

THE TOWN OF
Windermere



MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE

**Mayor Jim O'Brien
Council Members
Robert McKinley
Andy Williams
Chris Sapp
Bill Martini
Liz Andert**

Agenda

Agenda

**November 12, 2019
6:00 PM**

**WINDERMERE TOWN HALL
520 MAIN STREET
WINDERMERE, FL 34786**

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversations shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council.
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. **PLEASE NOTE:** IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the

AGENDA

- THE MEETING IS CALLED TO ORDER BY THE MAYOR
- FLAG SALUTE
- INVOCATION

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

- a. Windermere Mayoral Proclamation Recognizing the Young Marines for their work toward a Drug Free America (Attachment-Mayor to present)

3. TIMED ITEMS AND PUBLIC HEARING

- a. ORDINANCE NO. 2019-06: Ridgewood One Way (Attachments-Public Hearing) Needs to be tabled to December 12th Meeting due to lack of advertising.

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO SAFETY; DESIGNATING RIDGEWOOD DRIVE FOR ONE-WAY TRAFFIC AND PROVIDING AUTHORITY TO THE TOWN MANAGER TO INSTALL OFFICIAL TRAFFIC CONTROL DEVICES; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

4. CONSENT AGENDA

- a. 2020 Vote Processing Equipment Use Agreement and Elections Services Contract for Municipal Elections (Attachments-Staff Recommends Approval)
- b. Fourth Amendment to the Medical Transportation Services Agreement between the Town of Windermere and American Medical Response (AMR) (Attachments-Staff Recommends Approval)
- c. Z19-14 – Boat Dock Variance for 219 W 2nd Avenue (Attachment-DRB Tabled until December 17, 2020)

5. NEW BUSINESS

a. MINUTES

- i. August 13, 2019 Regular Town Council Meeting Minutes (Attachments-Staff Recommends Approval)
- ii. August 27, 2019 Special Called Tow Council Meeting Minutes (Attachments- Staff Recommends Approval)

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

- i. Resolution 2019-08: Moving Town Council Meeting to December 18, 2019. (Attachment-Staff Recommends Approval)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE
RESCHEDULING THE DECEMBER 10, 2019, 6:00 P.M. REGULAR TOWN COUNCIL MEETING
TO DECEMBER 18, 2019 AT 6:00 P.M.

- ii. RESOLUTION # 2019-09 (Attachments-Staff Recommends Approval)

A RESOLUTION AMENDING THE GENERAL FUND FOR THE BUDGET YEAR 2018/2019
THE TOWN OF WINDERMERE

- iii. RESOLUTION NO. 10: Police Vehicle Purchase #44 (Attachments-Staff Recommends Approval)

A RESOLUTION OF THE TOWN OF WINDERMERE OF ORANGE COUNTY, FLORIDA,
AUTHORIZING THE ISSUANCE OF A NOTE IN THE AMOUNT OF \$39,634.08 FOR THE
PURPOSE OF PAYING THE COSTS OF PURCHASING A PUBLIC SAFETY VEHICLE;
DELEGATING TO THE TOWN MANAGER OF THE TOWN, SUBJECT TO COMPLIANCE WITH
THE APPLICABLE PROVISIONS HEREOF, THE AUTHORITY TO AWARD THE SALE OF
SUCH NOTE TO SYNOVUS BANK PURSUANT TO A TERM SHEET; APPROVING THE FORM
OF AND AUTHORIZING THE EXECUTION OF A BUSINESS LOAN AGREEMENT AND
PROMISSORY NOTE; MAKING CERTAIN FINDINGS; AUTHORIZING CERTAIN OFFICIALS OF
THE TOWN AND OTHERS TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE
ISSUANCE, SALE AND DELIVERY OF SAID NOTE; AND PROVIDING AN EFFECTIVE DATE.

- iv. Ordinance 2019-07 – Renaming Rosser Reserve to Lake Down Reserve and Rosser Reserve Lane to Down Reserve Court (Attachments-First Reading)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA TO APPROVE RENAMING A
PLATTED SUBDIVISION FROM ROSSER RESERVE TO LAKE DOWN RESERVE AND TO
APPROVE A STREET NAME CHANGE FROM ROSSER RESERVE LANE TO DOWN RESERVE
COURT WITHIN THE SUBDIVISION, RECORDED IN ORANGE COUNTY PUBLIC RECORDS
AT PLAT BOOK 91, PAGES 17-19; PROVIDING FOR FINDINGS, SEVERABILITY, AND AN
EFFECTIVE DATE

- v. Ordinance 2019-08 – Vacating a Portion of the Right-of-Way of West 1st Avenue and Pine Street (Attachments-First Reading)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A PORTION OF
WEST 1ST AVENUE AND PINE STREET, AS MORE PARTICULARLY DESCRIBED HEREIN;
RESERVING UNTO THE TOWN OF WINDERMERE A 15-FOOT UTILITY EASTMENT ALONG
THE VACATED CENTERLINE OF WEST 1ST AVENUE WITHIN THE PORTION OF THE
VACATED PORTION OF WEST 1ST AVENUE AND PINE STREET; CONVEYING FEE SIMPLE
OWNERSHIP OF THE VACATED PROPERTY TO FERNANDO AZPURUA, OWNER OF 92 PINE
STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE

c. BOARD & COMMITTEE APPOINTMENTS

i. Windermere's Active Youth "The W.A.Y Forward":

1. Chairperson: Grace Foglia (W.A.Y Forward Committee Recommends Approval)

6. MAYOR & COUNCIL LIAISON REPORTS

- a. MAYOR O'BRIEN
- b. COUNCILMAN MCKINLEY
- c. COUNCILMAN WILLIAMS
- d. COUNCILMAN SAPP
- e. COUNCILMAN MARTINI
- f. COUNCILMEMBER ANDERT

7. STAFF REPORTS

- a. TOWN MANAGER ROBERT SMITH
- b. TOWN ATTORNEY TOM WILKES
- c. POLICE CHIEF DAVE OGDEN
- d. PUBLIC WORKS DIRECTOR SCOTT BROWN

8. ADJOURN

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- REPORTS: NO ACTION REQUIRED
 - FILED ITEMS
 - a. Town Council Liaison Reports
 - b. Projects Meeting Notes
 - IMPORTANT DATES

November

- 11/14 – Parks & Recreation Meeting
- 11/15 – Farmers Market
- 11/19 – Development Review Board Meeting
- 11/21 – Windermere Tree Board Meeting
- 11/22 – Farmers Market
- Food Truck Night
- Light Up Windermere
- 11/26 – Town Council Workshop
- 11/27 – Historical Preservation Board Meeting
- 11/28 – Thanksgiving. Town Offices CLOSED
- Long Range Planning Committee Meeting RESCHEDULE TBD
- 11/29 – Town Offices CLOSED

December

- 12/3 – Code Enforcement Hearing

- **12/4 – Downtown Business Committee Meeting**
- **12/5 – Food Truck / Farmers Market Selection Committee Meeting**
- **Oral History Project Subcommittee Meeting**
- **12/6 – Farmers Market**
- **Holiday Hoopla**
- **12/10 – Elders Luncheon**
- **12/10 - County Town Hall Meeting**
- **12/12 – Parks & Recreation Meeting**
- **12/13 – Farmers Market**
- **12/17 – Development Review Board Meeting**
- **12/18 - Town Council Meeting**
- **12/19 – Windermere Tree Board Meeting**
- **12/20 – Farmers Market**
- **12/24 – Christmas Eve. Town Offices CLOSED**
- **Town Council Workshop RESCHEDULE TBD**
- **12/25 – Christmas Day. Town Offices CLOSED**
- **12/26 – Long Range Planning Committee Meeting**
- **12/27 – Farmers Market**
- **Food Truck Night**
- **12/31 – New Year’s Eve. Town Offices CLOSED**



**WINDERMERE MAYORAL PROCLAMATION RECOGNIZING THE YOUNG MARINES
FOR THEIR WORK TOWARDS A DRUG FREE AMERICA**

WHEREAS: Communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS: There is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS: Governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS: The red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS: The Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS: October 23-31 has been designated as National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

NOW, THEREFORE, I, Jim O'Brien, as the Mayor of the Town of Windermere, do hereby proclaim October 23-31 as Red Ribbon Week in the Town of Windermere and urge all citizens to join me in this special observance.

Dated this 12th day of November, 2019.

**Jim O'Brien,
Mayor, Town of Windermere**

ORDINANCE NO. 2019-06

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA
PERTAINING TO SAFETY; DESIGNATING RIDGEWOOD DRIVE FOR
ONE-WAY TRAFFIC AND PROVIDING AUTHORITY TO THE TOWN
MANAGER TO INSTALL OFFICIAL TRAFFIC CONTROL DEVICES;
PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.**

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Legislative Findings and Intent. The Town Council of the Town of Windermere hereby makes and declares the following findings and statements of legislative intent:

(1) The Town of Windermere has experienced a great deal of cut-through traffic through its residential streets, creating hazards and safety issues for residents.

(2) Section 316.088 of the Florida Statutes allows the Town to designate, by official traffic control devices, any roadway under its jurisdiction for one-way traffic.

(3) The Town has held numerous workshops and public meetings with Town residents on the traffic issues and as part of a strategy to provide safer residential streets, the Town Council hereby determines and declares that Ridgewood Drive shall be designated for one-way traffic from Lake Street to Lee Street.

Section 2. Approval of designation of Ridgewood Drive for one-way traffic. Ridgewood Drive is hereby designated for one-way traffic from Lake Street to Lee Street, and the Town Manager or his designee is hereby authorized to take all actions necessary to install the official and required traffic control devices on Ridgewood Drive and to take any other actions needed to effect the purpose of this Ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its enactment.

APPROVED AND ADOPTED by the Town Council of the Town of Windermere on the ____ day of _____, 2019.

Town of Windermere, Florida

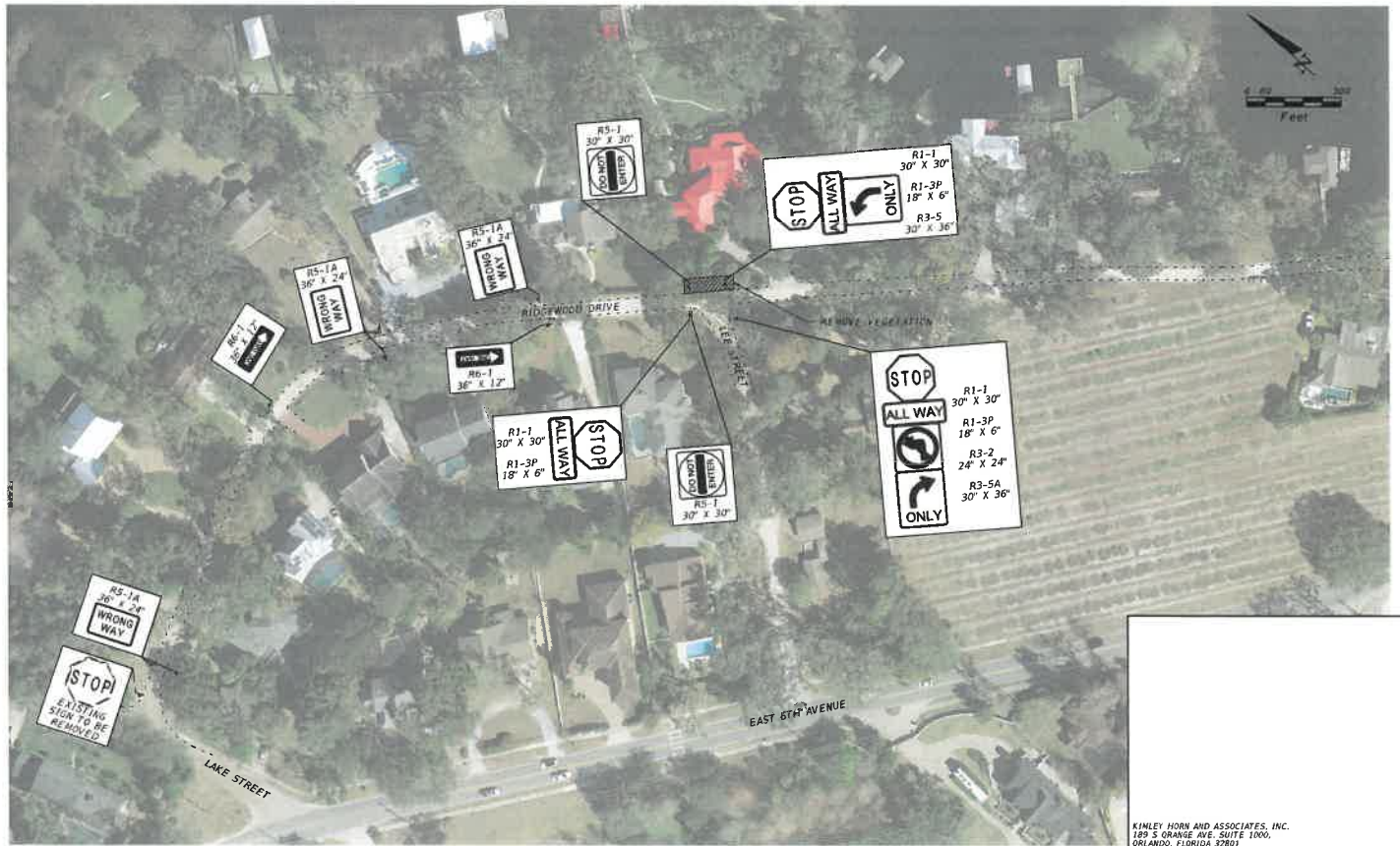
By: Town Council

By: _____
Jim O'Brien, Mayor

Attest:

Dorothy Burkhalter, MMC, FCRM
Town Clerk

First Reading: October 8, 2019
Second Reading: November 12, 2019



KIMLEY HORN AND ASSOCIATES, INC.
 189 S ORANGE AVE. SUITE 1000,
 ORLANDO, FLORIDA 32801
 REGISTRY NO. 696
 MICHAEL R. WOODWARD, P.E. NO. 70009

REVISIONS	
DATE	DESCRIPTION

Kimley Horn
 Registry No. 696
 Michael R. Woodward, P.E.
 P.E. License No. 70009
 189 S Orange Avenue, Suite 1000
 Orlando, FL 32801

**CITY OF
 WINDERMERE**

**RIDGEWOOD DRIVE
 ONE-WAY CONVERSION
 SIGNAGE PLAN**

SHEET
 NO.
 1



**2020
VOTE PROCESSING EQUIPMENT
USE AGREEMENT AND
ELECTIONS SERVICES CONTRACT
FOR MUNICIPAL ELECTIONS**

This Vote Processing Equipment Use Agreement and Elections Services Contract (hereinafter referred to as the “Agreement”) is hereby entered into by and between the **Orange County Supervisor of Elections Office**, (hereinafter referred to as “SOE”) and the **Town of Windermere, Orange County, Florida**, (hereinafter referred to as “MUNICIPALITY”).

RECITALS:

WHEREAS, pursuant to Section 101.34, Florida Statutes, SOE is the legal custodian of certified vote processing equipment owned by Orange County, Florida and is hereby charged with the responsibility for custody and maintenance of said equipment; and,

WHEREAS, MUNICIPALITY desires, or is otherwise statutorily obligated, to conduct an election that requires the use of vote processing equipment to count ballots; and,

WHEREAS, All vote processing equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment; and,

WHEREAS, The Orange County Board of County Commissioners has authorized SOE to provide any necessary terms and conditions for the use of such voting equipment; and,

WHEREAS, SOE can provide the necessary personnel to program, operate and maintain said equipment; and,

WHEREAS, MUNICIPALITY hereby acknowledges full responsibility for any and all applicable requirements under the Florida Election Code and any provisions of the city charter or municipal ordinances which may not be addressed or included in this agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual promises, terms and conditions stated herein SOE and MUNICIPALITY agree as follows:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein.

SECTION 2. Agreement. SOE shall provide to MUNICIPALITY such necessary vote processing equipment and services according to the terms and conditions stated in this Agreement, for the purposes of conducting a General Election to be held on Tuesday, March 17, 2020, in conjunction with the Presidential Preference Primary (PPP) along with the necessary equipment and services to facilitate any early voting sites and polling places as may be necessary and agreed upon by the parties.

SECTION 3. Operation and Programming Services.

****DS200** For each election, MUNICIPALITY shall pay SOE One Hundred Fifty Dollars (\$150.00) for the program and maintenance of any DS200 tabulator and Seventy-five Dollars (\$75.00) for each additional identically programmed tabulator. For Early Voting, MUNICIPALITY shall pay SOE Seventy-five Dollars (\$75.00) for the program, maintenance and operation of each DS200 tabulator that is identically programmed and operated as the Election Day DS200 tabulators.

****ADA Equipment.** For each election, MUNICIPALITY shall pay SOE One Hundred Fifty Dollars (\$150.00) for the program and maintenance of any ADA Voting Equipment and Seventy-five Dollars (\$75.00) for each additional identically programmed machine. For Early Voting, MUNICIPALITY shall pay SOE Seventy-five Dollars (\$75.00) for the program, maintenance and operation of each ADA machine that is identically programmed and operated as the Election Day ADA machines.

****High-Speed Counter** For each election, MUNICIPALITY shall pay SOE Two Hundred Dollars (\$200.00) for the program, maintenance and operation of any M650 high-speed ballot counting equipment. Such fee shall include up to four (4) hours of processing time, election set-up and coordination, programming of high-speed ballot counting equipment and processing of envelopes through the automatic envelope openers. For each additional hour needed to provide the services described in this paragraph, MUNICIPALITY shall pay SOE Fifty Dollars (\$50.00) per hour.

****ePoll Books** For each election, MUNICIPALITY shall pay SOE Seventy -five Dollars (\$75.00) for data base set-up and maintenance of each precinct tablet set-up, which includes 2 Epoll Books and 1 Help Desk tablet per precinct. Additional check in tablets will be charged at Seventy-five Dollars (\$75.00) each.

Repairs For any election, all maintenance, repairs or other troubleshooting services for vote processing equipment, including any processors or tablets, will be performed exclusively by SOE and such services are included in all stated charges. However, SOE does reserve the right to seek reimbursement from MUNICIPALITY for any repairs or maintenance caused by any negligent or unauthorized acts by any employee or representative of MUNICIPALITY.

SECTION 4. **Additional Early Voting Services for Off-Site Locations for Non-Ballot-on-Demand Method

Tablets For each early voting site other than the office of the SOE, MUNICIPALITY shall pay SOE Three Hundred and Seventy-Five Dollars (\$375.00) for the program and operation of two check-in stations. Such service fee includes the downloading or uploading of any necessary data. These charges are per election.

Printers For each early voting site other than the office of the SOE, MUNICIPALITY shall pay SOE One Hundred and Seventy-Five Dollars (\$175.00) for the programming, configuration and set-up of any connected printer. These charges are per election.

Delivery For each early voting site other than the office of the SOE, MUNICIPALITY shall pay SOE Two Hundred Dollars (\$200.00) for the delivery, set-up and/or pick-up of any early voting equipment. These charges are per election.

SECTION 5. **Other Election Charges.

Supplies For each election, MUNICIPALITY shall pay SOE for consumable precinct supplies at a rate of One Hundred Fifty Dollars (\$150.00) for each precinct and each Early Voting site. SOE will arrange pick up of precinct supplies no later than the day after the election. MUNICIPALITY shall also identify and provide a secure place for precinct clerk(s) to return supplies and voted and unvoted ballots on election night.

PAPER PL/PR For each election, MUNICIPALITY shall pay SOE the actual costs incurred to produce, print and bind Poll Lists/Precinct Registers ("PL/PR"), including any paper or delivery costs. SOE shall have sole discretion in selecting a third party vendor to perform the requisite printing and binding services.

Communication For each election, MUNICIPALITY shall pay SOE for any actual costs incurred by SOE from a third party telecommunications provider for the set-up, activation, use and deactivation of any telephone or wireless internet lines which in the SOE's sole discretion are necessitated at any voting site. MUNICIPALITY shall also pay SOE for the cost incurred for paying Poll Workers for use of personal cell phones as needed for Election Day communication. Selection of the third party telecommunications providers shall be at the preference of SOE.

Indexes For any Street Indexes ordered or required, MUNICIPALITY shall pay SOE nine Dollars (\$9.00) as a set-up fee plus twenty-five Cents (\$.25) for each printed page.

Vote by Mail ballots For each election, MUNICIPALITY shall pay SOE One Dollar and Seventy-five Cents (\$1.75) for each Vote by Mail ballot request processed plus actual postage costs. MUNICIPALITY shall also pay SOE ten Cents (\$.10) for each Vote by Mail ballot signature verified. MUNICIPALITY may choose to pay return postage for Vote by Mail ballots at the actual cost incurred.

Early Voting MUNICIPALITY shall reimburse SOE for any overtime hours by SOE staff due to weekend hours for Early Voting locations including any hours accrued by SOE staff at the offices of SOE. SOE may elect to evenly apportion the costs for early voting overtime hours among various municipalities, if appropriate, but in no event shall SOE be obligated to apportion such costs. SOE shall insure that experienced SOE personnel staff each Early Voting site, in accordance with Florida law.

Notices For each election, MUNICIPALITY shall pay SOE twenty-five cents (\$.25) for each Notice of Election that is mailed to each eligible voter plus actual postage costs.

Fee Schedule For each election, MUNICIPALITY shall pay SOE for any other goods or services not specifically provided for in this Agreement but that may be described or listed in the latest Municipal Fee Schedule as distributed to MUNICIPALITY. MUNICIPALITY agrees that the Municipal Fee Schedule and the prices contained therein are subject to change.

Other For each election and upon proper notice to MUNICIPALITY, MUNICIPALITY shall pay SOE for any other election services not contemplated herein which may be needed to conduct an orderly election.

SECTION 6. Term. For each election, the terms of this Agreement begins on the Effective Date and concludes when ballots have been processed, election results have been certified, all vote processing equipment has been returned to the SOE's warehouse and an audit, if applicable, has been completed. In the event of an election contest or challenge, SOE agrees to cooperate in complying with court orders and providing any public records which the SOE maintains or otherwise controls.

SECTION 7. Applicable Requirements of Florida's Election Code. MUNICIPALITY shall properly call the election in accordance with any Florida Statutes, applicable charter provisions or city ordinances. MUNICIPALITY agrees that the Municipal Clerk is responsible for the conduct of the city's elections and for ensuring compliance with all applicable Florida Statutes, including the Florida Election Code and any municipal charter provisions and ordinances. Any obligations or duties not set forth in this Agreement shall be the sole responsibility of MUNICIPALITY. To the extent that the SOE is contractually assisting the MUNICIPALITY per this agreement, SOE shall maintain compliance with each of the statutes, codes, municipal charter provisions, and ordinances referenced

above. MUNICIPALITY and SOE agree that the terms of this contract may require modification to allow compliance with any new legislation or rules promulgated by the Division of Elections as a result of any new enactments by the Florida Legislature pertaining to the Florida Election Code.

SECTION 8. Notice and Advertisement of Elections. MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter & city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Orange County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

SECTION 9. Qualifying of Candidates. MUNICIPALITY may provide qualifying packets to candidates. MUNICIPALITY shall accept and process all qualifying papers and fees. For audio ballots, MUNICIPALITY shall collect pronunciation guides from candidates at the time of qualifying and shall submit them to SOE at the close of qualifying.

If petitions are part of qualifying process, MUNICIPALITY shall pay to SOE ten (10) cents per name checked to verify any signatures on qualifying petitions. SOE agrees to verify any signatures for any qualifying petitions submitted by MUNICIPALITY.

In no event shall SOE issue any recommendations or make any legal determinations as to the qualifications or eligibility of any candidate for municipal office.

SECTION 10. **Printing of Ballots and Ballot Services. MUNICIPALITY shall place an order for a sufficient quantity of Election Day ballots with a third party printer as selected exclusively by SOE. MUNICIPALITY shall provide prompt payment to the third party printer for the cost of any printed ballots or election materials. MUNICIPALITY shall also pay SOE a per ballot fee for each Vote by Mail and Early Voting ballot printed.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, all ballot information in English and Spanish including the name the names of the candidates as they are to appear on the ballot; the name of the Municipality; the name of the election; the title of office and/or referendum title; explanation; and questions.

SOE agrees to provide the layout of the ballot(s) based on the information furnished by MUNICIPALITY and deliver ballot layout to the approved printer. MUNICIPALITY will place ballot order with printer. Both SOE and MUNICIPALITY must sign off on ballot proof(s).

Once test ballots are received from the printer, SOE will test all vote processing equipment in accordance with the standards established by the Florida Division of Elections and any applicable Florida Statutes. Upon receipt of the printed ballots from the printer, SOE shall receive, securely store and account for all ballots until disbursed to Early Voting locations or to poll clerks. SOE shall also control and limit all access to unvoted ballots while in the possession of SOE.

SECTION 11. Poll Workers. SOE will select poll workers from a group of experienced poll workers. SOE will assign back-up poll workers to be available on Election morning. SOE shall provide MUNICIPALITY with a list of poll workers and Adopt-A-Precinct organizations and will train all poll workers in accordance with the Florida Election Code and other guidelines, procedures or regulations as followed or adopted for the conduct of elections in Orange County. Clerk for MUNICIPALITY, or a representative, shall be in attendance for poll worker training sessions, at minimum the Poll Clerk training. SOE shall distribute all necessary supplies and ballots at poll worker training sessions. **MUNICIPALITY shall pay poll workers directly for their services at pay rates previously established by SOE.

SOE will select and train early voting staff. SOE will pay early voting staff directly for their services. **MUNICIPALITY will be billed for any overtime charges incurred due to Early Voting. If additional staff through a temporary employment agency is required for Early Voting sites located at the SOE office, SOE will recruit staff through the agency and MUNICIPALITY will be billed directly for the cost incurred.

