

TOWN OF WINDERMERE

Town Council Meeting Minutes

July 9, 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 Tom Wilkes, 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:

Mayor O'Brien commented that the first two speakers have deferred their comments until further in the agenda. Mrs. Angel Withers of 712 Main Street introduced herself. She then stated that she is in favor of the proposed sign at the Windermere Elementary School.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

a. Rep. Geraldine F. Thompson: Legislative Updates

Mayor O'Brien introduced State Representative Geraldine Thompson. He requested that Representative Thompson remain after her presentation to hear the FEMA discussion. Mayor O'Brien then turned the floor over to Representative Thompson. Representative Thompson gave a presentation on the past Legislative session. She then requested any comments or questions from the Town Council. Manager Smith introduced himself. He then questioned Representative Thompson's position on the dissolving Communication Services Tax that impact the smaller municipalities. Representative Thompson stated that she is a proponent of Home Rule. She then commented that she sits as a Ranking Member on the Transportation and on the Infrastructure Committee's. Manager Smith then stated that the Town will be working toward water service for the entire Town in the future. He then commented on the surrounding development that has had a negative traffic impact on the Town. Representative Thompson stated that she is willing to meet with the Town and discuss any concerns there may be so she can work on the issues prior to Session beginning. She then commented on assistance that she aided in for the Town of Oakland for implementation of a new sewer system. Mayor O'Brien thanked Representative Thompson for attending the Council meeting. He then requested that the Representative remain at the meeting for the update from Mr. Brock Magruder regarding FEMA. Mayor O'Brien questioned if there would be any objections for moving the FEMA discussion item forward. There were no objections.

i. FEMA UPDATE – Attorney Brock Magruder

Mayor O'Brien turned the floor over to Mr. Brock Magruder. Mr. Magruder introduced himself. He then gave a recap of the 2004 hurricanes and the FEMA funding reimbursements. Mr. Magruder explained that ten years later FEMA did an audit and determined that the Town received over \$400,000.00 in error, which FEMA wants back. He further explained that the only way FEMA thought to recover the funds is from future grants. Mr. Magruder commented that the Town had over \$600,000.00 due from Hurricane Irma. He stated that the Department of Emergency Management and the State will offset dollar for dollar the payment to the Town for the previous overpayment, which would be approximately \$140,000.00. Mr. Magruder explained that through working with the Appeals Division, the Town will now be receiving back over \$500,000.00. He then stated that exact numbers will be known at a later date. Manager Smith explained that the Town still has an outstanding debt to FEMA for the remaining amount which will continue to be deducted from future payments. Discussion followed. Mayor O'Brien thanked Mr. Magruder for the update.

b. Windermere Mayoral Proclamation Designating the Month of July as Windermere Staff Appreciation Month.

Mayor O'Brien read and proclaimed July as Windermere Staff Appreciation month.

3. TIMED ITEMS AND PUBLIC HEARING: NONE

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4. CONSENT AGENDA:

- a. **Z19-006 – 235 Magnolia Street – Robert & Leslie Hartog – Variance to allow greater than 10% expansion of nonconforming home and to allow a reduced side setback**
- b. **Z19-007 – Windermere Elementary School – Orange County School Board – Variance to allow a ground sign in excess of 20 square feet and to allow an illuminated LED sign**

Mayor O'Brien introduced the consent agenda. Member McKinley made a motion to approved the two items as presented. Member Andert second the motion. Member Sapp stated that there were a few comments regarding the LED sign. He questioned if the sign could go off at 9:00pm and leave the red color for urgent messages. Manager Smith stated that the OCPS guidelines for the signage must be followed. Roll call vote was as follows: Andert – yes, Sapp -yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

5. NEW BUSINESS:

a. **MINUTES:**

- i. **Town Council Meeting Minutes – June 11, 2019**
- ii. **Town Council Workshop Meeting Minutes – June 25, 2019**

Mayor O'Brien introduced the meeting minutes for approval. Member Sapp made a motion to approve the minutes as presented. 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.

b. **RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING**

- i. **Resolution 2019-02 of the town Council for the Town of Windermere, Florida changing the 2020 Municipal Election Date, Canvassing Board and Qualifying Date**

Mayor O'Brien read Resolution title 2019-02 for the record. Member McKinley made a motion to approve Resolution 2019-02. 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.

ii. **ORDINANCE NO. 2019-05**

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 read the title of proposed Ordinance 2019-05 for the record. He then stated that the second reading/public hearing will be held August 13th.

