

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

**September 8, 2015**

The Town of Montverde met in regular session on Tuesday, September 8, 2015 at 7:00 PM in the Town Hall Auditorium.

**Council Present:**

President Glenn Burns  
Council Vice President Jim Pierce  
Arthur Nix  
Billy Bates  
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 7:03 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 August 11, 2015 and Workshop Summary Minutes from August 5, 2015; SECONDED by Councilman Bates.**

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

**Against: None**

Mayor Bennett welcomed Boy Scout Troup 786 and explained that they were in attendance for their Communications Merit Badge. He told the group he was glad to see them at the Council meeting.

**COUNCIL AND MAYOR**

**Councilman Wynkoop**

Councilman Wynkoop reminded everyone of the Friends of Montverde meeting on September 15 at 6pm. The Trunk or Treat will be discussed, as well as the Chili Cookoff on Montverde Day. Bingo will be September 18.

Councilman Wynkoop said that Council discussed locking up the park at Lake Florence at night. He said he talked to the Academy, and they have security guards that can lock and unlock the park for free. Mayor Bennett said that he spoke with Dr. Kesselring yesterday, and “locking” the park seems senseless since anyone can just walk around the gate. He said that he spoke with Deputy McKane, and she has been driving by there regularly to monitor the area. Councilman Wynkoop said that he lives two doors away from the Park, and he would like to see the gate locked at night. Consensus from Council was to allow the Academy to lock the gate at night.

Councilman Wynkoop said that he wanted to make sure everyone was ok with the Friends of Montverde having a Trunk or Treat on October 31. Consensus from Council was that they were ok with the event.

**Council President Burns**

Pass.

**Councilman Bates**

Pass.

**Councilman Nix**

Pass.

**Councilman Pierce**

Councilman Pierce said that he wanted to bring up something that he has discussed with the Mayor. Regarding the property and house the Town just purchased, he feels that the Town should offer the Fire Chief to stay at the house. He said that Astatula has their deputies living in town, and he thinks allowing the Chief to stay at the house would mean that the Town would have better coverage. He said he doesn't know if anyone else has any plans for that building yet, but he would like to suggest allowing the Chief to live there. He said the Chief gets no real compensation except for his monthly stipend, and this would be a way for him to have additional compensation. Mayor Bennett said that it might be good to have someone living in the house, as it is never a good idea for a house to sit vacant. Council President Burns asked if anyone had any objection to Councilman Pierce's idea; consensus was that the Chief should be allowed to live in the house.

Councilman Wynkoop asked if the Town should enter into a contract with the Chief in case the Chief quits or is fired. Anita Geraci-Carver replied that something would need to be in place to establish that living in the house would be part of the Chief's compensation. Mayor Bennett asked Anita to bring something back for next Council meeting, and she agreed. Councilman Wynkoop asked if they could have a lease agreement, with rent being \$1. Mayor Bennett explained that there is no need to have \$1 rent or a lease agreement; something just needs to be in place to establish that living in the house is the

Chief's compensation. Councilman Wynkoop said that the lease agreement would be necessary to be able to evict the Chief. Mayor Bennett said that the Town's attorney would determine what the best course of action is for the Town in allowing the Chief to live at the house, and she will bring that forward at the next Council meeting.

**Mayor Bennett**

Mayor Bennett said that there were a couple of things that he needed to bring up. First, Johngie Doll's daughter is requesting that her mother be allowed to be buried in the cemetery. Mrs. Doll has been a resident of the Town for 50 years, and her family is moving her out of Town to live with her daughter for health reasons. According to the current cemetery rules, if she moves out of Town, then she loses her right to be buried in the cemetery. The family is asking that the Town not remove her certificate if she moves out of Town for health reasons. Councilman Bates remarked that her first husband is already buried in the cemetery. Anita Geraci-Carver responded that since she remarried, she lost her right to be buried in the cemetery under the rules of the certificate. Consensus from Council was to allow Mrs. Doll to keep her certificate which would allow her to be buried in the cemetery, even if she moves out of Town for health reasons. Council requested that the Minutes accurately reflect that Mrs. Doll will not lose her certificate because she is leaving Town for health reasons.

Secondly, Mayor Bennett said that he would like to nominate Leslie Timmens to the Library Advisory Board.

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

**Against: None**

**ORDINANCE 2015-20 AMENDING THE BUDGET FOR FY 2015 FOR ADDITIONAL FUNDS FOR FHP EXTRA PATROL**

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 Wynkoop to approve the Ordinance 2015-20; SECONDED by Councilman Nix.**

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

**Against: None**

**ORDINANCE 2015-21 AMENDING THE BUDGET FOR FY 2015 FOR INSTALLATION OF LIGHTS ON THE RECREATIONAL TRAIL**

Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett opened the floor for public comment. Seeing none, he closed public comment. Mayor Bennett explained that this was for the installation of two lights.

