

TOWN OF WINDERMERE

Town Council Meeting Minutes

September 14, 2021

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. First to speak was Mr. Stephen Withers of 712 Main Street. Mr. Withers explained that the bronze color for the new facilities is not available. He stated that blue or black is available and he would appreciate direction from the Town Council as to which color should be selected. After discussion was made, consensus of the Town Council was to select the color blue.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

- a. SRO Carlos Hernandez: 5 Years of Service Recognition – Chief Ogden

Chief Ogden presented SRO Hernandez with a 5-years of service appreciation plaque.

- b. CFX 2045 Master Plan Presentation – Mr. Will Hawthorne

Mayor O'Brien turned the floor over to Mr. Will Hawthorne, Director of Engineering for CFX. Mr. Hawthorne introduced himself. He then gave a presentation regarding completed, current and proposed road projects. After the presentation was completed, Mr. Hawthorne thanked the Mayor and Town Council for allowing the presentation. Mayor O'Brien questioned if the 429 and I-4 ramp will be included in the proposed. Mr. Hawthorne stated that the section of the 429 is not within their jurisdiction. Member Davit also questioned a potential connector to the 429 from the Beachline. Mr. Hawthorne stated that this has been reviewed at a higher level. He also stated he would appreciate everyone filling out the survey that will be posted.

- c. ROTARY CLUB OF WINDERMERE, INC Recommendation of Project Manager for the Windermere Pavilion – Rotary to Present

Mayor O'Brien introduced this item. He then turned the floor over to Mr. Byron Sutton. Mr. Sutton stated that the Rotary is seeking approval for hiring one position which is the Owner's Representative. He stated that he would be the representative for the Rotary, along with the Owner's Representative and a representative from the Town of Windermere. Mr. Sutton explained what position and responsibility the Owner's Representative would have. He commented on the process that the committee has taken that has led to their requested approval of ZHA. Mr. Sutton stated he would take any question or comments. Mayor O'Brien questioned the hiring process and scope of work. He then commented on concerns with the process and possible liabilities. Mr. Sutton explained that once a selection is made, further discussion/meetings will take place. Mayor O'Brien stated that he wants to be sure that the Town, the Rotary and the West Orange Healthcare District are protected. Discussion ensued regarding legal contracts, procurement process, missing RFQ/RFP, solicited candidates, division of responsibilities, and lack of a detailed scope of work. Manager Smith commented on the lack of his inclusion with the Rotary and the complete selection process. He then stated that he could not support the recommendation due to the selection process. Manager Smith explained that the Town had an RFQ in place for the Rotary to use which they did not. Attorney Ramos commented on the agreement between the Health District and the Town. She then stated that there was an agreement between the Town and the

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Rotary which nine (9) requirements were addressed. Attorney Ramos stated that the requirements have not been addressed. She then stated that the process needed to be redone. Member Sapp questioned the difference between a "Project Manager" and a "Representative." He stated that he assumed that there would only be one Project Manager. Member Sapp then requested a better understanding of each role. Mrs. Norma Sutton of 505 W 2nd Avenue introduced herself. She explained that the Owner's Representative is a very unique position. Mrs. Sutton also stated that the project offered a small amount of money, which may be why there was not a lot of interest. She explained that the Owner's Representative will work for the Rotary Club as the Owner's Representative for the construction project. Mrs. Sutton further explained that this person will manage the project and be Mr. Sutton's "right-hand-man" to oversee the project. She commented that the Owner's Rep will be the liaison with the construction company, review finances and invoices and submit for payment to the Rotary. Mrs. Sutton then commented on the four proposals that were received. She then stated that a contract will need to be written. Mayor O'Brien commented on concerns; Staff and Town Council has not reviewed the proposals, items listed on the agreement have not been followed, utilization of the provided template has not been done, and advertising on DemandStar needed to be done. Mr. Sutton commented that this is a Rotary project that is being donated to the Town. He stated that all codes and requirements will be met. Mr. Sutton further stated that it was the Rotary's idea to hire an Owner's Rep. Mayor O'Brien questioned where the funds are coming from. Mr. Sutton stated from the West Orange Health District given to the Windermere Rotary to spend. Mayor O'Brien stated that the Town will uphold the agreement with the Rotary of selecting a Project Manager/Owner's Representative, and utilizing a procurement process agreed upon by the Town Manager and the Rotary, which has not been done. Manager Smith stated that Attorney Ramos is legal counsel for the West Orange Health District as well as the Town. He then commented on the three tiers of advertising that would have been accepted, however it has not been done. Mr. Sutton stated that the Rotary has followed their legal advice. Attorney Ramos continued the review of requirements in the agreement between the Rotary and Town. She stated that the Project Manager/Owner's Representative must be approved by the Town Council and may not be a member of the Town Council or Rotary. Member Sapp questioned the role of Mr. Sutton if the agreement states the Project Manager/Owner's Rep cannot be a member of the Town Council or Rotary. Mr. Sutton stated that he is the Project Manager for the Rotary Club. He further stated that the Owner's Representative is what's being advertised. Member Davit commented on the requirement of an independent person for the Project Manager/Owner's Rep. Attorney Ramos stated all the records are public record for this project. Mayor O'Brien stated that the RFQs/RFPs have not been seen by the Town Council. Member Martini commented on his concerns with the current process. He then stated that he would like to take a "step back." Mayor O'Brien stated that the basics needed to be followed precisely. And if it cannot be done, the Town doesn't need to move forward. Mrs. Sutton reiterated that the Rotary is hiring the Owner's Representative. She then questioned if the Town is going to hire an Owner's Rep for the Town. Mrs. Sutton then commented on the responsibility of the Owner's Representative to the Rotary. After much discussion was made, Member Davit made a motion to table this item until the next Town Council meeting and curtail the advertising to three weeks. Member Martini seconded the motion. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – ae, and David – aye. Motion carried 5-0.