SECTION 12. **Selection of Polling Places and Early Voting Sites. SOE shall approve any Polling Place(s) and Early Voting site(s) intended for use as a voting location. SOE shall provide MUNICIPALITY with contact information for any established County polling places. Each location shall meet necessary ADA requirements. MUNICIPALITY shall conduct an onsite inspection of all polling places, including any early voting locations used other than the office of SOE, and confirm that such locations are accessible to disabled voters. SOE reserves the right to select a suitable alternative if any proposed site fails to meet SOE approval. MUNICIPALITY shall provide a list of proposed polling places and early voting sites no later than thirty-five (35) days prior to the date of the election. MUNICIPALITY shall enter into polling place agreements, if needed, and pay any rental fees or usage fees directly to the polling place.

MUNICIPALITY shall notify SOE in writing if any tables or chairs will be required. Note that each polling place must, as determined by SOE, provide a minimum number of tables and chairs. MUNICIPALITY shall pay any rental fees incurred by SOE for tables and chairs.

SECTION 13. **Sample Ballots. SOE shall lay out, check and deliver sample ballot layout to a third party vendor for distribution to registered voters. MUNICIPALITY shall review the sample ballots and confirm the accuracy of the election date, office, candidate names, polling place and all other information contained therein. SOE shall coordinate the mailing of the sample ballots to all registered voters in the municipality prior to the election including accurate polling place information. MUNICIPALITY shall reimburse SOE for all costs incurred in producing and mailing sample ballots.

SECTION 14. Vote by Mail Ballots. MUNICIPALITY shall refer all requests for Vote by Mail ballots to SOE. Unless MUNICIPALITY or the Clerk for MUNICIPALITY provides written directions to the contrary, SOE agrees to accept all requests for Vote by Mail ballots by telephone, mail, or in person. SOE also agrees to mail Vote by Mail & overseas ballots as requested by registered voters, receive and securely store any voted Vote by Mail ballots. SOE will verify the signatures on any returned voted Vote by Mail ballot certificates based on current canvassing criteria and notify voters of any issues that may be susceptible to "cure" as provided by Florida law, and to account for all Vote by Mail ballots.

****MUNICIPALITY shall provide adequate staff assistance for the opening and handling of Vote by Mail ballots during the counting process and shall coordinate a date for the opening and counting of such Vote by Mail ballots with SOE.**

SECTION 15. Transportation of Elections Equipment and Supplies. SOE will be responsible for delivery and pick up of any voting equipment. One day prior to Election Day, voting equipment will be delivered by SOE, or a third party representative of SOE. One day after Election Day, voting equipment will be picked up by SOE, or a third party representative of SOE. MUNICIPALITY shall reimburse SOE, for any and all costs incurred for equipment delivery and pickup. SOE shall have full discretion and authority to hire and employ any outside third parties to assist with or perform delivery and pick-up of voting equipment. **MUNICIPALITY IS NOT PERMITTED TO DELIVER ANY ELECTION EQUIPMENT.**

SECTION 16. Location and Storage of Voting Equipment. All voting equipment shall be stored, maintained and located in a well-protected, secure, temperature-controlled and indoor room or facility. Once the voting equipment is delivered to a voting site or early voting site, no equipment shall be relocated without the prior written approval of SOE.

SECTION 17. **Canvassing of Election Results. MUNICIPALITY shall schedule and coordinate the date on which the municipal canvassing board is to assemble to canvass the results of the election. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct

the canvassing board activities. MUNICIPALITY shall notice and advertise, as needed, the dates of any canvassing board meetings. SOE shall provide the canvassing board with information and documents necessary to canvass the results of the election.

MUNICIPALITY shall convene the canvassing board to determine which voted Vote by Mail ballots are to be tabulated.

- SECTION 18. ****Audits.** MUNICIPALITY shall provide necessary personnel to conduct the audit as prescribed by law. MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting the audit.
- SECTION 19. ****Post-Election Records Retention.** SOE shall process affirmation forms and sort, inventory and pack all election materials for pick up by the Municipal Clerk for retention and disposition. MUNICIPALITY shall store or cause to be stored all necessary election records and ballots until expiration of retention period as prescribed by applicable Florida Statutes and rules.
- SECTION 20. **Voter History.** SOE will make arrangements for recording voter history. The date selected for undertaking this activity may occur subsequent to the conclusion of all election dates and outside of the terms of this agreement; provided however, recording voter history will be completed in a timely manner.
- SECTION 21. **Other Necessary Costs.** Any additional costs or fees that may be incurred by SOE in compliance with the Florida Election Code and as a direct result of either any Election, if necessary, that are not specified in this contract shall be paid for by MUNICIPALITY at rates and fees as established by SOE. Examples of such additional costs or reimbursements include, but are not limited to, the following:
- A. **Recounts** – Any expenditure for conducting a recount, including any overtime expenses for reprogramming voting equipment, and other expenses as may be necessary to conduct a recount; and,
 - B. **Attorney's Fees and Costs** - Actual attorney's fees and costs incurred by SOE for research on any election related matter shall be invoiced by SOE for reimbursement by MUNICIPALITY.
- SECTION 22. **Hold Harmless Covenant.** MUNICIPALITY shall at all times hereafter indemnify, hold harmless and, at SOE's option, defend or pay for an attorney selected by SOE to defend SOE, its officers, agents, and employees against any and all claims, damages, injuries, losses, liabilities, and expenditures of any kind, including attorney fees, court costs, and expenses, arising out of or resulting from any or all acts of omission or commission of or by the MUNICIPALITY, its officers, agents, or employees, with respect to any election conducted pursuant to this

2020 ELECTIONS AGREEMENT

Agreement. MUNICIPALITY also agrees to indemnify SOE against any administrative challenges, civil suits, or other legal challenges or appeals that may arise, including all attorney's fees and costs, from the contest of election results or the validation of any candidate qualifications.

Parties recognize that MUNICIPALITY is a Florida municipal corporation and SOE is a state agency or subdivision as defined in Section 768.28, Florida Statutes and that nothing herein is intended to serve as a waiver of sovereign immunity by either party for acts or omissions to which sovereign immunity applies. Furthermore, nothing herein shall be construed as consent by SOE, as a state agency or subdivision of the State of Florida, to be sued by third parties in any matter arising out of any contract.

SECTION 23. Entirety and Amendments. The Agreement embodies the entire agreement between SOE and MUNICIPALITY and supersedes all prior agreements and understandings relating to the conduct of elections. No modification, amendment or alteration to this Agreement shall be effective or binding unless submitted in writing and executed by duly authorized representatives of both SOE and MUNICIPALITY.

SECTION 24. Effective Date. The Effective Date of this Agreement shall be the latest date of execution by duly authorized representatives of SOE and MUNICIPALITY as shown on the signature page hereto.

Please initial in the appropriate columns	YES	NO
MUNICIPALITY gives County Canvassing board authority to canvass ballots for the joint PPP/Municipal Election		
**MUNICIPALITY will pay return postage for Vote by Mail ballots		
**MUNICIPALITY gives SOE permission to begin processing Vote by Mail ballots prior to Election evening		
**MUNICIPALITY will use current SOE Canvassing Criteria		

IN WITNESS WHEREOF, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SOE and MUNICIPALITY for purposes of executing this Agreement on the dates set forth below.

Signature

Bill Cowles
Name (Printed or Typed)

Orange County Supervisor of Elections
Title

Date

Witness Signature

Witness Name (Printed or Typed)

Signature

Jim O'Brien
Name (Printed or Typed)

Mayor
Title

Date

Witness Signature

Witness Name (Printed or Typed)



AMENDMENT TO EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT

THIS FOURTH AMENDMENT TO MEDICAL TRANSPORTATION SERVICES AGREEMENT (“Amendment”) is made between the American Medical Response company (“AMR”) and the Town of Windermere (the “Town”) as set forth below.

WHEREAS, the parties wish to amend the Medical Transportation Services Agreement that they entered into on **September 1, 2011** and as amended from time-to-time (“Agreement”);

WHEREAS, the parties wish to **update the fee schedule language, add required statutory language, and provide future renewal language**; and

WHEREAS, the parties wish to amend the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. This Amendment shall be effective when executed by all parties and the effective date shall be **October 1, 2019**.
2. The parties hereby **add the following fee schedule to the agreement – Table 1 below and renew for a period not to exceed 1 year. Future renewals will need to be in writing and will be submitted 90 days prior to expiration of the current contract or as to a timeframe mutually agreed upon by both parties**
3. The parties hereby add the following terms to the Agreement:
 - a. **Public Records. IF AMR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO AMR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE TOWN’S CUSTODIAN OF PUBLIC RECORDS AT (407) 876-2563 x5323, dburkhalter@town.windermere.fl.us, 614 Main Street, Windermere, FL 34786.**
4. All other terms and conditions set forth in the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties have hereto executed this Amendment.

Lifefleet Southeast Inc. d/b/a American Medical Response

By: _____

Town of Windermere

By: _____

Print Name: _____

Print Title: _____

Table 1

Service	MCR HCPC	Orange County 9-1-1*
Orange County		
Basic Life Support, Non – Emergency	A0428	\$747.11
Basic Life Support, Emergency	A0429	\$747.11
Advanced Life Support, Non – Emergency	A0426	\$960.28
Advanced Life Support, Emergency	A0427	\$960.28
Advanced Life Support, Level 2	A0433	\$1,066.87
Specialty Care Transport	A0434	\$1,066.87
Mileage – Urban & Suburban - per loaded mile	A0425	\$12.81
Mileage – Rural - per loaded mile	A0425	NA
ALS ER Assessment	A0999	\$960.28

Rate Adjustments:

Ambulance Services (select only one and delete other non-applicable options):

- Automatic adjustment when Usual and Customary rates adjust (typically January 1st)

Provider may also notify Customer at anytime in writing of a rate adjustment (for Ambulance Services and/or Non-Ambulance Services) due to changed circumstances, e.g., increase in fuel costs, new regulatory requirements or new clinical standards. The rate adjustment shall become effective thirty (30) days after Provider’s notification unless the Customer has objected in writing to the rate adjustment before expiration of the notice period.

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

To: Mayor and Town Council
From: Brad Cornelius, AICP, Contracted Town Planner
Date: November 5, 2019
Re: Z19-14 – 219 W 2nd Avenue – Boat Dock Variance - Table

Mr. & Ms. Szukalski, owners of 219 W 2nd Avenue submitted a variance request to the Town to replace their existing dock with a new dock. The proposed new dock requires a variance to the side setbacks. The variance case was heard by the Development Review Board (DRB) at their meeting on October 15, 2019. During the meeting, the DRB requested that the applicants revise their dock plans to reduce the size of the proposed new dock to better fit within the lake cove. The DRB tabled their review of the variance to allow the applicant to resubmit a new plan for the dock for their review and recommendation. At this time, the variance request is scheduled to go back before the DRB at their November 19, 2019, meeting.

The original notices for this variance request included the Town Council meeting date of November 12, 2019. However, with the DRB tabling the variance request, the variance request for Town Council consideration will be delayed until the December 18, 2019, Town Council meeting.

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Town Council Meeting Minutes

August 13, 2019

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Town Attorney Heather Ramos, Town Manager Robert Smith, Police Chief Dave Ogden, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien called the meeting to order at 6:00pm and stated all Council members were present.

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)

All speakers signed in deferred to speak until the agenda item they were present for was heard.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

a. Mayoral Proclamation declaring the third Friday in September as the Annual West Orange Healthy Selfie Day (Attachment-Mayor to Present)

Mayor O'Brien read and proclaimed September 20, 2019 as West Orange Healthy Selfie Day in the Town of Windermere.

3. TIMED ITEMS AND PUBLIC HEARING:

a. ORDINANCE NO. 2019-05 (Attachment-Limiting hours for garbage pickup-Board Option)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO HEALTH, SAFETY AND WELFARE; AMENDING THE TOWN'S CODE OF ORDINANCES TO ADD A NEW SECTION 28-8 TO CHAPTER 28 OF THE TOWN'S CODE OF ORDINANCES TO BE TITLED "PERMISSIBLE HOURS FOR GARBAGE COLLECTION"; PROVIDING THAT RESIDENTIAL AND NON-RESIDENTIAL GARBAGE MAY BE COLLECTED ONLY DURING THE HOURS BETWEEN 7:00 A.M. AND 10:00 P.M., EACH DAY OF THE WEEK; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mayor O'Brien closed the Town Council meeting at 6:07pm and opened the Public Hearing regarding proposed Ordinance 2019-05. There being no public comments, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:08pm. Member McKinley made a motion to approve Ordinance 2019-05. Member Andert seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

b. First Public Hearing for First Amendment to Sunset Bay Developers Agreement (Attachments-DRB Recommends Approval 5-0)

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Mayor O'Brien closed the Town Council meeting at 6:09pm and opened the first Public Hearing regarding the first amendment to the Sunset Bay Developers Agreement. Mr. David Sharpe of 1027 Oakdale Street introduced himself. He then questioned what has been done to confirm that the HOA has done what their responsibilities are; berms, swales and infrastructure in place prior to the Town accepting the new agreement. Manager Smith reviewed the existing agreement, proposed changes, fourteen homes affected, lighting, berms and swales, and signage. There being no further public input, Mayor O'Brien closed the Public Hearing at 6:16pm and reconvened the Town Council meeting. Manager Smith explained that this is a first Public Hearing, no motion or vote is needed. The motion and vote will take place at the next Town Council meeting in September.

c. Resolution 2019-03 Of the Town of Windermere, Florida regarding Voting Requirements under Section 12.04 of the Town Charter for Rezoning

Mayor O'Brien introduced proposed Resolution 2019-03. There being no discussion, Member McKinley made a motion to approve Resolution 2019-03as presented. Member Sapp seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

d. Public Hearing Cases for Amendment to Town Center Design District Guidelines Master Plan Boundary and Commercial Rezoing-111 W 5th Avenue and 119 W 5th Avenue

- i. An ordinance to amend the Town Center Design Guidelines Master Plan Boundary to remove the properties located at 111 W 5th Avenue and 119 W 5th Avenue (Ordinance 2019-02) (Attachments-DRB Recommends Denial 5-0);**
- ii. An ordinance for a small-scale amendment to the Future Land Use Map of the Town's Comprehensive Plan to remove the properties located at 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Overlay District (Ordinance 2019-03) (Attachments-DRB Recommends Denial 5-0); and**
- iii. An ordinance to rezone the property at 111 W 5th Avenue to Commercial (Ordinance 2019-04) (DRB Recommends Denial 4-1)**

Mayor O'Brien closed the Town Council meeting at 6:18pm and opened the Public Hearing regarding item d(i),(ii),(iii). He then stated the Member Williams has recused himself from any discussion on this item. Mayor O'Brien commented on the order of business, which will be Manager Smith, Mr. Brad Cornelius, and then the Public. Manager Smith explained that this Public Hearing is for two properties, 111 W 5th Avenue and 119 W 5th Avenue. He then explained that the first Ordinance will be removal of 111 W 5th Avenue and 119 W 5th Avenue from the Overlay District. He explained that the second Ordinance will change the map, and the third Ordinance would change the zoning of the property to commercial. Manager Smith stated that the type of "Use" is not up for discussion this evening. He then explained why the change

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on 119 W 5th Avenue is needed. He stated that the First Baptist Church owns 119 W 5th Avenue and the future land use for that property is Public Facilities. Manager Smith explained that only the Town or First Baptist Church would be able to utilize the 119 W 5th Avenue. He then explained the process that would need to be done if the properties were rezoned. Manager Smith stated that the residential property located at 111 W 5th Avenue is surrounded by public, civic, and commercial use. He then commented on the issue of residential designation surrounded by the other uses. Manager Smith explained what processes would need to be followed to change the zoning. He then stated that if the Town Council approves to move forward with a commercial rezoning, the Town Council may impose restrictions on the property and its uses. Manager Smith also stated that all current restrictions, codes, and guidelines will need to be met. He then commented on proposed Ordinance 2019-02 and 2019-03 and the processes and conditions that will be needed. Manager Smith stated that this would not set a precedence. He explained that each item/request is handled on a case by case basis. Manager Smith further explained that no approvals are needed this evening, as this is a First Reading for rezoning. He then stated that the Second Reading/Public Hearing will be at the September 10th Town Council meeting. Manager Smith then turned the floor over to Mr. Brad Cornelius. Mr. Cornelius introduced himself. He then stated that the three proposed Ordinances are related to each other. Mr. Cornelius then explained each proposed Ordinance and their process. He stated that 43 notices were sent out in the required 500' radius for the Small Scale Land Use amendment and the Rezoning as required. Mr. Cornelius stated that as of August 1, 2019, 8 responses in support for the Small Scale amendment were received, and 6 in opposition were received and very specific to all three Ordinances. He then commented on the rezoning request, 9 were received in support, and 5 in opposition. Mr. Cornelius stated that numerous comments were received after the deadline of August 1st and have been given to the Town Council. He stated that an additional 35 comments were received in support and 1 in opposition (previously received), all were from outside the Town limits. Mr. Cornelius stated that these items were presented to the Development Review Board as required. He then reviewed that meeting. Mr. Cornelius stated that the DRB did deny proposed Ordinance 2019-02 by a 5-0 vote, as well as Ordinance 2019-03. He then stated that proposed Ordinance 2019-04 was denied by a 4-1 vote. Mr. Cornelius commented on the encroachment of commercial to the residential area. Mayor O'Brien thanked Mr. Cornelius for his presentation. He then stated that he would move forward with the Public Hearing. Mayor O'Brien read the titles of proposed Ordinances 2019-02, 2019-03 and 2019-04 for the record. He then opened the floor to the public. First to speak was Mr. George Poelker of 405 W 3rd Avenue. He stated he is in favor of the proposed Ordinances but questioned if they are all approved, the current parking lot would change from residential to public facility? Mr. Cornelius explained that no changes will be made to the current lot designation of Public Facilities with the proposed Ordinances. Mr. Cornelius explained what would need to be done to change the overlay on the parking lot. Mr. Poelker questioned if the Ordinance should be done now for the future change. Next to speak was Mr. John Spears of 406 Forest Street. Mr. Spears thanked the Town Council members for volunteering for a "not so easy job," as well as the DRB members. He then commented on the years of work for the Town's Master Plan. Mr. Spears then commented on issues with the current parking lot. He then stated that he is not in favor of the proposed Ordinances. Ms. Renee Cingolani of 412 Forest Street introduced herself. She then commented on her history in Town, street closures, traffic, parking lots, noise, and events. She then requested to have the end of Forest Street closed off. Mr. Andy Cingolani of 412 Forest Street introduced himself. He then commented on traffic and parking issues. He then commented on the concern of signage for the new business. Mr. Cecil Robinson of 202 E 5th Avenue introduced himself.

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He then commented on the four lots near his home that are currently in the overlay. Mr. Robinson commented on his concern with setting a precedence. He then stated he is not in favor of these Ordinances. Mr. Andrew McGhee of 226 Butler Street introduced himself. He then commented that as a resident who would like to see more businesses in town, he is in favor of the change. Mr. McGhee stated that he would like to have more opportunities to stay in Town with his family and enjoy dinners/activities. Mr. Joseph Ata of 5 Pine Street introduced himself. He then stated that he agrees with the comments from Mr. McGhee and urges the Town Council to approve the Ordinances. Mrs. Jill Ata of 5 Pine Street stated she agrees with the proposed Ordinances. Mr. Neal Chambliss of 117 Palm Street introduced himself. He then commented on current businesses he has seen come to Town. Mr. Chambliss stated those businesses had to follow a process and the newly proposed should do the same. He then stated that he is in favor of the proposed Ordinances. Ms. Kristen McGhee of 226 Butler Street introduced herself. She stated that she is in support of the Ordinances. Ms. Debora Fahmy of 435 Butler Street signed in but did not wish to speak. Mr. Mohamed Fahmy of 435 Butler Street introduced himself. He stated he is not in favor of the proposed Ordinances. Mr. Fahmy then questioned if the Town would be interested in purchasing 111 W 5th Avenue. He then stated that a better solution is needed. Manager Smith explained that the septic system that is utilized for the abutting businesses is located on the back of 111 W 5th Avenue. He then stated that it would not be beneficial for the Town to purchase the property. Discussion was made regarding parking. Mr. Bill Molland of 230 W 5th Avenue signed in but did not wish to speak. Ms. Theresa Schretzman-Myers of 2713 Tryon Place introduced herself. She then stated that she was present to represent the trees. Ms. Schretzman-Myers then commented on an inspection she did on the trees. She then stated she would defer to the residents that would be affected directly. Ms. Schretzman-Myers commented that trees needed to be replanted where they were removed for the parking lot. She then requested that the trees be protected and preserved. Ms. Schretzman-Myers stated that she is in favor of making the downtown vibrant while protecting the historic live oaks. Mr. David Sharpe of 1027 Oakdale Street deferred to speak. Member Sapp questioned if the trees were protected in the Master Plan. Mr. Cornelius stated yes. Ms. Maria Liberman of 41 Pine Street introduced herself. She then stated that she would like to see more businesses that can be utilized by residents. Ms. Liberman commented that the current traffic issue is with cut-thru traffic, not local. She then stated she is in favor of the rezoning. Mr. Stephen Withers of 712 Main Street and a Development Review Board Member introduced himself. He then questioned if the Town's Ordinance regarding chain businesses had been changed. Mr. Cornelius stated he would research the Ordinances for clarification. Some discussion followed. Ms. Jennifer Roper of 425 Magnolia and a Development Review Board member introduced herself. She then questioned when the property zoning changed to commercial. Manager Smith stated that in 2018 a Comprehensive Plan amendment was done. Mr. Cornelius explained why the change was made. Some discussion followed. Ms. Roper commented that when the parking lot was being discussed, the property owners of 111 W 5th Avenue could have commented on the position it was going to put on their lot. She then commented on the current Master Plan and possibility of amending it. Mr. Frank Chase of 935 Oakdale Street introduced himself. He stated he agreed with Ms. Roper's comments and that the Master Plan needed to be reviewed. Mr. Cornelius was speaking and is in-audible. Mr. Chase commented on removing certain sections of the Master Plan. There being no further public comments Mayor O'Brien closed the public Hearing at 7:46pm and reconvened the Town Council meeting. Mayor O'Brien stated that there will not be a motion or vote on this item at this meeting but further discussion by the Council can be made. Member Martini thanked everyone for their comments and input. He then questioned if the zoning remained residential,

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could a Business Tax Receipt be obtained. Manager Smith explained that a Home Business Tax Receipt could be obtained. He then stated that there are strict restrictions for one. Member Martini questioned if the parking needed to be on site. Mr. Cornelius explained that the Town Council would have approved whether parking is on or off site, request a reduced requirement, and/or pay the Town. Discussion followed regarding commercial square footage, parking requirements and septic. Member Andert stated that if restrictions are placed on the property, she would like the restrictions to be indefinite. Mr. Cornelius stated that the restrictions will run with the land, not the business. Member Sapp thanked Manager Smith and Mr. Cornelius for their assistance with this item. He then commented on the current Master Plan. Manager Smith questioned Member Sapp if he would be agreeable to allow him to send Member Sapp's questions to the Mayor and remaining Town Council members. Member Sapp was agreeable. Manager Smith stated he would have the questions attached to the next agenda. Member McKinley questioned if the questions could be sent prior to the next agenda. Manager Smith stated he would send them out prior to the next agenda. Some general discussion followed. Manager Smith reminded everyone that this item will be heard September 10th, at 6:00pm in the Town Hall.

Mayor O'Brien recessed the meeting to allow residents/public to exit the meeting. He then reconvened the meeting at 8:06pm.

4. CONSENT AGENDA:

- a. **Town of Windermere Arbor and Treebute Date Approvals: January 16-18, 2020. (Tree Board Recommends Approval)**
- b. **Windermere Police Department Foundation 3rd Annual St. Patrick's Day Celebration and Officer Robert "Robbie" German remembrance Saturday 4-8pm March 14, 2020 (Board Option)**
- c. **Windermere Craft Beer Fest Saturday 4-8pm October 12, 2019 (DBC Recommends Approval)**
- d. **Cops & Bobbers Fishing Event 7:30-12pm September 21, 2019 (Attachment-Board Option)**
- e. **Agreement between the School Board of Orange County, Florida and the Town of Windermere Police Department for School Resource Officer Program**

Mayor O'Brien introduced the consent agenda. Member Andert questioned if the agreement for item "e" could be made public for parents. Manager Smith stated that the agreement is a public record. Member Andert stated she would like the agreement to be more accessible to the parents/public. Manager Smith stated he could have the agreement placed on the website. Mayor O'Brien suggested a FAQ page for the agreement. Member Sapp made a motion to approve the consent agenda as presented. Member Martini seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

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5. NEW BUSINESS:

a. MINUTES

- i. Town Council Meeting Minutes July 9, 2019 (Attachments-Staff Recommends Approval)
- ii. Town Council Workshop Meeting Minutes July 23, 2019 (Attachment-Staff Recommends Approval)

Member Andert made a motion to approve the Town Council minutes as presented. Member McKinley seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

c. APPOINTMENTS: COMMITTEES AND BOARDS

- i. Development Review Board: William Yeager (Attachment-DRB Recommends Approval)

Member Martini made a motion to appoint William Yeager to the Development Review Board. Member McKinley seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

d. CONTRACTS AND AGREEMENTS

Due to time and the remaining public in attendance, Mayor O'Brien requested to hear the items below in order on public member present. Town Council agreed. Mayor O'Brien selected item "iii" Marina Bay Stormwater Pond Repairs first for discussion.

- iii. Marina Bay Stormwater Pond Repairs (Attachments-Staff Recommends)

Mayor O'Brien introduced this item. Public Works Director Scott Brown explained past repairs that have been done to the existing pond. He further explained that approval is needed to reinstall of the underdrain system. Director Brown explained that this is assist in having a drier system that is needed. He then reviewed the bidding process. Member McKinley questioned if this is the same drain that the Town has worked on in the past. Director Brown stated yes. After some discussion was made, Member McKinley made a motion to approve the pond repairs not to exceed \$85,000.00. Member Williams seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

Mayor O'Brien stated that the next item would "iv" Willows Road project.