**MOTION by Councilman Wynkoop to approve Ordinance 2015-21; SECONDED by Councilman Bates.**  
**For: Burns, Bates, Nix, Pierce, Wynkoop**  
**Against: None**

**ORDINANCE 2015-13 AMENDING THE BUDGET FOR FY 2015 FOR MAINTENANCE IN FIRE DEPARTMENT**  
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 the Ordinance 2015-13; SECONDED by Councilman Bates.**  
**For: Burns, Bates, Nix, Pierce, Wynkoop**  
**Against: None**

**ORDINANCE 2015-22 AMENDING THE BUDGET FOR FY 2015 FOR THE PURCHASE OF THE HARDEN PROPERTY**  
Anita Geraci-Carver read the Ordinance in title only.

Mayor Bennett said that there has been a lot of discussion about whether Town followed proper procedure on this purchase, and the answer is yes. He said the reason Council voted to purchase the property is because it keeps the Town from being land-locked. This is the last of the available property to allow the Town center's growth. He said that he didn't know if the property was worth \$250,000, but the property was very valuable to the Town because it will allow Town operations to expand.

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

**MOTION by Councilman Pierce to approve the Ordinance 2015-22; SECONDED by Councilman Nix.**  
**For: Burns, Bates, Nix, Pierce**  
**Against: Wynkoop**

**DAUGHTERS OF THE AMERICAN REVOLUTION DECLARING SEPTEMBER 17-23 AS CONSTITUTION WEEK**  
Mayor Bennett read the Resolution declaring September 17 to 23 as Constitution Week in Montverde.

**RENEWAL OF TOWN PROPERTY INSURANCE AND WORKERS COMPENSATION**

Mayor Bennett explained that this is the annual renewal of the Town's property insurance and workers compensation coverage. Finance Director Mary Gillis said that this contract represents only a \$4 increase over the prior year. She said that the company is offering a two-year option where the Town can lock in the current rates for a second year. Councilman Pierce noted that the rates would only stay the same if there were no changes in properties, coverage, employees, etc. Councilman Pierce asked

why an insurance company would lock in a rate for two years. Councilman Bates replied that locking in a rate would prevent a customer from shopping around for insurance. Mary Gillis responded that she and the Mayor had been shopping around for the cheapest insurance, so that is probably why they wanted to lock us in for two years. Councilman Pierce asked how long we have been with this insurance company. Mary Gillis responded that this would be the eighth year. The broker is Brown and Brown Insurance, but the actual insurance is with Preferred Government Insurance Trust. PGIT typically has the best rates because they pool together the assets of many different municipalities.

Mayor Bennett asked if the Harden property was included in the contract. Mary Gillis replied yes. Mayor Bennett asked how much the property was insured for. Mary responded that the insurance company determines the value of the properties, and that is what they insure for.

Councilman Bates said that he thinks it would be smart to lock in the rate for two years. Councilman Pierce noted that the insurance cost actually went down this year, since we added the Harden property. So, it may not be wise to lock in a second year, in case rates drop again. Councilman Nix asked how much work was involved each year for staff to get the quotes and contract together. Mary Gillis replied that there is not a significant amount of work involved; just answering questions about any additions or deletions, etc. Councilman Pierce said that he did not think it was a good idea to lock in rates unless the history has been that rates are increasing. And this year, the rates actually decreased. Councilman Bates said that historically, the rates have increased. Councilman Wynkoop said that he agreed with Councilman Pierce. Councilman Pierce said that it would give the Town the option of shopping insurance. Mayor Bennett replied that he understood that, but this was not just another insurance company. This was the company that does most municipalities.

Councilman Nix asked who the Town would call to shop insurance. Mary Gillis responded that the Town could call any insurance company; it's just that PGIT almost always has the lowest rates because they pool assets of many different municipalities. She also said that the Town has a broker, Brown and Brown Insurance, and they are the ones that shop around for insurance every year. PGIT has always been the lowest.

Councilman Bates said that insurance rates typically do not go down, they usually goes up, so it seems like a good idea to lock in the rates.

**MOTION by Councilman Pierce to approve the insurance contract for one year; SECONDED by Councilman Wynkoop.**

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

**Against: Bates**

**RESOLUTION 2015-23 REQUESTING APPROVAL OF VARIANCE FOR MONTVERDE ACADEMY OF SIGN REGULATIONS**

Town Planner Sean Parks stated that the Academy would like to install two media board signs on its main campus. Media board signs are not permitted within the Town's Land Development Code, and therefore, the Academy is requesting a variance. The Code states that animated signs, except for time and temperature signs that are a part of a sign permitted in business and commercial districts, are prohibited. Animated signs are permitted if placed inside a window and counted as a window sign.

