

TOWN OF WINDERMERE

Town Council Meeting Minutes  
(Virtual Meeting Covid-19)

July 14, 2020

**CALL TO ORDER:**

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Town Attorney Heather Ramos, Town Manager Robert Smith, Police Chief Dave Ogden, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien called the meeting to order at 6:03pm and stated all Council members were present.

Mayor O'Brien led everyone in the Pledge of Allegiance. He then gave the invocation.

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

Ms. Sandra Brooks of E 327 5<sup>th</sup> Avenue, Mr. James Nemley of 136 Oakdale Street, Ms. Joan Foglia 215 Butler Street, Mr. George DuBois of 336 E 5<sup>th</sup> Avenue, all commented on negative impacts at Lake Street Park. Comments were made regarding; crowds, drinking, out of control partying, language, disrespect for the park and residents, and no social distancing. Next to speak was Ms. Bonnie Elder of 3340 South Lake Butler Blvd. She commented on the pavilion fitting into the Town's architecture, materials, and placement. Council Member Martini then commented on the current situation at Lake Street Park. He stated that he appreciates the Police Department doing what they can to help the situation.

**2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS**

**a. Mayoral Proclamation Designating the Month of July as Windermere Staff Appreciation Month.**

Mayor O'Brien read and proclaimed July as Windermere Staff Appreciation month.

**3. TIMED ITEMS AND PUBLIC HEARING:**

**a.**

**ORDINANCE NO. 2020-02**

**AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC d/b/a DUKE ENERGY, AN ELECTRIC UTILITY RIGHTS-OF-WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE TOWN OF WINDERMERE, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING AN EFFECTIVE DATE.**

Mayor O'Brien read the title of proposed Ordinance 2020-02 for the record. He then closed the Town Council meeting at 6:23pm and opened the Public Hearing regarding proposed Ordinance 2020-02. Manager Smith questioned if the Town Council would like to make the agreement a 20-year or a 30-year agreement. He commented that the current agreement is 30 years. There being no further comments, Mayor O'Brien closed the Public Hearing at 6:24pm and reconvened the Town Council meeting. Attorney Ramos stated that there is an automatic 10-year provision in the Ordinance, which will allow the Town to be in agreement for up to 30-years. Member McKinley made a motion to approve Ordinance 2020-02 as written with the 20 years. Member Sapp seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

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b.

**ORDINANCE NO. 2020-03**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO WATER CONSERVATION; REPEALING AND REPLACING SECTION 5.03.04 OF ARTICLE V OF THE TOWN'S LAND DEVELOPMENT CODE TO PROVIDE AN UPDATED WATER SHORTAGE PLAN CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Mayor O'Brien read the title of proposed Ordinance 2020-03 for the record. He then closed the Town Council meeting at 6:27pm and opened the Public Hearing regarding proposed Ordinance 2020-03. There being no public comments, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:28pm. Member Williams made a motion to approve Ordinance 2020-03 as presented. Member Andert seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

c.

**ORDINANCE NO. 2020-04**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO WATER CONSERVATION; REPEALING AND REPLACING ARTICLE XIV OF THE TOWN'S LAND DEVELOPMENT CODE TITLED "WATER CONSERVATION RULES" TO PROVIDE FOR UPDATED WATER CONSERVATION RULES CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO BE TITLED "WATER CONSERVATION; YEAR-ROUND LANDSCAPE IRRIGATION MEASURES; VARIANCES; ENFORCEMENT; PENALTIES"; PROVIDING THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DECLARATION OF A WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Mayor O'Brien read the title of proposed Ordinance 2020-04 for the record. He then closed the Town Council meeting at 6:30pm and opened the Public Hearing regarding proposed Ordinance 2020-04. Ms. Dee Lee of 508 W 2<sup>nd</sup> Avenue requested clarification of the Ordinance. Mayor O'Brien commented that this Ordinance is similar to what's existing but needed updating. Mr. Brad Cornelius, Town Planner introduced himself. He then explained the need for the Ordinance. Ms. Lee then questioned enforcement

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and penalties. Mr. Cornelius commented that enforcement would be similar to what currently is being done. Some discussion followed. There being no further public comments, Mayor O'Brien closed the Public Hearing at 6:37pm and reconvened the Town Council meeting, Member Sapp questioned how the fine process would work. He stated concerns with double fines; The Town and Orange County. Mr. Cornelius stated that double fining is unlikely, as this is the Town's Ordinance. Attorney Ramos stated that the intent is for compliance. Member Sapp made a motion to approve Ordinance 2020-04 as presented. Member Martini seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

#### 4. CONSENT AGENDA

- a. **Windermere Wine & Dine Donation to Legacy Foundation Leadership for "Sunshine Project" \$19,000**
- b. **Computer Business Consultants: Town of Windermere Temporary Move" Quote # CP 000464-1 \$17,325**
- c. **Windermere Pavilion Concept Plan**

Mayor O'Brien introduced the consent agenda. He then stated that Mrs. Bonnie Elder was signed in to speak on item "c." Member Andert made a motion to approve consent agenda items a & b. Member McKinley seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

Mayor O'Brien then opened the floor discussion of item "c." He then stated that this is a conceptual plan only. He then opened the floor to the public. First to speak was Mrs. Bonnie Elder of 3340 South Lake Butler Blvd. She commented on her concern with the location. Mrs. Elder suggested moving it to face the entire grassy area. Mayor O'Brien stated that the pavilion is set in a position to push the sound away from the residents on Forest Street. Some discussion followed regarding the concept plan, location, aesthetics, noise to surrounding neighbors, and fundraising by committees. There being no further comments, Member Sapp made a motion to approve the proposed concept plan. Member Andert second the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

#### 5. NEW BUSINESS

- a. MINUTES
  - i. Town Council Meeting Minutes June 9, 2020 (Attachments-Staff Recommends Approval)
  - ii. Town Council Workshop Meeting Minutes June 23, 2020 (Attachments-Staff Recommends Approval)

Member McKinley made a motion to approve the minutes of June 9, 2020 and June 23, 2020 as presented. Member Williams seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

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

**iii. ORDINANCE NO. 2020-05**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA  
ADDING A NEW ARTICLE III TO CHAPTER 22 OF THE  
TOWN'S CODE OF ORDINANCES TO BE ENTITLED  
"CONDUCT IN TOWN PARK AND RECREATION AREAS";  
PROVIDING DEFINITIONS; PROHIBITING ALCOHOLIC  
BEVERAGES IN OR ON ANY PUBLIC PROPERTY, PUBLIC  
RECREATION AREA, OR PUBLIC PARK UNLESS  
AUTHORIZED BY THE TOWN COUNCIL PURSUANT TO  
SECTION 8-93 OF THE TOWN'S CODE OF ORDINANCES;  
AUTHORIZING THE INSPECTION OF CONTAINERS FOR  
ALCOHOLIC BEVERAGES, PROVIDING THE INSPECTION  
PROCEDURE AND PROVIDING FOR CONFISCATION;  
PROVIDING FOR RATIFICATION, SEVERABILITY,  
CODIFICATION AND AN EFFECTIVE DATE.**

Mayor O'Brien read the title of proposed Ordinance 2020-05 for the record. He then stated that the Second Reading/Public Hearing will be held at the August 11<sup>th</sup> Town Council meeting. Some discussion followed regarding backpacks and enforcement.

**c. CONTRACTS & AGREEMENTS**

**iv. Kimley Horn & Associates: National Pollutant Discharge  
Elimination System \$29,895 (NPDES) Permit Services 2021  
(Attachments-Staff Recommends Approval)**

Mayor O'Brien introduced this item. Manager Smith explained that this approval is similar to what has been done in the past for the NPDES permit services. Member Andert made a motion to approve the agreement. Member Williams seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

**d. FINANCIAL**

**e. OTHER ITEMS FOR CONSIDERATION:**

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

Mayor O'Brien opened the floor to the Town Council for any reports. Member Andert gave a report regarding the W.A.Y. Committee, Tree Board, Business Directory on website, Butler Chain of Lakes Advisory Committee meeting, Orange County EDP, Bird Island and shoreline clean-ups. She also stated that she will forward her liaison report to the Clerk to be incorporated into the minutes. (Clerk Burkhalter has attached the comments for the record). Member McKinley questioned Member Andert if the Audubon Wildlife assessment could be placed on the Town's website. Member Andert stated she would like to speak with David Hanson from EPD prior to placing on the website. Member McKinley gave his appreciation to the Town staff regarding the previously read proclamation. Member Sapp gave a report regarding the Long-Range Planning Committee's approval for the Multi Modal path concept. He then stated that LRP is working on an RFQ for a sign vendor. Member Williams stated that HPB did not meet. Member Martini reiterated comments for Staff Appreciation. He then questioned the ownership of

