

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 10, 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 Heather Ramos, Town Manager Robert Smith, Police Chief Dave Ogden, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were also present.

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

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

Mayor O'Brien opened the floor for public comments. First to speak was Mr. Byron Sutton. Mr. Sutton, resident and representative for the Windermere Rotary Club, introduced himself. He then commented on the proposed pavilion project and proposed site.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Windermere Police Department Recognitions

- i. **Sgt. John Alcalde - Silver**
- ii. **Officer Lori Sipek – Silver**
- iii. **Officer Brian Miller – Bronze**
- iv. **Officer Jeff Bacigalupi – Bronze**
- v. **Officer Patrick Husic – Bronze**
- vi. **Officer Kevin Tuck - Bronze**

Chief Ogden presented Reserve Sgt. John Alcalde, Reserve Officers Lori Sipek, Brian Miller, Jeff Bacigalupi, Patrick Husic, and Kevin Tuck with the President's Volunteer Service Awards and pins.

b. 1 Cent Sales Tax Initiative Discussion

Mayor O'Brien introduced this item. He then thanked and introduced Orange County Administrator Byron Brook. Mayor O'Brien turned the floor over to Manager Smith. Manager Smith reviewed past meetings and discussions regarding the proposed 1 Cent Sales Tax Initiative. He stated that there was supposed to be a Resolution or a Letter of Recommendation to Orange County supporting the Initiative to be placed on a ballot on this Council agenda. Manager Smith commented that a collective agreement of where the funds from the tax would be utilized has not been accomplished, therefore the Resolution and Letter have been pulled from the agenda. Manager Smith then gave a presentation regarding the proposed Initiative. He stated that there needs to be a fair and equitable distribution of the funds. The presentation concluded at 6:40pm. Manager Smith then deferred to Mr. Brooks and Orange County Mayor Demings. Mayor O'Brien thanked Manager Smith for a very thorough presentation. He stated that he would like Mr. Brooks and Mayor Demings to speak with and answer any questions the Town Council should have. Mayor O'Brien then stated that a concern of Mayors and your fellow municipalities and Councils is, "how do we make sure we're able to tell our constituents what they can expect. Where are we going to be able to move the needle? Because we have immediate needs. What can be done to facilitate that, and how can we make it more flexible? It's a big, big, plan; it's a lot of money. We just want to make sure we are included and not left out." Mayor O'Brien stated that should someone ask why they should support the tax; he wants all the reasoning for an answer. Mayor Demings introduced himself. He then stated that Manager Smith did an excellent job with the presentation. He then stated that the plan was built by listening to the people. He commented that over 11,000 surveys and discussions at meetings aided in the plan. Mayor Demings further commented on public concerns and distrust with the adhering to the plan and spending. He stated that he feels that all municipalities should benefit from the proceeds from this tax increase as well, which a plan to share a portion of the proceeds with municipalities

