get with the visioning committee for the final design. *Ms. Fishinger* asked how they would progress with funding for them. *Mayor Wynkoop* said that it would go through the visioning committee and then to Council who would approve the purchase.

Being no further discussion the Mayor closed Public Comment.

MAYOR AND COUNCIL SECTION

COUNCIL MEMBERS

Councilman Burns – PASS

Councilwoman Smith – Had attended the Central Florida Leadership Forum. They have had sixteen conferences and this one was represented by the three major hospitals in Orlando to discuss the healthcare needs of Central Florida.

Councilman Ley – Felt that the Mayor was overworked and suggested that each Council member take a committee as a liaison to relieve the pressure on him. This was not to take part or interfere with the running of the committee but just to bring the Mayor up to speed and save him having to attend every meeting. *Councilman Peacock* said he would sign up and *Councilman Burns* said that he would attend the historical committee meetings.

Councilman Peacock – PASS

MAYOR WYNKOOP

Dates were set or reminded for the following meetings:

September 21, 2016 – Final Budget Hearing 6:30 pm
Impact Fee Workshop 6:45 pm

September 27, 2016 – Local Planning Agency Meeting 7:00 pm
Special Council Meeting 7:15 pm

October 11, 2016 – Council Workshop to set policies for employees vacation and sick leave 6:00 pm.

Anita Geraci-Carver announced a closed door session meeting for the McQuaig vs. Burden and Town of Montverde, Lake County Case No. 2015-CA-000015 to take place at Town Hall on September 27, 2016 at 6:00 pm. Those in attendance will be herself, Mayor and Council plus Mark Brionez, Litigation Council for the Town of Montverde.

Councilman Burns asked when the Black East project will go before the Planning and Zoning Board. *Anita Geraci-Carver* responded that once the LPA, Comp Plan Amendment and Annexation have taken place, it will go to P & Z for zoning.

Mayor Wynkoop gave an update on the roundabout at Ridgewood and CR455. Lake County has staked it out and would be talking to the residents that will be affected. He also told residents that Council had approved catered dinners before Council Meeting from October. Money was put into the budget with the aim to get more people to attend the meeting.

NEW BUSINESS

DAR PROCLAMATION

Anita Geraci Carver read the proclamation from the Daughters of the American Revolution declaring September 17 – 23, 2016 as Constitution Week. A motion to approve the reading was made by Councilman Peacock; seconded by Councilman Ley and unanimously passed.

NUISANCE PROPERTIES

Councilman Ley had brought up the issue of nuisance properties at the last Council meeting. He had asked Anita to research how this was handled at the City of Jacksonville where he knew a policy was in place. Below is what was presented.

City of Jacksonville has an aggressive program. Their ordinance authorizes the City, if there is a belief a violation exists, inspect the building/structure/premises to safeguard the public. If an unsafe condition constituting a violation is found, then the property may be condemned. If entry is refused for an inspection, then the City may seek an inspection warrant pursuant to Florida law – court order to allow based on a sworn affidavit.

City issues notice of the violation and direct the violation be corrected within a reasonable time.

If not corrected, then Code enforcement board or Special magistrate.

Seek court authorization to remove, terminate or abate the public nuisance to include – City performing work, or hiring contractor to do the work.

If declared unsafe, placard is placed and vacated. Then can't be occupied, placard can't be removed, and utilities cut off except electrical which only terminated if an electrical hazard. It also cannot be rented.

If an emergency exists which requires immediate action to protect the health, safety or general welfare of the public or occupants, City can take action to abate the conditions to render the property temporarily safe. If can't be made safe, it can be demolished. It can be vacated immediately. Owner can contest the City's actions to abate unsafe or hazardous conditions or code violations within 5 days to the Special Master.

Notice is given to the Owner for abatement or demolition. Hearing is scheduled and Special Master rules. City must prove that imminent peril to life and safety justifies the order to vacate/order to terminate electrical service and that other available enforcement mechanism will not adequately protect the public health and safety in light of the emergency. Costs to abate and demolish becomes a lien against the property.

LOTS – EXTERIOR OF RESIDENTIAL AND COMMERCIAL

Lots, tracts or parcels of land or contiguous swales w/i 100' of any improved property, or on any lot or parcel no matter distance from improved property when City determines (case by case basis) is or may reasonably become infested w/ rodents, vermin or animals, or breeding place for mosquitos, or threatens or endangers public health, safety or welfare, or may reasonably cause disease, are prohibited and declared a public nuisance.

Junk or abandoned vehicle on property longer than 15 days can be removed by city by private contract and stored/disposed of by law, if not corrected after notice.

Vacant buildings/dwellings must have boarded any broken or missing windows and doors and other openings to secure the property, but can't remain boarding for more than 6 months. City may temporary board/repair/replace to prevent unauthorized entry if unsafe.

Provides notice to Owner of public nuisance, time period to correct, that termination by City can cause a special assessment and lien, time period to appeal, foreclosure of lien possible.

If appeal, hearing before Building Codes Adjustment Board. If no appeal and not corrected, Special Magistrate can order removal, termination or abatement of the nuisance. Cost becomes a lien.

UNSAFE BUILDING OR STRUCTURE

Declared to be a public nuisance. City shall give notice and require reasonable notice to correct, that any repairs or demo by City can cause a special assessment. Can foreclose a lien. Hearing can be requested. If the unsafe structure is not demolished or repaired within time frame required City can demolish or cause minor repairs to be made. Costs become a lien and special assessment.

Councilman Ley explained the reason he brought it up was to deal with nuisance, unsanitary or reasons of safety. We have three properties in the town that fall into these categories. Following some discussion, Ms. Geraci-Carver fielded questions and outlined the procedures available under existing Code Enforcement. She added that code enforcement in the Town is complaint driven. Councilman Ley said that he would look at how other more local towns deal with the issue.

MAGNOLIA TERRACE - RAISED SIDEWALKS

The issue of uneven sidewalks has been brought up by a resident. There are around fifteen sections that are affected throughout the development caused by the expanding roots of oak trees in the median. There was some doubt as to whose liability they were; the Towns, the owners or the Homeowners Association. *Anita Geraci-Carver* said that when the Right-of-Way was accepted by the Town it became their responsibility.

Ms. Geraci-Carver represents the Magnolia Terrace Homeowners Association and so suggested that the Town may want to seek a second independent attorney's opinion. *Mayor Wynkoop* said that he wanted an additional opinion and would have an answer by the next Council meeting. Should the Town be responsible for the sidewalks, Terry Burden would get bids to dig them up, deal with the tree roots and relay them.

Being no further business a motion to adjourn was requested.

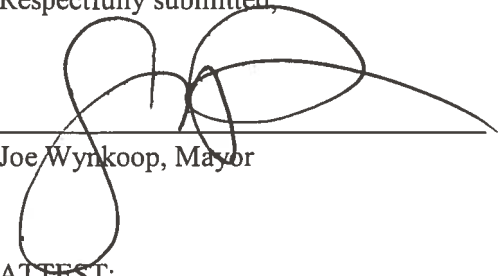
MOTION TO ADJOURN by Councilman Peacock to adjourn; SECONDED by Councilman Burns

For: Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 4-0

Respectfully submitted,

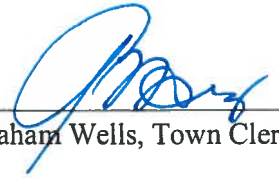


Joe Wynkoop, Mayor



Billy Bates, Council President

ATTEST:



Graham Wells, Town Clerk

