

TOWN OF WINDERMERE

Town Council Meeting Minutes

January 11, 2022

CALL TO ORDER:

Present were Mayor Jim O'Brien, Town Council members Andy Williams, 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.

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. Manager Smith read letters into the record (attached) from Ms. Cindy Gentry, Mr. Russell Gentry, Mr. Douglas Kegler, Ms. Jeanne Graham, and Mr. Frank Chase. Ms. Sue Doty of 328 Forest Street introduced herself. She then spoke in opposition of removing the lease from the current tenants. Ms. Judy Black of 405 W 3rd Avenue and Mr. Jerry Fay of 28 Pine Street also spoke in opposition of removing the leases from the current tenants. Mr. George Poelker, Spoke as the chair of the Historic Preservation Board. He then commented on past and possible future preservation projects. Mr. Poelker stated that the Board is in favor of preservation, not demolition. He then commented on a possible Historical Trust that could be placed in the Charter. Mr. Poelker then resigned his position on the Historic Preservation Board. Mr. George Poelker then spoke as a resident. He gave a history of his knowledge of the lease and spoke about how this is very personal for him. Ms. Angela Withers of 712 Main Street stated that she cares about the history of this Town. She then stated that this is a complex issue that needs a compromise and traditions respected. Mr. Coert Voorhees of 1040 W 2nd Avenue introduced himself. Stated that he feels that the Town should support those who support the Town. Ms. Nora Brophy of 426 Magnolia Avenue stated that she is in favor of a lottery system so that all residents have the opportunity to enjoy the lakes. She then advised everyone that the PetFest will be held March 5th and volunteers are needed. Mr. Bob McKinley of 536 Magnolia Street introduced himself. He stated that he is in favor of the lottery system. He then voiced his concerns regarding mis-information, negative publicity, name calling and accusations regarding the Town Manager and Staff. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She stated that she is in favor of everyone having an opportunity to lease the boathouses. Mr. Tom Stroup of 201 W 7th Avenue introduced himself. He stated that consideration for volunteers needed to be taken into consideration. Mr. Stroup commented on the current upkeep of the boathouses by the tenants. He suggested keeping the existing leases in place.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

- a. Brian Hichens 5-year Public Works Service Award

Mayor O'Brien stated that this item will be deferred until the February meeting.

- b. Windermere State of the Lakes 2022 – Lakes Consultant Amy Giannotti

Mayor O'Brien turned the floor over to Public Works Director Tonua Elliott-Moore. Director Elliott-Moore introduced Lake Consultant Ms. Amy Giannotti. Ms. Giannotti gave the Windermere State of the Lakes 2022 presentation. She gave an overview of lakes and shorelines within Windermere, what has happened with the lakes, what is going well, improvements, and public involvement. Some discussion followed regarding pondweeds, hydrilla, and treatments.

3. TIMED ITEMS AND PUBLIC HEARING: NONE

4. CONSENT ITEMS:

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- a. Z21-08 – 11536 Lake Butler Blvd – Daniel & Cara Whitney - Variance to allow a dock to encroach 107.4 feet over the property line extended into the lake
- b. Z21-09 – 435 Butler Street – 435 Butler Trust – Variance to allow a garage on a contiguous corner lot with a 19-foot setback

Mayor O'Brien introduced the consent agenda items. Member Martini made a motion to approve the consent agenda as presented. 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.

5. NEW BUSINESS:

a. Minutes:

- i. Town Council Meeting Minutes December 14, 2021

Member Williams made a motion to approve the minutes of December 14, 2021. Member Davit seconded the motion. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David -aye. Motion carried 5-0.

b. Ordinances for First Reading

- i. First Reading Ordinance 2022-01 – Adopt New Property Rights Element and Amend Recreation and Open Space Element related to Fernwood Park of the Town's Comprehensive Plan

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE ADOPTED TOWN OF WINDERMERE COMPREHESNIVE PLAN, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, TO ADOPT A NEW PROPERTY RIGHTS ELEMENT AND AN AMENDMENT TO THE RECREATION AND OPEN SPACE ELEMENT RELATED TO FERNWOOD PARK; PROVIDING FOR LEGISLATIVE FINDINGS; ADOPTION; CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2022-01 for the record. He then stated that the Second Reading/Public Hearing will be held at the February 8, 2022 Town Council meeting.

c. Contracts & Agreements

- i. Town of Windermere Boathouse Lease Agreements
 - 1. Discussion relative to leaving structures vacant; clarification from previous workshop
 - a. Remain as historic structures with repairs
 - b. Remain as historic structures without repairs then when needed
 - 2. Lease Discussions
 - a. Memorandum summarizing revisions made to the Boathouse Lease Agreement and include in the January 11, 2022 Draft