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 10, 2020

has been discussed. Mayor Demings stated that tweaking of the methodology is needed. He also stated that these funds are in addition to the municipal CIPs. Mayor Demings stated that support from the municipalities would be essential. He commented on the need for this to pass so it will assist with traffic solutions. Mayor Demings commented on the traffic he experienced on his way into Town. He further commented on growth areas which continue to grow. Mayor Demings then commented on the current COVID-19 virus and the economic impact. He stated that with the economic decline, the tax will come at a time when it's needed. Mayor Demings state that the funds would be controlled locally since they did not come from the Federal Government. He then commented on the tight timeline for this item to be placed on the ballot. Mayor O'Brien thanked Mayor Demings. Mr. Brooks commented on the O&M item and its use. He then stated that the jurisdiction that receives monies would be able to use those funds how they see fit. Mr. Brooks further commented on the "needs based approach." Mayor O'Brien opened the floor to the Town Council. Member Andert requested a contact that she may be able to send questions to. Mayor Demings suggested sending all questions and concerns to the Town Manager. Manager Smith questioned the reason for four tiers; there should be only one or two. He then questioned if the funds for O&M could be used for Capital projects. Mayor Demings stated that the County is working on a housing initiative which will place housing closer to jobs. Funds will be placed in a fund for the initiative. Discussion followed. Mayor Demings stated that if this passes, assurance to the citizens of what is going to be done needs to be established. Mayor O'Brien questioned if the Town Council chooses to not pass a Resolution and support, what would be the outcome for the Town? Mayor Demings stated that, "worst case scenario is you don't support, you're not included the sharing of revenue, that's worst-case scenario. Best case scenario you don't support, we just move forward anyway without your support." He then stated that these are the types of questions that the Board of County Commissioners need to deliberate on. Manager Smith stated that Mayor Demings commented on "trust." Mayor O'Brien stated that the Town is looking for an Interlocal Agreement, criteria for the Needs Based assessment process, the percentage information for bucket #4, and if Capital Improvement Projects could be done with said funds. Manager Smith stated yes. Some discussion followed. Member McKinley commented on the traffic issues in the area which were not created by the Town. He then commented that it is hard for him to approve an item without having sufficient and complete information on that item. Mayor O'Brien thanked Mayor Demings and Mr. Brooks for attending the meeting.

3. CONSENT AGENDA

Mayor O'Brien introduced the consent agenda items. He then turned the floor over to Mr. Brad Cornelius.

- a. **Z20-04 – 40 Main Street – Matt and Lindsey Tomaszewski – Variance to allow a swimming pool with less than the required 50-foot setback from the Normal High-Water Elevation (NHWE) line. (Attachments-DRB recommends denial by a vote of 6-0. DRB found there was not a unique hardship of the property.)**

Mr. Cornelius reviewed variance request Z20-04. He stated that this item has been before the Development Review Board, which denied the request. Mr. Cornelius stated that the owners were not present. Some discussion followed. Member McKinley made a motion to deny the variance request. 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.

- b. **Temporary Town Facilities Plan – (Attachments-DRB recommends approval by a vote of 6-0. Town Council is requested to provide final approval.)**

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith commented on past discussions and meetings regarding the temporary facilities. He stated that the Development Review Board had also reviewed the proposed temporary site plans. Manager Smith stated that DRB made a recommendation for approval. He then stated that comments were made regarding the

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 10, 2020

parking area that will be located at 5th Avenue and Forest Street. Mayor O'Brien stated that once the permanent facilities are completed, the future of the parking at the temporary location will be addressed. Mr. Cornelius stated that the DRB did question if the parking lot would remain. He stated that he advised the DRB that Town Council will need to have discussions regarding the future of the parking area. Member Sapp stated that the parking would be an item of consideration for the Town Council. Member Sapp made a motion to approve the Temporary Town Facilities Plan 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. TIMED ITEMS AND PUBLIC HEARING

NONE

5. NEW BUSINESS:

a. Minutes

- i. **January 28, 2020 Town Council Workshop**
- ii. **February 11, 2020 Town Council Meeting**

Member McKinley made a motion to approve the January 28, 2020 Town Council Workshop minutes, and February 11, 2020, Town Council meeting minutes as presented. Member Williams 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. **KHA Proposals**

1. **IPO 110 – First Avenue and Forest Street Drainage Study Update**
2. **IPO 111 - Forest Street Outfall Improvement Plan**
3. **IPO 112 – First Avenue and Forest Street Backyard Drainage Improvement**

