

TOWN OF WINDERMERE

Town Council Special Meeting Minutes

August 27, 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, Police Chief Dave Ogden, and Public Works Director Scott Brown were also present. Town Clerk Dorothy Burkhalter was absent.

Mayor O'Brien called the meeting to order at 6:00pm and stated all Council members were present.

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)

First to speak was Ms. Peggy Nykamp of 205 E 5th Avenue. Ms. Nykamp stated that a few years back she contacted the town regarding the trees located on 5th Avenue and Magnolia Street. She stated that she was told that the trees would be taken care after the west side of 5th was completed, and nothing has been done. Manager Smith stated that the Public Works Director was present at this meeting, and he will look into it.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS: NONE

3. NEW BUSINESS:

a. CONTRACTS AND AGREEMENTS:

i. RFQ 2019-03: Construction Manager At Risk (CMAR) Selection

Mayor O'Brien introduced this item. Manager Smith stated that Selection Committee members John Fitzgibbon, Stephen Withers and Director Brown were present. He then stated that after this meeting, the Committee will be officially disbanded so that he may begin negotiations with the company. The floor was then turn over to Public Works Director Scott Brown. Director Brown stated that eight responses were received for RFQ 2019-03. He stated that this process will be hiring the General Manager for the new facilities project. Director Brown commented that McCree Design Builders Inc, Ajax Building Corporation, and H J High Construction were named to the short list? and gave a presentation to the committee. He then stated that the committee is recommending H J High. Member Martini questioned a few of the scorings regarding insurance. Director Brown explained that the one million liability will be increased to five million with Town Council approval. Member Martini then questioned the "Project Buy-Out" paragraph. Mr. Fitzgibbon explained how the buy-out process works, which assists in keeping the project within budget. Director Brown commented that approval is needed to move forwarded in discussions with H J High. Manager Smith commented on the timeline for contract approval and moving the project forward. He then explained the negotiation process and meeting the upcoming June 2020 date. There being no further discussion, Member Martini made a motion to approve RFQ 2019-03 which will allow negotiation discussions to begin. 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.

ii. IPO 102 – Bessie Street Stormwater Improvement Design not to exceed

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- ii. IPO 102 – Bessie Street Stormwater Improvement Design not to exceed \$174,000
- iii. IPO 103 – Butler Stormwater Improvement Design not to exceed \$150,000

Mayor O'Brien questioned if items (ii) and (iii) would be discussed together. Manager Smith stated yes. Mayor O'Brien turned the floor over to Manager Smith. Manager Smith explained that if anyone should have questions or concerns regarding the agenda and the items on the agenda, they may contact him at any time. He then commented that he has been asked if the Town is looking to pave all the streets in Town. Manager Smith stated no. He then stated that due to the stormwater mitigation, the two areas being considered for paving are only Bessie and Butler. Manager Smith stated that the presentation will give the pros and cons of paving versus dirt streets. He then commented on how this will also impact future funding. Manager Smith then comments on paved roads and dirt roads. He then commented on the Forest Street project and using products that were available to the Town. Manager Smith stated that he would like direction from the Town Council on which way to move forward with either IPO 1, 2, 3, or none. Manager Smith then turned the floor over to Director Brown and Mr. Hao Chau with Kimley Horn. Director Brown explained that the IPOs are proposals for consideration and discussion. He then stated that the goal is to protect the lake waters' quality. Director Brown then turned the floor over to Mr. Hao Chau, Senior Engineer with Kimley Horn. Mr. Chau introduced himself and Mr. Victor Gallo. He then began the presentation and commented on issues with the dirt roads and the water quality. Mr. Chau introduced Mr. Victor Gallo who is also with Kimley Horn. Mr. Gallo continued the presentation and commented on the discharge that is going into the lakes. He stated that sediment discharge and turbidity are two of the main contributors. Mr. Gallo commented that it is documented at DEP and County levels that there are issues with Lake Butler. Manager Smith stated that the presentation will be placed on the Town's website. Mr. Chau continued with the presentation and commented on the safety issues with dirt roads. He then explained that due to growth, smaller homes being removed and much larger homes being built, green space is being eliminated which is causing the water to flow into the streets. The presentation, videos, and comments continued. Mr. Chau began discussion regarding Butler Street and Bessie Street. He then turned the floor over to Director Brown. Director Brown explained the need for the IPOs. He stated that studies and professional recommendations are needed. Director Brown then commented on the illicit discharge and dirt roads. Director Brown concluded his presentation. Manager Smith stated that any action taken this evening would not impact the 2nd Avenue project. After some discussion followed, Mayor O'Brien opened the floor to the public. First to speak was Mr. Martin Collins of 708 Bessie Street. Mr. Collins questioned if the current engineers are the engineers that previously design the end of Bessie Street. Director Brown stated that this is a new firm. Mr. Collins questioned if sheet run-off into the roads from adjacent properties would be reviewed as well. Manager Smith explained that water run-off is addressed during permitting of the private property's projects. And until a permit is pulled currently, there is no way of knowing who is still retaining the first inch of run-off and who is not. Mr. Fran Krens of 727 Forest Street introduced himself. He then commented that the pictures and calculations in the presentation needed to be revisited as he feels they are incorrect for Fernwood Park. Mr. Krens commented on the inaccurate design of the existing stormwater drainage along 8th Avenue and Forest Street. Manager Smith commented that the stormwater project was done by prior administration. Mr. Joseph Tenczar of 327 E 8th Avenue introduced himself. He then questioned how the project would affect his property. Mayor O'Brien commented on the Town's current road widths and rights of way that most

