

**MINUTES
TOWN OF MONTVERDE
TOWN COUNCIL MEETING**

June 14, 2016

The Town of Montverde met in regular session on Tuesday June 14, 2016 at 7:00 pm in the Town Hall Auditorium.

Council Present:

President Billy Bates

Vice President Glenn Burns

Jim Ley

Judy Smith

Jim Peacock

Staff Present:

Graham Wells, Town Clerk

Terry Burden, Public Works Director

Kevin Rausch, Fire Chief

Anita Geraci-Carver, Town Attorney

Sean Parks, Town Planner

Mayor Wynkoop called the meeting to order at 7:03 pm and led the Pledge of Allegiance.

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

A moment of silence was observed in honor of those who were killed and injured at the Pulse Night Club in Orlando followed by the invocation was given by a member of the First Baptist Church in Montverde.

The Mayor invited Charles (Chuck) Broadway, the current Chief of Police in Clermont 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. Each month the Town will invite a candidate to speak. Chief Broadway spoke about his background, family and his experience in Law Enforcement. He outlined the platform the he was running on before taking questions and addressing the concerns of the citizens of the Town.

CITIZENS QUESTION AND COMMENT

The Mayor opened up the floor for Citizens Questions and Comment. There being none he closed it.

MINUTE APPROVAL

MOTION by Councilman Bates to approve the Regular Council Meeting Minutes from May 10, 2016; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley and Smith Peacock

Against: None

MOTION CARRIED 5-0

MOTION by Councilman Bates to approve the Council Workshop Summary Minutes from May 24, 2016; SECONDED by Councilman Ley

For: Bates, Burns, Ley and Smith Peacock

Against: None

MOTION CARRIED 5-0

COMMITTEE REPORTS

Jane Tomlinson – Visioning Committee, gave an update of their ideas to install carpeting in the Auditorium. They felt that it would be more sound absorbing than a hard floor. *Councilman Peacock* asked if they had finalized their choice and also what they would do to level the floor before adding carpeting. *Ms. Tomlinson* responded that they were still researching. He asked if this would be approved by Council before spending the money. *Mayor Wynkoop* said that the money was in the budget.

Ms. Tomlinson went on that they were going ahead with the renovation of the community building, installing new appliances and also cabinets in the kitchen. *Mayor Wynkoop* reminded the audience that new lights had been put in the ceiling of the auditorium and were just waiting to be wired up. The old lights and fans would be removed. The committee was also working on a new resident welcome packet which would include important information, emergency numbers, hospital locations as well as vendor coupons.

Allen Hartle asked what the outcome was of the Academy donating their auditorium seating to the Town. Their seats were in worse shape than the ones the town currently has. With the additional room between the rows it was said that they were sufficiently comfortable and the Mayor stated that there was no money in the budget to replace them at this time.

MAYOR AND COUNCIL SECTION

COUNCIL MEMBERS

Councilman Burns – PASS

Councilwoman Smith – Had again been to the Elder affairs meeting where Susan Branch spoke about the Lake County Library Service and the programs that were laid on for seniors. On their website www.mylakelibrary.org there are different classes to take, things to do and enjoy. They welcomed small groups of seniors to come to the library.

There is also a nationally accredited High School online diploma course available for the over 19 age group for adults that wanted to complete their diploma.

Councilman Bates – PASS

Councilman Ley – Said that he was tasked to go to Astatula and Howey in the Hills to look at their style of government. Astatula has a different form but Howey has a strong Mayor the same as Montverde. He added that they were very polite and he brought back the information on employee benefits. He complimented the Lake County Sheriff on their prompt response to a report of a prowler on Highlands Avenue. They sent four cars including a K9 unit. Lastly he complimented Terry Burden for the work planting flowers in the beds around town.

Councilman Peacock – PASS

MAYOR WYNKOOP

Mayor Wynkoop gave a brief update on the McQuaig issue and also the process and progress towards completing the budget for 2016-2017. He handed out sheets to the residents which were also put on the overhead to discuss four things that he wanted the Council to think about and also to keep the residents informed.

1. A comparison between the two law enforcement agencies that the town employs; FHP and the Sheriff's Office for the period February to April. Information on the number of hours worked, traffic stops, citations issued, warnings and arrests were included along with the amount of money each was costing the town. He said that it was valuable in establishing where any weak spots were.

