

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 14, 2023

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Mandy David, Tony Davit, and Molly Rose. Town Manager Robert Smith, Public Works Director Tonya Elliott-Moore, Attorney Heather Ramos, Chief Dave Ogden, Zoning/Town Planner Brad Cornelius, and Town Clerk Dorothy Burkhalter were also present. Council Member Andy Williams 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)

There were no public comments made.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. McDirmit Davis FY 21/22 Audit Presentation

Mayor O'Brien turned the floor over to Ms. Tammy Campbell, representative with McDirmit Davis. Ms. Campbell stated that the Town received an Unqualified Opinion, which is the highest opinion that can be given. She then reviewed the past audit. Mayor O'Brien thanked Ms. Campbell and the staff for a job well done.

3. TIMED ITEMS AND PUBLIC HEARING

NONE

4. OLD BUSINESS:

a. Other Items for Consideration

i. Town Manager Evaluations

Mayor O'Brien introduced this item and turned the floor over to Member Rose. Member Rose reviewed and commented on the evaluation of Manager Smith. She then suggested an annual rate increase of 5%. Member Rose made a motion to increase the salary by 5%. Member David seconded the motion. Roll call vote was as follows: Martini – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

5. NEW BUSINESS:

a. Swearing In of Council Members

- i. Council Member Tony Davit
- ii. Council Member Mandy David
- iii. Council Member Tom Stroup

Mayor O'Brien administered the Oath of Office to Council Members Tony Davit and Mandy David. They will serve their second two-year term. Mayor O'Brien then administered the Oath of Office to Mr. Tom Stroup who will serve his first two-year term.

b. Special Recognition

- i. Council Member William "Bill" Martini

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Mayor O'Brien publicly thanked Council Member Bill Martini for his dedication and service to the Town of Windermere. Member Martini served two – two-year terms. Member Martini commented on the accomplishments, projects, and events that he has seen and has been a part of since being elected. He then thanked all for their hard and continued work on behalf of the Town.

c. Minutes

- i. **Public Information Workshop/Healthy West Orange-Rotary Pavilion Walkthrough – February 9, 2023**
- ii. **Town Council Meeting Minutes – February 14, 2023**
- iii. **Town Council Workshop Minutes – February 28, 2023**

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

d. CONSENT ITEMS:

- i. **Z23-04 – 12150 Lake Butler Blvd; Sanjay & Kavita Pattani – Variance to allow a sport court in front of the principal residence**

Mayor O'Brien introduced this item. He then turned the floor over to Mr. Cornelius. Mr. Cornelius reviewed the proposed variance request for the sports court in the front yard. He stated that the code requires a sports court to be behind the home. Mr. Cornelius stated that this item had been reviewed by the DRB and has been recommended for approval with conditions. Mr. Cornelius stated that the condition is that the sports court be screened with a six-foot hedge along Lake Butler Boulevard and Park Avenue. He further stated that notices were sent out; with four returned in favor and three in opposition citing light and noise impacts. Mayor O'Brien opened the floor to the Council. Member Stroup explained that he went by the location and saw that the driveway could be used as a sports court. Discussion followed regarding setbacks, hardship - characteristics of the lot, and the five-hundred-foot notification boundary. Mr. Sanjay Pattani, owner of 12150 Lake Butler Boulevard, introduced himself. He then thanked the Town Council for considering the request. Mr. Pattani stated that there are other sports courts in Town, therefore a precedent would not be set with their court. There being no further discussion, Member Rose made a motion to approve the variance request. Member David seconded the motion. Member Davit questioned if the motion included the DRB's stipulation. Member Rose modified her motion to include the six-foot landscape barrier recommended by the Development Review Board. Member David was friendly to the modification. Roll call vote was as follows: Stroup -aye, David – aye, Davit- aye, and Rose – aye. Motion carried 4-0.

- ii. **Z23-05 – 126 Down Court – Variance to allow an expansion of more than 10% for a non-conforming home**

Mayor O'Brien turned the floor over to Mr. Cornelius. Mr. Cornelius reviewed the proposed variance request. He explained that this is an existing home with an existing screened porch that is less than fifty feet from the normal high-water elevation, which makes this a non-conforming home. Mr. Cornelius commented that the proposed addition of enclosing the carport and adding a second story is compliant. He also stated that pavers are being removed which will increase the pervious ratio. Mr. Cornelius explained that the request for more than ten percent is due to the existing screened porch. He stated that public notices were mailed out with ten received in support and three in opposition. Mr. Cornelius commented that the DRB recommended approval for this request. After some discussion was made, Member Rose made a motion to approve the variance request. Member Davit seconded the motion.

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Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, and Stroup – aye. Motion carried 4-0.

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

NONE

f. **APPOINTMENTS**

i. **Liz Andert to Historic Preservation Board**

Member David made a motion to appoint Liz Andert to the Historic Preservation Board. Member Rose seconded the motion. Roll call vote was as follows: Stroup – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

ii. **Donna Steele to Historic Preservation Board**

Member Davit made a motion to appoint Donna Steele to the Historic Board. Member Rose seconded the motion. Roll call vote was as follows: Rose – aye, Davit -aye, David – aye, and Stroup – aye. Motion carried 4-0.

g. **CONTRACTS & AGREEMENTS**

h. **FINANCIAL**

i. **Rostan Solutions LLC Emergency Debris Monitoring Cost Overages – Hurricane Ian \$36,229.49**

Mayor O'Brien introduced this item. He then turned the floor over to Public Works Director, Tonya Elliott-Moore. Director Elliott-Moore explained that this would be an after-the-fact approval. She further explained that the original approval for a "not to exceed \$50,000.00" has been exceeded by an additional \$36,229.49. Director Elliott-Moore explained Rostan's position with debris hauling and removal. Mayor O'Brien commented on concerns with the overage and the reimbursements. Member Rose questioned if, contractually, the Town was obligated to pay the cost. Director Elliott-Moore stated that the work was performed during an emergency, and they have been paid. Member Rose questioned if, contractually, the Town is responsible for paying the cost. Manager Smith stated that he would need to review the contract. Member Rose questioned if a "share the cost" discussion had been made with Rostan. Director Elliott-Moore stated that she has had several conversations with Rostan. She stated that she has been assured that the Town will be reimbursed. Discussion was made regarding the on-call contract, monitoring and submittal, reimbursements, sharing of the cost, agreeing to be paid when the Town is paid, and FEMA reimbursements. Manager Smith stated that Rostan has already been paid due to reimbursement deadlines. Director Elliott-Moore stated that she has advised Rostan that if one hundred percent is not reimbursed, she will seek reimbursement for some of the costs. Member Davit stated that a Notice of Non-Compliance needed to be issued to Rostan. He then questioned if there is a guideline for per diem rates. Director Elliott-Moore stated that there are per diem rates in the contract. Mayor O'Brien stated that State or GSA rates need to be specified in the contract. Member Rose made a motion to approve the \$36,229.49. Member David seconded the motion. Roll call vote was as follows: Stroup – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

i. **OTHER ITEMS FOR CONSIDERATION**

i. **Promotion of Tara Vegel to Finance Director**

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Mayor O'Brien introduced this item and turned the floor over to Manager Smith. Manager Smith stated that Ms. Tara Vogel has been acting as Interim Finance Director since the retirement of Ms. Nora White. He then stated that Ms. Vogel has been doing a great job and that he recommends approval of the promotion. Member Rose made a motion to approve Ms. Tara Vogel as Finance Director. Member Davit seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, and Stroup – aye. Motion carried 4-0.

ii. Appointment of Town Council Liaison for Boathouse Lawsuit Mediations

Mayor O'Brien introduced this item. He then turned the floor over to Attorney Heather Ramos. Attorney Ramos commented on the upcoming mediations regarding the boathouse lawsuits. Some discussion followed. Member Davit made a motion to assign Council Member Molly Rose as the Mediation Liaison. Member David seconded the motion. Roll call vote was as follows: Stroup – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor to the Council members. Member David reported on PetFest, a temporary pickleball court at the Main Street tennis courts, Food Truck Nights pausing from June - August, and mobile order pickups for Food Truck Night between 5:00pm – 6:00pm. Member Davit stated that project meeting notes are in the packet.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith thanked all for his evaluation and increase. He then commented on the following: liaison assignments, TDT Committee Liaison, PetFest, parking issues, and the upcoming Town Council Workshop on March 28th. Discussion followed regarding events and parking. Member Davit suggested having a parking diagram for the public for events. Manager Smith commented on Appropriation requests.

b. TOWN ATTORNEY HEATHER RAMOS – Attorney Ramos stated that the Legislative Session is scheduled to start. No further report.

c. POLICE CHIEF DAVE OGDEN – Chief Ogden congratulated the incoming and outgoing elected officials. He then reported on the following: stolen car recovery, their new hire, Accreditation, upcoming trainings, DUI School, and events and parking.


d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE – Director Elliott-Moore reported on the following: fencing repairs, sidewalk repairs, boat ramp repairs, paving projects, and Duke Energy road closures.

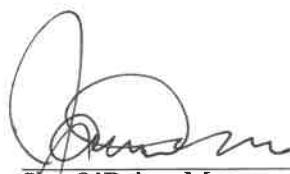
e. TOWN CLERK DOROTHY BURKHALTER – Clerk Burkhalter stated that she has been accepted to sit for the Certified Records Manager exams.

Discussion was made regarding lakes levels and boat access.

8. ADJOURN:

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


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor