

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 12, 2024

CALL TO ORDER:

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

Mayor O'Brien called the meeting to order at 6:00 pm 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 speakers.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS:

a. McDirmit & Davis FY 22/23 Audit Presentation

Mayor O'Brien turned the floor over to Ms. Amy Campbell, audit partner with McDirmit & Davis. Ms. Campbell stated that the town received an "Unqualified Opinion" which is the highest ranking that can be given. She then commented on expenses, revenues, fund balances, compliance, management comments, purchasing policy and the mandated training. Minimal discussion was made. Mayor O'Brien thanked all the staff for their hard work. Manager Smith also thanked Finance Director Tara Vogel and Finance Assistant Theresa Syphers for their hard work.

b. Presentation: State of the Lakes, Amy Giannotti, Aquastem Consulting

Mayor O'Brien introduced this item and turned the floor over to Ms. Giannotti. Ms. Giannotti stated that this presentation would include an introduction to the new lakes management contractor, overview of her findings/summaries of restoration projects, areas for improvements, and suggestions for community involvement. She then introduced herself. Ms. Giannotti gave her State of the Lakes presentation. Member Stroup commented on Lake Bessie and underwater weed eaters. Ms. Giannotti commented on the requirements regarding shoreline clearing. There being no further comments, Mayor O'Brien thanked Ms. Giannotti for her information.

3. TIMED ITEMS & PUBLIC HEARING

NONE

4. OLD BUSINESS

a. Minutes

i. Town Council Meeting Minutes February 13, 2024

Member Davit made a motion to approve the Town Council meeting minutes of February 13, 2024, as presented. Member Williams seconded the motion. Roll call vote was as follows: Haines – aye, Davit – aye, Williams – aye, and Stroup – aye. Motion carried 4-0.

5. NEW BUSINESS

a. Oath of Office Mayor and Council Members

i. Mayor James O'Brien

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- ii. Council Member Loren “Andy” Williams
- iii. Council Member Brandi Haines

Manager Smith administered the Oath of Office to James O’Brien who will serve his third two-year term. Mayor O’Brien then administered the Oath of Office to Brandi Haines and Andy Williams who will serve a two-year term. He then thanked Council member Haines and Council member Williams for their service to the Town.

b. Consent Agenda

- i. **Z24-02 Down Park Lane Minor Replat – JRH RE Investments, LLC and Stonebridge Homes, Inc. – Replat 10908 and 10988 Down Park Lane to Create Three (3) Lots**

Mayor O’Brien introduced this item. He then turned the floor over to Ms. Amanda Warner with Wade Trim. Ms. Warner reviewed the proposed replat request. She explained that all three lots do meet the requirements of the Town. Mayor O’Brien questioned a previous request. Ms. Warner stated that the previous request was withdrawn. Member Davit commented on the access. Ms. Warner commented on the easement for access and requirements for development on each lot. Member Williams made a motion to approve the minor replat request. Member Haines seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, Davit – aye, and Haines – aye. Motion carried 4-0.

- ii. **Z24-05 10910 Bayshore Drive – Adair Dillaha – Variance to allow a Covered Porch that Results in a Maximum Floor Area Ratio of 42% which exceeds the Allowed Total Maximum 38% Floor Area Ratio**

Mayor O’Brien introduced this item. He then turned the floor over to Ms. Amanda Warner with Wade Trim. Ms. Warner explained the proposed project which will exceed the allowable gross floor area ratio. Some discussion followed. Mayor O’Brien questioned the vote from the DRB. Manager Smith stated that Mr. Withers voted against due to no hardship. Member Haines commented that she agrees with Mr. Withers and the need for a hardship. Discussion followed regarding the floor area ration, no environmental impacts, same impervious coverage as original, meets ISR standards and currently does not meet the floor area ratio prior to the request. Mr. Adair Dillaha, owner of 10910 Bayshore Drive introduced himself. He then commented on the personal medical need for the request. 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, Davit – aye, and Haines – nay. Motion carried 3-1.

- iii. **Z24-06 – 212W 1st Avenue – Ryka, LLC – Variance to allow a Dock with Side setbacks less than 16 feet to allow side setbacks of 10.0 feet on the east side and 10.8 feet on the west side. DRB recommended approval with condition that no more the 6 inches of roof overhang may extend past the edge of the dock in the south and west sides. 5-0 vote.**

Mayor O’Brien introduced this item. He then turned the floor over to Ms. Amanda Warner with Wade Trim. Ms. Warner explained the variance request to both sides. She stated that the existing dock would be removed and replaced with a new one. Mayor O’Brien voiced his concerns with previous approval for a dock and stormwater issue. Member Williams stated that the Town can be indemnified against any stormwater concerns. Discussion followed. Member Williams made a motion to approve the variance request with the condition that a hold harmless is done with indemnifying the Town for the washout or infill to stormwater outlet adjacent to the property. Member Davit seconded the motion. Roll call vote was as follows: Haines – aye, Davit – aye, William – aye, and Stroup – aye. Motion carried 4-0.