3. TIMED ITEMS AND PUBLIC HEARING:

4. NEW BUSINESS:

a. Minutes:

- i. Town Council Meeting Minutes August 10, 2021
- ii. Town Council Meeting Minutes August 24, 2021

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

b. Resolutions/Ordinances for approval/First Reading

- i. Ordinance 2021-02: Home Based Businesses (Correcting Conflicts in Current Code)

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA; AMENDING SECTIONS 1.03.02 AND 7.03.01 OF THE TOWN'S LAND DEVELOPMENT CODE AND SECTION 8-19 OF THE TOWN'S LAND DEVELOPMENT CODE REGARDING HOME OCCUPATIONS TO BE CONSISTENT WITH THE NEW GENERAL LAW ON HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance No 2021-02 for the record. He then stated that the second reading/public hearing will be held at the October Town Council meeting.

c. CONTRACTS & AGREEMENTS

- i. FY 2022 Renewal of Agreement for On Call Land Planning Services; Wade Trim

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

- ii. Continuation of Water System Master Plan – Amendment #1 Wade Trim \$38,150

Mayor O'Brien introduced this item. Member Davit made a motion to approve Amendment #1. Member Williams seconded the motion. Roll call vote was as follows: David – aye, Williams – aye, Sapp – aye, Martini – aye, and Davit – aye. Motion carried 5-0.

- iii. RFP #2021-03 Audit Services Town of Windermere

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

- iv. RFP #2021-05 Town of Windermere Lakes Management: Aqua Stem Consulting

Mayor O'Brien introduced this item. He then turned the floor over to Public Works Director Elliott-Moore. Director Elliott-Moore gave an overview of RFP#2021-05. Member Davit made a motion to approve Aqua Stem. Member Sapp seconded the motion. Member Martini questioned if Lake Bessie was included. Director Elliott-Moore stated yes. Roll call vote was as follows: David – aye, Williams – aye, Sapp – aye, Martini – aye, and Davit – aye. Motion carried 5 – 0.

d. OTHER ITEMS FOR CONSIDERATION

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- i. Update on the status of negotiations with boathouse tenants and action by the Town Council

Mayor O'Brien introduced this item. Member Martini stated that the appraisals are being conducted. Manager Smith stated that once the fair market rate is received, he will provide to interested parties. He also stated that the Appraiser will be at the October Town Council meeting. Some discussion followed regarding the proposed lease, and appraisals. Mr. George Poelker of 405 W 3rd Avenue introduced himself. He stated that the process is moving forward. No further comments were made.

4. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien reported on the 9/11 Memorial and the School Advisory Committee. Member Williams reported on HPB, Scout Project, and Holiday Hoopla. Member Sapp reported on the West Orange Chamber Advisory Committee and road project concerns. Member Martini reported on the Tree Board, Treebute, Wine and Dine, and the Run Among the Lakes. Member David reported on Parks and Recreation Committee, Run Amng the Lakes, upcoming Playground/Pickle Ball workshop, and upcoming Food Truck event. Member Davit stated that the Long-Range Planning Committee had not met.

5. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Manager Smith reported on Project Meeting notes, Rotary RFQ, Orange County Utilities, WAY Committee meeting, Final Budget Hearing, Development Review Board meeting, upcoming National Night Out, and Cops and Bobbers.

b. **TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos had no report.

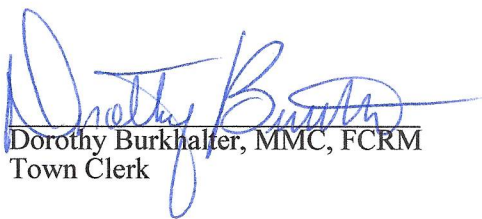
c. **POILCE CHIEF DAVE OGDEN** – Chief Ogden reported on upcoming State Memorial trip, Post Office Dedication, National Night Out, upcoming Cops and Bobbers, and the Computer Lab.

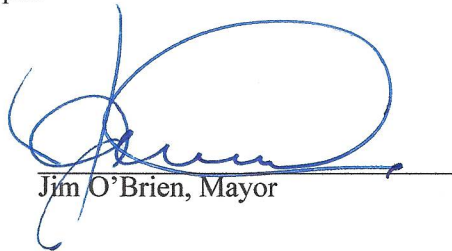
d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on sidewalks projects, road repairs, trench and electric install at parks, swale maintenance, and the speed trailer update.

e. **TOWN CLERK DOROTHY BURKHALTER** – Clerk Burkhalter commented on liaison reports.

6. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:50pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor