

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

May 10, 2022

#### CALL TO ORDER:

Present were Mayor Jim O'Brien, Town Council Members Bill Martini, Mandy David, Tony Davit, and Molly Rose. Town Manager Robert Smith, Attorney Heather Ramos, Deputy Chief Jennifer Treadwell, Public Works Director Tonya Elliott-Moore, and Town Clerk Dorothy Burkhalter were also present. Member Andy Williams was absent.

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.

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

Mayor O'Brien turned the floor over to the public. First to speak was Ms. Brandi Haines of 835 Oakdale Street. Ms. Haines commented on service issues with Waste Pro. Mr. Phu Nguyen of 19 Main Street deferred his comments until the discussion regarding the 50' setback for pools on lakefront lots.

#### 2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

##### a. Colonel Calvin B. Wimbish (Ret.) Congressional Candidate for District 10 Introduction

Mayor O'Brien turned the floor over to Colonel Calvin Wimbish. Colonel Wimbish introduced himself and gave a review of past experience. He then explained why he is seeking the seat for District 10 and requested support from all.

##### b. Waste Pro Annual Update

Mayor O'Brien turned the floor over to Mr. Platt Loftis, representative from Waste Pro. Mr. Loftis introduced himself. He then gave an update regarding post pandemic effects on the waste industry. Staffing locally and at landfills, delays in repair parts, increased amounts of residential waste, as well as growth have all contributed to the industry issues. Mr. Loftis stated that Waste Pro continues to work through the issues. He then commented on Mrs. Haines concerns by stating that he will meet with Managers to address the issues. Mr. Loftis also stated that a detailed action plan will be provided to the Town. Mayor O'Brien stated that he would like to see the detailed action plan. Member Martini commended Mr. Loftis by stating that Mr. Loftis is always responsive and does not "pass the buck." Member Davit agreed with a detailed action plan. Member Rose commented on past discussions regarding one day per week pick-ups. Mr. Loftis stated he could research the one pick-up per week option. Member Rose commented that there needs to be a better cost adjustment for going to once a week pick up. Mr. Loftis stated he would work on the detailed action plan.

##### c. Town of Windermere Arbor Day Proclamation

Mayor O'Brien read and proclaimed April 29, 2022, as Arbor Day in the Town of Windermere.

##### d. Town of Windermere Municipal Clerks Week May 1-7, 2022

Mayor O'Brien read and proclaimed May 1-7, 2022, as Municipal Clerks Week in the Town of Windermere.

#### 3. TIMED ITEMS AND PUBLIC HEARING

#### 4. OLD BUSINESS

##### a. CONSENT ITEMS

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#### b. MINUTES

##### i. Town Council Meeting Minutes April 12, 2022

Mayor O'Brien introduced this item. Member Rose made a motion to approve the minutes as presented. Member Davit seconded the motion. Roll call vote was as follows: Martini – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

#### c. OTHER ITEMS FOR CONSIDERATION

##### i. 50-foot Waterfront Setback Requirement for Pools Discussion

Mayor O'Brien introduced this item. He opened the floor to public comments. First to speak was Mrs. Brandi Haines of 835 Oakdale Street. Mrs. Haines commented on protection of the lakes and that she feels the setback needs to remain as-is and not be changed. Mr. Phu Nguyen of 19 Main Street introduced himself. Mr. Nguyen stated he is in favor of a change with protection being put in place (bulkhead). Mr. Cornelius gave a review of past discussions by the Town Council and the Development Review Board. He commented on the number of lots impacted, size of lots, variations, past requests, Outstanding Florida Water Bodies, how the Butler Chain became an OFWB, other water bodies and discussions with other jurisdictions. Mr. Cornelius stated that the Town's Lake consultant and Mr. David Hanson from Orange County EPD suggested keeping the 50' setback. He then commented on the Town's Comprehensive Plan Conversation Element. Member Martini stated that the DRB's main concern is to protect the chain of lakes. Member Davit questioned if engineering solutions had been discussed. Mr. Cornelius stated "no." Discussion was made regarding possible engineering solutions similar to Winter Park, exceptions not variances, limiting to swimming pools only, stormwater retention, and setbacks with mitigation. Mr. Nguyen of 19 Main Street stated that he has a four-foot separation (seawall). Member Davit stated that he likes Winter Park's requirements along with a "Do No Harm Clause." Mayor O'Brien stated that direction for staff is to review the Winter Park code/ordinance, and determine how could it be incorporated into the Town, and the standards and mitigation to allow a reduction in setbacks. Member Rose thanked Mr. Cornelius for his research and information.

### 5. NEW BUSINESS

#### a. CONSENT ITEMS:

#### b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

##### i. Resolution #2202-04 Adopting Revised Personnel Policies and Procedures

Mayor O'Brien read the title of proposed Resolution #2202-04 for the record. Member Davit made a motion to approve Resolution 2202-04. Member Rose seconded the motion. Attorney Ramos stated that there a few blanks that staff needs to complete regarding agency information which need to be included in the motion. Member Davit amended his motion to include allowing of staff to fill in the blanks as needed. Member Rose was friendly to the amended motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, and Martini – aye. Motion carried 4-0.

