

# TOWN OF WINDERMERE

## Town Council Meeting Minutes

April 9, 2019

### CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp (arrived at 6:06pm), 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.

### 1. OPEN FORUM/PUBLIC COMMENT:

Mayor O'Brien opened the floor to the public. First to speak was Theresa Schretzmann-Myers of 2713 Tryon Place. Mrs. Myers commented on a closed door meeting she had with Manager Smith and Council member Sapp. She stated that she was asked to submit her resignation as Windermere Tree Board Chairperson. Mrs. Myers then read her letter of resignation and submitted it for the public record. Next to speak was Mr. Ernest Myers of 2713 Tryon Place. Mr. Myers commented on his wife's resignation. He commented on Section 8.02(h) of the Town Charter, direct/indirect communications, Windermere Land Development Code Section 11.01.01(1)(e), public notices, and violations of the Government in the Sunshine Act. Mr. Myers then formally requested that this matter be investigated, appropriate measures be taken, irregularities be documented and remedied to prevent any similar issues in the future. Mrs. Myers stated that Mr. Ed Williams, who was signed in and was not present, was running late and requested to be able to speak when he arrived.

Mayor O'Brien updated everyone on the Windermere Preschool application. He thanked Council members Martini and Andert for their presence at the Orange County Board of County Commissioners meeting where the preschool application was denied.

### 2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

#### a. Service Award Councilman Richard Montgomery

Mayor O'Brien presented past Town Council member Richard Montgomery with an appreciation plaque for his dedication to the Town of Windermere.

#### b. Officer George Gonzalez Distinguished Service Award

Chief Ogden presented Officer George Gonzalez with a Distinguished Service award.

#### c. Officer George Gonzalez Promotion to Officer 2

Chief Ogden stated that Officer Gonzalez has taken the Officer 2 exam and successfully passed. He then presented Officer Gonzalez with his new shield.

#### d. Scholarship Presentation to LT Sipek

Mayor O'Brien presented LT Sipek a \$1,000.00 scholarship from Windermere Art Affair and a matching \$1,000.00 scholarship from the Windermere Police Department Foundation. Ms. Ann McDonough, Chair for the Downtown Business Committee, stated that this would be a \$1,000.00 per year for the next four years providing Mr. Sipek remains in college.

#### e. Mavoral Proclamation Recognizing April 2019 as Child Abuse Prevention Month in the Town of Windermere

Mayor O'Brien read and proclaimed April as Child Abuse Prevention month in the Town of Windermere.

### 3. TIMED ITEMS AND PUBLIC HEARING:

#### a. Estancia at Windermere 2<sup>nd</sup> 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

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

April 9, 2019

#### 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 O'Brien introduced this item. He then closed the Town Council meeting at 6:22pm and opened the Public Hearing. First to speak was Theresa Schretzmann-Myers of 2713 Tryon Place. Mrs. Myers stated that relocation of the Gopher Tortoises had not been done. She also stated that she is not in favor of any tree canopy removal. There being no further comments from the public, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:26pm. Member McKinley made a motion to deny the setback request of a(i) and approve the current ownership item a(ii). Member Williams seconded the motion. Mayor O'Brien commented on the past approval of the Developers Agreement, existing homes in subdivision and what the proposed homes could look like if not approved. Member McKinley stated that the developer would need to design something for the setbacks they have. Member Sapp commented on the conflict between previous Town Council approval and the current agreement that is in place. Mr. Cornelius stated that he was not the Town Planner at the time of the original agreement, however he was in attendance at the meetings. Mr. Jim McNeal, attorney with Akerman and applicant representative introduced himself. He first clarified that there are not gopher tortoises on the property. Mr. McNeal stated that no trees would be impacted, as there are none. He then commented on the original approval which had the 10' setback. Mr. McNeal stated that the smaller homes would be out of character with the existing homes. He then stated he would answer any questions the Town Council would have. Member Andert requested if a condition could be placed in the motion to benefit both parties. Mr. McNeal stated that they would be amenable to additional trees, a canopy, tree fund, or an agreed condition. Member Martini questioned if the entire 25' is needed. Mr. McNeal stated that a 15' setback would work instead of a 25'. Member Martini questioned if trees could be included. Mr. McNeal stated that practicality will be considered. Discussion followed regarding mitigation and funds. Mayor O'Brien stated that the Council needed to determine what is being requested from the developer. Member Martini questioned if this was previously approved when the project was called Windsong. Mr. Cornelius stated yes. Discussion was regarding the current motion on the floor. Mayor O'Brien then questioned if Member McKinley would be amenable to \$50,000.00 and a 15' setback. Manager Smith stated that the applicant would need to agree. Mayor O'Brien recessed the meeting at 6:43pm to allow the Developers and their Attorneys to discuss the request. Mayor O'Brien reconvened the meeting at 6:49pm. Manager Smith explained that the Developer would accept a \$25,000.00 into a tree mitigation fund (planting in and around town) and a 15' setback offer. Attorney Ramos stated that the original motion would need to be voted down, then a new motion could be made. Mayor O'Brien called for the vote. Roll call vote was as follows: Andert – no, Sapp – no, Williams – no, McKinley – no, and Martini – no. Motion denied 5-0. Member McKinley made a motion to approve a(i) and a(ii), with the provision that under a(i) the Developer will contribute \$25,000.00 towards our tree mitigation fund. Member Williams seconded the motion. Member Martini stated he would like the specifics of the setbacks for the lots defined. Mr. Cornelius stated the setbacks would be along the wall for lots 40 and 41. Manager Smith also stated that the timing for the payment would be at the time of permit of the first lot to be constructed. There being no further discussion, roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

