

TOWN OF WINDERMERE

Town Council Meeting Minutes

February 8, 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 6:00pm 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. Mr. Stephen Withers of 712 Main Street introduced himself. He then thanked Mr. John Fitzgibbon for all the work he has done with the new facilities. Mayor O'Brien thanked Mr. Withers for all his work on the new facilities as well.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

- a. Windermere Police Department Award of Merit: Orange County Sheriff's Office Reserve Deputy Robert Knight

Chief Ogden presented OCSO Reserve Deputy Robert Knight with an Award of Merit.

- b. Florida's 10th Congressional District Candidate Jeff Boone Introduction

Mr. Boone was not present. This item was not discussed/heard.

- c. Lloyd Woosley: Proposed Private 2-Story Bridge: Wauseon Bay at 31 Pine St.

Mayor O'Brien stated that this item has been pulled from the agenda.

3. TIMED ITEMS AND PUBLIC HEARING:

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 COMPREHENSIVE 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 closed the Town Council meeting at 6:08pm and opened the Public Hearing regarding proposed Ordinance 2022-01. He then read the title of proposed Ordinance 2022-01 for the record. There being no comments from the public, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:09pm. Member Davit made a motion to approve Ordinance 2022-01. 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.

4. CONSENT ITEMS:

- a. Z21 – 10: 11 Main St. Ashley Walker – Variance to allow a reduced setback from the normal high-water line for a swimming pool.

TOWN OF WINDERMERE

Town Council Meeting Minutes

February 8, 2022

Mayor O'Brien introduced this item. Member Martini stated that the applicant was present. Mayor O'Brien turned the floor over to Ms. Ashley Walker, owner of 11 Main Street. She explained that after the DRB meeting she had requested information regarding the establishment of the 50' setback. Ms. Walker commented on surrounding municipalities' setbacks of 25', revising the Ordinance, immediate neighbors that have received variances, precedence setting, and the need for the variance as safety and health concerns. Mr. Cornelius commented that the DRB had much discussion on this item. He stated that the some on the Board members commented on the lack of a hardship. Mr. Cornelius then defined "dos and don'ts" standards of the review for a variance. Attorney Ramos stated that a variance request must be reviewed on its own merits, not by something previous. Member Martini stated that his inclination is to side with the DRB to deny the request. He then questioned if the date of when the original 50' setback was put into place. Mr. Cornelius stated approximately 1991. Member Martini commented that the amount of footage encroaching into the 50' setback was a determining factor for the Board. He then questioned if the Water Consultant had been used in this review. Manager Smith stated that the Water consultant could be consulted. Member Sapp commented on the quasi-judicial process ad case-by-case reviews. He then questioned if an appeal or reapply would need to be done if new information is supplied. Attorney Ramos stated that applicant could re-apply. Member Davit stated that an allowance for an elevation should be included. Mr. Cornelius commented that a swale is needed when a seawall is put into place. Mayor O'Brien turned the floor over to Ms. Walker. Ms. Walker stated that she does have a seawall and stormwater in place as well. She then stated that she would favor a water quality person to be involved. Ms. Walker also stated that she would like to have this item tabled until the further review could be done. Mayor O'Brien commented that the code is currently in place regarding the setback rule. Ms. Walker explained that her current deck sits at the 50' setback. She then stated that a future addition is slated for the side yard. Ms. Walker commented that an aboveground pool could go in the side yard, then it would be visible from Main Street. Discussion followed regarding tabling this item date certain. Ms. Brandi Hanes of 835 Oakdale Street questioned if the pool counts for imperious and ratios. Mr. Cornelius stated "yes." Mayor O'Brien thanked everyone for their comments. Member Davit made a motion to table this item date specific of March 8, 2022, to give some time for discussion with Lake Quality Consultant. Some discussion followed. Member Sapp seconded the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Martini – aye, David – aye, and Davit – aye. Motin carried 5-0. Manager Smith stated that this item will be heard on Tuesday March 8th at 6:00pm in the Town Hall.

5. NEW BUSINESS:

a. Minutes:

- i. Town Council Meeting Minutes January 11, 2022

Member Martini made a motion to approve the minutes of January 11, 2022. Member Williams 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. Resolutions/Ordinances for First Reading

- i. Resolution #2022-01 Town of Windermere Adopting Orange County's Local Mitigation Strategy Resolution

Mayor O'Brien introduced Resolution 2022-01. Member Williams made a motion to approve Resolution 2022-01. Member David seconded the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Williams – aye, Davit – aye, and David -aye. Motin carried 5-0.

c. Appointments:

TOWN OF WINDERMERE

Town Council Meeting Minutes

February 8, 2022

- i. Long Range Planning Committee: Gregg Anderson

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

d. Contracts & Agreements

- i. Piggyback of FDOT District 5 Contract E5X00 with Horizon Land Management for stormwater desilt and video services.