c. **APPOINTMENTS: COMMITTEES AND BOARDS: None**

d. **CONTRACTS AND AGREEMENTS:**

- i. **Ocoee Fire Service Agreement**

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Mayor O'Brien introduced this item. Manager Smith explained the standard increase. After some discussion was made, Member Andert made a motion to approve the contract as submitted. 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. Architect Design Group Contract New Facilities

Mayor O'Brien introduced this item. Manager Smith explained that Architect Design Group had been selected from an RFQ process for the initial design for the referendum. He then explained that the contract was then piggybacked for the design phase so another RFQ would not need to be done. Manager Smith then commented on the contract negotiations. He then stated that where funds can be saved, they will be. Some discussion followed. Member Sapp questioned if the prices indicated were estimates, not actual, as they seem high. Manager Smith explained that the figures are estimates. Member McKinley made a motion to approved the contract. 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.

iii. Withers-LLC Design Review Schedule & Fee

Mayor O'Brien introduced this item. He stated that a 2/3rd vote was needed for approval. Manager Smith stated that the cost per hour had been questioned as to comparison to others. He further stated that the cost for Mr. Withers contract is "more than fair". Member McKinley questioned if one or two motions were needed. Manager Smith stated two would be needed. Member McKinley made a motion to waive the prohibitions and finds that the advisory board member can do business with the Town and can hold a contract with the Town. 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. Discussion regarding the contract began. Member Andert thanked Mr. Withers for his assistance. She then requested that a "market comp" be available, should it be needed. There being no further discussion, Member Williams made a motion to approve the \$15,000.00 contract with Mr. Withers. 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. Purchase of Railroad ROW across from 3348 S. Lake Butler Blvd; Sorenson

Mayor O'Brien introduced this item. Member Sapp commented on concerns regarding title issues/defects. Attorney Wilkes stated that the Town will have the right to not close should there be any defects and the seller chooses not to correct the defects. Member Sapp stated that the documents states that the Town will pay for all closing costs and clear any title issues. Attorney Wilkes stated that the Town could pay the costs to clear the title or not. There being no further discussion, Member McKinley made a motion to approve the purchase of the railroad right of way across from 3348 S. Lake Butler Blvd. 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.

v. Purchase/Donation of Railroad ROW across from 10 Main Street: Rubio

Mayor O'Brien introduced this item. Manager Smith explained that this property dead ends into the canal. Mayor O'Brien stated that the owner is willing to donate the property with the following conditions. One, once the multi-model is constructed, a favorable plaque be installed in the area dedicating that portion in honor of her late husband. And, two, pave dirt Main Street in a timely manner (5 years or less) from North Drive to her property. Member McKinley commented on the location, conditions, and the use of this area by children going to Windermere Elementary. He then stated that he spoke with three or the five owners, and they are in favor of the paving. Member McKinley questioned the location of the sidewalk. Manager Smith stated the sidewalk will be relocated to the railroad right-of way. Discussion followed. Member Martini commented on the late Mr. Jess Rubio. He stated that amongst many other projects, he worked with Mr. Rubio on designing the Town entry signage years ago. Manager Smith explained that this portion will complete a section that is located from the south of the bridge to Windermere Elementary School. He then stated that this project does not set a precedence for paving roads in town. Member Martini made a motion to approve the acquisition of the property. 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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e. FINANCIAL

f. OTHER ITEMS FOR CONSIDERATION

i. Kellogg Boat Dock Request: 416 E 5th Avenue

Mayor O'Brien introduced this item. He explained that Mr. Kellogg is requesting approval to place a boat dock in the lake across the street from his home. Manager Smith explained that Mr. Kellogg has requested approval to replace a previous existing dock across the street from his property. He further explained that the dock was damaged in the 2004 hurricanes. Manager Smith commented that legal counsel stated that if the Town Council approves the request, Mr. Kellogg would need to follow the settlement agreement that is currently in place for the Lake Down and the Lake Bessie property owners. Member McKinley commented that there are eighteen other properties that sit the same as Mr. Kellogg. He then stated that its been fifteen years since a dock has been there. Member McKinley stated he is not in favor of this request. Member Andert stated she is concerned with children safety in the area. Member Sapp stated he would not support the request. Member Williams stated that the dock has been gone for a long time and doesn't feel it should be replaced. Member Martini commented on the Charter Preamble, Paragraph two, which relates to town own property is for the use of all its residents. He then stated that this request would not be in line with the qualification. Member McKinley made a motion to deny the request. 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.

ii. Amending Sign Ordinance

Mayor O'Brien introduced this item. Manager Smith explained that this item is being brought forward due to the LED sign discussion at the past Development Review Board meeting. The Development Review Board members would like to amend the sign code to state that only the Public School can have an LED sign. He further stated that with the existing code, and if a code change was made, a variance would need to be applied for. Member Martini, also liaison to the Development Review Board, commented on their past meeting. He commented that discussion was made that the revision wasn't needed. Member Martini further commented that discussion was made regarding the stricter regulations in the downtown business district area. He then stated that he did not feel that the cost would justify the revision. Member Sapp stated that he was on the Downtown Business Committee when the sign Ordinance was revised. He explained that there was extensive work and research by the time it had been completed. Member Sapp commented that a variance process would be needed, not a revision. Member McKinley commented that a variance procedure is in place should there be any future requests. Consensus of the Council was to not move forward with a revision to the Sign Code.

iii. Cut Thru Traffic Continued Discussions

Mayor O'Brien introduced this item. He then reviewed past discussions regarding the cut thru traffic. Manager Smith gave an update from a past workshop regarding the cut thru traffic. He stated that Kimley Horn was task with a possible roundabout at Windermere Road and Maguire Road and the continuous right hand turn on Main Street to Chase Road. Manager Smith commented that he has an upcoming meeting with the Orange County Administrator. Some discussion followed. Mr. David Sharpe of 1027 Oakdale Street introduced himself. He thanked the Police Department for the enforcement. He then stated that he thought that an Urban Planner was going to be implemented. Mr. Sharpe stated that he is disappointed that the barrier project is not moving forward. He stated that the town needs to retain their roads. Member Sapp commented that there are Apps that assist municipalities with counts and information. He then questioned if limiting the use of the back roads during certain hours could be done. Chief Ogden stated that only near the School could that be done, all other roads are public. Member Sapp questioned if signage that states "left hand turn only during 8:00am – 10:00am" could be used for the back roads? Chief Ogden stated that temporary signage is different than permanent. Member Sapp stated that some of the Apps will put that specific information to notify drivers. Manager Smith stated that the App can be contacted for specifics. Member Martini stated that research needs to continue. He suggested an Urban Planner for a certain area. Discussion followed. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She then commented on the distrust between the study results and the residents. Ms. Haines commented on the "Pocket Park" possibilities.

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She then stated that the dirt rounds need to be resolved. Ms. Haines then questioned who is the person/persons that is looking further into back roads issue. Mayor O'Brien stated that the traffic study will assist the Town in future needs. Discussion followed regarding single location experiments, costs and an Urban Planner. Member Andert stated that she would like a before, during, and after survey from the residents if an experiment is done. She then stated that the hiring of a Lobbyist needed to be considered. There was no further discussion.

6. MAYOR & COUNCIL LIAISON REPORTS:

Member McKinley reported that Parks and Recreation had met. He reported on the approved water fountain at Central Park, authorized up to \$10,000.00 for clearing of Fernwood Park, met with Public Works and review the work at Lake Down Park, Lake Down and Lake Bessie walkways, and coordination of placing tree in parks through Parks and Recreation.

Member Martini thanked everyone that volunteered for the Pancake Breakfast. He then commented on an issue with non-residents using the boat ramp keys. Member Andert questioned if the keys could be engraved with numbers for tracking. Some discussion followed.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith reported on upcoming meetings/workshops, release of the budget information, upcoming Development Review Board meeting. He then thanked staff for covering in his absence.

b. TOWN ATTORNEY TOM WILKES – Reported earlier in the meeting.

i. FEMA UPDATE – This item was moved forward in the meeting.

c. CHIEF DAVE OGDEN – Chief Ogden reported on extra patrolling and enforcement, incident over the weekend in Lake Butler, use of boat ramp keys by non-residents, new Statutes effective July 1st, staffing, upcoming professional photos of staff and elected officials August 29th and 30th, and upcoming training. Member Martini commented on the hours worked by the Reserve Officers.

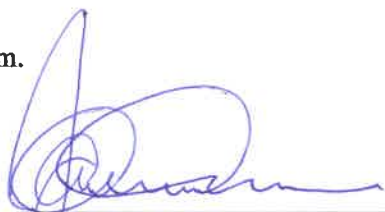
d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Mayor O'Brien thanked Director Brown and his staff for the clean-up efforts after the recent storm. Mr. Brown reported on Metro Plan Orlando meeting, recent projects bids, weather issues, road repairs and drainage clean outs.

Clerk Burkhalter advised everyone that with the Resolution passage, the new qualifying dates will be posted for the public. She then commented on a group of children from the Pancake Breakfast that worked the "Pancake Topping" table. Clerk Burkhalter stated that the children had fun, worked hard, and worked very well with each other. Their hard work did not go unnoticed.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 8:14pm.


Dorothy Burkhalter, Town Clerk


Jim O'Brien, Mayor