

TOWN OF WINDERMERE

Town Council Meeting Minutes

June 8, 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 6:03pm and stated quorum was present. He then led everyone in the Pledge of Allegiance and gave the invocation.

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

Mayor O'Brien stated that Ms. Susan Carter deferred until the Public Hearing item.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

3. TIMED ITEMS AND PUBLIC HEARING:

ORDINANCE 2021-01

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO REZONING; AMENDING THE TOWN OF WINDERMERE'S ZONING MAP FOR 2.17 ACRES MORE OR LESS OF REAL PROPERTY LOCATED WITHIN THE TOWN CENTER DISTRICT OVERLAY AT THE NORTHEAST CORNER OF MAIN STREET AND EAST 6TH AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM COMMERCIAL AND RESIDENTIAL ZONING TO PLANNED UNIT DEVELOPMENT; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.

Mayor O'Brien turned the floor over to Attorney Ramos. Attorney Ramos explained the Quasi-Judicial process that will need to take place. Mayor O'Brien questioned if there were anyone who is and affected party and would like to make comments. Mr. Daniel Floyd of 515 Oakdale Street introduced himself as an immediate neighbor. Clerk Burkhalter then swore in Town Planner Brad Cornelius. Mayor O'Brien then requested that the Town Council disclose and contacts, discussions, etc. that they have had. Council member Martini disclosed that on May 12th he met with Jim Karr and Susan Carter regarding trees. Council member Sapp disclosed that he did a walk through with the applicant. She then stated that he is a tenant with no financial benefit. Council member Davit stated he had conversation with Mr. Cornelius regarding the traffic study. Council member David disclosed that she has spoken with Mr. Corenlus regarding rezoning. Mayor O'Brien disclosed that he has spoken with Mr. Cornelius, Mr. Karr and Ms. Susan Carter. Council member Williams stated he will be abstaining. Mayor O'Brien turned the floor over to Mr. Brad Cornelius. Mr. Cornelius stated that this is the second and final public hearing. He then gave an overview of the proposed project. After the brief presentation, Mr. Cornelius explained that that this will take a 70% vote approval by the Town Council. Discussion was made regarding septic/packaging plant. Mayor O'Brien opened the floor to Ms. Susan Carter of 106 Palm Street. Ms. Carter commented on that the arborist needed to be an ISA Certified Arborist. She also commented on the tree survey and that the yellow house doesn't seem to be included. Mayor O'Brien turned the floor over to the applicant. Clerk Burkhalter Swore in Mr. Jim Hall. Mr. Hall stated he was present to answer any questions anyone might have. Manager Smith commented that Mr. Karr would like the Arborist capped at \$5,000.00 which the Town Council would need to agree to. He also commented that the Town Council would need to accept a packaging plant system or a septic system. Mayor O'Brien stated that additional information is needed for the packaging plant system prior to an approval. Mr. Hall commented on new updated systems that are now being utilized in other projects. Mr. Cornelius stated that options can be discussed at a later date. Council consensus is to not allow a cap for the Arborist. Mayor O'Brien opened the floor to the public. First to speak was Mr. Daniel Floyd resident of 515 Oakdale Street. Mr. Floyd questioned the retention pond. He questioned if it would be dry or a pond. Mr. Cornelius stated that it had not been determined. Mr. Floyd then questioned if the parking would be for tenants or clients. Mr. Cornelius stated that the plans do not dictate the parking. Discussion followed regarding parking. Mr. Karr commented that the retention is not intended to be a wet pond. Ms. Susan Carter commented that more trees need to be saved, additional root protection, and the tree board be involved with landscape plan and fencing. There being no further public comments, Mayor O'Brien closed the Town Council

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meeting at 7:13pm and open the Public Hearing regarding proposed Ordinance 2021-01. He read the title of proposed Ordinance 2021-01 for the record. There being no comments from the public, Mayor O'Brien closed the Public Hearing at 7:14pm and reconvened the Town Council meeting. Member Davit made a motion to approve Ordinance 2021-01 as presented. Member David seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Martini – aye, Sapp – aye, and Williams abstain. Motion carried 4-0-1.

4. CONSENT AGENDA

5. NEW BUSINESS:

6. MINUTES:

a. MINUTES

i. Town Council Meeting Minutes May 11, 2021

Member Williams made a motion to approve the minutes. 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.

7. APPOINTMENTS: COMMITTEES AND BOARDS

a. New HPB Member Kimberly Hawkins

Member Martini made a motion to approve Kimberly Hawkins to the Historical Preservation Board. Member Williams seconded the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Williams – aye, David – aye, and Davit- aye. Motion carried 5-0.

b. New HPB ex-officio/non-voting member Travis Bonnett

Member Williams made a motion to approve ex-officio/non-voting member Travis Bonnett. Member Davit seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Williams – aye, Sapp – aye, and Martini – aye. Motion carried 5-0.

8. CONTRACTS & AGREEMENTS

9. FINANCIAL

a. Tennis Court Resurfacing: \$10,837 Varsity Courts

Mayor O'Brien introduced this item. Varsity Courts, Sport Surfaces, and Nidy Sports were submitters. Member Martini questioned the frequency of resurfacing. Manager Smith stated five years. Member David made a motion to approve Varsity Courts in the amount of \$10,837.00. 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

e. 2021 American Rescue Plan Act: Providing Premium pay for essential workers

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith explained that this item was previously discussed at the May 25th Town Council workshop. He stated that per the direction of Town Council, this item has been placed on the agenda for approval. Manager Smith commented that the premium pay would not be disbursed until the funds have been

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received. Member Martini made a motion to approve the premium pay. Member Sapp seconded the motion. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

10. OTHER ITEMS FOR CONSIDERATION:

11. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien stated that past Mayor Gene Spears had passed away. Member Martini reported on the Tree Board meeting, Orange County EPD, and tree issues on the weekends. Ms. Carter commented on issues with tree companies going door to door on the weekends and not being legit companies. Member Davit reported on the past LRP meeting.

12. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Manager Smith reported on past meetings/workshops, upcoming projects, West Orange Trail Alliance meeting, Food Trucks in August, State of the County, One cent sales tax, American Recovery Act, and upcoming Budget workshops.

b. **TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos had no report.

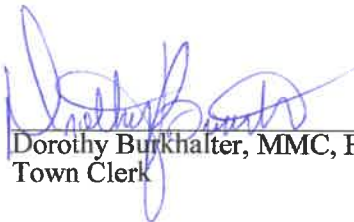
c. **DEPUTY POILCE CHIEF JENNIFER TREADWELL** – Deputy Chief Treadwell explained that solicitation permits are only issued Monday through Friday 8:00am-5:00pm. She advised Ms. Carter that there should not be any solicitation on the weekends because the office is closed and can't issue a permit. She then reported on past trainings, weekend boat rental issues, and citations.

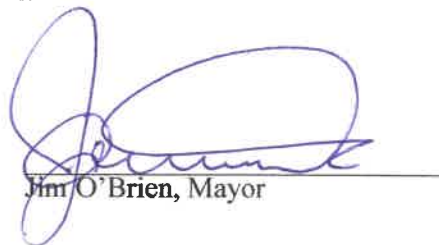
d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on the pilot projects, power and internet connections at the parks, GPS location, drainage at Johnson Park, wash boarding on 1st Avenue, road repairs, and stop signs. Some discussion followed regarding lighting plan in parks and lighting on the pedestrian bridge, sidewalk repairs, and inlets on Chase Road.

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

13. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:45pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME williams Loren Robertson	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Windermere Town Council
MAILING ADDRESS 903 Rosser Rd	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Windermere	COUNTY Orange
DATE ON WHICH VOTE OCCURRED 06/08/2021	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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 Williams, hereby disclose that on June, 8th, 20 21 :

(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, _____ ;
- 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:

Case - Z19-12 : The proposed zoning of the properties located 517 Main St.; 527 Main St.; 516 Oakdale St.; 522 Oakdale St.; 119 E 6th Ave. , Windermere, FL 34786; and parcel no. 17-23-28-9336-02-520

These parcels are adjacent to commercial property that is owned by a Real Estate Trust that I am the beneficiary of and my wife is the current executor of. In addition we own two other commercial properties within 500ft of the proposed parcels. A special gain or loss could be made by my participation in a vote regarding the rezoning and development of these parcels.

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.

6-8-21
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.