

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

**September 9, 2014**

The Town of Montverde met in regular session on Tuesday, September 9, 2014 at 7:00 PM in the Town Hall Auditorium.

**Council Present:**

President Glenn Burns

Jim Peacock

Jim Pierce

Joe Wynkoop

**Council Absent:**

Arthur Nix

**Staff Present:**

Graham Wells, Town Clerk

Terry Burden, Public Works Director

Mary Gillis, Finance Director

Anita Geraci- Carver, Town Attorney

Mayor Troy Bennett called the meeting to order at 7:05 and led the Pledge of Allegiance.

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

**MINUTE APPROVAL**

**MOTION by Jim Pierce to approve the regular Council Meeting Minutes from August 12, 2014;**

**SECONDED by Joe Wynkoop**

**For: Burns, Peacock, Pierce, Wynkoop**

**Against: None**

**CITIZEN QUESTION AND COMMENT PERIOD**

Mayor Bennett opened the floor for public comment. He stated that this was the time for residents to discuss and ask questions about anything of concern. He noted that at this time, residents could discuss anything that was not on the agenda.

*Ruth Ryan, 17529 Kirkland Road.* Mrs. Ryan had a question about the Town's sign ordinance. She said that when she first saw the sign on the corner of Ridgewood and CR 455 advertising the play in

Montverde, she immediately thought that the sign could not have been in compliance with the Town's sign ordinance. She said that she went to Town Hall, and staff told her that a sign could be 32 square feet in total. She stated that to her, the dimensions in the ordinance did not make sense, because that would mean that it would be legal for someone to put up a sign that is sixteen feet by two feet. Mayor Bennett stated that he thought the ordinance stated that the sign had to be four feet by eight feet. Council Pierce stated that he thought the 32 square feet rule in the ordinance was put in place to accommodate a four by eight piece of plywood. Mayor Bennett indicated that the Ordinance was written many years ago, and asked for an opinion from Anita Geraci Carver. Mrs. Ryan stated that she did not think that the current theater sign served any purpose, as it was impossible to read as you were driving by. Attorney Anita Geraci-Carver opined that the maximum size of an off-site advertising sign in the Town of Montverde is 32 square feet, and that the Code does not specifically state what the dimensions had to be. Therefore, a sign could be sixteen feet by two feet or any other dimension equaling 32 square feet. Mrs. Ryan stated that she thought that this ordinance should be changed in favoring of specifying actual length and width dimensions for signs. Mayor Bennett stated that he would bring the Sign Ordinance back at a later date for corrections/updating.

Mrs. Ryan asked if the theater group using the Auditorium for their plays was contributing any kind of donation to the Town, since they were using the Town's water and electricity. Mayor Bennett replied that the theater group stated at a prior Council meeting that they would be making a financial contribution to the Town in exchange for using the Auditorium.

Seeing no further request for public comment, Mayor Bennett closed Public Comment Period.

#### **BOARDS AND COMMITTEES**

Mayor Bennett opened the floor for any Boards and Committees present. Seeing none, he closed the floor for Boards and Committees.

#### **MAYOR AND COUNCIL**

##### **Councilman Jim Peacock:**

Councilman Peacock stated that he would keep his comments brief as he was not feeling well. He first commended Public Works Director Terry Burden for his quick response when a tree fell along Lowry Road last Friday afternoon. He stated that Terry had the tree removed within an hour and a half, and he appreciated his efforts.

Councilman Peacock then stated that he was passing around a copy of the Montverde Charter, and that he had a couple of questions to ask the Town Attorney regarding the Charter. He read Section 15 of the Charter, paraphrasing that any Town Councilmember or Mayor may place an item on the next regular Town Council meeting or agenda. He asked Anita if the Mayor had the authority to refuse a Councilmember's request to place an item on the agenda. Anita stated that if one continues reading that sentence in the Charter, it states that a Councilman could place an item on the agenda by

requesting at a regular Town Council meeting that it be placed on the agenda, and that the request be deemed appropriate by the rest of the Council. Councilman Peacock stated that in his opinion, the Town has never enforced that. He stated that he is ok with that, but he felt that that sentence meant that at every Council meeting, it would have to be discussed by Council what would be placed on the next Council meeting agenda. Mayor Bennett stated that it has worked that way in the past with Councilmembers asking to have an item placed on the next agenda. He also stated that the subject matter that Councilman Peacock wanted on the agenda was already encompassed in an agenda item, and that it did not need to be a separate agenda item itself. Councilman Peacock asked Anita for a Memorandum of Law on that topic, to get her answer in writing. Anita replied that if Council would like her to, that she could do that.

