

TOWN OF WINDERMERE

Town Council Workshop Minutes (Virtual Meeting)

May 25, 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, Public Works Director Tonya Elliott-Moore, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien explained that this was a workshop, therefore no motions or votes would be made. Mayor O'Brien called the workshop to order at 6:01pm.

1. OPEN FORUM/PUBLIC COMMENT:

Mayor O'Brien opened the floor to the public. Manager Smith read into the record (attached) comments submitted by Mr. Douglas Kegler. Clerk Burkhalter read into the record (attached) comments submitted by past Town Council Member Bob McKinley. First to speak was Mr. George Poelker of 405 W 3rd Avenue. Mr. Poelker stated that the Town Manger and the Historic Preservation Board have discussed the boathouses. He stated that all agreed that the boathouses needed to be kept in "good repair." Mr. Poelker commented on the Property Tax billings. He stated that correcting the ownership would eliminate the Town handling the billings. Mr. Poelker then commented on riparian rights. After the three-minute time was up, Mayor O'Brien asked Mr. Poelker if he had any further questions/comments. Mr. Poelker stated that he had historical information he would like to share. Mayor O'Brien stated that he will acknowledge Mr. Poelker later in the meeting. Mr. Russell Gentry of 409 W 2nd Avenue introduced himself. He then stated that he is concerned with Mr. McKinley's comments. Mr. Gentry stated that all five have committed to enhance the boathouses and area. He then stated that he is a supporter of the boathouses. There were no other public speakers.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS #1:

a. **Boathouse Lease Presentation**

Mayor O'Brien turned the floor over to Manager Smith and Council Member Williams. Manager Smith gave a historical review of the boathouses, leases with conditions, rates, terms, and ownership. Member Williams gave a review of discussion that had been made with the Historic Board. He stated that the Board is in favor of keeping the boathouses, defining ownership, 99-year lease, and stipulating that occupants must live in the Town. Discussion was made regarding riparian rights. Attorney Ramos explained Florida Statute 253.141, which defines the Town as the owners. She then stated that in 1984 an opinion was received from the Department of Environmental Protection that stated that the Town was the owner of the boathouses and the riparian owner. Manager Smith clarified that the Parks and Recreation Committee is in favor of a lottery system instead of leasing to the current tenants. Member Williams commented on ownership of the land when the boathouses were originally built. He stated that back in the early 1900s the property was owned by the Palmer family, who then donated the property to the Town. Member Davit questioned if the historic designation would be lost if the lessees were changed. Member Williams stated that there is a process that would need to be followed to remove the boathouses from the Local Register; it would not happen by changing the lessee. Discussion followed regarding Local Historic Registry. Member David questioned how the five have the rights to the boathouses and not a lottery system in place. Mr. Poelker explained the history of the boathouses which were built prior to the Town being incorporated in 1925. He also explained how the boathouses were listed on the Local Historic Registry. Member David commented on the current lease amount and that if there is an appraisal for a current amount. Mayor O'Brien commented on the past "stackable" lease and the rates that were set then. He then stated a new rate could be established. Manager Smith stated that a new monthly rental rate could be created. Mayor O'Brien commented on the challenges with this item. Member Sapp commented on the Town's ownership, and quick claim/warranty deeds. Attorney Ramos stated she agreed. She then stated that historical data regarding deeds/ownership is vague. Mayor O'Brien stated that moving forward is what's important. Member Sapp questioned the "99-year" lease. Member Williams commented that after some research, the length seemed to be the standard for land leases. Member Sapp then stated that he would like to keep the lease treated as a "survivorship" and meaning husband and wife, not anyone else in the family. Member Davit questioned when the Palmers donated the property to the Town? He stated it would have been at that point is when the ownership would have transferred to the Town. Mr. Poelker stated he could not locate that date. Member Davit stated that if the