Mayor O'Brien turned the floor over to Public Works Director Elliott-Moore. Public Works Director Elliott-Moore explained the need for desilting for stormwater and roadway purposes. She stated that the current contractor has not been fulfilling the contract requirements. Director Elliott-Moore commented on the cost savings with piggybacking on another governmental contract. She then stated that she is recommending approval for the piggyback contract with Horizon Land Management. Mayor O'Brien questioned the process. Director Elliott-Moore explained that this approval would allow her to work with Legal on a contract. Manager Smith explained that the "not to exceed" amount is the amount that has been budgeted. Member Davit made a motion to approve the request to piggyback for stormwater desilt and video services. Member David seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Williams – aye, Sapp – aye, and Martini – aye. Motin carried 5-0.

- ii. Piggyback of Orange County Contract Y21 – 1081B with Condor Construction, Corp. for sidewalk repair and maintenance.

Mayor O'Brien introduced this item. Director Elliott-Moore commented that this is financially beneficial for the Town due to the sizes of projects and the costs. Member Davit made a motion to approve the request to piggyback for sidewalk repair and maintenance. Member Williams seconded the motion. Member Martini questioned the accountability to vendors who park on the sidewalks and break them. Director Elliott-Moore explained the Right-of-Way Use permit that is needed. She then stated that she is considering that picture of before and after are submitted as part of the permitting process. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

e. Financial

f. Other Items for Consideration

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien thanked all for their work with the Wine and Dine. Member Martini also commented on the successful Wine and Dine. He stated that this was the 8th year and over \$130,000.00 was raised. Mayor O'Brien commented on mitigation projects. Member Davit reported on the past Long-Range Planning Committee meeting. Member Martini reported on the past Tree Board tree giveaway event. He then thanked the Rotary and all the volunteers. Member Wiliams reminded all that the Elder Luncheon is scheduled for Tuesday, February 15th.

7. STAFF REPORTS:

- a. **TOWN MANAGER ROBERT SMITH** – Manager Smith reported on the current move into the new facilities. He thanked all for their assistance. Manager Smith stated that a grand opening will take place in March. He then reported on upcoming Town Manager evaluations, RFPs/RFQs, Windermere Police Department Foundation April 2nd event, upcoming workshops, and the Board of

TOWN OF WINDERMERE

Town Council Meeting Minutes

February 8, 2022

County Commissioners meeting March 8th at 9:00 am in which the swim areas off Bird Island will be discussed. Discussion followed regarding Bird Island, enforcement, attending this meeting, and social media blasts regarding this issue. Ms. CT Allen of 325 Palm Street introduced herself. She stated that she sits on the Butler Chain of Lakes Advisory Committee and this item will be discussed at their next meeting. She also stated that Commissioner Nicole Wilson will be in attendance at the meeting and advised all who could attend to do so. Mayor O'Brien stated that the meeting is tentatively set for February 21st. He stated that once confirmation is made, it will be noticed through social media. Mr. Andrew McGhee 226 Butler Street introduced himself. He stated that has teamed up with the efforts of Bird Island. Member Sapp questioned a workshop for Oakdale and cut-through traffic. Manager Smith stated once he receives the 30-day report, a public workshop can be scheduled with the information being forwarded to the Long-Range Planning Committee. Member Sapp questioned if there were any updates on the Water Bills in legislation. Manager Smith reported on the FDOT meeting.

b. TOWN ATTORNEY HEATHER RAMOS – No report. Ms. Ramos stated she will report next month.

c. POLICE CHIEF DAVE OGDEN – Chief Ogden reported on the 2021 Annual Report, Mason Cardy Scholarship fund, and the Windermere Police Department Foundation event.

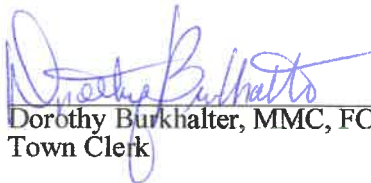
d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE – Director Elliott-Moore reported on lake clean up on February 20th beginning at Fernwood Park, events, new facilities move, Parks and Tree Board tree planting, road repairs, and the fertilizer ordinance.

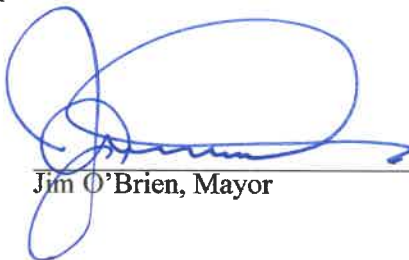
e. TOWN CLERK DOROTHY BURKHALTER – No report.

Discussion was made regarding the City Nature Challenge 2022, and the upcoming Pet Fest on March 5th.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:11pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor