

TOWN OF WINDERMERE

Town Council Meeting Minutes

August 8, 2023

CALL TO ORDER:

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

Mayor Pro Tem Williams called the meeting to order at 6:01pm 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 Pro Tem Williams opened the floor to the public. There were no public speakers.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Proclamation of the Town of Windermere Declaring September 15, 2023, as Healthy Selfie Day

Mayor Pro Tem Williams read the Healthy Selfie Proclamation for the record. He then presented the Proclamation to Ms. Ericka Feazell, Community Resource Specialist with Healthy West Orange. She then commented on upcoming events and the annual contest.

3. TIMED ITEMS AND PUBLIC HEARING

a. Second Reading/Public Hearing Ordinance 2023-02

ORDINANCE 2023-02

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, TO APPROVE A DEVELOPMENT AGREEMENT FOR THE FINAL DEVELOPMENT PLAN AND MAJOR DEVELOPMENT SITE PLAN FOR THE WINDERMERE DOWNTOWN PROPERTY PLANNED UNIT DEVELOPMENT ON 2.17 ACRES MORE OR LESS OF REAL PROPERTY LOCATED WITHIN THE TOWN CENTER DISTRICT OVERLAY AT THE NORTHEAST CORNER OF MAIN STREET AND E 6TH AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDED FOR APPLICABILITY; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE

Mayor Pro Tem Williams introduced this item. He then closed the Town Council meeting at 6:05pm and opened the Public Hearing regarding proposed Ordinance 2023-02. The first to speak was Mr. Brad Cornelius, Town Planner. He explained that this was for the final approval of the Developer's Agreement and the Downtown Re-Development Plan. Mr. Cornelius gave a brief overview of the proposed project and the process it has been through to the final process. He then gave an overview of the PUD process, the masterplan, the DRB review and comments, and building renderings. Attorney Ramos explained that a quasi-judicial process could take place if needed. Mr. Cornelius then explained that the approved Developer's Agreement runs with the land not the owner. He reviewed a few points of the Developer's Agreement. After his review, he stated that the DRB has recommended approval of the proposed item with two conditions: one being related to buildings, and the other being to continue to work with residents regarding the screen wall. Some discussion followed. Next to speak was the applicant's contractor, Mr. Trey Vic with V-3 Capital Group. Mr. Vick thanked everyone for their support throughout the process. He then addressed the evaluation and the screen walls. Mayor Pro Tem Williams opened the floor to the public. The first to speak was Mr. Stephen Withers of 712 Main Street. Mr. Withers commented that he was pleased with the proposed project and the changes that had been made. He then suggested that he would like to see the actual materials being used instead of just pictures. There being

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no further comments from the public, Mayor Pro Tem Williams read the title of proposed Ordinance 2023-02 for the record. He then closed the Public Hearing at 6:47pm and reconvened the Town Council meeting. Member Davit had a few clarifying questions. One being if fire suppression will be included with the service from Orange County. Mr. Vic stated "yes." Member Davit questioned if fire hydrants would be installed. Mr. Vic stated that one would be installed. Member Davit then questioned the corner concern from the parking lot onto 5th Avenue. Mr. Vic explained that an adjustment had been made to allow for the turn. Member Davit questioned what had been put in place for cut-thru traffic at 5th Avenue, 6th Avenue onto Main Street, and pedestrian safety. Mr. Vic explained that there will be natural traffic calming (landscaped island). Member Davit then questioned if there were any stamped/certified drawings since a permit from the South Florida Water Manager District was not required. Mr. Vic stated "yes." Member Davit questioned if site lines had been accounted for with the right-hand turn and the wall. Mr. Cornelius explained that the stop bar will be placed accurately. Member Davit suggested that V-3 speak with the architect that is working on Town Hall renovations, Tom Price, for any tie ins. Mr. Vic stated that he would reach out to Mr. Price. Discussion followed regarding proposed tenants, rental spaces, and square footage. Member Rose suggested integral concrete colors instead of stamped concrete. Mr. Vic stated that they would look into it. Member Rose questioned demo/start dates. Mr. Vic stated approximately November, pending permitting. Mayor Pro Tem Williams stated that he will recuse himself from voting, as he has an interest. Member Davit made a motion to approve Ordinance 2023-02. Member Rose seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – abstain, David – aye, Davit – aye, and Rose – aye. Motion carried 4-0-1.

4. NEW BUSINESS:

a. MINUTES

NONE

b. CONTRACTS

i. **RFP 2023-02 Debris Monitoring & Public Assistance Consulting Services**

Mayor Pro Tem Williams introduced this item. Manager Smith explained the need for the individual RFPs for procurement for storm assistance. He stated that the selection committee was comprised of Director Elliott-Moore, Operations Manager Mathias, Public Works Hitchins, and Mr. Fitzgibbon. Manager Smith stated that their recommendation was Rostan. Member Rose made a motion to approve Rostan. Member Davit seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

ii. **RFP 2023-03 Disaster Debris Removal Services Agreement – Raynor Shine Services LLC**

Mayor Pro Tem Williams introduced this item. Manager Smith explained that this item was for debris hauling. He then referenced past working experiences with Raynor Shine and the recommendation to continue with them. Member Davit made a motion to approve RFP 2023-03. Member Davit seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

iii. **RFP 2023-04 Emergency Tree Removal & Maintenance Services T&K Tree Services**

Mayor Pro Tem Williams introduced this item. Manager Smith explained that due to pricing, T & K is the recommended vendor. He then stated that Enviro would be utilized as a back-up. Member Rose made a motion to approve RFP 2023-04. Member Davit seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit – aye and Rose – aye. Motion carried 5-0.

6. MAYOR & COUNCIL LIAISON REPORTS:

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Mayor Pro Tem Williams opened the floor to the Council members. Member Davit reported on the Historic Preservation Board and the 500 Block. Member David reminded everyone of the Run Among the Lakes. Member Davit thanked Chief Ogden for the leadership changes.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith reported on upcoming meetings and workshops, low level lighting at 5th and Forest, Lake Street Park fencing, grants, appropriations, upcoming events, FEMA repayments, and the first day of school. Member Rose questioned if there were any updates on the boathouses. Attorney Ramos commented that there currently were not.

b. TOWN ATTORNEY HEATHER RAMOS – Attorney Ramos commented on the Form 6 and financial reports.

c. CHIEF DAVE OGDEN – Chief Ogden reported on upcoming events and staff transitions.

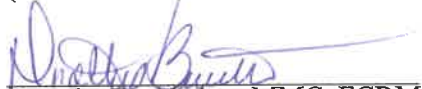
d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE – Director Elliott-Moore no report.

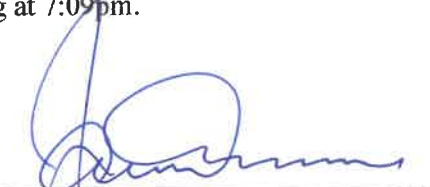
e. TOWN CLERK DOROTHY BURKHALTER – Clerk Burkhalter – no report

8. ADJOURN:

Mayor Pro Tem Williams adjourned the meeting at 7:09 pm.

(*** Comments from Member Stroup were inaudible)


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME williams Loren Robertson	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Windermere Town Council
MAILING ADDRESS 903 Rosser Rd	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Windermere	COUNTY Orange
DATE ON WHICH VOTE OCCURRED 08-08-2023	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Loren Williams, hereby disclose that on August 8th, 20 23 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The property contained with-in the development agreement in the Ordinance 2023-02, is adjacent to commercial properties that I own and can be seen upon a a direct conflict whether it is voted for approval or denial.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/8/2023
Date Filed

Loren Williams
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.