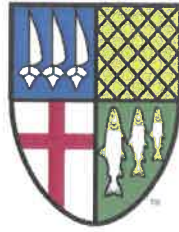


THE TOWN OF
Windermere



MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE

**Mayor Jim O'Brien
Council Members
Robert McKinley
Andy Williams
Chris Sapp
Bill Martini
Liz Andert**

Agenda

Agenda

**June 11, 2019
6:00 PM**

**WINDERMERE TOWN HALL
520 MAIN STREET
WINDERMERE, FL 34786**

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversations shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council.
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. **PLEASE NOTE:** IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the

AGENDA

- THE MEETING IS CALLED TO ORDER BY THE MAYOR
 - FLAG SALUTE
 - INVOCATION
1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)
 2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS
 - a. Detective John Allen 5 Year Service Award (Chief Ogden to Present)
 - b. Swearing In Reserve Officer Carollee Burrell (Chief Ogden to Swear In)
 - c. Swearing In Reserve Officer Kevin Tuck (Chief Ogden to Swear In)
 3. NEW BUSINESS
 - a. MINUTES
 - i. Town Council Meeting Minutes May 14, 2019 (Attachments-Staff Recommends Approval)
 - ii. Town Council Workshop Meeting Minutes May 22, 2019 (Attachment-Staff Recommends Approval)
 - b. APPOINTMENTS: COMMITTEES AND BOARDS
 - i. Tree Board: Debra Neill (Attachment-Tree Board Recommends Approval)
 - ii. Tree Board: Leslie Brabec (Attachment-Tree Board Recommends Approval)
 - c. CONTRACTS AND AGREEMENTS
 - i. Sunset Bay Developers Agreement Discussion (Attachments-Board Option)
 4. MAYOR & COUNCIL LIAISON REPORTS
 - a. MAYOR O'BRIEN
 - b. COUNCILMAN MCKINLEY
 - c. COUNCILMAN WILLIAMS
 - d. COUNCILMAN SAPP
 - e. COUNCILMAN MARTINI
 - f. COUNCILMEMBER ANDERT
 5. STAFF REPORTS
 - a. TOWN MANAGER ROBERT SMITH
 - b. TOWN ATTORNEY TOM WILKES
 - c. POLICE CHIEF DAVE OGDEN
 - d. PUBLIC WORKS DIRECTOR SCOTT BROWN
 6. ADJOURN
-

- **REPORTS: NO ACTION REQUIRED**
- **FILED ITEMS**
- **IMPORTANT DATES**
- **June 12th - Downtown Business Committee Meeting (RESCHEDULED from 6/5)**
- **June 13th – Parks & Recreation Meeting**
- **June 14th – Farmers Market**
- **June 18th – Rotary Club Meeting**
- **Development Review Board**
- **June 19th – American Public Works Association Lunch & Learn**
- **Willows HOA Meeting**
- **June 20th – Windermere Tree Board Meeting**
- **June 21st – Farmers Market**
- **June 24th – Rotary Club Meeting**
- **June 25th – Town Council Workshop**
- **June 26th – Historical Preservation Board Meeting**
- **June 27th Long Range Planning Meeting**
- **June 28th – Farmers Market**
- **Food Truck Night**
- **June 29th – Rotary Club Event**
- **JULY**
- **July 1st – Projects Meeting**
- **July 2nd – Rotary Club Meeting**
- **Code Enforcement Hearing**
- **July 4th – 4th of July Pancake Breakfast**
- **July 5th – Farmers Market**
- **July 9th – Rotary Club Meeting**
- **Town Council**
- **July 11th – Parks & Recreation Meeting**
- **July 12th – Farmers Market**
- **July 16th – Rotary Club Meeting**
- **Development Review Board Meeting**
- **July 17th – Willows HOA Meeting**
- **July 18th – Windermere Tree Board Meeting**
- **July 19th – Farmers Market**
- **July 23rd – Rotary Club Meeting**
- **Town Council Workshop**
- **July 25th – Long Range Planning Committee Meeting**
- **July 26th – Farmers Market**
- **Food Truck Night**
- **July 30th – Rotary Club Meeting**
- **July 31st – Historical Preservation Board Meeting**

- **AUGUST**

- **August 1st – Food Truck / Farmers Market Selection Committee Meeting**
- **August 2nd – Farmers Market**
- **August 5th – Projects Meeting**
- **August 6th – Rotary Club Meeting**
- **Code Enforcement Hearing**
- **August 7th – Downtown Business Committee Meeting**
- **August 8th – Parks & Recreation Meeting**
- **August 9th – Farmers Market**
- **August 13th – Rotary Club Meeting**
- **Town Council**
- **August 15th – Windermere Tree Board Meeting**
- **August 16th – Farmers Market**
- **August 20th – Rotary Club Meeting**
- **Development Review Board Meeting**
- **August 21st – Willows HOA Meeting**
- **August 22nd – Long Range Planning Committee Meeting**
- **August 23rd – Farmers Market**
- **Food Truck Night**
- **August 27th – Rotary Club Meeting**
- **Town Council Workshop**
- **August 28th – Historical Preservation Board Meeting**

- **SEPTEMBER**

- **September 2nd – Projects Meeting**
- **September 3rd – Rotary Club Meeting**
- **Code Enforcement Hearing**
- **September 5th – Food Truck / Farmers Market Selection Committee Meeting**
- **September 6th – Farmers Market**
- **September 10th – Rotary Club Meeting**
- **Town Council**
- **September 11th – 9/11 Commemoration**
- **Town Council Tentative Budget Hearing**
- **September 12th – Parks & Recreation Meeting**
- **September 17th – Rotary Club Meeting**
- **Development Review Board Meeting**
- **September 18th – Willows HOA Meeting**
- **September 19th – Windermere Tree Board Meeting**
- **September 20th – Farmers Market**
- **September 23rd – Town Council Final Budget Hearing**
- **September 24th – Rotary Club Meeting**
- **Town Council Workshop**
- **September 25th – Historical Preservation Board Meeting**
- **September 26th – Long Range Planning Committee Meeting**
- **September 27th – Farmers Market**
- **Food Truck Night**

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

TOWN OF WINDERMERE

Town Council Workshop Minutes

May 22, 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 and Chief Dave Ogden were also present. Public Works Director Scott Brown and Town Clerk Dorothy Burkhalter were absent.

Mayor O'Brien called the workshop to order at 6:00pm.

1. OPEN FORUM/PUBLIC COMMENT:

There were no public speakers.

2. SPECIAL PRESENTATION:

a. **Mid-Year Budget Report**

Mayor O'Brien turned the floor over to Manager Smith. Manager Smith reviewed the mid-year finance report. He also reviewed revenues and expenditures. Discussion followed.

b. **Mid-Year Projects Update Report**

Manager Smith then presented the mid-year projects report which included NPDES, Orange County Local Mitigation Strategy, Railroad Rights of Ways, dirt road issues, 2nd Avenue, Downtown Lighting project, Park Avenue Stormwater project, new Town Facilities, Fernwood and Central Park grant projects, The Willows Roadway Improvements, Water Utility Mater Plan, Cut Thru Traffic, Marina Bay Stormwater Pond, Sidewalk Improvements, and additional projects. Discussion followed.

