

TOWN OF WINDERMERE

Town Council Meeting Minutes

May 14, 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, Deputy Police Chief Jennifer Treadwell, and Town Clerk Dorothy Burkhalter were also present. Public Works Director Scott Brown was absent.

1. OPEN FORUM/PUBLIC COMMENT:

Mrs. Theresa Schretzmann-Myers of 2713 Tryon Place questioned the tree impact at 31 Pine Street, 78 Pine Street lot being cleared without protection around existing trees, and adjusting the location of the newly planted trees and bushes around town hall – they are planted too close to the building. Mr. Joe Foglia of 215 Butler Street introduced himself. He then questioned if the Town would be able to assist an elderly couple that needs to have a tree removed, as they cannot afford it and it's going to fall. Manager Smith stated that the tree could be handled as a code issue. The Town would remove the tree and then assess the cost on the tax bill.

Member McKinley apologized for the actions that took place at the past Town Council meeting regarding Estancia, the Developers Agreement and negotiations.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

a. Volunteer Service Project: Grace Foglia

Ms. Grace Foglia of 215 Butler Street introduced herself. She explained that she spoke with Manager Smith regarding environmental safety and the use of plastic water bottles at the Town Council meetings. She then presented the Mayor and Town Council with individual Yeti tumblers with the Town crest on them to be used in place of plastic bottles. Manager Smith explained that a new water fountain/dispenser will be installed in the Town Hall near the bathrooms.

b. Service Award Theresa Schretzmann-Myers

Mayor O'Brien presented a plaque of appreciation to Mrs. Schretzmann-Myers for her years of service to the Town of Windermere.

c. Windermere Mayoral Proclamation May, 2019 as Windermere Police Appreciation Month

Mayor O'Brien proclaimed May 2019 as Windermere Police Appreciation month in the Town of Windermere. He then presented the proclamation to Deputy Chief Treadwell.

d. Windermere Mayoral Proclamation Recognizing Municipal Clerks Week from May 5-11, 2019.

Mayor O'Brien proclaimed May 5-9, 2019 as Municipal Clerks week. He then presented Clerk Burkhalter with the proclamation.

3. TIMED ITEMS AND PUBLIC HEARING: NONE

4. CONSENT AGENDA:

- a. Z19-005 – 31 Pine Street Variance - Variance to allow a greater than 10% expansion to a non-conforming home, allow the encroachment into the 50-foot setback from the normal high-water line to allow a 15-foot setback, and to allow for the south side setback at 8.2 feet – DRB recommends approval with four (4) conditions:**

TOWN OF WINDERMERE

Town Council Meeting Minutes

May 14, 2019

- 1. With the additions that will trigger improvements to the existing septic system by requirements of the Orange County Health Department, the existing septic system will be replaced with a Performance Based Treatment System as permitted by the Orange County Health Department;
- 2. A berm and swale between the lake and the home will be installed to prevent stormwater discharge to the lake. The berm and swale will be designed to capture the first inch of stormwater and will be permitted and installed with the first building permit that expands the impervious footprint of the existing home;
- 3. The owner shall install native aquatic vegetation along 80% of the lake shoreline adjacent to the property. The installation shall occur with the first building permit that expands the impervious footprint of the existing home; and
- 4. The variance to allow for Area F (proposed new covered porch on the north side of the existing home), as shown on the submitted site plan, is denied. Only proposed new Areas D, E, G, H, and I, as shown on the submitted site plan, are approved.

Mayor O'Brien introduced this item. He then turned the floor over to Mr. Brad Cornelius, Town Planner. Mr. Cornelius explained the variance request. He stated that this home was built in the 1960s and is non-conforming. Mr. Cornelius commented that there are three requests. One, to allow a greater than 10% expansion to a non-conforming home, two, allow the encroachment into the 50-foot setback from the normal high-water line to allow a 15-foot setback, and three, to allow for the south side setback at 8.2 feet. Mr. Cornelius commented that the Development Review did not recommend approval for the porch on the north side of the home known as "F." He then explained the proposed second floor and porches. Mr. Cornelius stated that the Development Review Board did review this item, found the hardship is with the lot, and did modify a recommendation for approval. He then reviewed the recommendation, which was to deny the request for item "F", must have a performance-based treatment system, installation of sufficient berms and swales, and addition of aquatic vegetation along 80% of the shoreline. Discussion was made regarding the septic system, aquatic plantings, current stormwater retention, porch "F", and existing porches. Mr. Darrell Nunnelley representative for 31 Pine Street introduced himself. He then reviewed the proposed plan. After some discussion was made, Mayor O'Brien opened the floor for public comments. First to speak was Mrs. Theresa Schretzmann-Myers of 2713 Tryon Place. She questioned the tree removal and then stated she agrees with the planting of aquatic plants, and the berm and swales. Mr. Nunnelley stated no additional trees would be removed other than the shrubs in the backyard. Mrs. Brandi Haines 835 Oakdale Street spoke in opposition of the variance. There being no further comments from the public, Mayor O'Brien opened the floor to the Town Council. Member Sapp made a motion to approve the variance request items of D, E, G, H and I as shown on the plan, also with the conditions set forth by the Development Review Board. Member Martini seconded the motion. Member McKinley and Member Andert stated they were opposed to item "F". Mayor O'Brien clarified that item "F" is not being approved. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – no, and Martini – yes. Motion carried 4-1.

