

**TOWN OF WINDERMERE**

**Town Council Meeting Minutes**

**June 13, 2023**

**CALL TO ORDER:**

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

NONE

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

NONE

**3. TIMED ITEMS AND PUBLIC HEARING**

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA AMENDING THE EXISTING NONCONFORMING DEVELOPMENT EXPANSION LIMITATION; AMENDING ARTICLE X, DIVISION 10.01.00, OF THE TOWN OF WINDERMERE LAND DEVELOPMENT CODE TO ALLOW THE EXPANSION OF AN EXISTING NONCONFORMING STRUCTURE WHEN SUCH EXPANSION DOES NOT INCREASE THE NONCONFORMITY AND SUCH EXPANSION IS IN FULL COMPLIANCE WITH CURRENT LAND DEVELOPMENT CODE REQUIREMENTS; PROVIDING STANDARDS FOR EXISTING NONCONFORMING STRUCTURES RELATED TO RECONSTRUCTION AFTER PARTIAL OR FULL DEMOLITION, RECONSTRUCTION AFTER A FIRE OR OTHER CALAMITY, RECONSTRUCTION WITHIN THE 100-YEAR FLOOD ZONE, RECONSTRUCTION OF BOATHOUSES AND DOCKS, AND OTHER CLARIFICATIONS AND UPDATES AS PROVIDED HEREIN; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

Mayor O'Brien introduced this item. He then closed the Town Council meeting and opened the Public Hearing at 6:01pm. He read the title of proposed Ordinance 2023-01 for the record. There being no comments from the public, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:02pm. He then turned the floor over to Mr. Brad Cornelius. Mr. Cornelius explained that the proposed changes were submitted to the Development Review Board after the Town Council's first reading last month. He commented on rebuilding after a fire/disaster which has been changed back to meet the current code. Mr. Cornelius explained that the DRB did recommend approval of the Ordinance with the changes and meeting the current code. Member Williams made a motion to approve Ordinance

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2023-01. Member Davit seconded the motion. Roll call motion was as follows: Stroup – aye, Williams – aye, Davit – aye, and Rose – aye. Motion carried 4 -0.

**4. NEW BUSINESS:**

**a. MINUTES**

- i. April 25, 2023 – Pavilion 45% Plans Town Council Workshop**
- ii. May 9, 2023 – Town Council Meeting**
- iii. May 23, 2023 – Oakdale & 9<sup>th</sup> Avenue Traffic Diversion Town Council Workshop**

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

**b. CONSENT AGENDA ITEMS**

- i. Z23-02: Maika & Courtney Maile – 803 Main Street – Variance for an addition of greater than 10% of a non-conforming home**

Mayor O’Brien introduced this item. Member Rose questioned the voting concerns of the DRB. Manager Smith explained that a hardship was questioned. Mr. Cornelius stated that all immediate neighbors approved the variance request. Member Rose made a motion to approve variance request as submitted. Member Davit seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, Williams -aye, and Stroup – aye. Motion carried 4-0.

- ii. Z23-10: Marcelino Hoyo – 507 Main Street – Conditional Use for Sale and On-Site Consumption of Beer and Wine at Paloma Coffee**

Mayor O’Brien introduced this item. Member Williams stated that a condition was placed on the variance. Mr. Cornelius explained that the DRB has placed a condition that a four-foot aluminum decorative fence be installed in the back of the site to prevent access out the back. Some discussion was made regarding access. Member Rose made a motion to approve the variance request. Member Stroup second the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

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

- i. First Reading Ordinance 2023-03**

**ORDINANCE NO. 2023-03**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO HEALTH, SAFETY AND WELFARE; IMPLEMENTING A TRAFFIC CALMING PROGRAM ON OAKDALE STREET BY INSTALLING A DIVERSION BARRIER AT THE INTERSECTION OF 9TH AVENUE EAST AND OAKDALE STREET FOR TRAFFIC HEADING NORTH AND SOUTH ON OAKDALE STREET; REQUIRING VEHICLES TRAVELING NORTH ON**

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**OAKDALE STREET TO TURN LEFT ONTO 9TH AVENUE AND VEHICLES TRAVELING SOUTH ON OAKDALE STREET TO TURN LEFT ONTO 9TH AVENUE; PROVIDING FOR SIGNAGE AND NOTIFICATION TO THE EMERGENCY AGENCIES AND UTILITIES; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor O'Brien introduced this item. He then read the title of proposed Ordinance 2023-03 for the record. He stated that the second reading/public hearing will be held at the July Town Council meeting. Member Davit commented on concerns with no design criteria in the Ordinance. Mayor O'Brien explained that this is only the first reading, and that the criteria will be discussed at the next meeting.

**ii. Resolution 2023-04 – 2024 Municipal Election Date, Canvassing Board and Qualifying Dates**

Mayor O'Brien introduced Resolution 2023-04 for the record. Member Rose Made a motion to approve Resolution 2023-04. Member Davit seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

**d. FINANCIAL**

**i. Fausnight – Installation of Crosswalk Near Windermere Recreation on Park Avenue \$23,9000 + \$750 for Thermoplastic**

Mayor O'Brien introduced this item. He then turned the floor over to Director Elliott-Moore. Director Elliott-Moore thanked Wine and Dine for their generosity in funding this project. She explained the proposed location of the crosswalk, which will be at the Windermere Rec Center. Member Rose commented that this is the fifth crosswalk that Wine and Dine has funded. Member Davit noted that the diagram on the website shows the diverter not the cross walk. Member Rose made a motion to approve the crosswalk project. Member Davit seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, Williams – aye, and Stroup – aye. Motion carried 4-0.

**ii. Waste Pro 2023- 2024 Rate Increase**

Mayor O'Brien introduced this item. Manager Smith explained that due to contractual obligations, Waste Pro is seeking a CPI increase of 5.41%. He then commented on the proposed increase. Attorney Ramos explained that last year a Resolution was passed to take into consideration the yearly bump-ups. Member Rose questioned the decline of recycling due to contaminated loads. She questioned if the town should educate the residents on recycling. Member Rose further questioned what else could be done about the recycling issue. Some discussion followed. Manager Smith is to have Waste Pro available at the next Town Council meeting for the recycling discussion. Member Rose made the motion to approve the increase. Member Williams seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, Davit – aye, and Rose – aye. Motion carried 4-0.

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

Mayor O'Brien reported on the Pulse shooting remembrance and the passing of resident Mr. Paul Gerding. Member Rose reported on the amount of funds that the Wine and Dine has donated over the past nine years. She stated that the next event will be on February 3, 2024. Member Rose questioned the upcoming Towns Centennial.

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7. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Manager Smith reported on the upcoming Budget Hearing, DRB and the 500 Block meeting, Pavilion workshop, and Appropriations. He also reported that he will be on vacation June 21 – 25<sup>th</sup>.

b. **TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos reported that filing of Form 6 will be required in the future. She then stated that the Golf Cart Ordinance will be amended to coincide with the age requirements which will go into effect October 1, 2023.

c. **CHIEF DAVE OGDEN** – Chief Ogden reported that the gate at Fernwood Park has been working well. He then stated that he would work with Attorney Ramos regarding the golf cart Ordinance.


d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on positive comments regarding the new gate access system at Fernwood Park.


e. **TOWN CLERK DOROTHY BURKHALTER** – Clerk Burkhalter – no report

Mayor O'Brien suggested that information regarding the new Golf Cart requirements be added in the next Town Gazette.

8. **ADJOURN:**

Mayor O'Brien adjourned the meeting at 6:34pm.

  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

  
Jim O'Brien, Mayor