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- b. Town of Windermere Boathouse Lease Agreement – January 11, 2022 Draft
- c. Redline of Town of Windermere Boathouse Lease Agreement – Shows revisions made to the October 18, 2021 Draft
- d. Boathouse Lease Lottery Application – January 11, 2022 Draft

Manager Smith stated that there is an issue with the bandwidth and the Zoom connection had been lost. He stated that there would be an audio recording. Mayor O'Brien introduced the above items. He then turned the floor over to Attorney Ramos. Attorney Ramos explained that at the October Town Council meeting a motion and vote was made to not renew with the current boathouse tenants. She further explained that she provided a proposed "motion to rescind" at the November Town Council meeting which did not move forward. Attorney Ramos stated that currently, clarification is needed if the historic structures are to remain as-is, and/or be repaired with no tenants. She then stated that she has revised the proposed lease that included all the past discussions, a compared version of the lease, a memorandum summarizing the compared versions, and an application process if the lottery process is selected. Mayor O'Brien opened the floor to the Town Council regarding leaving the structures historic with no tenants. Member Davit explained that he feels that the Town Council has not explored other options for the boathouses. Whether it's leaving them vacant, repaired/unrepaired, or other uses like a "Museum of the Lakes," or a "Windermere Area Lakefront Heritage." He then stated that the Historic Preservation Board and Parks and Recreation could explore options. Member Davit commented that he is uncomfortable moving forward without having input from the boards/committees. Mayor O'Brien questioned Member Davit if he prefers to leave the boathouses vacant until the comments from the boards/committees are received. Member Davit stated that leaving vacant is an option as well a continued month-to-month lease. Mayor O'Brien commented that he thought there had been input from HPB and P&R. Manager Smith stated that P&R would like one of the boathouses for renting out and making revenue. Ms. Brophy, Chair of Parks and Recreation Committee, stated that the Committee is in favor of a lottery. Member Davit commented on his concerns with the comments not being documented through the Town Council process or minutes. Manager Smith gave a brief update of past discussion which led to a meeting in 2016 in which a lottery system was discussed. Mayor O'Brien questioned Member Davit if he suggests tabling this item until the input is received. Member Davit stated that this item needed to be sent to HPB and P&R to receive "their official stance on this item." Member Williams and Member Martini agreed with member Davit. Member David stated that if this item is tabled, then the boathouses need to be vacant and not lease month-to-month in her opinion. Mayor O'Brien commented that the month-to-month lease could be a better option until this is resolved. Member David stated that closure is needed to move forward. Member Davit commented that he feels with a month-to-month lease would be better for now. He then reiterated the goals for the boathouses were historic preservation, accessibility, and fairness to all residents in Town. Member Sapp questioned if the question before the Historic Board would be if there are any options prior to the leases going up for a lottery. Mayor O'Brien explained that the boards/committees need to revisit this item to see if there is any deviation from their original suggestions then a few months ago. He also commented that a timeline can be given to the boards/committees. Member Williams commented that the HPB had recommended a 99-year lease. He further commented that due to the scenario change, the board should review this item further. Member Davit stated that all options needed to be explored prior to going to a lottery. Member Martini questioned if the Long-Range Planning committee should be included. Member Williams stated that a 90-day turnaround should be sufficient. Member Davit agreed with Member Martini to include the LRP committee. Manager Smith stated he need clarification that the Council will be moving forward. Brief discussion followed. Member Davit made a motion to send this back to Long Range Planning Committee, Historic Preservation Board, and Parks and Recreation Committee to determine all possible courses of action: assuming we are not continuing the current lease with the residents. Member David seconded the motion. Discussion was made regarding the wording of "assuming." Member Davit amended his motion to state that the leases will not be renewed and the boards are to come back to the Council within 60 days. Member David was friendly to the amended motion. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

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Mayor O'Brien questioned the Town Council as to their wishes to end the lease immediately or engage the month-to-month. Member Martini commented that he would be favorable to have leases remain in effect until determined. Member Sapp made a motion to continue the month-to-month lease with a 30-day notice to vacate. Member Martini seconded the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Willaims – aye, David – aye, and Davit – aye. Motion carried 5-0.

