

TOWN OF WINDERMERE

Town Council Meeting Minutes

May 11, 2021

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Andy Williams, Chris Sapp, Bill Martini, Mandy David, and Tony Davit. Town Manager Robert Smith, Attorney Heather Ramos, Deputy Police Chief Jennifer Treadwell, and Public Works Director Tonya Elliott-Moore were also present.

Mayor O'Brien called the meeting to order at 6:00pm and stated a quorum was present. He then led everyone in the Pledge of Allegiance and gave the invocation.

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

Mr. Bob McKinley of 536 Magnolia Street introduced himself. He questioned concession rights to the Windermere Rotary and Healthy West Orange for non-sponsored events, and who would be charged and how for the pavilion rental. Mr. McKinley commented on concerns with the Rotary and Healthy West Orange hosting events that are consistent with the Town, for example the Parks and Recreations 5K/10K event. He then cautioned the Town Council on advocating their authority. Manager Smith commented that events for the Rotary and Healthy West Orange would need prior approval by Town Council. He then stated that Town Boards and Committees would not be charged for the use of the pavilion. Manager Smith stated that approvals regarding the design and other items relating to the pavilion will need the Town Council's approval. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She then thanked Ms. Susan Carter, the Tree Board and the Parks and Recreation Board for a recently completed project in Central Park. Ms. Brophy then commented on concerns with the pavilion and space that is needed for current functions. Mayor O'Brien stated that there will be Public Hearings regarding the pavilion. Manager Smith stated that the proposed pavilion could be shifted.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Service Longevity Awards

i. Lt. Mark Destefano

Deputy Chief Treadwell recognized Lt. Mark Destefano for five years of service to the Town.

b. Rotary Club of Windermere LLC Presentation

i. Agreement Approval between Rotary Club of Windermere Inc & The Town of Windermere

Mayor O'Brien introduced this item. He then turned the floor over to Windermere Rotary representative George Poelker. Mr. Poelker of 405 W 3rd Avenue introduced himself. He then gave a brief history of the Rotary's 50th Anniversary gift to the Town, a proposed pavilion. Mr. Poelker stated that the West Orange Health Care District through the Healthy West Orange initiative has granted \$1,000,000.00 for the pavilion. He then stated that permission to build is needed. Mr. Poelker stated that he understands that the details needed to be confirmed. Mayor O'Brien thanked Mr. Poelker and opened the floor for discussion. Manager Smith explained that there will be some changes with people involved. He explained that Attorney Heather Ramos will be working on the side of the West Orange Health Care District. Manager Smith further explained that the Town has hired a third-party attorney Mr. Mark Peltzman. He then explained that the contract is between the Health Care District and the Rotary's 501C3. Manager Smith stated that the Town will be taking over the building and maintenance and will need assurances. He then reviewed the proposed the contract, future public hearings and he need for a bond. Manager Smith stated that an overage in expenses will be the sole responsibility of the Windermere Rotary Club. Mr. Peltzman introduced himself as the legal representation for the Town in this process. He then

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commented on the current agreement. Mayor O'Brien commented on the need for assurance of following procurement. Mr. Peltzman explained that legal and federal laws will be followed. He also explained that additional language could be added to the contract. Member Sapp stated that the Town Council should have the final review of the RFQ before it's published, approve the construction contract, availability of an escrow account for accountability. Discussion followed regarding the Construction Manager At Risk, and timing - to allow the Town Manager to review and/or approve. Member Davit questioned approvals which is stated in paragraph six of the proposed contract. Mr. Peltzman stated that it is defined in paragraph three "C." Manager Smith questioned what, if any, items would need to come back before the Town Council. Member Sapp questioned if the Project Manager and Contractor could both be approved at the same time. Manager Smith commented that he will do what is at the Town Council's discretion. Member Martini stated that he would like an exception for the architects HuntonBrady. He commented that he would like the architects to remain as they have donated significantly to this project. Member martini also commented that he would like to be reassured that the plaque for HuntonBrady will be included. He then commented on the basketball courts and naming obligation and taking away of current Town-hosted events. Mr. Poelker stated that the basketball courts would not be renamed and if any damages incurred while building the pavilion, they would be rectified. Discussion followed. Manager Smith stated that the naming rights can be clarified at a later date. Mayor O'Brien recapped the discussion as the Project Manager and Contract back before Town Council, Procurement process by Town Manager, percentages for design, public workshops, draw schedule, and inclusion of HuntonBrady. Attorney Peltzman stated that "unless otherwise specified in paragraph Three B" needed to be included. Member Davit stated that any major changes from the original design needed to be reviewed by Town Council. After some brief discussion, Member Sapp made a motion to approve the pavilion providing the Project Manager and Contractor come back before Town Council for approval, the Procurement Process can be handled by the Town Manager, the percentages for design are met, there are public workshops, inclusion of the draw schedules, inclusion of HuntonBrady, inclusion of Attorney Peltzman's comment of "unless otherwise specified in paragraph Three B," and any major changes from the original design needed to be reviewed by Town Council. Member Martini seconded the motion. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

c. National Public Works Week Proclamation May 16- 22, 2021 "Stronger Together"

Mayor O'Brien read and proclaimed May 16 – 22, 2021 as National Public Works Week. Mr. Tom Stroup of 201 W 7th Avenue introduced himself. He then complimented the Public Works team. Deputy Chief Treadwell also thanked the Public Works team for their assistance to the Police Department.

d. Dirt Road Maintenance Program Presentation

Mayor O'Brien introduced this item. He then turned the floor over to Public Works Director Tonya Elliott-Moore. Director Elliott-Moore gave a presentation regarding the proposed Dirt Road Maintenance Program. Member Davit questioned when the pilot programs would begin. Director Elliott-Moore stated next week. She then stated that the program will run for approximately three to four weeks. Member Davit then questioned what would take place after the pilot program ends. Director Elliott-Moore stated that a database will be implemented so that further maintenance plans can be determined. Discussion followed. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She then commented on some issues from past scrapping of the roads. Ms. Haines then commented on drainage/swales. Mr. Jim Willard of 228 W 7th Avenue introduced himself. Mr. Willard commented positivity on the proposed pilot plan. Mayor O'Brien thanked everyone for the positive comments. He also stated that more work will be needed to complete the task. Some discussion followed. Member Sapp made a motion to approve the test sites and materials. Member Davit seconded the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Williams – aye, David – aye, and Davit – aye. Motion carried 5-0.

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3. TIMED ITEMS AND PUBLIC HEARING:

4. CONSENT AGENDA:

5. MINUTES:

a. MINUTES

i. Town Council Meeting Minutes April 13, 2021

ii. Town Council Workshop Minutes April 27, 2021

Manager Smith explained that the header dates on the minutes needed to be corrected. Member Sapp made a motion to approve the minutes with the correction. Member Martini seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Williams – aye, Sapp – aye, and Martini – aye. Motion carried 5-0.

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

c. APPOINTMENTS

d. CONTRACTS & AGREEMENTS

iii. Waste Pro Contract

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith commented on the submittals that were received. Mayor O'Brien stated that the emergency strategy needed to be worked on better. Manager Smith explained that there are other contracts for emergency response. He stated that Raynor Shine and Dobson's are under contract with the Town currently. Member Martini commented on past conversations he has had with Platt Loftis from Waster Pro. He then commented on the recycling. Mr. Loftis commented on the possibilities of educating residents on recycling. Discussion followed regarding recycling. Member Sapp made a motion to approve the Waste Pro contract. Member Williams seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Martini – aye, Sapp – aye, and Williams – aye. Motion carried 5-0.

e. FINANCIAL

i. Town Hall Roof Repairs – West Orange Roofing \$6,500.00

Mayor O'Brien introduced this item. After minimal discussion was made, Member Davit made a motion to approve the West Orange Roofing contract. Member David seconded the motion. Roll call was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

f. OTHER ITEMS FOR CONSIDERATION:

i. Traffic Calming Process and Request Application

Mayor O'Brien introduced this item. Manager Smith explained that he would like to have a procedure in place for requesting traffic calming devices. Some discussion followed. Member Sapp made a motion to approve the application. Member Martini seconded the motion. Mayor O'Brien clarified, for the record, that the dirt roads do not need to maintain the Blue Book Standards but may follow the

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footprints/pathways. Member Martini commented on a project at 5th Avenue and Lake Street. Director Elliott-Moore stated that this draft was followed in that area. After some discussion was made. Roll call vote was as follows: Davit – aye, David – aye, Williams – aye, Sapp – aye, and Martini – aye. Motion carried 5-0.

ii. July Pancake Breakfast

Mayor O'Brien introduced this item. Member Martini commented on his concerns with hosting the Pancake Breakfast. Manager Smith stated that if the Pancake Breakfast is wanted, volunteers will be needed. Ms. Susan Carter stated that the kitchen in Town Hall is in need of repair. Discussion followed regarding relaxing of restrictions regarding Covid-19. Consensus of the Town Council is to host the Pancake Breakfast.

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

Mayor O'Brien opened the floor for liaison reports. Member Williams reported that the Historic Preservation Board had met twice in the past month. Discussion was made regarding the restarting of an app. Member Martini reported on the Tree Board, Central Park Project, and the City Nature Challenge. He then thanked the Committees/Boards and volunteers that work on the Central Park project. Member Martini commented on some tree cutting issues and an upcoming meeting on May 25th. Some discussion followed. Member Davit reported that the Long-Range Planning Committee did not meet. He then stated that the Projects Meeting notes were in the packet. Member David commented on the Parks and Recreation Committee. Ms. Nora Brophy gave a report regarding the Parks and Recreation Committee. Discussion was made regarding Pickle Ball Courts. Mayor O'Brien stated that the Brewery site had been recently dedicated.

7. **STAFF REPORTS:**

a. **TOWN MANAGER ROBERT SMITH** – Manager Smith reported on upcoming Q&A meeting, May 25th Workshop, May 26th Workshop, Healthy West Orange Trails submission, Appropriations, and upcoming stimulus monies.

b. **TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos gave a brief legislative update.

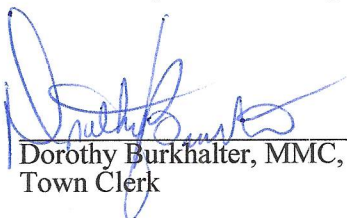
c. **DEPUTY POILCE CHIEF JENNIFER TREADWELL** – Deputy Chief Treadwell reported on the upcoming boat ramp detail, upcoming training, and upcoming memorials. Discussion followed regarding jet skis running at night. Member Martini commented on a “shuttle” service from Fernwood Park to Bird Island. Discussion was made regarding the detour sign for Park Ridge Gotha Road, a hit gas line, and legislative updates.

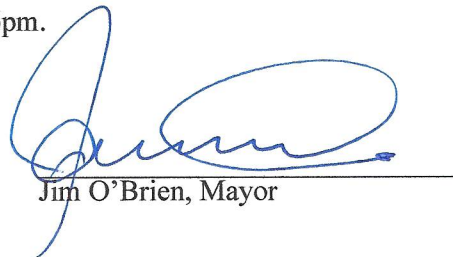
d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on a camera vendor for Central Park.

e. **TOWN CLERK DOROTHY BURKHALTER** – Absent.

8. **ADJOURN:**

Mayor O'Brien adjourned the meeting at 8:16pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

00:29:02

Russ Gentry: Hi Robert - I emailed Dorthy about being added.

00:31:05

Robert Smith: Russ Gentry: Public Comment