Councilman Peacock then stated that at a prior Council meeting or Budget meeting, that Fire Chief Rausch had brought up the idea of swapping the Town's attack truck for another vehicle that might be of better use for the Town. He stated that the Chief also discussed the fact that he had received a donation of a training trailer from the City of Clermont. Councilman Peacock stated that two weeks ago, he spoke to the Chief, asking for the status of that swap, and asking if the swap was on the agenda. He said that the Fire Chief responded that he did not know. Councilman Peacock stated that he thought "well, let me see what I can do". So on August 26, he sent an email to Graham Wells, Town Clerk, and copied that Mayor. In the email, Councilman Peacock stated that at the Budget Workshop, the Fire Chief mentioned that he could swap the attack truck for another vehicle that would fit the Town's needs better. He said that he wrote in the email that if that item was not already on the September's Council meeting agenda, that he would like to request that it be added, and that the Chief could provide more details if necessary. He stated that a couple of minutes later, he received a response from the Mayor that the Town Clerk only received orders from the Mayor. Councilman Peacock stated that he thought the Mayor should be giving direction, not orders. Councilman Peacock said that he responded back to the Mayor, saying that the Charter says that a Town Councilmember could place an item on the agenda. He said that the Mayor then responded back to him that that subject will not be on the agenda. Councilman Peacock stated that all he got back was rude responses.

Mayor Bennett responded that those were the same responses he gets from Councilman Peacock. Councilman Peacock asked Anita again that if a Councilman would like an item on the agenda, that he would have to request it at the prior Council meeting and get approval from the other Councilmen. Anita replied that that is how the Charter stipulates the process to be. Councilman Peacock asked how come the Town has never followed those rules. He said that the Mayor does not follow those rules either. Anita replied that the Town and the Mayor have been following the rules, as the Charter allows administrative duties (such as insurance increases that have to be approved, land approvals, etc) to be placed on the agenda without prior Council approval. These administrative duties have to be approved/denied by Council, and therefore, they do not need to be approved by Council at a prior meeting. She also stated that she is not aware how other items currently get placed on the agenda, as she is not part of the process. But for all she knows, Councilmembers have been getting approval for specific items to be placed on the following month's agenda.

Mayor Bennett interjected that he and staff do not just bring junk to Council and waste Council time. They try to get all research, all history, and all options for an agenda item to be explored and documented, so that when it is presented to Council, it is complete. This ensures that Council's time is not wasted reviewing incomplete data and undocumented and unresearched ideas. Mayor Bennett then stated that for this particular agenda item that Councilman Peacock is discussing, that he and the Fire Chief had already been talking about it. He said that he and the Chief were a long way from being able to bring it to Council, as the subject matter and financial implications had not been thoroughly researched. He stated that they did not know any fire stats on the two vehicles or any costing on the new vehicle. He said that he and the Chief had discussed it, and the Chief was not ready to fully present it to Council. Fire Chief Rausch agreed, and stated that another option had presented itself at the time, and he was considering exploring that option instead.

Councilman Peacock asked why the Mayor did not just explain all of that in the email. Mayor Bennett replied that he felt as though Councilman Peacock was always trying to bully him instead of asking questions. He said that Councilman Peacock could have picked up the phone and called him as other Councilmen do. Councilman Peacock asked Anita Geraci-Carver again to provide a Memorandum of Law on the issue of Councilmen placing items on the agenda.

Councilman Peacock then said that he wanted an opinion from Anita as to whether the Mayor had the authority or right to override any decisions made by Council. Anita asked for clarification as to the type of circumstance that Councilman Peacock was referring to. Councilman Peacock stated that this was a "yes or no" kind of answer. Anita replied that in general, the answer would be no, but that she states that there are circumstances that would allow that, and without any further information on the specific subject matter, she cannot answer yes or no. She said that generally, the answer would be no. The Council makes the decision and it must be followed. Mayor Bennett concurred, and stated that there is a veto power for the Mayor that he has never used before.

Councilman Peacock continued that at the last meeting, that the Public Safety Committee had requested a meeting with Council. Mayor Bennett interjected that he is advising Councilman Peacock to please cease discussions, as there was a reason why it could not be discussed. Councilman Peacock replied that this was all public information as it was all contained in the minutes of the last Council meeting. He read from the Minutes that "it was decided that the meeting would be held on August 19, 2014 at 6:30". He stated that he received an email from Town Clerk Graham Wells on August 16 that the Special Council meeting would take place on August 21. He said that the meeting date was changed, without consulting Council. He said that there was correspondence that went back and forth after that. Mayor Bennett stated that he asked Council if the meeting date could be changed, and all of the Council responded back that it was ok to do so. Mayor Bennett said that he had a legal reason to do so, and that he and the Committee Chairman had discussed it, and they agreed it would be advisable to do so.