Mayor O'Brien stated that the lease discussion needed to be made. Manager Smith stated that since the direction of the Town Council is to forward to the boards/committees, discussion can wait until their recommendations are received. All agreed.

d. Financial

- i. iVenture Change Order: Town of Windermere Office Move \$10,990.19

Mayor O'Brien introduced this item. Member Williams made a motion to approve the iVenture change order in the amount of \$10,990.19. Member David seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Williams – aye, Sap – aye, and Martini – aye. Motion carried 5-0.

e. Other items for consideration

- i. West Second Avenue Stormwater/Roadway/Potable Water Improvements 90% Design Approval

Mayor O'Brien introduced this item. Manager Smith stated that staff has approved the 90% plans. Meetings/workshops and discussions with the residents have been held. Member Davit made a motion to approve. Member David seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Martini – aye, Sapp – aye, and Williams – aye. Motion carried 5-0.

- ii. Railroad Right of Way Property Swap: 928 Main Street Molly Rose & Bob Fleming

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

- iii. Railroad Right of Way Property Swap: 1036 Main Street JGS Investments

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

- iv. January Food Truck Discussion: Postpone or Proceed

Mayor O'Brien introduced this item. Discussion was made and consensus was to hold the Food Truck event on January 28th.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor to the Council members. Member Martini commented on the Tree Giveaway on January 22nd. Member Sapp commented on cut-through traffic issues arising on the 700-800 blocks of Oakdale Street. He stated that he has been working with Public Works and the Police Department regarding the counter trailer placed. Some discussion followed.

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7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith thanked everyone for the condolences with the passing of his father. He then commented on the upcoming OCLS Story Walk/Scavenger Hunt, board openings, upcoming meetings, RFPs, project meeting notes, One Cent Initiative, and upcoming Fernwood Park Comp Plan amendment.

b. TOWN ATTORNEY HEATHER RAMOS – No report.

c. POLICE CHIEF DAVE OGDEN – Chief Ogden reported on the facility meeting, Strategic Plan 2022, training, staffing positions, Florida Police Chiefs Conference, photographic enforcement for school zones, 2021 Final Report, and accreditation.


d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE – Director Elliott-Moore reported on upcoming projects, speed trailer location, past holidays, sidewalks, wind screens and breakers at tennis courts, door hangers, paving projects, cameras at Lake Street Park, tolling barriers, road repairs, signage removal, and fence repairs.


e. TOWN CLERK DOROTHY BURKHALTER – Clerk Burkhalter reported that the Town will not have an election in March. She stated that Mayor O'Brien and Member Williams will remain for another two-year term. Ms. Burkhalter then stated that Ms. Molly Rose has qualified for Member Sapp's seat.

Mr. Stephens Withers of 712 Main Street commented on the new facilities and a "great job" that Mr. Fitzgibbon has been doing. Member Martini reminded everyone about the upcoming Wine and Dine on February 5th. He then thanked Ms. CT Allen for all her work for the past 8 years.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:57pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

Dorothy Burkhalter

From: cindylg@yahoo.com
Sent: Tuesday, January 11, 2022 3:30 PM
To: Dorothy Burkhalter
Subject: Cindy Gentry to Town Council

Hello,

My name is Cindy Gentry and while many of you know my husband, most of you don't know me. I know you are going to vote on something to do with the boathouses tonight and I wanted you to hear from me before you did.

Russell and I love this town! It was always a dream of mine to move here and when we bought our house I was thrilled.

I have heard all of the back and forth about the history of the boathouses. I have listened as Russell and others have debated with council regarding them.

This is the perspective I would offer you. As a small group of people who are responsible to make decisions for over 1300 homes... how do you know that what you are doing is the right thing? Have you asked the town to know what they really want? Does anyone really know what is real or not?

The biggest concern I have, is the recent discovery that a large part of the lagoon and 1 boathouse is actually on the property of Mike and Dee Lee. When I saw their property survey, which to me is a very official and important document - I really started asking myself the right and wrong of all of this.

So forget for a second that my husband is a very passionate and persistent guy. As the other half of the couple - my concern is that with documents floating out there like the Lee property survey, how in good conscience can you as council vote to make any changes?

Thank you
Cindy Gentry
409 W 2nd Avenue
Windermere, FL 34786

Dorothy Burkhalter

From: Russell Gentry <russell@russellgentry.com>
Sent: Tuesday, January 11, 2022 3:02 PM
To: Dorothy Burkhalter
Subject: Comments to the public record for TC meeting _ January 11 2022

Dorothy
I am out of town for work

Please submit my comments to be read into the public record.

Thanks
Russell

Good Evening Council

Tonight on the agenda are a number of entries revolving around the Pine Street Boathouses.

We operate in a form of representative government and I believe in the process strongly. Five council members are charged with the responsibility of deciding the will of the majority.

Therefore, please ask yourself this question, "**what problem are we solving by taking the boathouses over?**"

From 1915 till 1986, there was no ownership issue or questions. It was only in 1986 when the issue came up because of their condition that the ownership argument was used in an attempt to take control so they could be torn down.

Each of you are in possession of a petition list of over 60+ residents of the Town who support the continued current, private ownership of the boathouses.

Over the course of this whole debate, town staff have yet to provide anywhere near that many people who are pushing you to take over the boathouses. In fact, the last number I was told was 5. In a vote, 5 people would lose to 7 which is the number of current owners. Additionally, 5 would overwhelmingly lose to 60+ residents.

So back to the question, as an elected official charged with representing me as well as all the residents.... why is this even an issue?

If you vote tonight in any fashion that proceeds with taking the boathouses from the current owners, you are doing so knowing that 60+ of your fellow residents have indicated they do not want the current method to change. Is it fair to ignore a majority and dismantle a process that has worked fairly for decades?

Approximately 40 families have owned the boathouses since 1960. Three of the boathouses have exchanged to other residents in the last 5 years. The system is working and does not need the council to do anything.

Russell Gentry
409 W 2nd Ave
Windermere FL 34786

Dorothy Burkhalter

From: Douglas Kegler <douglas.kegler@gmail.com>
Sent: Tuesday, January 11, 2022 3:07 PM
To: Dorothy Burkhalter
Cc: Douglas Kegler
Subject: Comments for Historic Boathouses - Council Meeting Jan 11, 2022

My name is Douglas Kegler and I have the residence at 316 Palm St and 12 Pine St in Windermere. 316 Palm St is right next to the historic boathouses. I believe the boathouse matter at hand is not about whether people like the boathouses or not. The issue is regarding the TOW taking possession of the historic structures that the current boathouse owners legally purchased via a quick claim deed. The TOW should have never succumbed to a few residents' pressure forty years ago and developed the "lease for right of way access" in the first place. I know if the mayor, town manager or town council owned one of the boathouses today this issue would not be coming up at all. It's time for the elected officials (mayor, town council, and town manager) to stand up for the boathouse owners and make it official (again) that the boathouses are legally owned by the current owners. Thank you.

Dear Mayor and Town Council Members,

It has been said that the boathouses would be in better hands if the Town owns them. The Town would ensure the good maintenance and preservation of these historic structures.

What about the fact that the Town has been trying to destroy these boathouses for 35 years. For the past 9 years this has been the intent of the current administration. This was not a secret.

One of the boathouse owners is George Poelker. Many of you may know George. He has been the Chairman of the Historic Board. It was through his efforts, along with the Scouts, that the historic Cal Palmer building was repaired and painted. He was instrumental in restoring the Old Schoolhouse. If you were to pass by, you would have seen him on ladders scrapping and pounding to the point of exhaustion.

George is a master woodworker. He built tables for use in the new administration building.

Why would the Town be a better steward than George?

James Buchanan 1/11/2022
035 Palm St. Wm.

**Frank W. Chase III
935 Oakdale Street
Windermere, FL 34786**

January 11, 2022

Mayor, Town Council, and Town Manager

I'm writing concerning the Boathouses. I'm sorry that I could not be in attendance at tonight's meeting. I don't have the answers as far as who owns what or who leases what. I don't have answers concerning high water levels or low water levels. I do have a boat ramp key and I am happy.

I understand that this discussion has been ongoing for decades and may continue to add fodder to Town meetings for decades to come. I am writing to make sure that in your discussions tonight and into the future, that the Town does all it can to retain and preserve these structures. If we need to purchase one or two, do it.

These structures are historic and provide one of the last remaining links to our Town's past. In fact, they are the only surviving structures representing our Town's connection to the Butler Chain of Lakes, when the Town was chartered in 1925. Cal Palmer, one of the founders of the Town, built the original boat house in this lagoon. They are on the Local Register of Historic Places. We should not lose them.

Our Town crest reflects the importance of the lakes, boating and fishing to the town, with the 3 Windermere Class Yachts on its upper left quadrant and the 3 char on the lower right. The Boathouses also provide a physical connection from the land of the town to the lakes which surround it, as well as boating in the lakes, which is so much a part of Windermere.

As our beautiful town changes to larger and more modern homes, stores, offices and municipal buildings, these Boathouses, along with the 1887 school house, the Cal Palmer office (Finders Keepers), the Town Hall and the WPA Outhouse remain as reminders of what was. That is really all that we have left as far as structures that have a history 90-100+ years old that aren't privately owned. Please make sure that they remain and our Town history is not forgotten.

**Sincerely,
Frank Chase**

