

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 26, 2019

CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members ^{Jim O'Brien} Bob McKinley, Chris Sapp and Andy Williams. Town Attorney Tom Wilkes, Town Manager Robert Smith, Police Chief Dave Ogden, Public Works Director Scott Brown, Finance Director Nora White, and Town Clerk Dorothy Burkhalter were also present. Also present were newly elected Bill Martini and Liz Andert. Town Council Member Richard Montgomery was absent.

1. OPEN FORUM/PUBLIC COMMENT:

Mayor Bruhn opened the floor for public comments. First to speak was Mr. Roger Ambuter of 11318 Willow Gardens Drive. Mr. Ambuter commented on concerns/complaints with the Estancia request and the subdivision as it was being built. Next to speak was Mrs. Theresa Schretzman-Myers of 2713 Tryon Place. She expressed her displeasure with an email she received from the Town Manager regarding the possibility of the Tree Board and the Parks and Recreation Committee merging. Mrs. Schretzman-Myers commented on the need of keeping the two boards/committees separate and keeping the Tree City USA designation. Manager Smith explained that this is scheduled to be discussed between the committees at their upcoming meetings. He also stated that there are many beneficial factors to consider for a possible merger. Manager Smith also stated that currently the Tree City USA yearly application is completed and submitted by either himself or Director Scott Brown. Mrs. Brandi Haines of 835 Oakdale Street deferred until the Cut Through agenda item is discussed.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

a. Ceremonial Swearing in for new Reserve Officer Patrick Husic

Chief Ogden performed the official swearing in of Reserve Officer Patrick Husic.

b. Officer George Gonzalez Distinguished Service Award

This item will be moved to the April 9th Town Council meeting.

c. Officer George Gonzalez Promotion to Officer 2

This item will be moved to the April 9th Town Council meeting.

d. Officer Chip Irwin Promotion to Officer 2

Chief Ogden explained the process that needs to take place for an Officer to be promoted to Officer 1 and Officer 2. He then stated that Officer Irwin has taken and passed the testing need for him to advance to level of Officer 2. Chief Ogden presented Officer Irwin with his new Officer 2 shield.

e. Longevity Service Award: Patty Sanders

Chief Ogden presented School Crossing Guard Patty Sanders with her 5-year longevity appreciation plaque.

f. Parks & Recreation Donations

Parks and Recreation Chairperson, Nora Brophy, introduced herself. She then presented raffle winnings from the Pet Fest to: Greyhound Pets of America, Mastiff Rescue, Candy's Cats and Pixel Fund.

g. Windermere Brewing Check Presentation to Windermere Police Department Foundation

Mr. Andrew McGhee from the Windermere Brewing introduced himself. He then presented a donation check to the Windermere Police Department Foundation. Mr. McGhee stated that the brewery will have a select beer that, when purchased, it will contribute funds to the Windermere Police Department Foundation. Manager Smith commented on the positive benefits of the Foundation.

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h. Water Conservation Month Proclamation

Mayor Bruhn proclaimed April as Water Conservation month. He then presented the proclamation to Mr. Bill Graf. Mr. Graf thanked the Town of Windermere for the support.

i. Audit Presentation FY 17/18 McDirmit Davis & Company LLC

Mr. Lee, representative with McDirmit Davis, introduced himself. Mr. Lee explained that the Town received an Unqualified Opinion, which is the best that can be given. He then reviewed accounts, financial growth, income, and expenditures. Manager Smith thanked Mr. Lee for his presentation and Mrs. White for handling the finance department for the Town. Mayor Bruhn also thanked all involved with the Town's finances.

3. TIMED ITEMS AND PUBLIC HEARING:

a. Estancia at Windermere 2nd Amendment to the Developer's Agreement

- i. Revise the property boundary setbacks for Lots 40 and 41 to 10' on the eastern boundary of the project, as opposed to the requested 25' setback for the property boundary setbacks within the adopted Development Agreement**
- ii. Provide an administrative update to the parties in the noticing section of the Development Agreement to reflect the current ownership of the property**

Mayor Bruhn explained that there are two separate items. He stated that one is the amendment to the Developer Agreement for lots 40 and 41 north side yard setbacks. And the second item is to update the current owners of the property. Manager Smith explained that this is a first reading. He stated that a second public hearing will be held on April 9, 2019, at 6:00pm. in the Town Hall. Mr. Brad Cornelius, Town Planner, introduced himself. He then reviewed the proposed amendment to the Developers Agreement regarding the side yard setbacks for lots 40 and 41, and the updating of the current owners' information. Mayor Bruhn clarified that the side yards in question about the wall that separates the subdivision from the Jain property. Mr. Cornelius stated that there is not any potential of development for the Jain property. He then stated that all other requirements will be met regarding pervious/impervious and all other set-backs and regulations. Mr. Cornelius explained that the Development Review Board? met regarding this item. He stated that the Board had recommended denial by a 3-2 vote, and that they had a concern with the incorrect plat map being sent to the surrounding neighbors. Mr. Cornelius stated that this is a process to amend the Developers Agreement, not a variance request. Mr. Jim McNeal, 9642 Castleway Drive, Windermere, Real Estate Counsel for Taylor Morrison introduced himself. He then gave a short presentation showing the set-backs, current and proposed, and potential homes on the sites. Mayor Bruhn then closed the Town Council meeting at 6:55pm and opened the Public Hearing. First to speak was Theresa Schretzman-Myers of 2713 Tryon Place. She stated concerns regarding additional tree removal and buffering. Mr. Cornelius stated that no trees would be affected, as there are none in the setbacks. Mr. Stephen Withers of 712 Main Street introduced himself. He commented that the DRB felt that the Developers Agreement is the Town Council's responsibility. Member Sapp questioned the past Town Council's review as this was passed prior to him being on the Town Council. After some discussion followed, Mayor Bruhn closed the Public Hearing at 7:00pm and reconvened the Town Council meeting. He then reminded everyone that the second Public Hearing on this item will be held on April 9th, at 6:00pm in the Town Hall.

4. OLD BUSINESS:

a. Town Manager Evaluations

Member O'Brien reviewed the evaluations from Council members of Manager Smith. Member McKinley complimented and thanked Manager Smith for all his work and dedication to the Town. Discussion was made regarding amending the contract with Manager Smith. Member O'Brien made a motion to extend Manager Smith's contract to the year 2024, and increased his salary to \$132,000.00 per year. Member McKinley seconded the motion. Roll call vote was as follows: O'Brien – yes, McKinley

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– yes, Sapp – yes, and Williams – yes. Motion carried 4-0. Manager Smith thanked the Council for his review and increase. He then stated that he would not be able to do his job without the assistance of his co-workers.

b. Cut thru Traffic Update

Chief Ogden gave a report on the past cut-through traffic detail, Dusty Roads Part 2, which his department is conducting. He then stated that he is receiving complaints from other areas of town. Manager Smith stated that the Town now has updated traffic stats which will aid in discussions with Orange County. Discussion followed. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She then thanked Chief Ogden for the stats in the report. She then commented on traffic when construction work was being done. Mr. David Sharp of 1027 Oakdale Street introduced himself. He then questioned the Chief if he had knowledge that there was information about police presence being released. Chief Ogden stated that he was aware of a few apps that does notify the public of police activity. Mr. Sharp commented on his concern that once the study is completed and nothing has been done, the issue will return, especially with technology. Discussion concluded.

Mayor Bruhn stated that the rules needed to be suspended to allow for the approval of Frank Krens to the Parks and Recreation Committee. Member McKinley made a motion to suspend the rules and add the appointment of Frank Krens to the agenda. Ember O'Brien seconded the motion. Roll call vote was as follows: Williams – yes, Sapp - yes, McKinley – yes, and O'Brien – yes. Motion carried 4-0.

c. Appointment of Frank Krens to the Parks and recreation Committee

Member McKinley made a motion to appoint Frank Krens to the Parks and Recreation committee. Member O'Brien seconded the motion. Roll call vote was as follows: O'Brien – yes, McKinley – yes, Sapp – yes, and Williams – yes. Motion carried 4-0.

Mayor Bruhn then commented on the upcoming Preschool (Windermere Road/McKinnon) meeting that will be held at Orange County.

5. NEW BUSINESS:

a. Swearing in Ceremony

- i. Mayor Jim O'Brien**
- ii. Councilman Robert McKinley**
- iii. Councilwoman Liz Andert**
- iv. Councilman Bill Martini**

Mayor Bruhn administered the Oath of Office to Mayor Elect Jim O'Brien for his first one-year term (one year remaining of Bruhn's resignation). Mayor O'Brien then administered the Oath of Office to incumbent Mr. Bob McKinley for his third two-year term, Mrs. Liz Andert for her first two-year term, and Mr. Bill Martini for his first two-year term.

b. Special Presentation/Proclamations/Awards

i. Recognizing to Jim O'Brien for his service as Town Council Member

Former Mayor Gary Bruhn then presented Mayor Elect Jim O'Brien with an appreciation plaque for eight years of service as a Town Council member.

ii. Key to the City Recognizing Mayor Gary Bruhn for 15 years of service

Mayor O'Brien presented a Key to the City to former Mayor Gary Bruhn for his 15 years of service to the Town of Windermere. He stated that only three other keys had been given out. One to General Gardner, Bill Criswell, and CT Allen.

Mayor O'Brien called for a 5 minutes recess at 7:44ppm. The meeting reconvened at 7:55pm

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c. MINUTES:

i. Town Council Meeting Minutes – February 12, 2019

Mayor O'Brien introduced the meeting minutes for approval. Member Sapp made a motion to approve the minutes as presented. Member Williams 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. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

i. ORDINANCE 2019-01 – Dirt Main ROW Vacation

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY OF 1004 MAIN STREET AND CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED STRIP OF PROPERTY TO RONALD AND MATTHEW WARD, THE OWNERS OF 1004 MAIN STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor O'Brien stated that this is a first reading and the second reading/public hearing will be held April 9, 2019 at 6:00pm in the Town Hall. He then stated that he called a special meeting on Monday, April 8th at 6:00pm in the Town Hall so that this item can be further discussed. Mayor O'Brien then read the title of proposed Ordinance 2019-01 for the record. Manager Smith commented on past and current discussions regarding the right of way property swap. He then stated that he is willing to meet and discuss this item with anyone who would like to meet.

6. MAYOR & COUNCIL LIAISON REPORTS

a. MAYOR JIM O'BRIEN – Mayor O'Brien stated that he had met with Commissioner Vanderley. He further stated that many items were discussed along with traffic and the preschool. Mayor O'Brien stated that the Orange County Commission is scheduled for April 6th. He then reported on upcoming memorial events, MetroPlan Orlando, and the St. Patty's Day event.

b. COUNCIL MEMBER BOB MCKINLEY – Mr. McKinley commented on the Law Enforcement memorials in Tallahassee. He then reported on the April 2nd Elder Luncheon, Butler Chain of Lakes Advisory meeting, Bird Island surveying, Parks and Recreation meeting, Pet Fest, Main Street tennis court completion, and Run Among the Lakes.

c. COUNCIL MEMBER ANDY WILLIAMS – Mr. Williams reported on the Historical Preservation Board meeting, RFP for the 1886 restoration, and the History project.

d. COUNCIL MEMBER CHRIS SAPP – Mr. Sapp reported on the Treebute and remaining trees, the need for a grove care taker, procedure change for tree removal permit, tree ordinance revision, replacement for the large oak tree being removed at Town Hall, and DBC discussions regarding the event pavilion.

e. COUNCIL MEMBER LIZ ANDERT – Newly elected, no report. Mrs. Andert thanked everyone for their assistance and support. Manager Smith explained the liaison assignment process. He then stated he will email everyone the liaison list with scheduled meeting dates and times. Mayor O'Brien explained that he would like everyone to number rank (top 1-4) their selections which will assist him with the assignments.

f. COUNCIL MEMBER BILL MARTINI – Newly elected, no report. Mr. Martini stated that he appreciated everyone's support and is looking forward to serving on the Town Council.

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8. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith thanked everyone for his positive comments with his evaluation. He then acknowledged staff for their work with the audit. Manager Smith then reported on the past month's events; Art Affair, Pet Fest, St Patty's Day, Elections, Mayor's Farewell, and Candidate Meet and Greet. He thanked staff for all their assistance with the events that were done without any issues. He continued his reports on the right of way acquisitions, FEMA reimbursements, ADG facility logistics meeting, and the April workshop for mid-year financial report. Mayor O'Brien questioned the ownership of the Art Affair event. Manager Smith commented that clarification will be made.

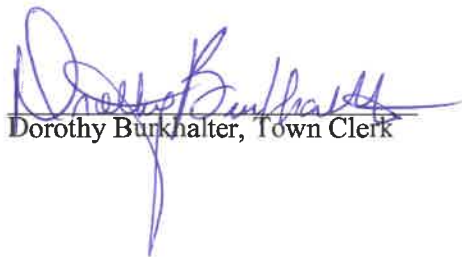
b. TOWN ATTORNEY TOM WILKES – No report.

c. POLICE CHIEF DAVE OGDEN – Chief Ogden reported on the completion of the annual report, traffic issues, robbery suspect, training, Bunk Bed Build, Dusty Roads detail, DUI Saturation Patrol, 5-year anniversary of losing Officer German, and upcoming memorials. Manager Smith stated that Mr. Montgomery was not available for this meeting as he had a death in the family. He stated that Mr. Montgomery will be acknowledged in the April meeting. Chief Ogden then reported on a class that Deputy Chief Treadwell will be sitting on; a panel board at UCF with a Law Enforcement class with students from Saudi Arabia.

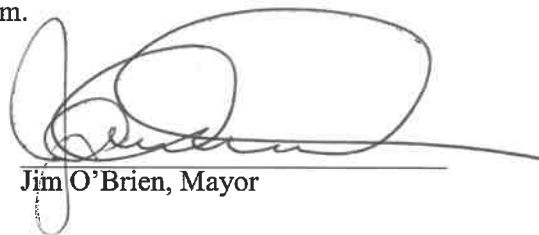
d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Mr. Brown reported on past and current events, ordering of speed limit signs, vac truck service, working on drainage, RFP's and RFQ's, FRDAP Grant and \$50,000.00 check for the Windermere Recreation Center, and the release of the Commencement Docs for Fernwood and Central Parks. Some discussion followed. Mayor O'Brien cautioned the use of acronyms.

9. ADJOURN:

Mayor O'Brien adjourned the meeting at 8:42pm.



Dorothy Burkhalter, Town Clerk



Jim O'Brien, Mayor