

TOWN OF WINDERMERE

Town Council Meeting Minutes

December 18, 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, Finance Director Nora White, 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.

Mayor O'Brien requested approval to move forward agenda item 5(b)(i)(1). All agreed.

5. b. Resolutions/Ordinances for Approval/First Reading

i. RESOLUTION NO. 2019-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF ITS CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2019, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,200,000 TO SYNOVUS BANK ("LENDER") FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF ACQUIRING, DESIGNING, PERMITTING, CONSTRUCTING AND EQUIPPING CERTAIN CAPITAL IMPROVEMENT PROJECTS AND PAYING THE COST OF ISSUANCE OF THE NOTE; MAKING FINDINGS AND DETERMINATIONS AS TO SAID NOTE; ACCEPTING THE PROPOSAL OF LENDER TO MAKE A LOAN TO THE TOWN AND PURCHASE THE NOTE; AUTHORIZING THE EXPENDITURE OF THE PROCEEDS OF SUCH NOTE, INCLUDING THE PAYMENT OF THE COST OF ISSUANCE; APPROVING THE FORM OF A LOAN AGREEMENT WITH LENDER IN CONNECTION WITH THE NOTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND THE NOTE; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HERewith; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Brien read the title of Resolution 2019-11 for the record. Member McKinley made a motion to approve Resolution 2019-11. 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.

1. Loan Agreement between The Town of Windermere, Florida as Borrower and SYNOVUS Bank as Lender relating to \$5,200,000 Town of Windermere, Florida Capital Improvement Revenue Note, Series 2019

Mayor O'Brien introduced this item. Member McKinley made a motion to approve the Loan Agreement with Synovus Bank in the amount of \$5,200,000.00. 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. Manager Smith thanked Finance Director Nora White, Synovus Bank and Gray Robinson for all their work with obtaining the loan and getting it closed.

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

Mayor O'Brien opened the floor for public comments. First to speak was Ms. Landra Robeson, representative from Orange County Tax Collector's Office. Ms. Robeson emphasized the importance of having a gold star on the State Driver's License and State Identification Cards. Next to speak was Mr.

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Douglas Kegler of 12 Pine Street. Mr. Kegler requested that the Town Council review the Ordinance to allow chickens in Town. Some discussion followed. Mayor O'Brien requested that Mr. Kegler reach out to a few of the Town Council members for interest of changing the Ordinance. And if so, have it placed on the agenda. Mr. Mike Hargreaves of Ridgewood Drive introduced himself. He then stated he was thankful that something was going to be done. Mr. Hargreaves commented that he is in favor of placing a one-way direction sign on Ridgewood.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Holiday Hoopla Committee Recognition

Mayor O'Brien turned the floor over to Member McKinley. Member McKinley commented on all the volunteers, their hard work, and all the hours that they put in. He then publicly thanked the Holiday Hoopla Committee for a great and successful event for the second year. Mayor O'Brien also thanked the Committee.

3. TIMED ITEMS AND PUBLIC HEARING

a. Ordinance No. 2019-06: Ridgewood Drive One Way

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA
PERTAINING TO SAFETY; DESIGNATING RIDGEWOOD
DRIVE FOR ONE-WAY TRAFFIC AND PROVIDING
AUTHORITY TO THE TOWN MANAGER TO INSTALL
OFFICIAL TRAFFIC CONTROL DEVICES; PROVIDING
FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith commented on past discussions, meetings regarding the cut-through traffic issues, and potential solutions. He then commented on current discussion that has been made with the residents on Ridgewood Drive. Manager Smith stated that instead of a one-way road, signage and a right hand turn only are being considered. He explained that for discussion to be continued, the proposed Ordinance would need to be voted down. Manager Smith also commented on the Long-Range Planning Committee's comments and a potential survey after implementation. Mayor O'Brien closed the Town Council at 6:27pm and opened the public hearing regarding proposed Ordinance 2019-06. First to speak was Mr. Hargreaves. He thanked the Town Council for doing "something." He then stated that the proposed signage can't be seen at night. Mr. Bill Murtha of 105 Lee Street introduced himself. He questioned if speed bumps had been considered. Mr. Murtha then commented on the right hand only turn, and cut through traffic. There being no further comments, Mayor O'Brien closed the Public Hearing at 6:30pm and reconvened the Town Council meeting. He then read then read proposed Ordinance 2019-06 for the record. Discussion began. Mayor O'Brien gave a review of past discussions and meetings regarding the cut through traffic, increase in traffic due to growth surrounding the town, and the proposed 1 cent tax increase. He then stated that if the Town Council desires; this Ordinance can be voted down. Member Sapp questioned changes and denial of the proposed Ordinance. Manager Smith explained the process and what changes can and cannot be made as well as denial. Member Andert stated she would like more restriction on the hours. She stated that she would like to see 3:00pm – 7:00pm. Member Andert also stated that she is pleased to see that surveying the residents is being included. Member Martini stated that safety is the main concern on Ridgewood while preserving the charm of the neighborhood. He then commented on the number of signs that would be installed which would look hideous, changes to other Ordinances that this one would impact, favoring right turn only and

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possible speed humps. Member McKinley stated that the primary concern is speeding. He then commented on adding reflection material to signage, speed humps, making the road one-way, and enforcement issues. Mayor O'Brien commented that the Town Council needed to decide if they want to move forward with this current Ordinance or not. Member Williams also commented on the right hand only turn concern, enforcement, lowering speeds limits, and speed humps. Member Andert stated that test in perception is needed. Member Martini made a motion to deny proposed Ordinance 2019-06. 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.

b. Ordinance 2019-07 – Renaming Rosser Reserve to Lake Down Reserve and Rosser Reserve Lane to Down Reserve Court

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA TO APPROVE RENAMING A PLATTEDSUBDIVISION FROM ROSSER RESERVE TO LAKE DOWN RESERVE AND TO APPROVE A STREET NAME CHANGE FROM ROSSER RESERVE LANE TO DOWN RESERVE COURT WITHIN THE SUBDIVISION, RECORDED IN ORANGE COUNTY PUBLIC RECORDS AT PLAT BOOK 91, PAGES 17-19; PROVIDING FOR FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE

Mayor O'Brien introduced proposed Ordinance 2019-07. He then closed the Town Council meeting at 6:53pm and opened the Public Hearing regarding proposed Ordinance 2019-07. Mayor O'Brien read the title of the proposed Ordinance for the record. There being no public comments, Mayor O'Brien closed the Public Hearing at 6:53pm and reconvened the Town Council meeting. Member Williams made a motion to approve Ordinance 2019-07 as presented. 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.

c. Ordinance 2019-08 – Vacating a Portion of the Right-of-Way of West 1st Avenue and Pine Street)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A PORTION OF WEST 1ST AVENUE AND PINE STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; RESERVING UNTO THE TOWN OF WINDERMERE A 15-FOOT UTILITY EASTMENT ALONG THE VACATED CENTERLINE OF WEST 1ST AVENUE WITHIN THE PORTION OF THE VACATED PORTION OF WEST 1ST AVENUE AND PINE STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PROPERTY TO FERNANDO AZPURUA, OWNER OF 92 PINE STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE

Mayor O'Brien introduced proposed Ordinance 2019-08. He then closed the Town Council meeting at 6:55pm and opened the Public Hearing regarding proposed Ordinance 2019-08. Mayor O'Brien read the title of the proposed Ordinance for the record. There being no public comments, Mayor O'Brien closed the Public Hearing at 6:56pm and reconvened the Town Council meeting. Member McKinley made a motion to approve Ordinance 2019-08 as presented. 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. Lease Agreement for Fernwood Boathouse between Town of Windermere and Orange County

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- b. Z20-02 – 58 Main Street – Kelly Tilghman – Variance request to expand non-conforming home by more than 10, allow a 9-foot south side setback for home addition, and a 15.5-foot front setback for a garage.**

Mayor O'Brien introduced the Consent Agenda items. Member McKinley made a motion to approve items a and b 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.

5. NEW BUSINESS:

a. Minutes

- i. September 10, 2019 Town Council Meeting**
- ii. September 11, 2019 Tentative Budget Hearing**
- iii. September 23, 2019 Final Budget Hearing**
- iv. September 23, 2019 Town Council Workshop**
- v. October 8, 2019 Town Council Meeting**
- vi. October 22, 2019 Town Council Workshop**
- vii. November 12, 2019 Town Council Meeting**

Member Andert made a motion to approve all minutes as presented. Member McKinley seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes.

b. ii. Ordinance 2019-09

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, AMENDING SEC. 5.01.05 OF DIVISION 5.01.00 OF THE TOWN'S LAND DEVELOPMENT CODE ENTITLED "TREES" TO INCORPORATE CHANGES MADE TO SECTION 163.045 OF THE FLORIDA STATUTES PERTAINING TO TREES THAT PRESENT A DANGER TO PERSONS OR PROPERTY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2019-09 for the record. He then stated that the second reading/public hearing will be held at the January 18, 2020 Town Council meeting. Member Sapp questioned if there should be a violation, would it be a code enforcement issue. Mayor O'Brien stated yes. Member Andert urged anyone that is upset with the change to the State Law to contact Geraldine Thompson. Manager Smith stated that "Licensed Landscape Architect" wording will be added to the Ordinance.

c. Boards & Committee Appointments

- i. WAYS Committee Appointee: Corey Foster**
- ii. WAYS Committee Appointee: Hailey Divas**

Mayor O'Brien introduced this item. Member Andert made a motion to appoint Corey Foster and Hailey Divas as members to the WAYS committee. Member McKinley seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion

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carried 5-0.

d. Contracts & Agreements

i. Consulting and Retainer Proposal: JPF Development LLC; i. Preconstruction Services and Procurement thru advancement to GMP ii. Construction Services

Mayor O'Brien introduced this item. Manager Smith commented that this contract is for professional services for the new facilities. He stated that Mr. Fitzgibbon would be the "point person," "proxy" for the Town. Manager Smith also stated that Mr. Fitzgibbon will also make sure that the Town stays within budget and the timeline is met. Member Andert requested to have Market Comps available if an RFQ had not be done. She then questioned if the Comps were done for Stephen Withers contract. Manager Smith stated no. He then commented on trying to research years of experience, and knowledge with others he did not know. Member Andert suggested having a note that stated the effort to do a market comp. Member Martini made a motion to approve the consulting and retainer proposal I and ii from JPF Development. 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 105 Kinley Horn and Associates Temporary Facilities Site Plan Design \$26,030

Mayor O'Brien introduced this item. Manager Smith explained that site plans are needed for the temporary facilities. He further explained that this will include permitting, surveying, Geotech, and the Arborists for two locations. Manager Smith commented on additional work that will be done. Member Martini questioned if the \$26,030 would be paid out of the loan. Manager Smith stated that planning, staging and design is part of the \$5.2 million. He then stated that the temporary facilities are not part of the \$5.2 million. Member Martini questioned the use of the Community Room. Manager Smith stated it would be used for evidence. Discussion followed. Member McKinley made a motion to approve IPO 105 in the amount of \$26,030.00. 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 stated that the reports are attached to the packet. Member McKinley questioned if the Ridgewood Drive Ordinance is moving forward. Manager Smith stated yes. Discussion was made regarding traffic count studies. Manager Smith stated he would not be paying for one. Mayor O'Brien thanked everyone for all their work with the Holiday events. He then commented on upcoming events, meetings and workshops that have been attended. Mayor O'Brien thanked Public Works for the solar powered lights that were installed at the bridge. Member McKinley reported that the exercise equipment has been installed at Central Park. Mayor O'Brien stated that pictures are needed for the quarterly newsletter.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith thanked Mayor Jim O'Brien, Town Council members Chris Sapp and Andy Williams for re-running for their seats. He stated that they are unopposed and there will not be a municipal election. He then thanked the Windermere Garden Club for their decorating of the Town Christmas tree and mantel. Manager Smith stated that February 8th will be the second Bunk Bed Build. He then reported on the 1 cent sales tax meetings, the upcoming Boat Parade, and the upcoming Golf Cart Parade. Manager Smith gave kudos to the Windermere Police Department for the recent DUI arrests. Mayor O'Brien commented on the 1 cent sales tax and how everyone needs to be aware

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and take part in on what's going on.

b. TOWN ATTORNEY THOMAS WILKES – Mr. Wilkes stated that the financing project for the new facilities project was very well done.


c. POLICE CHIEF DAVE OGDEN – Chief Ogden reported on Jag grants received, receiving a \$10,000.00 check from Finder, FDLE total compliance report, events and position opening.

d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Director Brown reported on projects, beacon light upgraded, signage, exercise equipment, installation of fountains, 2019 Tree City recognition, and upcoming Treebute/Arbor Day. Member Andert questioned the recycle bins at the parks. Director Brown stated he is working on it.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:38pm.


Dorothy Burkhalter, MMC.FCRM
Town Clerk


Jim O'Brien, Mayor