3. MAYOR AND COUNCIL IAISON REPORTS:

Mayor O'Brien stated that at the past Town Council meeting the discussion of Liaison/Staff paper reports was made. He then questioned if anyone had anything they would like to report. Councilmember Andert reported on Butler Chain of Lakes Advisory meeting, West Orange Chamber of Commerce Legislative Luncheon, and the Holiday Hoopla on December 6th. Some discussion followed regarding commercial activities on the lake, handicapped parking at Lake Down, and the Magic Graduation. Manager Smith advised everyone of his vacation schedule. Chief Ogden reported on upcoming training and details. Some discussion followed.

There being no further comments, Mayor O'Brien adjourned the workshop at 7:30pm.

Dorothy Burkhalter, MMC, FCRM
Town Clerk

Jim O'Brien, Mayor



Town of Windermere
 P. O. Drawer 669
 614 Main Street
 Windermere, NJ 34786

COMMITTEE APPLICATION FORM

1. Name: DEBRA NEILL Home Phone: 407-973-6353
2. Home Address: 525 OAKDALE ST Windermere
3. Business: RETIRED Business Phone: ---
4. Business Address: ---
5. Email: DEBRA2BLUE @ HOTMAIL.COM
6. Brief Summary of Education and Experience:
BS - Elementary Education, MS Educational Leadership
Teacher, Trainer, Reading Specialist, Assistant Principal,
Principal, District Administrator
7. Are you a U.S. Citizen? Yes No
8. Are you a registered voter? Yes No
9. Resident of the Town for 6 Months or longer? Yes No
10. Do you hold public office? Yes No
11. Are you employed by the Town? Yes No
12. Do you now serve on a Town Board or Committee? Yes No
13. Indicate which Board(s) or Committee(s) you are interested in:
 Code Enforcement Board Development Review Board
 Downtown Business Committee Elder's Committee
 Historical Preservation Committee Long Range Planning Committee
 Parks and Recreation Committee Traffic Committee
 Tree Board Committee
14. Why do you think you are qualified to serve on this board? ---

***FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING APPOINTMENT**

Signature: Debra Neill Date: 4-12-2019

Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 23.

I value our trees, our Urban Forest, and our Tree City designation, I believe cooperative decision making and teamwork are in the best interests of this wonderful town.



Town of Windermere
 P. O. Box 669
 614 Main Street
 Windermere, FL 34786

COMMITTEE APPLICATION FORM

1. Name: Leslie Brabec Home Phone: 407-766-0362
2. Home Address: 520 Ridgewood Dr. Windermere
3. Business: N/A Business Phone: _____
4. Business Address: _____
5. Email: Leslie.Brabec@gmail.com
6. Brief Summary of Education and Experience:
BSN 40 years of being an RN in hospitals and community nursing.

7. Are you a U.S. Citizen? Yes X No _____
8. Are you a registered voter? Yes X No _____
9. Resident of the Town for 6 Months or longer? Yes X No _____
10. Do you hold public office? Yes _____ No X
11. Are you employed by the Town? Yes _____ No X
12. Do you now serve on a Town Board or Committee? Yes _____ No X

13. Indicate which Board(s) or Committee(s) you are interested in:
- | | |
|---|-------------------------------------|
| Code Enforcement Board _____ | Development Review Board _____ |
| Downtown Business Committee _____ | Elder's Committee _____ |
| Historical Preservation Committee _____ | Long Range Planning Committee _____ |
| Parks and Recreation Committee _____ | Traffic Committee _____ |
| Tree Board Committee <u>X</u> | |

14. Why do you think you are qualified to serve on this board? I have a science background, love trees and gardening and feel our trees are vital to
 *FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING APPOINTMENT
 Signature: [Signature] Date: 4-23-19

Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 23.

our health and environment.

407-244-5670

HEATHER.RAMOS@GRAY-ROBINSON.COM

MEMORANDUM

TO: Robert Smith, Town Manager

FROM: Heather M. Ramos

DATE: June 5, 2019

SUBJECT: Summary of Requested Amendments to the Sunset Bay Development Agreement

Background: The Town of Windermere entered into a Development Agreement with the developer of Sunset Bay on March 8, 1988. Representatives of the Sunset Bay Homeowners Association (the "Association") and their attorney, Brent Spain, met with us on October 18, 2018 to discuss amendments to the Development Agreement.

Amendments to the Development Agreement, if any, must be approved by the Town Council. The requested amendments and our responses to Mr. Spain and the Association representatives are listed below:

Requested Amendments and Responses:

- Request:* The Development Agreement does not have an expiration or termination date. Request that the Development Agreement be terminated in 5 years.

Response: Recommend clarifying the Development Agreement for the items approved by the Town Council but suggest leaving the Development Agreement in place with no termination or expiration date.
- Request:* Road resurfacing costs will be shared equally between the Town and the Association.

Response: Recommend that the Town Council approve this request. [Note that the road was resurfaced in 2016 and the Sunset Bay property owners are paying 61% of the resurfacing cost until year 2025 through an annual special assessment which is placed on their tax bills. The Town Council at the time split the cost to be paid by Sunset Bay residents based on road percentages: total road length = 10.104 feet, and 6,178 feet is included in Sunset Bay. However, traffic including garbage collection, delivery services, mail, etc., utilize Down Point Lane which runs directly through Sunset Bay to access Down Point subdivision residents.]

Robert Smith, Town Manager
June 5, 2019
Page 2

3. *Request:* Town is responsible for the costs of the lights within the Down Pointe subdivision.
Response: Recommend that the Town Council approve this request. [This is outside the Sunset Bay area.]
4. *Request:* Town inspects the sidewalks along 6th Avenue to determine needed repairs, and Town bears the costs of such repairs.
Response: The sidewalks along 6th Avenue are and will remain the Town's responsibility, and the Town is inspecting and repairing these sidewalks as necessary. Recommend that sidewalks within the Sunset Bay Homeowner Association remain the Association's and homeowner responsibility.
5. *Request:* Town is responsible for any future sign repair and replacement.
Response: Recommend the Town Council approve this request.
6. *Request:* Association may install a 6-foot way along the length of the property bordering 6th Avenue.
Response: Recommend that a variance application be submitted to the Town which will be processed through the normal variance process and require approval by the Town Council. [The Town's code limits wall heights along a public road to no more than 4 feet.]

Town of Windermere

614 Main Street Windermere, FL 34786-3503
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

February 1, 2019

VIA E-MAIL
sbs@theriaquelaw.com

S. Brent Spain, Esquire
Theriaque & Spain
9100 Conroy Windermere Road, Suite 200
Windermere, Florida 34786

Re: Sunset Bay Development Agreement

Dear Mr. Spain:

This letter is in follow up to our meeting on October 18, 2018 and your letter dated December 6, 2018 regarding the Sunset Bay Development Agreement. As we discussed, any amendment or revision to the Development Agreement would be subject to approval by the Town Council.

With respect to the points raised in your letter, I plan to make the following recommendations to the Town Council:

First, with respect to adding a termination date to the Development Agreement, it will be my recommendation to amend and clarify the agreement as stated below but to leave the Development Agreement in place.

Second, I will recommend that the agreement be clarified to provide that any future road resurfacing costs be allocated equally between the Sunset Bay Homeowners Association and the Town. Please note that this recommendation will not include changing the 10-year special assessment put into place in 2016 for the milling and resurfacing of the portion of Down Point Lane that runs through the Sunset Bay subdivision.

