

TOWN OF WINDERMERE

Town Council Meeting Minutes
(Rescheduled from January 9, 2024)

January 23, 2024

CALL TO ORDER:

Present were Mayor Jim O'Brien, Town Council Members Tom Stroup, Andy Williams, Mandy David, Tony Davit, and Brandi Haines. Town Manager Robert Smith, Public Works Director Elliott-Moore, Attorney Heather Ramos, Police Chief Dave Ogden, and Town Clerk Dorothy Burkhalter were also present.

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.

Mayor O'Brien turned the floor over to Chief Ogden. Chief Ogden introduced newly hired Officer Melissa Counts. All welcomed the new Officer.

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)

Mayor O'Brien stated that those signed in have deferred until the variance items are heard.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

Mayor O'Brien stated that due to inclement weather on January 9th, that Council meeting was canceled until tonight. He then thanked all for their efforts with the past Tree giveaway.

3. NEW BUSINESS:

a. Minutes

i. December 12, 2023 - Town Council Meeting Minutes

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

b. Consent Agenda

i. **Z24-01 – 12 Pine Street – Benjamin and Carolyn Yonge – Variance to allow Extension of an Existing Raised Patio Less than 50 Feet from the Normal High-Water Elevation of Lake Butler**

Mayor O'Brien turned the floor over to Mr. Cornelius. Mr. Cornelius introduced and reviewed variance request Z24-01. He stated that the request is to allow a 5'8" by 4' wide extension to the walkway to align with what's existing. Mr. Cornelius reviewed the revised site plan and the walkway. He then stated that notices were sent out and sixteen were received in favor. Member Davit questioned if the DRB had reviewed the changes. Mr. Cornelius stated "no" as no significant changes were made. Ms. Christine Yonge, owner of 12 Pine Street introduced herself. She then commented on the safety need of the variance. There being no further discussion, Member Williams made a motion to approve the variance request. Member Davit seconded the motion. Roll call vote was as follows: Haines – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

ii. **Z24-04 – 656 E 6th Avenue – Adam Page and Lori Gilmore – Variance to Allow a Detached Accessory Garage in the Front Yard and Less than 25 feet from the Front Property Line**

Mayor O'Brien turned the floor over to Mr. Cornelius. Mr. Cornelius introduced and reviewed the variance request to allow a garage in the front yard. He commented on the shape and location of the

TOWN OF WINDERMERE

Town Council Meeting Minutes (Rescheduled from January 9, 2024)

January 23, 2024

lot. Mr. Cornelius commented on the carport. He then stated that stormwater for the entire lot will need to be compliant. Mr. Cornelius stated that notices were mailed out with five returned in favor and one in objection. He stated that the DRB has recommended approval of this request. Member Haines stated that she had forwarded some questions to the applicant regarding placing the garage in the back and enclosing the carport. She then stated that she does not see a hardship. Mr. Adam Page, owner of 656 E 6th Avenue introduced himself. He explained that he and his wife bought the older home with the hopes of renovating it to keep the character and charm of the original home. Mr. Page explained that there are structural poles in the carport that cannot be moved to create what is needed. He further explained that putting the garage in the rear would create environmental issues as well as issues with the neighbors. Member Haines commented on the importance of keeping and maintaining the shrubbery/landscape in the front. Mr. Page commented that the shrubbery/landscaping helps to minimize the noise and will be maintained. Mr. Cornelius stated that the hedge is in the Towns right of way. There being no further discussion, Member Williams made a motion to approve the variance request. Member Davit seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye Davit -aye, and Haines – aye. Motion carried 5-0.

c. Appointments

i. Molly Rose to the Development Review Board

Mayor O'Brien introduced this item. He stated that there is a vacancy on the DRB which Molly Rose has applied for. Member Williams made a motion to appoint Molly Rose to the Development Review Board. Member David seconded the motion. Roll call vote was as follows: Haines – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

ii. Town Council to Appoint a Mediation Representative

Mayor O'Brien introduced this item. He then turned the floor over to Attorney Ramos. Attorney Ramos explained that past Council member Molly Rose served as the mediation representative with the boathouse litigation. She further explained that the Council can select another Council member or leave Ms. Rose as the representative. Attorney Ramos stated that a closed client session is needed. She explained how the session would be handled. After some discussion was made, Member Davit made a motion to retain Molly Rose as the mediation representative and set the closed session for February 13th, 2024, at 5:00pm. Member David seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit – aye, and Haines – aye. Motion carried 5-0.

d. Contracts and Agreements

i. RFP 2023-05 Landscape Services – Down to Earth

Mayor O'Brien introduced this item. He then turned the floor over to Director Elliott-Moore. Director Elliott-Moore explained that due to the auditor's inquiry about the agreement with the previous contractor, which was not in alignment with State Statutes, an RFP was advertised. Director Elliott-Moore explained that after reviewing the submittals by herself, Travis Mathias, and John Fitzgibbon they are recommending Down to Earth. She then commented on the positive comments she has received about this company and their work since the departure of the other contractor. Director Elliott-Moore commented that Down to Earth has a central Florida location. Some discussion was made regarding minimal cost difference and scoring criteria. Member Davit made a motion to approve Down to Earth. Member Williams seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David -aye, Davit – aye, and Haines – aye. Motion carried 5-0.