#### c. APPOINTMENTS

##### i. Historic Preservation Board Appointment: Tom Stroup

Mayor O'Brien introduced this item. Manager Smith stated that the Board would like increase the member from seven to nine. Member Rose made a motion to approve Mr. Stroup's application to the Historic Preservation Board and increase the members to nine from seven. Member Martini seconded the motion. Roll call vote was as follows: Martini – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

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#### d. CONTRACTS & AGREEMENTS

- i. JPF Development Solutions Consulting & Retainer Proposal – Windermere Pavilion

Mayor O'Brien introduced this item. Member Martini made a motion to approve the proposal as presented. Member David second the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, and Martini – aye. Motion carried 4-0.

- ii. JPF Development Solutions Consulting & Retainer Agreement – General Services

Mayor O'Brien introduced this item. Member Martini made a motion to approve the proposal as presented. Member Davit second the motion. Manager Smith stated that there is a scrivener's error with the date that will be corrected. Roll call vote was as follows: Martini – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

- iii. IPO #123: Kimley-Horn & Associates FDEM Grant Support Services for Butler and Bessie Street Drainage Improvement Projects

Mayor O'Brien introduced this item. He then turned the floor over to Mr. Hao Chau. Mr. Chau stated that the design, permitting, and bid documents have been completed and submitted to FEMA. He stated that FEMA can take up to six months to review, which could be until August. Mr. Chau explained that with the advertising and bidding timeframe, the project could begin in November. Discussion was made regarding BCA ratios. Member Davit made a motion to approve IPO #123. Member David seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, and Martini – aye. Motion carried 4-0.

#### e. FINANCIAL

#### f. OTHER ITEMS FOR CONSIDERATION

- i. 112 W 8<sup>th</sup> Property Swap

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith gave a brief review of the railroad right-of-way lot swaps. He commented on the agreements for the area south of 7<sup>th</sup> Avenue giving 20' more lakefront with the Town acquiring 40' for right-of-way. Manager Smith also commented on past negotiations with other owners in the area. He explained that the owner of 112 W 8<sup>th</sup> Avenue is looking for an additional 5' to the north of their property at 8<sup>th</sup> Avenue. He further commented on a past variance request that the owners applied for and were denied. Discussion was made regarding the 5', dirt Main Street, right-of-way, and septic tanks. Mrs. Patricia Wubker, owner of 112 W 8<sup>th</sup> Avenue, introduced herself. She then explained the need for the 5'; which would allow her to build a wider home. Member Rose gave a brief history of the lot and a previous sub-divide. Further discussion followed. Mayor O'Brien stated that staff needed direction. The direction to staff is to move forward with the negotiations with the parameters set forth in the executive summary. Mr. Withers of 712 Main Street commented that the continuous property should be allowed to have a front and side yard, even though it's a corner lot. The continuous property abuts a lake, not another residence. Some discussion followed. Manager Smith stated that this item will be brought back to the Council at a later date.

- ii. Ballfield Parking Lot Paving by Middlesex, LLC \$27,447.50

Mayor O'Brien introduced this item. Manager Smith explained that due to the Town acquiring the

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right-of-way at the ballfields at the Elementary school, the parking area needs to be paved. He stated that this will encompass the handicapped parking area as well. Manager Smith also commented on renovations to the retention area. Public Works Director Elliott-Moore stated that limiting paving to just the handicap area would make for a maintenance nightmare. Member Rose made a motion to accept the Middlesex proposal in the amount of \$27,447.50. Member Davit seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, and Martini – aye. Motion carried 4-0.

#### 6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor for liaison reported. Member David stated that Parks and Recreation would like to increase their members to nine. She then reported on wind screen replacements, fence approval, the Run Among the Lakes date of October 15, 2022, the Halloween event on October 29<sup>th</sup>, and the renovations of Palmer Park. Mayor O'Brien reminded all of Orange County's meeting on May 24<sup>th</sup>. Manager Smith reminded all of the Council workshop scheduled for the 24<sup>th</sup> as well, which can be rescheduled. Mayor O'Brien stated that all who can attend the Orange County Commission meeting should, and the Town's workshop can be rescheduled. There were no objections to rescheduling the workshop. Member Martini reported that the Tree Board will hold a special meeting regarding the 500-Block project. Member Davit stated that the Project meeting notes were included in the agenda packet.

#### 7. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Manager Smith reported on upcoming meetings and workshops, the upcoming Town Manager Q&A, the May 21<sup>st</sup> Armed Forces Day event, Eagle Scout ceremony, and grants.

b. **TOWN ATTORNEY HEATHER RAMOS** – Ms. Ramos reported on legislative updates regarding trees/removals. Mr. Cornelius explained the change that will be needed for tree removal permits.


c. **POLICE DEPUTY CHIEF TREADWELL** – Deputy Chief Treadwell reported on upcoming Police Memorials, staff vacancies/retirements, Recognition for Detective Allen - Committee 100, Click It or Ticket campaign, and covering road work.

d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on road repairs, the retention pond at 1<sup>st</sup> and Oakdale Street, the Elementary School, future draft assessment of the Town Hall, night time paving projects, and sidewalk projects.


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

#### 8. ADJOURN:

Mayor O'Brien adjourned the meeting at 8:27pm.



Dorothy Burkhalter, MMC, FCRM  
Town Clerk



Jim O'Brien, Mayor  
(Loren Williams)