

TOWN OF WINDERMERE

Town Council Meeting Minutes

December 13, 2022

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Andy Williams, Tony Davit, and Molly Rose. Town Manager Robert Smith, Town Attorney Heather Ramos, Police Chief Dave Ogden, and Town Clerk Dorothy Burkhalter were also present. Council Member Mandy David (present via zoom). Public Works Director Tonya Elliott-Moore 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 commented on the Police Department's Accreditation. Speakers deferred until agenda items were heard. Clerk Burkhalter then read an email received from Ms. Nora Brophy on behalf of the Parks and Recreation Committee (attached).

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Ceremonial Swearing and introduction of WPD Officer Emanuel Rodriguez

Mayor O'Brien turned the floor over to Chief Ogden. Chief Ogden introduced and performed a ceremonial swear-in of Officer Emanuel Rodriguez.

b. Introduction of Officer Sarah Hoffmann

Chief Ogden introduced newly hired Officer Sarah Hoffmann.

c. 90 Day Review SE Quadrant Traffic Diversion – Oakdale & 9th Avenue

Mayor O'Brien introduced this item. He then turned then opened the floor for public comments. First to speak was Mr. David Sharpe of 1027 Oakdale Street. Mr. Sharpe spoke in favor of permanent diverters and asked that the Town Council move forward favorably and quickly on this item. Mayor O'Brien thanked Mr. Sharpe and Mrs. Haines for all their comments that have assisted the Town Council. Next to speak in favor was Ms. Brandi Haines of 835 Oakdale Street. She then commented on issues and concerns she had regarding a black jeep driving over the barricades and a few other incidences. Mayor O'Brien thanked Mrs. Haines for her comments. Member Rose stated that she hasn't noticed traffic diverting to other areas. Member Rose made a motion to approve moving forward with the permanent diverters. Member Williams seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, Davit – aye, and Rose -aye. Motion carried 4-0.

3. TIMED ITEMS AND PUBLIC HEARING

a. **ORDINANCE NO. 2022-10 AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO HEALTH, SAFETY AND WELFARE; AMENDING AND UPDATING ARTICLE III IN CHAPTER 20 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "GOLF CARTS"; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

Mayor O'Brien closed the Town Council meeting at 6:25pm and opened the Public Hearing regarding proposed Ordinance 2022-10. He then read the title of Proposed 2022-10 for the record. There being no comments from the public, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:25pm. Member Rose commented on her concerns with fourteen-year-olds driving golf carts. Attorney Ramos stated that the age is defined in the Florida Statutes in which the Statutes need to be followed. Some discussion followed. Member Martini made a motion to approve Ordinance 2022-10 as presented. Member Williams seconded the motion. Roll call vote was as follows: Rose – aye, Davit

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– aye, Williams – aye, and Martini – aye. Motion carried 4-0.

4. NEW BUSINESS

a. MINUTES:

i. Town Council Meeting Minutes November 14, 2022

Mayor O'Brien introduced this item. Member Davit made a motion to approve the Town Council minutes of November 14, 2022 as presented. Member Rose seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

a. CONSENT ITEMS:

i. Z22-09 – 5 Pine Street, Joseph and Jill Ata – Revised Variance Request to allow for a front setback of 18 feet for a new attached garage

Mayor O'Brien introduced this item. He then turned the floor over to Mr. Brad Cornelius. Mr. Cornelius gave a brief review of the original request that was returned to the Development Review Board by the Town Council. He explained that the applicants have revised their request which reduces the request from sixteen feet from Pine Street to eighteen feet from Pine Street. And nineteen and a half feet from the southern side from seventeen and half. Mr. Cornelius stated that the DRB has reviewed the revised request and have recommend approval. He then commented on the compatibility in the area in which 25% of the existing homes do not meet the setback. Discussion followed regarding setbacks from the roadway, and other non-conforming homes. Mr. Joseph Ata, owner of 5 Pine Street introduced himself. He then stated that much discussion was made regarding saving his trees. Mr. Ata commented on the history of the area and approvals that did not meet code, private rights of way, and removal of the "turn around point." Mr. Ata commented on the benefit and aesthetics of the improvements. He also stated that there is not a Town right of way in his area. Member Martini commented that the no Town right of way was the determining factor for the DRB to approve. Mayor O'Brien stated for the record that the DRB accepted the "no Town right of way" as the deciding factor for approval. After some minimal comments, Member Martini made a motion to approve the revised variance request. Member Williams seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, Williams – aye, and Martini – aye. Motion carried 4-0.

