

TOWN OF WINDERMERE

Town Council Meeting Minutes (Virtual Meeting Covid-19)

October 13, 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.

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. **Week of the Family Proclamation**

Mayor O'Brien read and proclaimed November 7 – 14, 2020 as Week of the Family.

b. **WAYS Committee Service Awards**

Mayor O'Brien turned the floor over to Member Andert. Member Andert thanked the members of the WAYS Committee for their service and dedication to the Town of Windermere. She then stated that the members will be recognized with service plaques and hand-written thank-you notes from the Town Council.

3. TIMED ITEMS AND PUBLIC HEARING:

Z20-07: 111 W 5th Avenue – Owner 111 5th Ave, LLC – Final Public Hearing for Major Development

Mayor O'Brien closed the Town Council meeting and opened the Public Hearing regarding Z20-07 – 111 W 5th Avenue Major Development at 6:18pm. There being no public comments, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:19pm. Mayor O'Brien stated that Member Williams will be abstaining from voting on this item. Member McKinley made a motion to approve Z20-07 Major Development. Member Andert seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – abstain, McKinley – aye, and Martini – aye. Motion carried 4-0-1.

4. CONSENT AGENDA

Mayor O'Brien introduced the consent agenda. Member McKinley requested to discuss each item.

- a. **Z20-12: 1221 Oakdale Street - DR Developments, LLC - Variance to allow a 15- foot front yard setback and 10- foot side yard setback for a noncontiguous corner lot. DRB recommends allowance of a 15-foot front yard setback on E 12th Avenue and to maintain the required 15- foot side setback on the southern property line.**

Mayor O'Brien turned the floor over to Mr. Brad Cornelius. Mr. Brad Cornelius, Town Planner, introduced himself. He then gave an overview of the variance request and the past Development Review

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Board discussion. Mr. Donn Sharp, representative of Davila Homes Construction introduced himself. He then commented on the request and stated that he agrees with the Development Review Board’s recommendation of the approval for a 15’ setback to the north and south side setbacks. Member Andert commented on concerns regarding the Town’s right of way and future stormwater/drainage uses. Mr. Cornelius stated that there would not be any impacts, and that the owner must maintain their own runoff. Some discussion was made regarding drainage/stormwater, and contiguous and non-contiguous lots. Member Sapp made a motion to approve the recommendation of the DRB for a 15’ setback to the north and south side setbacks. 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. Z20-13: 12037 Lake Butler Boulevard - Chuck Tompkins - Variance to allow the placement of a generator in the front yard of a corner lot. DRB recommends approval 4-0.**

Mayor O’Brien introduced this item. He then turned the floor over to Mr. Cornelius. Mr. Cornelius gave a review of the request and the past Development Review Board meeting. Member Martini, as DRB Liaison, stated that the Board prefers the proposed location due to it abutting Park Avenue. Member McKinley made a motion to approve the variance request. 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.

5. NEW BUSINESS

a. MINUTES

- i. Town Council Meeting Minutes September 8, 2020**
- ii. Town Council Tentative Budget Hearing September 9, 2020**
- iii. Town Council Final Budget Hearing September 21, 2020**

Member McKinley made a motion to approve the 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. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

c. APPOINTMENTS

Member Andert made a motion to appoint Roger Heinz to the Development Review Board, Jake Carsten to the WAY Committee, Ananya (Annie) Misra to the WAY Committee, and Kathryn Hey to the WAY Committee. Member McKinley seconded the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams - aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

d. CONTRACTS & AGREEMENTS

e. FINANCIAL

- i. CARES ACT Purchase of AeroClave Systems NTE \$15,000.00: Decontamination Machines**

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Mayor O'Brien introduced this item. Member Martini made a motion to approve and to not exceed \$15,000.00. Member Williams seconded the motion. Roll call vote was as follows: Martini – aye, McKinley – aye, Williams - aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

ii. CARES ACT Purchase VICON Systems NTE \$20,000.00 Thermal Body Temperature Measurement Cameras

Mayor O'Brien introduced this item. Member McKinley made a motion to approve with a not to exceed \$20,000.00. 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.

f. OTHER ITEMS FOR CONSIDERATION:

i. Minimal Standards for Dirt Roads Discussion

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith gave a history of past discussions regarding funding and the proposed work. He concluded by stating that if minimum standards could not be met, the funds would need to be returned. Manager Smith also stated that staff needs direction from the Town Council. Mayor O'Brien then turned the floor over to the Public. First to speak was Mr. Tom Stroup of 201 W 7th Avenue. He stated that the problem can be fix for less, doesn't need to be so evasive, can't go back once it's done, remove the 7th and Butler project from the funding, and the work can be done in-house. Mrs. Dawn Stroup of 201 W 7th Avenue introduced herself. She stated that if something needed to be done, do it with a smaller footprint without the Green Book Standards. Mr. Jim Willard of 228 W 7th Avenue introduced himself. He stated that he agrees with Mrs. Stroup. Mr. Willard commented that the drainage problem needs to be fixed. Mr. Willard stated that the Town's plan will work but needs to be at a smaller scale. Mr. Dean Miller of 625 Butler Street introduced himself. He stated that he agrees with Mrs. Stroup and Mr. Willard. Mr. Miller stated that the designed needed to be revisited and be less intrusive. He then thanked the Town Council for the discussion. Ms. Annamaye Clonts of 632 Butler Street introduced herself. She commented on water/drainage problems in her area. She then stated that she supports plan and funding. Mrs. Brandi Haines of 835 Oakdale Street introduced herself. She stated that a smaller footprint is needed along with other funding sources. Mrs. Haines commented on existing swales that are not functioning correctly on her street. Ms. Judy Walker of 615 Butler Street introduced herself. She stated that a smaller footprint is needed and agrees with the Stroups' comments. Mayor O'Brien then turned the floor over to the Town Council for discussion. Member Sapp questioned the width of the proposed project, the Town's needs, flooding and a different funding approach. Mr. Hau Chau representative from Kimley Horn recommended that the project and funding remain the same. Member Martini commented on swales, maintenance plans, accountability of right of ways maintenance, keeping funding, and protecting the charm and character of the Town. Manager Smith stated that the maintenance has been addressed with Public Works. He stated with the consistent amount of rain that the Town has had recently and the washouts, regular maintenance has been hard to maintain. Member Martini stated he would like to protect the area near the School House on 7th Avenue. Member McKinley commented on underground utilities, private property water retention issues, and the hold basin at Fernwood Park not included. Some discussion followed. Member Williams stated he agrees with Member Martini and Member McKinley's comments. Member Andert questioned funding issues and other sources other than tax increases. She then questioned the funding restrictions and requirements for the future. Member Andert comments on protecting trees and traffic calming. Mayor O'Brien thank the Town Council for their comments. Additional discussion was made regarding rain gardens and returning grants funds if not approved. Member Sapp made a motion to move forward to use this concept as a spring board to come up with two design options for Town Council to approve, attached to that would be maintenance plans with each of those options, at the same time to apply for the grant funds, and sign the contract for the grant funds, rather. Mayor O'Brien reiterated the motion as; request

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two additional designs for 7th and Butler with a maintenance plan and to move forward in accepting the grant monies. Member Martini insisted that the School House property is not altered as an option. Mayor O'Brien stated that the option would need to be worked out separately. Member Martini seconded the motion. Discussion was made regarding the School House property. Mayor O'Brien stated that a determination can be made in the design phase. Further discussion followed. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – no, and Martini – aye. Motion carried 4-1.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor to the Town Council. Member McKinley commented on Fernwood Park meeting and charettes, the upcoming Elder Luncheon delivery, and the Halloween Project. Member Williams stated that the Historic Preservation Board had met and commented on their discussion. Member Andert commented on a pen pal project with the Elders, WAY Committee, and the Butler Chain of Lakes Advisory Board report and next meeting. Member Martini stated that plans for 6th Avenue and Main Street commercial redo will be discussed at the next DRB meeting. Member Sapp commented on the upcoming LRP meeting and project meeting notes. Mayor O'Brien reported on Halloween, and virtual meetings ending in November.

7. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith reported on past and upcoming meetings. He then stated that the Administration Buildings are scheduled to begin demolition on Friday the 16th. Manager Smith commented on the renaming of the Post Office in honor of Officer German.

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

c. **POLICE CHIEF DAVE OGDEN** – Chief Ogden reported on training, upcoming SGT exams, rifle training, monthly reports, Rotary Club presentation, memorials, and upcoming Halloween Parade.

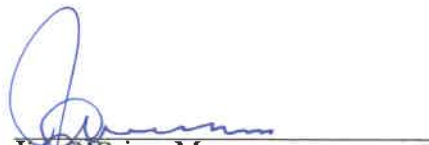
d. **PUBLIC WORKS DIRECTOR SCOTT BROWN** – Director Brown reported that the staff has been busy with the rains and washouts.

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

8. ADJOURN:

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


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Loren "Andy" Williams, hereby disclose that on October 13th, 20 20

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Robert and Lavina Williams;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Z20-07: 111 W 5th Avenue - Owner 111 5th Ave, LLC - Final Public Hearing for Major Development Proposed Commercial Building. This property is owned by 111 5th Ave LLC which ownership is held by Robert and Lavina Williams. This is for the final hearing and vote for approval of a new commercial building at 111 W 5th Ave, Windermere FL 34786.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10-13-20
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.