Councilman Peacock then read an email from Public Safety Committee Member Bill Broeker in which Bill stated that he could not attend that 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 an email from Councilman Wynkoop. Councilman Peacock stated that it was part of public record. Mayor Bennett responded that personal emails back and forth between two Councilman are not public record, and that violates Sunshine Law. Councilman Peacock stated that the email from Councilman Wynkoop was sent to all Councilman, stating that he thought the meeting date should be changed. Councilman Peacock stated that he then responded to the Councilmen that it was ok by him. Councilman Peacock 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 then said that he consulted with his attorney and he stated that it technically was a Sunshine Violation, but that it was so minor, and under the circumstances, the Violation would not go anywhere as they were trying to reschedule a meeting. Councilman Peacock told Mayor Bennett that if he wanted to turn him in for Sunshine Violation, to go ahead, and he will be ready to request every email over the last year from Town Hall to ensure that everything is being done right. He said that if that is the course that Mayor Bennett chooses, that his attorney is ready to go to work. He said that if Mayor Bennett files a report against him, he will sue Mayor Bennett and in turn sue the Town, which he does not want to do, but he will be forced to. He said that Mayor Bennett has threatened him before over his Sunshine Violations, and he is tired of it, and does not want to put up with it anymore. He said that he has decided not to run for re-election, and he thinks everyone knows the reason why. He then read a statement: "I really appreciate all the support he has had from all of the residents. It was a pleasure serving the Town of Montverde, although it was not a particularly pleasurable serving on Council. While on Council, I found it difficult to work with the Mayor, and lately, it has become very difficult. Under the current conditions, it is pointless for me to hold a position on Council, and also do not need the aggravation in my life right now. In my opinion in two years on Council, the Mayor has always tried to sideline Council. He does not want us in Town issues or to talk with Town staff. We are rarely given updates on issues, and most of the time, Council agendas are only made available to us only two or three days before Council meetings, although we did get this one late Friday afternoon. And sometimes, it is the day before. I believe most Councilmembers have full-time jobs, and this does not give us adequate time for us to be fully informed on the agenda issues. It almost seems like Council is deliberately kept in the dark as much as possible so the Mayor can tell us what he thinks we need to know at the Council meeting. The Town Council listing has even been removed from the Town Council website. I'll be the first to admit that the Mayor has accomplished some worthwhile things while in office, with park improvements and the renovation of Town Hall. However, in my opinion, the way he governs and the way he treats people overshadows the good. Also, I know of half a dozen people, who, if they were Mayor could have accomplished the same thing, but without all the drama. I don't believe the Mayor has done his job, he has refused to do his job at times. He tries to govern with orders, manipulation, intimidation, and threats. And I'm tired of it. And this is not the way Montverde should be governed. In my opinion, he should resign. The citizens of Montverde deserve better."

**Council President Glenn Burns:**

Pass.

**Councilman Joe Wynkoop:**

Councilman Wynkoop stating that he has been getting involved in Arts and Culture now for the last two years. He said that the Improv group that has been coming here has been doing the best they can with what they have. He said that their shows have been pretty good, and the play they just had was about five ladies that knew each other from college, and he thought that it was excellent. He said that he went to their meeting yesterday, and he got some handouts for different events that they will be having in Lake County. He said that he got flyers to put on the bulletin boards at Town Hall. He said that he just found out that if they advertise outside of Lake County, that Lake County will pay them back 50% of the cost of advertising. So, if they spend \$1,000 advertising Montverde Day and Montverde Idol, they could receive 50% back. Mayor Bennett responded that he and staff had already looked into applying for the funding. Councilman Wynkoop said that the grant does not just apply to the Town of Montverde, that it would also apply for the Friends and Seniors of Montverde. He said that if anyone would like information, they can contact him. He said the program is coming from the Lake County Arts and Cultural Alliance.

Councilman Wynkoop then stated that he would like to put on the next Council meeting to discuss building a new City building to act as another Community Building. He said that the reason he is bringing it up is because at the Lake County Arts meeting, there were people from other cities, and they would be willing to come to the next Council meeting to discuss where they were and how far they have come in having City civic buildings. He brought up the City building that Clermont built. He said that place is booked for almost three years for weddings right now. He said that he went to talk to the manager there, and he showed him the schedule, and he was amazed. Councilman Wynkoop said that the revenues that they are generating from the building were pretty good. He said that he did not think that it could pay the bills, but that it would be a nice revenue stream. Mayor Bennett clarified that Councilman Wynkoop wanted that as a discussion item, and he confirmed. He said that he will have people from other cities come and tell us about it. Mayor Bennett asked Council if that was ok. Council responded yes. Mayor Bennett then stated that the discussion will be on the agenda.

Councilman Wynkoop stated that the next meeting of the Friends and Seniors of Montverde will feature free pizza. He said that the first meeting had around 42 people and the second meeting had around 35 people. He said that they have been communicating back and forth, and people have been throwing around a lot of good ideas. He said they talked about doing some events, and they decided to do a Truck or Treat. He asked if Council would allow them to book Kirk Park to do a Trunk or Treat on Halloween night. He said the group would be giving prizes and candy out.

Councilman Wynkoop also stated that they had a flyer to put together, advertising the event. He then said that the group wanted to put together a Chili Cookoff. He reminded everyone that Bingo night was coming up, and said that they just celebrated a year of Bingo nights.

Councilman Wynkoop then said that he found out that a lot of cities include money in their budget to give to arts and cultural groups, and he wanted to talk to Council about including money in next year's budget for these groups. He asked if he could talk about it at the Budget Hearing in September. Mayor

Bennett said that it would be classified as an Enhancement, and Council would have to vote to put it in the budget. Councilman Wynkoop said he would like to do that.

**Councilman Jim Pierce:**

Councilman Pierce said that he had a resident ask him about the traffic study. He said that the resident thought that the study occurred after the Academy was out for summer, which would render the study useless. He asked to verify this information, and find out when the study actually occurred.

Councilman Pierce said that he was also asked by a resident about code enforcement on a lot that is uninhabited, but listed by a realtor. He asked for clarification on how that works. Mayor Bennett asked which lot, and Councilman Pierce replied that it was the old O’Berry house. Mayor Bennett replied that there is only so much that the Town can do once the property owner walks away. He said that he has been discussing the issue with Speedy Gonzales, who lives next to the property. Mayor Bennett said that the property is in limbo, as it is not in foreclosure yet, but it is abandoned. He said that some of the things that Mr. Gonzales brought up could be considered to be in the right of way, so the Town could possibly take care of that.

Mayor Bennett stated that he wanted to bring to Council four or five properties that needed to be mowed. He reminded Council that in the Town’s ordinance, the Town can mow the overgrown, abandoned property, and then lien the property for the cost. He said that the O’Berry property would be one that could be mowed.

Anita Geraci Carver stated that some cities have adopted a Foreclosure Registry, which requires the realtor, property owner, or lender to designate someone that is responsible for the property. Mayor Bennett responded that from prior cases, it is very difficult to get anyone at a bank to take care of the overgrown property. Anita Geraci-Carver stated that that is why a Foreclosure Registry is good because it would provide the name of a responsible party. Mayor Bennett replied that the Registry would be a good thing to have, and asked Council if they would like to see that as a future agenda item. Consensus was yes.

Councilman Wynkoop asked if the Town could just mow it and lien it later. Mayor Bennett replied yes, but that Mr. Gonzales’ concern was all of the trash and debris on the O’Berry property. Mr. Gonzales stated that the realtor should be responsible for the property. Town Clerk Graham Wells interjected that the realtor on that property was Karin Arellano, and he spoke with her, and she indicated that she might be able to take care of cleaning up the property. Councilman Pierce asked if Town could employ eminent domain in this case. Anita Geraci-Carver responded that was a long process. Councilman Pierce said that this would be a long process, because the home had very little value. Mayor Bennett said that when he found out that the person living there was moving out, that he called Mr. Gonzales to warn him that the property was in bad condition, and there would be no fast fix. Councilman Pierce said that the eminent domain process could be quicker than waiting for the property to sell, and asked if the Town could do that, and turn the property into a public park. Anita replied that the Town could do that, but there would have to be a public purpose for the property. Anita said that the Town could do

code enforcement. Mayor Bennett said that code enforcement is also a lengthy process as they have 120 days to correct the problem, then if they do not, the Town can fine the property \$250 a day, and 100 days later, they owe you \$25,000, and meanwhile the property just looks worse and worse.

Councilman Wynkoop asked if the Town could clean up the property, then just lien it. Mayor Bennett replied that the Town could mow it, but that property has a lot of other issues with debris and trash, and the Town could not go in and clean that up.

A resident asked if the Town was taking suggestions on which properties in Town to code enforce. Mayor Bennett replied that the resident just had to call Town Hall, and staff would drive out to the property, and code enforce if necessary. The resident said that she felt the Franklin Pond area really needed code enforcement. Mayor Bennett responded that the properties of Tom Daugherty and GeeGee Franklin were in the process of being code enforced, and they indicated that they would be mowing their properties within the week. He told the resident that the code enforcement process was a long one. He said that mowing was an easy fix, it was just a thirty day process. He said that removing furniture, picking up debris, and removing trash was much more difficult. Councilman Pierce asked if the Town was helpless when it came to those situations. Anita Geraci-Carver responded that a lot of cities have an ordinance that if the property is a blight, that the city can go in and demolish it. She said that she could look into the Town's code to see if we have something like that on our books.

Councilman Pierce said he just wanted to be able to do something in cases when a property owner leaves and the property is a mess, and the neighbors are helpless to deal with it.

Mr. Gonzales stated that it used to be that the garbage company would pick up larger items on the normal garbage day, but that they are not doing that anymore. Mary Gillis responded that residents have to call into Town Hall, and staff will notify Waste Pro that the resident has larger items for collection. This alerts Waste Pro to bring a different type of truck. Mr. Gonzales asked if the Town could call Waste Pro and have them remove the larger items sitting out by the road on the O'Berry property. Mayor Bennett told him that staff would take care of it.

Mayor Bennett then said that he had a list of seven or eight properties that he was asking Council for permission to mow, then lien. He said that a couple of the properties were sensitive, as they belonged to Vera Higuera, and they were currently in probate. He said that the properties have been code enforced with certified letters, but there has been no response. Mayor Bennett asked Council for permission to mow these properties, then lien them.

A resident asked about the house at the corner of CR 455 and Eighth Street, behind the mall. Terry Burden confirmed that the house has been vacant for a long time.

It was the consensus from Council to allow staff to mow the properties, then lien the property owner for the cost.



Mayor Bennett then reminded Council of the two Budget Hearings in September: September 18 and 29 at 7:00. He invited everyone to attend.

A resident stated that he has a hard time driving his RV down Doris Street as the tree limbs are preventing him from getting by. Mayor Bennett stated that staff is currently working to trim those trees.

Mayor Bennett then told residents that staff put a lot of flower seed on the property on the corner of Ridgewood and CR 455, so in the next few months, residents should see some beautiful flowers along the road.

## **NEW BUSINESS**

### **Interlocal Service Boundary Agreement with the Town of Astatula**

Mayor Bennett explained that Astatula was now doing what Montverde, Clermont, and a few other cities have done, and are beginning the process to formulate an ISBA. He said that they are inviting partners to participate in the process. He is asking Council to allow him to participate in Astatula's ISBA process. The County, Howey in the Hills, Minneola, and Tavares will also be participating. Councilman Wynkoop stated that he would go with Mayor Bennett. Councilman Pierce stated that he would really like to go, as he personally knows the Mayor and Councilman of Astatula. Councilman Wynkoop stated that he would like to go too.

Councilman Burns stated that the Town's ISBA has language about the Green Mountain Scenic Byway. The Green Mountain Scenic Byway has been formally extended to the City of Mt. Dora. The idea is to connect the historic downtown of Winter Garden to the historic downtown of Mt. Dora. They have already gotten a resolution of support from the Astatula Town Council. He asked Mayor Bennett to bring that up at the ISBA meeting. Councilman Burns asked to just use the language from the Town's ISBA in Astatula's ISBA.

Anita Geraci-Carver read the ISBA Resolution in title.

Mayor Bennett opened the floor for comment on the issue. Mr. Gonzales asked if the Mayor and two Councilman attending the ISBA violated Sunshine Law. Mayor Bennett replied that since he has no vote on Council, that he is excluded from Sunshine Law. Mr. Gonzales said that he was referring to the two Councilman being together. Anita Geraci-Carver stated that the meeting and the attendants will be publicly noticed, so it would not be a Sunshine Violation.

**MOTION by Joe Wynkoop for the Town to participate in the ISBA for the Town of Astatula; SECONDED by Jim Pierce.**

**For: Burns, Peacock, Pierce, Wynkoop**

**Against: None**

**Extension for Sale Agreement on Brecheen Property**

Anita Geraci-Carver stated that Glen Brecheen noticed the Town that he was going to cure the defects in the contract that the Town advised him of. Anita stated that she thought that granting an extension would be the best way to handle it, and to set the closing date for thirty days after the title was secured. She stated that the complaint would be filed either this week or next week to get the process going to cure the defect.

Councilman Wynkoop asked if the Town asked for title insurance in the contract for the property. Anita Geraci-Carver replied yes.

**MOTION by Joe Wynkoop for the Mayor to sign the extension on the sale agreement for the Brecheen property; SECONDED by Jim Pierce.**

**For: Burns, Peacock, Pierce, Wynkoop**

**Against: None**

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

Finance Director Mary Gillis stated that there was a slight increase in the cost of the property insurance for the Town, but also that there was a slight decrease in the Workers Compensation cost. She stated that the amount budgeted for FY 2015 exceeded the actual cost. Mayor Bennett stated that the contract is renewable every year before the budget is adopted, so it is always a little bit of a guessing game as to what the actual cost would be.

**MOTION by Councilman Pierce for the Mayor to sign the renewal of the property insurance and workers compensation, SECONDED by Councilman Burns.**

**For: Burns, Peacock, Pierce, Wynkoop**

**Against: None**

**PROCLAMATION OF THE DAUGHTERS OF THE AMERICAN REVOLUTION**

Mayor Bennett read aloud a Proclamation from the Daughters of the American Revolution, declaring September 17-23 as Constitution Week in the Town of Montverde.

Mayor Bennett stated that the LPA Meeting will take place as soon as Town Planner Sean Parks arrives.

**RENEWAL OF AGREEMENT WITH LAKE COUNTY SHERIFF'S OFFICE**

Mayor Bennett said that he has really enjoyed working with Bill Broeker of the Public Safety Committee. He said that he has had a lot of conversations with him regarding the contract. He said that the reason the Town could not have the meeting with the Public Safety Committee on the date that was initially

proposed was because there were some legal issues that had to be cleared up before the meeting could take place. He indicated that Bill promptly took care of the issues that week. He thanked Mr. Broeker for his service, and stated that the legality was just trying to keep the Town's liability down.

Mayor Bennett stated that the contract in front of Council was the most current one. He asked for the Sheriff to be at the meeting, but he was at the County's budget hearing, with Sean Parks. He indicated that the Sheriff will be coming when the meeting was over.

Mayor Bennett then asked Bill Broeker to come forward and discuss the committee's minutes, indicating their recommendations to Council.

Bill Broeker stated that the committee was tasked with evaluating how the Town could best be served with law enforcement services. He said that the committee was composed of individuals with extensive background in law enforcement. He said that the Town is paying \$84,000 a year for extra law enforcement services. He said the committee looked at what the Town is currently getting for these dollars, which is a sort of 9:00-5:00 coverage. He said the committee looked at going to some sort of off-duty coverage, and that is the recommendation they are making to Council.

Mr. Broeker said that there were several reasons for this recommendation. One reason is that the Town could be spending \$84,000 and receive many more hours of coverage than the banker's hours they are currently getting. He said that the Town could have coverage during the week to prevent burglaries, and coverage during the weekend to prevent loitering, etc. He said that currently, the Town has no weekend coverage.

Mr. Broeker said that committee spoke to residents, and residents indicated that speeding was a big problem along CR 455. He said that off-duty detail would allow the Town to designate where the problem areas were, and locate an off-duty officer in the area to reduce speeding.