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iv. Willows Road Milling & Resurfacing Approval (Attachments-Staff Recommends)

Director Brown reviewed the proposed project. He commented on trees in the right of way and their root systems which are causing damage to the road and sidewalks. Director Brown stated that the Town needed to have their Arborists assess the conditions. Some discussion followed regarding the trees in the right of way. Manager Smith stated for the record, "that the X's placed on the trees were not done by the Town." Mayor O'Brien questioned who did it. Manager Smith stated it is unknown. He also stated that other trees around Town were marked as well. Mayor O'Brien questioned how many trees would be affected. Director Brown stated approximately 21. He then commented that the entire subdivision's trees will be reassessed. Director Brown explained that the \$20,000.00 will be removed from the bid documents as the Town will be working with an Arborist. Member Martini questioned if the trees will be replaced. Director Brown stated trees will not be replanted in the right of way. Discussion followed regarding trees, tree removal, and costs. Member McKinley made a motion to approve the Willows road milling and resurfacing project not to exceed \$660,000.00. Member Martini seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

Manager Smith stated that Mr. Cornelius is present for item "v". Mayor O'Brien moved item "v" forward.

v. Renewal of Agreement for On Call Land Planning Services: Wade Trim

Manager Smith stated that he would highly recommend approval of the agreement renewal. Director Brown also commented highly on Wade Trim and the renewal of the agreement. Member McKinley made a motion to approve the agreement renewal with Wade Trim. Member Andert seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

Mayor O'Brien requested to move item b(i) Town Facilities forward.

a. OTHER ITEMS FOR CONSIDERATION:

i. Town Facilities Concept Approval (Attachments-Board Option)

Mayor O'Brien introduced this item. Manager Smith stated that a motion and vote is needed. He explained that this item was brought forward after many workshops and meetings. Member McKinley made a motion to approve Concept 1. Member Sapp seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

i. RFP 2019-03 Bayshore Drive Drainage Improvements: Not to Exceed \$65,000 (Attachments-Staff Recommends Gregori Construction Inc.)

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Mayor O'Brien introduced this item. Director Brown reviewed the proposed project and proposed bids. He then stated that staff is recommending the approval of Gergori Construction with a not to exceed \$65,000.00. After some brief discussion was made, Member Martini made a motion to approve Gregori Construction with a not to exceed \$65,000.00. Member McKinley seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

**ii. RFP 2019-05 Park Avenue Drainage and Sidewalk Improvements:
Not to Exceed \$260,000 (Attachments-Staff Recommends Barracuda
Building Corp)**

Mayor O'Brien introduced this item. Director Brown stated that \$125,000.00 of this project should come back to the Town from Orange County Utilities. He then commented on the laws regarding utility companies' responsibilities. Director Brown explained that the County will pay for the relocation of the 6" pipe. He stated that there has been water accumulation in the area. Director Brown stated that the sidewalks and cross walk will be addressed as well. Member Sapp questioned the length of time for interruption of water service. Director Brown stated that a jumper will be put in place, therefore there will not be any interruptions in water service. Member McKinley made a motion to approve the Park Avenue Drainage and Sidewalk Improvements with a not to exceed \$260,000.00. Member Sapp seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

b. FINANCIAL:

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien reported on the Mayors/Managers Luncheon he attended and Mayor Deming's Penny Sales Tax for transportation.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith reported on the Transportation meeting he attended, and the upcoming Special meeting on August 27th.

b. TOWN ATTORNEY HEATHER RAMOS – No report.

c. CHIEF DAVE OGDEN – Chief Ogden reported that school is back in session. He then reported on upcoming meeting with Butler Chain Advisory Board, MSDA meetings, and the upcoming Cops and Bobbers event. Mayor O'Brien requested that the Chief get a clarification on the Noise Ordinance on the lakes when he attends the BCAB meeting. He then thanked the PD for their work at the 5th Avenue dock. Some discussion followed.

d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Mr. Brown thanked the Council for approving the projects. He then reported on the roads/washouts, Parks and Recreation projects, reflective panels for the boat-docks, and the beacons for the crosswalks. Member Andert stated she would like to have "It's the Law" sign put up at the crosswalk. Some discussion followed regarding 133 Main Street and the equipment there. Some discussion followed regarding the lot split of 133 Main Street. Mayor O'Brien pointed out a few potholes that need attention. Director Brown stated that Orange County Water Department installed a water line under Maguire Road. He further stated that he has contacted the County and they will be out to fix the problem. Some discussion followed.

Member McKinley recognized staff for all their hard work. Mayor O'Brien thanked the Town Council as well.

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8. ADJOURN:

Mayor O'Brien adjourned the meeting at 8:56pm.

Dorothy Burkhalter, Town Clerk

Jim O'Brien, Mayor

DRAFT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Williams Loren Robertson	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Windermere Town Council
MAILING ADDRESS 903 Rosser Rd	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Windermere	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Orange	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/13/2019	MY POSITION IS:
	<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Loren "Andy" Williams, hereby disclose that on August 13th, 20 19 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Robert Williams, Lavina Williams (111 5th Ave LLC);
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Public Hearing Cases for Amendment of Town Center Design District Guidelines Master Plan Boundary and Commercial Rezoning - 111 W 5th Avenue and 119 W 5th Avenue. The property at 111 W 5th Avenue is owned by an LLC that is owned by Robert Williams & Lavina Williams (Relatives).

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8-13-19
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

TOWN OF WINDERMERE

Town Council Special Meeting Minutes

August 27, 2019

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Town Attorney Heather Ramos, Town Manager Robert Smith, Police Chief Dave Ogden, and Public Works Director Scott Brown were also present. Town Clerk Dorothy Burkhalter was absent.

Mayor O'Brien called the meeting to order at 6:00pm and stated all Council members were present.

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)

First to speak was Ms. Peggy Nykamp of 205 E 5th Avenue. Ms. Nykamp stated that a few years back she contacted the town regarding the trees located on 5th Avenue and Magnolia Street. She stated that she was told that the trees would be taken care after the west side of 5th was completed, and nothing has been done. Manager Smith stated that the Public Works Director was present at this meeting, and he will look into it.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS: NONE

3. NEW BUSINESS:

a. CONTRACTS AND AGREEMENTS:

i. RFQ 2019-03: Construction Manager At Risk (CMAR) Selection

Mayor O'Brien introduced this item. Manager Smith stated that Selection Committee members John Fitzgibbon, Stephen Withers and Director Brown were present. He then stated that after this meeting, the Committee will be officially disbanded so that he may begin negotiations with the company. The floor was then turn over to Public Works Director Scott Brown. Director Brown stated that eight responses were received for RFQ 2019-03. He stated that this process will be hiring the General Manager for the new facilities project. Director Brown commented that McCree Design Builders Inc, Ajax Building Corporation, and H J High Construction were named to the short list? and gave a presentation to the committee. He then stated that the committee is recommending H J High. Member Martini questioned a few of the scorings regarding insurance. Director Brown explained that the one million liability will be increased to five million with Town Council approval. Member Martini then questioned the "Project Buy-Out" paragraph. Mr. Fitzgibbon explained how the buy-out process works, which assists in keeping the project within budget. Director Brown commented that approval is needed to move forwarded in discussions with H J High. Manager Smith commented on the timeline for contract approval and moving the project forward. He then explained the negotiation process and meeting the upcoming June 2020 date. There being no further discussion, Member Martini made a motion to approve RFQ 2019-03 which will allow negotiation discussions to begin. Member McKinley seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

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- ii. IPO 102 – Bessie Street Stormwater Improvement Design not to exceed \$174,000
- iii. IPO 103 – Butler Stormwater Improvement Design not to exceed \$150,000

Mayor O'Brien questioned if items (ii) and (iii) would be discussed together. Manager Smith stated yes. Mayor O'Brien turned the floor over to Manager Smith. Manager Smith explained that if anyone should have questions or concerns regarding the agenda and the items on the agenda, they may contact him at any time. He then commented that he has been asked if the Town is looking to pave all the streets in Town. Manager Smith stated no. He then stated that due to the stormwater mitigation, the two areas being considered for paving are only Bessie and Butler. Manager Smith stated that the presentation will give the pros and cons of paving versus dirt streets. He then commented on how this will also impact future funding. Manager Smith then comments on paved roads and dirt roads. He then commented on the Forest Street project and using products that were available to the Town. Manager Smith stated that he would like direction from the Town Council on which way to move forward with either IPO 1, 2, 3, or none. Manager Smith then turned the floor over to Director Brown and Mr. Hao Chau with Kimley Horn. Director Brown explained that the IPOs are proposals for consideration and discussion. He then stated that the goal is to protect the lake waters' quality. Director Brown then turned the floor over to Mr. Hao Chau, Senior Engineer with Kimley Horn. Mr. Chau introduced himself and Mr. Victor Gallo. He then began the presentation and commented on issues with the dirt roads and the water quality. Mr. Chau introduced Mr. Victor Gallo who is also with Kimley Horn. Mr. Gallo commented continued the presentation and commented on the discharge that is going into the lakes. He stated that sediment discharge and turbidity are two of the main contributors. Mr. Gallo commented that it is documented at DEP and County levels that there are issues with Lake Butler. Manager Smith stated that the presentation will be placed on the Town's website. Mr. Chau continued with the presentation and commented on the safety issues with dirt roads. He then explained that due to growth, smaller homes being removed and much larger homes being built, green space is being eliminated which is causing the water to flow into the streets. The presentation, videos, and comments continued. Mr. Chau began discussion regarding Butler Street and Bessie Street. He then turned the floor over to Director Brown. Director Brown explained the need for the IPOs. He stated that studies and professional recommendations are needed. Director Brown then commented on the illicit discharge and dirt roads. Director Brown concluded his presentation. Manager Smith stated that any action taken this evening would not impact the 2nd Avenue project. After some discussion followed, Mayor O'Brien opened the floor to the public. First to speak was Mr. Martin Collins of 708 Bessie Street. Mr. Collins questioned if the current engineers are the engineers that previously design the end of Bessie Street. Director Brown stated that this is a new firm. Mr. Collins questioned if sheet run-off into the roads from adjacent properties would be reviewed as well. Manager Smith explained that water run-off is addressed during permitting of the private property's projects. And until a permit is pulled currently, there is no way of knowing who is still retaining the first inch of run-off and who is not. Mr. Fran Krens of 727 Forest Street introduced himself. He then commented that the pictures and calculations in the presentation needed to be revisited as he feels they are incorrect for Fernwood Park. Mr. Krens commented on the inaccurate design of the existing stormwater drainage along 8th Avenue and Forest Street. Manager Smith commented that the stormwater project was done by prior administration. Mr. Joseph Tenczar of 327 E 8th Avenue introduced himself. He then questioned how the project would affect his property. Mayor O'Brien commented on the Town's current road widths and rights of way that most

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residents are unaware of. Manager Smith stated that there are variables (trees) that might need to be considered, the actual plan has not been designed yet. Director Brown stated he is familiar with the location and it has been reviewed. Mr. Gary Bruhn of 108 Forest Street introduced himself. He commented on the past Forest Street stormwater project and the negative affects it's had on the surrounding area. Mr. Bruhn then commented on safety concerns in the area. Mr. Jim Clark of 630 Butler Street introduced himself. He then commented on the current conditions and negative impacts in his area. Mr. Clark urged the Town to do something to fix the problem. Mr. Stephen Withers of 712 Main Street introduced himself. He commented that each house needed to be responsible for its runoff. Mr. Withers explained a situation with water near his home in which a berm was installed. He further explained how the fix helped the roads. Mr. Tom Stroup of 201 W 7th Avenue introduced himself. He then thanked the Council for what they do. Mr. Stroup stated that the main concern is keeping the water from getting into the lakes. He then questioned if a system could be developed to keep the dirt roads and stops the water from getting into the lakes. Mr. Stroup stated that he is in favor of absorbing a maintenance cost to keep the dirt roads and keep water from going into the lakes. He stated that an option three is needed. Mrs. Peggy Nykamp and Mrs. James Nykamp of 205 E 5th Avenue introduced themselves. Mrs. Nykamp questioned the product used on 5th Avenue. Director Brown stated it was a byproduct/asphalt blend, but not pavement. Some discussion followed. Mrs. Nykamp commented on a berm she had to install when doing work to her home in order to be in compliance and obtain a permit. She then stated that currently 5th Avenue floods when it rains. Mr. Nykamp suggested inspecting each property for berms and retention. Some discussion followed regarding sediment flow into the lakes, NPDES, stormwater requirements, and lake protection. Mr. Don Greer of 1119 Oakdale Street introduced himself. He stated that he is glad to know that this is not a paving project but a drainage solving project. Mr. Greer then stated that the drainage needed to be left on high ground. He then commented on past solutions for 5th Avenue and Bessie Street that need to be reviewed. Mr. Greer explained that in the 1970s, the Maintenance worker was a subcontractor who built up the intersections that assisted with the drainage. Mr. Jim Willard of 228 W 7th Avenue introduced himself. He stated that within the past couple years the Town has begun to have drainage issues. Mr. Willard then commented on the product that was put down on 7th Avenue which he believes has caused problems. He then commented on a rain event that had caused his house to get flooded, which had never happened before. Mr. Willard stated that the design of the improvement was extremely poor. He then stated that he is not in favor of paved roads. Mr. Willard stated that he would like to see improvements within the existing right of way near his home. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She then stated that she is happy to know that the IPOs are not for a paving project, even though that's what the executive summary states. She then commented on the UCF summary and what it stated relative to the Butler Chain of Lakes. Ms. Brophy commented that this needed to be further reviewed. Discussion followed regarding septic tanks/sewer systems, costs, berm/swales and use of the right of ways. Mrs. Karen Fay of 28 Pine Street introduced herself. She then commented on the paving project of Pine Street approximately three years ago. She then stated that she prefers the dirt roads. Mrs. Fay then stated she would like to see swales to fix the water issues. Ms. Kelly Heaney, representing her parents of 618 Butler Street, introduced herself. She then commented on drainage issue at her parents' house. Ms. Heaney then stated that her father is in favor of paving or another product. She also stated that the house at 618 Butler Street has water issues as well. Manager Smith stated for the record that Mr. Heaney sent an email to him with his comments and concerns, which he forwarded to the Mayor and Town Council. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She then commented on past stormwater issues while

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two homes were being built. Ms. Haines then commented on the condition of existing swales and the need to re-work them. She further commented on the negative impacts of paving the roads. Mr. Rick Haines of 835 Oakdale Street introduced himself. He questioned if the matching funds are paying for the IPOs. Manager Smith stated the funds will pay for construction. Mr. Haines stated he is in favor of doing the IPOs and fixing of the swales. Mrs. Lesha Miller of 625 Butler Street introduced herself. She then commented on a current rain and the flow of the water, which worked as it should. Mrs. Miller then requested that the berms at Fernwood Park be re-installed. Ms. Jessica Lee of 508 W 2nd Avenue introduced herself. She then questioned if roads begin to be paved, where does it stop? She then commented on water issues when it rains at her house. Ms. Lee stated she is in favor of keeping the dirt roads. Some discussion followed. Mr. Andrew Etter of 125 Palm Street introduced himself. He then stated that he is in favor of keeping the dirt roads. Mr. Etter commented on issues that have arisen since the product was placed on the roads. Manager Smith stated that the Butler Street project was crowned instead of an inverted crown. He then stated that the Town is working on the issue. Mr. Etter stated that the Town created a problem that did not previously exist. He then stated that the Town needed to decrease the infrastructure in Town, not increase it. Some discussion followed regarding options. Mr. Etter stated that the source of the problem needed to be determined instead of creating another issue. He then stated he is not in favor of paving the road. Ms. Molly Rose of 928 Main Street introduced herself. She then thanked the Town for the assistance with the problem in her area. Ms. Rose commented on swale, road, and landscaping issues created by surrounding neighbors near her home. She then stated any help from the Town would be appreciated. Manager Smith commented on past remediation attempts before his tenure and the effect it has had. He then commented that Code Enforcement could be involved. Mrs. Genevieve Potthast of 425 Butler Street introduced herself. She thanked the Mayor and Town Council for their work. Mrs. Potthast commented on the dirt roads. She stated that she believes other residents would be agreeable to assessing their properties for stormwater to help save the dirt roads. Mrs. Potthast commented that the grading of the roads has changed in the past five years. She then stated that she is in favor of keeping the dirt roads and the character of the Town. Manager Smith stated that whatever work is done on the roads, future work for utilities will be considered. Mayor O'Brien stated that the town is currently working the water master plan service throughout the Town. Ms. Diane Krens of 727 Forest Street introduced herself. She commented that the plan brought forward seems like a paving plan even though it was said that it's not. Mrs. Krens stated that an Environmental Engineer should be hired to study the trees, dirt roads, and the lakes. Manager Smith stated that the IPO does include an environmental engineer. Mr. Frank Chase of 935 Oakdale Street introduced himself. He then commented on a picture in the presentation regarding a firetruck and brush which was taken one week after Hurricane Irma. Mr. Chase then commented on the water levels. Mayor O'Brien stated that the Town is at a three-year high. Mr. Chase stated he agreed with Mrs. Potthast's statement regarding the issues arising after the use of the grader. He then stated that grader is too big for the Town roads. Mr. Chase commented on the issues with the Lake Bessie project that has been done. He then commented on the cost of the project. Mr. Chase stated that the amount is high when berms and swales can be used. Mr. Chase questioned if the \$340,000.00 could be negotiated. Mayor O'Brien opened the floor to the Town Council for discussion. Member McKinley commented on the executive summary staff recommendations. He then stated that there are not any recommendations to Kimley Horn to provide a solution for saving the dirt roads. Member McKinley then commented on the past project where millings were placed in certain locations within town. He then questioned when emergency help was able to get to a resident due to a washout. Manager Smith commented that he was unaware of any.

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He then stated that he agrees with Member McKinley's comments. Manager Smith stated that due to timing, he didn't have the time to work with staff and Kimley Horn prior to this meeting. He then stated that EMS will get to any resident that's in need. Discussion followed regarding rain, road washouts, safety, RFP 2016-03 Town description, dirt road management plan, swales and berms, paved roads, increased traffic and speeders. Mayor O'Brien clarified with Member McKinley that he would prefer roads that crowned rather than that drain into a culvert/ditch type system. Member McKinley stated that the roads need to be set up to not drain straight into the lake. He commented that there is a lot that the Town could do instead of paving the roads. Member Williams commented on his history with the Town. He then stated that the roads are more compacted today than they ever have been. Member Andert stated she appreciates the dirt roads. She then stated that when a decision is needed, she will need to consider the lakes as well. Member Andert commented that there was not enough material to show how bad the dirt roads truly are. She then requested that someone from EPD be involved in providing recommendations. Member Andert commented on calming devices. She stated that speed tables could be used. Member Andert further stated that she likes the dirt roads as they serve as a deterrent. Member Sapp questioned if there is a "point of no return." Manager Smith explained the process. He then stated that the "point of no return" is when construction begins. Member Sapp questioned if Kimley Horn could assist staff with drafting a Maintenance Plan. Manager Smith stated yes. He then stated he requested the plans from Member McKinley which he spoke about. Mayor O'Brien commented that in the past, to bring the dirt roads to grade was going to cost approximately \$800,000.00. Discussion followed. Member Martini stated he agrees with the comments and leaving paving until the very last option. He then questioned if there is a timeline for this. Manager Smith stated that he would like to have most of the "leg" work completed by the time the grant monies come in. Member Martini mentioned a previous issue on Ridgewood and after a remediation project was completed, it is working great. He then commented on speeders on the paved roads, retro fitting older homes with berm/swales, and widening of roads. Member Andert thanked all the neighbors that attended the meeting tonight. She then questioned if the grant funds are solely for paving. Manager Smith stated that the funds are for stormwater enhancement. Mayor O'Brien recapped the discussion as looking into other options than paving and mitigating the water. Some discussion followed. Manager Smith requested that if anyone present could stay for the Orange County 1 Cent Sales Tax discussion, he would appreciate it.

Mayor O'Brien recessed the meeting at 8:37pm. He then reconvened the meeting at 8:47pm.

4. OTHER ITEMS FOR CONSIDERATION:

a. Cut Thru Traffic Discussion

i. Orange County 1 Cent Sales Tax Discussion

Manager Smith stated that one of Mayor Demings' items he has as an item at the State of the County address is transportation. He stated that Central Orange County, East Orange County, the Entertainment Districts, and the Hospitality Districts were the areas in focus. Manager Smith reported that he met with County Administrator regarding the 1 Cent Sales Tax increase, who stated that it's the most fair and equitable way to receive revenues, as 51% of the sales tax comes

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from people who do not live here. He stated that the County is looking to enhance the Lynx bus system. Manager Smith questioned the County on how this would benefit the Town. He commented that the County stated that an additional 25 million would become bus riders. Manager Smith stated he explained the Town's current situation with traffic due to Horizons West. He further stated that Mr. Bryon Brook, County Administrator, was unaware of Horizons West. Manager Smith continued his report. He then stated that he has spoken with Commissioner Vanderley on this issue as well. Manager Smith commented that for the Town to benefit, it would need to be called an Infrastructure Surcharge Sales Tax which would create an algorithm for municipalities to receive funds. He stated that the Town could obtain almost one million dollars a year, for twenty years. He continued his report. Manager Smith stated he would keep everyone informed on this issue.

- ii. **Individual Project Order #13: Urban Traffic Planning exercise is desired to address the cut-through traffic and speeding in Downtown Windermere. The intention of this project is to build consensus on potential recommendations and/or improvements. The study area consists of the residential neighborhoods surrounding Downtown Windermere**

Manager Smith stated that this item will remain on the agenda for discussion. He then reviewed past discussions that have been made on this item. Manager Smith commented on the regulatory signage project. Member McKinley stated he would like a workshop on this item. Member Andert stated she would like to see how the public is going to be notified and their perspectives. Member Martini stated that this will make the residents happy. Much discussion followed.

6. **MAYOR & COUNCIL LIAISON REPORTS: NONE**

7. **STAFF REPORTS: NONE**

- a. **TOWN MANAGER ROBERT SMITH**
- b. **TOWN ATTORNEY HEATHER RAMOS**
- c. **CHIEF DAVE OGDEN**
- d. **PUBLIC WORKS DIRECTOR SCOTT BROWN**

8. **ADJOURN:**

Mayor O'Brien adjourned the meeting at 9:27pm.

Dorothy Burkhalter, Town Clerk

Jim O'Brien, Mayor

RESOLUTION 2019-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE RESCHEDULING THE DECEMBER 10, 2019, 6:00 P.M. REGULAR TOWN COUNCIL MEETING TO DECEMBER 18, 2019 AT 6:00 P.M.

Whereas, December 10, 2019, 6:00 p.m., is a regularly scheduled meeting of the Town Council and is also the same date and time which Orange County will be holding a town-hall meeting on the proposed Orange County one-cent sales tax increase for a transportation system.

Whereas, the Town Council now desires to change the December Town Council meeting schedule so that the residents and members of the Town Council can attend the town-hall meeting on the proposed sales tax increase.

Now Therefore, Be It Resolved by the Town Council of the Town of Windermere, Florida:

The December 10, 2019 regular meeting of the Town Council is hereby rescheduled and will be held on December 18, 2019 at 6:00 p.m. in Town Hall.

Resolved this 12th day of November, 2019.

TOWN OF WINDERMERE, FLORIDA

By: Town Council

By: _____
Jim O'Brien, Mayor

Attest:

Dorothy Burkhalter, MMC, FCRM
Town Clerk

RESOLUTION # 2019-09

**A RESOLUTION AMENDING THE GENERAL FUND
FOR THE BUDGET YEAR 2018/2019
THE TOWN OF WINDERMERE**

RESOLVED, that the total revenues for the Town of Windermere for the Fiscal Year 2018-2019 General Fund is amended as follows:

FY 18/19 Revenues

General Fund	<u>Year End</u>	<u>FY 18-19</u>	<u>FY 18-19</u>
<u>Revenues</u>	<u>9/30/2019</u>	<u>Adopted</u>	<u>Amended</u>
General Operating	<u>Actual</u>	<u>Budget</u>	<u>Budget</u>
Property Tax	2,460,239.91	2,433,876.00	2,460,239.91
Local Option Gas Tax	101,231.05	104,228.00	101,231.05
Utility Tax Duke Energy	336,732.00	315,000.00	336,732.00
Utility Tax Water	26,474.77	26,000.00	26,474.77
Utility Tax Lake Apopka Gas	26,024.94	24,000.00	26,024.94
Communication Services Tax	267,778.69	202,000.00	267,778.69
Local Business Tax	8,066.70	10,000.00	8,066.70
Building Permits	298,817.73	200,000.00	298,817.73
Zoning Plans Review	12,824.50	25,000.00	12,824.50
Surcharges	7,982.42	0.00	7,982.42
Franchise - Duke Energy	252,598.03	237,500.00	252,598.03
Franchise - Lake Apopka	13,664.23	13,500.00	13,664.23
Fire Rescue Assessment	586,534.49	606,735.00	586,534.49
Special Assessments & Lot Clearing	7,461.23	8,995.00	7,461.23
Code Enforcement Violations	931.35	0.00	931.35
Sunset Bay Repaving	11,704.52	11,547.00	11,704.52
Willows Street Lighting MSTU	12,991.32	13,704.00	12,991.32
Park & Tennis Passes	15,528.56	8,000.00	15,528.56
Federal Grants - FEMA	0.00	0.00	0.00
State Grant - FEMA	887.42	0.00	887.42
State Grant - FRDAP	0.00	100,000.00	0.00
State Grant - JAG	2,963.76	10,000.00	2,963.76
1/2 Cent Sales Tax	493,591.20	470,000.00	493,591.20
Alcohol Beverage Licenses	195.78	0.00	195.78
Business Tax Distribution	4,529.04	0.00	4,529.04

Mobile Home Licenses	260.62	0.00	260.62
Revenue Sharing	128,936.52	126,522.00	128,936.52
OCPS	56,250.00	45,000.00	56,250.00
Police Services	6,188.99	6,000.00	6,188.99
Police Off Duty	35,976.41	30,000.00	35,976.41
Police Education Fund	2,388.21	0.00	2,388.21
Solid Waste	318,503.53	326,778.00	318,503.53
Fines and Bonds	16,428.41	15,000.00	16,428.41
Investigative	1,726.51	0.00	1,726.51
Ordinance Filing Fee Reim	0.00	0.00	0.00
Tree Mitigation Funds	28,200.00	2,500.00	28,200.00
Interest	21,549.87	13,000.00	21,549.87
Rent	87,385.87	85,000.00	87,385.87
Proceeds - Sale of Equipment	500.00	5,000.00	500.00
Contributions/Donations	21,441.00	0.00	21,441.00
Garden Club Donations	0.00	500.00	0.00
Miscellaneous	39,475.22	25,000.00	39,475.22
Newsletter Ads	5,100.00	5,000.00	5,100.00
Off Duty Admin Fee	3,654.80	31,200.00	3,654.80
Off Duty Public Works	434.00	0.00	434.00
Police Mileage	3,070.00	750.00	3,070.00
Sponsorships (Lunch)	0.00	750.00	0.00
Wine & Dine	170,126.21	100,000.00	170,126.21
Pancake Breakfast	1,572.51	750.00	1,572.51
Downtown Business Committee	0.00	67,000.00	0.00
Art Festival	0.00	8,500.00	0.00
Craft Beer Festival	29,320.56	20,000.00	29,320.56
Farmers Market	36,330.00	24,500.00	36,330.00
Food Trucks	29,700.00	20,000.00	29,700.00
Parks and Recreation Committee	0.00	21,200.00	0.00
Pet Fest	7,174.59	6,500.00	7,174.59
Windermere 5K Run	52,677.98	32,300.00	52,677.98
Tree Board Committee	5,328.00	5,000.00	5,328.00
Tree Bute	7,227.60	0.00	7,227.60
Historical Preservation Board	0.00	5,000.00	0.00
Total Revenue	6,066,681.05	5,848,835.00	6,066,681.05

BE IT FURTHER RESOLVED, that the general appropriation of the Town of Windermere For the Fiscal Year 2018-2019 General Fund is amended as follows:

FY 18/19 Expenditures

	<u>Year End</u> <u>9/30/2019</u> <u>Actual</u>	<u>FY 18-19</u> <u>Adopted</u> <u>Budget</u>	<u>FY 18-19</u> <u>Amended</u> <u>Budget</u>
Expenses			
Legislative	223,334.20	119,319.00	223,343.50
Administrative	385,262.21	341,323.00	385,272.00
Clerk	110,292.82	116,228.00	110,540.00
Finance	758,930.54	756,609.00	758,946.00
Development Services	344,658.54	250,000.00	345,604.00
Public Works	1,225,729.10	1,667,300.00	1,225,752.00
Parks & Recreation	73,657.77	176,500.00	73,661.00
Police	2,202,110.28	2,081,400.00	2,202,135.00
Long Range Planning Committee	0.00	200.00	0.00
Parks and Recreation Committee	69,281.17	60,000.00	69,287.00
Tree Board Committee	7,645.07	5,000.00	7,647.00
Historical Preservation Committee	1,500.00	5,000.00	1,500.00
Elders Committee	1,927.58	3,000.00	1,928.00
Development Review Board Committee	0.00	200.00	0.00
Downtown Business Committee	112,271.03	140,000.00	112,278.00
Code Enforcement	24,320.24	26,738.00	24,323.00
Contingency Reserve	9,657.58	100,018.00	524,464.55
Total Expenses	5,550,578.13	5,848,835.00	6,066,681.05

PASSED AND ADOPTED THIS 12TH DAY OF NOVEMBER, 2019

TOWN OF WINDERMERE

Jim O'Brien, Mayor

ATTEST:

Dorothy Burkhalter, Town Clerk



EXECUTIVE SUMMARY

SUBJECT: Police Vehicle Purchase #44

REQUESTED ACTION: Staff Recommends Approval

Work Session (Report Only)

Regular Meeting

DATE OF MEETING: 11/12/19

Special Meeting

CONTRACT: N/A

Effective Date: _____

Managing Division / Dept: _____

Vendor/Entity: _____

Termination Date: _____

BUDGET IMPACT: \$44,082.72

Annual

Capital

N/A

FUNDING SOURCE: _____

General Fund

EXPENDITURE ACCOUNT: _____

Police Department

HISTORY/FACTS/ISSUES:

Mayor & Council,

WPD is in need of a new vehicles to maintain our current fleet of full-time patrol and reserve police officers. There has been an increased need for additional vehicles over the past six years commensurate with the addition of approved full time and reserve patrol officers. We have a pool vehicle (one extra car) that has over 173,000 miles and a concern that the next generation of “pool cars” aren’t showing promising longevity.

Narrative / History:

In 2013 when Chief Ogden took command our fleet was inadequate, several of them simply were modified civilian vehicles off the lots not equipped with police packages (heavy duty components, such as brakes, shocks, transmissions, differentials, cooling systems, body structure, and electrical system, and, in the interior, heavy duty springs, cushions, floor panels, mats, sometimes window bracing, and wirings) and those have been eliminated from our overall vehicle fleet over the years.

We embarked on a process to rebuild, rebrand and reimagine the agency and one portion of that was creating a new design for our vehicles and purchasing actual police packaged vehicles. The Town Council at that time desired that we eliminate the old fleet of grey vehicles and attempt to complete that in five years. As we lead into calendar year 2020, we still have two of those vehicles in our fleet.

Last year we kept vehicle #23 that was due to be eliminated, to have an extra pool vehicle available that is needed for reserve officers or when patrol vehicles are down for various reasons (accidents, maintenance, recalls, regular service). We were able to keep on extra since we have been awaiting most of the year with

an open officer position when Officer Torres left (note, we were waiting for our reserve officer to get well from a shoulder surgery for nearly 7 months). Vehicle # 23 is a 2008 Ford Crown Victoria and it is a police package, and has over 173,000 miles. Our plan is to keep this in the fleet until it no longer runs.

Vehicle #27 is a 2010 Ford Explorer with over 136,000 miles on it. The vehicle log shows over \$13,000 in costs for the past two years, but nearly \$4,000 of that was an accident when a stolen vehicle hit our patrol car and reimburse by insurance. It received a new transmission and engine repair and seems to be running well. It will become the next pool vehicle.

Vehicle # 30 & Vehicle #31 are 2013 Impalas. Those vehicles were selected and purchased just prior to Chief Ogden's arrival. They have proven to be less than desirable for our dirt roadways and needed repairs. We are concerned this will be problematic in the future since we don't anticipate the longevity from these vehicles as with our more recent purchases.

I have reached out in years past to the Orange County Sheriff's Office Fleet Manager who advised me that their vehicles are noted for replacement at the following intervals. Individually some may get more and some less, but this is their professional standard. This is one reason we have only been purchasing SUV and Pick ups for WPD.

- Impala Patrol Cars @ 100,000 miles
- SUVs @ 150,000 miles
- Pick Ups @ 150,000 miles

Hopefully, this helps provide an overview of our long-range plan for vehicles, maintenance and replacements. The addition of Vehicle #44 keeps us on track for now, but I have a concern for our future with the longevity of the Impalas for the next year or two. I am seeking out grants for vehicles.

Chief

RESOLUTION NO. 10

A RESOLUTION OF THE TOWN OF WINDERMERE OF ORANGE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF A NOTE IN THE AMOUNT OF \$39,634.08 FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING A PUBLIC SAFETY VEHICLE; DELEGATING TO THE TOWN MANAGER OF THE TOWN, SUBJECT TO COMPLIANCE WITH THE APPLICABLE PROVISIONS HEREOF, THE AUTHORITY TO AWARD THE SALE OF SUCH NOTE TO SYNOVUS BANK PURSUANT TO A TERM SHEET; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A BUSINESS LOAN AGREEMENT AND PROMISSORY NOTE; MAKING CERTAIN FINDINGS; AUTHORIZING CERTAIN OFFICIALS OF THE TOWN AND OTHERS TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID NOTE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Windermere, Florida (the "Town") is authorized by Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the Town of Windermere, Florida, and other applicable provisions of law (the "Act"), to issue debt secured by a covenant to budget and appropriate non-ad valorem revenues for lawful purposes set forth in the Act; and

WHEREAS, the Town Council of the Town (the "Town Council") desires to authorize the issuance of and award the sale of its Promissory Note in a principal amount not exceeding \$39,634.08 (the "Note") to finance the costs of acquiring a public safety vehicle and the costs of issuance of the Note, to approve the Business Loan Agreement (hereinafter defined) and to provide for various other matters relating to the issuance of the Note; and

WHEREAS, the Town Council has received from Synovus Bank (the "Bank") a term sheet dated October __, 2019 (the "Term Sheet") for the purchase of the Note, a copy of which Term Sheet is attached hereto as **Exhibit A**, and the Town Council has determined that the issuance of the Note and the sale thereof to the Bank pursuant to the Term Sheet is in the best interest of the Town for the reasons hereafter indicated; and

WHEREAS, in conjunction with the sale and issuance of the Note, it is necessary to approve the form of the Note and the Loan Agreement and to provide for various other matters with respect to the issuance of the Note;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, as follows:

SECTION 1. Definitions. All words and phrases used herein in capitalized form, unless otherwise defined herein, shall have the meaning ascribed to them in the Loan Agreement (hereinafter defined).

SECTION 2. Authorization. There is hereby authorized to be issued a Note in a principal amount not exceeding \$39,634.08. The Town Manager is hereby authorized and directed to

execute and deliver such Note on behalf of and in the name of the Town, and the Town Clerk or any Deputy Town Clerk are hereby authorized to attest such execution, with such additions and deletions therein as may be made and approved by the Town Manager, such execution to be conclusive evidence of such approval. The proceeds of the Note shall be used for the purpose of paying the cost of purchasing a public safety vehicle and the costs of issuance of the Note.

SECTION 3. Approval of Loan Agreement. The Loan Agreement, to be dated the date of the Note, by and between the Town and the Bank (the "Loan Agreement") is hereby approved in substantially the form attached hereto as **Exhibit B** hereto (including the form of Note and any other exhibits thereto). The Town Manager is hereby authorized and directed to execute and deliver such Loan Agreement on behalf of and in the name of the Town, and the Town Clerk or any Deputy Town Clerk are hereby authorized to attest such execution, with such additions and deletions therein as may be made and approved by the Town Manager, such execution to be conclusive evidence of such approval.

SECTION 4. Negotiated Sale. The Town Council hereby determines that a negotiated private sale of the Note to the Bank pursuant to the Term Sheet and in accordance with the Loan Agreement is in the best interest of the Town because of the nature of the Note, the amount of the Note and the prevailing market conditions, and because delays caused by soliciting competitive bids could adversely affect the Town's ability to issue and deliver the Note at presently favorable interest rates.

SECTION 5. Award; Form of Note. The Town Council hereby approves the Term Sheet and the sale of the Note to the Bank upon the terms and conditions set forth therein. In the event of any conflict between the terms of the Term Sheet and the Loan Agreement, the terms of the Loan Agreement shall control. The Note shall be in substantially the form as set forth in the Loan Agreement, with such additions, deletions and other changes thereto as the officials of the Town executing the Note shall approve, such approval to be conclusively evidenced by the execution of the Note (by manual or facsimile signature) by such officials. As a condition precedent to the issuance of the Note, the Town shall receive a Certificate of the Bank substantially in the form attached hereto as **Exhibit C** and a Disclosure Letter containing the information required by Section 218.385, Florida Statutes.

SECTION 6. Application of Note Proceeds. Proceeds of the Note shall be applied as provided in the Loan Agreement.

SECTION 7. Designation of Note as a "Qualified Tax Exempt Obligation pursuant to Section 265(b)(3) of the Code. The Town hereby designates the Note as a "qualified tax-exempt obligation" under and as defined in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

SECTION 8. Open Meetings. It is hereby found and determined that all official acts of this Town Council concerning and relating to the issuance, sale and delivery of the Note, including but not limited to adoption of this Resolution and the approval of the Term Sheet, were taken in open meetings of the members of the Town Council, and all deliberations of the members of the Town council that resulted in such official acts were in meetings open to the public in compliance

with all legal requirements including, but not limited to, the requirement of Florida Statutes, Section 286.011.

SECTION 9. Other Actions. The Mayor, the Town Manager, the Town Clerk, any Deputy Town Clerk, the Town Attorney and any authorized designee thereof (collectively, the "Town Officers"), and any other consultant or experts retained by the Town, are hereby authorized and directed to take all actions necessary or desirable in connection with the issuance and delivery of the Note and the consummation of all transactions in connection therewith. The Town Officers are hereby authorized and directed to execute all necessary or desirable certificates, documents, papers, and agreements necessary to the undertaking and fulfillment of all transactions referred to in or contemplated by the Loan Agreement, this Resolution and the Term Sheet. Any reference in this Resolution to the "Town Manager" shall mean the Town Manager of the Town or, in his absence, such other persons authorized to act on his behalf.

SECTION 10. Severability. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

SECTION 11. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED this 12th day of November, 2019.

TOWN OF WINDERMERE, FLORIDA

Jim O'Brien, Mayor

Attest:

Dorothy Burkhalter, MMC, FCRM
Town Clerk

EXHIBIT A

TERM SHEET

EXHIBIT B

FORM OF LOAN AGREEMENT

EXHIBIT C

FORM OF BANK CERTIFICATE

This is to certify that Synovus Bank (the "Bank"), has not required the Town of Windermere, Florida (the "Town") to deliver any offering document and has conducted its own investigation, to the extent it deems satisfactory or sufficient, into matters relating to business affairs or conditions (either financial or otherwise) of the Town in connection with the issuance by the Town of its \$39,634.08 Promissory Note (the "Note"). Any capitalized undefined terms used herein not otherwise defined shall have the meaning set forth in that Loan Agreement dated as of November 13, 2019, by and between the Town and the Bank (the "Loan Agreement").

We are aware that investment in the Note involves various risks, that the Note is not a general obligation of the Town or payable from ad valorem tax revenues, and that the payment of the Note is secured solely from Legally Available Non-Ad Valorem Revenues as described in the Loan Agreement. We have made such independent investigation of the Town as we, in the exercise of sound business judgment, consider to be appropriate under the circumstances. We have knowledge and experience in financial and business matters and are capable of evaluating the merits and risks of our investment in the Note and can bear the economic risk of our investment in the Note.

We acknowledge and understand that the Resolution is not required to be qualified under the Trust Indenture Act of 1939, as amended, and that the Note is not required to be registered in reliance upon an exemption from registration pursuant to the Securities Act of 1933, as amended, Section 517.051(1), Florida Statutes, and Section 517.061(7), Florida Statutes, and that neither the Town nor the Town Attorney shall have any obligation to effect any such registration or qualification.

The Note has been purchased for the account of the Bank for investment purposes only and not with a present view to the distribution, transfer or resale thereof. The Bank intends to hold and book the Note as a loan in its loan portfolio. The Bank currently intends to hold such Note for its own account and for an indefinite period of time and does not currently intend to dispose of all or any portion of such Note. The Bank hereby covenants that if the Bank subsequently decides to distribute or resell the Note, it shall comply in all respects with all laws then applicable with respect to any such distribution or resale. We understand that the Note may not be transferred in a denomination less than the par amount outstanding at the time of transfer.

We are a national banking association, and as such we are a qualified institutional buyer as contemplated by Section 517.061(7), Florida Statutes. We are not purchasing the Note for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, Florida Statutes.

We are an "accredited investor" within the meaning of the Securities Act of 1933, as amended, and Regulation D thereunder.

DATED this _____ day of November, 2019.

SYNOVUS BANK

By: _____

Name: _____

Title: _____



TOWN OF WINDERMERE

REQUISITION FORM

DATE: 10/03/2019

To: Bartow Ford
 Commercial Fleet Sales
 5355 Airport Blvd
 Bartow, FL. 33830
 Office (800)-533-0425

PO# 9891

Quantity	Description	Account #	Unit Price	Total Price	✓
01	2019 Ford F150 Crew Cab	001-5210-000-9656		\$29,164.88	
	Vehicle # 44	001 5210 000 9654			
		(NW)			

Total → **\$29,164.88**

Charge to Department: POLICE
 Used for: Job Service

Requested by: SGT. JAYSON BONK Approved by: 



HG2 Emergency Lighting
 477 N Semoran Blvd
 Orlando, FL 32807

Estimate

Date	Estimate No.
10/02/19	2755

407-426-7700
 sales@hg2lighting.com

407-426-7700
 www.hg2lighting.com

Name/Address
Windermere Police Dept Jayson Bonk 620 Main Street Windermere, FL 34786

Ship To

Project	P.O. No.	Terms	Due Date	REP
			05/01/17	

Item	Description	Quantity	Cost	Total
7160-0250	Gamber Johnson Notepad V Universal Cradle	1	189.00	189.00
GK10271USSC A	Setina Single Weapon Mount Partion Mount	1	199.00	199.00T
PK1126ITU12	Setina 10XL Front Half Prisoner Partition 2018 Ford F150	1	659.00	659.00T
Labor	Labor/Installation	1	875.00	875.00T
Graphics-Labor	Graphics Package Windermere PD	1	750.00	750.00T
Discount	Discount Per Ali Bhojani		-201.00	-201.00
Misc	Black Tool Box	1	475.00	475.00
Misc	Post Mount Spot Light	1	575.00	575.00
Misc	LED Bulb Upgrade Spot Light	1	175.00	175.00
	Sales Tax		0.00%	0.00

Thank You For Your Business!

Total **\$9,469.20**



HG2 Emergency Lighting
 477 N Semoran Blvd
 Orlando, FL 32807

Estimate

Date	Estimate No.
10/02/19	2755

407-426-7700
 sales@hg2lighting.com

407-426-7700
 www.hg2lighting.com

Name/Address
Windermere Police Dept Jayson Bonk 620 Main Street Windermere, FL 34786

Ship To

Project	P.O. No.	Terms	Due Date	REP
			05/01/17	

Item	Description	Quantity	Cost	Total
HG2PUMP	FSA HG2 Premium Unmarked Package Front Visor, Rear Visor, Side Runners, Front & Rear Crossfire, 4 Strobes in Headlight and Taillight, Siren & Light Controller, Speaker	1	3,099.00	3,099.00T
Front Visor	Front Visor Blue/Red	1	0.00	0.00T
Rear Visor	Rear Visor Blue/Red with Back Fire Lights & Dome Light	1	0.00	0.00T
HG22PC68BR	Blue/Red 68' Side Runner Kit with Controller	1	0.00	0.00T
HG2CROSSFIR E-BR	Blue/Red Crossfire License Plate Light	2	0.00	0.00T
295SLSA6	Whelen 295SLSA6 Light & Siren Controller	1	0.00	0.00T
SA315P	Whelen 100 Watt Speaker	1	0.00	0.00T
SAK1	Whelen Universal Speaker Bracket	1	0.00	0.00T
VTX609B	Whelen Vertex Strobe Blue Passenger Side Taillight	1	0.00	0.00T
VTX609R	Whelen Vertex Strobe Red Driver Side Taillight	1	0.00	0.00T
IONB	Whelen Ion Light Head Blue Passenger Side Headlight	1	0.00	0.00T
IONR	Whelen Ion Light Head Red Driver Side Headlight	1	0.00	0.00T
MBFX11JJ	Whelen Ion Mirror Beam Blue/Red Split	1	232.20	232.20T
HG2QTRINTSU V-BR	Blue/Red Side Cargo Window Lights Ford Interceptor SUV	1	359.00	359.00T
QK0494ITU12	Setina Half Transport Seat with Center Pull Seatbelts for 2018 Ford F150	1	659.00	659.00T
BK2019ITU12	Setina PB450L Ford Interceptor F150 4 Whelen Lights	1	659.00	659.00T
Misc	Console for F150	1	350.00	350.00
7170-0148	Gamber Johnson Pedestal Mount Laptop Stand	1	415.00	415.00T

Thank You For Your Business!

Total



TOWN OF WINDERMERE

REQUISITION FORM

DATE: 10/07/2019

Need P.O. #
WHEN ASSIGNED
thanks,
Jayson

To: **HG2 Emergency Lighting**
477 N Semoran Blvd
Orlando, FL 32807

Quantity	Description	Account #	Unit Price	Total Price	✓
01	Police Vehicle Emergency Equipment (V44)	001-5210-000-9656	9469.20	9469.20	
		001 5210 000 9654			

Total → \$9469.20

Charge to Department: POLICE

Used for: Job Service

Requested by: SGT. JAYSON BONK

Approved by: 


TOWN OF WINDERMERE

614 Main Street
Windermere, FL 34786
(407) 876-2563

DATE 10/8/19 REQ. NO. AD
SHIP TO
001-5210-000-9656
9656
NW

TO: HG2 Emergency Lighting

09894

Show this Purchase Order Number on all correspondence, invoices, shipping papers and packages.

New V44

DATE REQUIRED	SHIP VIA	F.O.B.	TERMS	
QTY. ORDERED	DESCRIPTION		PRICE	AMOUNT
<u>1</u>	<u>Police Vehicle Emergency Equipment</u>		<u>946920</u>	

TAX NUMBER 58-18-096909-54C PHONE ORDER TAKEN BY

PURCHASE ORDER

Notify us immediately if you are unable to ship as specified

ORDERED BY Sgt Bonk
AUTHORIZED BY Robert

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

To: Mayor and Town Council
From: Brad Cornelius, AICP, Contracted Town Planner
Date: November 5, 2019
Re: Ordinance No. 2019-07 – Renaming Rosser Reserve to Lake Down Reserve and Renaming Rosser Reserve Lane to Down Reserve Court

The Rosser Reserve subdivision, which was platted by the Town in September 2013, recently proceeded through a bankruptcy process. As a result of the bankruptcy process, there are now a total of four (4) owners of the lots within the subdivision. Of the four (4) owners, one (1) owner is an original owner (Mouaz Tawam and Mays Mahayni – Lot 5). The three (3) new owners are:

1. WLD Holdings, LLC – Owner of Lots 1, 6, 7, 8, 9, 10
2. Dutch 1 Investments, LLC – Owner of Lot 2
3. Stonebridge Homes, Inc. – Owner of Lots 3, 4

In addition, the Rosser Reserve Homeowners Association (HOA), owner of the private road and other private infrastructure, is now comprised of the four (4) current owners. The President of the HOA is Conrad Muilenburg.

On October 22, 2019, the Town received a request from Mr. Muilenburg, as the HOA President, and by all four (4) owners to rename the subdivision from Rosser Reserve to Lake Down Reserve and to rename the private road from Rosser Reserve Lane to Down Reserve Court. The letters are included with this agenda item.

The purpose of the renaming of the subdivision and private road is to provide a separation from the past issues and problems with the subdivision and to support the future marketing of the properties.

If the Town Council approves Ordinance 2019-07, then the ordinance will be recorded in the public records of Orange County, submitted to the Orange County Property Appraiser, and Orange County 911 to update their records regarding the new names. In addition, the property owners must contact the US Post Office and other entities

regarding the name changes and must change the street sign and subdivision sign. The changing of the subdivision sign will require permitting through the Town.

The changing of the name of the subdivision and private road do not alter any of the requirements or responsibility for the subdivision.

Do not hesitate to contact me with any questions.

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA TO APPROVE RENAMING A PLATTED SUBDIVISION FROM ROSSER RESERVE TO LAKE DOWN RESERVE AND TO APPROVE A STREET NAME CHANGE FROM ROSSER RESERVE LANE TO DOWN RESERVE COURT WITHIN THE SUBDIVISION, RECORDED IN ORANGE COUNTY PUBLIC RECORDS AT PLAT BOOK 91, PAGES 17-19; PROVIDING FOR FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF WINDERMERE, FLORIDA;

Section 1. Legislative Findings and Intent.

- (1) The Town Council approved a plat for the subdivision named Rosser Reserve on September 13, 2016, as recorded in the public records of Orange County, Florida at Plat Book 91, Pages 17-19.
- (2) Within the Rosser Reserve subdivision there is a single private road, owned and maintained by the Rosser Reserve Homeowners Association, Inc. that serves all 10 lots within the subdivision. The road is currently named Rosser Reserve Lane.
- (3) The Town received a letter dated October 22, 2019, from Conrad Muilenburg, President of the Rosser Reserve Homeowners Association, Inc. (also known as the Lake Down Reserve Homeowners Association, Inc.) requesting the change of the Rosser Reserve subdivision name to Lake Down Reserve and to change the name of the private road from Rosser Reserve Lane to Down Reserve Court.
- (4) The Town received letters from all 10 lot owners within the subdivision approving the subdivision name change to Lake Down Reserve and road name change to Down Reserve Court:
 1. WLD Holdings, LLC – Owner of Lots 1, 6, 7, 8, 9, 10
 2. Dutch 1 Investments, LLC – Owner of Lot 2
 3. Stonebridge Homes, Inc. – Owner of Lots 3, 4
 4. Mouaz Tawam and Mays Mahayni – Owner of Lot 5

Section 2. Change of Subdivision Name. The name of the Rosser Reserve subdivision, as recorded in Orange County Public Records at Plat Book 91, Pages 17-19, shall be changed to Lake Down Reserve and all records and plats are hereby amended to reflect this change; and

Section 3. Change of Road Name. The name of the road Rosser Reserve Lane is changed to Down Reserve Court and all records and plats are hereby amended to reflect this change.

Section 4. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its enactment.

APPROVED AND ADOPTED by the Town Council of the Town of Windermere on the ____ day of _____, 2019.

Town of Windermere, Florida
By: Town Council

By: _____
Jim O'Brien, Mayor

Attest:

Dorothy Burkhalter, MMC, FCRM
Town Clerk

First Reading: November 12, 2019
Second Reading:

October 22, 2019

Mr. Robert Smith
Windermere Town Manager
614 Main Street
Windermere, FL 34786

RE: Rosser Reserve Rename of Subdivision and Street

Dear Mr. Smith:

This letter is to advise that all owners of the ten Lots in Rosser Reserve approve the request to rename the Rosser Reserve subdivision to LAKE DOWN RESERVE and Rosser Reserve Lane to DOWN RESERVE COURT. The purpose of this request is to re-brand the community that was the subject of the default of the prior developer that filed for bankruptcy and sold the property in a public auction.

Included with this request are signed letters from each of the lot owners in Rosser Reserve approving the name changes.

Respectfully,

A handwritten signature in black ink, appearing to read 'Conrad Muilenburg', written in a cursive style.

Conrad Muilenburg
President
Lake Down Reserve Homeowners Association
Formerly Known as Rosser Reserve HOA

10/21/2019

Mr. Robert Smith

Windermere Town Manager

614 Main Street

Windermere, FL 34786

RE: Rosser Reserve Rename of Subdivision and Street

Dear Mr. Smith:

This letter is to advise that we, Mouaz Tawam and Mays Mahayni as owners of lot 5 of Rosser Reserve approve the request to rename the Rosser Reserve subdivision to LAKE DOWN RESERVE and Rosser Reserve Lane to DOWN RESERVE COURT.

Respectfully,


Mouaz Tawam & Mays Mahayni

8322 Lake Serene Drive

Orlando, FL 32836

Dutch 1 Investments, LLC

404 N. Ingraham Ave., Lakeland, FL 33801

October 23, 2019

Mr. Robert Smith
Windermere Town Manager
614 Main Street
Windermere, FL 34786

Re: Rosser Reserve Rename of Subdivision and Street

Dear Mr. Smith,

This letter is to advise that Dutch 1 Investments, LLC as owner(s) of Lot 2 in Rosser Reserve approve the request to rename the Rosser Reserve subdivision to Lake Down Reserve and Rosser Reserve Lane to Down Reserve Court.

Respectfully,



John Battigan

Managing Member of Dutch 1 Investments, LLC

Stonebridge Homes, Inc.

October 22, 2019

Mr. Robert Smith
Windermere Town Manager
614 Main Street
Windermere, FL 34786

Re: Rosser Reserve Rename of Subdivision and Street

Dear Mr. Smith:

This letter is to advise that Stonebridge Homes, Inc. as owner(s) of Lot 3 and 4 in Rosser Reserve approve the request to rename the Rosser Reserve subdivision to Lake Down Reserve and Rosser Reserve Lane to Down Reserve Court.

Respectfully,

J. Todd South
Vice President



WLD Holdings LLC
6238 MASTERS BOULEVARD
UNIT E104
ORLANDO, FL 32819

9/29/2019

Mr. Robert Smith
Windermere Town Manager
614 Main Street
Windermere, FL 34786

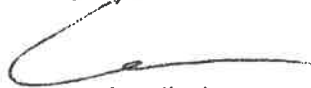
RE: Rosser Reserve Rename of Subdivision and Street

Dear Mr. Smith:

This letter is to advise that as owner of Lots 1, 6, 7, 8, 9 and 10 in Rosser Reserve approve the request to rename the Rosser Reserve subdivision to LAKE DOWN RESERVE and Rosser Reserve Lane to

Down Reserve Ct CM

Respectfully,



Conrad Mullenburg

Manager

WLD Holdings LLC

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

To: Mayor and Town Council
From: Brad Cornelius, AICP, Contracted Town Planner
Date: November 5, 2019
Re: Ordinance No. 2019-08 – 92 Pine Street – Vacation of a Portion of West 1st Avenue and Pine Street

In April 2019, the Town was contacted by Raymond Smith, who was in the process of selling his home at 92 Pine Street, regarding a discrepancy related to a Town Council resolution from 1967 that vacated a portion of West 1st Avenue and Pine Street. The 1967 resolution is recorded in Orange County Public Records at O.R. Book 1637, Page 622.

When Mr. Smith purchased 92 Pine Street in 2002, he received a survey for closing that reflected the 1967 right-of-way vacation and lot boundary of 92 Pine Street (“Original Survey”). However, when Mr. Smith was in the process of selling his home in April 2019, the survey prepared for closing in 2019 reflected a different boundary for the 1967 right-of-way vacation and lot boundary for 92 Pine Street (“New Survey”). This caused a discrepancy at closing in 2019 and placed a cloud on the title. The property was sold to Fernando Azpurua on April 15, 2019.

When the Town was contacted by Mr. Smith in April 2019, staff reviewed the 2002 and 2019 surveys and the 1967 Town Council resolution. Town staff review determined that the 2019 survey accurately reflected the 1967 resolution and the lot boundary for 92 Pine Street. It was determined that the 2002 survey was incorrect.

Since Mr. Smith purchased the property in 2002 until he sold it in 2019, Mr. Smith fully assumed the lot boundary as shown in the 2002 survey was correct. In addition, Mr. Smith stated that in the past the Town issued a fence permit for the property within the area of dispute.

In order to eliminate any discrepancies or confusion regarding the vacation of the portion of West 1st Avenue and Pine Street and the legal lot boundary for 92 Pine Street, it was determined that the Town would have to approve an additional right-of-way vacation to

clearly vacate the area of West 1st Avenue and Pine Street that is in dispute (“Area Proposed for Vacation”).

On July 24, 2019, the Town received a request from David Labovitz, attorney representing 92 Pine Street, for the Town to vacate the portion of West 1st Avenue and Pine Street in dispute. In response to the vacation request from Mr. Labovitz, Town staff completed additional research into the issue and determined that the area proposed for the vacation is not needed by the Town. However, the Town will reserve a 15-foot utility easement within the area proposed for vacation. The area proposed for the vacation has been used as part of 92 Pine Street without any issues or concerns by the Town. If the proposed area is vacated by the Town, then the vacated property will convey to Fernando Azpurua, current owner of 92 Pine Street.

In addition, Town staff reviewed the proposed right-of-way vacation for compliance with the requirements of Section 6.02.03(d) of the Town’s Land Development Code:

- (1) The requested vacation is consistent with the Traffic Circulation Element of the Town’s Comprehensive Plan.

The vacation of the proposed portion of West 1st Avenue and Pine Street does not result in any impact to traffic flow within the Town and is consistent with the Town’s Comprehensive Plan.

- (2) The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.

The right-of-way does not provide sole access to any property, and remaining access is not by easement. The properties in this area are still accessible from Pine Street.

- (3) The vacation would not jeopardize the current or future location of any utility.

The vacation does not jeopardize the current or future location of any utility. The Town maintains a 15-foot utility easement on the portion of the right-of-way vacated in 1967 and will maintain a 15-foot utility easement on the proposed area for vacation.

- (4) The proposed vacation is not detrimental to the public interest and provides a positive benefit to the town.

Thirty-five (35) notification letters were sent to surrounding properties. Five (5) letters were returned in support and none in objection. The Suttons, owners of 505 West 2nd Avenue, which is adjacent to the area proposed for vacation, submitted a letter of support for the vacation request.

This vacation request has also been reviewed by Scott Brown, Town’s Public Works Director. Mr. Brown has no objections to the vacation request.

Attached for the Town Council's information are:

- Right-of-Way Vacation Request from David Labovitz;
- 1967 Resolution Vacating Portion of West 1st Avenue;
- "Original Survey";
- "New Survey";
- Sketch and legal description of "Areas Proposed for Vacation";
- Public Response Letters and Map

Do not hesitate to contact me with any questions.

LABOVITZ LAW FIRM, P.A.

201 N. NEW YORK AVENUE, SUITE 201
WINTER PARK, FL 32789

TELEPHONE (407) 970 - 8633
FAX (407) 429 - 3947

DAVID J. LABOVITZ
Email: David@labolaw.com

July 24, 2019

Mr. Scott Brown
Public Works Director
Town of Windermere
614 Main Street
Windermere, FL 34786

**RE: 92 Pine Street
Request to Vacate Right of Way**

Dear Mr. Brown:

This Request to Vacate Right of Way comes to you resulting from a discrepancy in the interpretation of the area abandoned in the Town of Windermere Resolution dated April 10, 1967, recorded at O.R. 1637, Page 622. Pursuant to that Resolution, the Town of Windermere abandoned:

“That portion of the unopened street known as First Avenue, lying West of Pine Street and extending to the shore line of Wauseon Bay; bordered on the South by Lots 26C and 27C, and on the North by Lot 28C...”

Unfortunately, the Resolution did not include any sketch of description portraying the actual abandoned area, and there is now disagreement interpreting the specific area vacated. This discrepancy has created potential title issues recently brought to light that we are now undertaking to resolve. There is a history of 92 Pine Street being used in its current state dating back to before 2002; however, a recent survey depicts that a portion of what has long been considered vacated area owned by 92 Pine Street may not actually be vacated property. If that is the case, then that property would be owned by the Town of Windermere, dating back to before the 1967 Resolution. This result wouldn't seem congruent with the use of this area, since Windermere has had no need for this piece of land since 1967, when it was determined that this portion of First Avenue was no longer necessary, and the Resolution was entered.

My clients, Raymond and Jacqueline Smith, purchased 92 Pine Street in November 2002. The attached survey (Exhibit “A”) prepared and used for the 2002 closing, interprets the abandoned area described in the Resolution to include a portion of the East side of the property as depicted

July 24, 2019
Town of Windermere
Page 2

within the survey. Similarly, the Orange County Property Appraiser continues to use this drawing as its map of the area of the property (Exhibit "B"). Several years ago, the Smiths used this survey to apply to the Town of Windermere for and receive a permit for a fence. The fence lies within the area in conflict. The Smiths have used this area as their own, based on their understanding that this property was part of the entire parcel transferred to them by deed in their 2002 purchase.

Recently, the Smiths sold 92 Pine Street. A new survey prepared on behalf of the purchaser interprets the abandoned area differently (Exhibit "C"). Per the new survey, a portion of the East side of the property is shown to not be included as part of the vacated property described in the 1967 Resolution. This new interpretation of the vacated area creates several serious issues. First, it creates an ownership and potential title cloud dating back a yet undetermined number of years. It creates a potential cloud on title to the property actually purchased by the Smiths in 2002, and further continues the title problem as it relates to the recent purchasers of this property. Without a solution, this title problem will remain on this property indefinitely. In fact, even title underwriters have offered differing opinions as to the property that lies within the vacated area.

To solve this problem, we are requesting the Town of Windermere expressly vacate this area, so the vacated area is of record. As this area has been treated as owned by 92 Pine Street for numerous years, an express vacation of the area does nothing more than validate its current use. There is no competing use being raised by any other party, and the Town of Windermere has never expressed any interest in retaining this area for its own use. To that end, attached is a sketch of a proposed updated right of way (Exhibit "D"), created by the surveyor of the most recent survey. If this sketch meets the Town's approval, we will also have the surveyor create a new legal description in accordance with the drawing.

Thank you for considering this request. Please feel free to contact me with any comments or questions.

Very truly yours,

David J. Labovitz

David J. Labovitz

135923 RECORDED
MAY 29 12 19 PM 1967
O.R. 1637 PG 622

425
PG

RESOLUTION

The Windermere Town Council, upon motion duly made and seconded, resolved to abandon the following described property:

That portion of the unopened street known as First Avenue, lying West of Pine Street and extending to the shore line of Wauseon Bay; bordered on the South by Lots 26C and 27C, and on the North by Lot 28C, according to the plat of WINDERMERE CLUB COMPANY, as recorded in Plat Book "6", Pages 36 through 39, public records of Orange County, Florida.

AND THEREFORE, by virtue of the action of the Town Council of Windermere, Fla. did abandon all of said Town's interest in the above described property except that the Town reserves a fifteen foot easement for all utility purposes, seven and one-half feet of which shall be on either side of the center line of such street.

Theodore S. Johnson
Theodore S. Johnson, Mayor

ATTEST:

Jean Geitgey
Jean Geitgey, Town Clerk
MAY 10, 1967

Town of Windermere
Windermere Florida

A
B
B

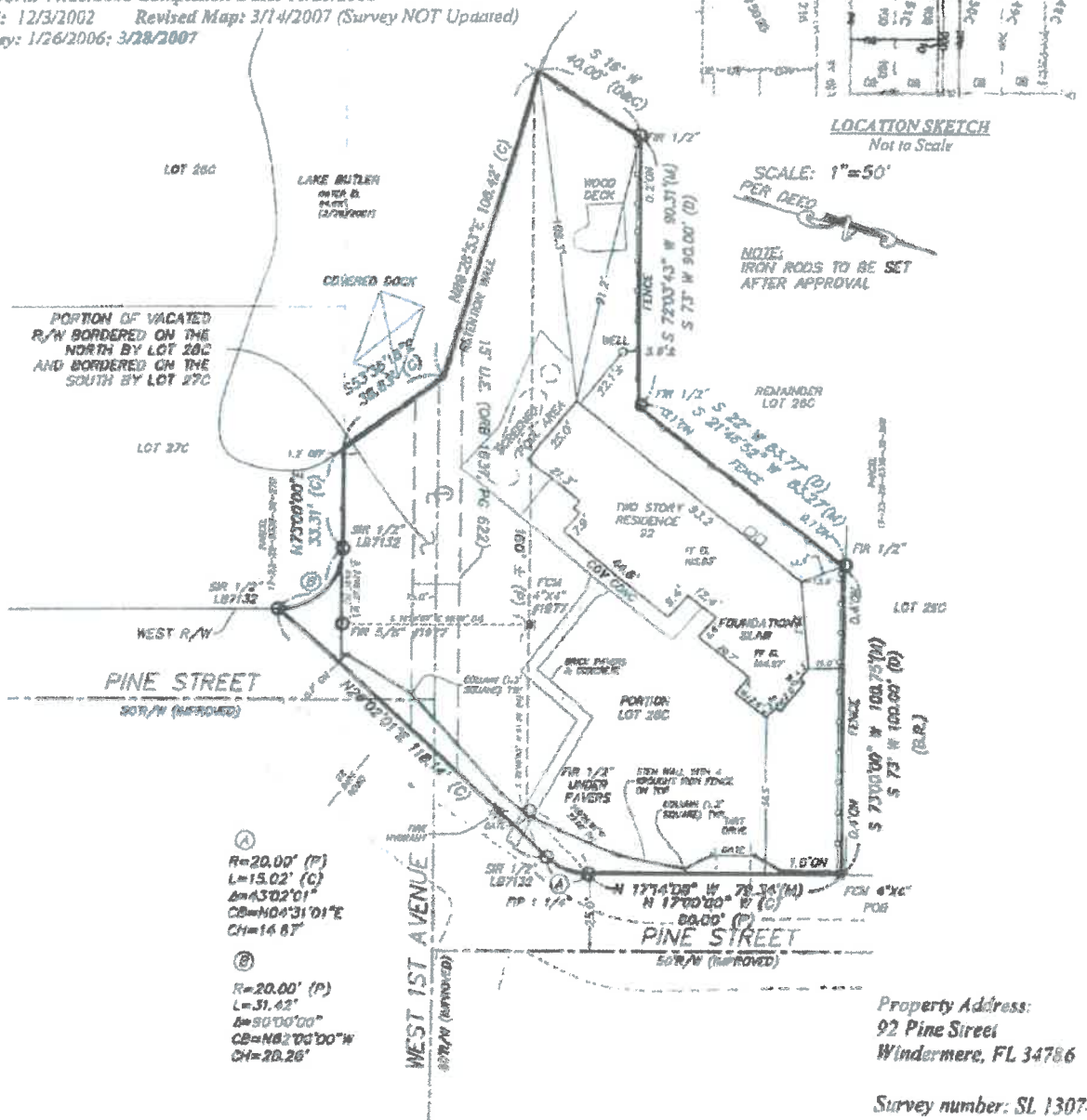
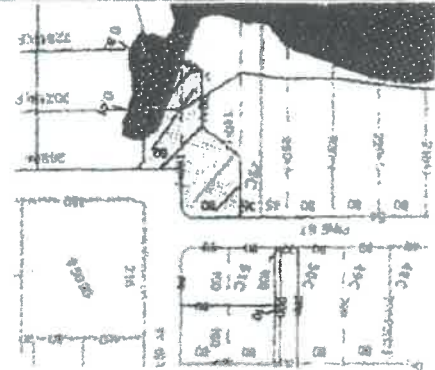
"Original Survey"

SWEARDLOFF & FERRY

370 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

Beginning at the Northeastly corner of Lot 28C, run South 73 degrees West 100 feet, thence South 22 degrees West 63.77 feet; thence South 73 degrees West 90 feet; thence South 16 degrees West 40 feet to the Shoreline, Southeasterly along Shoreline to South line of Lot 28C; thence North 73 degrees East to the West right-of-way of Pine Street North to the Point of Beginning and 60 foot vacated right-of-way on the South. **PLAT OF WINDERMERE**, according to the plat thereof, as recorded in Plat Book G, Pages 36-39, of the Public Records of Orange County, Florida.

Community number: 120381 Panel: 0385
 Suffix: E.F.I.R.M. Date: 12/6/2000 Flood Zone: X
 Date of field work: 11/25/2002 Completion Date: 11/25/2002
 Revised Legal: 12/3/2002 Revised Map: 3/14/2007 (Survey NOT Updated)
 Updated Survey: 1/26/2006; 3/28/2007



LOCATION SKETCH
Not to Scale

SCALE: 1"=50'
PER DEED

NOTE:
IRON RODS TO BE SET
AFTER APPROVAL

Ⓐ
R=20.00' (P)
L=15.02' (C)
B=4302'01"
CB=N0°31'01"E
CH=14.87'

Ⓑ
R=20.00' (P)
L=31.42'
B=50'00"00"
CB=N82°00'00"W
CH=20.26'

Property Address:
92 Pine Street
Windermere, FL 34786

Survey number: SL 1307-4

LEGEND

□ Wood Fence	W/M Water Meter	NTS Not to Scale
○ Wire Fence	TEL Telephone Facilities	OR Official Records
L.I Chain Link Fence	Covered Area	D.R.B Official Records Book
Ⓜ Found Nail	B.R Bearing Reference	PC.P Permanent Control Point
Ⓝ Concrete	Ch Chord	PR.M Permanent Reference Monument
Field Measured	RAD Radial	PG Page
Clear	A/C Air Conditioner	P.V.M.T. Pavement
ENC Encroachment	B.M. Bench Mark	E.O.P. Edge of Pavement
Centerline	C Calculated	P.B. Plat Book

GENERAL NOTES

1. Legal descriptions provided by others
2. The lands shown herein were not abstracted for easements or other recorded encumbrances not shown on the plat
3. Underground portions of footings, foundations or other improvements were not located.
4. Wall ties are to the face of the wall
5. Only visible encroachments located
12. FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY, AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.
13. Septic tank and/or drainfield locations are

SKETCH OF DESCRIPTION

SHEET 1 OF 2

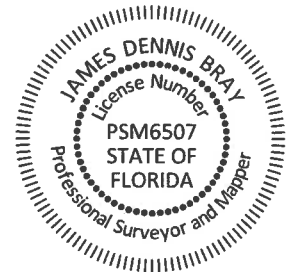
"Area Proposed for Vacation"

LEGAL DESCRIPTION:

A PORTION OF THE WESTERLY INTERSECTION OF W. 1ST AVENUE (FORMERLY FIRST AVENUE) AND PINE STREET, PER THE PLAT OF WINDERMERE, AS RECORDED IN PLAT LOOK "G", PAGES 36 THRU 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 28C, PLAT OF WINDERMERE, AS RECORDED IN PLAT LOOK "G", PAGES 36 THRU 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN THENCE S17°00'00"E ALONG THE EAST LINE OF SAID LOT 28C, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF PINE STREET, A DISTANCE OF 80.00 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, A CHORD BEARING OF S23°46'56"W, A CHORD DISTANCE OF 26.13 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°33'51", A DISTANCE OF 28.47 FEET FOR A POINT OF BEGINNING, SAID POINT BEING A NON-TANGENT POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 85.30 FEET, A CHORD BEARING OF S26°34'31"W, A CHORD DISTANCE OF 34.42 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°16'58", A DISTANCE OF 34.66 FEET TO A POINT OF REVERSE CURVATURE ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF S20°52'53"W, A CHORD DISTANCE OF 44.69 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°40'15", A DISTANCE OF 45.38 FEET TO A POINT OF NON-TANGENCY ON THE NORTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 27C, SAID PLAT OF WINDERMERE; THENCE S73°00'00"W ALONG SAID NORTHEASTERLY EXTENSION, A DISTANCE OF 12.76 FEET TO A POINT ON THE EASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1637, PAGE 622, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N17°00'00"W ALONG SAID EASTERLY LINE, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS, SAID POINT BEING A POINT ON THE SOUTHERLY LINE OF SAID LOT 28C; THENCE N73°00'00"E ALONG SAID SOUTHERLY LINE OF SAID LOT 28C, A DISTANCE OF 61.00 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, A CHORD BEARING OF N68°46'56"E, A CHORD DISTANCE OF 2.94 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE OF LOT 28C, THROUGH A CENTRAL ANGLE OF 08°26'09", A DISTANCE OF 2.94 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,158 SQUARE FEET OR 0.0450 ACRES MORE OR LESS.



JOB #903090
CF #ORG-G-36LOT28C-SOD
DATE: 9/23/19
SCALE: 1" = 20'
DRAWN BY: SAH

CERTIFIED TO:
Labovitz Law Firm, P.A.

LEGEND

⊗	- CENTERLINE
CBW	- CONCRETE BLOCK WALL
CLF	- CHAIN LINK FENCE
CM	- CONCRETE MONUMENT
CONC	- CONCRETE
COVD	- COVERED
CW	- CONCRETE WALKWAY
Δ	- CENTRAL ANGLE
(D)	- DESCRIBED
DB	- DEED BOOK
DE	- DRAINAGE EASEMENT
DW	- DRIVEWAY
EP	- EDGE OF PAVEMENT
ESMT	- EASEMENT
FH	- FIRE HYDRANT
FFE	- FINISHED FLOOR ELEVATION
FND	- FOUND
INST	- INSTRUMENT NUMBER
IP	- IRON PIPE
IR	- IRON ROD
L	- ARC LENGTH
(M)	- MEASURED
MF	- METAL FENCE
N&D	- NAIL AND DISK
NR	- NON-RADIAL
NT	- NON-TANGENT
ORB	- OFFICIAL RECORDS BOOK
OW	- OVERHEAD WIRE
(P)	- PLAT
PB	- PLAT BOOK
PC	- POINT OF CURVATURE
PG	- PAGE
PRC	- POINT OF REVERSE CURVATURE
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
R/W	- RIGHT OF WAY
R	- RADIUS
TR	- TELEPHONE RISER
TYP	- TYPICAL
UE	- UTILITY EASEMENT
UP	- UTILITY POLE
#	- NUMBER

REVISIONS

GENERAL NOTES:

- Bearing structure based on East line of Lot 28C being: S17°00'00"E
- This surveyor has not made a search of the public records for any dedications, limitations, restrictions or easements other than shown hereon.
- This Sketch of Description has been made for the exclusive use of the entities prepared for, heron and does not extend to any unnamed parties.
- This Sketch of Description is not a Survey.
- This Sketch is "Not Valid" without the signature and the original raised seal of this Florida licensed Surveyor and Mapper, unless provided with electronic signature with the ability to validate. (See: www.altamxsurveying.com for instructions on signature validation). The seal appearing on this document was authorized by signing Professional Surveyor and Mapper on the Date of the electronic signature.

