

TOWN OF WINDERMERE

Town Council Workshop Minutes

November 29, 2021

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Andy Williams, Chris Sapp (6:04pm), Bill Martini, Mandy David, and Tony Davit. Town Manager Robert Smith, Attorney Heather Ramos, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien explained that this was a public 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. Clerk Burkhalter read an email from Ms. Judy Black for the record (attached). Mr. Russell Gentry of 409 W 2nd Avenue introduced himself. He commented on his appeal to the Town Council to continue negotiations with the current lessees and agreement. Mr. George Poelker of 419 W 3rd Avenue introduced himself. He then stated that he would not be speaking on behalf of the Historic Preservation Board, but as a resident. Mr. Poelker commented on the length of possession on a few of the lessees. He stated that consideration is needed and possible grandfathering to them. Mr. Poelker stated that someone from the Town Council who votes "no" should reach out to Ms. Rose and explain to her what is going on. Manager Smith read for the record an email received from Mr. and Mrs. Fraser (attached). Public comments concluded at 6:18pm.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

3. TIMED ITEMS AND PUBLIC HEARING:

4. CONSENT ITEMS:

5. NEW BUSINESS:

- a. Minutes
- b. Resolutions/Ordinances for Approval/First Reading
- c. Contracts & Agreements
 - i. Town of Windermere Boathouse Lease Agreements
 - 1. Lottery Process
 - 2. Rough Repair Estimate
 - 3. Boathouse Lease Red Line
 - 4. Boathouse Lease Draft

Mayor O'Brien introduced this item. He reviewed the past meeting which had brought forward the items up for discussion. Mayor O'Brien turned the floor over to Manager Smith. Manager Smith stated that at the past direction, he was to draft a process, a proposed lease agreement, terms, CPI, cost to restore, leasing out, a lottery system, and lottery requirements. Mayor O'Brien commented on a lottery system, lease terms, safe structures, and preservation. Member Sapp agreed with the current redlined lease, needing term limits, approving the lottery system, and repairs. Member Davit questioned the long-term goals with the boathouses. He stated his as; historic preservation, access, and fairness for all. Mayor O'Brien agreed with the top three of Member Davit. Member Williams stated that preservation is a priority, and he is not in favor of a lottery system. Member Martini commented on his top three as; historic preservation, lottery – good, and limit terms. Member David agreed with the comments. She stated that the term limit should be between two and five years. Member Martini commented that he would be in favor of the boathouse revenues being a source of funding for the Historic Board. He then

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commented on the lease rates and increasing them to \$200.00 per month due to the renovations. Manager Smith commented that the funds could go to the Historic Preservation Board after the Town has recouped the renovation funds. Much discussion was made regarding: lease terms, monthly lease rates, single lease opportunities, randomizer accountability, CPI or 4% flat fee increases, acceptable boat sizes, taxes, separate lotteries for each slip, rates per size, applications, down payment and security fees, proof of residency and ownership, early termination fees and loss of deposits, full transparency, and six month security deposit to enter and winner's kept, no wait lists, advertising, registered vessels through State or through the Town, five days to sign a contract or lose the deposit, application language, applicant can get a full refund if they cancel prior to the drawing, and an outside source for the lottery drawing. Mayor O'Brien stated that this item will be place on the next Town Council meeting agenda.

Member Williams reminded everyone of the Holiday Hoopla is Friday, December 3rd from 6:30-9:30pm. He then invited everyone to the December 7th Elder Luncheon at 11:30 in the Town Hall. Mayor O'Brien thanked everyone for their assistance and hard work with the successful Light-Up Windermere event. Member Martini reminded everyone of the toy drive that will be taking place at the Holiday Hoopla. Manager Smith reported on upcoming Public Workshops.

ADJOURN:

There being no further comments, Mayor O'Brien adjourned the workshop at 7:31pm


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

Dorothy Burkhalter

From: Judy Black <judyblackfla@gmail.com>
Sent: Sunday, November 28, 2021 11:14 PM
To: Dorothy Burkhalter
Cc: Jim O'Brien; Bill Martini; Andy Williams; Chris Sapp; Mandy David; Tony Davit
Subject: Town Workshop
Attachments: Boathouse First Right of Refusal.docx

Dear Dorothy,

I would appreciate you reading the attached letter at the Workshop on Monday. Please let me know if you have any questions.

Thank You

Judy Black
407.810.1803

Resolve Boathouse Issue by granting Town First Right of Refusal.....

From 1913 until present Boathouse ownership was transferred on a fairly open market.

There have been times when attempts were made to remove the structures, but this is the first where ownership has been questioned. The current owners have a vested interest and over 100 years of quiet enjoyment. The Town has Riparian rights and a stated desire to claim the boathouses to make them available to more residents.

The Town Council is being tasked with coming up with a fair and equitable resolution.

I would like to propose a solution that would be **quick, peaceful and permanent**.

Have the attorney's draft an Agreement between the parties granting the Town a First Right of Refusal.

Boathouses/boat slips, come available when those in possession move, die or no longer have use for or want to cover the costs of ownership. When this occurs, the Town would have the immediate right to purchase. If at that time the Town opts not to purchase, the Boathouse/slip could be sold to another Windermere resident.

If approached in this fashion, some of the current owners may be amenable to offering theirs immediately.

PROS –

Town has guaranteed right to ownership over time at their choice

There is no immediate cost to the Town

Eliminates the negativity of a hostile takeover and/or costly lawsuit

Allows the boathouse owners peace of mind

Quicker resolution

Most importantly a resolution everyone can be proud to be a part of

I hope these thoughts are helpful.

Sincerely,

Judy Black

Dorothy Burkhalter

From: Rhonda Fraser <thrashcoach@aol.com>
Sent: Monday, November 29, 2021 4:14 PM
To: Dorothy Burkhalter
Subject: Fraser Boathouse

To the Windermere Town Council,

Hello, my name is Rhonda Fraser and I would like to tell you a little bit about our family. My husband Curt and I recently returned to Windermere after being away for 15 years. We purchased the Luff's home at 415 W 3rd Avenue, just 2 blocks from our former home on Forrest Street. We have 3 sons who attended Windermere Elementary and Gotha Middle School who are now grown and living in Dallas. We are really excited to be back.

When we purchased our home from Palmer and Bette Luff, we knew we were going to be making some upgrades but had no idea how extensive due to the black mold in the walls and code upgrades. Nor did we see a pandemic coming. While we were waiting on the architect's plans and permits, Curt set his sights on restoring our boathouse that we acquired with the purchase of our home. We felt a special responsibility since our boathouse #1 was built in 1913 by Palmer Luff's grandfather, one of the cofounders of Windermere. Curt spent several months replacing the roof, rotten boards, securing the posts that hold the structure up, painting the exterior, and replacing the decking. He also spent over \$10,000 restoring it.

Curt played in the NHL for 12 years and has been coaching professional hockey for the past 34 years. He was asked this past spring to coach the Chinese Olympic Hockey Team in the upcoming Winter Olympics scheduled for this February in Beijing, China. Shortly after arriving in China, Curt started not feeling well. When he went to the hospital it was determined that he had a blood disorder that turned out to be cancer. He was hospitalized for a month before he was safe to fly home and is now being treated at the Moffitt Cancer center in Tampa.

We have just begun to enjoy our boathouse that is right outside our front yard and would like to continue being it's tenants. We thought we had an agreement to continue with the new lease but we are unsure as to why this has changed. We would like for you to know that we would like to keep our boathouse and continue to maintain it at what you think would be a fair amount.

We would also like to inform you, just in case you did not know, that there is a good 4 months that the boathouse is unusable due to the lake levels. We have already had to have our prop repaired due to the shallow channel leading into the boathouses.

Thank you for at least considering our concerns.

Rhonda and Curt Fraser

Sent from my iPad