

TOWN OF WINDERMERE

Town Council Meeting Minutes

April 13, 2021

CALL TO ORDER:

Present were Mayor Jim O'Brien, 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 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 Ms. Amy Karr of 3303 Just-a-Mere Court. She commented on concerns regarding the fishing pier at the Windermere Recreation Center. Manager Smith commented on past discussions made by the Parks and Recreation Committee that led up to the railing being removed. He stated that it was not only for fishing but for kayak launching. Manager Smith stated that the Parks and Recreation Committee could revisit the fishing pier and railings. Mayor O'Brien suggested placing a ladder of some sort in the event someone should fall in. Ms. Susan Carter and Ms. Brandi Haines deferred comments until the Public Hearing item.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Service Longevity Awards

- i. Officer Jeff Czwarnog**
- ii. Officer Ryan Miller**
- iii. Officer Brian Miller**

Chief Ogden recognized Officer Jeff Czwarnog and Officer Ryan Miller for their years of service to the Town.

b. Service Recognition

- i. Officer Brian Miller**

Chief Ogden presented Reserve Officer Brian Miller with the longevity award and the Presidential Pin. He then stated that with the retiring of Lt. Destefano, Officer Chip Irwin has been promoted to the rank of Sergeant. Chief Ogden then introduced and swore in Chaplin Wes Beacham.

c. Staff Recognition

- i. Travis Mathias**
- ii. John Fitzgibbon**
- iii. Chip Irwin Promotion to WPD Sergeant**

Manager Smith presented appreciation plaques to Public Works Foreman Travis Mathias and Consultant John Fitzgibbon for handling the Public Works Department until the new Director was hired.

3. TIMED ITEMS AND PUBLIC HEARING:

a. ORDINANCE NO. 2021-01

TOWN OF WINDERMERE

Town Council Meeting Minutes

April 13, 2021

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO REZONING; AMENDING THE TOWN OF WINDERMERE'S ZONING MAP FOR 2.17 ACRES MORE OR LESS OF REAL PROPERTY LOCATED WITHIN THE TOWN CENTER DISTRICT OVERLAY AT THE NORTHEAST CORNER OF MAIN STREET AND EAST 6TH AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM COMMERCIAL AND RESIDENTIAL ZONING TO PLANNED UNIT DEVELOPMENT; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.

- b. Attachment A – Land Use Plan
- c. Staff Report
- d. Tree Survey & Topographical Overlays

Mayor O'Brien explained that this is the first of two public hearings. He then turned the floor over to Mr. Brad Cornelius. Mr. Cornelius gave a presentation regarding the project location, Planned Unit Development (PUD), proposed project, proposed preliminary development plan, tree impact, updated tree survey, traffic, water and sewer services, façade/elevation, proposed PUD development conditions, and the next steps in this process. He then commented on the Topo and Façade waivers that are being requested. Mr. Cornelius ended his presentation and turned the floor over to Mr. Hall. Mr. Hall introduced himself and owner, Mr. Karr. He then gave a presentation regarding the team, Preliminary Development Plan, location, Town Center Design Guidelines (Master Plan, Setbacks, Parking, and Landscaping), Comprehensive Plan/Town Center District, Future Land Use Designation; Commercial and Overlay, trees/protection, building types, site disposition, Architectural Intent, commitment, topography and façade waivers, Architectural Intent, and Uses. Mayor O'Brien closed the Town Council meeting at 7:29pm and opened the Public Hearing regarding proposed Ordinance 2021-01. He then read the title of proposed Ordinance 2021-01 for the record. Manager Smith read for the record and email that was received from resident Jason Roland of 1 1st Court (attached). First to speak was Ms. Susan Carter of 106 Palm Street. Ms. Carter commented on tree concerns. She stated that the Town has gone to great lengths to preserve the oaks in front of the new Town facilities, including protection zones for roots, additional water to them while they are stressed from construction, root pruning as required, and proposing a WANE nutritional system to greater support these old trees as the construction around them damages the roots. Ms. Carter then questioned if the applicant plans on keeping Mr. Samnik on as a consultant during the construction to oversee such measures, and do they have specific plans for these measures to protect the trees, and if the applicant would have Mr. Joe Samnik on retainer for the complete project. Mr. Hall commented on the parking and paving requirements, protection of root zones, and a possible agreement with the Town regarding the paving materials/requirements. Mrs. Brandi Haines of 835 Oakdale Street introduced herself. She also commented on tree concerns and having permeable surface for the trees. Mrs. Haines stated that she would like to see the landscaped areas on Main Street in front of the buildings remain instead of being turned into pavers. She then commented on Pedestrian access and safety when crossing 5th and 6th Avenues. Mrs. Haines requested for the record that Mr. Cornelius explained the difference between a paver and a permeable paver. Mr. Cornelius commented on the percentages of possible permeable pavers depending on the material underneath the paver. There being no further public discussion, Mayor O'Brien closed the Public Hearing at 7:41pm and convened the Town Council meeting. Member Martini commented that currently there and will be less traffic trips due to removal of the commercial businesses at the Town Administration location. He then requested clarification regarding the Arborists being retained for the project. Mr. Hall stated yes there would be an Arborist on staff. Some discussion followed regarding maximum square footage and uses. Member Martini stated that the applicant and Arborist needed to meet with the Tree Board, leaner pond in drawing, and additional public workshops. Member Davit questioned the current zoning. Mr. Cornelius explained the current property zoning, commercial on front lots and residential on back lots. He then commented on the Future Land Use map, the Town Center Overlay District, the Master Plan and the Comprehensive Plan, which will cause the rezoning of the back residential lots. Member Davit stated that he would like to see the changes in the AM and PM peak travel traffic counts. Mr. Cornelius turned the question over to Mike Woodard with Kimley-Horn. Mr. Woodard stated he didn't have the numbers with him and would like to defer until the next workshop for accurate numbers. Mayor O'Brien questioned Member Martini if he would like to see the parking lot buffer on Oakdale Street maximized. Member Martini stated yes. Mr. Hall commented that they will look at that option. He then stated that the requirements in the Comprehensive Plan have to

TOWN OF WINDERMERE

Town Council Meeting Minutes

April 13, 2021

be met. Discussion followed regarding the guidelines for the buffering and landscaping. Member Williams stated that septic and a drain field is still needed and changes are highly likely. Mr. Jim Karr, property owner introduced himself. He then commented on the proposed project. Member Sapp questioned the transportation mitigation. Manager Smith commented on the past Estancia project and the newly passed legislation. Mr. Cornelius stated that the methodology is currently undecided. He then commented on discussions he has had with the applicant. Manager Smith stated that with this size of development there wouldn't be a need for additional law enforcement or equipment. He then stated that he would not have an objection with removing the clause from the Developers Agreement or the PUD. Mayor O'Brien stated that it didn't need to be removed at this point. Member Sapp questioned if the "fast food" definition could be defined. Mr. Cornelius stated that he believes that no "drive-thru" was the intent. He then stated it could be addressed in the Developers Agreement. Mr. Karr commented that with the current pandemic, a consideration for food outdoor dining/curbside/pick-up is needed. Discussion followed. Mayor O'Brien stated that the septic/sanitary sewer is a top concern that needs to be addressed sooner than later. He also stated that more defined/clear plans are needed so the public can actually see the layout/façade. Mr. Cornelius stated that workshops can be planned accordingly through the phases if desired. Mr. Karr stated he agreed but a maximum is needed so the plans can move forward. Mayor O'Brien stated that at least three more workshops will be held. Mr. Cornelius stated that three top items for workshops could be septic/sewer, facades, and buffering/landscaping. Mayor O'Brien agreed. Mr. Karr stated he would like to limit the workshops so moving the project forward won't be hindered. He then stated that it would also hold his team to the fire. Mayor O'Brien stated that once all have worked together and have plans to move forward, workshops can be scheduled.

4. CONSENT AGENDA:

NONE

5. MINUTES:

a. MINUTES

- i. Town Council Meeting Minutes March 23, 2021
- ii. Town Council Workshop Minutes March 31, 2021

Manager Smith explained that the term dates on the candidate oaths for Council Members David and Davit needed to be corrected. Member Davit made a motion to approve the minutes providing the Candidates Oath term dates are corrected. Member Williams seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Martini – aye, Sapp – aye, and Williams – aye. Motion carried 5-0.

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

i. **Resolution No. 2021-02: Not to exceed \$25,000.00**

A RESOLUTION OF THE TOWN OF WINDERMERE OF ORANGE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF A NOTE IN THE AMOUNT NOT TO EXCEED \$25,000 FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING A PUBLIC SAFETY VEHICLE AND COSTS OF ISSUANCE OF SUCH NOTE; DELEGATING TO THE TOWN MANAGER OF THE TOWN, SUBJECT TO COMPLIANCE WITH THE APPLICABLE PROVISIONS HEREOF, THE AUTHORITY TO AWARD THE SALE OF SUCH NOTE TO SYNOVUS BANK PURSUANT TO A TERM SHEET; AUTHORIZING THE EXECUTION OF A BUSINESS LOAN AGREEMENT AND PROMISSORY NOTE; MAKING CERTAIN FINDINGS; AUTHORIZING CERTAIN OFFICIALS OF THE TOWN AND OTHERS TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID NOTE; AND PROVIDING AN EFFECTIVE DATE.

TOWN OF WINDERMERE

Town Council Meeting Minutes

April 13, 2021

Mayor O'Brien introduced this item. He then read the title of Resolution 2021-02 for the record. Manager Smith explained the need for the Resolution and the SRO vehicle. Member Martini made a motion to approve the Resolution 2021-02. Member Sapp seconded the motion. Roll call vote was as follows: Williams – aye, Sapp – aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

c. APPOINTMENTS

i. Pamela Schrimsher; Windermere Tree Board (Attachment-Tree Board Recommends Approval).

Mayor O'Brien introduced this item. Member Sapp made a motion for appoint Pamela Schrimsher to the Windermere Tree Board. Member Martini second the motion. Roll call vote was as follows: Davit – aye, David – aye, Martini – aye, Sapp – aye, and Williams – aye. Motion carried 5-0.

ii. Town Council Liaison Assignments (Attachments-Mayor O'Brien to address)

Mayor O'Brien presented the Liaison positions as; Member Williams – Historical Preservation Board, Elder's Committee, Holiday Social and Budget and Finance Department; Member Sapp – West Orange Chamber of Commerce Alternate, Administration Department and Mayor Pro Tem; Member Martini – Development Review Board and the Police Department; Member David – Farmers Market/Food Truck, Parks and Recreation Committee, WAY Committee, and Parks/Recreation Department; Member Davit - Long Range Planning Committee, Metro Plan Alternate, and Streets/Roads and Building/Grounds Departments. Mayor O'Brien also stated that he is requesting approval for Member Chris Sapp as Mayor Pro Tem. Member Sapp made a motion to approve the Liaison assignments and the Mayor Pro Tem appointment. Member Davit seconded the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Williams – aye, David – aye, and Davit – aye. Motion carried 5-0.

d. CONTRACTS & AGREEMENTS

i. IPO #115 Paving Old Main Street – Amendment #1 for Water Main Design and Permitting

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith commented on past approval of paving of dirt Main Street from 2nd Avenue to the Bridge. He then stated that adding of the potable water design to this project needs approval. Member Martini questioned if the residents had been notified. Manager Smith stated that workshops are in the IPO. Member Davit questioned the fee schedule. Manager Smith stated that the fees are located in the Master Agreement. He explained that when individual projects arise, an IPO is done from the Master Agreement. Mr. Chau explained the pricing sheet and the breakdown per category. He then stated that the hourly rates will be more specific on future IPOs. Member Williams made a motion to approve IPO #115. Member Davit seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Martini – aye, Sapp – aye, and Williams – aye. Motion carried 5-0.

ii. IPO #119 Bessie Stormwater Improvements – Amendment #1 for 3rd Avenue and Magnolia Street area

Manager Smith explained that this expands the original IPO. This IPO will add 3rd Avenue and Magnolia Street. Manager Smith commented that the IPOs are exactly the same, the only change is the project location. Discussion followed regarding proper identification of projects and pricing. Member Martini made a motion to approve IPO #119. Member Sapp second the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Williams – aye, David – aye, and Davit – aye. Motion carried 5-0.

iii. IPO #120 New IPO for Old Main Street Stormwater Improvements from 9th Avenue to 10th Avenue

TOWN OF WINDERMERE

Town Council Meeting Minutes

April 13, 2021

Mayor O'Brien introduced this item. Manager Smith explained that this is a self-funded project. He then commented that this is a new project. Funding will be from Stormwater assessments. Member Martini commented on the cost of this project. Mr. Chau explained that Boring and DRI tests are included in this project. He then gave a breakdown of costs. Some discussion followed. Member Martini commented that the more public input prior is beneficial. Mr. Chau stated workshops/discussions with residents are beneficial. Member Martini requested a total of cost from Echo company. Member Williams made a motion to approve IPO #120. Member Martini seconded the motion. Roll call vote was as follows: Davit – aye, David – aye, Williams – aye, Sapp – aye, and Martini – aye. Motion carried 5-0.

iv. IPO #121 Multi Modal Path Phase 1 Design; \$189,964

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith stated that this IPO is for the design of the Trail. He also stated that there will be public input on this project. Manager Smith commented that the project will be from North Drive to Park Avenue. He stated that the project will be self-funded as well. Manager Smith commented that there could possibly be funding from an Appropriations request which is in the State's House Bill, West Orange Health Care Alliance, and Federal Appropriations. Some discussion followed. Member Davit made a motion to approve IPO #121. Member David seconded the motion. Roll call vote was as follows: Williams – aye, Sapp- aye, Martini – aye, Davit – aye, and David – aye. Motion carried 5-0.

e. FINANCIAL

i. Purchase Authorizations for the following RR ROW parcels: (Attachments-Board Option)

1. Meryl Hart: .48 Acres: \$21,428.57 (+ Attorney fees) Between 1st & 2nd
2. James Singer: .48 Acres: \$21,428.57 (+ Attorney fees) Between 1st & 2nd
3. Richard Denoyelles: .48 Acres: \$21,428.57 (+ Attorney fees) Between 1st & 2nd
4. Jules Masee: .48 Acres: \$21,428.57 (+ Attorney fees) Between 1st & 2nd
5. Sara Gruppo: .08 Acres: \$3,571.42 (+ Attorney fees): North

Mayor O'Brien turned the floor over to Manager Smith. Manager Smith explained that all could be approved at once with the understanding of Gruppo. He further explained that that there is a possible discrepancy of acreage, .08 or .48 like the others. Manager Smith stated once determined the amount would either be \$3,571.42 or \$21,428.57 plus attorney's fees. He then stated that he is waiting for a response from the Denoyelles family as well. Member Sapp questioned if this permission would save individual contract approvals in the future. Manager Sith stated yes. Member Sapp made a motion to approve the purchase authorization with the Gruppo understanding. Member Davit second the motion. Roll call vote was as follows: Martini – aye, Sapp – aye, Williams – aye, David – aye, and Davit – aye. Motion carried 5-0.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor to the Town Council. Member Williams reported on the past Elder Luncheon, and that the Historic Preservation Board did not meet due to no quorum. Member Martini reported on the past Tree Board meeting, Nature Challenge, and the Central Park planting project.

TOWN OF WINDERMERE

Town Council Meeting Minutes

April 13, 2021

7. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith reported on the State Appropriations, American Recovery Act, Federal Appropriations, upcoming Resident Q & A, and Bird Island.

b. **TOWN ATTORNEY HEATHER RAMOS** – Ms. Ramos commented on House Bills 403, 6023 and 1678. She stated she will keep the Town updated on the proposed House Bills.


c. **POLICE CHIEF DAVE OGDEN** – Chief Ogden reported on training, staff, staff website picture June 29th, and JAG Grants.

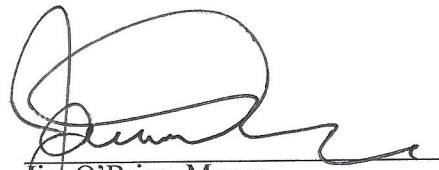
d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore gave a report regarding streets and roads, parks, repairs, and projects the Public Works team have been working on

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

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 9:30pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

Dorothy Burkhalter

From: Jason Roland <jay@bigattack.com>
Sent: Tuesday, April 13, 2021 3:57 PM
To: Dorothy Burkhalter
Subject: Comments for Proposed Downtown Redevelopment.

As a new(ish) resident to Windermere, I am excited to see improvements that can bring an improved use of our town for all residents.

Even though the proposed plan is still early in discussions and approvals, as a resident I am excited to see the improvements here that will lead to better parking, access and safety for those who utilize these businesses. In addition the ability to have a bit more diverse range of businesses in town is always welcome.

In regards to the "fast food" not being permitted, I think this should be clarified, striking the words fast food and only listing "Drive Thru Windows" as not allowed. I'd hate to see someone challenge our existing businesses under a "fast food" clause.

The other suggestion I have, is to better incorporate the existing side walks and plant areas, so that town maintenance and improvements could be done on the same time frame.

In all I look forward to seeing the continued managed growth and revitalization of our town, keeping the "classic small town look" but updating for the coming years.

Jason Roland
1 1st Court, Windemere Fl. 34687