5. NEW BUSINESS:

a. MINUTES:

- i. Town Council Workshop Minutes – April 8, 2019**
- ii. Town Council Meeting Minutes - April 9, 2019**

Mayor O'Brien introduced the meeting minutes for approval. Member McKinley 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.

b. APPOINTMENTS: COMMITTEES AND BOARDS:

TOWN OF WINDERMERE

Town Council Meeting Minutes

May 14, 2019

i. Tree Board: Debra Neill

Mayor O'Brien introduced this item. Manager Smith explained that he did not attend the past Tree Board meeting. Member Sapp stated that Ms. Neill was not in attendance at the past Tree Board meeting. He further stated that the board would like to meet with applicants prior to recommending approval. Member Sapp requested that this item be tabled until the June Town Council meeting. This item was tabled.

c. CONTRACTS AND AGREEMENTS:

i. RFQ #2019-02 Continuing Engineering Services

Mayor O'Brien introduced this item. Manager Smith explained that a RFQ was sought for Continuing Engineering Services. He stated that the sub-committee met, reviewed the submittals and are recommending Kimley Horn and Associates for the services. Manager Smith further stated that Kimley Horn has more resources due to the size of the company. He then stated that approval will be needed for Kimley Horn for the NPDES permit services. Mr. John Fitzgibbon commented on the sub-committee and their findings. Member McKinley made a motion to approve Kimley Horn Associates for Continuing Engineering Services. 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.

ii. Individual Project Order Number 1: National Pollutant Discharge Elimination System (NPDES) Permit Services \$26,726

Member McKinley made a motion to approve IPO #1 in the amount of \$26,726.00. 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.

6. MAYOR & COUNCIL LIAISON REPORTS

Mayor O'Brien commented on the proposed suggestion of having the liaison/committee reports in the agenda packets which will they allow them to be on the record. Member Sapp stated that the format of the project meeting notes that Manager Smith sends out, which shows continuation from meeting to meeting, with current comments/actions in red, is the format he is referring to. Manager Smith stated that this would be beneficial if two boards/committees are working on the same project. Member McKinley commented that a few of the committees meet after the Town Council agenda packets have been completed. Some discussion followed. Consensus was to move forward with this process and approve a format at the next meeting. Member Sapp reiterated the use of the current format of the project meetings notes.

a. **MAYOR JIM O'BRIEN** – Mayor O'Brien reported on the upcoming Florida League of Cities conference, committee reports, upcoming discussion regarding banners and recycling concerns.

b. **COUNCIL MEMBER BOB MCKINLEY** – Mr. McKinley reported on the past Parks and Recreation Committee meeting which approved the CIP plans and upcoming projects.

c. **COUNCIL MEMBER BILL MARTINI** – Mr. Martini reported that the DRB items have been previously discussed. He also reported that the Police Department has had a busy month which included all the Police memorials.

d. **COUNCIL MEMBER LIZ ANDERT** – Mrs. Andert reported on the Butler Chain Advisory Committee meeting she and Member McKinley attended. She then reported on Food Truck/Farmers Market meeting and the Holiday Hoopla. Discussion was made regarding confirming the date for the Holiday Hoopla.

e. **COUNCIL MEMBER CHRIS SAPP** – Mr. Sapp stated he had nothing further.

f. **COUNCIL MEMBER ANDY WILLIAMS** – Mr. Williams reported on the past Historical Preservation Board meeting, 1887 School House and restoration to earliest version, Oral

TOWN OF WINDERMERE

Town Council Meeting Minutes

May 14, 2019

History Committee and the next meeting on June 4th.

8. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith stated that Public Works Director Brown is attending a Hurricane Conference. He then reported on pre-hurricane meeting and contract procurements, FEMA update, State of the County, landscape plan, town facilities, RFQ for Construction Manager at Risk and its timeframe, Park Avenue bids, Mid-year report and Project updates workshop, new website, new software, budget, and the Windermere Police Foundation volunteer Appreciation event.

b. TOWN ATTORNEY HEATHER RAMOS – No report.

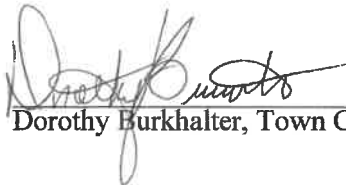
c. DEPUTY CHIEF JENNIFER TREADWAY – Deputy Chief Treadwell reported on the Orange County Public Schools workshop, Operation Dusty Roads, Law Enforcement Memorials and the Laptop grant approval.

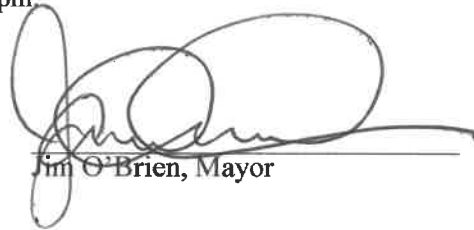
d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Mr. Brown was absent.

Clerk Burkhalter commented on an election meeting she attended at the Orange County Supervisor of Elections office. She stated that due to the Presidential Preference Primary in March 2020, the Town will need to change by Resolution, the qualifying dates, approval of the Orange County Canvassing Board as the Towns canvassing Board, and the third Tuesday March 17, 2020.

9. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:33pm


Dorothy Burkhalter, Town Clerk


Jim O'Brien, Mayor