Mayor O'Brien introduced this item. He then requested that all three be discussed at once. Public Works Director Scott Brown introduced himself and KHA representatives Hao Chau and Victor Gallo. He then commented on the past direction from the Town Council. Director Brown stated that each IPO is "stand alone." He then reviewed and commented on IPO 110, IPO 111, and IPO 112. Director Brown turned the floor over to Mr. Chau and Mr. Gallo. Manager Smith commented that IPO 111 and IPO 112 are for design only, and do not include construction costs. Mr. Chao explained that IPO 111 and IPO 112 could be done without surveying the entire basin. He then commented on the water basin and levels. Mr. Chao stated that a topographical survey would be needed. He continued to comment on each IPO. Mayor O'Brien questioned which IPO would best fit the need, and if the IPOs are directed towards the Town's needs and responsibilities or the private residents. Mr. Chao commented on potential conditions that IPO 111 and IPO 112 could address. Mayor O'Brien questioned if this would include 2nd Avenue. Manager Smith stated that Mr. Galura is in charge of that project. Mayor O'Brien opened the floor to the Town Council. Member McKinley questioned inlets, grate tops, roads, and pipes. Mr. Chao explained that an assumption was made as there were not any videos of the pipes. He then stated that in IPO 111, videoing is included. Member McKinley commented on the report regarding the sediments in the pipes. Director Brown stated that he had a company currently contracted with the Town clean out the pipes. Discussion followed regarding the differences between IPO 110 and IPO 111. Further discussion followed regarding surveys and comparison of surveys. Mayor O'Brien opened the floor to the public. First to speak was

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 10, 2020

Mr. Keith Carsten of 124 Forest Street. Mr. Carsten stated that he would like to invite representatives from the Town and Kimley Horn onto his property to inspect drainage issues, measure, or do whatever is necessary to assist in the solution. Discussion followed. Mr. Jeff Szukalski of 219 W 2nd and 212 1st Avenue introduced himself. He then presented pictures for the Town Council to review. Mr. Szukalski questioned IPO 112, the location for pipes and how the water is affecting his property. Director Brown stated that some erosion control maybe needed. He then stated that he appreciates the comments from the residents. Ms. Sarah Lopez of 110 Forest Street introduced herself. She commented on flooding issues and potential sink hole around her home. Ms. Lopez commented on the proposed IPOs and the possibility of removing the system that is in place, as there was not a problem until it was put in. Director Brown commented that the existing system is functioning and did not need to be removed. Mr. Chao stated that a solution to the current problem is what needs to be addressed. Discussion followed regarding the topographic surveys. Member Sapp questioned if the "Topo" survey could be added to IPO 111. Mr. Chao stated that the survey could be added to IPO 111. He then stated that the cost would be \$7,900.00. Manager Smith suggested amending the current IPO 11 to include the additional \$7,900.00 for the survey. Further discussion followed. Member McKinley made a motion to approve IPO 111 with the addition of the surveying of the backyards to not exceed \$79,000.00. 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. Director Brown stated that IPO 110 and IPO 112 will be suspended at this time.

c. Financial

NONE

d. Other Items for Consideration

i. Town Manager Evaluation

Mayor O'Brien introduced this item. He then turned the floor over to Member McKinley. Member McKinley reviewed and commented on the evaluations of the Town Manager. He then stated that a recommendation to increase his salary in the amount of \$5,280.00 is being recommended, which would make his annual salary \$137,280.00 for 2020/2021. Member McKinley made a motion to approve the evaluations as submitted and the salary increase of \$5,280.00 for fiscal year 2020/2021, bringing his annual salary up to \$137,280.00. Member Martini seconded the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams – aye, Sapp – aye, and Andert – aye. Motion carried 5-0. Manager Smith thanked the staff/co-workers and elected officials. Some discussion followed.

ii. Citizens Engagement Committee

Mayor O'Brien introduced this item. Member Andert commented she has heard from residents that they are not being communicated enough to from the Town. She stated that they would like an alternate way to participate. Member Andert commented that this discussion has led to a possible new committee, the Citizens Engaged Committee. She then commented on proposed requirements of a member as well as the potential benefit of the committee. Discussion followed regarding limited staff involvement, additional messaging, volunteers, limitation of volunteers on current boards/committees, additional communication types with the residents, social media (Next Door/APPS), push messaging and reply concerns, records retention, and ADA compliance. Further discussion followed. Mayor O'Brien stated that there is support for this Committee. He requested that Member Andert work on this and ring it back to the Town Council at a later date. Member Andert stated she will work with the Town Manager as well.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien reviewed the Liaison Assignments. They were as follows: Development Review

