

# TOWN OF WINDERMERE

## Town Council Workshop Minutes

April 8, 2019

### CALL TO ORDER:

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

Mayor O'Brien called the workshop to order at 6:01pm.

### 1. OPEN FORUM/PUBLIC COMMENT:

Mayor O'Brien stated that the speaker who signed in had deferred.

### 2. SPECIAL PRESENTATION:

#### a. Railroad Right of Way Swap Discussion

Mayor O'Brien turned the floor over to Manager Smith. Manager Smith gave a history of the railroad right of way. He then gave a presentation regarding the railroad right of way swap. Manager Smith then commented on right of ways, ownerships, drainage, utilities, road widths, existing conditions, cost estimates, and timing. The presentation concluded at 6:31pm. Mayor O'Brien opened the floor to the Town Council members. Member McKinley stated he is in favor. He also stated that this has been a recommendation from the Long-Range Planning Committee as well. Member Sapp questioned if concrete could be placed on top of septic tanks. Some discussion followed. Mayor O'Brien opened the floor to the public. First to speak was Mark Keller of 226 Main Street. He commented on discussion that took place in 1993 regarding sidewalk extensions. Theresa Schretzman-Myers of 2713 Tryon Place questioned what would happen to the existing trees. David Sharp of 1027 Oakdale Street questioned the length of the right of way. Manager Smith stated currently the Ward railroad right of way is what's being discussed. Mr. Sharp stated that the Town needed to take the time it needed and be cautious. He also commented on his concern with the 10<sup>th</sup> Avenue bump out. Mr. Sharp requested when Main Street is blocked for work or another issue, traffic needs to be diverted down dirt Main Street and Oakdale Street, not just Oakdale Street. Brandi Haines of 835 Oakdale Street stated that the Department of Environmental Protection has a rule for a distance between stormwater and septic tanks. Manager Smith stated that utility issues will be worked out with each property owner. Eric King of 1012 Main Street questioned if the 10' easement/road is legal. Manager Smith stated yes. Mr. King then commented on septic tanks and them being moved. Mr. (first name non-audible) Fog of 1108 Main Street questioned if only 25' is needed, why is 40' being taken? Manager Smith explained that due to footage needed per the Towns Land Development Code, 40' is what is needed. Mr. Fog then questioned if there would be additional compensation for the differences in the land since he would be losing land. Mayor O'Brien stated that the owner would be gaining contiguous property. Mr. Fog questioned if the Ward's 5' set-back would set a precedence for the others. Manager Smith stated no; each property will be handled on a "case by case" basis. Mr. Bob Fleming of 928 Main Street stated that he currently has a variance on his property. He then stated that the overall idea of the swap is a good one. Mr. Fleming questioned the property tax affect. Manager Smith explained that there is a possibility of an increase of property value. With an increase of value, there could be a tax increase. Mr. Fleming questioned if there will be any protection against Main Street being four lanes. Manager Smith stated it is highly unlikely that it would happen. He commented that any discussion of it being four lanes is unfounded. Manager Smith commented that the right of way would be designed similarly to the West Orange Trail. Mr. Fleming commented on a drainage issue near his home. Manager Smith commented on areas that would accommodate stormwater. Mr. Fleming questioned if the sidewalk would be combined with the multi modal path. Manager Smith stated yes. Mr. Fleming stated that he has a well in his right of way, not septic. He then stated that this seems to be being pushed through instead of taking time as it is a complex project. Mr. King questioned the possibility of a 5' "bottle neck" in the dirt road if all owners did not participate in the swap. Manager Smith stated that discussion with owners for consistency would be done prior. Mr. King stated that with the current plan, owners are losing 15'. He stated that if owners were keeping more of their land, negotiations could be easier. Mayor O'Brien commented that each property will have its specific accommodations for wells, septic, landscaping, berms and swales, etc. that will need to be considered. Discussion followed. Jim Keown of 836 Main Street thanked Manager Smith and Council Member Martini for visiting and listening to their concerns. He then agreed with a comment made regarding this project moving quickly. Mr. Keown questioned if the owners are buying this property knowing they are getting the 25' or purchasing it anyway. Manager Smith stated he could not

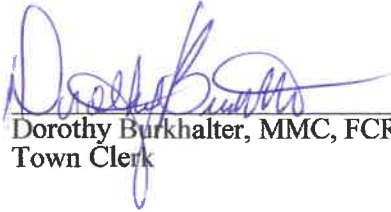
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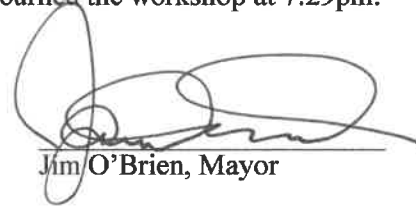
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speak on the owner's behalf. Mr. Keown questioned how the buyers were aware of the potential swap. Member Martini stated that the sellers would need to disclose this information. Manager Smith stated that per Ron Ward, if the swap did not happen, the deal would not go through. Mr. Keown questioned if this would be done in phases. Manager Smith commented that pending the financing source, phases may be likely. Mr. Keown stated he would like to see a tentative plan and timeframe. Some discussion followed. Mr. Keown questioned what will happen with the 1004 Main Street swap. Manager Smith reviewed the proposed plan. Mr. Keown stated that his project seems complex and the Town needs to take its time with it. Additional discussion was made. Harriette Valle of 1028 Main Street requested clarification on the 10' pinged portion. Manager Smith explained that the pinged point could be 10'. Ms. Valle then questioned if utilities were going underground. Manager Smith commented on the costs of undergrounding utilities. Mr. Fleming stated that a reasonable chart for compensation needed to be drafted for fairness. Manager Smith stated that he would ask that the Town Council consider a Favored Nations clause. Mr. Fog questioned limited access. Manager Smith stated that the access will say the same. Mr. Fog questioned if the Town would seek to purchase the additional rights of ways that are not in the trust. Manager Smith stated that a corridor appraisal would be needed, which normally are not favorable. He then stated that he is available to meet with anyone who may have questions or concerns prior to the next Town Council meeting.

There being no further comments, Mayor O'Brien adjourned the workshop at 7:29pm.



Dorothy Burkhalter, MMC, FCRM  
Town Clerk



Jim O'Brien, Mayor