Third, I will recommend that beginning this year (2019) that the Town is responsible for repair, replacement, and costs for the streetlights which are located outside of the Down Point subdivision and Sunset Bay subdivision Homeowners Association boundaries.

Fourth, I will recommend that beginning this year (2019) that the Town inspect the sidewalks along 6th Avenue to determine needed repairs, and if such repairs are necessary that the Town bear the costs of such repairs, excepting the private sidewalks on an individual property owner's parcel. I do not agree to recommend that the Town be responsible for the cost of repairing and replacing future signs within the subdivision. This responsibility should remain with the Sunset Bay Homeowners Association. And if the proposed six-foot wall along the length of the property boarding 6th Avenue meets the requirements of the Town's Land Development Code and is permitted in accordance with the requirements of the Town then I have no issue with the subdivision moving forward with installing a wall.

On a final note, the process for obtaining a credit against a stormwater management fee is in Sec. 30-7 of the Town's Code of Ordinances. The Town's Code is on municode.com. Once you have a chance to review, please call me at 407-876-2563 ext. 5324 to discuss the process.

I will make the recommendations outlined above to the Town Council at the meeting on April 9, 2019. In the meantime if you would like to discuss any of these topics further, please let me know.

Regards,



Robert Smith
Town Manager

cc: Heather Ramos



REPLY TO: WINDERMERE

December 6, 2018

VIA ELECTRONIC MAIL

Robert Smith, Town Manager
Town of Windermere
614 Main Street
Windermere, Florida 34786

Re: *Sunset Bay – Development Agreement Issues*

Dear Mr. Smith:

Thank you for taking the time to meet with me, Patryk Ozim, and representatives of Sunset Bay Homeowners Association, Inc. (“Association”), on October 18, 2018, to discuss some of the Association’s concerns regarding the antiquated “Development Agreement” for the Sunset Bay subdivision. Consistent with our meeting and your request at the conclusion thereof, I am providing this letter to summarize some of the key points the Association would like to have addressed with the Town through an amendment to the Development Agreement.

First, the Association would like the Development Agreement clarified to set forth an unambiguous termination date. In this regard, the Association proposes a term of five (5) years from the effective date of an amendment to the Development Agreement.

Second, as to any road resurfacing which may be needed before the Development Agreement, as amended, terminates, the Association would like the Development Agreement clarified to provide that such costs shall be allocated equally between the Association and the Town, with the Association being responsible for the share of costs assigned to its members and the Town being responsible for the share of costs assigned to homeowners in the Down Point subdivision.

Third, the Association would like the Development Agreement revised to clarify that the Town is responsible for the costs of lights within the Down Point subdivision. Further, once the Development Agreement, as amended, expires, the Town shall also assume the costs of the lighting within the Sunset Bay subdivision.

Fourth, the Association would like the Development Agreement modified to: (1) require the Town to inspect the sidewalks along 6th Avenue to determine any needed repairs, with the Town bearing the costs of such repairs except that individual homeowners would be responsible for

TALLAHASSEE
433 NORTH MAGNOLIA DRIVE
TALLAHASSEE, FLORIDA 32308
(850) 224-7332
FAX: (850) 224-7662

WINDERMERE
9100 CONROY WINDERMERE ROAD, SUITE 200
WINDERMERE, FLORIDA 34786
(407) 258-3733
FAX: (407) 264-6132

Robert Smith, Town Manager
Town of Windermere
December 6, 2018
Page 2

sidewalks on their property; (2) specify that the Town is responsible for any future sign repair and replacement; and (3) allow the Association to install a six (6) foot wall along the length of the property bordering 6th Avenue.

Lastly, consistent with the parties' meeting, the Association would like the Town's assistance in securing a tax break from Orange County for the properly working storm drainage system within Sunset Bay.

I appreciate your attention to the above-summarized items. The Association, Patryk Ozim, and I look forward to working with you, Ms. Blom-Ramos, and the Town Officials on drafting and finalizing an amended Development Agreement as discussed herein.

Sincerely,



S. Brent Spain

cc: Patryk Ozim, Esquire
Heather Blom-Ramos, Esquire



MARTELL & OZIM, P.A.

MAIN OFFICE:
213 S. Dillard Street, Suite 210
Winter Garden, FL 34787

BY APPOINTMENT ONLY:
37 N. Orange Avenue, Suite 500
Orlando, FL 32801

PH: (407) 377-0890 Fax: (407) 674-2543
email: info@martellandozim.com web: www.martellandozim.com
Attorneys at Law

August 27, 2018

Town of Windermere
c/o Heather Ramos, Esq.
Gray Robinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, FL 32801

RE: NOTICE OF EXPIRATION OF DEVELOPER'S AGREEMENT / SUNSET BAY /
CHALLENGE TO TAX ASSESSMENT

Dear Heather Ramos,

As you are aware, my office has the pleasure of representing Sunset Bay Homeowners Association, Inc. I am in receipt of your correspondence dated May 23, 2018 in which you state that the Development Agreement for Sunset Bay entered into between Sonana Systems, Inc. and the Town of Windermere on March 8, 1988 is a non-statutory development agreement to which Florida Statute Section 163.3229 is inapplicable. I respectfully disagree.

I understand the desire to label the agreement as a "hometown" rule for the Town and claim that the agreement is perpetual not subject to Chapter 163, Florida Statutes. However, such a claim ignores the direct reference to Chapter 163, Florida Statutes, in the Developer's Agreement. The authorization for local governments to enter into developments agreements is statutory. Florida Statute Section 163.3220(4) provides local governments authority to enter into land development agreements with developers, *subject to the procedures and requirements of the 'Florida Local Government Development Agreement Act.'*" (Emphasis Added.) The laws authorizing a local government to regulate the development of property are not meant to be in derogation of any existing powers conferred upon local governments, however, the laws enacted by a local government must still conform to, further, and implement the Florida Local Government Development Agreement Act. *See Alachua County v. Florida Rock Industries, Inc.*, 834 So.2d 370, 372 (Fla. 1st DCA 2003).

Notwithstanding, if a Court does find that the Town had authority under its “hometown” rules to enter into the Developer’s Agreement, there will still be an issue as to whether the Town breached the agreement by failing to perform its maintenance obligations. To my knowledge, the road was repaved for the first time in 30 years this past year and multiple residents are willing to provide statements regarding the lack of maintenance performed by the Town in the Community in breach of the Developer’s Agreement.

At this point, I recommend a mediation between the parties. Per your choice, we can either have a formal mediation or we can have an informal meeting between the parties to discuss a resolution at a mutually convenient date, time and location. I am sure both parties are looking to resolve this issue amicably and without the need for litigation. Please advise me of your client’s availability for either a formal mediation or an informal meeting. I look forward to your response.

Thank you for your time and attention to this matter. Please do not hesitate to contact me if you have any additional questions or concerns.

