

TOWN OF WINDERMERE

Town Council Meeting Minutes (Hybrid Meeting)

December 8, 2020

*** Please note. Due to technical issues, there is no recording from Town Hall, only Zoom. ***

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, and Chris Sapp. Council Member Liz Andert was present via Zoom. Town Manager Robert Smith, Police Chief Dave Ogden, and Town Clerk Dorothy Burkhalter were also present. Attorney Heather Ramos and Public Works Foreman Travis Mathias were present via Zoom.

Mayor O'Brien called the meeting to order at 6:03pm and stated all Council members were present.

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

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

Mayor O'Brien stated he had received a list of individuals that would like to speak regarding agenda items. Most deferred until specific items were being heard. Mr. Andrew McGhee of 226 Butler Street and co-owner of Windermere Brewing presented the Windermere Police Department Foundation with a \$500.00 donation check.

Mayor O'Brien explained that the agenda needed to be amended to include an expense of \$26,250.00 from Wine and Dine to the Orlando Philharmonic, and a \$35,000.00 donation from the Wine and Dine to the 2nd Harvest Food Bank. Member McKinley made a motion to amend the agenda and add the two items. Member Martini seconded the motion. Roll call vote was as follows: Andert -aye, Sapp – aye, Williams – aye, Martini – aye, and McKinley – aye. Motion carried 5-0. Mayor O'Brien explained another item, Orange County Sheriff's Mutual Aid Agreement, needed to be added to the agenda for approval. Member Martini made a motion to approve amending the agenda to add the Mutual Aid item. Member McKinley seconded the motion. Roll call vote was as follows: McKinley – yes, Martini – yes, Williams – aye Sapp – aye, and Andert – aye. Motion carried 5-0.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

3. TIMED ITEMS AND PUBLIC HEARING:

4. CONSENT AGENDA

- a. **Z21-01: 3229 Wauseon Dr. – Christopher & Amy Rucki – Variance to allow for the north side setback to be reduced from 13' to 11.32'**

Mayor O'Brien introduced this item. Member Martini gave a brief review from the DRB meeting, in which this item was recommended for approval. Member Martini made a motion to approve the variance request. Member Williams seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, Martini – aye, and McKinley – aye. Motion carried 5-0.

5. NEW BUSINESS

a. MINUTES

i. Town Council Meeting Minutes November 10, 2020

Member McKinley made a motion to approve the minutes as presented. Member Sapp seconded the motion. Roll call vote was as follows: McKinley – aye, Martini – aye, Williams – aye, Sapp – aye, and

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Andert – aye. Motion carried 5-0.

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

i. Resolution 2020-07 Police Department Vehicle Purchase

Mayor O'Brien read the title of proposed Resolution 2020-07 for the record. Member McKinley made a motion to approve Resolution 2020-07. Member Martini seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, Martini – aye, and McKinley – aye. Motion carried 5-0.

c. APPOINTMENTS

d. CONTRACTS & AGREEMENTS

- i. IPO 118: Butler Basin Design**
- ii. IPO 119: Bessie Basin Design**

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith commented on past meetings and discussion regarding the Butler and Bessie Basins. He stated that the new IPOs were written with the direction from those past meetings and discussions. Manager Smith explained that if approved with the "do not exceed," an RFQ could be sent out with an award in January. After a brief discussion, Mayor O'Brien turned the floor over for public comments. First to speak was Ms. Annamaye Clonts of 632 Butler Street. Ms. Clonts commented on water problems that she and her neighbors, the Willards, are dealing with. She stated that their homes are taking the brunt of all the water onto their properties. Ms. Clonts stated that the Town Council needed to do what was right, vote yes, and accept the grant funding. Mr. Tom Stroup of 201 W 7th Avenue introduced himself. He stated that he could only comment on the effects to his street, 7th Avenue. Mr. Strop thanked all involved with the process. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She also thanked all those involved in the process. Ms. Brophy stated that the current plan is better than the previous plan. She then commented on concerns with some of the costs. Mrs. Brandi Haines of 835 Oakdale Street introduced herself. She then commented on the swale project near her home. Mrs. Haines commented on the size of the swale/drain, safety issues, no street widening, and consideration for those living on Oakdale Street. There being no further public speakers, Mayor O'Brien turned the floor over to the Town Council. Member McKinley questioned the cause that created the problems to begin with. He then commented on; the rain garden at the School House location, ditches versus swales, a maintenance plan, costs, over-engineering, keeping in-house, and guards on culverts. Mayor O'Brien stated that the maintenance plan cost is an "à la carte" item. Member Martini stated that he is opposed to tearing up the 1887 School House area. He then commented on ditches and creating a maintenance plan in-house. Member Martini then thanked the staff and residents for all the work and input on the projects. Mayor O'Brien commented on a past project on Oakdale Street regarding ditches that brought a lot of opposition from the area residents. Mr. Fitzgibbon commented on the past North Oakdale project. Member Sapp stated that the basins needed to be taken care of without impacting the roads. He then stated that the landscape plan seemed pricey and the Town needed to hold off on the maintenance plan. Member Andert questioned the reasonable timeline and events. Manager Smith commented on the proposed timeline. Mr. Hau Chau, representative from Kimley-Horn, commented on the proposed timeline and additional meetings that can be held. Member Andert questioned if the utilities corridor could be included for residents to see. Mr. Chau stated it was possible and that options could be provided. Member Andert questioned that if the utilities are not included, would there be a timeframe for the residents to be advised of regarding another project? Manager Smith stated

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he is unaware of the timing. Member Andert questioned the timing for the stormwater location of East 8th Avenue to East 10th Avenue and Oakdale Street. Manager Smith commented on the proposed project. Member Andert stated she and Mr. Fitzgibbon had met with Mr. and Mrs. Haines. She questioned if Mr. Fitzgibbon had an opportunity to research the possibility of additional piping at the Haines residence. Mr. Fitzgibbon stated that what was needed first is approval for Kimley-Horn, so that the conversation can move forward. Some discussion followed. Member Martini thanked John Fitzgibbon for all his assistance to the Town. He then stated that Mr. Galura and Mr. Fitzgibbon are a great team for the Town. Mayor O'Brien commented on the actions needed from the Town Council. Manager Smith suggested moving forward with the RFQ and the design phase. Member Sapp questioned the removal of the Maintenance Plan. Mayor O'Brien commented it could be stated for the record. Member Williams made a motion to approve the Butler Basin design not to exceed \$163,647.00. Member Sapp seconded the motion. Member McKinley questioned if the maintenance plan was removed from the inclusion of the motion. Mayor O'Brien explained that the maintenance plan is not being approved at this point, only the not to exceed amount. Roll call vote was as follows: McKinley – aye, Martini- aye, Williams – aye, Sapp – aye, and Andert – aye. Motion carried 5-0. Member Sapp made a motion to approve the not to exceed \$216,264.00 for the Bessie Basin. Member Williams seconded the motion. Member Martini questioned if the Oakdale residents could be included prior to the 45%. Mayor O'Brien stated that there will be several additional meetings regarding this item. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, Martini – aye, and McKinley – aye. Motion carried 5-0. Manager Smith stated that the next step will be the RFQ.

e. FINANCIAL

i. **Monetary Contribution for purchase of Central Park Statue: John Nabers**

Mayor O'Brien introduced this item. Manager Smith reported that a Town resident, Mr. Nabers, had purchased and donated the statue that will be located in Central Park. Member McKinley made a motion to approve the donated statue. Member Andert seconded the motion. Roll call vote was as follows: McKinley – aye, Martini – aye, Williams - aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

f. OTHER ITEMS FOR CONSIDERATION:

i. **Town of Windermere Boathouse Leases**

Mayor O'Brien introduced this item. He then opened the floor to the public. First to speak was George Poelker of 405 W 3rd Avenue. Mr. Poelker stated that was also speaking on the behalf on Ms. Joyce Rose, another boathouse owner. He stated that the owners are willing to work with the Town Council. Mr. Poelker commented on the structures and gave a history of the boathouses that led to the leases. He stated that the boathouses are listed on the Local Historic Register. Mr. Poelker stated that the boathouse pilings are attached to the bottom of the lake which is owned by the State. The access to the boathouses is through the Town's property. He then stated that each boathouse has a quick claim deed. Mr. Poelker stated that they are willing to work with the Town Council. Mr. Curt Frazer, owner of 415 W 3rd Avenue, introduced himself. He gave a history of his past residency to the purchase of 415 W 3rd Avenue. Mr. Frazer commented on his ownership and willingness to work with the Town Council. Mr. Russell Gentry of 409 W 2nd Avenue introduced himself. He stated that he "echoes" the comments of Mr. Poelker and Mr. Frazer. He then gave an ownership history of his boathouse, which was previously owned by Fred and Angela Pryor. Mr. Gentry provided information that he received from Mrs. Pryor and research. He then stated that he is looking forward to the negotiations with the Town Council. Mr. Jerry Fay of 28 Pine Street introduced himself. He stated that he had owned boathouse #5 since 1966. He stated that the boathouses have been a part of the Town's history for many years. Mr. Fay stated that he is in favor of negotiations to renew the leases. Mrs. Anne Fanelli requested via email to speak. When called upon, Mrs. Fanelli was not present. Mr. Doug Kegler of 12 Pine Street introduced himself. He stated that he likes the boathouse and does to want to see them gone. Mayor O'Brien turned the floor over to the Town Council. He then stated that this item could be scheduled for a workshop for further discussion. Member Martini

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stated that removal should not be an option. He then commented on past discussions he has heard regarding the boathouses. Member Martini stated that has heard interest from other residents and there needs to be more input. Mayor O'Brien stated that he could not find the boathouses on the Local Historical Register. Member Williams clarified that the boathouse is on the Town's Local Registry. Some discussion followed. Member Andert questioned if the land could be sold. Mayor O'Brien stated he would not be in favor of Town park property being sold to a private people. Member Williams commented on the Historic Board, Parks and Recreation, and the Local Registry. Member McKinley stated that the Parks and Recreation Committee would like canoe and/or kayak use there. He then stated that he would like a workshop for further discussion. Mayor O'Brien suggested a month-to-month lease until a workshop could be held. Member Sapp suggested charging the lessors fair market value for one year and to allow the Parks and Recreation Committee and the Historic Board time needed to devise a plan. Mayor O'Brien suggested six months. Discussion followed. Member Williams made a motion to keep the leases as is and extend the leases for an additional six months. Member Sapp seconded the motion. Roll call vote was as follows: Andert – aye, Sapp- aye, Williams – aye, Martini – aye, and McKinley – aye. Motion carried 5-0.

- ii. **Second Harvest Food Bank Wine and Dine Matching Grant of \$35,000.00**
- iii. **Orlando Philharmonic Wine and Dine Event - \$26,250.00**

Mayor O'Brien introduced the two above items. Manager Smith explained that the request for the above is above his spending authority without Town Council approval. He stated that the funds are needed soon and could not wait for the next Town Council meeting. Some discussion followed. Member Sapp stated for the record there was not an Executive Summary in the packet. Manger Smith explained that these items came forward earlier in the day and needed approval. He further explained that the check request could not wait until the next meeting. Member Sapp made a motion to approve the matching grant of \$35,000.00 to the Second Harvest Food Bank and \$26,250 to the Orlando Philharmonic for the Wine and Dine event. Member Martini seconded the motion. Roll call vote was as follows: Andert – aye, Sapp - aye, Williams – aye, Martini – aye, and McKinley – aye. Motion carried 5-0.

iv. **Orange County Sheriffs Mutual Aid Agreement**

Mayor O'Brien introduced this item. Chief Ogden commented that this is an annual renewal. Member McKinley made a motion to approve the Mutual Aid agreement. Member Sapp seconded the motion. Roll call vote was as follows: McKinley – aye, Martini – aye, Williams – aye, Sapp – aye, and Andert – aye. Motion carried 5-0.

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

Member McKinley reported on the Parks and Recreation Committee's new park swings, paths, 5K sponsor, that the Fernwood Park Boardwalk project is currently on hold, and on the next Elder Luncheon delivery on December 15th. Member Williams reported that the Historic Preservation Board had met. He commented on the 1887 School House exterior and the upcoming work day. Member Sapp reported that the Long-Range Planning Committee did not meet, the Farmers Market/Food Truck approvals, update on the Farmers Market, and on the Thermal Cameras. Member Martini stated that the Development Review Board did not meet. Member Andert reported on the Butler Chain Advisory Board meetings, the WAY upcoming meeting, and the Tree Board.

7. **STAFF REPORTS:**

- a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith wished all Happy Holidays. He then commented on upcoming meetings and the bridge.
- b. **TOWN ATTORNEY HEATHER RAMOS** – No report.
- c. **POLICE CHIEF DAVE OGDEN** – Chief Ogden reported that Sgt. Destefano will be retiring in the New Year, upcoming transitions, and a Recognition Ceremony in February.

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- d. **PUBLIC WORKS FOREMAN TRAVIS MATHIAS** – No report.
- e. **TOWN CLERK DOROTHY BURKHALTER** – Ms. Burkhalter reported on the upcoming Elections and qualifying period.


Mr. Fitzgibbon reported that groundbreaking on the new Town Facilities is scheduled for January 11, 2021.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 8:06pm.



Dorothy Burkhalter, MMC, FCRM
Town Clerk



Jim O'Brien, Mayor