TOWN OF WINDERMERE

Town Council Meeting Minutes

July 12, 2022

CALL TO ORDER:

Present were Mayor ProTem Andy Williams, 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. Mayor Jim O'Brien was absent.

Mayor ProTem Williams called the meeting to order at 6:01pm and stated that a quorum was present.

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

Mayor ProTem Williams opened the floor to the public. The following deferred their comments: Leslie Deese, Stephen Carr, Martin Collins, Gloria Grome, Frank Chase, Jim Williard, and Nancy Nix. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She then thanked the Town Council for taking the steps to increase the numbers of members on a Board. Ms. Brophy then stated that the playground equipment at the Windermere Recreation Center has been installed and fenced.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

3. TIMED ITEMS AND PUBLIC HEARING

4. OLD BUSINESS

a. CONSENT ITEMS

b. MINUTES

i. Town Council Meeting Minutes June 14, 2022

Member Davit made a motion to approve the Town Council meeting minutes of June 14, 2022, as presented. Member David seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, Williams -aye, and Martini – aye. Motion carried 5-0.

c. OTHER ITEMS FOR CONSIDERATION

5. NEW BUSINESS

a. CONSENT ITEMS:

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

i. RESOLUTION NO. 2022-05 (Attachments-Board Option)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, IMPLEMENTING A **PROGRAM OAKDALE** STREET; TRAFFIC CALMING **FOR TOWN MANAGER** FLEXIBILITY TO THE PROVIDING **IMPLEMENT** THE PROGRAM: **PROVIDING** FOR THREE MONTHS: EVALUATION PERIOD AFTER AND SIX AN **ORDINANCE FOR** PERMANENT REQUIRING

July 12, 2022

<u>CALMING MEASURES; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.</u>

Mayor ProTem Williams read the title of Resolution 2022-05 for the record. Manager Smith stated that this is a resident-initiated issue. He then gave a brief history of past meetings and discussions that have led up to the Resolution. Manager Smith concluded with commenting on recommended solutions and implementation. Mayor ProTem turned the floor over to the public. Ms. Leslie Deese of 729 Main Street introduced herself. She stated that she is not in favor of the closure but does support a diversion plan. Ms. Deese thanked the staff for all that they do. Mr. Stephen Carr of 729 Main Street introduced himself. He then stated that he agrees with his wife's previous comments. Mr. Carr commented on the impacts of accessing his home. Mr. Martin Collins of 708 Bessie Street introduced himself. He then commented on the need for current traffic data, goals, against closing of roads, goals for the diversions, the need for an overall traffic study for the quadrant with goals established for abetment, and opposing the closure and diversion. Ms. Glorida Groome of 416 E 6th Avenue introduced herself. She stated that she opposes the closures and the Resolution. Ms. Groome stated that the burden will be shifted to others, a study is needed. She requested that this request be tabled for approximately five-years to give time to study, review and implement if anything is needed. Mr. Frank Chase of 935 Oakdale Street introduced himself. He stated that he likes the diversion with the closure of 12th Avenue, and a future look at closing Oakdale Street at 6th Avenue. Mr. Jim Willard 228 W 7th Avenue introduced himself. He then stated that he is in favor of doing something; the diverters. Mr. Willard stated that caution needs to be taken with road closures, try diverters first, and have an analysis of the diverters to be effective in the morning and evening. Ms. Nancy Nix of 303 ½ 8th Avenue introduced herself. She stated she is against the road closures but favor the diverters. Clerk Burkhalter read written comments from Mr. Martin Collins, Mr. John Hovey, and Mr. and Mr. Rick Haines (attached) into the record. Mayor ProTem turned the floor over the t the Town Council. Member David questioned if roads were going to be paved? Manager Smith stated no. Discussion followed. Member Rose suggested doing the 9th Avenue diverter to see where the traffic flows to before closures are done. Member Martini commented on the past seven meetings regarding this issue. He stated he is in favor of doing whatever is the least amount of inconvenience to the residents. Member Davit commented that solutions discussions have been made only two times. He then stated that he would like to table this item until the Public Forum has been held after all the residents in the southeast quadrat have been notified, and have an Engineer with a solution that is implementable. Mayor ProTem stated that discussion regarding the road issue was brought up in 2018. He then stated that he's in agreement with Member Rose. Member Martini agreed. Discussion was made regarding the past traffic study by Kimley Horn, diverters, road closures, and the proposed Resolution. Member Rose made a motion to move ahead with the blockade/closure of 9th Avenue and Oakdale Street on a temporary basis and give it a few months and see how it works out. Mayor ProTem clarified the motion by asking if the motion is only for diverter, not including one-way or closures. Member Rose stated yes, she'd like to see how 9th Avenue and Oakdale Street work first. After discussion was made regarding additional road diverters, surveys, complaints, having a need to do something, Member Martini seconded the motion. Roll call vote was as follows: Martini - aye, Williams - aye, David - aye, Davit - nay, and Rose - aye. Motin carried 4-1. Manager Smith stated that counters will be placed as well.

Mayor ProTem Williams state that the following Ordinances are for a first reading. He stated that the second reading/public hearing will take place in the August Town Council meeting. Mayor ProTem Williams read the title of each proposed Ordinance for the record. Some discussion was made regarding the road swaps, and septic/drain-fields.

ii. ORDINANCE NO. 2022-03: RR ROW Swap 928 Main St. (Attachments-First Reading Only)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST

July 12, 2022

BOUNDARY OF 928 MAIN STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTION ALONG THE EAST BOUNDARY OF 928 MAIN STREET TO MOLLY ROSE AND ROBERT L. FLEMING, THE OWNERS OF 928 MAIN STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

iii. ORDINANCE NO. 2022-04: RR ROW Swap 1036 Main St. (Attachments-First Reading Only)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY 1036 MAIN STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTION ALONG THE EAST BOUNDARY OF 1036 MAIN STREET TO JGS INVESTMENTS, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, THE OWNER OF 1036 MAIN STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

iv. ORDINANCE NO. 2022-05: RR ROW Swap 112 W 8th Ave (Attachments-First Reading Only)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY 112 W 8th AVENUE AND VACATING A 5-FOOT PORTION OF W 8th AVENUE ALONG THE NORTH BOUNDARY OF 112 W 8th AVENUE; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTIONS OF RIGHT-OF-WAY TO STEVEN AND PATRICIA WUBKER, THE OWNERS OF 112 W 8th AVENUE; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

v. ORDINANCE NO. 2022-06: Amending Citizen Boards (Attachments-First Reading Only)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, AMENDING SECTION 11.04.01 OF DIVISION 11.04.00 OF ARTICLE XI OF THE TOWN'S LAND DEVELOPMENT CODE ENTITLED "CITIZEN BOARDS" TO CHANGE THE MINIMUM AND MAXIMUM NUMBER OF MEMBERS, PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

vi. ORDINANCE NO. 2022-07: RR ROW Swap 824 Main St. (Attachments-First Reading Only)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY OF 824 MAIN STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTION ALONG THE EAST BOUNDARY OF 824 MAIN STREET TO BRYAN AND CHERYL ROGERS, THE OWNERS OF 824 MAIN STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

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- c. APPOINTMENTS
- d. CONTRACTS & AGREEMENTS
- e. FINANCIAL
 - i. Lake Butler Speed Humps by Middlesex Paving, LLC not to exceed \$22,600

Mayor ProTem Williams turned the floor over to Public Works Director Elliott-Moore. Director Elliott-Moore explained that with replacing the existing speed humps, the material has changed. She also stated that this is an after-the-fact approval as the work needed to be completed while the road work was being done. Member Rose questioned why speed humps aren't used on other rods throughout town. Manger Snith explained that speed humps would not work on dirt roads, and the County Road 439 agreement for 6th Avenue and Main Street. Member Rose made a motion to approve the speed humps by Middlesex with a not to exceed \$22,000.00. Member Davit seconded the motion. Roll call vote was as follows: Rose- ave, Davit – ave, David – ave, Williams – ave, and Martini - ave. Motion carried 5-0.

Town of Windermere Retirement Policy Amendment Adoption

Mayor ProTem Williams turned the floor over to Manager Smith. Manager Smith explained that the plan's proposed change will allow hardship withdrawals pending the hardship, age, and invested years. Member Davit made a motion to approve the change. Member Rose seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, David – aye, Davit – aye, and Rose - aye. Motion Carried 5-0.

f. OTHER ITEMS FOR CONSIDERATION

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor ProTem Williams turned the floor over to the Council members. Member Rose stated she has been working with Manager Smith and Finance Director Nora White on the budget which is going smoothly. Member Davit gave kudos to all with the WPDF Summertime Bash and Pancake Breakfast. Some discussion followed.

7. STAFF REPORTS:

- a. TOWN MANAGER ROBERT SMITH Manager Smith reported on upcoming workshops and meetings.
- **b.** TOWN ATTORNEY HEATHER RAMOS Attorney Ramos stated that she will be sending all a memo regarding the law updates that went into effect on July 1st.
- c. **DEPUTY POLICE CHIEF JENNIFER TREADWELL** Deputy Chief stated she had no report. She then commented on her upcoming retirement August 7th.
- d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE Director Elliott-Moore reported on the Windermere Recreation Center playground equipment, sidewalk projects, repaving projects, picnic tables and swings, fencing, landscaping at Cal Plamer, irrigation repairs, workshops, recent rains/storms, community room clean out, and vegetation trimming. Discussion was made regarding paving material holding up with the rain and 1st Avenue drainage
 - e. TOWN CLERK DOROTHY BURKHALTER Clerk Burkhalter had no report.

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Mayor ProTem Williams commented on a landscaping project that has been funded by his late father. Member David reminded everyone of the upcoming sign language class.

Jim O'Brien, Mayor

8. ADJOURN:

Mayor ProTem Williams adjourned the meeting at 7:20pm.

Dorothy Burkhalter, MMC, FCRM

Town Člerk

Dorothy Burkhalter

From:

Tonya Elliott-Moore

Sent:

Friday, July 8, 2022 5:51 PM

To:

Dorothy Burkhalter

Cc:

Robert Smith

Subject:

Fwd: Comments on Oakdale Traffic Study

Attachments:

7th Street Neighbors Comments on Oakdale proposed Street Changes. .pdf

Dorothy - for your records.

Sent from my Verizon, Samsung Galaxy smartphone

Get Outlook for Android

From: Martin Collins <mcollinsflorida@gmail.com>

Sent: Friday, July 8, 2022 5:36:15 PM

To: Robert Smith <rsmith@town.windermere.fl.us>

Cc: Roger Gatlin <rgatlin@town.windermere.fl.us>; Jim O'Brien <jobrien@town.windermere.fl.us>; Tonya Elliott-Moore

<tmoore@town.windermere.fl.us>; Tony Davit <tdavit@town.windermere.fl.us>; Andy Williams <awilliams@town.windermere.fl.us>; Molly Rose <mrose@town.windermere.fl.us>; Bill Martini

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Subject: Comments on Oakdale Traffic Study

I would like this Letter to be read into the Town Council Meeting record during the next Council meeting. We are firmly against closing any 6^{th} Ave Streets and are also opposed to closing 7^{th} and 8^{th} to Main.

We are many against closing any or Ave Streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slowing a single streets and are also opposed to slow a single streets and a single streets and a single street streets and a single street street streets and a single street s

We believe the 9th and Oakdale diversions should stop any Oakdale cut through traffic that may occur during rush hours

We would like someone to pick a Goal for this project so we can measure when we have succeeded.

So far there is no Count on how many cars we are trying to stop and at what time of day.

There should be a Traffic Engineer involved to deliver a report on the Safety impacts for local residents due to street closures.

Data needs to be collected on 7th and 8th Traffic before implementing any closure tests.

Martin Collins 407-497-1890

mcollinsflorida@gmail.com

SE Windermere Quadrant Traffic Studies - Comments from 7th Ave Area Residents - July 8, 2022

Letter to Town of Windermere

From: A group of Neighbors in the Area of 7th and Bessie Street.

Regarding SE Quadrant Traffic Studies / Oakdale issues.

To Town Manager

CC- Town Council, Long Range Planning Committee

Thank you for <u>not closing</u> the 6th Ave Streets during the June 14th Council meeting. We understand the alternate solution that is being tested should address the cut through traffic concerns of the Oakdale Ave residents. We understand the June 14th authorized Tests of traffic flow changes will:

- Create two diversions at 9th ave and Oakdale that will partially cul-de-sac the South Oakdale area and prevent any pass-t traffic from or to Main or 6th via Oakdale.
- 2. Block E 8th ave at Main or West side of Oakdale to prevent bypass of the roundabout on Main or 6th and stop any bypass traffic from using this north end of Oakdale.
- 3. Block 7th ave at the rear of the Office Parking lot to prevent roundabout bypass traffic from Main or 6th.