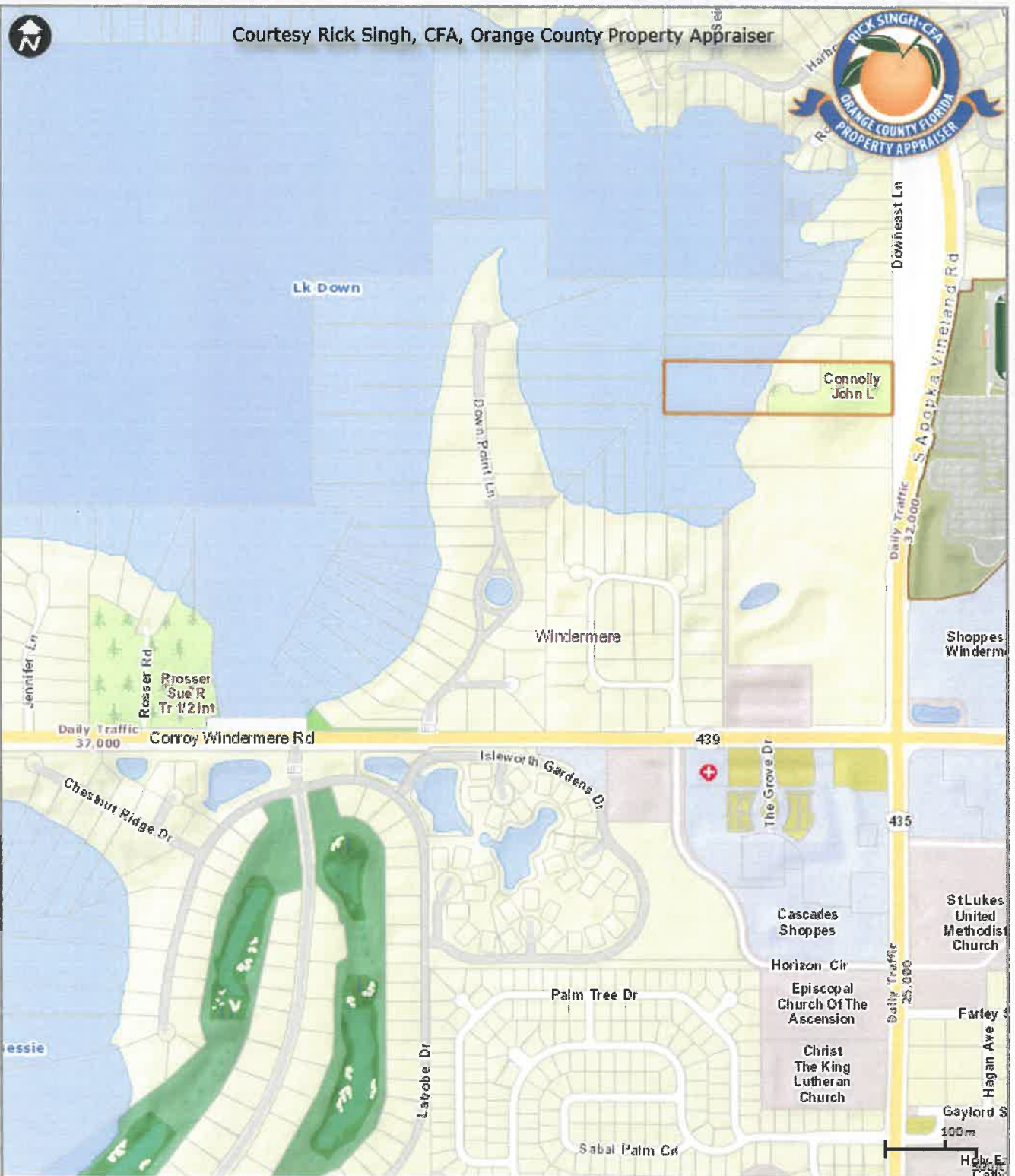
Sincerely,
P Ozim
Patryk Ozim

PO/mg

RECEIVED
AUG 30 2018
HMR

OCA Web Map

	Major Roads		Block Line		Hydro	
	Public Roads		Lot Line		Waste Land	
	Gated Roads		Residential		County Boundary	
	Road Under Construction		Agriculture		Parks	



This map is for reference only and is not a survey.



OCPA Web Map

Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Turnpike	Public Roads	Brick Road	Governmental/Institutional/Religious	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Commercial/Industrial/Vacant Land	County Boundary	Building
Toll Road	Road Under Construction	Proposed SunRail	Agricultural/Citrus	Parks	Hospital
		Lot Line	Residential		

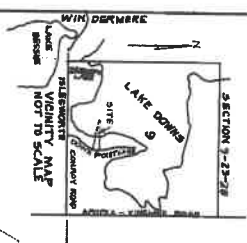
Courtesy Rick Singh, CFA, Orange County Property Appraiser



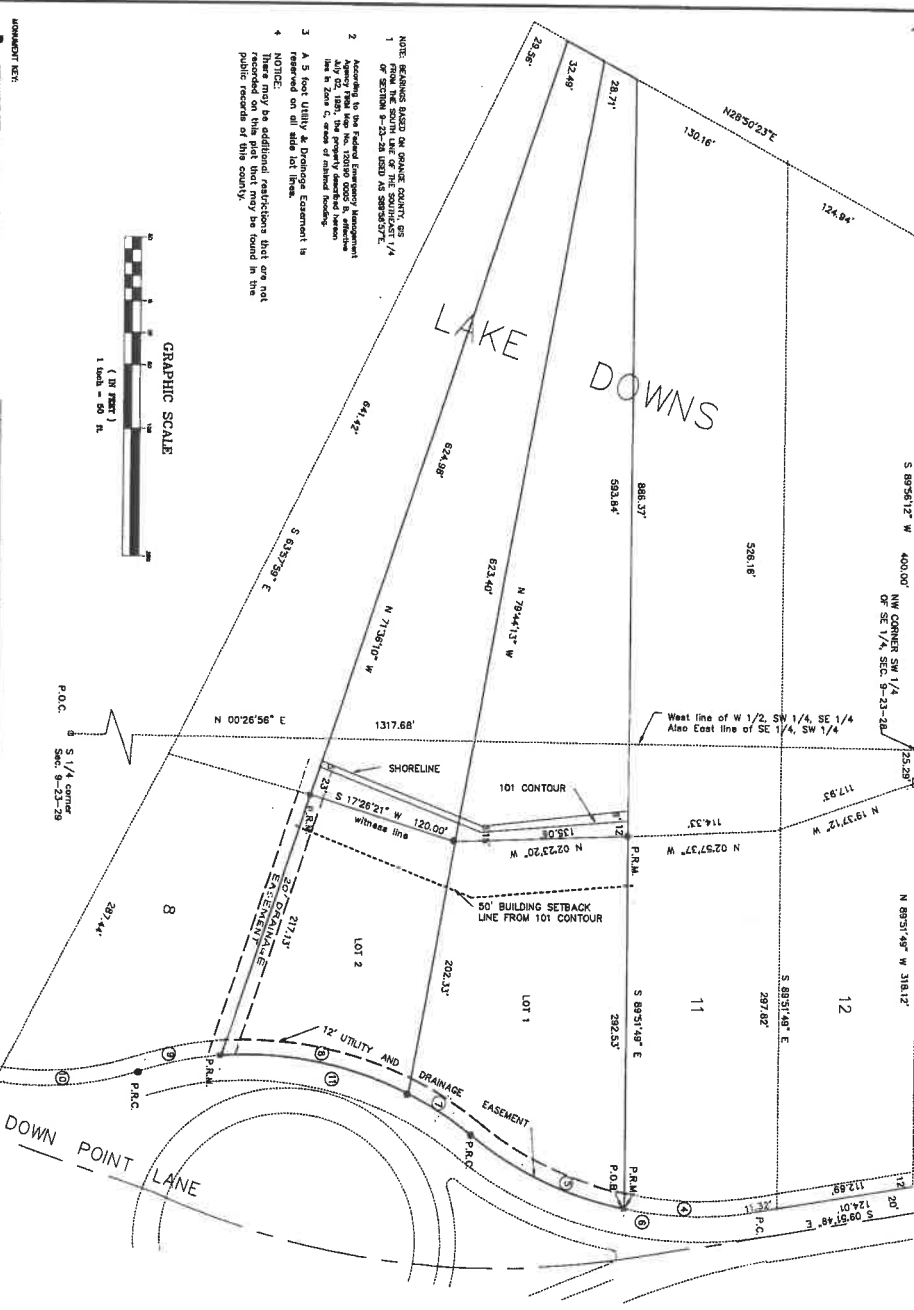
Created: 9/30/2015

This map is for reference only and is not a survey.