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Bird Island. Member Andert stated that one side of the Island is privately owned. She then stated that the Audubon society owns the majority of the land on the Island. Mayor O'Brien thanked the Police Department for their off-duty detail. He then reminded everyone to be mindful of the uptake of Covid-19 in the area. Mayor O'Brien answered chat question from Ms. Brandi Haines as to how many cases were in Town. He stated that the Town numbers are not singled out, the zip as a whole is what's being tracked.

**7. STAFF REPORTS:**

**a. TOWN MANAGER ROBERT SMITH** – Mr. Smith turned the floor over to Mr. Cornelius. Mr. Cornelius gave an update on the Conditional Use Request and major site plan approval for 111 W 5<sup>th</sup> Avenue. The request is for a Tap Room and Micro Brewery with a building to accommodate that business. Mr. Cornelius stated that these items will go before the DRB in August and before the Town Council in September and October. Mr. Smith reported on the upcoming DRB meeting, projects meeting notes, after action survey regarding COVID-19, CARES Act Funds recipient, staggering administration schedules, upcoming workshops, and conceptual plans for Lake Butler and Lake Bessie projects. Mr. Smith thanked staff for continuing to work through the adversity. He then stated that he will continue to work the Lake Street Park issue. Member Martini questioned if there will be a workshop regarding Fernwood Park. Mr. Smith stated that there will be a workshop scheduled for Fernwood Park in the future.

**b. TOWN ATTORNEY HEATHER RAMOS** – No report.


**c. POLICE CHIEF DAVE OGDEN** – Chief Ogden reported on the command staff meeting, his upcoming Police Chiefs Academy, current arrest with positive COVID-19 test results, upcoming supervisor exam, cameras in the parks, current Police Department hours, and transitioning of Community Room as evidence room.


**d. PUBLIC WORKS DIRECTOR SCOTT BROWN** – Director Brown thanked everyone for the Appreciation. He then reported on Park Avenue final inspection, improved crosswalks, decorative sign posts, and incoming of the temporary facilities.

**e. TOWN CLERK DOROTHY BURKHALTER** – No report. Clerk Burkhalter thanked the Mayor and Town Council for the Appreciation Proclamation.

**8. ADJOURN:**

Mayor O'Brien adjourned the meeting at 7:32 pm.

  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

  
Jim O'Brien, Mayor

## Dorothy Burkhalter

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**From:** Liz Andert  
**Sent:** Tuesday, July 14, 2020 9:20 PM  
**To:** Dorothy Burkhalter  
**Subject:** Liaison Report Points for Town Council Meeting Minutes

Good evening, Dorothy. If these points that I wrote for myself can in any way help with your preparation of the meeting minutes, I am glad to provide them. Clearly you will want to edit as appropriate and for tone. Thank you – Liz

WAYS: No report, no June or July meeting. Hoping for an August meeting.

BCLAB: Next meeting will be Monday 7/20 at 4:30pm. At the June 15 meeting after receiving the Butler Marine Patrol report I asked Lt. Hudson if they could adjust their hours in response to resident concerns we've heard over patrolling at non-peak times; Audubon is conducting a wildlife assessment of the Island and EPD has a spreadsheet the public can use to document wildlife and human activity impact to help with creating a Critical Wildlife Area designation and exclusion zone. EPD is sending permit specialists to the next meeting to educate the Board on the permit process for aquatic plant removal. I've been in some conversations with residents around that lately and when EPD is ready with their revised guidelines, I will be sending to Diane so we can publish in the Gazette or elsewhere. Also, we've received other concerns over work on lakeshore structures and landscaping. I can help bring these to EPD or connect residents to the right parties at EPD, so please send them to me. I'm glad to help.

Tree Board: No meeting to be held in July. Tree Board plans to hold a workshop the second week of August to discuss plans for the Treebute, and they are working to move the date for the regular monthly meeting.

DBC: Directory is up and announced on all Town channels, thanks to Diane! Next step for me is to like every one of the businesses on their social media accounts. I encourage you to do the same.

Liz Andert  
Town Council Member  
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Cell: (407) 504-0474  
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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.