Councilman Peacock asked how payment would be made for the off-duty detail. Mr. Broeker stated that he coordinated off-duty detail for larger firms in Orange County, requiring 24-hour-a-day coverage. He said Orange County employs a system of deputies signing in for their detail and getting paid at the end of the month.

At this time, Mayor Bennett announced that Councilman Nix, who could not be here tonight, asked Mayor Bennett to call him and conference him in on this discussion. Mayor Bennett then called Councilman Nix, and he was put on speaker phone to listen and comment. Mayor Bennett explained that Councilman Nix could not vote on the topic because he was not in attendance, but he could provide comments.

Bill Broeker continued that he coordinated 120 shifts of off-duty detail, and they worked out a sign-in system, whereby they cut checks to each deputy at the end of the month. Mayor Bennett stated that he had extensive conversations with Sheriff Borders, and he indicated that their policy is that deputies are

paid when they show up for duty. Mayor Bennett said that he suggested to the Sheriff the idea of giving him a \$10,000 deposit, and that would probably be the only way the Sheriff would deviate from his policy. He asked Captain Moss with the Lake County Sheriff's Office if he concurred. Captain Moss replied that that is exactly what the Sheriff discussed with the Mayor. He said that the Sheriff has tried many different ways of paying the off-duty deputies, and the only thing that worked was the deputies receiving their pay before their duty began.

Councilman Wynkoop asked if the Sheriff would be amenable to the Town providing a deposit to the Sheriff for the off-duty detail. Captain Moss stated that he did not think so, because if the Sheriff allowed that for Montverde, he would have to allow that for everyone.

Councilman Pierce asked how the Town would manage the daily schedule for the deputies. He asked who was going to make sure the deputy showed up, and stayed for his whole shift. Captain Moss stated that a Deputy Sheriff would not be directed by the Town of Montverde. He said that off-duty detail means static detail only. Captain Moss then stated that the cost of \$35 per deputy only pays for the deputy. It does not pay for gas, insurance, vehicle, etc.

Captain Moss stated that there is a misconception that the Town only has a deputy in Town for eight hours a day. He said that there are two deputies patrolling the area right now. He said that there has never been a call in Montverde that was not answered. Montverde does not have a crime wave going on. He asked if it is working, why change it? He says no matter how many deputies are on the street, some crime is still going to happen. He said that Montverde's deputy Andrea McKane does not work 9:00 – 5:00. She varies her schedule as needed and changes her hours constantly. Captain Moss said that he has a lot of faith in her, and she has been a great deputy over the years.

Captain Moss stated that it does cost the Town \$84,000 for Andrea, but it actually costs the Sheriff's Office a lot more to pay for and outfit a deputy. Paying for a vehicle, gas, insurance, training, attire, and time totals a lot more than \$84,000.

Captain Moss stated that if the Town chooses to go with the off-duty detail option, he does not think the Town will get what they expect. He said that he feels responsible for the safety of Montverde, and he is very concerned about going to off-duty detail.

Councilman Pierce asked if all off-duty detail provided by the Sheriff's Office was static. Captain Moss replied yes. He said that the Town hires off-duty detail, then the Town would have to assume liability for the deputy. He said under a contract, the Sheriff's Office would assume responsibility for the deputy. Councilman Pierce asked for clarification, as he had never heard about liability before. Captain Moss reiterated that if the Town hired a contracted deputy, the Town would be liable for any problems.

Councilman Wynkoop said that he did not believe that, and he challenged that fact. He said that the Public Safety Committee, with over 200 years experience, has recommended this, and we should not ignore their ideas. He said that residents are already paying taxes for service from the Sheriff's office.

He said that if the Town could hire an off-duty deputy, the Town could tell them when to work and when to be here. He said that he is in Town all day long, and he never sees Andrea in Town. He says he feels like a lot of people could say that they've never even seen a deputy drive down their street. He said that he is going with the committee, because they have over 200 years experience. He said he can't ignore what they've done. Captain Moss replied that he has over 40 years experience as well.

Councilman Burns stated to Councilman Wynkoop that Captain Moss is not knocking the committee. He said that Lake County has certain ways of doing things, and they don't necessarily align with what the committee wants. Councilman Wynkoop stated that the Sheriff sat in the Town Hall Auditorium and stated that he has deputies lined up for off-duty detail. He said the Town needs to figure out a way to pay them.

Captain Moss reiterated that there is nothing broke in Montverde, and the Town would be taking a big chance going with a different type of coverage, when there is no safety issue to improve on. He asked Council when this situation does go bad, who are they going to turn to? He said that they have been through negotiations with the Mayor, and they have conceded some things to the Mayor, but that the current contract is as good as it gets, and there will not be any more revisions.

Captain Moss then stated that nobody in Town will have authority over the deputies. He said that the Sheriff is responsible for the deputies, and he will not turn over his authority to anyone else. The Town will not have the ability to tell the deputies which type of detail to run, which areas to patrol, etc.

Councilman Pierce said that it seems like to him that the Public Safety Committee has come up with a great plan, but that the Sheriff's Office does not offer that product. Mayor Bennett said that the committee is looking for more bang for the buck. He said that the reason he asked the Sheriff to come tonight, is because for the last several months, Councilmen and the committee have been asking the Mayor to talk to the Sheriff, to negotiate with him, etc. Mayor Bennett said that he has had many conversations with the Sheriff over eight years, and he understands what the Sheriff is willing and unwilling to do. He has been telling the truth that the Sheriff will not agree to certain conditions. And he asked the Sheriff to come so that everyone could hear it straight from him.

Councilman Wynkoop interjected that Captain Moss is not the Sheriff, and the Sheriff told him in two separate meetings that he has deputies waiting in line. Mayor Bennett stated that the solution may be to keep the contract, and pay use extra money for off-duty detail to augment coverage. Councilman Pierce stated that this was current Council directive, and the money has been in the budget for it, it is just that nobody knows how to spend the money. Councilman Pierce says that he wants to know what is broke to know how to fix it. He said that he likes the committee's plan, but he is hearing from the vendor that the product is not available.

Councilman Wynkoop said that the Sheriff sat here twice and said that it was \$35 an hour. This was the first he was hearing that there was a cost for the car. He said that he talked to Mascotte, Clermont, and Minneola and the cost is only \$35 an hour. Councilman Pierce said that for \$35 an hour, they are not

going to set up speed traps, they are not going to patrol, they are not going to set up drug stings; it will be just static patrol.

Councilman Wynkoop asked if Captain Moss was stating that the deputy would just come here and sit and do nothing. Captain Moss said that the patrol would be static. Councilman Wynkoop said that when Target hires an off-duty deputy, he doesn't just sit in the parking lot. Captain Moss reiterated that the patrol would be static.

Councilman Wynkoop stated that the committee's proposal of 24 hour a day coverage would only cost around \$72,000. Captain Moss said that he understands the Town looking at dollars and cents, but safety is more important.

Bill Broeker stated that the importance of law enforcement is presence. A deputy driving around a two-square mile Town would provide a lot of presence.

Councilman Wynkoop stated that the Town is paying \$84,000 for 2000 hours of coverage, and Andrea is maybe here 1,600. He asked residents if anyone agreed with him. A resident stated that he did not see the need for 24-hour coverage because if you call the Sheriff's office, they will always respond. There does not need to be a deputy located directly in Town for them to respond.

Councilman Pierce asked Councilman Wynkoop what he saw that indicated that 24-hour coverage is necessary. Bill Broeker stated that omnipresence is what keeps crime from happening. Councilman Pierce agreed, but said that he is unwilling to take responsibility and liability for the safety of the Town. He would rather rely on the experts.

Councilman Nix stated that he appreciates the committee's work, but he has reservations about the off-duty detail. He said that an expert manager would be necessary to manage the detail. He also said that he disagreed with Councilman Wynkoop and stated that he felt that it would be a huge liability for the Town. With the Sheriff's contract, there is a buffer for the Town. He thinks that off-duty detail is the wrong way to go right now.

Councilman Wynkoop said that he can't agree with the liability issue, because the deputy driving around in the Sheriff's vehicle would be covered under the Sheriff's liability. Councilman Nix said that he would have to see it in writing to agree with it. He said that he'd be willing to bet that the Town would be directly liable. Councilman Wynkoop said that the Town would not. He said that Bill Broeker has managed off-duty deputies for many years with Sea World, and he is saying we are not. Councilman Nix said that is way too much liability to take someone's word for it; the Town would need a professional legal opinion. Councilman Wynkoop said to put the liability issue to the side, and asked Councilman Nix what his other reservations were. Councilman Nix said that the scheduling was a big issue for him, as it would require paid personnel to schedule. Councilman Wynkoop said that it would not be that hard to schedule deputies or pay them; it would just require another three or four hours a month.

Mayor Bennett said that the Sheriff said that the Town would physically provide a check to the deputy immediately before his shift. Councilman Wynkoop said that there were only two issues: liability and scheduling and paying. Beside these issues, he asked if there were any other issues. Councilman Nix said that he just likes the idea of having the same deputy all the time. He says that he sees Andrea frequently patrolling in Town, and that she has even set up radar by his house on CR 455. Councilman Wynkoop said he is in Town all day every day, he does not travel for work, and he never sees her.

Councilman Peacock asked if we paid for Andrea's time once she got to Montverde, or if we paid for her time to travel to Montverde. Councilman Wynkoop stated that we pay for her time to get in her car and drive over to Montverde. Captain Moss disagreed and said that that is not always the case.

Mayor Bennett stated that this discussion has been going on for eight years. Councilman Pierce said that the Town has a plan, but the Sheriff's Office cannot deliver a product. He said that Councilman Wynkoop wants to get more value for his money. He said that the Town has the ability to spend a lot of money to provide as much protection as possible. And the bottom line is, who has the ability to manage the deputy? Who can control whether they are here or not? What is going to happen when we change the system, and someone comes to a Councilman and says why wasn't a deputy here, and why is so-and-so dead? He said that he does not have the expertise to run a police department in this town, and nobody else does either.

Bill Broeker said that the Town could have a discussion with the Sheriff and work out an arrangement where the Town does not pay the deputy for every shift, and instead, they pay periodically. Mayor Bennett replied that he has had that conversation with the Sheriff many times, and he will not agree to do that. But nobody believes him, and that is why he asked Sheriff Borders to be here tonight.