#### **b. 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 introduced proposed Ordinance 2019-01. He then closed the Town Council meeting at 6:53pm and opened the Public Hearing. Mayor O'Brien read the title of proposed Ordinance

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

April 9, 2019

2019-01 for the record. He opened the floor to the public. Mrs. Angela Withers of 713 Main Street introduced herself. She then stated that she would like clarification that this vacation is only for the specific area. Mayor O'Brien explained that this Ordinance is only for 1004 Main Street. Mr. Jim Keown of 836 Main Street commented that he feels that the Town is being leveraged for one homeowner. He then stated that he would like the Town to state in the motion that "this is the one property that this will be done for with restrictions on any other swaps until the landowners can see a plan." Mr. Richard Gonzalez of 103 W 2<sup>nd</sup> Avenue spoke in favor of the acquisition. There not being any further comments, Mayor O'Brien closed the Public Hearing at 7:03pm and reconvened the Town Council meeting. He then opened the floor to the Town Council Members. Manager Smith explained that future vacations would need prior approval from the Town Council. Some discussion followed. Member McKinley made a motion to approve Ordinance 2019-01. 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.

#### 4. CONSENT AGENDA:

##### a. **1004 Main Street Easement RR ROW**

Mayor O'Brien introduced this item. Member Sapp made a motion to approve the consent agenda 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.

#### 5. NEW BUSINESS:

##### a. **MINUTES:**

##### i. **Town Council Meeting Minutes – March 26, 2019**

Mayor O'Brien introduced the meeting minutes for approval. Member McKinley stated that Member O'Brien's name was missing from being "present". Member McKinley made a motion to approve the minutes with the addition to Mayor Elect O'Brien being added to being present. 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. **APPOINTMENTS: COMMITTEES AND BOARDS:**

##### i. **Mayor and Town Council Assignments**

Mayor O'Brien introduced this item. The liaison assignments are as follows: Mayor O'Brien; Metro Plan, West Orange Chamber, Tri County Mayors Board, and League of Cities. Council member Andert; Holiday Social, Butler Chain of Lakes Advisory Committee, Food Truck/Farmers Market Selection Committee, and Downtown Business Committee. Council member Martini; Police Department, Development Review Board, and MetroPlan Alternate. Council member McKinley; Mayor Pro-Tem, Administration, Parks and Recreation Committee, and Elder Committee. Council member Sapp; Streets and Roads, Long Range Planning Committee, Tree Board, and West Orange Chamber Alternate. Council member Williams; Budget, and Historical Board. TSMO Advisory Committee will be Robert Smith, Scott Brown and Jim O'Brien. Member Sapp made a motion to approve the liaison assignments and Member McKinley as Mayor Pro Tem. Member Andert 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. **Lloyd Woosley Long Range Planning Committee**

Member Martini made a motion to appoint Lloyd Woosley to the Long Range Planning Committee. 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.