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residents are unaware of. Manager Smith stated that there are variables (trees) that might need to be considered, the actual plan has not been designed yet. Director Brown stated he is familiar with the location and it has been reviewed. Mr. Gary Bruhn of 108 Forest Street introduced himself. He commented on the past Forest Street stormwater project and the negative affects it's had on the surrounding area. Mr. Bruhn then commented on safety concerns in the area. Mr. Jim Clark of 630 Butler Street introduced himself. He then commented on the current conditions and negative impacts in his area. Mr. Clark urged the Town to do something to fix the problem. Mr. Stephen Withers of 712 Main Street introduced himself. He commented that each house needed to be responsible for its runoff. Mr. Withers explained a situation with water near his home in which a berm was installed. He further explained how the fix helped the roads. Mr. Tom Stroup of 201 W 7th Avenue introduced himself. He then thanked the Council for what they do. Mr. Stroup stated that the main concern is keeping the water from getting into the lakes. He then questioned if a system could be developed to keep the dirt roads and stops the water from getting into the lakes. Mr. Stroup stated that he is in favor of absorbing a maintenance cost to keep the dirt roads and keep water from going into the lakes. He stated that an option three is needed. Mrs. Peggy Nykamp and Mrs. James Nykamp of 205 E 5th Avenue introduced themselves. Mrs. Nykamp questioned the product used on 5th Avenue. Director Brown stated it was a byproduct/asphalt blend, but not pavement. Some discussion followed. Mrs. Nykamp commented on a berm she had to install when doing work to her home in order to be in compliance and obtain a permit. She then stated that currently 5th Avenue floods when it rains. Mr. Nykamp suggested inspecting each property for berms and retention. Some discussion followed regarding sediment flow into the lakes, NPDES, stormwater requirements, and lake protection. Mr. Don Greer of 1119 Oakdale Street introduced himself. He stated that he is glad to know that this is not a paving project but a drainage solving project. Mr. Greer then stated that the drainage needed to be left on high ground. He then commented on past solutions for 5th Avenue and Bessie Street that need to be reviewed. Mr. Greer explained that in the 1970s, the Maintenance worker was a subcontractor who built up the intersections that assisted with the drainage. Mr. Jim Willard of 228 W 7th Avenue introduced himself. He stated that within the past couple years the Town has begun to have drainage issues. Mr. Willard then commented on the product that was put down on 7th Avenue, which he believes has caused problems. He then commented on a rain event that had caused his house to get flooded, which had never happened before. Mr. Willard stated that the design of the improvement was extremely poor. He then stated that he is not in favor of paved roads. Mr. Willard stated that he would like to see improvements within the existing right of way near his home. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She then stated that she is happy to know that the IPOs are not for a paving project, even though that's what the executive summary states. She then commented on the UCF summary and what it stated relative to the Butler Chain of Lakes. Ms. Brophy commented that this needed to be further reviewed. Discussion followed regarding septic tanks/sewer systems, costs, berm/swales and use of the right of ways. Mrs. Karen Fay of 28 Pine Street introduced herself. She then commented on the paving project of Pine Street approximately three years ago. She then stated that she prefers the dirt roads. Mrs. Fay then stated she would like to see swales to fix the water issues. Ms. Kelly Heaney, representing her parents of 618 Butler Street, introduced herself. She then commented on drainage issue at her parents' house. Ms. Heaney then stated that her father is in favor of paving or another product. She also stated that the house at 618 Butler Street has water issues as well. Manager Smith stated for the record that Mr. Heaney sent an email to him with his comments and concerns, which he forwarded to the Mayor and Town Council. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She then commented on past stormwater issues while