We understand from the brief discussion and comments during the June 14^{th} council meeting that the implementation plan will be:

- 1. Notify the Area drivers and residents that these changes are planned.
- 2. Implement the changes in a temporary manner to allow testing and to capture new traffic counts on Oakdale after school opens.
- 3. Consider incrementally removing some of these changes after modifying cut-through driving habits, and perhaps during slow traffic seasons such as when school is out.
- 4. Collect results data on Oakdale for these tests.

Major Impacts to Our 7th Ave Neighborhood Area from these Planned tests.

- 1. We will no longer have access to Chase Road via Oakdale.
- 2. We will no longer have access to Main from 7th or 8th Ave.
 - a. This is an important route for our area residents that want to go north on Main by taking a right turn rather than a left on 6th across the traffic. Also, to go South on Main to Chase.

SE Windermere Quadrant Traffic Studies - Comments from 7th Ave Area Residents - July 8, 2022 Concerns about the Process moving forward-

1. How can our neighborhood Participate more in the Oakdale traffic study and Solutions?

Our impression from the June 14th meeting was that the original Motion and solution to close the 6th Ave streets was put forward by a group of Oakdale residents that did not consider the larger impacts to our 7th street area, or any other solutions like the ones the town is testing now. We are concerned that Some Oakdale residents are requesting alternatives to the plan that has been approved.

How can we get notices for discussions or work groups that are considering changes to our Neighborhood so we may participate?

2. What Data do we use to know if we have succeeded in solving the Oakdale Traffic Issue?

The Town Manager has provided the results of several years of traffic studies that show that the Oakdale traffic is within normal limits for this Neighborhood in Quantity and Speed limits. There is no data showing the amount of Oakdale traffic that is caused by Outside commuters using Oakdale to bypass the backups caused by the Roundabout during rush hours in the morning and afternoons during the week.

Regardless of this lack of data, the Oakdale residents still believe their streets have too much cut through traffic and that they have a speeding issue that we, as the Residents of Windermere, need to fix.

- Have any of the Oakdale residents presented any measurable goals or requests for Traffic reduction?
- If the Oakdale measurement of success is subjective, how do we fix the perceived problem?
- At the Town council meeting Oakdale residents seemed focused on closing the 6th Ave streets, rather than setting goals or discussing solutions that would impact Oakdale local traffic patterns.
- 3. Are there Plans to use a Traffic Engineering Firm to Review the Impacts of the Proposed Road closures?
- 4. The Residents in my Neighborhood are opposed to clocing any Twon of Windermere streets

It seems intuitive that the diverters proposed for the intersection of 9th and Oakdale will resolve any potential Oakdale cut through traffic between Main Street and 6th Ave with the least impact to all other SE Quadrant residents. We understand that these diverters were studied in 2017 and not implemented due to costs. It should be a requirement that we involve an Engineering firm to review the impacts on of the Street closures at 7th and 8th and Main.

- The collected Data shows that peak travel is only during the short Commute periods during the week when there may be traffic backup on the Roundabout. There is no data showing how many cars are using 7th and 8th as part of any bypass route. Are we trying to stop 2 cars or 10 cars a day during rush hour?
- Many of the residents in the 7th and 8th Street Neighborhoods use these two streets for access to Main Street to go north or south. Without these two streets open, we will only be able to exit on 6th which will require a Left turn on 6th into on-coming traffic into a queue during rush hour. Or as an alternate we can turn right (East) on 6th and make a U-turn to access the roundabout. Are we creating a traffic safety issue here?
- From our area we will need to use these potentially hazardous 6th Ave alternate routes 7 days a week to solve a problem that we have not sized, that may occur only during weekdays for two short commute periods.
- We suggest that you consider implementing the 9th and Oakdale diverters to solve the South Oakdale to Main traffic issues and not close 7th and 8th until we have collected traffic data on these streets and considered the safety issues.
- 5. How can we use Traffic Enforcement to assist in the success of these tests?

It was represented during the long-range planning meetings and presentations to council that police enforcement was not an effective solution to reducing the traffic on Oakdale. The explanation was that the traffic speeds were withing acceptable limits, and the police do not have the resource to monitor the trouble spots during rush hour to catch an intermittent speeding issue.

- Can the Town investigate installing Video Surveillance as a deterrent at problem intersections?
- How do we create a working group to investigate a plan and budget for Video Deterence.
- Can affected residents develop a funding Source to pay for these Cameras?

Dorothy Burkhalter

From: Robert Smith

Sent: Monday, July 11, 2022 8:03 AM

To: Dorothy Burkhalter

Subject: FW: Oakdale street closures

Regards,

Robert Smith
Town Manager
Town of Windermere
614 Main St.
Windermere, FL 34786
rsmith@town.windermere.fl.us

Cell: (407) 797-5004 Main: (407) 876-2563 x5324

Fax: (407) 876-0103

Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. This means email messages, including your e-mail address and any attachments and information we receive online might be disclosed to any person or media making a public records request. E-mail sent on the Town system will be considered public and will only be withheld from disclosure if deemed confidential or exempt pursuant to State Law. If you are an individual whose information is exempt under 119.071, Florida Statutes, please so indicate in your email or other communication. If you have any questions about the Florida public records law refer to Chapter 119 Florida Statutes.

----Original Message-----

From: John Hovey <j.hovey@yahoo.com> Sent: Saturday, July 09, 2022 10:50 PM

To: Robert Smith <rsmith@town.windermere.fl.us>

Cc: Jim O'Brien <jobrien@town.windermere.fl.us>; Roger Gatlin <rgatlin@town.windermere.fl.us>; Tony Davit <tdavit@town.windermere.fl.us>; Tonya Elliott-Moore <tmoore@town.windermere.fl.us>; Andy Williams <awilliams@town.windermere.fl.us>; Molly Rose <mrose@town.windermere.fl.us>; Bill Martini

Subject: Oakdale street closures

I am requesting that this letter be read into the Town Council Meeting record during the next Council meeting. We are opposed to any and all deviations of the normal traffic patterns in the SE quadrant.

The Town Council has ignored the fact that there is no justification to spend tax payer funds and resources on a problem that does not exist. If there is a perceived issue, The members of the Town Council should vote to commission a

comprehensive traffic study, develop a scope to direct the study, allocate funding through the budget process then engage an independent third party contractor. Then they could begin the process of formulating solutions based on the results of the study and involving the residents of the SE quadrant.

Should the Town Council continue to move forward with current plan of street closures, they would clearly be using their position of influence to placate a small select group of residents (complaints) based on emotions not documented facts. This would be acting AGAINST the best interests of the Town of Windermere and all of its residents.

Thank You, John Hovey 706 Bessie St, Windermere Fl, 34786 Sent from my iPad

Dorothy Burkhalter

From: Brandi Haines < bhwindermere@gmail.com>

Sent: Tuesday, July 12, 2022 3:49 PM

To: Dorothy Burkhalter

Subject: Fwd: Oakdale Street Traffic Calming

Dorothy, please include our comments below to be read into the record at tonight's meeting. Hopefully someone can answer the questions.

----- Forwarded message -----

From: Brandi Haines < bhwindermere@gmail.com >

Date: Tue, Jul 12, 2022 at 3:02 PM Subject: Oakdale Street Traffic Calming

To: < rsmith@town.windermere.fl.us>, < tmoore@town.windermere.fl.us>, < jobrien@town.windermere.fl.us>, < bmartini@town.windermere.fl.us>, < awilliams@town.windermere.fl.us>, < mrose@town.windermere.fl.us>,

<tdavit@town.windermere.fl.us>, <mdavid@town.windermere.fl.us>

We have read the current plans from the agenda for the Oakdale Street Traffic Calming Program. All discussion so far about placing a diverter has assured us that it will not require any kind of road widening or encroachment into the existing grassy areas of the right of way. However, we are concerned about item number 5 in the recommendations from the engineer (pg 33 of the agenda packet). Can you clarify exactly what it means, what the impact would be, and if the town plans to implement it:

"5. Improve the corner radius for the affected corners to ensure opposing vehicles can safely pass each other and driving is contained within the roadway surface."

Instead of making the corner wider we were hoping there would be some kind of 'delineators' to prevent vehicles from cutting the corner. We are already losing multiple trees in the right of way along E 9th Ave for the Bessie Stormwater Retention project; we do not want to lose anything else or have damage to the roots of our trees near the existing road edge along Oakdale or the corner. We have been assured that the Town will not excessively burden any one property owner for these projects.

Our other concern is that it seems like there is an excessive amount of signs proposed. Part of the benefit was supposed to be less signs than the alternatives.

Thank you, Rick & Brandi Haines