##### c. **CONTRACTS AND AGREEMENTS:**

##### i. **Architect Design Group: Continuing Architecture Services for New Town Facilities**

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

April 9, 2019

Manager Smith explained that if a new RFQ is done, it would be a repeat of the original RFQ for the design. He then explained that instead of duplicating the RFQ, he would recommend the continued use of ADG. Manager Smith stated that the contract is based on experience, not price. He then stated that he will bring the contract back before the Town Council. Discussion was made regarding costs and fees. Member Sapp made a motion to move forward with negotiations for a contract. 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.

#### ii. Windermere Water System Master Plan RFQ Award

Mayor O'Brien introduced this item. He then turned the floor over to Public Works Director Scott Brown. Director Brown reviewed the executive summary regarding a master plan layout for potable water. He then stated that the project is to not exceed \$130,000.00. Member McKinley made a motion to approve Wade Trim to exceed \$130,000.00. 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.

#### d. FINANCIAL:

##### i. Lake Down Park Dock Modifications (E 4<sup>th</sup> Ave) Not to Exceed \$30,000.00

Mayor O'Brien introduced this item. He then turned the floor over to Director Brown. Director Brown stated that the East end of the 4<sup>th</sup> Avenue dock needs renovations so that it may be utilized. He then stated that the Parks and Recreation Committee is also recommending approval for this project. Director Brown explained the proposed project. Mayor O'Brien questioned if there would be a roof. Director Brown stated no; only railings. Member Andert questioned if jet skis/motor craft could tie up to the dock. Director Brown stated yes. Member Andert commented on concerns with motor craft in the area. Some discussion followed. Member McKinley made a motion to approve the not to exceed \$30,000.00. 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.

##### ii. Town Square/Town Hall Landscape Plan Not to Exceed \$28,000.00

Mayor O'Brien introduced this item. Director Brown commented on the need for re-landscaping the front of Town Hall. He stated that proposals were submitted, with Canin and Associates being awarded the landscaping development plan contract. Director Brown explained that four (4) vendors were contacted for implementation and completion of the plan designed by Canin and Associates, in which Dobson's Woods and Water is being recommended for approval. Mayor O'Brien commented on his concerns with "heavy traffic and ground cover." Director Brown stated that ground cover was not selected, but beautification of the existing. Member Sapp stated that the funds would be coming from the Downtown Business Committee fund. Member Sapp made a motion to approve the not to exceed of \$28,000.00 for the project. 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.

##### iii. 1887 Schoolhouse Structural Assessment Not to Exceed \$7,000.00

Mayor O'Brien introduced this item. Director Brown stated that the Historical Preservation Board has selected the 1887 School House for their next project. He stated that the Board would like to get an evaluation of the structure from a professional. Member Williams commented that the board has been working on this project for some time. He then stated that they would like to preserve the building and need a professional's opinion. Member Williams made a motion to not exceed \$7,000.00 for the assessment. 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.

##### iv. Windermere Town Pavilion

Mayor O'Brien introduced this item. Mr. John Fitzgibbon, Chair of the Long-Range Planning Committee introduced himself. He then commented on a sub-committee that was formed to discuss a pavilion in the downtown area. Mr. Fitzgibbon commented that the sub-committee felt that hiring an Architect to design a conceptual plan and a conceptual rendering is needed. He stated that the

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

April 9, 2019

committee also felt that the renderings could also aide in fundraising. Mr. Fitzgibbon stated that a request for Design Services was done by the committee. He commented that three responses were received. Mr. Fitzgibbon further commented that one response from Hunton Brady Architects was received at a cost of zero dollars. He gave a brief history of the late Mr. Fred Pryor and Hunton Brady Architects. Mr. Fitzgibbon stated that the zero fee comes with a caveat that the pavilion be recognized to Fred Pryor. He then stated that the Long-Range Planning Committee is recommending approval of Hunton Brady for zero dollars. Some discussion followed. Member Sapp clarified that five companies were reached out to, with three returning actual bids. He then commented on a possible plaque of recognition for Fred Pryor as a sponsorship in kind. Mr. Fitzgibbon stated that the Committee feels that the recognition is a Council decision. Some discussion followed. Member Sapp made a motion to approve the zero-dollar bid from Hunton Brady. 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. Member Sapp requested to remain on the Pavilion Sub Committee.

#### 1. OPEN FORUM/PUBLIC COMMENT:

Mayor O'Brien recognized Mr. Ed Williams. Mr. Williams of 2712 Tryon Place introduced himself. He then commented on the resignation of Theresa Myers. Mr. Williams stated that the Town Manager does not have the authority to remove a committee person, only the Town Council, per the Charter. He then stated that if the Town Council removes Theresa Myers, it needed to be done in a public meeting following the procedures that are in the Charter.