Councilman Wynkoop said that the Sheriff has told him in the past that they could work out a pay arrangement. He said that Captain Moss is not the Sheriff. Mayor Bennett said that he has been talking to Sheriff Borders, not Captain Moss, and he said no. Councilman Wynkoop said that he talked to Sheriff Borders too, and he said yes.

Captain Moss said that the bottom line is does the Town of Montverde want to get into the law enforcement business? Councilman Wynkoop told Captain Moss that he can scare us, but that is not the real issue. Captain Moss said that he is not trying scare anyone. Councilman Wynkoop asked to have another meeting with the Safety Committee and invite Sheriff Borders to hash it out. Mayor Bennett asked if Councilman Wynkoop does not believe anything he has told him.

Councilman Wynkoop said that we have a committee that has been meeting a lot, have a ton of experience, they live here, they don't just drive through, and they are giving us their knowledge and we are not listening to them. He said that it did not work in the past, but that is because we did not have the right people running it. He said that Graham could handle it, or we could hire someone else to manage it.

Councilman Pierce asked the committee to write up their plan and present it to Council so that it can be presented to the Sheriff's Office. He said that he read the Committee minutes, and the plan being presented tonight was not included. So he is not sure how the plan came about, but he would like to receive a copy. Councilman Wynkoop said that once the committee does that, then Council needs to meet with the Sheriff.

Bill Broeker said that if the Committee told the Sheriff that the Town would be providing his deputies with a lot of detail and a lot of extra money, that he would probably be willing to allow periodic payments to the deputies.

Captain Moss said the Sheriff's Office is responsible for the safety of the residents of Montverde. And he feels they have done a great job over the years in keeping Montverde safe. Councilman Wynkoop replied that he does not feel like the Town is getting as much service as they should be getting.

Mayor Bennett told Council that the Town has been operating without a Sheriff's contract all year. He said that the Sheriff's Office is pushing for a decision on this contract, and they have even sent a bill for services year-to-date.

Councilman Pierce said that he has heard from residents, and he really appreciates the committee's hard work. He said that he feels that Councilman Wynkoop has an opinion and he is representing himself. Councilman Pierce said that he himself wants to represent the people. He said he has never heard from a resident saying that the service is bad, or they feel unsafe, or the Town should not spend the money. Councilman Wynkoop said that he is not only representing his opinion, he is representing other who have come to him. Councilman Peacock said that the Councilman could do nothing, not sign the contract, and the residents could have the same level of service that everyone in unincorporated Lake County has.

Mayor Bennett opened the floor for public comment. A resident stated that she felt that Council, the Committee, and the Sheriff's Office should all get together and present their proposals. Then, the proposals should be presented to the public for them to make a decision. Mayor Bennett said that he'd say this one more time: Sheriff Borders told him 14 days ago that there would be no more negotiating.

Mayor Bennett said that he does not disagree with the committee, it is just that he has talked to the Sheriff several times, and he does not have a product that the committee wants. Councilman Wynkoop said that is not what he was told. Mayor Bennett replied that he does not know what meeting Councilman Wynkoop had with him, but he has heard from the Sheriff over and over again that he is not going to negotiate any further. Councilman Wynkoop said that the Sheriff told him over the phone several times that if the Town wanted out of the contract, that he would easily let them out, that the Town could hire off-duty deputies, and there would be no liability to the Town.

Councilman Peacock asked what the "out" was. Mayor Bennett said six months. The Town would have to notify the Sheriff's Office six months in advance to exit the contract. Councilman Wynkoop said that



the Sheriff told him six weeks. Mayor Bennett asked why a Councilman was negotiating contracts for the Town, as the Town Charter states that the Mayor negotiates contracts. Councilman Wynkoop said that he has people asking him about it, so he has called the Sheriff three or four times. He said the Mayor is welcome to call the Sheriff with him.

**MOTION by Councilman Pierce for the Mayor to sign the renewal contract with the Sheriff's Office, SECONDED by Councilman Burns.**

Councilman Burns asked how hard it would be to get Sheriff Borders to meet with the Council and the committee. Mayor Bennett said that he is not opposed to that, it is just that no one is listening to him when he says that the Sheriff said he will not negotiate any more. Graham Wells stated that the Sheriff is scheduled to come to the meeting tonight, he is just held up at the County budget hearing. Mayor Bennett asked Captain Moss to call Sheriff Borders and find out if he is on his way.

Councilman Nix stated that if the Sheriff did not make it to the meeting tonight, that Council could just approve the contract for this year, and negotiate the next year. Councilman Wynkoop said that there is nothing making the Town enter into this contract right now.

Ruth Ryan stated that she did not understand why the Town had to fix something that wasn't broken. Councilman Wynkoop said that that was her opinion. Councilman Burns asked for a short break while awaiting for the Sheriff to arrive.

**Five-Minute Recess**

During the recess, Councilman Wynkoop and Councilman Peacock left the meeting and did not return. In 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.

Respectfully submitted,

  
Troy A. Bennett, Mayor

  
Glenn Burns, Council President

  
Graham Wells, Town Clerk