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 10, 2020

Board – Council Member Martini, Downtown Business Committee/Farmers Market and Food Trucks – Council Member Sapp, Elders Committee – Council Member McKinley, Historic Preservation Board – Council Member Williams, Long Range Planning – Council Member Sapp, Parks and Recreation – Council Member McKinley, Windermere Tree Board - Council Member Andert, Butler Chain Advisory Committee – Council Member Andert, West Orange Chamber – Mayor O’Brien, West Orange Chamber Alternate – Council Member Sapp, Streets and Roads Liaison – Council Member Sapp, Police Department Liaison – Council Member Martini, Administration Liaison – Council Member McKinley, Budget Liaison – Council Member Williams, MetroPlan Advisory Board – Mayor O’Brien, Metro Plan Alternate – Council Member Martini, TSMO _ Director Scott Brown, Holiday Social – Council Member McKinley, Mayor Pro Tem – Council Member McKinley, WAYS – Council Member Andert, Engagement Committee – Council Member Andert, SAC – Council Member Andert and Mayor O’Brien.

Member Sapp reported on the LRP and the proposed Pavilion floor plan, Option 1. He then stated that the DRB will review the plan as well. Member Sapp questioned if the Town Council would like to workshop this item prior to donations being requested. Mayor O’Brien stated that a workshop should be scheduled for this item.

Member McKinley reported on the past Parks and Recreation Pet Fest. He then thanked Public Works for their assistance and great work with the Pet Fest. Member McKinley stated that the next Elder Luncheon is scheduled for April 7th.

Mayor O’Brien reminded everyone of the upcoming Officer Robbie German event. He then questioned Director Brown if a determination of where the water located at the bridge is coming from. Director Brown stated he is working on solving that issue.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith reported thanked the Mayor and Town Council for his performance evaluation. He then thanked staff for handling business while he had been out of town. Manager Smith stated that the West Orange Chambers Best Fest will be held Thursday March 26th. He further stated that the Town will purchase the tickets for the Best Fest. Manager Smith then commented on past, current and future events/meetings. He further commented that with all the events, any unscheduled events will not be approved. Some discussion followed.

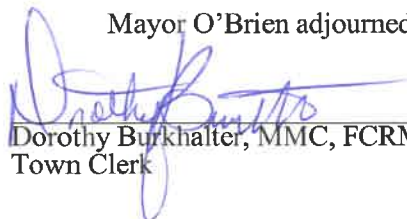
b. TOWN ATTORNEY HEATHER RAMOS – Ms. Ramos stated that the firm has received information from the Governor regarding the COVID-19 Virus and meeting requirements. She then stated that as information is received, the town will be advised.

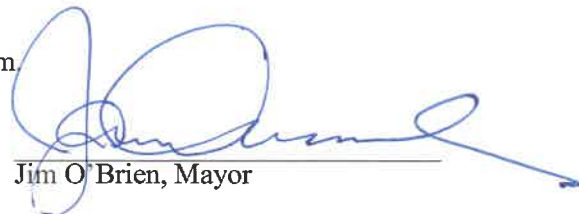
c. POLICE CHIEF DAVE OGDEN – Chief Ogden reported on the annual report that has been posted to the website, the “No Right Turn” signs, the bunk bed build, traffic counts, increase in scams to the public, upcoming Memorials, and his appointment to the National Chiefs Academy.

d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Director Brown reported on current and upcoming projects. He then thanked everyone for his staff’s recognition, which he will pass along to his crew.

8. ADJOURN:

Mayor O’Brien adjourned the meeting at 9:18pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor