

TOWN OF WINDERMERE

Town Council Meeting Minutes

September 12, 2023

CALL TO ORDER:

Present were Mayor Jim O'Brien, Town Council Members Tom Stroup, Andy Williams, Mandy David, Tony Davit, and Molly Rose. Town Manager Robert Smith, Attorney Heather Ramos, Public Works Director Tonya Elliott-Moore, and Town Clerk Dorothy Burkhalter. Police Chief Dave Ogden 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 opened the floor to the public. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She then commented on two new Parks and Recreation Committee members, Fernwood Park hours, and the Run Among the Lakes' need for additional parking. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She then requested an update on the diverter project at 9th Avenue and Oakdale Street. Manager Smith gave an update. Ms. Kim Head of 817 Main Street introduced herself. She then requested that Fernwood Park remain accessible 24 hours a day. Mr. Withers of 712 Main Street introduced himself. He commented on Town Hall enhancements, having the bride's room at grade, eliminating the ramp on the south side, and public restrooms at grade. Mayor O'Brien thanked all for their comments.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

3. TIMED ITEMS AND PUBLIC HEARING

a. Resolution 2023-05 Non-Ad Valorem Assessment Roll for Streetlights for the Willows at Lake Rhea Phases 1, 2, and 3

Mayor O'Brien closed the Town Council meeting at 6:08pm and opened the Public Hearing regarding proposed Resolution 2023-05. He then explained the need for this Resolution. Clerk Burkhalter read comments received into the record. (attached) There being no public comments, Mayor O'Brien closed the Public Hearing at 6:11 pm and reconvened the Town Council meeting. There being no further questions or comments, Member Davit made a motion to approve Resolution 2023-05. Member Rose seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 5-0.

4. NEW BUSINESS:

a. Minutes

- i. July 11, 2023 Town Council Meeting Minutes**
- ii. July 12, 2023 Public Information Workshop – Lake Street Park**
- iii. July 20, 2023 Town Council Budget Session**
- iv. July 25, 2023 Town Council Workshop – Lake Street Parks**
- v. July 31, 2023 Public Information Workshop – Town Hall Enhancements #1**
- vi. August 8, 2023 Town Council Meeting Minutes**
- vii. August 16, 2023 Public Information Workshop – Town Hall Enhancements #2**

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Member Davit made a motion to approve all minutes as submitted. Member David seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

b. Consent Items

i. Interlocal Agreement between the City of Apopka and the Town of Windermere – City of Apopka Firearms Range

Mayor O'Brien introduced this item. Manager Smith explained that the Police Department is currently using the City of Ocoee's gun range, which is in the process of being renovated. He further explained that the police department would like to use the City of Apopka's gun range, therefore an agreement is needed. Member Rose questioned if there would be any cost. Manager Smith stated that there would not be. Member Rose made a motion to approve the agreement. 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.

c. Ordinances/Resolutions for Approval/First Reading

ii. Ordinance No. 2023-04

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE OPERATION OF GOLF CARTS ON PUBLIC ROADS OR STREETS IN THE TOWN; PROVIDING FINDINGS; AMENDING ARTICLE III IN CHAPTER 20 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "GOLF CARTS" BY REQUIRING THAT A PERSON OPERATING A GOLF CART ON DESIGNATED TOWN ROADS OR STREETS POSSESS A VALID LEARNER'S DRIVER LICENSE OR VALID DRIVER LICENSE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor O'Brien introduced this item. He then read the title of proposed Ordinance 2023-04 for the record. Discussion was made regarding dirt roads, age limits, and safety. Public comments were made by Mr. Charles Oswald, Davenport Florida. Mr. Oswald commented on Florida State statutes regarding golf carts, safety lights, and age requirements. Mayor O'Brien stated that the second reading/public hearing will be held at the October 10th Town Council meeting at 6:00pm.

d. Appointments

i. Parks and Recreation Committee

- 1. ~~Jeanne Marie Olache~~ – (removed from agenda)**
- 2. Tracy McLaughlin**
- 3. Stephen Dimino**

Manager Smith stated that approval for Ms. Jeanne Marie Olache is tabled until the Parks & Recreation Committee approves her application. Member David made a motion to approve Tracy McLaughlin and Stephen Dimino to the Parks and Recreation Committee. Member Rose 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. Windermere Tree Board

- 1. Joan Foglia**
- 2. Vicki Hearst**

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3. Bonnie DiCocco

Mayor O'Brien introduced this item. Member Davit made a motion to approve Joan Foglia, Vicki Hearst, and Bonnie DiCocco to the Windermere Tree Board. Member David seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 5-0.

e. Contracts

i. Low Level Safety Lighting at Parking Lot at West 5th Avenue

Mayor O'Brien introduced this item. He then turned the floor over to Director Elliott-Moore. Director Elliott-Moore commented on past workshops that had been held regarding the lighting at the parking lot located at W 5th Avenue and Forest Street. Director Elliott-Moore explained that there are currently safety concerns regarding the lack of lighting with events that are held in the evenings. She further explained that since electrical work is going to be done, Windermere Wine and Dine has requested electrical updates which they will pay for. Member Davit made a motion to approve Complete Electric Service not to exceed \$27,691.00 with Wine and Dine assisting with the cost of \$8,378.00. Member Rose seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

f. Other Items for Consideration

i. Discussion relative to Fernwood Boat Ramp Hours

Mayor O'Brien introduced this item. He explained that he has had requests to change the hours of access to Fernwood Park. Clerk Burkhalter read into the record comments from resident Lesha Miller (attached). Mayor O'Brien opened the floor for discussion. Much discussion ensued regarding hours of operation, the safety measures in place, cameras, restricted access, lighting, surrounding areas, access hours, and residents' requests for longer hours. Member Davit and Member Stroup both agreed with 24/7 access. Member Stroup stated that with the individually-issued access codes and the cameras, should there be an issue, it could be investigated. Comments were made regarding lighting. Director Elliott-Moore stated she would check with the risk consultant for recommendations. Mayor O'Brien stated that he would like two additional hours in the morning and two additional hours in the evening. Discussion followed regarding the current lighting. Member Davit made a motion to have the Fernwood Park hours changed to remain open twenty-four hours – seven days a week. Member Stroup seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 5-0.

ii. Discussion relative to construction work on Sundays and Federal Holidays

Mayor O'Brien introduced this item. Manager Smith stated that he received a request to change the code to not allow any construction on Sundays and Federal holidays. He explained that if the Town Council would like to move forward, an Ordinance will be needed. Discussion followed regarding the definition of construction, time frames, and day of the week. Mayor O'Brien commented that further review of other municipalities and codes will be needed. Member Rose stated that she would like to know if there were any negative comments from other municipalities regarding prohibiting work on a certain day and the hours. Further discussion followed regarding enforceability, and future review.

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Manager Smith stated that in the liaison reports, Member David had a request from the Parks and Recreation Committee to rename Windermere Recreation Center to the Doug Bowman Park. After some discussion, it was stated that this item would be placed on the October Town Council meeting agenda.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor to the Council members. There were no reports.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith reported on project meeting notes, the Cops & Bobbers event, National Night Out, the Final Budget Hearing, the Development Review Board meeting, an annexation virtual workshop, and the upcoming Bunk Bed Build.

b. TOWN ATTORNEY HEATHER RAMOS – Attorney Ramos reported on legislation that requires a Business Impact Estimate for ordinances. She then gave an update on the boathouse depositions for the elected officials.

c. CHIEF DAVE OGDEN – Absent, no report.

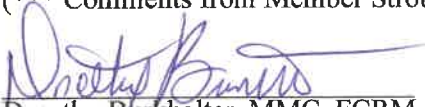
d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE – Director Elliott-Moore reported on projects, repairs, and a staff new hire.

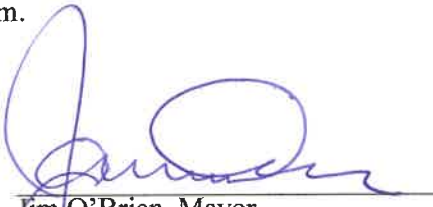
e. TOWN CLERK DOROTHY BURKHALTER – Clerk Burkhalter – no report

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 6:59pm.

(** Comments from Member Stroup were inaudible)


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O'Brien, Mayor

Dorothy Burkhalter

From: Nora Brophy
Sent: Monday, September 11, 2023 5:31 PM
To: Dorothy Burkhalter
Subject: TC Agenda

Hey Dorothy -

This is incorrect -

Pages 40-42 - Appointments to Parks & Recreation Committee:

- Jeanne-Marie Olache
- Tracy McLaughlin
- Stephen Dimino

Jeanne-Marie Olache has submitted an application to the committee; however, she has not been able to attend a meeting and meet the committee members, so her application was not considered yet and should not be on this list. Can you correct this?