Councilman Peacock asked whether we were comparing apples with oranges as FHP were more dedicated to traffic. Councilman Ley said that FHP was a single aspect of law enforcement and the comparison did not give the total picture. Councilman Bates asked if FHP could be tasked to do more patrolling of the neighborhoods. Mayor Wynkoop replied that he could redirect the officer to whatever he wanted them to do. He added that if there was another way that Council wanted to monitor their activity he would do it.

2. A sheet showing the taxable value of properties throughout the County was given out. There was a 5.8 percent increase in taxable values in Montverde which would correspond to increased revenue to the town. He wanted Council to be familiar with the rising property values.
3. A sheet showing an alternative vendor for permitting purposes which would bring in additional revenue to the town. He outlined the permitting process with Lake County and the perceived benefit from using the new vendor. Their fees were much higher but the town would get a cut (20% - 30%) which we do not currently get from the County. He felt that with the impending new developments coming into the town it would be a great source of additional permitting revenue.

Attorney Anita Geraci-Carver said that building revenues were very restricted funds and can only be used for the enforcement of the Florida Building Code. Allen Hartle asked who did the planning review currently. This was done by Sean Parks, Town Planner.

4. A comparison of the benefit packages between local towns and cities was put up showing the level of vacation and sick time or PTO that was given to employees. Mayor Wynkoop brought this up in the event that staff left and new ones had to be recruited. Staff in Montverde receive zero vacation time in their first year of service and it would take six years to get what employees in the Town of Astatula receive in their first year. He said that he was going to be bringing this to Council in the next couple of months to bring the package more in line with other cities. He was not ready to present it yet and did not want to spring it on them. This gave them opportunity to think about it ahead of time.

A resident said that it was not out of line with the private sector and *Councilman Peacock* agreed. *Councilwoman Smith* said that it was unreasonable to have no vacation or sick time for an entire year. Two residents said that their preference was for Paid Time Off (PTO) which is a combination of vacation and sick time. *Councilman Peacock* asked how other benefits such as health insurance and retirement compared. *Mayor Wynkoop* responded that they were in line and this was the only weak link in the package. He also felt that there should be a new employee packet and handbook setting out the goals and requirements of employment.

ORDINANCE 2016-02 AMENDING THE CODE, CLARIFYING THE DEFINITIONS OF ACCESSORY BUILDINGS CANOPIES AND SHEDS

Anita Geraci-Carver read the title of the ordinance. The ordinance has been through Planning and Zoning and come before Council in January and March; both times it was tabled. The issue surrounds only Semi-Permanent Canopies; other sections of the ordinance were not in dispute. New wording had been introduced since the last attempt to approve it.

A resident of Magnolia Terrace asked if the part of the ordinance addressing sheds superseded the covenants and restrictions imposed through the homeowners association where they were banned. *Mayor Wynkoop* responded that it did not. *Councilwoman Smith* pointed out a typo in the fourth whereas of the ordinance; which said City instead of Town. It was agreed to be amended.

Councilman Bates said that he had a problem with the ordinance from the start and that he had counted over sixty canopies of the types that this ordinance was to regulate. Although existing canopies would not be affected, any that were replaced would have to comply with this ordinance. His issue was with the added wording which regulated the color of the cover which should be similar to the main structure. He cited a resident that had a tent in Gator colors over his grille. He felt that his rights would be violated should he not be allowed to keep it.

The purpose of adding the color was to eliminate having blue tarps springing up all over the town. He responded that the town was not an HOA and should not regulate the color. If the resident has a brown house then preventing him having Gator colors takes away his rights. *Allen Hartle*, a member of the P & Z Board said that Planning and Zoning had discussed at length and approved this ordinance back in January. He felt that it was good as written. *Leslie Timmens* concurred as long as they were erected properly and did not make the property look like a junk yard.

Councilman Peacock opined that it was a reasonable solution to prevent an orange canopy being erected against a yellow house which would be unacceptable. They would not have the right to do that if it was detrimental to the neighbor's property. *Perry Woodruff* said that the town should concentrate on the safety aspect of permitting the canopy rather than the aesthetics.

Councilman Bates suggested that Semi-Permanent canopies should be removed completely along with the time restriction on temporary canopies. We would then have a temporary canopy and a permanent canopy which would have to conform to the Lake county Building code.

Sean Parks speaking as the town's planner stated that the current code requires semi-permanent canopies to be properly tied down. Only the color was added and that they could not be placed in the front yard. A temporary canopy was intended to be a pop-up type of tent for a garage sale or family gathering which could be easily taken down if a storm was coming and for a limited period of time. A semi-permanent canopy over a vehicle or boat would be tied down. A permanent canopy would have to conform to the Florida Building Code.