After analysis, Sean Parks and Planning and Zoning Board are recommending approval of the variance request, as it meets the criteria for approval. Montverde Academy has a need to communicate information to its many students and faculty. The signs will be no greater than 25 square feet, and will not blink. They will face away from CR 455 and toward the school.

Anita Geraci-Carver read the Resolution in title only.

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

Council President Burns stated that he was ok with the signs as long as you could not see them from the road. Councilman Nix said that he remembered the Academy wanting to put up signs before. Councilman Bates said that the problem then was that the signs were going to be visible from CR 455.

Councilman Bates said that his only concern was that there should be a time where the signs are turned off at night. Mayor Bennett said that the Planning and Zoning Board addressed this issue, and said that Council placed a time restriction on the sign for the F&M Mart. Councilman Nix said that these signs are not that bright, and the light will never leave the campus.

Anita Geraci-Carver read the minutes from the Planning and Zoning meeting, and noted that the Academy stated that they did not want to have the signs on during the night, as there would be nobody there to see them. Anita recommended that if Council wanted to put a time restriction on the signs, then it would need to be part of the motion.

Councilman Pierce said that Council could recommend the sign being turned off at 9pm. Chuck Monteleone from Montverde Academy said that they had discussed leaving the signs on no later than 10pm. The signs would typically be off before 10pm, but during major functions, they would like to leave the signs on a little longer.

Councilman Bates asked if allowing this variance would be setting a precedent. Anita Geraci-Carver said that if there was another case with another similar use-property wanting to put up a sign, then yes, Council would have a hard time denying it. But the same conditions would have to apply (i.e., the signs would not be visible from the road, etc.)

**MOTION by Councilman Pierce to approve the variance, with a time restriction to turn off the lights at 10pm, or notification to Town Hall if there is a special event exceeding 10pm; SECONDED by Councilman Bates.**

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

**Against: None**

Mayor Bennett announced that the First Public Hearing for the 2016 Budget will be held on September 9 at 6:30. He said that he may not be at the Hearing, as he is having surgery in the morning. The Second Public Hearing will be on September 23 at 6:30.

#### **PUBLIC COMMENT**

*Ruth B. Ryan, Kirkland Road.* Mrs. Ryan showed a copy of the minutes from 9/9/14 and 10/10/14, and said that people were questioning where she got her information from at the last Council meeting. At the last Council meeting, she talked about how Mr. Wynkoop got angry about a vote not going his way, and then left the meeting so a vote could not be taken. She then read from the minutes of that meeting:

“During the recess, Councilman Wynkoop and Councilman Peacock left the meeting and did not return. Leaving the meeting, there ceased to be a quorum and the meeting could not continue. Mayor Bennett announced that a motion was still on the table so the meeting was paused. He asked Captain Moss to apologize to the Sheriff for him taking time out of his day to drive over to Montverde late in the evening only to have the meeting end because two Councilmen left.”

She then continued reading in the minutes of the next month’s meeting, whereby Councilman Pierce addressed this event and said “Mr. Wynkoop went 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 with no way left 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 organization, 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 over here, and 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 either 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 does not want anything like this to ever happen again. He does not want a Councilman walking out and stopping the vote simply because he isn’t getting his way. Wynkoop’s mentality of ‘if I’m not getting my way, I’m taking my toys and going 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.”

Mrs. Ryan then said that she wanted to read additional minutes that show Mr. Wynkoop’s character: “Regarding the second issue of liability, Councilman Wynkoop said that he called Sheriff Borders and spoke to David Porter, the attorney for the Sheriff’s Office. Mayor Bennett said that he spoke to Sheriff

Borders, and he said that he never talked to a Councilman for Montverde named Joe about hiring off-duty deputies. He said 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 for 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 the private company would be a different scenario. There is a difference between a government hiring a law enforcement service and a private entity hiring extra security."