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two homes were being built. Ms. Haines then commented on the condition of existing swales and the need to re-work them. She further commented on the negative impacts of paving the roads. Mr. Rick Haines of 835 Oakdale Street introduced himself. He questioned if the matching funds are paying for the IPOs. Manager Smith stated the funds will pay for construction. Mr. Haines stated he is in favor of doing the IPOs and fixing of the swales. Mrs. Lesha Miller of 625 Butler Street introduced herself. She then commented on a current rain and the flow of the water, which worked as it should. Mrs. Miller then requested that the berms at Fernwood Park be re-installed. Ms. Jessica Lee of 508 W 2nd Avenue introduced herself. She then questioned if roads begin to be paved, where does it stop? She then commented on water issues when it rains at her house. Ms. Lee stated she is in favor of keeping the dirt roads. Some discussion followed. Mr. Andrew Etter of 125 Palm Street introduced himself. He then stated that he is in favor of keeping the dirt roads. Mr. Etter commented on issues that have arisen since the product was placed on the roads. Manager Smith stated that the Butler Street project was crowned instead of an inverted crown. He then stated that the Town is working on the issue. Mr. Etter stated that the Town created a problem that did not previously exist. He then stated that the Town needed to decrease the infrastructure in Town, not increase it. Some discussion followed regarding options. Mr. Etter stated that the source of the problem needed to determine instead of creating another issue. He then stated he is not in favor of paving the road. Ms. Molly Rose of 928 Main Street introduced herself. She then thanked the Town for the assistance with the problem in her area. Ms. Rose commented on swale, road, and landscaping issues created by surrounding neighbors near her home. She then stated any help from the Town would be appreciated. Manager Smith commented on past remediation attempts before his tenure and the effect it has had. He then commented that Code Enforcement could be involved. Mrs. Genevieve Potthast of 425 Butler Street introduced herself. She thanked the Mayor and Town Council for their work. Mrs. Potthast commented on the dirt roads. She stated that she believes other residents would be agreeable to assessing their properties for stormwater to help save the dirt roads. Mrs. Potthast comment that the grading of the roads has changed in the past five years. She then stated that she is in favor of keeping the dirt roads and the character of the Town. Manager Smith stated that whatever work is done on the roads, future work for utilities will be considered. Mayor O'Brien stated that the town is currently working the water master plan service throughout the Town. Ms. Diane Krens of 727 Forest Street introduced herself. She commented that the plan brought forward seems like a paving plan even though it was said that it's not. Mrs. Krens stated that an Environmental Engineer should be hired to study the trees, dirt roads, and the lakes. Manager Smith stated that the IPO does include an environmental engineer. Mr. Frank Chase of 935 Oakdale Street introduced himself. He then commented on a picture in the presentation regarding a firetruck and brush which was taken one week after Hurricane Irma. Mr. Chase then commented on the water levels. Mayor O'Brien stated that the Town is at a three-year high. Mr. Chase stated he agreed with Mrs. Potthast's statement regarding the issues arising after the use of the grader. He then stated that grader is too big for the Town roads. Mr. Chase commented on the issues with the Lake Bessie project that has been done. He then commented on the cost of the project. Mr. Chase stated that the amount is high when berms and swales can be used. Mr. Chase questioned if the \$340,000.00 could be negotiated. Mayor O'Brien opened the floor to the Town Council for discussion. Member McKinley commented on the executive summary staff recommendations. He then stated that there are not any recommendations to Kimley Horn to provide a solution for saving the dirt roads. Member McKinley then commented on the past project where millings were placed in certain locations within town. He then questioned when emergency help was able to get to a resident due to a washout. Manager Smith commented that he was unaware of any.

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He then stated that he agrees with Member McKinley's comments. Manager Smith stated that due to timing, he didn't have the time to work with staff and Kimley Horn prior to this meeting. He then stated that EMS will get to any resident that's in need. Discussion followed regarding rain, road washouts, safety, RFP 2016-03 Town description, dirt road management plan, swales and berms, paved roads, increased traffic and speeders. Mayor O'Brien clarified with Member McKinley that he would prefer roads that crowned rather than that drain into a culvert/ditch type system. Member McKinley stated that the roads need to be set up to not drain straight into the lake. He commented that there is a lot that the Town could do instead of paving the roads. Member Williams commented on his history with the Town. He then stated that the roads are more compacted today than they ever have been. Member Andert stated she appreciates the dirt roads. She then stated that when a decision is needed, she will need to consider the lakes as well. Member Andert commented that there was not enough material to show how bad the dirt roads truly are. She then requested that someone from EPD be involved in providing recommendations. Member Andert commented on calming devices. She stated that speed tables could be used. Member Andert further stated that she likes the dirt roads as they serve as a deterrent. Member Sapp questioned if there is a "point of no return." Manager Smith explained the process. He then stated that the "point of no return" is when construction begins. Member Sapp questioned if Kimley Horn could assist staff with drafting a Maintenance Plan. Manager Smith stated yes. He then stated he requested the plans from Member McKinley which he spoke about. Mayor O'Brien commented that in the past, to bring the dirt roads to grade was going to cost approximately \$800,000.00. Discussion followed. Member Martini stated he agrees with the comments and leaving paving until the very last option. He then questioned if there is a timeline for this. Manager Smith stated that he would like to have most of the "leg" work completed by the time the grant monies come in. Member Martini mentioned a previous issue on Ridgewood and after a remediation project was completed, it is working great. He then commented on speeders on the paved roads, retro fitting older homes with berm/swales, and widening of roads. Member Andert thanked all the neighbors that attended the meeting tonight. She then questioned if the grant funds are solely for paving. Manager Smith stated that the funds are for stormwater enhancement. Mayor O'Brien recapped the discussion as looking into other options than paving and mitigating the water. Some discussion followed. Manager Smith requested that if anyone present could stay for the Orange County 1 Cent Sales Tax discussion, he would appreciate it.

Mayor O'Brien recessed the meeting at 8:37pm. He then reconvened the meeting at 8:47pm.

4. OTHER ITEMS FOR CONSIDERATION:

a. Cut Thru Traffic Discussion

i. Orange County 1 Cent Sales Tax Discussion

Manager Smith stated that one of Mayor Demings' items he has as an item at the State of the County address is transportation. He stated that Central Orange County, East Orange County, the Entertainment Districts, and the Hospitality Districts were the areas in focus. Manager Smith reported that he met with County Administrator regarding the 1 Cent Sales Tax increase, who stated that it's the most fair and equitable way to receive revenues, as 51% of the sales tax comes

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from people who do not live here. He stated that the County is looking to enhance the Lynx bus system. Manager Smith questioned the County on how this would benefit the Town. He commented that the County stated that an additional 25 million would become bus riders. Manager Smith stated he explained the Town's current situation with traffic due to Horizons West. He further stated that Mr. Bryon Brook, County Administrator, was unaware of Horizons West. Manager Smith continued his report. He then stated that he has spoken with Commissioner Vanderley on this issue as well. Manager Smith commented that for the Town to benefit, it would need to be called an Infrastructure Surcharge Sales Tax which would create an algorithm for municipalities to receive funds. He stated that the Town could obtain almost one million dollars a year, for twenty years. He continued his report. Manager Smith stated he would keep everyone informed on this issue.

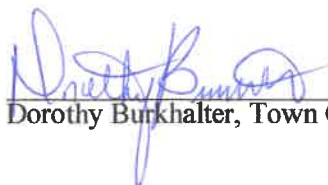
- ii. **Individual Project Order #13: Urban Traffic Planning exercise is desired to address the cut-through traffic and speeding in Downtown Windermere. The intention of this project is to build consensus on potential recommendations and/or improvements. The study area consists of the residential neighborhoods surrounding Downtown Windermere**

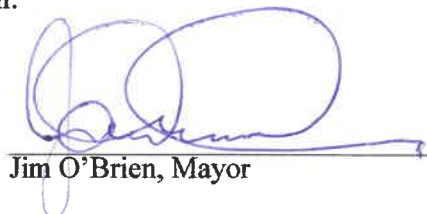
Manager Smith stated that this item will remain on the agenda for discussion. He then reviewed past discussions that have been made on this item. Manager Smith commented on the regulatory signage project. Member McKinley stated he would like a workshop on this item. Member Andert stated she would like to see how the public is going to be notified and their perspectives. Member Martini stated that this will make the residents happy. Much discussion followed.

- 6. **MAYOR & COUNCIL LIAISON REPORTS: NONE**
- 7. **STAFF REPORTS: NONE**
 - a. **TOWN MANAGER ROBERT SMITH**
 - b. **TOWN ATTORNEY HEATHER RAMOS**
 - c. **CHIEF DAVE OGDEN**
 - d. **PUBLIC WORKS DIRECTOR SCOTT BROWN**

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 9:27pm.


Dorothy Burkhalter, Town Clerk


Jim O'Brien, Mayor