#### 6. MAYOR & COUNCIL LIAISON REPORTS

a. **MAYOR JIM O'BRIEN** – Mayor O'Brien reported on past and present events, denial of the preschool, and April 23<sup>rd</sup> Orange Law Enforcement Memorial.

b. **COUNCIL MEMBER BOB MCKINLEY** – Mr. McKinley reported on the past Elder luncheon, upcoming Run Among the Lakes, and the Butler Chain of Lakes Advisory Committee meeting.

c. **COUNCIL MEMBER ANDY WILLIAMS** – Mr. Williams reported on the past Historical Preservation Board meeting.

d. **COUNCIL MEMBER CHRIS SAPP** – Mr. Sapp stated that the Tree Board did not meet. He then reported on the Downtown Business Committee meeting,

e. **COUNCIL MEMBER LIZ ANDERT** – Mrs. Andert reported on the Orange County Board of County Commissioners and the Windermere Preschool hearing, thanked Chief Ogden and the Police Department for the Crisis Incident Stress Management Training, Windermere Elementary students and a 501-C3 for lake preservation and safety, May 21<sup>st</sup> Gotha Middle School Municipal Government Day and a kids' time capsule.

f. **COUNCIL MEMBER BILL MARTINI** –

##### i. **Cut Thru Traffic LRP Update**

Mr. Martini stated that the Long-Range Planning Committee had met. He stated that traffic and the pavilion was discussed. Mr. Martini stated that the Committee is recommending that barriers be placed at end of Ridgewood Drive and 8<sup>th</sup> Avenue and Oakdale Street. He stated that this could be placed on the next Town Council agenda. Mr. Fitzgibbon commented how the recommendation from the Committee was determined. Mayor O'Brien commented on the additional enforcement detail that is currently in the works. Member Martini commented on using the low-cost temporary barriers and the previous misrepresentation if the two locations. Member Sapp questioned the timing for an Urban Planner. Mr. Martini stated that there was an Urban Planner in attendance at the OCBC meeting that was very knowledgeable. Member Sapp questioned the timeframe of obtaining a recommendation or a report from an Urban Planner. Mr. Cornelius stated sixty-ninety days. Mayor O'Brien stated that once all the data has been collected, this item will be revisited.

#### 8. **STAFF REPORTS:**

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

April 9, 2019

a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith reported on the railroad right of ways meetings/workshop, mid-year report, upcoming budget sessions, upcoming events, and FEMA updates.

b. **TOWN ATTORNEY HEATHER RAMOS** – No report.

c. **POLICE CHIEF DAVE OGDEN** – Chief Ogden reported on training sessions, Deputy Chief Treadwell attendance on a panel for Women in Law Enforcement, upcoming drug take back program, upcoming events, hiring of new Reserves, dock complaints, traffic detail, yearly reports, and upcoming law Enforcement Memorials. Mayor O'Brien commented that when anyone sees anything unusual or suspicious to please contact the Police Department. Some discussion followed.

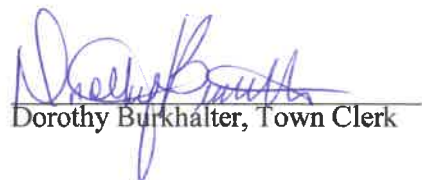
d. **PUBLIC WORKS DIRECTOR SCOTT BROWN** – Mr. Brown reported on past and current events, parking lot at Park Among the Lakes, upcoming landscaping project, and defining the process and reasons for RFP/RFQ.

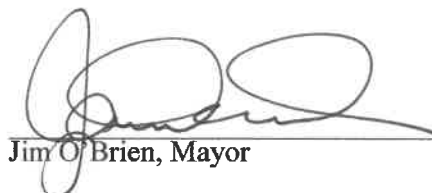
Manager Smith commented that he is working with students regarding the elimination of the plastic water bottles that are used in the Town Council meetings. Other projects are lakefront clean up and the book swap.

Council member Sapp suggested placing the liaison and staff reports in writing which would help shorten the meetings and can be added to the council agenda books. Mayor O'Brien stated that this will be discussed at the next Council meeting.

### 9. ADJOURN:

Mayor O'Brien adjourned the meeting at 8:24pm.

  
Dorothy Burkhalter, Town Clerk

  
Jim O'Brien, Mayor