He also urged council not to throw the ordinance out again as it also covered sheds and accessory structures. Sheds had been brought in line with Lake County Building code. *Councilman Smith* asked that if the color of the canopy is taken out of the ordinance, would it be good. *Councilman Burns* said that he would be fine with that. *Councilman Ley* made a motion to strike the color out and pass the rest of the ordinance, seconded by *Councilwoman Smith*. *Mayor Wynkoop* opened public comment and there being none passed it back to council for a vote.

MOTION by Councilman Ley to strike the reference to color and approve Ordinance 2016-02;

SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

RESOLUTION 2016-10 ESTABLISHING THE PRELIMINARY ASSESSMENT RATE FOR FIRE SERVICES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016

Anita Geraci-Carver read the title of the ordinance. *Mayor Wynkoop* explained how we used to charge \$40 for each household on an invoice from the town before moving it to the tax roll last year. The rate went up to \$80; however the \$40 was not collected by the town so it was a wash for that year. The cost per household to fund the fire department is currently \$120 per plus the money that comes from commercial and institutional property and vacant land. \$80 comes from the residents and the other \$40 is supported from the general fund.

The council had a workshop to discuss whether to hold the rate at \$80 or raise it up to a maximum of \$160. *Mayor Wynkoop* asked the residents if they had any comments or questions. *Mr. Gonzales* said that social security had not gone up in the last three years which made it hard on some people. *Mr. Woodruff* said that if you want a good fire department you have to pay for it.

Mayor Wynkoop reiterated that the fire assessment is on its own line on the tax bill separate from the ad valorem taxes. If the fire assessment rate does go above the \$80 set last year, residents will be paying more overall. He said that a study costing \$15,000 was done in 2015 which established what funding the department would need over the next five years including reserves for a new fire truck. The town currently has \$295,000 in reserve and a new or used fire engine would run \$350,000 to \$500,000. *Mayor Wynkoop* stated that the vote was only to establish the preliminary, not to exceed rate and not the actual rate which will be set in August.

Councilman Ley stated that when campaigning for his council seat he had got a lot of pushback about the fire assessment going up last year and made a motion to set the cap for this year at \$80 so that it could not go up in August. A second to the motion was not forthcoming. *Councilwoman Smith* disagreed as limiting the maximum to \$80 left no room for an increase should one be voted for. She believed that the fire department should move to self-funding over a number of years.

Anita Geraci-Carver said that the actual rate would go through the public hearing process before being set. Should the consensus from that hearing be that residents wanted to increase the assessment then the town would be unable to if the cap was at \$80. She suggested keeping the current maximum rate of \$160 which the study supported. *Councilman Bates* concurred.

The residential rate that is set also affects the rates by square footage for commercial and institutional as well as vacant land. It was explained that Montverde Academy pays the Institutional rate on all its property plus the residential rate on the homes that they own.

Being no second to Councilman Ley's motion, it was withdrawn and a new motion by Councilman Peacock to accept Resolution 2016-10 as written was made.

MOTION by Councilman Peacock to approve Ordinance 2016-10 as written; SECONDED by Councilwoman Smith

For: Bates, Burns, Peacock, Smith

Against: Ley

MOTION CARRIED 4-1

MUTUAL AID AGREEMENT BETWEEN LAKE COUNTY AND THE TOWN OF MONTVERDE

Mayor Wynkoop asked Chief Rausch to explain the agreement which is outlined below.

This agreement provides for the Town fire department, when requested by Lake County, to provide assistance to the County fire department. It provides for the County fire department, when requested by the Town, to provide assistance to the Town fire department. Assistance is for those areas within the ISBA area. There is no reimbursement to either party. Each party is responsible for their personnel, equipment, etc. as though they were acting within their own jurisdiction. It also provides for AVL's to be installed on the Town's fire trucks at the Town's cost. This allows the County/EMS to know where the Town's fire trucks are at any time to determine if close to the emergency. This agreement is not an automatic response agreement which automatically sends the closest unit. The County appears to only enter those types of agreements with full-time, paid fire fighters. The same is true of the AVL's. The County usually uses impact fee money to pay for the AVL's for those City departments that have automatic aid agreements.

Councilwoman Smith asked if he thought that the agreement was beneficial to the Town of Montverde. Chief Rausch responded that it gave beneficial coverage to the town. *Mayor Wynkoop* said that there was a cost of installing the AVL's into the two vehicles at \$1,000 each plus the monitoring cost of \$35:00 each per month. He said that after talking to Anita, he could see the benefit to the town.

When asked give her opinion on the agreement she responded that we would provide aid to the County when needed and they in turn would respond to the town. The liability for each agency on a call would be their own; staff, equipment whether they were responding or being responded to. The range of the area stretches from the West Orange Trail to the Ferndale Preserve.

Councilwoman Smith asked what the timeline was to raise the money for the equipment; would we need to wait for the new budget to be approved. *Mayor Wynkoop* responded that he had squeezed the Chief for the past seven months so there is money available this year. *Councilman Ley* asked which vehicles the AVL's would be installed in. Chief Rausch said Engine 85 and the Chiefs car.

Being no further discussion, a motion for the Mayor to sign the agreement was made by Councilman Bates.

**MOTION by Councilman Bates for the Mayor to sign the Mutual Aid Agreement;
SECONDED by Councilwoman Smith**

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

**AGREEMENT BETWEEN THE TOWN OF MONTVERDE AND THE LAKE COUNTY
METROPOLITAN ORGANIZATION (MPO)**

Mayor Wynkoop asked Sean Parks, Town Planner to come forward to explain the agreement. *Mr. Parks* said that the agreement is with the Lake County Metropolitan Planning Organization (MPO) to manage the GIS base that is used for the parcel by parcel zoning and future land use maps that the town has on the website. Storyline is also maintained by them as well.

The agreement for the coming year is for the MPO to maintain the data base that the town uses. The rates are attached to the agreement and are the same as last year. *Mayor Wynkoop* said that the total bill was less than \$500 last year. *Councilwoman Smith* asked if the information was available to the public. Mr. Parks explained that there were icons on the home page of the town's website, one for the zoning part and another to storyline.

Councilman Smith asked about the charge for the rolls of special paper mentioned in the fee schedule which seemed expensive and asked if we charged residents for the printing. *Mr. Parks* said that the paper was for the MPO if large size prints were requested. *Graham Wells* said that the town could print 11 x 17 for residents and they would pay for the copies. When asked what the term of the agreement was, *Anita Geraci-Carver* replied that it was for a twelve month period which would automatically renew for three years unless cancelled by either party giving thirty days' notice.

Mayor Wynkoop opened it up for public comment. Being none he returned to council for a motion.

MOTION by Councilman Bates for the Mayor to sign the GIS Agreement with Lake County MPO; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

CHARTER REVIEW

At this point *Anita Geraci-Carver* read aloud sections six to ten of the Charter. The intention is that over a number of months the whole charter will be covered and any questions that Council Members have can be covered so that they have a complete understanding of it.

Section 6 covered the hiring of professionals such as the Town Attorney. *Councilman Peacock* asked *Anita Geraci-Carver* whether she had a contract with the town and how long it was for. She replied that there was an agreement for fees which were strictly charged on an hourly basis at \$150 per hour.

Section 8 raised questions by *Councilman Peacock* about the administrative powers of the Mayor which seemed to be contradictory in two different parts of this section. *Anita Geraci-Carver* explained that the Mayor is the administrator under the direction of the council. The only administrative function that the Mayor has without the approval of council is the hiring and discharging of town employees. *Councilman Peacock* commented that it was not the way it had been done in the past.

Councilwoman Smith said that it was confusing as it says administrative duties under the direction of the council. *Anita Geraci-Carver* cited an example of setting staff hours and the hours that town hall is open. It is an administrative function but directed by the council. If the council felt that a new member of staff was required they would give direction to the Mayor to hire a new person but it would be solely his decision as to who he chose to fill the position.

Councilwoman Smith asked where the line is drawn. Anita Geraci-Carver said that it was interpretation as to whether it was an administrative function or not and also what was required by law. Councilwoman Smith asked that if she disagreed with the Mayor's decision; could she bring it to council. Anita Geraci-Carver replied that she could. Councilman Peacock asked about contracts with vendors. Ms. Geraci Carver said that it was under the direction of council. There were no further questions

MEETING DATE

A date for a Council Workshop was set for June 28, 2016 to discuss the Blackstill East Project. Representatives from the developer would attend the meeting to be held in the Mayor's office.

Being no further business a motion to adjourn was requested.

MOTION TO ADJOURN by Councilman Peacock to adjourn; SECONDED by Councilwoman Smith

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

Respectfully submitted,



Joe Wynkoop, Mayor



Billy Bates, Council President

ATTEST:



Graham Wells, Town Clerk