Altamax Surveying

910 Belle Avenue, Suite 1140
Casselberry, FL 32708
Phone: 407-677-0200
Licensed Business No. 7833
www.altamxsurveying.com

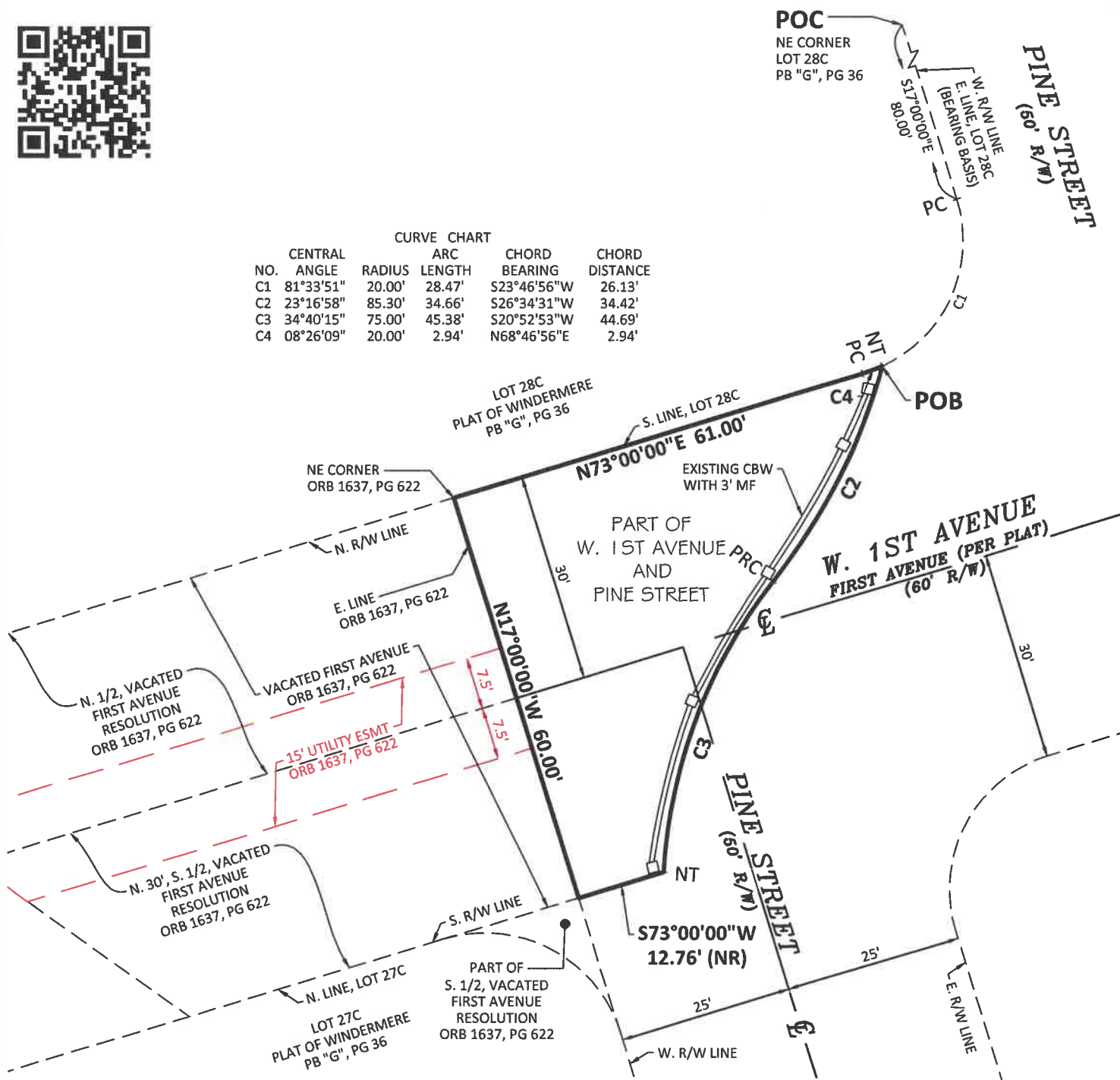
James D. Bray PSM 6507

SKETCH OF DESCRIPTION

SHEET 2 OF 2

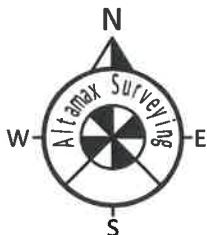


CURVE CHART					
NO.	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	81°33'51"	20.00'	28.47'	S23°46'56"W	26.13'
C2	23°16'58"	85.30'	34.66'	S26°34'31"W	34.42'
C3	34°40'15"	75.00'	45.38'	S20°52'53"W	44.69'
C4	08°26'09"	20.00'	2.94'	N68°46'56"E	2.94'

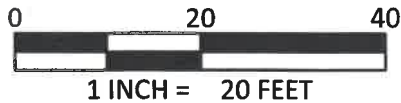


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GRAPHIC SCALE



ORDINANCE NO. 2019-08

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A PORTION OF WEST 1ST AVENUE AND PINE STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; RESERVING UNTO THE TOWN OF WINDERMERE A 15-FOOT UTILITY EASTMENT ALONG THE VACATED CENTERLINE OF WEST 1ST AVENUE WITHIN THE PORTION OF THE VACATED PORTION OF WEST 1ST AVENUE AND PINE STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PROPERTY TO FERNANDO AZPURUA, OWNER OF 92 PINE STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF WINDERMERE, FLORIDA;

Section 1. Legislative Findings and Intent.

- (1) On April 10, 1967, the Town Council approved a resolution, which did not include a sketch or survey, recorded in the Orange County Public Records in O.R. Book 1637, Page 622, that vacated a portion of West 1st Avenue. See Exhibit “A”.
- (2) On November 27, 2002, 92 Pine Street was purchased by Raymond and Jacquelyn Smith, and a survey was provided as part of the closing, reflecting the 1967 resolution vacation (“Original”). The “Original” survey is provided in Exhibit “B”.
- (3) Since 2002, the Smith’s assumed based on the “Original” survey, and the mapping of the property by the Orange County Property Appraiser, and the issuance of a building permit by the Town for the installation of a fence on the property, that their property ownership included the area depicted in Exhibit “B”.
- (4) On April 15, 2019, the Smith’s sold 92 Pine Street to Fernando Azpurua, and a survey was provided as part of the closing reflecting the 1967 resolution vacation (“New”). The 2019 “New” survey is provided in Exhibit “C”.
- (5) In review and comparison of the “Original and “New” surveys, it was determined that the “New” survey reflects a different application of the 1967 vacation resolution than the “Original” survey.
- (6) The discrepancies in the “Original” and “New” surveys have placed a cloud on the title for 92 Pine Street.

- (7) To remove any uncertainty and clear up any discrepancy between the “Original” and “New” surveys, an additional right-of-way vacation is required to clearly vacate the area in dispute.
- (8) The portion of West 1st Avenue and Pine Street to be vacated under this ordinance is shown in Exhibit “D”. After vacation of the area in Exhibit “D”, the vacated property ownership is conveyed to Fernando Azpurua, owner of 92 Pine Street.
- (9) The Town has reviewed the request to vacate the right-of-way as shown in Exhibit “D” and finds that the vacation meets the requirements for vacation of Town right-of-way provided in Section 6.02.03(d) of the Town’s Land Development Code.
- (10) The Town reserves a 15-foot utility easement along the centerline of the vacated portion of West 1st Avenue, which is an extension of the existing 15 foot easement within the area vacated in 1967.
- (11) The Town has home rule power to vacate streets or portions thereof and the Town Council has determined that the portion of the right-of-way of West 1st Avenue and Pine Street, as shown in Exhibit “D”, is not needed as Town right-of-way; however, the Town reserves a 15-foot utility easement along the centerline of the vacated portion of West 1st Avenue.

Section 2. Vacation of Right-of-Way. The Town Council hereby approves the vacation of the portion of right-of-way on a portion of West 1st Avenue and Pine Street as provided in Exhibit “D”. Fee simple ownership of the property hereby reverts to Fernando Azpurua, owner of 92 Pine Street.

Section 3. Reservation of Utility Easement. The Town Council hereby reserves a 15-foot utility easement, seven and one-half (7.5) feet along each side of the centerline of the vacated portion of West 1st Avenue.

Section 4. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its enactment.

APPROVED AND ADOPTED by the Town Council of the Town of Windermere on the ____ day of _____, 2019.

Town of Windermere, Florida
By: Town Council

By: _____
Jim O'Brien, Mayor

Attest:

Dorothy Burkhalter, MMC, FCRM
Town Clerk

First Reading: November 12, 2019
Second Reading:

Exhibit "A"

135923 RECORDED
MAY 29 12 19 PM 1967
O.R. 1637 PG 622

425
PM

RESOLUTION

The Windermere Town Council, upon motion duly made and seconded, resolved to abandon the following described property:

That portion of the unopened street known as First Avenue, lying West of Pine Street and extending to the shore line of Wausson Bay; bordered on the South by Lots 26C and 27C, and on the North by Lot 28C, according to the plat of WINDERMERE CLUB COMPANY, as recorded in Plat Book "G", Pages 36 through 39, public records of Orange County, Florida.

AND THEREFORE, by virtue of the action of the Town Council of Windermere, Fla. did abandon all of said Town's interest in the above described property except that the Town reserves a fifteen foot easement for all utility purposes, seven and one-half feet of which shall be on either side of the center line of such street.

Theodore S. Johnson
Theodore S. Johnson, Mayor

ATTEST:

Jean Gutzger
Jean Gutzger, Town Clerk
APR 10, 1967

Town of Windermere
Windermere Florida

188

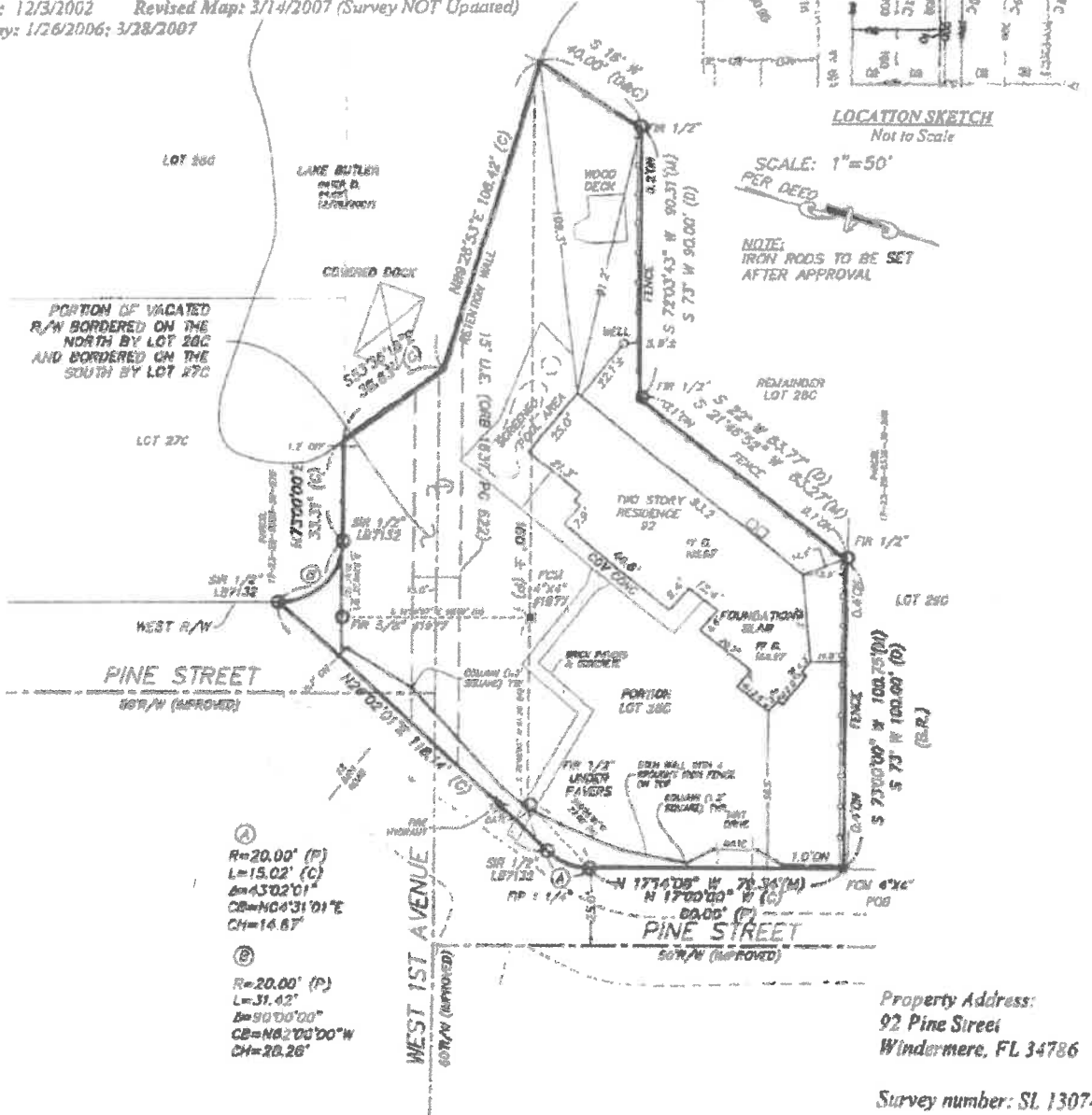
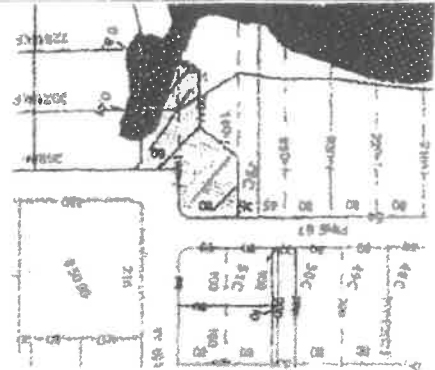
"Exhibit B" "Original Survey"

SWERDLOFF & FERRY

370 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

Beginning at the Northeasterly corner of Lot 28C, run South 73 degrees West 100 feet, thence South 22 degrees West 83.77 feet; thence South 73 degrees West 90 feet; thence South 16 degrees West 40 feet to the Shoreline, Southeastly along Shoreline to South line of Lot 28C; thence North 73 degrees East to the West right-of-way of Pine Street North to the Point of Beginning and 60 foot vacated right-of-way on the South. **PLAT OF WINDERMERE**, according to the plat thereof, as recorded in Plus Book G, Pages 36-39, of the Public Records of Orange County, Florida.

Community number: 120381 Panel: 0385
 Suffix: E.F.I.R.M. Date: 12/6/2000 Flood Zone: X
 Date of field work: 11/25/2002 Completion Date: 11/25/2002
 Revised Legal: 12/3/2002 Revised Map: 3/14/2007 (Survey NOT Updated)
 Updated Survey: 1/26/2006; 3/28/2007



LOCATION SKETCH
 Not to Scale
 SCALE: 1"=50'
 PER DEED
 NOTE: IRON RODS TO BE SET AFTER APPROVAL

Ⓐ
 R=20.00' (P)
 L=15.02' (C)
 Δ=43°02'01"
 CB=N64°31'01"E
 CH=14.67'

Ⓑ
 R=20.00' (P)
 L=31.42'
 Δ=90°00'00"
 CB=N62°00'00"W
 CH=26.26'

Property Address:
 92 Pine Street
 Windermere, FL 34786
 Survey number: SL 13074

LEGEND

□	Wood Fence	W/M	Water Meter
○	Wire Fence	TEL	Telephone Facility
LI	Chain Link Fence	CA	Covered Area
⊕	Round Nail	B.R.	Bearing Reference
⊙	Concrete	Ch	Chord
⊖	Field Measured	RAD	Retial
○	Clear	A/C	As Conditions
⊖	Encroachment	B.M.	Bench Mark
○	Centerline	C	Calculated

N.T.S.	Not to Scale
O.R.	Official Records
O.R.B.	Official Records Book
P.C.P.	Permanent Control Point
P.R.M.	Permanent Reference Monument
PG	Page
P.V.M.T.	Pavement
E.O.P.	Edge of Pavement
P.B.	Plat Book
P.O.D.	Point of Beginning

GENERAL NOTES

- Legal description provided by others
- The lands shown hereon were not abstracted for assessments or other record deed encumbrances not shown on the plat
- Underground portions of footings, foundations or other improvements were not located.
- Wall ties are to the face of the wall
- Only visible encroachments located
- FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY, AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.
- Septic tank and/or drainfield locations are

SKETCH OF DESCRIPTION

SHEET 1 OF 2

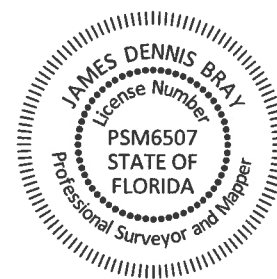
Exhibit "D" " Area to be Vacated"

LEGAL DESCRIPTION:

A PORTION OF THE WESTERLY INTERSECTION OF W. 1ST AVENUE (FORMERLY FIRST AVENUE) AND PINE STREET, PER THE PLAT OF WINDERMERE, AS RECORDED IN PLAT LOOK "G", PAGES 36 THRU 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 28C, PLAT OF WINDERMERE, AS RECORDED IN PLAT LOOK "G", PAGES 36 THRU 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN THENCE S17°00'00"E ALONG THE EAST LINE OF SAID LOT 28C, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF PINE STREET, A DISTANCE OF 80.00 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, A CHORD BEARING OF S23°46'56"W, A CHORD DISTANCE OF 26.13 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°33'51", A DISTANCE OF 28.47 FEET FOR A POINT OF BEGINNING, SAID POINT BEING A NON-TANGENT POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 85.30 FEET, A CHORD BEARING OF S26°34'31"W, A CHORD DISTANCE OF 34.42 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°16'58", A DISTANCE OF 34.66 FEET TO A POINT OF REVERSE CURVATURE ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF S20°52'53"W, A CHORD DISTANCE OF 44.69 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°40'15", A DISTANCE OF 45.38 FEET TO A POINT OF NON-TANGENCY ON THE NORTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 27C, SAID PLAT OF WINDERMERE; THENCE S73°00'00"W ALONG SAID NORTHEASTERLY EXTENSION, A DISTANCE OF 12.76 FEET TO A POINT ON THE EASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1637, PAGE 622, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N17°00'00"W ALONG SAID EASTERLY LINE, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS, SAID POINT BEING A POINT ON THE SOUTHERLY LINE OF SAID LOT 28C; THENCE N73°00'00"E ALONG SAID SOUTHERLY LINE OF SAID LOT 28C, A DISTANCE OF 61.00 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, A CHORD BEARING OF N68°46'56"E, A CHORD DISTANCE OF 2.94 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE OF LOT 28C, THROUGH A CENTRAL ANGLE OF 08°26'09", A DISTANCE OF 2.94 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,158 SQUARE FEET OR 0.0450 ACRES MORE OR LESS.



JOB #903090
CF #ORG-G-36LOT28C-SOD
DATE: 9/23/19
SCALE: 1" = 20'
DRAWN BY: SAH

CERTIFIED TO:
Labovitz Law Firm, P.A.

LEGEND

CBW	- CENTERLINE
CLF	- CONCRETE BLOCK WALL
CM	- CHAIN LINK FENCE
CONC	- CONCRETE MONUMENT
CONC	- CONCRETE
COVD	- COVERED
CW	- CONCRETE WALKWAY
Δ	- CENTRAL ANGLE
(D)	- DESCRIBED
DB	- DEED BOOK
DE	- DRAINAGE EASEMENT
DW	- DRIVEWAY
EP	- EDGE OF PAVEMENT
ESMT	- EASEMENT
FH	- FIRE HYDRANT
FFE	- FINISHED FLOOR ELEVATION
FND	- FOUND
INST	- INSTRUMENT NUMBER
IP	- IRON PIPE
IR	- IRON ROD
L	- ARC LENGTH
(M)	- MEASURED
MF	- METAL FENCE
N&D	- NAIL AND DISK
NR	- NON-RADIAL
NT	- NON-TANGENT
ORB	- OFFICIAL RECORDS BOOK
OW	- OVERHEAD WIRE
(P)	- PLAT
PB	- PLAT BOOK
PC	- POINT OF CURVATURE
PG	- PAGE
PRC	- POINT OF REVERSE CURVATURE
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
R/W	- RIGHT OF WAY
R	- RADIUS
TR	- TELEPHONE RISER
TYP	- TYPICAL
UE	- UTILITY EASEMENT
UP	- UTILITY POLE
#	- NUMBER

REVISIONS

GENERAL NOTES:

- Bearing structure based on East line of Lot 28C being: S17°00'00"E
- This surveyor has not made a search of the public records for any dedications, limitations, restrictions or easements other than shown hereon.
- This Sketch of Description has been made for the exclusive use of the entities prepared for, heron and does not extend to any unnamed parties.
- This Sketch of Description is not a Survey.
- This Sketch is "Not Valid" without the signature and the original raised seal of this Florida licensed Surveyor and Mapper, unless provided with electronic signature with the ability to validate. (See: www.altamxsurveying.com for instructions on signature validation). The seal appearing on this document was authorized by signing Professional Surveyor and Mapper on the Date of the electronic signature.

Altamax Surveying

910 Belle Avenue, Suite 1140
Casselberry, FL 32708
Phone: 407-677-0200
Licensed Business No. 7833
www.altamxsurveying.com

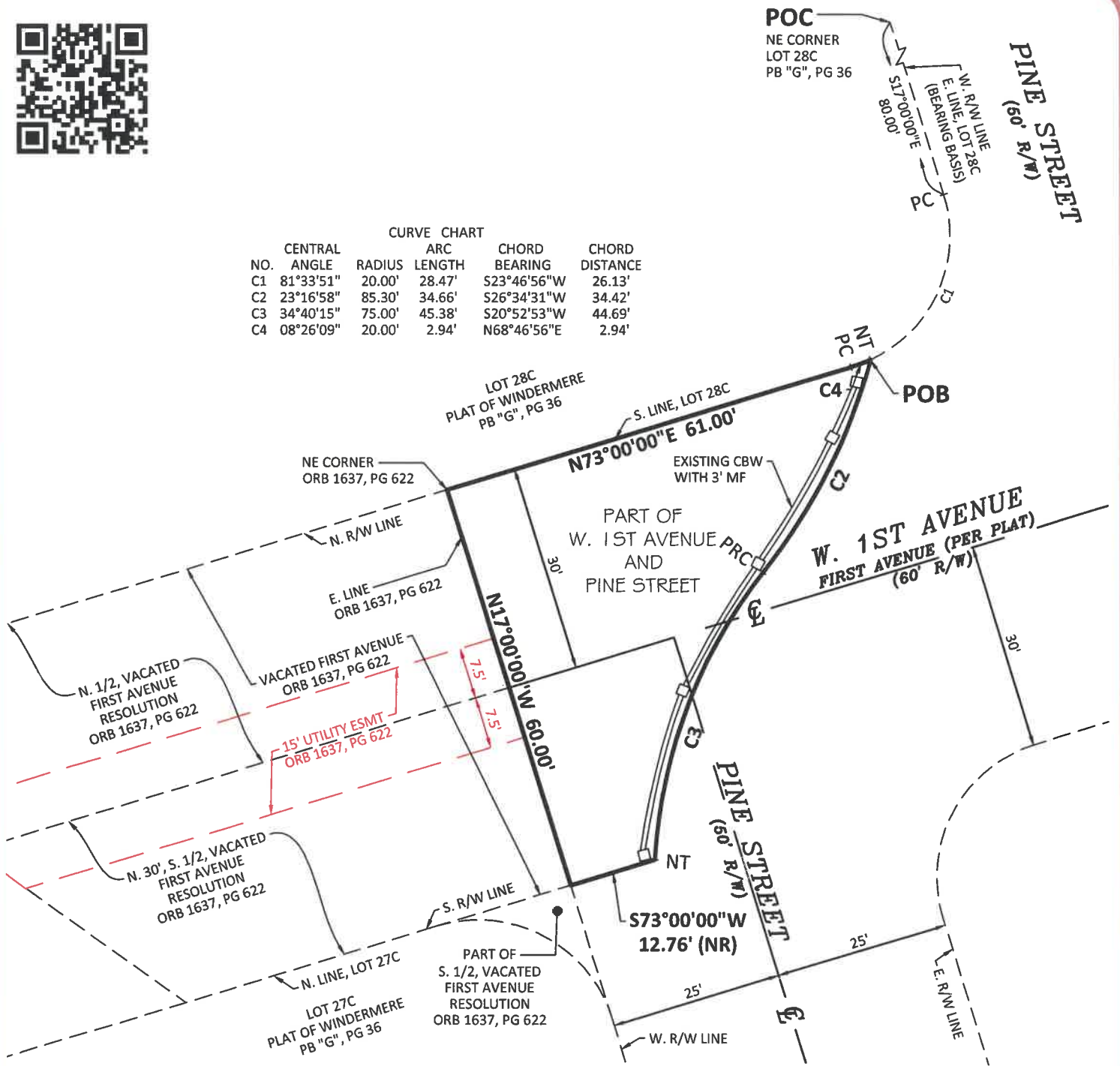
James D. Bray PSM 6507

SKETCH OF DESCRIPTION

SHEET 2 OF 2

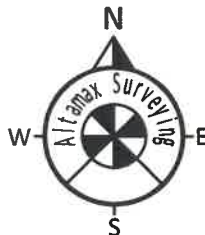


CURVE CHART						
NO.	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE	
C1	81°33'51"	20.00'	28.47'	S23°46'56"W	26.13'	
C2	23°16'58"	85.30'	34.66'	S26°34'31"W	34.42'	
C3	34°40'15"	75.00'	45.38'	S20°52'53"W	44.69'	
C4	08°26'09"	20.00'	2.94'	N68°46'56"E	2.94'	

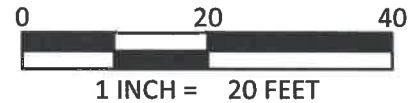


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GRAPHIC SCALE



Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

OCT 21 2019

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

October 8, 2019

MCAFEE MICHAEL B
407 W 1ST AVE
WINDERMERE, FL 34786

RE: Public Notice of Request to Vacate a Portion of Pine Street and W 1st Avenue – Z20-01

David Labovitz, on behalf of the owners of 92 Pine Street, submitted a request, pursuant to Section 6.02.03(d) of the Land Development Code, to vacate the right-of-way (ROW) of a portion of Pine Street and W 1st Avenue, as shown in the attached information. The purpose of the ROW vacation is to correct a property boundary conflict resulting from the original vacating of a portion of the ROW of W 1st Avenue and Pine Street by the Town in 1967. The area proposed to be vacated under this request is located behind an existing fence, that has been in place for several years, along 92 Pine Street. The result of the vacation of the ROW will not change the existing conditions at the location but will clarify the public records regarding the ROW and the property boundary for 92 Pine Street.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **November 8, 2019**.

This matter will be heard by the Town Council on **Tuesday, November 12, 2019 at 6:00 p.m.** and on **Tuesday, December 10, 2019, at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND – Z20-01 (92 Pine Street ROW Vacate)

APPROVAL: ✓ DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: *Michael B. McAfee* DATE: Oct 10/19

MCAFEE MICHAEL B

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Received

SEP 15 2019

Wade Trim

October 8, 2019

BRADFORD WILLIAM S
535 W 2ND AVE
WINDERMERE, FL 34786

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

RECOMMEND – Z20-01 (92 Pine Street ROW Vacate)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: W.S. Bradford DATE: 9/10/19

BRADFORD WILLIAM S

OCPA Web Map

Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Turnpike	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Commercial/Industrial/Vacant Land	County Boundary	Building
Toll Road	Road Under Construction	Proposed SunRail	Agriculture	Parks	Hospital

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Long Range Planning Notes
(New Noted in RED/ Previous Notes in BLACK)

Flashing Crosswalk:

4/25/19: Recommendation of next two flashing crosswalk improvements 1st: Maguire @ Estancia and 2nd: 1st and Main

Cut thru Traffic:

4/25/19: Update from Robert Smith (RS). No action. LRP consensus on strategy of handling traffic is to not make it easier to get into Town, but to get people out quicker once in Town.

8/22/19: Board recommended denial of cut-thru evaluation/design IPO's by Wade Trim and Kimley-Horn. Board recommends at the next TC workshop to evaluate one-way and regulatory sign plans. 8/22/19: The Board reviewed several options for curtailing cut-through traffic in the SE quadrant. The options and discussions included regulatory signs, redirects and dead-end streets. The board narrowed it down to 3 options. Option 1 and 2 are accomplished with regulatory signage which has been consistent with their recommendations in the past. A 3rd option was recommended ONLY if options 1 or 2 turned out to be non-viable after a period of time of implementation. These final options are being vetted by KHA before a workshop is scheduled. Due to the holidays and the importance of resident participation the workshop may need to be scheduled for January 2020.

Town Facilities:

4/25/19: Update by RS. No action.

RR ROW (Railroad Right-of-way):

4/25/19: Update by RS. No action.

Windermere Pavillion:

8/22/19: No action as it is in concept design phase.

Entrance and Event Signs:

8/22/19: Tabled

ELDER'S COMMITTEE

Members:

Karen Fay	Susan Carter	Margi Orozco
Sandra Burgess	Lucy Cogswell	Jackie Rapport
Maggie Dimino	Laura Dowling	Nancy Smith
Kaye Gerding	GINNA Foster	Cindy Strube
Vicki Hearst	Ted Kellogg	Denise Strube
Pam Martini	Lesha Miller	Colleen Williams
Lori Montgomery	Nancy Nix	

Council Liaison:

Bob McKinley

Elder's Luncheon, Tuesday, October 1st – The theme of "Ease Into Fall," was a big success. The food was absolutely delicious and there were 34 Elders in attendance. Also attending was Council Member Liz Andert, Councilman Bill Martini, Councilman Andy Williams, Town Manager Robert Smith and representatives from the Windermere Police Department. Reminder that all Town residents aged 60 and over and all Town staff are invited to these Luncheons.

Town Manager Robert Smith Presented information on the proposed one cent sales tax referendum and the impact it could have for our Town. He also addressed some questions from residents concerning infrastructure.

Attorney Pamela Martini, a town resident and Elder Committee member, presented information on estate planning, probate avoidance and long-term care planning that can impact our seniors. She shared some valuable and needed information and kindly answered several questions from residents about planning. We are looking forward to having her back to speak at a future Luncheon.

A special thanks to all of the Committee members for the wonderful food and program and to Vicky Hearst for the wonderful decorations. Your dedication and service are much appreciated.

A big thanks to Grace Foglia and Rainey Carter for their assistance in making this program a success. It is great to see our youth involved in community activities.

Last but not least, I want to recognize Karen Fay and Susan Carter for their hard work and coordination in bringing this program together.

The next Elders Luncheon is set for Tuesday, December 10th at 11:00 AM. Ray Lloyd will be present to lead guests in songs and will also sing a few. It is always a pleasure to have him perform and lead us.

PARKS & RECREATION COMMITTEE

Members:

Nora Brophy – Chair
Leshia Miller – Vice Chair
Doug Bowman – Secretary/Treasurer
Donna Steele
Sherry Cassidy
Frank Krens
Tracy Mitchell

Council Liaison:

Bob McKinley

Windermere Pet Fest – Scheduled for Saturday, March 7, 2020. 10/10/19 – Committee is looking for event sponsors.

18th Annual UMC Run Among The Lakes – Scheduled for Saturday, April 4, 2020. 10/10/19 – Event planning is underway and evaluation is underway to solicit bids for Race Coordinator.

Halloween Costume Parade and Hayride – Scheduled for Saturday, October 26, 2019. 8/8/19 - Estimated attendance of 250 kids. 10/10/19 – Set up of Town Hall is scheduled for 3:00 pm on Friday, October 25th. Final set up and outdoor preparation is set for 8:00 am on Saturday, October 26th. Final arrangements have been made and Scott Brown has obtained a couple of trailers from Dobson's Wood & Water. Public works will set up for required safety measures. Mayor O'Brien will lead the parade and read stories.

Tennis – 8/8/19 - Marcello reported that 18 kids participated in the Summer Tennis Camp. 9/12/19 – Doug Bowman reported that he is attempting to coordinate for a Women's Clinic for Monday and Wednesday mornings, a Children's Clinic for Monday, Wednesday and Thursday evenings and an Adult Clinic for Monday, Tuesday, Wednesday and Thursday evenings. 10/10/19 – Doug Bowman clarified tennis information. Kids will play tennis on Mondays and Wednesdays from 5:00 - 6:30 pm and on Tuesdays and Thursdays from 5:00 – 7:00 pm at Windermere Recreation Center (WRC). Women's clinic will begin on 11/5/19, and be held on Tuesdays from 9:30 – 11:00 am at WRC. Women's team play is held on Mondays and Wednesdays from 9:00 – 11:00 am at WRC. An Introduction to Tennis for Adults is scheduled for Wednesday, December 4th from 6:30 – 8:00 pm at WRC. The Committee approved up to \$120 for this event.

Central Park – Scott Brown is obtaining quotes for water fountain and exercise equipment. 8/8/19 - Estimated \$15,200.00 for water fountain. Need to obtain quote for metal exercise equipment for longevity. 9/12/19 – Revised estimate after receiving final quote for water is \$17,000.00. Committee approved up to \$33,000.00 for metal exercise equipment.

10/10/19 – Town Council Approved expenditures. Scott Brown reported that OUC will be charging almost \$3,000 to provide and set the water meter.

Fernwood Park – Underbrush cleared from uplands and treatment started to clear wetland underbrush. Walk through will be conducted with Public Work on July 17th to determine which trees need to be removed. 9/12/19 – Conducted walk through and inspection. Removal of brush and invasive tress progressing as planned. Scheduled another walk through for Tuesday, September 17th at 1:00 pm to visualize plan for nature walk boardwalk. 10/10/19 – Several Committee members met at the park on 9/17 and staked out a rough position for the nature walk boardwalk so Scott Brown can begin getting quotes.

Park Among The Lakes – Public Works has ordered 2 picnic tables and a trash can. 9/12/19 Trash can has been received. Picnic tables have been shipped. 10/10/19 – Scott Brown advised the committee that the picnic table is scheduled for delivery tomorrow 10/11/19.

Lake Down Park – Clearing out of lakefront and around dock completed. Dock has been lowered. Scott Brown is obtaining reflective material to post on lake side of dock. Add split rail fence at end of 4th Avenue and railroad ties to mark parking spots. Removal of invasive trees is in process. Clear out east side of 5th Street dock to enlarge usable area. Reflective strips added to lake side of dock. Memorial bench honoring Bill Criswell was donated by Windermere Rotary and will be mounted on end of dock. 9/12/19 – Additional cypress trees to be added on 9/23. Fill added to parking area. Scott Brown is obtaining quotes for park signage. Waiting on rendering. Clearing out of east side of park area is in process. 10/10/19 – Additional cypress trees have been added and additional fill for the parking area has been added. Treatment and clearing of east side of 5th Avenue dock in progressing well. Scott Brown will evaluate relocation of fence along that part of the park.

Lakefront cleanup of all parks is in process.

Annual walk through/inspection of parks set for Saturday, August 24, 2019. 9/12/19 – The following notes were provided as a result of the walk through and inspection of the parks.

Windermere Recreation Center –

1. Repair/resurface floor of pavilion.
2. Replace rotting wood framing around electrical box.
3. Remove dead pine tree along walkway to bridge.
4. Replant trees between tennis courts and pavilion walkway.
5. Remove branch that is touching bathroom facility.
6. Remove section of railing on dock and add cleats and ladder.
7. Replace missing post cap on dock walkway.
8. Repair volleyball cord. Add borders and sand. Remove weeds.
9. Repair bathroom flooring.

Fernwood –

1. Add berms/swales at end of roadway near lake.
2. Add large oak tree in center of roundabout.
3. Add border to roundabout to prohibit parking.
4. Add hedge along chain link fence on west side.
5. Consider adding gravel in circle driveway area.

10/10/19 – Holiday Hoopla – Co-Chairs Bonny Elder and Heather Churchill attended the meeting. It was decided to make the Holiday Hoopla Committee a sub-committee of Parks and Recreation. Their funding will be designated within that sub-committee.

The 38th Annual Holiday Hoopla is scheduled for Friday, December 6th from 6:30 – 9:30 pm. Invitations have been mailed out.

Next meeting set for Thursday, November 14, 2019, at 5:00 pm at Town Hall.



LIAISON REPORT

LIAISON: *Williams*

LIAISON ASSIGNMENT: HPB

HPB DBC TREE BOARD ELDERS LRP
DRB HOLIDAY SOCIAL ADMIN BUDGET
STREET & ROADS POLICE P&R FTFMSC
BUTLER CHAIN CHAMBER METRO PLAN

DATE: 11/1/19

UPDATE:

HPB Meeting Notes / 1887 School House:

Update from Scott Brown from the Engineering firm, is that they should begin their work sometime by the end of the month or beginning of June. (They had some vacation scheduled which has delayed them getting started. Board voted to Restore the 1887 School House to the earliest version. The current siding does not represent earliest photographs of the building and IF the siding is deemed unsalvageable then they would like to change its orientation to a Horizontal Slat Siding that was on the building in the original class pictures. 5/29 . SB advised that the engineer will be starting their assessment within the next week. Members of the board asked for a notice of when they will be here to come and observe and ask a view questions once started. Also, the topic of taking another look at a fundraiser by selling engraved bricks for the path between the School House and the privy. Board agreed to start research and to possibly start this fundraiser out next spring. 8/28 : Approved July's Meeting minutes.

Discussion for moving the Oral History Subcommittee to meet just prior to HPB Meeting each month. Discuss other avenues for raising moneys in the coming year. No update from Engineers on School House. 9/25: Did not meet. Received preliminary Engineers Report on schoolhouse. Will be on the agenda for review and comment at next meeting.

10/30 : Approved 8/28 Minutes / New Business: Charles & Janine Matteson presented proposals for a for an Eagle Scout Project & a Gold Award Girl Scout Project.

- Janine Matteson would like to digitize all our the HPB files and photos and then work towards building a “Digital History Museum” for the town. That could be possibly place on the town’s website or other locations that have public access. Suggestions were made that maybe space in the lobby of the new admin building for a video screen or somewhere else that has public access.
- Charles Matteson’s Eagle Scout project would be to do some repairs to the Cal-Palmer building, including repairing the stairs, painting the building, landscaping and Installation of a Historical Sign for the building.

Both of these proposals were approved unanimously and projects will be detailed and forwarded to TM to be added to TC agenda for consideration.

Discussions on a Renovation Plan for the 1887 School House to be tabled for Novembers Meeting.

Oral History Subcommittee:

Subcommittee, Has met 2x this past month. They have defining their focus groups and getting organized. Hopefully we will have a budget proposal soon. They are already doing research for alternative funding sources, including the National Oral History Association. Plus there was a recent article in the Windermere observer briefly discussing the project and also request for volunteers to help conduct the interviewers. They would like to formalize this part soon, so they can start training them soon. Myers has identified a grant through the Florida Humanities Council that the Oral History Project qualifies for and members voted unanimously in favor of applying for Grant at the next possible deadline. Board asked subcommittee for the proposed budget ASAP. 6/4: Did not meet . 9/5: Did Not Meet due to poor attendance. Next Meeting 10/3 Oral History Subcommittee on hold till first of the year due to lack of participation..



LIAISON REPORT

LIAISON: Liz Andert

LIAISON ASSIGNMENT:

- HPB DBC TREE BOARD ELDERS LRP
- DRB HOLIDAY SOCIAL ADMIN BUDGET
- STREET & ROADS POLICE P&R FTFMSC
- BUTLER CHAIN CHAMBER METRO PLAN
-

DATE: 11/12/2019 (BCLAB Meeting Date: 10/21/2019)

UPDATE:

- EPD's quarterly vegetation survey of Lake Down is finished and has been submitted to FWC for review by their Aquatic Plant Management Program staff.
- The board and members of the public discussed growing concern over the Illinois pondweed that has created navigation and safety issues in some parts of the lake chain.
- The board voted to draft for board approval a letter to FWC regarding these concerns.
- The public is invited to engage in this discussion by submitting their observations about safety and navigation hazards caused by the acceleration of vegetative growth. From a post to Nextdoor authored by Windermere resident and BCLAB member Lloyd Woosley: "The Florida Fish and Wildlife Commission's (FWC) Aquatic Plant Management (APM) Program is responsible for the management and treatment of nuisance aquatic plants. They will not address a problem unless they have hard data concerning where and when an aquatic plant is creating a nuisance. Therefore, if you experience situations where pondweed is restricting your navigation and must be cleared from your boat engine and/or trolling motor propellers, or experience difficulties with pondweed while swimming, kayaking, paddle boarding, etc., you are strongly encouraged to report these incidents to the Orlando office of the FWC APM at 407-858-6170."



LIAISON REPORT

LIAISON: Liz Andert

LIAISON ASSIGNMENT: Windermere Active Youth “The W.A.Y. Forward” Committee

- HPB DBC TREE BOARD ELDERS LRP
- DRB HOLIDAY SOCIAL ADMIN BUDGET
- STREET & ROADS POLICE P&R FTFMSC
- BUTLER CHAIN CHAMBER METRO PLAN W.A.Y.
-

DATE: 11/12/2019 (Meeting date: 10/28/2019)

UPDATE:

- Town Manager Robert Smith facilitated committee appointee introductions.
- Founding member Grace Foglia presented the committee vision and mission.
- Committee established meeting conduct and policies, committee structure and by-laws. Officers were elected for the positions of Chair (Grace Foglia), Vice Chair (Raeland Mitchell), Secretary (Rainey Carter) and Treasurer (Alec Alligood).
- Discussion regarding a final committee logo and review of any additional logo options presented will occur at a future committee meeting.
- The committee members engaged in a productive and open discussion regarding events and corresponding funding. Discussion will continue at future meetings.

PROJECTS UPDATE MEETING November 2019

For previous updates on each item please refer to October 2019 minutes

Attendees:

- Robert Smith, Town Manager
 - Scott Brown, Public Works Director
 - John Fitzgibbon, Town of Windermere
 - Nora White, Town of Windermere
 - Chris Sapp, Councilman Liaison
 - Hao Chau, Kimley-Horn, Town Engineering Consultant
-
- **NPDES (National Pollutant Discharge Elimination System): *The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.* Since the Town discharges into the lakes we are required to maintain this permit. 10/18: MBG addressed additional comments for NOI and Annual Report. Per conversation with Jason Maron, response to audit is complete. Awaiting completeness and acceptance letter. Issuance of NOI, Cycle 4 pending. MBG will distribute forms to be used for compliance (i.e., fleet maintenance, erosion/sedimentation control, etc.). Community project scheduled for Saturday, November 3rd (clean-up on lakefront, etc.) per Scott Brown. Final reading for ordinance scheduled for November 13th TC meeting. TM to coordinate with Da'Shanta and Diane on distributing Stormwater pamphlets with Boat Ramp Keys. TM reached out to BC and PDCS as well. Town received additional comments for NOI from Jason Maron. MG to address and resubmit. Comments are minor – MG to try to have responses by next week. MG to work on additional stormwater related brochures for rack in front of receptionist desk. MG coordinate with Diane on Gazette articles and number of Gazettes' issued. MG to provide Town with public education brochures for front magazine rack. Mike had DEP public notice published in February 10, Sunday edition of Orlando Sentinel. Inquiries to be made to Jason Maron, FDEP. Expecting NOI to be issued this month. MG contacted Jason Maron, DEP, for status of pending NOI. Received violation by residential builder. Coordinate with Dianne on Gazette on stormwater related articles. Awaiting Notice of Public Petition to be published in Orlando Sentinel (to be published this Saturday). Once published, need to forward proof of publication to Jason Maron, FDEP. Proof of Publication for Public Petition from Orlando Sentinel forwarded to Jason Maron, FDEP. Issuance of NOI Cycle 4 pending (permit issued May 3, 2019). KH to pick up NPDES tasks from MG based on KHA being selected as Town Continuing Consultant. KHA will prepare NPDES brochure and in-house training schedule. MG to send SOP's to HC for NPDES compliance. HC to prepare brochure for stormwater related subjects. Articles to also be published in quarterly Gazette. Violations being documented. HC to prepare stormwater related articles for the quarterly Gazette. Training is will also be initiated (late March and before Memorial Day for Town employees). Subject will range from illicit discharge to stormwater and sediment control. HC preparing for FDEP audit. Jason Maron, FDEP, to be in Town 10/24 to review Town NPDES program. KHA will be working on Gazette article for next publication. SB to provide deadline for submittal. Monthly sweeping and documentation will continue. Two (2) violations noted by JF and coordinated with BC of Wade-Trim. KHA working on Illicit Discharge power-point presentation, scheduled for March/April 2020. Draft of presentation to be provide to TM and SB in November. **SB and KHA attended FDEP audit. SB and KHA to continue to coordinate with NPDES staff to provide documentation and forms.****

- **Orange County LMS:** Orange County Local Mitigation Strategy (LMS) is comprised of the County and other governmental jurisdiction within it to plan and prepare for natural disasters. These projects are funded by FEMA. FEMA has dedicated \$15 million to the County to fund various projects. TOW has submitted 7 projects for funding including W Second Ave. This is a 25% match program. The process takes about 2 years. 10/18: MBG ask Jason Taylor for status. MG to review comments for 5 HMGP projects from DEM (Douglas Galvan) and address within 15-days for 5 projects. MG to resubmit by DEM timeline. MG resubmitted revised Pre-Disaster application for funding of Preliminary Engineering for West Second Avenue. Geotechnical and Surveying services were not eligible because the services were performed before the Hurricane Irma disaster declaration. Awaiting word on technical review of HMGP applications. Update on Hurricane Irma HMGP applications (contact Douglas Galvan on status update). LMS Working Group Meeting scheduled for later in May (May 22nd). Jason Taylor encouraged the submittal of applications for Tier 3 projects under Hurricane Michael disaster declaration. JT feels that there will be substantial money available due to rural and smaller communities in the Panhandle not being able to provide matching funding sources for HMGP applications. MG to notify JT of budget change for West Second Avenue for Preliminary Engineering. KHA to work on Hurricane Michael applications (due August). MG to continue on Hurricane Irma tasks. MG to address comments from Mitchell Plummer, Engineering Specialist, Mitigation Bureau, Florida Division of Emergency Management by 07/12/2019. These projects are:

- 4337-693: 3rd Avenue and Magnolia Street Drainage Improvements;
- 4337-694: 6th Avenue and Butler Street Drainage Improvements; and
- 4337-695: 9th Avenue/10th Avenue and Oakdale Street Drainage Improvements
- 4337-697: West Second Avenue

DEM is reviewing the technical/engineering aspects of these projects for eligibility, feasibility and cost-effectiveness.

MG to attend LMS meeting on Wednesday August 21st at Orange County OEC (10:00 am). MG mentioned money may be available under Tier 3 funding for Hurricane Michael. Town to consider projects.

MG is to submit an HMGP for the Lake Down retaining wall under Hurricane Michael. Project will only be eligible under Tier 3 money. Applications considered by the State (DEM) is on a first come, first serve basis.

MG continuing to prepare HMGP application for the Lake Down retaining wall improvements under Hurricane Michael. MG to e-mail DEM engineers for application status for Hurricane Irma.

Initial approval for West Second Avenue Phase I Design with funded budget of \$80,000. After Phase I is complete then Phase II for Construction will begin. Estimated total cost is \$900,000 for both phases. Still waiting to hear back on other 3 projects.

- **FIRST Avenue and FOREST Street Drainage Improvements:** Grant awarded to TOW to address flooding within the Basin. 10/18: MBG awaiting all cancelled checks to prepare reimbursement form to SFWMD (Nestor Garrido). No further complaints on the project. Town is monitoring system for condition and adjust as needed per TC directive. Vacuuming service RFP sent out by SB. Bid opening November 8th at 3:00 pm at Town Hall. MG to still look at possibility of covering

grates on roadway. MG submitted initial request for reimbursement. SFWMD responded and needs unique Town invoice number to process request. Debbie Wilson provided MG with unique Town invoice number. MG resubmitted invoice to Nestor Garrido. Town received \$175,000 reimbursement from the SFWMD. Project Complete. MG to review alternatives to grates in lieu of Mack Concrete's recommendation to cut inlet top and precast top with manhole frame and cover. Potential filter per JF – test site. Further evaluate grates on First Avenue on whether to cap or maintain. MG to apply for DAC Recovery funding from DEM. \$31,564.07 is requested for DAC funding. MG to work to submit next week. DAC application submitted to Amanda Campen, Florida DEM, Bureau Chief of Recovery, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32301 on July 1st, 2019. MG to follow up on submittal. KHA to review drainage system and provide Induvial Project Order (IPO) for recommendations and possible upgrades. Data collection for project fix. MG provided topographic information to SB per resident request. Project completed, reimbursement received. KHA to address additional concerns regarding project improvements. IPO released to KHA on analyzing alternatives to maintain stormwater within the Town right-of-way. HC to provide summary to TM. Draft Report to be submitted to TM and SB by Monday 10/7. **KH submitted draft report to TM and SB. TM and SB have reviewed and have no comments. KH to submit final report with opinions of probable construction costs.**

- **RR ROW (Sidewalks, Multi Modal Path, RR ROW):** Town Council approved the purchase of the Ward/DP Lynn interests in the Railroad ROW. Once acquired the Town would be able to use the property for various projects: multi modal, stormwater, and landscaping) This would also allow for possible property swaps with those that own the RR Row so the TOW would have a continuous corridor from 12th/chase to Windermere Rd. 10/18 November 1st advertising period. TM working on negotiations for property swap. Conceptual design will commence once the property agreement is finalized. SB is coordinating with the Rubio's on property donation adjacent to Lake Down-Lake Butler canal. Still waiting on Wards. Awaiting on closing on property swap with the Town. Expect closing in April. Next agenda for resolution to vacate 20' on Dirt Main and provide it for the property owner (Ward). TM negotiating with property owner adjacent to Lake Down canal. The closing is next week. TM providing information to closing agent. Workshop held Monday night. TC approved property swap. TM to talk to residents on Lake Butler Boulevard for swap/purchase of RR property. SB still talking to Rubio's, updating TM on status. TM looking for funding sources for project (FRDAP, etc.). Rubio's agreed to donate land pursuant to conditions to be addressed by the Town. To be on July TC meeting. TM sent documents to Sorenson. SB to discuss contract with Rubio's. Heather to draft agreement for Rubio's. TM – after property acquisition, review multi-modal concept plan with Wade-Trim or KHA. SB working on funding opportunities to design project. To be named Windermere-Ward trail (prototype name – provisional). SB still negotiating with Rubio's – language in agreement for disclosure statement. Gray-Robinson to prepare agreement language for the Rubio's to approve. Memorial plaque to be provided as part of the agreement. No change. SB continuing to coordinate with the Rubio's regarding donation of railroad right-of-way property. **Sorenson property in closing stage. Anticipated completion by December 2019. Scott spoke Rubio and will continue to coordinate with Rubio for their review and signature. TM to work with both KH and Wade Trim on survey, concepts and design from North to Park Ave.**
- **Second Ave:** Town Council approved the widening and stormwater projects for West Second Ave. Staff met with public and have a conceptual design. Staff waiting on Orange County LMS response for funding before design can be brought back to residents and TC for

Approval. 10/18. No change. Awaiting Notice of Funding from FEMA/DEM from Hurricane Irma. MG to address comments from DEM (Douglas Galvin) regarding project costs. MG addressed with Douglas Galvan. MG to coordinate with Douglas Galvan, DEM, on project status. No Change. MG e-mailed Douglas Galvan – no response to date. Applications under technical review – fiscal review complete. Continue to fill in edge of pavement. None. MG addressed RFI's from DEM Environmental Reviewer regarding project limits (project limits in latitude/longitude format). No change. MG to request status of HMGP application review. **Still waiting on LMS contract. TM to coordinate design approval and workshops.**

- **Downtown Lighting Project:** The Town of Windermere recently changed from halogen to LED lights. We are now working on getting additional lights in areas but looking to work with Duke on process/need/cost. In addition, we are working with various companies looking to co-locate small cell towers on our existing lighting. 10/18 Crown Castle considering 5G cell towers in Windermere. No applications received by Brad Cornelius (BC) as of yet. Working on application process. SB talked to Mike Smith, Duke Energy, for light/pole installation and permitting. TM needs application, cost estimate and clarification on policy. Major corridors (Biscayne – 12th Avenue to Windermere Road) and residential areas (Top Hats) for lighting envelope. No response from Mike Smith on SB's e-mails. Continue to follow-up with Duke Energy on street lighting. Send e-mail to Debbie Clements. SB met with Mike Smith last week. Look at photo metrics for area north of canal where it is currently not lighted. Still waiting on Duke Energy on photo metrics. SB waiting on Mike Smith. No change. New liaison with Duke. **SB has received monthly cost from Duke for lighting from Parkridge Gotha to North. Duke to provide construction cost estimate for what Town is responsible for. Anticipated receipt from Duke in 60 days. Possible item at the Feb 2020 Board Meeting.**
- **Signage:** TOW looking for consistent signage within Town. Part of Branding Revitalization. Street signs have been installed along major roadways. Now focusing on interior signage to make sure they are correct type, meet specs and are justified and enforceable. 10/18: SB to look into Parking Directional Signage when 5th/Forest is complete. Town Entrance Signage placed on hold. SB to look at parking directional signage. Parking directional sign ordered by SB. SB to meet with contractor on parking signs and public parking signs. Keep 10-ton weight limit for bridge over canal. SB to order sign for 10-ton limit. Parking signs are expected to be received this week. New speed limit signs installed by SB. Look at installing DO NOT BLOCK INTERSECTION signs at intersections. SB to look to add in next round of regulatory signs. Most signs have been maintained by PW. Some signs may need to be replaced due to age. SB to monitor. SB awaiting quotes for flashing beacons. DO NOT BLOCK INTERSECTION signage to be included in next FY budget. Re-visit event signage – coordinate with LRP. No change – Advanced warning “Stop Ahead” beacons have been ordered and will be installed at approach to Windermere Road on Maguire Road. Beacons on hold due to backorder at manufacturer. PW to continue to maintain sidewalks. Posts were received but were damaged and were returned. LRP tabled entry and event signage for next meeting. Footers laid for the 2 beacons. Start upgrading regulatory signs. Main and First pedestrian signage – LRP to prioritize. **LRP prioritized First and Main. New signs and decorative posts have been ordered to replace existing from Parkridge Gotha to downtown.**
- **Town Facility Update:** TC approved new facilities and to work on building in existing location. The funding would require a vote which should happen in March 2019. 10/18: ADG and Steven Withers working on the facility. Final drafts in November and public outreach in January in

preparation for March 2019. Conceptual plans ready by November 27th TC workshop. Stephen Withers working with ADG on conceptual plan. TM to meet with public on Tuesday's and Thursdays in January. Public forums scheduled for February. TC to review wording on referendum. Workshops continuing. Location seem to be getting a consensus from various committees. Referendum to be conducted in March. Next presentation on Tuesday at Rotary Club. Referendum for Town Facility passed. TM to meet regarding logistics of the implementation of the Town Facilities. Selection of Architect/review of concepts. RFQ for consultant selection and RFP for construction (sealed bids). Meetings with ADG and stakeholders. Working on RFQ for Construction Management At-Risk. To be advertised for responses from consultants with Construction Management capabilities (particularly for vertical construction). TM still negotiating with ADG. Awaiting on schedule for TM to issue Gantt chart. TM to prepare RFQ for Third Party Construction Management At-Risk. ADG contract to next TC meeting. Construction Management At-Risk services to likely be approved in July/August TC meeting. CMAR submittals being reviewed by selection committee (Stephen Withers, John Fitzgibbons, Scott Brown) for short list. ADG to go to July TC. Last public hearing completed. Concept plan to be adopted at August 13th TC meeting (Option 1). Once accepted, project will proceed with final design. CMAR shortlisted (three firms) and oral presentation this week. Once firm is selected, will be approved at September TC meeting. TC at August special meeting approved Town staff to begin negotiation with HJ High on CMAR contract. Council agenda for CMAR. ADG to do topographic and tree survey. Once completed, will meet with Town to discuss. Coordinating meeting with all parties. **A kickoff meeting was held with ADG, HJ High and stakeholders. They are waiting on survey and geotech to be completed. They are to provide Town with schedule. Phase I contract has been approved. KH to provide TM with IPO for 6th Ave roundabout analysis.**

- **Fernwood Park FRDAP Grant: \$50,000 Awarded for Fernwood Park improvements. 10/18 SB working on RFP for Park Improvements for Fernwood. Project will match IDG approved plans. All contracts have been signed and waiting work from Andy Easton. All contracts signed.** SB getting surveys done for site. Have not received Notice to Proceed. Awaiting boundary survey which is required per FRDAP. All commitment documents submitted to FDEP. Title search kicked back by FDRP (prepared by Gray-Robinson). Awaiting Notice to Proceed from FDEP. Notice of Commencement received from FDEP. 5-year CIP list to be built (SB to coordinate). TM requested items to be put on March/April TC agenda. Got Notice of Commencement. Come up with priority list for capital projects. PR to have a CIP list for SB. Central and Fernwood to be priority for FRDAP. SB has received cost estimates for drinking water fountains and butterfly garden. Dock quotes to be solicited by SB. Shoreline clearing will be in next FY budget. SB awaiting prices to remove invasive species from vendors. Dobson has removed invasive species in upland areas. Trees will also need to be removed. Aquatics company will continue to treat vegetation in waters. FWC and Orange County EPD permits have been amended. Invasive species being removed. Boardwalk concept pending based on removal of additional vegetation along projected alignment. SB stated approximate ETA for design is 6-months. Took down some large invasive trees. SB met with PR on footprint for trail and walkway. Obligation for boat ramp repair. Deadline to complete in 14 months under FRDAP conditions. **Contractor is developing draft footprint and estimated cost for the boardwalk.**
- **Central Park FRDAP Grant: \$50,000 Awarded for Central Park improvements. 10/18 SB working on RFP for Park Improvements for Central Park. Project will match IDG approved plans. All contracts have been signed and waiting work from Andy Easton. SB getting surveys for**

site. Title search kicked back by FDRP (prepared by Gray-Robinson). Awaiting Notice to Proceed from FDEP. SB getting quotes on drinking fountain and Frisbee golf baskets. SB expects quotes this month. Also getting quotes on exercise stations and drinking water fountain. SB waiting on final quotes for exercise stations. Will need to coordinate with OCU on connection for water fountains. PR recommended wood as opposed to metal exercise equipment. Still waiting on final quotes. Coordinating with OC Utilities for meter for drinking fountain. PR recommended metal as opposed to wood. Exercise equipment and drinking fountain (including water meter hookup) to be considered for TC agenda. Repairs completed on split rail fences and walking trail. SB expects Central Park improvements to be completed within the next couple of months. Include maintenance schedules from exercise equipment. **Exercise equipment has been ordered. SB is coordinating to have the water meter installed for the drinking fountain.**

- **Cross Walk Improvements:** W&D has funded two cross walk improvements. First one on Second/Main and the next on 6th/Magnolia. 10/18 Two additional locations – 6th Avenue east of Ridgewood, and Main Street near Estancia. Funded one cross-walk. Location to be determined. Consideration for cross-walk locations: 1) 6th Avenue near Ridgewood Drive; 2) Main Street near Estancia. LRP to make recommendation and present to TC for approval. LRP has reviewed and approved Johnson Park crossing (east of Ridgewood), to be presented to TC for approval. More usage and higher volume of traffic. Cross-walk improvements completed. Look at an additional cross-walk based on availability of funding. LRP made 2 recommendations – 1) Estancia; 2) First Avenue and Main Street. Retrofit existing cross-walks. LRP recommendations made. Awaiting funding. No change. Waiting on Windermere W&D funds. **No change.**
- **1887 Schoolhouse:** HPB and Tree Board have worked on the planning and implementation of repairing and improving the grounds and structures. Currently HPB is looking at making sure the building is sound prior to making additional improvements. SB sent out various requests for contractors and engineers to look at to no avail. In addition, SB was able to get a vendor to take care of the grove area to make sure it is well maintained and healthy. 10/18. **Approved to replace citrus trees that have died and contract with maintenance firm. HPB to make decision on structure analysis. Working with Amanda Black on search for architect. HPB still searching for tree/grove maintenance. Architectural evaluation approved by TC. Based on architectural evaluation, HPB will generate a CIP. Architectural evaluation awaiting. The architect has conducted initial condition of schoolhouse. Architect to return to review the condition of the schoolhouse. Architect has returned several times to continue to evaluate. Architect sent in plans to Town for review. SB to be liaison for Eagle Scout project. HPB working with architect and on future CIP.**
- **The Willows Roadway:** The HOA Roadway Milling and Resurfacing was approved in FY 18/19 Budget. Will begin process once we receive FEMA money (Condition of TC). Design will include apron on Windermere Rd as well as sidewalk extension to Windermere Rd/Main with cross walk at that location. 10/18 **Awaiting on FEMA money. MG and TM to meet to see where we are at with design and added scope for sidewalk, apron and crosswalks. Awaiting reimbursement from FEMA for debris cleanup. MG submitted supplementary proposal for crosswalk and sidewalk improvements to be included with the Willows milling and resurfacing improvements. Comments received from FEMA regarding waste disposal reimbursement request. State has approved, awaiting checks. MG to send Willows plans to SB and JF. MG to send IPO for external sidewalks. TM met with FEMA. Project is now in State's hand as far as releasing the**

reimbursement funding. MG received comments from SB and JF on plans to be addressed as part of final bid documents. MG expects survey from PEC this week to begin design of sidewalk ramps at the Willows and at the intersection of Maguire Road and Windermere Road. TM still awaiting FEMA reimbursements from Hurricane Irma. PAC/DAC – administrative costs for Hurricane Irma (\$31,000). PRELIMINARY sidewalk plan issued to SB and JF for review. Schedule date for Invitation to Bid (ITB) per TM. MG to finalize plans and Project Manual. SB to look at advanced warning beacons on Maguire Road at Windermere Road (to be done separate from Willows construction contract). SB working on cost for debris removal and coordinating with DEM (FEMA). RRFB on Maguire and Windermere Road. Pre-Bid – use certified arborist on tree assessment (included in summary of quantities list). MG working on comments by SB and JF on plan review. MG to update summary of quantities and Bid Form in Project Manual. Pre-Bid July 10, 2019 at 10:00 am (Town Hall). Bid opening on July 26th. On August/September TC meeting. Addendum No. 1 issued – clarify that Pre-Bid meeting is non-mandatory. On August 13th TC agenda for recommendation for awarding of bid. Prepare memorandum for funding options. MG to attend TC meeting. Pre-Construction meeting conducted. Arborist work removed from contract. October 1st, 2019 target date for Notice to Proceed. MG preparing contract documents for execution by All State Paving and the Town. MG to conform Project Manual and distribute. MG awaiting signed documents from All State Paving to prepare CONFORMED Project Manual with executed agreement and Notice to Proceed. All State submitted shop drawings for review and approval. LAS submitted their arborist report to Town regarding tree assessments. MG to attend HOA presentation on 10/16 at 6:00 pm at Town Hall. Pre-meeting next week before HOA presentation. **Under construction and is on schedule. Currently demo of curb, sidewalk and tree removal is occurring.**

- **Street Sweeping:** Best Management Practice (BMP) under the stormwater NPDES program. 10/18 Ongoing. MG has article to send to TM, SB and JF. Ongoing. HC to consider street sweeping article for Gazette. No change. Ongoing. **KH to prepare article in Winter Gazette about street sweeping. Due date is 11/22.**
- **Vacuum-Truck Services** – Cleaning of stormwater structures and storm pipes. Bid awarded by Town to Waste Services Group at January TC meeting. Started on 8th and Bessie Street to Magnolia. Log of linear footage of pipe cleaning and volume of debris collected. Completed in 1-1/2 days. Scheduled for 12th Avenue and Oakdale Street stormwater project. MG to provide SB with copy of recorded drainage easements for the storm sewer system in the back of the homes. Next project is west 8th and Forest Street. Plan is to initially clean the entire system with a future target of bi-annual cleaning of systems. SB to receive cleaning logs from WSG for documentation for NPDES measurable goals. Provide measurable goals for NPDES reporting. Done with cleaning 12th and Oakdale Street. Moving next to west 8th Avenue drainage system for cleaning. TM to coordinate with SB on availability of funding for continuing work. Working on funding. Continuing the cleaning of stormwater/drainage structures. Plan to conduct bi-annually. SB to provide budget amount to TM. Completed west 8th Avenue and currently working on Lake Street. Targeting North Oakdale (north of 1st Avenue). Completed North Oakdale including First Avenue stormwater pond. Next is Johnson Park pond then Ridgewood ponds. **Completed. SB will continue working with vacuum trucks for other projects.**
- **Lakefront Maintenance:** TOW to control invasive species along lakefront that is under Town jurisdiction. 10/18: Awaiting Orange County for permits. Once received, invasive plants to be removed by selected contractor. Awaiting Orange County permits. To start in January. Received

OC permits. All permits now received. Start herbicide spraying. Pond by Windermere Elementary also maintained. Aquatic Systems has been onsite for a couple of months. SB coordinating with David Hansen, Orange County Environmental Protection Division, regarding limits of herbicide application. Information on cleaning Town's social media pages. Ongoing. Monthly treatment (15 locations). Vegetation cleared at Windermere Rec Center pond. Ongoing. SB to assess Windermere Rec Center pond on water recovery – check lake levels for comparison. Spraying is on a monthly basis on lakeshore and in the parks. Continuing on monthly basis. On Lake Down, 5 cypress trees planted and sent documentation to OCEPD to close out the complaint. **Ongoing.**

- **Town Hall:** PW to inventory entire Town hall for improvements and repairs. 10/18: TM asking for long term needs of Town Hall – full assessment (i.e., lighting, kitchen, audio-video, etc.). SB contacted Landmark Construction for proposal. SB spoke with Landmark for numbers for quote. SB to contact Landmark Construction. SB talking to other contractors regarding quotes. SB requested proposal from Edmundson. SB has meeting with general contractor to give him some prices. Ongoing for quotes. Need all fixed assets identified and provided to NW (for insurance purposes). W&D to consider helping with Town Hall fix. No Change. TM needs to complete inventory. W&D want to invest in Town Hall including: roof; kitchen; etc. **Working on pricing with contractor over the next 60 days. W&D has interest in TH improvements.**
- **Water Utility Master Plan:** TC approved master plan for water utilities for entire TOW. 10/18 - TM to issue RFQ for water master plan (entire Town). TM spoke with Wade-Trim on structure of RFQ. WT to meet with Orange County Utilities (OCU) regarding what OCU will need for RFQ. RFQ to be issued today on Town Website and DemandStar. Wade-Trim, KHA and CPH are the three consultants short listed for study. SB, JF and MG to review their proposals and select consultant for study. Oral presentations conducted on 3/17/19 (Wade-Trim, KHA). Consultant selection pending. Selection of consultant will be on TC agenda for approval. SB to issue ranking of consultants. Scheduled for April TC meeting. Awarded to Wade-Trim at April 9th TC meeting. WT to schedule kick-off meeting (SB, JF, MG to attend). Tentative schedule of 12-months to complete study. TM to consider lobbyist (2020-2021 FY, approximately \$60,000 for lobbyist) to assist in securing funding for implementing plan. June Technical Advisory Committee (TAC) meeting for project. Awaiting follow up schedule from Wade-Trim. TAC meeting with Wade-Trim (meeting in July). Presentation at September TC meeting. Web conference call between WT, Town and OC Utilities to be scheduled by SB regarding the water utility master plan on September 19th. Additional workshop with TC on September 23rd to be conducted to provide update and information on project status. October 22nd TC workshop with Wade-Trim to provide status of project. Scheduled for completion in March 2020. **Presentation was completed on 10/20. OUC to provide flow information. Scheduled completion in March 2020.**
- **Cut-Through traffic:** Town Council approved KHA to do study on cut thru traffic and determine where traffic originates. 10/18 Town Council Workshop on 10/30 Schedule follow-up meeting with KHA. KHA to conduct TC Workshop scheduled on 1/22/19. Includes evaluation of continuous right turn southbound from Main Street to Chase Road. Await recommendations. Presentation by KHA at February TC meeting Tuesday night. Work with OC on county level on Windermere Road/Main Street roundabout and Main Street northbound to Chase Road with exclusive right-turn lane to relieve traffic congestion. Brought to TC Tuesday night. Police to continue with 90-day study – compile data and further evaluate with KHA study. TM asked Brad Cornelius for an urban planning study – possibly RFQ. Workshop in May, included in budget

analysis by TM. Workshop planned this month. CS – Update from PD. Number of travel counts received from KHA. Data evaluated and will be discussed again at July TC meeting. TM had meeting for ideas for cut-thru traffic. TM has meeting with County Administrator. To be discussed at September 23rd TC workshop. LRP took no action on cut-thru IPO's. Work on cut-thru traffic plan for Ridgewood Drive. LRP will look at Oakdale Street improvements. **TM to schedule workshop for LRP recommendation for SE Quadrant.**

- **Park Ave Stormwater Project:** TOW received complaints about standing water and flooding on south Park Ave across from School. Town put on notice of possible legal action. KHA, PW, and Staff working on solutions. 10/18: SB met with KHA to review and provide answers. MG and JF to review with SB (possible French Drain system). TM to approve KHA IPO for Design and Survey. Project 1 on list of CIP projects for FY 18/19 KHA (Mike Woodward) to proceed on design for project. SB and JF reviewed KHA plans and provide comments. Once completed, TC will issue project for bid. Notifications to be done by JF and SB for residents to be affected by construction. Coordinating with Orange County Utilities. OCU (Christina Crosby) has approved scope and fee for the relocation of their utility relocation as part of the drainage improvements. KHA to conduct design for utility relocation. Target Bid in April, construction in June. 90% design complete. OCU water main to be relocated. OCU will work with KHA to design relocate within the prescribed Town timeline. SB to upload the bid set plans on DemandStar and Town website. OCU has hired KHA for water main relocation improvements. Need agreement between Town and OCU on reimbursement for water main labor and materials for project. No bids received. SB to look at options for constructing the project. Quote received from Barracuda (lowest quote received). HC to request qualifications. Additional quotes received and to be evaluated. Project to be presented to August TC. HC to discuss with contractor lane closures. On TC agenda for approval. Contract with OCU to be signed by TC. Barracuda to initiate construction on October 1st, 2019. Shop drawings reviewed by KHA and approved 10/4. AT&T permit review completed on 10/3. **Contractor to start construction on 11/06.**
- **Bayshore Drive:** Flooding issues identified by residents. PW and Staff working to correct. Priority 4 on CIP for FY 18/19. 10/18: MG to provide quote for survey of easement. Staff to work on design. MG solicited proposal from PEC (\$650 for each easement, 2-easements). TM approved. MG will initiate go-ahead for legal description and sketches. MG to forward PEC approval page to TM for execution. SB to coordinate on easement agreements with two property owners. MG to check on easement with PEC. Legal descriptions and sketches completed and submitted to Town. Easement agreements being prepared by Gray-Robinson (TM to execute). MG to complete plans (comments provided by SB) and submit exemption request to SFWMD. MG completing plans – will apply for SFWMD exemption upon completion of plans. One of two easement agreements signed. MG to submit permit exemption once drainage easements are recorded. Once received, project will be solicited for bid. Exemption request has been submitted to SFWMD. Plans completed. Easement agreements received and recorded. Exemption granted by SFWMD. SB solicited the project for bid. Bids due June 22nd. Five (5) bidders submitted bids. Lowest bidder was Gregori Construction. MG to tabulate and evaluate bids and prepare recommendation for Awarding of Bid for August TC. MG provided SB with recommendation for awarding of bid (Gregori Construction). On TC August agenda for approval. Awaiting signatures from TM on agreement. MG to conform Project Manual and distribute upon receipt. Conformed PROJECT manual issued to Gregori with agreement

executed by all parties. Contract issued for NTP October 1, 2019. Project is 180-day contract. **Contractor to start construction this week.**

- Multi-Modal bridge over Lake Down/Lake Butler canal: 10/18: TC approved design and 3-year construction costs. Awaiting general funds for design and construction. Estimate design in April 2019. On hold, address in April. On hold. Working with Rubio's. Rubio's agree to donate property with conditions with Town. Sorenson and Rubio property to be presented and discussed at TC. Project pending as part of multi-modal path project. SB to submit project to MPO for funding. **No Change**
- Sidewalk improvements/repairs (maintenance budget) outside of multi-modal project. 10/18: TC approved budget. PW to inventory sidewalks and prioritize for repairs. SB to inventory after first of the New Year. Await till February for inventory, work to be done after school is out for summer. No change. SB to inventory existing sidewalks, which will establish the funding needs to improve sidewalks. SB met with sidewalk contractor on project in front of Johnson Park. Contractor to begin sidewalk improvements on Summit and Highland. SB working on sidewalk list. Work in the Manors. Priorities to be established by next month. Sidewalk Repair Inventory prepared and completed by JF/SB. Based on sidewalks that need corrective action to be compliant with ADA. Survey presented in 8 sections with linear footage for each section for sidewalk repair/improvement. Planned for 2-year capital improvement plan. TM to update CIP based on JF inventory. Awaiting QES update on pavement management plan. SB – met with contractor. Manors will be first location to be addressed then Park Avenue. SB and JF to work on prioritization in developing a sidewalk CIP. CS requested a written CIP for each sidewalk improvement project in order to appraise citizens of project status. **SB and JF completed priority map. SB & JF to provide CIP with year and cost.**
- ~~6th Ave Sidewalk: 10/18: Design to be brought to TC in November for approval. Design was approved for KHA. TM to await on when to start the project. On hold.~~
- Bessie Street Stormwater Improvements: #2 priority on Stormwater improvements. Continuous maintenance issues and flooding. 10/18: MG to provide scopes. SB provide scopes to TM. On Hold. Awaiting HMGP application review. IPO to be presented at August TC. To be on August 27th special meeting agenda. TC provided direction to revise IPO scope for September 10th agenda. TM to review revised IPO from KHA. **KH to contact OC representative responsible for lake water quality testing. KH to provide responses to IPO comments.**
- Butler Street Stormwater Improvements: #3 Priority on Stormwater improvements: Continuous maintenance issues and flooding. 10/18: MG to provide scopes. SB provide scopes to TM. On Hold. Awaiting HMGP application review. IPO to be presented at August TC. To be on August 27th special meeting agenda. TC provided direction to revise IPO scope for September 10th agenda. TM to review revised IPO from KHA. **KH to contact OC representative responsible for lake water quality testing. KH to provide responses to IPO comments.**
- Marina Bay Stormwater Pond: 10/18: Standing Water. MG to investigate standing water issue, provide recommendation to Staff and determine any repairs needed. MG to investigate methods and permissibility of pond modifications. MG and JF observed constant

flow of water into the pond from the Marina Bay drainage systems. The constant flow of water is causing the pond bottom to be wet. There is an existing weep hole in the downstream control structure that does drain, but is overwhelmed by the amount of water entering pond. MG to prepare a report to TM to document observations. TM to schedule a meeting with HOA once report is received. Andi Reyes no longer with SFWMD. MG to contact Mark Daron, Regulatory Professional, to get a decision to partially restore under drain system that was removed for the project. Once Mark Daron provides a decision, then MG will coordinate with TM, SB and JF on the next step for rectifying pond system. Town would pay for cost, not under MSBU. MG to have design and exemption request to SFWMD by end of the month. Per MG conversation with Mark Daron, the underdrain can be reconstructed under a maintenance exemption. He would issue the maintenance. MG completing plans and will submit PRELIMINARY to SB and JF for final review. MG to prepare cost estimate for improvements. MG to coordinate with Mark Ady of SFWMD on permit exemption (maintenance) for underdrain improvements. Exemption request submitted to SFWMD. Exemption request granted by SFWMD. To be bid today. Bid opening July 11, 2019. One bid received (Cathcart Construction). Second bid received after bid opening (Gregori Construction). Third contractor did not respond. MG to draft recommendation for awarding of bid for August 13th TC agenda. TC approved Gregori construction awarding of bid. Pre-Construction conducted – Notice to proceed to be issued after hurricane season. MG to proceed with preparing November 1st NTP and agreement to reflect the NTP date. **Construction to start after Bayshore contract is completed.**

- Windermere Pavilion – JF coordinating with DBC on site plan. Received two proposals for outdoor pavilion preliminary design (site plan and concept drawing). Presented to TC at April meeting. Meeting on Thursday. JF to follow up with Hunton-Brady. Review rough draft of rendering. Subcommittee revisions to concept plan provided by HB. Meeting scheduled for review on 9/11 at 10:00 am. Hunt-Brady to complete final plan and renderings. **JF received updated version of renderings and will distribute to committee.**
- Website. TM getting quotes. Payment issue resolved. TM to add additional items to website. Beta test completed. Work out final details. Beta test to be sent out. TM to ask Diane for update. Beta test to be sent out (CS). CS to provide notes to Diane. No change. Looking at mid-October launch of new website. **Ongoing. Anticipated implementation by January 1st.**
- Signage Request: No Blocking Intersection. **No change.**
- Past Weekend Stormwater Concern:
- Dirt Main (Rose Property). Road water not flowing. Stormwater solutions pending (contingent on railroad right-of-way property swap). PW to address. Possible use of Town-owned property north of 10th Avenue for stormwater use. **On-going**
- Marina Bay Inlet Erosion: SB contracted EnviroWaste to CCTV line to identify any failures and recommend remedial/rehabilitation options. EnviroWaste completed evaluation. Code violation issued subject property owner/representative for collapsed pipe. **Code officer to serve notice.**

- **Resident Concern on Parking Lot: Additional landscaping to be added to address resident concern. SB met with church last week. SB to coordinate extending Town landscaping to cover gap.**

Acronyms

ADG: Architect Design Group

BC: Brad Cornelius, Wade-Trim

CIP: Capital Improvement Project

CE: Code Enforcement

CS: Chris Sapp, TC Liaison

DAC: Direct Administrative Cost

DBC: Downtown Business Committee

DEM: Division of Emergency Management (State of Florida)

EPA: Environmental Protection Agency (Federal)

FEMA: Federal Emergency Management Agency (Federal)

FDEP: Florida Department of Environmental Protection (State of Florida)

FDOT: Florida Department of Transportation (State of Florida)

FRDAP: Florida Recreation Development Assistance Program (FDEP)

HC: Hao Chau (Kimley-Horn and Associates)

HMGP: Hazard Mitigation Grant Program (FEMA/Florida DEM)

IDG: Innovative Design Group

JF: John Fitzgibbon

KHA: Kimley-Horn and Associates

LAS: Legacy Arborist Services

LMS: Local Mitigation Strategy (Orange County Office of Emergency Management)

MG: Mike Galura (Michael Galura Engineering Consultants)

MPO: Metropolitan Planning Organization

NOI: Notice of Intent

NPDES: National Pollutant Discharge Elimination System (EPA/FDEP)

NW: Nora White

PA: Public Assistance

PW: Public Works Department

PDCS: Town permitting company

RFP: Request for Proposals

RFQ: Request for Qualifications

RR: Railroad

ROW: Right-of-Way

SB: Scott Brown

SFWMD: South Florida Water Management District

SW: Stormwater

TC: Town Council

TM: Town Manager (Robert Smith)

TOW: Town of Windermere

WBC – Windermere Baptist Church

WT – Wade-Trim