ii. Town of Windermere and Marina Bay Agreement

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith stated that the Town has received \$1.5 million for road work. He stated that a roundabout at Windermere and Maguire Roads is in the plan. Manager Smith explained to accomplish the proposed project, acquisition is needed from Marina Bay. He stated that he has worked with Marina Bay HOA for an agreement for the acquisition. Manager Smith explained that the acquisition would include their subdivision signage with the agreement that they or the Town would replace the one sign with two marquee signs being added to the north and south of their entrance. He then stated that the town would pay for the

TOWN OF WINDERMERE

Town Council Meeting Minutes (Rescheduled from January 9, 2024)

January 23, 2024

landscaping. Manager Smith stated that discussion of adding a crossing guard for the first year was made and will need to be added to the agreement. Discussion followed regarding the crossing guard and the agreement. Member Williams made a motion to approve the agreement with Marina Bay. Member David seconded the motion. Roll call vote was as follows: Haines – aye, Davit – aye, David – aye, Williams – aye, and Stroup -aye. Motion carried 5-0.

e. Discussion and input from the Town Council regarding Sunset Bay’s request to convert to a private gated community

Mayor O’Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith explained that this is a request from Sunset Bay HOA. He then turned the floor over to Mr. Henry Robitaille. Mr. Robitaille of 6010 Down Point Lane and President of the Sunset Bay HOA introduced himself. He then explained that the HOA would like the town’s input regarding the possibility of gating their subdivision. He stated that this has had prior discussion with their Board and due to recent crime, and other gated communities in town, the interest is back. Manager Smith stated that there are items that need discussing; deceleration/turning lanes, how far will the gates sit back, etc. Ms. Dara Haggerty, legal counsel for the HOA introduced herself. She then stated that this is an early concept, which the Board would like to get as much information to take back to their association to see if there is further interest or not. Some concerns of the Council were expressed. Some were traffic, law enforcement, and turning lanes for entrance. Discussion followed.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O’Brien opened the floor to the Council. Member David reported on the upcoming Pet Fest, shade installation, signage at parks, and a public workshop on March 7th. Member Haines reported on; the Butler Chain of Lakes Advisory Board meeting she attended, Mike Galura’s presentation, costs, SHPO correspondence and who has received them. Member Davit stated that The Historical Preservation Board, in concept, is ok with the town hall rehabilitation. He further stated that with the ok is with the caveats that the gazebo is evaluated, SHPO comments rectified, materials for the roof and facades, and expansion of the restrooms not meeting SHPO guidelines. Member Davit commented that the deck and gazebo are not a part of SHPO’s concern, as they are not with original town hall. Member Davit stated that the HBP stated that the Certificate of Appropriateness would be issued as long as it’s in alignment with SHPO’s comments. He then stated that only concepts have been reviewed and future alterations and decisions will be made. Member Haines commented on past discussions/comments regarding Town Hall in which residents stated that the money needed to be given back to Healthy West Orange. Discussion followed. Member Haines then commented on a few issues with staff. Member Davit asked Attorney Ramos if there are concerns with multiple elected officials at committee/board meetings. Attorney Ramos stated that it would be ok as long as two or more of the officials are not talking amongst themselves on items that will come before the Council. If two or more attend, they should sit in opposite sides of the room and not engage in conversation. Discussion followed regarding perception, respecting the institution, the processes, decorum, workshops, and discussions. Member Davit commented on the Project meeting notes. Manager Smith explained that he is re-working the notes as they are getting long. Member Stroup thanked Director Elliott-Moore for her assistance with the projects.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith reported on Appropriations, DOT liaison project meeting, and project meeting notes. Member Stroup questioned the water project timeline. Discussion followed.

b. TOWN ATTORNEY HEATHER RAMOS – Attorney Ramos stated she will keep all updated on the Legislation as they are back in session.

TOWN OF WINDERMERE

**Town Council Meeting Minutes
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January 23, 2024

c. **POLICE CHIEF DAVE OGDEN** – Chief Ogden reported on Internal Audit, recent crime issues, State Attorney, MOU’s Use of Force, new hires, Awards Ceremony February 16th, and the March 21st Chief’s Meeting.

d. **PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on the 500-block project, town hall project, staff needs, and the diverter at 9th Avenue and Oakdale Street landscaping. Mayor O’Brien commented on the 10-year for EOW for Officer German.

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

8. ADJOURN:

Mayor O’Brien adjourned the meeting at 7:24pm.

Dorothy Burkhalter, MMC, FCRM
Town Clerk

Jim O’Brien, Mayor

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