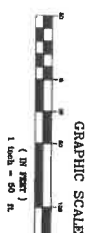
SUNSET BAY REPLAT
SECTION 9 - TOWNSHIP 23 SOUTH - RANGE 28 EAST
WINDERMERE, ORANGE COUNTY, FLORIDA



Also described as: Commence at the South 1/4 corner of Section 9, Town 23 South, Range 28 East, Section 9, Township 23 South, Range 28 East, Florida, thence S89°14'48" E 1317.68 feet, thence S89°14'48" E 343.41 feet, thence S20°51'00" W 1240.01 feet to a Point of Curve, concave Westery having a Radius of 1240.01 feet, thence along said curve through a Central Angle of 103°51'00" to the Point of Beginning, a Central Angle of 217°00'00" for an Arc Length of 163.87 feet, thence S89°14'48" E 688.37 feet, thence along said curve through a Central Angle of 43°14'48" for an Arc Length of 211.25 feet, thence N7°36'10" W 1240.01 feet to the Point of Beginning, E 81°20' feet, thence S89°14'48" E 688.37 feet to the Point of Beginning. Land only is 1.85 acres more or less.



- NOTE: BEARING BASED ON ORANGE COUNTY, GS
1. According to the Public Emergency Management Act of 2004, the property described herein lies in Zone C, area of minimal flooding.
 2. According to the Public Emergency Management Act of 2004, the property described herein lies in Zone C, area of minimal flooding.
 3. A 5 foot utility & drainage easement is reserved on all side lot lines.
 4. NOTICE: Any additional restrictions that cannot be recorded on this plat may be found in the public records of this county.



ID	PRODS	DELTA	ARC	CH. BEARING	CHORD
4	280.00'	217.706°	103.81°	S89°14'48" E	103.02'
5	280.00'	272.232°	133.87°	S11°09'50" W	132.60'
6	280.00'	127.013°	58.58°	S17°36'48" W	58.39'
7	280.00'	272.232°	133.87°	S11°09'50" W	132.60'
8	280.00'	272.232°	133.87°	S11°09'50" W	132.60'
9	280.00'	127.013°	58.58°	S17°36'48" W	58.39'
10	280.00'	217.706°	103.81°	S89°14'48" E	103.02'
11	280.00'	272.232°	133.87°	S11°09'50" W	132.60'
12	280.00'	127.013°	58.58°	S17°36'48" W	58.39'

PREPARED BY:
C. M. ARRINGTON & ASSOCIATES, INC.
 100 W. WINDERMERE BLVD.
 WINDERMERE, FLORIDA

PLAT BOOK 37 PAGE 87

SUNSET BAY REPLAT
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned being the owner(s) in fee simple of the above described land, for the purpose of dedicating the same to the public, have caused this plat to be prepared and published, and have caused the same to be recorded in the public records of this county, and have caused the same to be filed hereon to the public records of this county.

WITNESSES:
Charles H. Truitt
Walter C. Harkett

STATE OF FLORIDA COUNTY OF **ORANGE**
 I, **Walter C. Harkett**, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the public records of this county, and that the same was duly recorded and filed hereon to the public records of this county on **May 27, 2010** at **10:34 a.m.**

WITNESSES:
Walter C. Harkett
Walter C. Harkett

CERTIFICATE OF APPROVAL BY MUNICIPALITY
 THIS IS TO CERTIFY, that on **May 9, 2010**, the City Commission of the Town of Windermere, Florida approved the foregoing plat.

WITNESSES:
Victor M. Robinson
Cecilia Bernier

CERTIFICATE OF APPROVAL BY NOTARY PUBLIC
 My Commission Expires **May 27, 2012**

CERTIFICATE OF SUPERVISOR
 KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a duly elected Supervisor of the County of Orange, Florida, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the public records of this county, and that the same was duly recorded and filed hereon to the public records of this county on **May 27, 2010** at **10:34 a.m.**

WITNESSES:
Walter C. Harkett
Walter C. Harkett

CERTIFICATE OF APPROVAL BY PLANNING ADVISORY BOARD
 THIS IS TO CERTIFY, that on **May 19, 2010**, the Planning Advisory Board of the above municipality approved the foregoing plat.

WITNESSES:
Walter C. Harkett
Walter C. Harkett

CERTIFICATE OF COUNTY COMPTROLLER
 I HEREBY CERTIFY, that I have examined the foregoing plat and the same complies with all the requirements of the Orange County Code, and that the same was duly recorded and filed hereon to the public records of this county on **May 27, 2010** at **10:34 a.m.**

WITNESSES:
Walter C. Harkett
Walter C. Harkett

CERTIFICATE OF COUNTY COMPTROLLER
 I HEREBY CERTIFY, that on **May 19, 2010**, the Planning Advisory Board of the above municipality approved the foregoing plat.

WITNESSES:
Walter C. Harkett
Walter C. Harkett

CERTIFICATE OF COUNTY COMPTROLLER
 I HEREBY CERTIFY, that on **May 19, 2010**, the Planning Advisory Board of the above municipality approved the foregoing plat.

WITNESSES:
Walter C. Harkett
Walter C. Harkett

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, made this 8th day of MARCH, 1988, by and between SONANA SYSTEMS, INC. (hereinafter referred to as "Developer" or "Owner"), and THE TOWN OF WINDERMERE, a municipal corporation existing under the laws of the State of Florida (hereinafter referred to as the "Town").

THOMAS H. LOCKER,
Orange County
Comptroller
By [Signature] Deputy Clerk
Rec Fee \$ 45.00
Add Rec \$ 6.00
Doc Tax \$
Int Tax \$
Total \$ 51.00

WITNESSETH:

WHEREAS, the Owner is the record title holder of approximately 24.5 acres of land lying in the Town of Windermere located on the North side of Windermere-Conroy Road. Said Property is more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the Town, by an ordinance dated July 15, 1986, did annex the Property into the town limits of Windermere; and

WHEREAS, the usage permitted to be undertaken on the Property shall be consistent with the Town of Windermere's Comprehensive Plan adopted in 1981, as amended, and the existing zoning; and

WHEREAS, the parties wish to ensure that the subdivision to be located on the Property known as Sunset Bay will be compatible with the surrounding area of Windermere. The parties have agreed to certain terms and conditions that will assist in regulating the development and use of the Property for the mutual benefit of the parties, adjacent land owners and the community in general.

NOW THEREFORE, in consideration of the premises, the parties agree as follows:

1. Developer agrees that the retention pond shown on the proposed plat of Sunset Bay will be constructed with a five to one slope.