Thanks

Dorothy Burkhalter

From: Janice Duggan <dugganjanicel@gmail.com>
Sent: Tuesday, August 29, 2023 4:32 PM
To: Dorothy Burkhalter
Subject: Streetlight Assessment for the Willows after dissatisfied resolution of streetlight issue

You don't often get email from dugganjanicel@gmail.com. [Learn why this is important](#)

Dorothy Burkhalter, Town Clerk

I received a notice about the proposed assessment that the town council wants to assess the residents of the Willows for maintaining street lights. I wanted to go on record voicing my concern. If I felt like I was getting a timely response and a solution to the problem I am having regarding the street light in front of my house, I would have no problem paying the assessment.

I live at 1448 Willow Gardens Drive. In October of 2022, we had a hurricane knock down the street light that is in front of my house. It was replaced with a new pole and an extremely bright light which shines directly into my primary bathroom and bedroom. I contacted Duke energy in November about the light disturbance to my home. In January 2023, I received an email from Yasmin Garcia of Duke Energy telling me that they could not come up to fix it at my request but that it had to be done through the Town of Windermere Public Works department. I submitted an online request and received no response so on Feb 17th I emailed Tonya Elliot-Moore requesting that she contact Duke on my behalf to correct the problem. On May 24, I finally received a response from Ms. Moore that she is working with Duke to see what can be done. On May 30th, I received an email from Ms. Moore stating "Duke Energy went out to take a look at the issue and come up with a resolution. Their lighting department took a field visit and found the pole was a 20' pole instead of a 15' pole. They have now exchanged the taller pole with the shorter pole which they feel will alleviate the issues you were experiencing." Duke Energy did not exchange the pole. My daughter was home and watched them open up the top piece and looked like maybe tried to adjust the top, which obviously has not changed a thing. On May 31, I emailed back and mentioned that they did not change the pole or the bulb or install a shield. I stated that I have lived at this address for 30 years and never had a problem with this street light causing such light pollution and disrupting sleep, until they replaced it with the new bright LED lamp post. This is definitely a nuisance which is preventing me from enjoying my property. I don't know if the shorter pole will resolve the issue but I assume their field agents determined it was the best way to go. Is it possible to replace it with the old lights? The Willows neighborhood has a combination of new brighter LEDs and the old less disruptive ones (and unfortunately for me the placement of this pole is closer to my house and to my primary bedroom as opposed to my garage like several others in the neighborhood are). The light is also so bright that when I pull out of my driveway at night and look to the right towards it, it is almost blinding and more of a nuisance than it is worth. On June 7th I heard from Ms Moore that Duke is now stating that they did shield the light on the house side and also repositioned the fixture to make sure it was square to the roadway. There is no shield or if there is, it is clear and not opaque. And whomever stated that they replaced the pole was incorrect. I would love to have them come back out and coming up with an acceptable solution (maybe a solid shield on the house side) especially if I am now going to be assessed for this and have to still go through the Town of Windermere to get anything done from Duke.

If I am not going to receive any resolution to this problem, I would like to file an objection to the assessment.

Thank you.

Janice Duggan

11448 Willow Gardens Drive

Dorothy Burkhalter

From: Hollie Croft <Hollie.Croft@nelsonmullins.com>
Sent: Saturday, August 19, 2023 7:38 PM
To: Dorothy Burkhalter
Cc: Chad Croft
Subject: Willows non advalorem

[You don't often get email from hollie.croft@nelsonmullins.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good evening,

We received the notice of assessment, and it is not clear what you are doing. The letter says an increase, but then says the total amount to be levied is 116.82, which is equal to the current assessment. Are you intending to double it? Your notice is not clear. Please let me know, thank you!

Sent from my iPhone

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Dorothy Burkhalter

From: Lesha Miller <dlmillerfamily@gmail.com>
Sent: Monday, September 11, 2023 9:25 PM
To: Dorothy Burkhalter
Subject: council meeting -

Hi Dorothy,

Unfortunately I can't attend the council meeting tomorrow but if you could kindly add my email to the minutes.

Council, thank you so much for adding the discussion of the accessibility of the boat ramp at Fernwood to the agenda. We are so excited about how well the gate codes are working and how quiet Fernwood now is. I appreciate being able to speak to most of you about allowing residents to use one of our best amenities in town. Sunset cruises, Disney fireworks and early morning fishing are staples in our town. Please consider allowing the boat ramp to stay open after sunset.

Thank you for serving.

Lesha Miller
625 Butler St.