

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

April 16, 2013

Present were Chair John Spears, Board Members Norma Sutton, Stephen Withers, Jim Willard, Jennifer Roper and Frank Chase. Town Manager Robert Smith, Liaison Molly Rose, and Town Clerk Dorothy Burkhalter were also present. Member Bob Sprick was absent.

Chair Spears called the meeting to order at 7:00pm. He then led everyone with the pledge of allegiance. Chair Spears requested a moment of prayer for Boston Marathon tragedy.

Minutes Approval:

Member Withers made a motion to approve the minutes of March 19, 2013, as presented. Member Sutton seconded the motion. All were in favor.

OLD BUSINESS:

- **Free Standing ATM Request at 102 W 6th Avenue**

Chair Spears introduced this item. He then questioned if the legal matters involving the town had been addressed? Manager Smith stated that the Town will be protected. Mr. Mark Allen, requester of the ATM, reviewed the location and lighting. He stated that he has received many requests to move the machine to a more convenient location. Mr. Allen commented that with the Farmers Market, Food Truck night and other venues, a more convenient location is needed. He also stated that the landlord has placed restrictions on the ATM machine and signage. Member Roper questioned if the town had a code regarding vending machines. Manager Smith stated he was unaware of any. Brief discussion followed regarding liabilities, indemnification, and lighting. Chair Spears opened the floor to the public. Mr. Pahlow of 48 Main Street stated that he would rather the machine remain in the ice-cream shop. No further comments were made. Chair Spears returned the discussion to the Board Members. Member Sutton made a motion to recommend approval of the request. Member Withers seconded the motion. Member Roper questioned if the building is on the Historical Registry? Manager Smith stated that the current administration building is not on the Historical Registry. Member Withers requested that the bulbs be shielded and point downward. Member Sutton stated she would like to include that the bulbs be shielded and point downward in her original motion. Member Withers was friendly to the amendment. Member Chase questioned if the indemnification clause could include wording that if a problem arises with the ATM and public safety, it could be removed? Manager Smith explained that the Town owns the property and any wording can be put in the lease agreement. Chair Spears question if ADA requirements needed to be met. Manager Smith stated that the Florida Statutes and/or the Florida Building Codes will be adhered to. He also commented that permitting/building inspections will be made. Some discussion followed. Voting was as follows: Sutton – yes, Withers –yes, Spears – yes, Willard – yes, Roper – no, and Chase – yes. Motion carried 5-1. Chair Spears advised the applicant that the DRB is a recommending Board. He explained that the Town Council will approve or deny the request at their May 14th Council meeting.

Chair Spears commented on the past Council meeting. He explained that Mayor Bruhn acknowledged all town volunteers. Chair Spears commented that he the entire Board should have been present.

NEW BUSINESS:

NONE

ADJOURN:

Member Willard made a motion to adjourn the meeting. Member Withers seconded the motion. All were in favor.

Meeting adjourned at 7:19p.m.

Dorothy Burkhalter, Town Clerk

John Spears, Chair