c. Resolutions/Ordinances for Approval/First Reading

- i. **Resolution 2024-01: Form 6 Litigation**

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Mayor O'Brien introduced this item. He then read the title of Resolution 2024-01 for the record. Manager Smith read absent Member David's comments into the record (attached). Attorney Ramos explained that the Resolution could include the Council as whole (Town), or individually. She then explained that should the Resolution not pass; a Council member could also go in on their own. Member Stroup stated that Form 6 has been around for some time and questioned what has changed. Attorney Ramos explained that this Form 6 was initiated in 2023. Discussion followed regarding Form 6, its effects on municipalities, plaintiffs involved against Form 6, encroaching on privacy, where does it stop, and protecting Home Rule. Member Davit made a motion to approve Resolution 2024-01 as presented. Member Williams seconded the motion. Roll call vote was as follows: Stroup – nay, Williams – aye, Davit – aye, and Haines – aye. Motion carried 3-1.

ii. Resolution 2024-02: Revising Town's Purchasing Policies

Mayor O'Brien introduced this item. He then read the title of Resolution 2024-02 for the record. Manager Smith explained that the policy needed revised since being adopted in 2013. He also explained that some changes are statutory, house cleaning, and for the auditors. Some discussion followed. Member Davit made a motion to approve Resolution 2024-02. Member Haines seconded the motion. Roll call vote was as follows: Haines – aye, Davit -aye, Williams – aye, and Stroup – aye. Motion carried 4-0.

d. Appointments

e. Contracts/Agreements

i. 6th Avenue and Butler Street Drainage Phase II Subrecipient Agreement 4337-449-A

Mayor O'Brien introduced this item. Director Elliott-Moore explained that approval is needed for the project to move forward to Phase II. Manager Smith stated that additional funds could be requested in the future if needed. Member Stroup questioned if there are any changes to the project. Manager Smith stated no. Member Williams made a motion to approve the agreement. Member Davit seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, Davit – aye, and Haines – aye. Motion carried 4-0.

f. Financial

g. Other Items for consideration

h. Quotes for temporary restrooms at Town Hall Square

Mayor O'Brien introduced this item. Director Elliott-Moore explained that the Town Manager has received requests for public restrooms since the previous one has been removed. She then explained that three quotes have been received with the lowest of \$42,462.00 for a twelve-month rental. Director Elliott-Moore stated that the company would be responsible for cleanouts. Mayor O'Brien commented that he understands the need but has concerns regarding placement, and possibly investing in something permanent. Member Haines stated she has researched prefab restrooms and costs. After much discussion was made, Mayor O'Brien suggested further discussion on this item to include location, costs, septic, landscaping, and other options. No motion or vote was made.

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien commented on the upcoming ten-year EOW for Officer Robbie German. Member Davit reported on the past Historical Preservation Board meeting. Member Haines stated she will not be able to attend the next Butler Chian of Lakes Advisory meeting and commented that if anyone wanted to attend in her absence, they could. She then commented on the school and school traffic issues, and the schoolhouse. Member Stroup commented on the past Tree Board meeting.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith reported on the Liaison

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assignments, Town Manager evaluations, annexation discussion, appropriations, grants, projects and funding, and board and committee training.

b. **TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos reported on the Boathouse litigation, and upcoming legislative update meeting at their firm.

c. **CHIEF DAVE OGDEN** – Chief Ogden reported on the past Annual Awards Ceremony, upcoming events, Chief’s Luncheon, Accreditation, and a new hire.

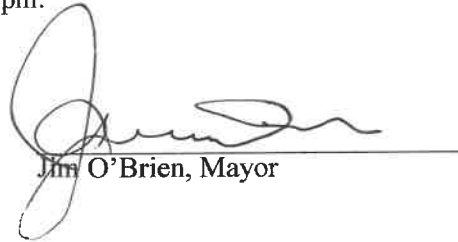
d. **PUBLIC WORKS DIRECTOR ELLIOTT-MOORE** – Director Elliott-Moore reported on irrigation reviews/repairs/monitoring, playground equipment installation, sign installation, shrubbery maintenance, pothole patching, residential run-off into roadways, road grading, leave debris clean-ups, sidewalk, fencing, and tree trimming at parks, fence repairs, Windermere Rec Center maintenance and repairs, committee meetings and adding of a soccer goal. Some discussion followed terminates at Windermere Rec Center and a pedestrian crossing.

e. **TOWN CLERK DOROTHY BURKHALTER** – Clerk Burkhalter was absent.

8. **ADJOURN:**

Mayor O’Brien adjourned the meeting at 7:41 pm.


Dorothy Burkhalter, MMC, FCRM
Town Clerk


Jim O’Brien, Mayor

Please read for the record for 3/12/24 meeting

Mandy David <m david@town.windermere.fl.us>

Mon 3/11/2024 10:39 AM

To: Robert Smith <rsmith@town.windermere.fl.us>

Robert please read this into the record for me. I will try to join if I can.

Thank you,

Mandy

Council,

My apologies for not being able to be there this evening.

First, I would like to congratulate Mayor O'Brien, Councilperson Williams, and Councilperson Haines on your swearing in tonight.

I want to relay my full support for the Resolution 2024-01 Form 6 Litigation. I think it's important we try to protect our Council in the future so that this won't prevent others in serving our wonderful town.

I also wanted to voice my support for Resolution 2024-02 as well.

ROD 3/12/24