

## TOWN OF WINDERMERE

Town Council Meeting Minutes

February 11, 2020

### CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Town Attorney Tom Wilkes, Town Manager Robert Smith, Police Chief Dave Ogden, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien called the meeting to order at 6:01pm and stated all Council members were present.

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

Mayor O'Brien opened the floor for public comments. First to speak was Mr. Stephen Withers of 712 Main Street. Mr. Withers requested to rename dirt Main Street West Main Street.

#### 2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

##### a. Travis Mathias 20 Years of Service Recognition

Public Works Director Scott Brown and Mayor Jim O'Brien presented Public Works Foreman Travis Mathias with a 20 years of Service appreciation plaque.

##### b. Garden Club Recognition

Mayor O'Brien presented an Appreciation plaque to the Windermere Garden Club for their over six decades of service to the Town of Windermere.

##### c. Anti-Bullying Proclamation

Due to no presentation, this proclamation was not read.

##### d. FY 2018-2019 Audit Presentation

Mayor O'Brien turned the floor over to Mr. Mathew Lee, representative with McDirmit & Davis. Mr. Lee explained that the Town received an Unqualified Opinion, which is the best that can be given. He then reviewed accounts, financial growth, income, and expenditures. Manager Smith thanked Mr. Lee for his presentation and Mrs. White for handling the finance department for the Town.

#### 3. TIMED ITEMS AND PUBLIC HEARING

##### a. Ordinance No. 2020-01:

**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 introduced this item. He then closed the Town Council meeting at 6:14pm and opened the Public Hearing regarding proposed Ordinance 2020-01. Mayor O'Brien read the title of Proposed Ordinance 2020-01 for the record. He then opened the floor for public comments. Mr. Richard

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Gonzalez of 103 W 2<sup>nd</sup> Avenue introduced himself. He then stated that the town should sell the roadway to the residents on Ridgewood as it would then make it a private road. Mr. Gonzalez commented that he's an advocate for paving 1<sup>st</sup> and 3<sup>rd</sup> Avenues. He then commented on materials that should be used on the dirt roads. There being no further public comments, Mayor O'Brien closed the Public Hearing at 6:18pm and reconvened the Town Council meeting. Member McKinley made a motion to approve Ordinance 2020-01 as presented. Member Martini seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams- aye, McKinley – aye and Martini – aye. Motion carried 5-0.

#### 4. CONSENT AGENDA

##### a. 1108 Main Street – William Stratton – Variance to allow expansion of a non-conforming home by more than 10%.

Mayor O'Brien introduced this item. Member Sapp made a motion to approve the consent agenda as presented. Member Andert seconded the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams – aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

#### 5. NEW BUSINESS:

##### a. Minutes

##### i. January 14, 2020 Town Council Meeting

Member McKinley made a motion to approve the January 14, 2020, Town Council meeting minutes as presented. Member Sapp seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams- aye, McKinley – aye and Martini – aye. Motion carried 5-0.

##### b. Contracts & Agreements

##### i. Individual Project Order #106: 6<sup>th</sup> Avenue Roundabout Analysis \$13,790.00

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith explained that prior to any improvement anticipated at 12<sup>th</sup> Avenue and Chase Road, an assessment of the 6<sup>th</sup> Avenue roundabout will be needed. He also stated that prior to the final design of the new Town facilities, the 6<sup>th</sup> Avenue roundabout would need to be addressed incase there would be a need for additional right of way. Member McKinley made a motion to approve IPO #106. Member Sapp second the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams – aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

##### ii. Task Assignment No. 31 Manhour and Fee Proposal-Final Engineering Services West 2<sup>nd</sup> Avenue Roadway and Drainage Improvements not to exceed \$79,400

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith explained that this is a portion of the Local Mitigation Strategy grant for the awarded grant for the West 2<sup>nd</sup> Avenue improvements. He further explained that Mike Galura/MGEC initially worked on the concept designs plans. Manager Smith stated that the Town Council can select Kimley Horn who has been previously been approved as the new continuing engineering company. Discussion began with the Town Council. Member Sapp stated for the record, "That Mike has done an excellent job with working with LMS and getting this project where we are today. We are still, just for the record, under contract with Mike to finish off the application until we get the C/O." Manager Smith commented that there is an

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existing contract with Mr. Galura for the LMS. Discussion was made. Member Sapp made a motion to approve Task 31 with a do not exceed of \$79,400.00, and with a peer review by Kimley Horn. Member Williams second the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams- aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

#### **c. Financial**

##### **i. Pedestrian Crossing 1<sup>st</sup>/Main Street**

Mayor O'Brien introduced this item. He stated that the project would be funded by Wine and Dine. Manager Smith stated that the Council requested additional sites, which 1<sup>st</sup> Avenue and Main Street was selected. Mayor O'Brien stated that the cost would be \$16,100.00 from the Wine and Dine account. Member Andert made a motion to approve the pedestrian crosswalk. Member Martini seconded the motion. Some discussion followed regarding a crosswalk in front of Town Hall. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams- aye, McKinley – aye and Martini – aye. Motion carried 5-0.

##### **ii. Gray Robison Lobbying Engagement Letter**

Mayor O'Brien introduced this item. Manager Smith stated that he would not like to enter into this agreement at this time. He then explained that with other efforts being worked on, he'd rather see the outcome before entering into this contract. Mayor O'Brien stated that it's mid/late session at the legislative level. Some discussion followed. No action was taken.

#### **d. Other Items for Consideration**

##### **i. Temporary Administration/Police Town Facilities Site Plan – 501 Forest Street**

Manager Smith commented on the need for and the proposed location for the temporary facilities. Mr. Fitzgibbon also commented on the proposed site, reviews, and site plans. He stated that the preliminary plan will be proposed to the Development Review Board February 18<sup>th</sup> with their recommendation back to the Town Council in March. Mr. Fitzgibbon stated that that the move will happen between May and June. Mayor O'Brien questioned if the neighbors had been advised. Manager Smith stated they had not due to not having a final approval for the location. He further stated that once the final approval is obtained, he will reach out to the residents in the area. Member McKinley made a motion to approve. Member Sapp second the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams- aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

##### **ii. Request to amend Land Development Code to allow Chickens in Residential areas**

Mayor O'Brien introduced this item. Manager Smith explained that this item has been brought forward from a past council meeting. He then reported on reviews of other municipalities that allow chickens in residential areas. Manager Smith also reported that this would not trump any HOA covenants. Mayor O'Brien opened the floor for discussion. Member McKinley stated, "it's a great idea with certain standards." Member Williams stated that proper placement of a coop is needed. Member Andert comment on a concern with enforcement. Member Sapp stated he had no issues with allowing chickens. He then stated he has received positive comments. Member Martini agreed with Member Williams comment and not affecting the neighbor. Some discussion followed. This item will be brought back at a later date in an Ordinance form.

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**6. MAYOR & COUNCIL LIAISON REPORTS:**

Mayor O'Brien stated that the liaison assignments will be on the March agenda. Manager Smith stated that discussion regarding other committees could take place at that time as well. Member Andert commented on the possibility on creating another committee, Engagement Committee. Member Sapp gave an update on the Pavilion Committee. Member McKinley stated that February 21<sup>st</sup> is the deadline for the Town Manager's evaluations. Mayor O'Brien stated that the Gazette deadline is February 20<sup>th</sup>. Member Andert commented on the WAYS Committee social media.

**7. STAFF REPORTS:**

**a. TOWN MANAGER ROBERT SMITH** – Mr. Smith reported on upcoming meetings regarding the one cent sales tax, the West Orange Regional Transportation Alliance meeting, the Night to Shine event, and the Bunk Bed Build.

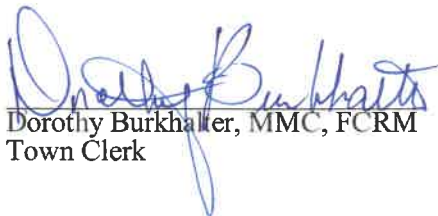
**b. TOWN ATTORNEY TOM WILKES** – No report.

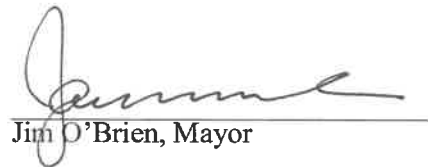
**c. POLICE CHIEF DAVE OGDEN** – Chief Ogden reported on the draft annual report, Cops and Bobbers event September 19<sup>th</sup>, Active Shooter drills, a new hire, upcoming training, and updating camera system.

**d. PUBLIC WORKS DIRECTOR SCOTT BROWN** – Director Brown stated that the Project Meeting notes are in the Council books. He then stated that his department is handling events and keeping storm drains clean.

**8. ADJOURN:**

Mayor O'Brien adjourned the meeting at 7:12pm.

  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

  
Jim O'Brien, Mayor