2. Developer agrees to establish a homeowner's association as a non-profit corporation under Florida law and charge that association with the responsibility of maintaining the improvements and landscaping on portions of the subdivision which are not within the boundaries of platted lots including, but not limited to, Lake Down Common Area Tract A, retention ponds and the right of way and land adjacent to Conroy Road, in a neat, attractive, safe and functional manner. Developer also agrees that Tract A shall be designed and/or landscaped to physically prevent boat launching. All of said Property shall be deeded to the homeowner's association at the time of recording the plat.

3. Developer agrees to and agrees to deed restrict the Property as follows:

A. That no boat ramp will be located anywhere in the subdivision.

B. That the lots adjacent to the privacy berm shall restrict their private fences and walls along said berm to a height of one foot lower than said berm and be of a material and color that blends in with said landscape berm to be approved by the Town at the time of permitting.

4. Developer agrees to furnish the Town with a letter from a surveyor/engineer stating that the total land area of the subdivision is not less than 24.65 acres and that the total lots in the subdivision do not exceed 23, and that there is one lot for every 1.07 acres of land in the subdivision.

5. Developer shall furnish the Town evidence in recordable form of an access right of way across Lot 16 of adjacent Down Point Subdivision so as to connect to Down Point Lane. Orange County shall also evidence that the easement along the East side of the Property has been vacated and an agreement from all affected Property owners must be recorded in the Public Records of Orange County.

6. Developer shall furnish the Town an agreement from the County allowing the Developer to utilize the right of way for ingress, egress and landscaping.

7. The Developer agrees to furnish to the Town Council for its approval a detailed site plan for that portion of the subdivision which abuts Conroy Road. Said plan shall show a four-foot wide sidewalk along Conroy Road, a detailed landscaping plan, a landscaped privacy berm (comparable to Windermere Oaks berm) with no wall (except retaining wall on interior side of berm) or fencing permitted and no subdivision sign permitted, an irrigation plan for the landscaping, together with a water source for the landscaping and irrigation system, and sketches of the entryway, deceleration and turn lanes with design speed of 35 miles per hour into the subdivision from Conroy Road, together

with the location of all the pavement from Conroy Road into the subdivision. The Developer also agrees to plant at his expense live and laurel oaks, alternating each variety, on 40 foot centers along the street frontage of all lots and along all Conroy Road frontage, said oaks shall be a minimum 3" caliper.

8. The Owner shall comply with all applicable state, county and local ordinances and regulations in effect at the time of development of the Property, except as provided for in Florida Statutes Section 163.3213. The Owner agrees to indemnify and hold harmless the Town from and against any and all claim, including, but not limited to, attorneys' fees, costs and damages incurred as a result of any such claim, that may arise as a result of the Owner's negligent or willful violation of said governmental regulations or as a result of any comprehensive plat change, rezoning, development approval or permit or any other official action taken by the Town in good faith, at the Owner's request, which affected or affects the Owner's Property or development of same. Owner hereby agrees, at a minimum, to pay all court costs and other expenses and to provide, at Owner's sole expense, an attorney for the Town of Windermere in its legal representation in the event any such claim may arise. Owner also agrees to pay all costs and attorneys' fees incurred by the Town in enforcing any provision of this Agreement, at trial or on appeal. This provision shall only apply to actions filed within two (2) years from the date of acceptance of the improvements by the Town for which a claim may arise or any

separate claim not otherwise barred by an applicable statute of limitations; and shall not apply to claims arising as a result of the Town's maintenance of or failure to maintain any facilities within the Property.

9. At the conclusion of the site improvements for the subdivision and prior to the issuance of any building permits, the Developer will furnish to the Town a certificate of an engineer licensed in the State of Florida which certifies that all subdivision improvements have been properly constructed and comply with all governmental regulations and this Agreement. In addition to furnishing the one year Maintenance, Materials and Workmanship Warranty Bond required by the Orange County Subdivision Regulations, Developer hereby guarantees the Improvements for a period of one (1) year from the date of completion and acceptance by the Town and agrees to maintain said Improvements for said one (1) year period and to make any necessary repairs or remedy any defects in materials or workmanship upon notice from Town. After said one year period, Town will thereafter assume the cost of day-to-day maintenance of said street improvements but the cost of resurfacing said streets shall remain with the benefitting property.

10. The Owner shall install and complete, according to County specifications, all of the improvements which are required by this Agreement and the subdivision regulations of the County within twelve (12) months after the date of approval of the plat of subdivision by the Town. The Owner shall provide a surety

company completion bond, a cash escrow agreement, an irrevocable letter of credit or other alternative documents or agreements acceptable to the Town, at the time of platting, to guarantee that sufficient funds will be made available for completion of the required on-site improvements which have not been completed at the time of platting. The amount of said bond, escrow or letter of credit shall be in the penal sum of the amount of the estimated cost of the required on-site improvements which have not been completed at the time of platting, which estimate shall be reviewed and approved by the Town. Should the Developer neglect to install or complete the required improvements within the above-mentioned time limit, the Town, after thirty (30) days written notice to the Developer, his successors in interest or assigns, and the surety bond company may, without prejudice to any other rights or remedies it may have, install or have installed or completed in the subdivision tract said required improvements. In the event the surety bond company defaults hereunder, the Town is hereby authorized to assess the Town's actual out of pocket cost of installing or completing the improvements which the Developer is required to install and complete or the amount that said costs exceed the surety bond limit against the benefited Property in the subdivision tract. Such improvement assessment shall constitute a lien thereon until paid, which lien shall be superior and paramount to the interest of any other owner, lessee, tenant, or mortgagee of the Property.

The Owner shall, upon the execution of this Agreement, pay the cost of recording this Agreement in Orange County, Florida.

11. Shoreline clearing and alteration will be limited in accordance with the Orange County Lakeshore Protection Ordinance, effective June 10, 1983 and any successor ordinances and subject to the prior written approval of the Windermere Water Navigation and Control District.

12. Where the Final Plat requires the installation of berms and reverse swales, along lakeshores on lakefront lots to impede direct drainage into lakes, the plat shall clearly reflect a drainage/swale easement of sufficient width to accommodate such berms and swales and their associated retention areas and clearly indicate that alteration and/or removal of the berm and swale system is prohibited. The development rights to this easement area shall be dedicated to Orange County and the Town. The bottom swale elevation shall be at no less than the 103 foot elevation. An easement and restrictive covenants shall also prohibit alteration or removal of any such berms and swales. Enforcement responsibility shall be assigned to mandatory homeowner's association, Orange County and the Town. This swale/berm system shall be included in and installed as part of individual lot owners' construction requirements and shown on the Plat as part of the developer's primary drainage plan.

13. All Conservation Areas shall be clearly designated as "Conservation Areas" on the Final Plat of Sunset Bay. On the plat of lakefront residential lots platted to the normal high

water elevation, and which contain only narrow band conversation areas shall be clearly identified as "narrow band Conservation Areas". Development rights to all "Conservation Areas" including the "narrow band Conservation Areas" shall be dedicated to Orange County and Town provided, however, that such dedication of development rights to the narrow band Conservation Areas shall not preclude the construction of private docks and/or boathouses pursuant to applicable Orange County and Town permitting procedures. Within the dedication there shall be a provision allowing clearing and vegetation removal for lake access of an area of not more than 20% or 30 feet, whichever is greater, within "narrow band Conservation Areas" by the owner of a lakefront residential lot. Except as to this clearing and vegetation removal of the aforesaid 20% or 30 feet, whichever is greater for lake access, such dedication and the restrictive covenants applicable to the Sunset Bay development shall prohibit all but selective trimming of undergrowth to permit lake views on lakefront lots with prior written approval of undergrowth trimming plan from Windermere Water and Navigation Control District. Enforcement responsibility shall be assigned to a mandatory homeowner's association, Orange County and/or Town.

14. Trees (other than citrus trees) shall not be removed from lakefronts without prior written consent given by Windermere Water and Navigation Control District after a tree removal plan is first submitted.

15. The Developer agrees to furnish to the Town a letter from a professional engineer registered in the State of Florida which certifies to the Town that he has reviewed the subdivision construction plans, specifications, computations, and related matter; and that the storm water system has been designed so as to meet the design and performance standards of the Department of Environmental Regulation, the South Florida Water Management District and Windermere Water and Navigation Control District with regard to storm water runoff. He shall further certify to the Town that the first inch of rainfall shall be retained on all portions of the subdivision which are not in platted lots.

16. This Agreement shall be binding, and shall inure to and benefit the subject Property and be binding upon any person, firm, or corporation who may become the successor in interest, directly or indirectly, to the Subject Property.

IN WITNESS WHEREOF, the parties have executed this Agreement for the purposes stated herein on the date and year first above written.

WITNESSES:

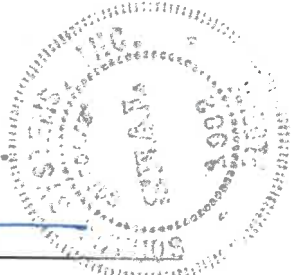
Donna F. Bethel
JH [Signature]

Patti Q. Wages
[Signature]

OWNER:

SONANA SYSTEMS, INC

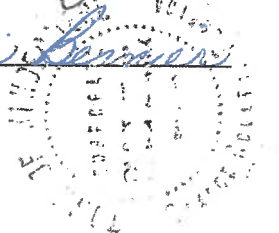
By: [Signature]
President



THE TOWN OF WINDERMERE

By: Robert Pleus
Mayor

Attest: [Signature]
Town Clerk



STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared J. D. Nana well known to me to be the President of Sonana Systems, Inc., a corporation, and that he acknowledges executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

SWORN to and SUBSCRIBED before me this 8th day of March, 1988.

M. J. Bull
Notary Public, State of Florida
My commission expires:

Notary Public, State of Florida at Large
My Commission Expires July 31, 1989
BONDED THRU AGENT'S NOTARY BROKERAGE

STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Robert J. Pleus, Jr., and Cecilia Bernier, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

SWORN to and SUBSCRIBED before me this 8th day of March, 1988.

M. J. Bull
Notary Public, State of Florida
My commission expires:

Notary Public, State of Florida at Large
My Commission Expires July 31, 1989
BONDED THRU AGENT'S NOTARY BROKERAGE

EXHIBIT "A"

OR3968 PG3322

Parcel One: The Southeast 1/4 of the Southwest 1/4 of Section 9, Township 23 South, Range 28 East, Orange County, Florida, LESS that part lying West and Southwesterly of Lake Down, and LESS the right-of-way for Conroy-Windermere Road.

Parcel Two: The West 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 9, Township 23 South, Range 28 East, Orange County, Florida, LESS the South 30 feet thereof for Conroy-Windermere Road.

(851/MAGUIRES)

RECORDED & RECORD VERIFIED
Thomas H. Locke
County Commissioner, Orange Co., FL

SUNSET BAY HOMEOWNERS ASSOCIATION

P.O. Box 709
Windermere, FL 34786

May 6, 2015

Robert Smith
Town Manager
Town of Windermere
614 Main St.
Windermere, FL 34786

RE: Sunset Bay Repaving

Robert,

Sunset Bay Homeowners Association (SBHA) respectfully requests that the Town of Windermere create a Municipal Services Benefit Unit (MSBU) to fund the repaving of the Sunset Bay subdivision's roadways.

SBHA would like the MSBU to be created as soon as possible and the paving to be started in 2016 as the issue is fresh on the mind of those who attended the annual meeting in April 2015. Finally, it is requested that the MSBU be assessed over a 10-year period.

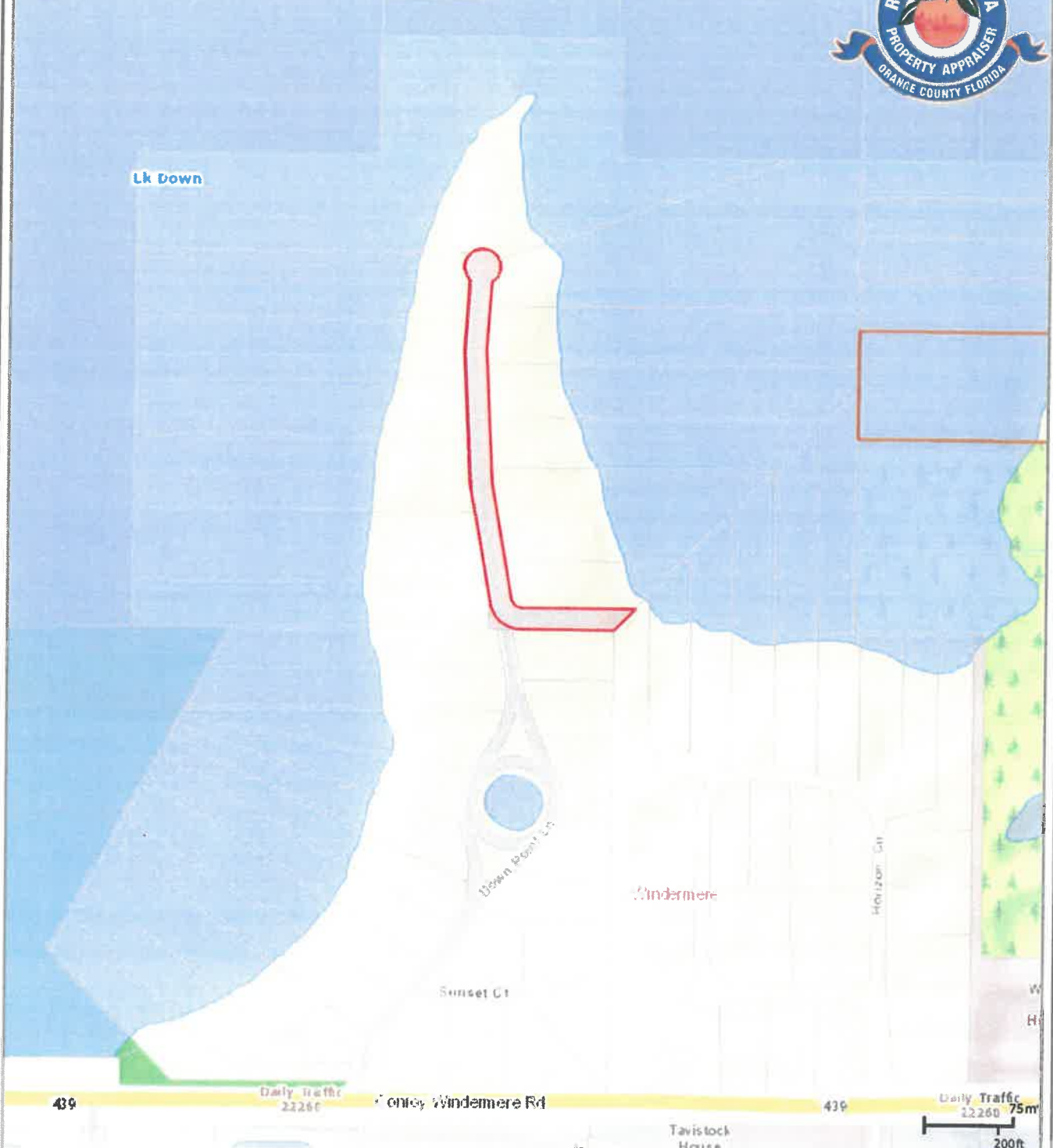
Please contact me should you require additional information or clarification regarding the request. We appreciate your consideration of this request.

Henry A. Robitaille
President
SBHOA
407-876-0168

OCA Web Map

Florida turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
	Road Under Construction	Proposed SunRail	Agriculture	Agricultural Cudflage	Parks	Hospital

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 10/20/2015

This map is for reference only and is not a survey.



LIAISON REPORT

LIAISON: Williams

LIAISON ASSIGNMENT: HPB

- HPB DBC TREE BOARD ELDERS LRP
- DRB HOLIDAY SOCIAL ADMIN BUDGET
- STREET & ROADS POLICE P&R FTFMSC
- BUTLER CHAIN CHAMBER METRO PLAN
-

DATE: 6/5/19

UPDATE:

1887 School House:

Update from Scott Brown from the Engineering firm, is that they should begin their work sometime by the end of the month or beginning of June. (They had some vacation scheduled which has delayed them getting started. Board voted to Restore the 1887 School House to the earliest version. The current siding does not represent earliest photographs of the building and IF the siding is deemed unsalvageable then they would like to change its orientation to a Horizontal Slat Siding that was on the building in the original class pictures. 5/29 . SB advised that the engineer will be starting their assessment within the next week. Members of the board asked for a notice of when they will be here to come and observe and ask a view questions once started. Also, the topic of taking another look at a fundraiser by selling engraved bricks for the path between the School House and the privy. Board agreed to start research and to possibly start this fundraiser out next spring.

Oral History:

Subcommittee, Has met 2x this past month. They have defining their focus groups and getting organized. Hopefully we will have a budget proposal soon. They are already doing research for alternative funding sources, including the National Oral History Association. Plus there was a recent article in the Windermere observer briefly discussing the project and also request for volunteers to help conduct the interviewers. They would like to formalize this part soon, so they can start training them soon. Myers has identified a grant through the Florida Humanities Council that the Oral History Project qualifies for and members voted unanimously in favor of applying for Grant at the next possible deadline. Board asked subcommittee for the proposed budget ASAP. 6/4:

Tree Board Notes
(New Noted in RED/ Previous Notes in BLACK)

New Officers

4/10/18

Chair: Susan Carter

Secretary: Frank Krens

Treasurer: Admin/Liaison as needed

Leslie Brabec (recommended for TC approval)

Debra Neill (recommended for TC approval)

Misc

4/10/19: Members to discuss at the next meeting goals, projects, and fundraising that they would like to accomplish over the next year. 4/18/19: Board approved 3/0 to pay \$145 for Frank to attend an ISA weekend class. Funds to come from WTB account. 4/16/19: Frank completed class and brought back some education links and materials. Recommend that all tree board members complete the Tree Board University class online at no cost.

Town Hall Landscape Plan

4/10/19: Formally recommend a tree/bush/shrub that has color and is suitable for placement near the SE corner of the Town Hall and minimum one location of a mature oak. 4/18/19: Recommended replacing Golden Shower Trees with Hong Kong Orchids (non-pod producing) due to the toxicity of the Golden Shower Tree pods. Voted 3/0 to approve to spend up to \$200 from WTB account on a Fringe Tree for replacing Laurel Oak (same location) at the SE corner of Town Hall. 5/16/19: Almost complete. Fringe or Hong Kong Orchid Trees have not been planted.

5th/Forest Parking Lot

4/18/19: Recommended 3/0 to purchase, plant, and irrigate TWO 7-8" Live Oaks (1 on each of the west and east sides of the entry) totalling \$7,000. This will come from the Tree Mitigation Fund and must include a 1 year warranty from installer/nursery. Susan to price shop before moving forward (please allow 3 business days prior to moving forward with Dobsons). 5/16/19: Oaks are installed.

1887 School House

4/18/19: In need of replanting and treatment of grove. Susan speaking with arborist from Davey for recommendations. Frank to reach out to Rotary and Windermere grove contacts. 5/16/19: TB to recommend any removal or trimming needed on site by next meeting. Jason Arnold (potential vendor) stopped by the grove and will have a proposal/quote together by the week of the 20th (updated 05/17/19).

Arbor Day Trees

4/18/19: 2 weeks of advertising has been given to the Town Residents for remaining trees. Jackie and Susan will coordinate with Marina Bay about acceptable species and placement. Marina Bay to coordinate volunteers/hired help for planting at no expense to WTB or Town. Next meeting: decision on remaining trees. PW and WTB to think of needed locations. 5/16/19: All remaining Arbor Day trees have been inventoried by species and mature size. Marina Bay to have utilities marked for final placement. Susan to give them a deadline.

Tree Ordinance

4/18/19: Reestablish a new sub-committee or special meeting once new members obtained. 5/16/19: May have a 3rd party review the current ordinance in conjunction with a Master Forestry Plan. Susan Carter to get an estimate on cost. No new sub-committee set up at this time.

Urban Forest Master Plan

4/18/19: Used to provide goals, strategies, recommendations and proactive management and growth of the Town Canopy. Frank will start the process. Possibly look at a 3rd party to assist in the process. 5/16/19: Susan to get a quote on the approximate costs of a 5-10 year Master Plan including line items of tree inventory/survey and review and recommendations of the current tree ordinance. Frank to start gathering information on grants available and their processes to cover the costs if TB recommends to move forward with some or all of the Master Plan.

Community Outreach

4/18/19: Susan to bring a couple articles for WTB approval for the Summer addition of the Windermere Gazette. The board will provide an article for each edition. Susan also exploring content for brochures. These will be used to hand out at events, Town Admin and to new residents (via admin and Realtors). WTB would like to set up at events for educating/recruiting. Chris to ask DBC if the Tree Board can set up at the Windermere Farmers Market. Look into promotional items that can be handed out. Leslie Brabec will be putting together an article for the Gazette by May 24th deadline.

Treebute/Events

4/18/19: Board to think of new ideas to expand Treebute and possibly a different approach to the tree giveaway (eg less trees and stick with more popular trees). Continue to discuss other events to raise money to be self-supporting.

Fernwood Park:

5/16/19: Nora Brophy from Parks and Rec presented to the TB about removal of invasive trees and vegetation from the Fernwood shorelines in preparation of FRDAP funded project. TB wants to explore that and the cost effectiveness of removal of invasives near the Main St bridge at the same time. Robert Smith to get an estimate for clearing of Fernwood and also an estimate of clearing both Fernwood and Main St Bridge/ north path area on RR ROW. Provide TB and Tree Mit account balances and projections at the next meeting.

Central Park:

5/16/19: Tree board to identify species and planting locations. Goal would be to obtain trees at the same time as the Arbor Day trees and plant once FDAP project is complete or no further risk to newly planted trees.