Mrs. Ryan said that at the last Council meeting, she talked about Mr. Wynkoop violating Sunshine Law, and Mr. Wynkoop disputed this. She said to prove what she said, she will read from another meeting's minutes: "Councilman Peacock read an email from Public Safety Committee member Bill Broeker in which Bill stated that he could not attend the meeting. Councilman Peacock said that he received an email from Councilman Wynkoop that he could not attend the meeting either. Mayor Bennett asked Councilman Peacock if he received emails from Councilman Wynkoop. Councilman Peacock stated that it was part of public record. Mayor Bennett stated that personal emails back and forth between two Councilmen are not public record, and that violates the Sunshine law. Councilman Peacock stated that the email from Councilman Wynkoop was sent to all councilmen stating that he thought that the meeting date should be changed. Councilman Peacock stated that he responded to the councilmen that it was ok by him. Councilman Peacock then said that Mayor Bennett then responded to everyone, writing that Councilmen should stop emailing one another, as it was a big time Sunshine violation, and that it would have to be reported if it did not stop. Councilman Peacock stated that he consulted with his attorney, and that technically, it was a Sunshine violation, but that it was so minor under the circumstances, that the violation would not go anywhere, as they were trying to reschedule their meeting. Councilman Peacock told Mayor Bennett that if he wanted to turn him in for Sunshine violation, to go ahead, and he would be ready to request every email over the last year from Town Hall."

To explain the ramifications of Mr. Wynkoop walking out of the Council meeting, Mrs. Ryan read from another meeting's minutes: "Councilman Peacock asked about the issue with Pentair. Mayor Bennett explained that staff is currently working on this issue. Councilman Peacock told 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 the issues with performing the maintenance is that the Town had given Aquatic Ecosystems money to purchase an extra set of stone diffusers that need to be changed out periodically. They were going to hold on to the extra set and change them out periodically. Councilman Peacock said that when Pentair refused to continue the yearly maintenance, that he asked them to turn over the stones, and they said that did not remember anything about it. And now the system is in need of a new compressor. The only place where a compressor can be purchased is from Pentair. Mayor Bennett stated that the Town had received the letter from Pentair's attorney where they were willing to sell us the extra set of stones for \$895. 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 was trying



to get a hold of Pentair to see if the offer was still on the table. Councilman Nix asked how much the stones are worth; Mayor Bennett replied \$3,500, but the Town has already paid for them. Now the Town has to pay more money for something they already paid for. Mr. Gonzales said that because one Councilman got hot under the collar..."

Jim Ley then interrupted Mrs. Ryan and said that that was gossip. Mrs. Ryan replied that she is reading directly from the adopted minutes from Council meetings. Mayor Bennett asked Mr. Ley to let Mrs. Ryan finish her comments.

Mrs. Ryan continued reading "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 Mr. Wynkoop did a disservice to Council and to residents by walking out on the meeting, stopping the vote from occurring. He said that the Councilmen who left should be docked their pay for walking out of the meeting."

At this point, Mr. Gonzales said that he did make these comments. Mrs. Ryan replied that everything she was reading came from the adopted minutes from Council meetings. She was reading them to prove that her comments at the last Council meeting about Joe Wynkoop were true, since he claimed that they were not. She said that she was not up there to tell lies, and at this point, Mr. Ley interrupted and said "I doubt it". Mayor Bennett again asked Mr. Ley to allow Mrs. Ruth her right to comment. Mrs. Ryan said that if Mr. Ley had been in attendance at the Council meetings, as she was, they would have heard these things as they were happening.

Mrs. Ryan then said that she gave to Councilmen and Mayor a document showing Mr. Wynkoop's payments for the Community Building. After Town Hall called him and told him that Mrs. Ryan was inquiring about his payments, he immediately came in to pay for what he had owed for the past year. He was six months behind in paying for the Community Building for Bingo, but he still had a key to get in. She said that they don't let anyone else use the Community Building or have a key if they haven't paid.

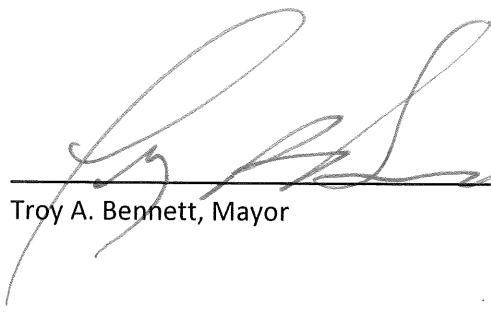
Mrs. Ryan said that all of these things point to why Mr. Wynkoop should not be Mayor.

Seeing no further comment, Mayor Bennett closed public comment.

#### **ADJOURN**

**MOTION to Adjourn by Councilman Bates; SECONDED by Councilman Nix at 8:05pm. Passed unanimously.**

Respectfully submitted,



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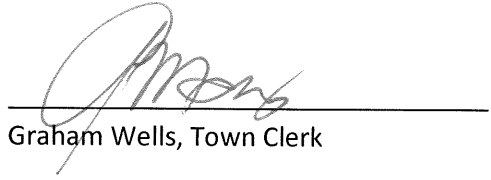
Troy A. Bennett, Mayor



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Glenn Burns, Council President

ATTEST:



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Graham Wells, Town Clerk