c. ORDINANCES FO APPROVAL/FIRST READING

d. APPOINTMENTS

e. CONTRACTS & AGREEMENTS

f. FINANCIAL

i. Tom Price Architects – Town Hall rehabilitation: Not to exceed \$30,000.00

Mayor O'Brien introduced this item. Manager Smith explained that an RFQ was done with only one response being submitted with a price well over expected. He then stated that two other vendors were reached out to with one being Mr. Tom Price. Member Rose questioned if the back porch was included in the rehab. Manager Smith stated yes. Member Davit questioned the price estimation for part three

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which was not included. Manager Smith explained that with the hours of phase one and phase two, phase three is unknown. Discussion followed. Member Davit made a motion to approve with a not to exceed \$30,000.00. Member Rose seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

g. OTHER ITEMS FOR CONSIDERATION

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien reported on the Police Department Accreditation, Light Up Windermere, Pavilion input, and the Holiday Hoopla. Member Williams commended the Hoopla event, and budget increases for next year. Member Davit stated that the Project Meeting minutes had been previously provided. He then commented on attending MetroPlan meetings. Member Davit thanked the Staff and Town Council for the flowers and thoughts on the passing of his father.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith wished a Happy Birthday to Member Davit. He wished all Happy Holidays and a Happy New Year.

b. TOWN ATTORNEY HEATHER RAMOS – Attorney Ramos stated that everything filed by the boathouse tenants has been dropped, answers to complaints received, and discoveries have been filed. She then wished everyone Happy Holidays.

c. POLICE CHIEF DAVE OGDEN - Chief Ogden reported on the Accreditation, possible educational golf cart class, Paint with a Cop event, Holiday Hoopla event, and Light-Up Windermere. He then thanked all for their support through the Accreditation process.

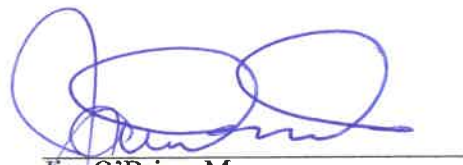
d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE – Ms. Elliott-Moore was absent.

e. TOWN CLERK DOROTHY BURKHALTER – Clerk Burkhalter reported on upcoming elections and the 2024 Presidential Preference Primary.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 6:51pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

Dorothy Burkhalter

From: Nora Brophy
Sent: Tuesday, December 13, 2022 4:02 PM
To: Dorothy Burkhalter
Cc: Mandy David; Jim O'Brien; Bill Martini; Andy Williams; Molly Rose; Tony Davit
Subject: Meeting Today

Hey Dorothy -

I am unable to be there tonight, so could you please read this for me?

Thank you,

Nora

Parks & Recreation has been concerned about the design and placement of the proposed pavilion, as it is significantly larger than the former community room. As P&R manages two large events, maximizing our event space is critical. We have met with John Fitzgibbon, Susan Carter and Mandy David to discuss the pavilion plans.

We feel moving the pavilion back further into the former temporary town office space is the best option to maximize the green space in front of the pavilion and around Town Hall. We don't feel making that space into a parking lot is advantageous; we will never have enough parking in our town for large events, and adding parking spots doesn't make our resident's lives better.

Another option may be to move the existing basketball courts behind the pavilion, which would create a lot more open, green space near Town Hall. We would still recommend pushing the pavilion back as far as possible, maximizing our green space.

P&R passed a resolution asking Town Council to revisit the pavilion plans in an effort to maximize our event space at meeting 12/8. We would appreciate your taking another look at the location of this pavilion.

Nora Brophy
426 Magnolia St