

TOWN OF WINDERMERE

Town Council Meeting Minutes

November 9, 2021

CALL TO ORDER:

Present were Mayor Jim O'Brien, Town Council members Chris Sapp, Bill Martini, Mandy David, and Tony Davit. Town Manager Robert Smith, Attorney Heather Ramos, Police Chief Dave Ogden, Public Works Director Tonya Elliott-Moore, and Town Clerk Dorothy Burkhalter were also present. Town Council member Andy Williams was absent.

Mayor O'Brien called the meeting to order at 6:01pm and stated that 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)

Mayor O'Brien opened the floor to the public. There were no public speakers.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Windermere Proclamation Declaring November 6-13, 2021 as Week of the Family

Mayor O'Brien read and proclaimed November 6 – 13, 2021 as Week of the Family. Ms. Renee Raper accepted the proclamation. She then extended an invite on an upcoming family event hosted by Mayor Demings.

b. 10 Year Service Award: Robert Smith, Town Manager

Mayor O'Brien presented a 10-year Service Award to Town Manager Robert Smith. Manager Smith stated that he appreciated the acknowledgment.

c. 5 Year Service Award: Caleb Cook Public Works Department

Public Works Director Tonya Elliott-Moore presented a 5-year Service Award to Caleb Cook.

d. Officer Rich Vnencak Swear In

Police Chief Dave Ogden swore in newly-hired Officer, Rich Vnencak.

3. TIMED ITEMS AND PUBLIC HEARING:

a. Ordinance 2021-03: Civil Citation

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO CODE ENFORCEMENT; REVISING ARTICLE IV OF CHAPTER 2 OF THE TOWN'S CODE OF ORDINANCES TO AUTHORIZE THE TOWN TO USE A CODE ENFORCEMENT CITATION PROGRAM; DESIGNATING CODE ENFORCEMENT OFFICIALS; PROVIDING FOR PROCEDURES, INVESTIGATION OF VIOLATIONS, AND THE ISSUANCE OF CITATIONS; PROVIDING FOR THE PAYMENT OF FINES, COURT HEARINGS AND ADOPTING A SCHEDULE OF CIVIL PENALTIES AND FINES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance No 2021-03 for the record. He then closed the Town Council meeting at 6:21pm and opened the Public Hearing regarding proposed Ordinance 2021-03. There being no public comments, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:21pm. Member Davit made a motion to approve Ordinance 2021-03. Member

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David seconded the motion. Roll call vote was as follows: Sapp – aye, Martini – aye, Davit – aye, and David - aye. Motion carried 4-0.

b. Ordinance 2021-04: Jumping/Diving Prohibitions

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO PUBLIC SAFETY; AMENDING CHAPTER 36 OF THE TOWN'S CODE OF ORDINANCES TITLED "WATERWAYS AND MARINE ACTIVITIES" TO PROHIBIT JUMPING OR DIVING AND OTHER ACTIVITIES ON A TOWN PIER, BRIDGE, SEAWALL OR DOCK; REMOVING THE MINIMUM AND MAXIMUM FINE FOR THE UNLAWFUL PARKING OF BOAT TRAILERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance No 2021-04 for the record. He then closed the Town Council meeting at 6:22pm and opened the Public Hearing regarding proposed Ordinance 2021-04. There being no public comments, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:23pm. Member Martini made a motion to approve Ordinance 2021-04. Member Sapp seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Sapp – aye and Martini – aye. Motion carried 4-0.

c. Proposed Comprehensive Plan Amendments – New Private Property Rights Element and Designate Fernwood Park as Boat Ramp only for Town Residents

Mayor O'Brien introduced this item. He explained that the Town Council will sit as the Local Plan Agency to hear this item. Mayor O'Brien closed the Town Council meeting and opened the LPA meeting at 6:24pm. Mr. Cornelius, Town Planner, explained the Florida Statute requirement regarding Private Property Rights Element. He then explained that the designation for Fernwood Park as a boat ramp only for Town Residents will be included. Mr. Cornelius briefly reviewed each submittal. There being no further discussion, the Town Council sitting as the LPA made the following motion; Town Council Member David made a motion to approve the proposed Comprehensive Plan Amendments. Town Council Member Davit seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Martini – aye, and Sapp – aye. Motion carried 4-0. Mayor O'Brien reconvened the Town Council meeting at 6:27pm.

4. CONSENT ITEMS:

a. Z21-04: 1035 Oakdale Street – Elli R. Atchinson Revocable Trust/ Davis and Tiffany Matthews – Variance to allow for a 10-foot setback from the North side property line and a 15-foot setback from the South front property line (E 11th Avenue) for a non-contiguous corner lot.

Mayor O'Brien introduced this item. Mr. Cornelius reviewed the variance request which received a recommendation of approval from the Development Review Board. Member Martini made a motion to approve the consent agenda as presented. Member Sapp seconded the motion. Member Martini commented on a response that was received regarding notification timing. Mr. Cornelius explained that due to the USPS delivery delays, more time will be given for the responses to be returned by the residents. There being no further discussion, roll call vote was as follows: Martini – aye, Sapp – aye, David – aye, and Davit – aye. Motion carried 4-0.

5. NEW BUSINESS:

a. **Minutes:**

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- i. Town Council Meeting Minutes October 12, 2021
- ii. Town Council Special-Called Town Council Meeting Minutes October 25, 2021

Member Davit made a motion to approve the minutes as presented. Member David seconded the motion. Member Davit stated that the Mayor's first name needed to be corrected on the October 25th Special Meeting minutes signature line. Clerk Burkhalter confirmed the correction. Roll call vote was as follows: David – aye, Davit- aye, Martini – aye, and Sapp – aye. Motion carried 4-0.

b. Ordinances for First Reading

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO PARKING VIOLATIONS; AMENDING DIVISION 1 OF ARTICLE II OF CHAPTER 20 AND ADDING A NEW DIVISION 3 TO ARTICLE II OF CHAPTER 20 OF THE TOWN'S CODE OF ORDINANCES TO BE TITLED "PARKING VIOLATIONS"; PROVIDING DESCRIPTIONS OF PARKING VIOLATIONS, ADOPTING A SCHEDULE OF CIVIL PENALTIES FOR PARKING VIOLATIONS AND THE PROCEDURE TO APPEAL THE VIOLATIONS; PROVIDING THE TOWN'S SPECIAL MAGISTRATE WITH THE AUTHORITY AND POWER TO HEAR APPEALS FOR PARKING VIOLATIONS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2021-05 for the record. He then stated that the second reading/public hearing would be held at the December Town Council meeting.

c. CONTRACTS & AGREEMENTS

- i. Windermere Police Chief Dave Ogden Contract Extension

Mayor O'Brien introduced this item. Manager Smith stated that Chief Ogden has agreed to a five-year extension of his employment contract. He then commended Chief Ogden on his past work with the Police Department. Member Sapp made a motion to approve Chief Ogden's contract extension. Member Martini seconded the motion. Roll call vote was as follows: Davit – aye, David -aye, Sapp – aye, and Martini – aye. Motion carried 4-0.

d. F/Y 2020/2021 Final Budget Amendments

Mayor O'Brien turned the floor over to Town Manager Smith. Manager Smith explained the budget amendments. He then thanked Finance Director, Nora White, and staff for their work on the budget and past audit. Member David made a motion to approve the final budget amendments. Member Martini seconded the motion. Roll call vote was as follows: Sapp – aye, Martini – aye, Davit -aye, and David – aye. Motion carried 4-0.

e. OTHER ITEMS FOR CONSIDERATION

- i. KHA – 45%plan exhibits for Paving Old Main Street from W 2nd Avenue to the Canal

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Mayor O'Brien turned the floor over to Public Works Director Elliott-Moore. Director Elliott-Moore commented on a much-needed stormwater project. Kimley-Horn representative, Hao Chau, commented on the project at 45%. He then stated that the project needs approval to move to the 90% stage. Member Martini questioned the timing. Mr. Chau stated that the plans could be presented in January with permitting to follow. Member David made a motion to move forward to the 90% phase. Member Sapp seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Sapp – aye, and Martini – aye. Motion carried 4-0.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien commented on upcoming workshop. Member Davit reported on past Long Range Planning Committee meetings regarding proposed crosswalk locations and the Windermere Recreation Center. He then questioned if WastePro had been contacted regarding Recycling Education. Manager Smith stated he would look into the sticker program from WastePro. Mayor O'Brien commented on the "re-emergence" of Mayor Demings' One-Cent Sales Tax initiative. Member Martini reported on the Tree Board tree give away, tree canopy, revisions to the Tree Ordinance and the upcoming Wine and Dine.

7. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Manager Smith thanked staff for their assistance with Cops and Bobbers, Halloween Hayride and Costume Parade, and the Run Among the Lakes. He then reported that the DRB will not meet this month, upcoming TC workshop, and upcoming events.

b. **TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos wished everyone a Happy Thanksgiving.


c. **POILCE CHIEF DAVE OGDEN** – Chief Ogden reported on DC Memorial, computer upgrades, Cops and Bobbers, staff attending Accreditation Seminars and the Christmas Toy drive.


d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on pipe repairs on Oakdale Street, recent rains, Cathcart contract, Swale Project contracts, sidewalk repairs and paving.

e. **TOWN CLERK DOROTHY BURKHALTER** – Clerk Burkhalter reported on upcoming elections and qualifying.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:01pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor