

TOWN OF WINDERMERE

Town Council Meeting Minutes  
(Virtual Meeting Covid-19)

August 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 Heather Ramos, Town Manager Robert Smith, Deputy Chief Jennifer Treadwell, 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.

Member McKinley led everyone in the Pledge of Allegiance. Mayor O'Brien then gave the invocation.

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

Mayor O'Brien stated he has received a list of individuals that would like to speak regarding agenda items. All deferred until specific items were being heard.

**2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS**

**a. Announce Tentative Budget Hearing on September 9, 2020 6pm Virtual Meeting**

Mayor O'Brien stated for the record that the virtual Tentative Budget Hearing will be held on September 9, 2020 at 6:00pm

**b. Announce Final Budget Hearing on September 21, 2020 6pm Virtual Meeting**

Mayor O'Brien stated for the record that the virtual Final Budget Hearing will be held on September 21, 2020 at 6:00pm

**c. Proclamation: West Orange Healthy Selfie Day**

Mayor O'Brien read and proclaimed September 18, 2020 as West Orange Healthy Selfie Day in the Town of Windermere. Ms. Heather Murray and Mr. Steven Gilbert were present from Healthy West Orange. They spoke briefly about the Healthy Selfie day and upcoming events.

**3. TIMED ITEMS AND PUBLIC HEARING:**

**a. ORDINANCE NO. 2020-05**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA  
ADDING A NEW ARTICLE III TO CHAPTER 22 OF THE TOWN'S  
CODE OF ORDINANCES TO BE ENTITLED "CONDUCT IN TOWN  
PARK AND RECREATION AREAS"; PROVIDING DEFINITIONS;  
PROHIBITING ALCOHOLIC BEVERAGES IN OR ON ANY PUBLIC  
PROPERTY, PUBLIC RECREATION AREA, OR PUBLIC PARK  
UNLESS AUTHORIZED BY THE TOWN COUNCIL PURSUANT TO  
SECTION 8-93 OF THE TOWN'S CODE OF ORDINANCES;  
AUTHORIZING THE INSPECTION OF CONTAINERS FOR  
ALCOHOLIC BEVERAGES, PROVIDING THE INSPECTION  
PROCEDURE AND PROVIDING FOR CONFISCATION; PROVIDING  
FOR RATIFICATION, SEVERABILITY, CODIFICATION AND AN  
EFFECTIVE DATE.**

Mayor O'Brien introduced this item. He then read the title of proposed Ordinance 2020-05 for the record. Mayor O'Brien closed the Town Council meeting at 6:10 pm and opened the Public Hearing.

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There being no public comment, Mayor O'Brien closed Public Hearing and reconvened the Town Council meeting at 6:11pm. Member McKinley made a motion to approve Ordinance 2020-05 as presented. Member Williams seconded the motion. Roll call vote was as follows: Martini – McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

#### 4. CONSENT AGENDA

Mayor O'Brien introduced the consent agenda item. All items were pulled for discussion.

- a. **Z20-06 – 10972 Bayshore Drive – Mike Wytiaz and Darrell Nunnelley – Variance to allow a 2,470 square foot addition to an existing non-conforming home and to permit a new boat port with a 14 foot side setback – DRB recommended approval of the home addition by a vote of 6- and recommend approval of the boat port variance by a vote of 5-1.**

Mayor O'Brien turned the floor over to Brad Cornelius. Mr. Cornelius reviewed that request that went before the Development Review Board in July. He explained that they are two separate requests. Mr. Cornelius briefly explained each request. Mr. Nunnelley representative for Mr. Wytiaz introduced himself. He then stated that the applicant is in full agreement with the Development Review Board's decision. Member Martini made a motion to approve both requests. Member McKinley seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

- b. **Z20-08 – 711 W 2nd Avenue – Scott and Stephanie Weisz and Sheila Cichra – Variance to allow a new dock with a 1 foot side setback – DRB recommended denial by a vote of 5-0 (with Mr. Chase abstaining) due to the lack of demonstration of a hardship related to the lot.**

Mayor O'Brien introduced this item. He stated that the DRB denied the request due to no hardship. Mayor O'Brien turned the floor over to Mr. Cornelius. Mr. Cornelius reviewed the variance request that went before the Development Review Board in July. He then commented on the current and proposed setbacks, as well as the denial from the DRB. Mr. Cornelius stated that Chair Frank Chase did abstain from the vote due to a potential conflict. He stated that the owners and Ms. Cichra were present in the virtual meeting. Member Martini commented on the current boathouse location. He then stated that if the owners wanted to rebuild the boathouse in its current location, they would be able to, and the current boathouse is encroaching further into the next property. Mr. Cornelius explained that the owners would like to remove that boathouse and move it back to where it sits on their property but will only have a 1 foot (1') setback. Member Martini stated that if the variance is not granted, one option is to rebuild in the existing location which will still be encroaching on the neighbor and would still be non-conforming. He then stated that if they were to rebuild it in its current location, there would be a hardship with the water level not being deep enough for a boat. Mrs. Stephanie Weisz, owner of 711 W 2<sup>nd</sup> Avenue, introduced herself. She gave a brief history of the current dock. Mrs. Weisz then stated that the request would allow a consolidation of two boat slips into one, shift the boat slip into deeper water, and slightly expand the deck. It would also be an open-air structure with the current green space remaining intact. Mrs. Weisz commented on the criteria for consideration and hardships for approval. Mayor O'Brien opened the floor to public comments. Mrs. Joan Strickland immediate neighbor and owner of 745 W 2<sup>nd</sup> Avenue introduce herself. She then gave favorable comments for approval of the variance request. There being no further comments from the public or Town Council, Member Andert made a motion to approve the variance request. Member Sapp seconded the motion. Roll call vote was as follows: Martini – McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

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- c. **Z20-09 – 31 Pine Street – Patricia Sweet-Grafton and Bryce Grafton and Mitch Powers – Variance to allow an increase of 804.78 square feet of gross floor area to a previously approved variance (Z19-005), and a variance to allow the replacement of the pool deck at 15.7 feet from the normal high water elevation with the conditions that the pool deck be constructed of engineered pervious material and that the conditions of variance Z19-005 remain in place – DRB recommended approval with conditions by a vote of 6-0.**

Mayor O'Brien introduced this item. He then turned the floor over to Mr. Cornelius. Mr. Cornelius gave a brief history of a previous approved variance request and the current two requests, which one is for the roof overhangs and the other is for the pool. Mr. Cornelius stated that the Development Review Board was in favor of the overhang variance request. He then stated that the DRB did have a concern with the pool encroaching closer to the lake. Mr. Cornelius commented that the DRB had discussions regarding the use of a pervious surface. He further explained that the DRB were favorable with the use of a pervious surface. Mayor O'Brien turned the floor over to the applicant. Mr. and Mrs. Brice Grafton, owners of 31 Pine Street introduced themselves. Mr. Grafton stated that they agree with the DRB's recommendation. He then commented on the redevelopment and protection of the drainage/swales area. Mayor O'Brien questioned how the Town would know what the engineering solution of the permeable rating should be. Mr. Cornelius stated that signed and sealed engineering analysis will be needed at permitting. Some discussion followed regarding setbacks, permeable surfaces, lake protection, verification of work completed accurately, pervious material, and percolation analysis. Member Martini made a motion to approve both of the variance requests. Motion died for lack of a second. Discussion was made regarding separate motions for each request. Member Martini then made a motion to approve the variance request for the overhangs for the porches. Member McKinley seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0. Member Andert made a motion to approve the variance request for the pool decking, with the condition that it adheres to all requirements of engineering and maintaining pervious decking per Town code. Member Williams seconded the motion. Mayor O'Brien stated for the record that all conditions pertaining to variance Z19-005 remain in place. Roll call vote was as follows: Martini – yes, McKinley – no, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 4-1.

#### d. Ward Trail Concept

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith commented on past workshops/meetings that were held regarding the trail concept. He stated that there is a condition to allow the Tree Board be involved. Manager Smith stated that the concept also allows the Healthy West Orange Task Force to have an idea of what the Town is looking to do. Member Sapp made a motion to approve the Ward Trail design and concept. Member McKinley seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

### 5. NEW BUSINESS

#### a. MINUTES

- i. Town Council Meeting Minutes July 14, 2020 (Attachments-Staff Recommends Approval)
- ii. Town Council Workshop Meeting Minutes July 28, 2020 (Attachments-Staff Recommends Approval)

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### iii. Town Council Budget Workshop Minutes August 3, 2020

Member Sapp made a motion to approve the minutes of as presented. Member Andert 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. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

#### i. ORDINANCE NO. 2020-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA ALLOWING FOR BACKYARD CHICKENS; ADDING A NEW ARTICLE III TO CHAPTER 4 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A BACKYARD CHICKEN PROGRAM; REQUIRING A PERMIT AND PROVIDING FOR TERMS, CONDITIONS, AND PENALTIES CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor O'Brien introduced this item. Manager Smith commented that there have been public comments received regarding this Ordinance. He then explained the process that the Town Council can take if they choose. Mayor O'Brien opened the floor for public comments. Manager Smith read a comment for the record from Ms. Valery Tucker of 4 Pine Street (attached). He then stated that the Development Review Board heard this item and adamantly opposed moving forward with the Ordinance. Speaking in opposition were Ms. Reeta Casey of 16 Pine Street, and Mr. Jim Salmon of 8 Pine Street. Next to speak was Mr. Doug Kegler of 12 Pine Street. Mr. Kegler stated that other larger lots in Town, other than Pine Street, might like chickens as pets. He commented that chickens may cluck, but dogs bark. Mayor O'Brien commented that if this should move forward, there will be a second reading/public hearing next month. He then questioned the Council on the direction they would like to move to. Member McKinley made a motion to not move forward on this item. Member Williams second the motion. Member Andert commented stated that she has questions of if this were happening in another area in Town, would there be more public input, but that it does not fit with the character of the Town at this time. Member Sapp stated his concern with this being advertised and moving through with the second portion. Manager Smith explained that only the Second Reading/Public Hearing is advertised. Due to this being a first reading, it was not advertised, only placed on the agenda. There not being any further comments, Mayor O'Brien called for the vote. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

### c. CONTRACTS & AGREEMENTS

#### i. Design for Paving Old Dirt Main (Second to Rubio Property) - IPO 115 Not to exceed \$104,919

Mayor O'Brien introduced IPO 115 with a not to exceed of \$104,919.00. He then turned the floor over to Manager Smith. Manager Smith gave a history of the Rubio right of way acquisition and the requirements to pave the road. He stated that dirt Main Street will be paved from 2<sup>nd</sup> Avenue to the canal. Mayor O'Brien questioned if the neighbors affected had been notified. Manager Smith stated that Member McKinley and Public Works Director Brown have reached out to the affected residents. He stated that there is support for the project. Discussion followed. Member Martini suggested speed humps like 2<sup>nd</sup> Avenue. Director Brown stated it can be reviewed. Member Sapp made a motion to approve. 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

### d. FINANCIAL

### e. OTHER ITEMS FOR CONSIDERATION:

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

Mayor O'Brien opened the floor for Council reports. Member Andert gave a detailed report of the past Butler Chain of Lake Advisory Board meetings and the lakes. Member Martini reminded everyone of the upcoming Development Review Board meeting on August 18<sup>th</sup>. Mayor O'Brien stated that the 911 Memorial will be canceled this year due to Covid-19.

**7. STAFF REPORTS:**

**a. TOWN MANAGER ROBERT SMITH** – Mr. Smith gave a report on the temporary facilities, upcoming four workshops for 2<sup>nd</sup> Avenue, LMS grants, Healthy West Orange Trails, upcoming DRB meeting, and Bessie Stormwater IPO and Butler. Mayor O'Brien thanked all for the work for LMS funds and Healthy West Orange. Manager Smith stated that there will be upcoming charrettes as well.

**b. TOWN ATTORNEY HEATHER RAMOS** – No report.

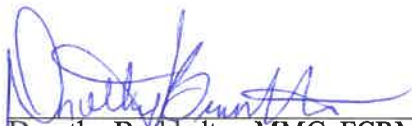
**c. DEPUTY CHIEF JENNIFER TREADWELL** – Deputy Chief Treadwell reported on the temporary building move, upcoming training, future accreditation, and an update on the past incident in Town.

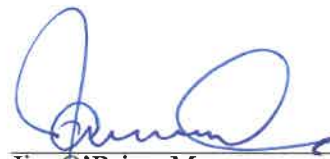
**d. PUBLIC WORKS DIRECTOR SCOTT BROWN** – Director Brown reported that the project meeting minutes have been sent out, rain/road repairs, weather conditions, and the upcoming move.

**e. TOWN CLERK DOROTHY BURKHALTER** – No report.

**8. ADJOURN:**

Mayor O'Brien adjourned the meeting at 7:58pm.

  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

  
Jim O'Brien, Mayor



## Dorothy Burkhalter

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**From:** Jim O'Brien  
**Sent:** Sunday, August 9, 2020 6:23 PM  
**To:** Robert Smith; Dorothy Burkhalter  
**Subject:** Fwd: Farm animals in residential zoning

James OBrien, Mayor  
Town of Windermere  
Email: jobrien@town.windermere.fl.us  
Cell: 561-385-2783



Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. This means email messages, including your e-mail address and any attachments and information we receive online might be disclosed to any person or media making a public records request. E-mail sent on the Town system will be considered public and will only be withheld from disclosure if deemed confidential or exempt pursuant to State Law. If you are an individual whose information is exempt under 119.071, Florida Statutes, please so indicate in your email or other communication. If you have any questions about the Florida public records law refer to Chapter 119 Florida Statutes.

Begin forwarded message:

**From:** Valery <valvanna@aol.com>  
**Date:** August 9, 2020 at 5:40:35 PM EDT  
**To:** Jim O'Brien <jobrien@town.windermere.fl.us>, Robert McKinley <RMcKinley@town.windermere.fl.us>, Bill Martini <bmartini@town.windermere.fl.us>, Chris Sapp <csapp@town.windermere.fl.us>, Andy Williams <awilliams@town.windermere.fl.us>  
**Subject:** Farm animals in residential zoning

Good day,

I hope this email finds you well.

We are a neighbor of a resident of Windermere, who has over the year, had a rooster and chickens. They are very noisy, smelly and attract predators to our neighborhood. While I am always happy for people to raise farm animals, I believe they should be raised on farms.

We chose to live in a residential neighborhood without farm animals.

If you decide to change our ordinance, please consider requiring a particular lot size necessary, location of where the hen house should be (distance from side setback), level of acceptable stench and noise, limit number and type of animals and require a license to raise farm animals in residential zoning which

would require the approval signatures of their neighbors.

I know we shouldn't infringe on someone's right to raise farm animals, however we also shouldn't infringe on someone's right not be forced to live next to someone who decides to raise them not in the proper setting.

Best regards,  
Valery Tucker  
[4 Pine Street](#)

Sent from my iPhone



## Dorothy Burkhalter

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**From:** Reeta Casey <reetacasey@gmail.com>  
**Sent:** Monday, August 10, 2020 1:48 PM  
**To:** Dorothy Burkhalter  
**Subject:** Ordinance 2020-06  
**Attachments:** follow up611.pdf

I am attaching our letter opposing the approval of Ordinance 202006. Also, I would like to make a 3 minute comment at the town meeting Tuesday evening.

Regards,  
Reeta Casey  
16 Pine Street

Reeta & Pat Casey  
16 Pine Street  
Windermere, FL. 34786

To: Mayor Jim O'Brien  
Windermere Town Council Members  
Robert Smith, Windermere Town Manager

Ordinance 2020-06

August 10, 2020

Thank you for your time to review our opposition to Ordinance No. 2020-06 which changes the current policy/regulation concerning Chapter 4, animals as written and enforced.

Currently, Windermere is one of the most desirable destinations in Central Florida to call home. With our safe, quiet, and friendly neighborhood, the lifestyle is a very desirable place to live which attracts a large pool of potential buyers. Based on my 27 years of selling real estate in Southwest Orlando, we believe that by changing the ordinance to allow chickens would negatively affect property values.

When showing properties, clients need to be informed whether they are buying into a HOA & the regulations, lakefront properties and the restrictions that keep the waterways clean, and if the ordinance is changed the possibility of living next door to chickens and their coops. This may give pause to some shopping for their next home.

Even though there is no specific data to confirm that allowing chickens will devalue properties, it will affect how buyers choose where to live. This unmeasurable choice whether to preview homes in downtown can have a negative effect on sales. Over time, if there is a decrease in demand, it could eventually result in a flattening of property values or even a lowering in order to bring buyers and sellers together.

My question to the Board is why would we as town residents want to introduce a controversial variable into our town that has maintained a strong demand for purchases and a highly desirable place to live? Currently everyone residing in Windermere did so by agreeing to the current ordinances. If you make this change then how is that going to affect your constituents that do not want to change their current living conditions?

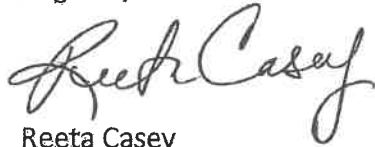
Our additional concerns are:

1. The impact to our beautiful lakes from the waterfront properties that have chicken coops and their potential runoff.
  2. The noise created by the chickens when we have one of the rare places to live where peace and quiet are abundant.
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3. With a majority of smaller lot sizes which, because of the close proximity to neighbors could create neighborhood conflicts.
4. The attraction of coyotes, rats, and opossums which will also affect the bunny population that returned to our area.

Thank you again for taking the time to hear our concerns as 20+ year residents of Windermere. We love our town, our neighborhood, and our home. We appreciate your consideration on voting "No" to Ordinance No. 2020-06.

Regards,



Reeta Casey



Pat Casey

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