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property was donated and boathouses were given to the Town, then all subsequent action is moot. Manager Smith stated that ownership has been defined as the Town. Attorney Ramos agreed. Mr. Poelker stated that the property was donated to the Town from the Palmers on April 16, 1925. He then stated that per Orange County, the strip of land closest to the water was not included in the donation. Mayor O'Brien stated that the Town Council needs to figure out how to move forward from here. Discussion followed regarding a "hard reset," lease terms, ownership, rent amount, and a complete new updated lease. Consensus of the Town Council was to have a "hard reset" to the lease, survivorship rights, and term length of 20 years. Discussion was made regarding pricing, term length, and other residents being able to access the boathouses/lottery system. Each stated their top four or five recommendations for the hard reset as; Martini – time frame 20-50 years, owners can only be Town residents, no rentals to anybody else, bequeathing to a husband and wife only, boathouse does not go with the home, and research for Local/National Historic Registration. Member Sapp; not more than 25 years, non-transferable, subsequent lease holders 10 years, maximum right of survivorship (husband/wife), triple net lease (taxes, insurances, and maintenance) at fair market value, reset with current lessees with indication of Town's property. Member Davit; 20-year maximum lease, spousal survivorship, in Town resident a must, and require a deposit should there insufficiencies. Member David; maximum of 20-25 year lease, then a lottery system, and a fair market value. Member Williams; spousal survivorship, longer lease term due to current financial interest, and lower rental rate for the first five years. Discussion followed. Mayor O'Brien stated that this item will come back before the Town Council.


3. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS #2:

a. American Recovery Act Presentation


Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith explained the American Recovery Act funding that will be received from the Federal Government. He commented on proposed projects and essential workers that the funds will contribute to. Some discussion followed.

ADJOURN:

There being no further comments, Mayor O'Brien adjourned the workshop at 7:49pm.



Dorothy Bunkhalter, MMC, FCRM
Town Clerk



Jim O'Brien, Mayor

Dorothy Burkhalter

From: Bob McKinley <bobmckinley536@yahoo.com>
Sent: Tuesday, May 25, 2021 2:24 PM
To: Dorothy Burkhalter
Cc: Robert Smith
Subject: Boathouse Leases

Town Clerk Dorothy Burkhalter,

This is a copy of my comments for the Council Workshop this evening.

I am in opposition to rewarding current lessees with a 99 year lease.

Following are the comments that I emailed to Mayor O'Brien and the ind council members.

After reading the executive summary for disposition of the boathouse leases, I am dismayed to see that HPB and Town Staff are making the recommendation to reward current lease holders with a 99 year lease and effectively vacating any Town claim to ownership of the structures. This definitely is not in the best interest of the other Town residents who would love to have the lease rights to these boathouses.

Council is elected to represent all of the Town residents and not just a few who were fortunate enough, or knew the right people years ago, to obtain a temporary lease.

Making the right decision is often difficult and I am sure that you will put a lot of thought and research into the decision you ultimately make.

Thank you for your service to our Town.

Sincerely,

Bob McKinley
[536 Magnolia St.](#)
[Windermere, FL 34786](#)
[407-965-6759](#)

Sent from my iPhone

Dorothy Burkhalter

From: Douglas Kegler <douglas.kegler@gmail.com>
Sent: Tuesday, May 25, 2021 1:45 PM
To: Dorothy Burkhalter
Subject: Boathouse workshop

Hello Dorothy,

I understand there is a workshop this evening regarding the boathouses at Pine St and 3rd Ave. I will be flying at the time of the meeting and will not be able to attend. I would like to state that I am in favor of the staff recommendations on renewing a 99 yr lease. My property at 316 Palm St is directly affected by any decisions towards the boathouses as my property goes down to Pine St and 3rd Ave. We like and appreciate the historical significance of the boathouses and only ask that they remain kept up and presentable. If the boat houses were to be removed and/or kayak rentals to occur in that area it would significantly increase the trespassing problems I am having on my property and dock in that area already.

Best Regards,

Douglas Kegler
316 Palm St
407-649-0762