

TOWN OF WINDERMERE

Town Council Meeting Minutes

September 8, 2009

A. CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members Burns Hovey, Norma Sutton, Richard Irwin, Molly Rose and Cecil Robinson. Manager Cecilia Bernier, Clerk Dorothy Burkhalter, Assistant to the Town Manager Amy Wallenhurst, Attorney Tom Wilkes, Public Works Director Craig McNeal and Police Chief Dan Saylor were also present.

Mayor Bruhn called the meeting to order at 7:00 p.m. and noted that a quorum was present.

B. OPEN FORUM FOR RESIDENTS:

Rhonda Kanan of 416 Butler Street, questioned the procedure to speak to the Town Council. Mayor Bruhn explained that an agenda request would need to be filled out and submitted no later than the Monday, one week prior to the meeting. Ms. Kanan stated she had submitted a request and has not been placed on the agenda. Manager Bernier stated she did not remember receiving a request from Ms. Kanan. John Brandies, representative for Nasrallah Design Group, Inc, stated he has an item on the Consent Agenda and will defer his comments until then. Stephen Withers of 712 Main Street, stated that he recently submitted a request for a Local Home Business Tax Receipt. He explained that he received his invoice and noticed that the filing fee is only \$10.00. Mr. Withers stated that due to the work associated with the request, the fee needed to be increased. Manager Bernier stated that all the fees are being reviewed for possible increases.

C. MINUTES APPROVAL:

Member Rose made a motion to approve the August 11, 2009, Town Council meeting minutes as presented. Member Hovey seconded the motion. Roll call vote was as follows: Robinson - yes, Hovey - yes, Sutton - yes, Irwin - yes, and Rose - yes. Motion carried 5-0.

D. CONSENT AGENDA:

Mayor Bruhn briefly reviewed each item on the consent agenda. Member Hovey requested to remove items f & g. Member Irwin made a motion to approve consent agenda items a - e as presented. Member Sutton seconded the motion. Roll call vote was as follows: Rose - yes, Irwin - yes, Sutton - yes, Hovey - yes, and Robinson - yes. Motion carried 5-0. Member Hovey commented on item f. He stated that the hardship is the corner lot. After a few comments, Member Hovey stated he would like to approve the Rorhback variance request. Discussion to clarify the motion made by DRB was made. Mr. Rorhback of 803 Main Street explained the need of the variance. Member Hovey made a motion to approve the 5' set back to the 8th Avenue front yard setback - for a 10' deck, and an agreement between the Town and Mr. Rorhback that if the Town needed the lot to conform back to the original setback, Mr. Rorhback would conform. Member Irwin seconded the motion. Roll call vote was as follows: Robinson - yes, Hovey - yes, Sutton - yes, Irwin - yes, and Rose - yes. Motion carried 5-0.. Item g was then discussed. Member Hovey stated his concern with circumventing the State Ordinance regarding height of fences around pools. Member Rose reviewed discussion that was made at the past DRB meeting. John Brandies, representative for the contractor, explained the County requirement. Much discussion followed. Member Irwin made a motion to approve the DRB recommendation which was to approve the variance request to include the 5' barrier be included around the sides of the property and include fencing the 18" of both sides of the gate. Member Sutton seconded the motion. Member Robinson questioned the Town Manager to explain her discussion with the Town Attorney. Manager Bernier reviewed the Attorney opinion regarding the fence location and height. After some discussion was made roll call vote was as follows: Rose - yes, Irwin - yes, Sutton - yes, Hovey - yes, and Robinson - yes. Motion carried 5-0.

E. PROCLAMATION:

Mayor Bruhn read the proclamations for the record. He then proclaimed September 8th as America’s 1st Responders day and September 17 – 23, 2009, Constitution Week. .

F. RESOLUTION: NONE

G. FIRST READING: NONE

H. SECOND READING/ADOPTION/PUBLIC HEARING: NONE

I. PRESENTATIONS/AWARDS:

Manager Bernier explained that Roberto Sanchez, Public Works employee, has been employed by the Town for the past 25 years. She stated that there will be cake and soft drinks on Wednesday at 2:00 pm, in the Town Hall. Manager Bernier stated that Mr. Sanchez will also be taken to Longhorns on Thursday for lunch.

J. OLD BUSINESS:

1. STAG Update - Mr. John Fitzgibbon

Mr. Fitzgibbon reported Johnson Park has been completed. He stated that the final certification of completion has been issued. Member Hovey questioned if the pond would be a “dry” pond. Mr. Fitzgibbon explained that the area will be collecting water which is considered an upland marsh pond. Discussion followed. Manager Bernier reported that a letter has been received from Mr. Collins, a resident, regarding reconstruction of Bessie Street. She reported that he stated that the Town should hold the final payment to the Contractor until the problem has been rectified. Manager Bernier stated that she has spoke with Mr. Collins and he has now submitted a public records request. Member Hovey questioned the grading in the area. Mr. Fitzgibbon stated that correction action has been taken and there is a problematic area that needs to be addressed. Discussion followed.

2. HMPG – Update – Mr. John Fitzgibbon

Mr. Fitzgibbon stated that the HMPG project will include 1st Avenue & Oakdale Street, and 12th Avenue & Oakdale Street projects. He then reported on the proposed projects.

K. NEW BUSINESS:

1. Fall Festival “Beer/Wine” Request – Mr. Fred Miller/Ready Market

Mr. Miller explained that he is requesting zoning approval to sell beer and wine in their parking lot for the Fall Festival on October 24th. He stated that he will obtain permitting from the Department of Alcohol, Tobacco, and Firearms. Mr. Miller stated that he is aware that an off-duty officer may be needed. Member Hovey made a motion to approve the request. Member Rose seconded the request. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, Irwin – yes, and Rose – yes. Motion carried 5-0.

2. Extra Banners Purchase Request – Ms. Donna Steele

Manager Bernier explained that some banners have been stolen or damaged and need to be replaced. She then stated that the additional funds are available in Fund 3. Manager Bernier explained that the Parks and Recreation Committee is in favor of the extra banners. Member Irwin made a motion to approve the banner request. Member Robinson seconded the motion. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, Irwin – yes, and Rose – yes. Motion carried 5-0.

3. Building Permit Process - Manager Cecilia Bernier

Manager Bernier stated that the draft RFQ has been compiled by her assistant Amy. She then briefly reviewed the RFQ. Member Hovey requested that the shortlist qualifications include pricing for comparison. Member Sutton stated that the requirement for the cost of fees and charges needed to be included in the RFQ. Member Irwin made a motion to authorize the Town Manager to move forward with the RFQ with the modifications stated by Member Sutton. Member Rose seconded the motion. Roll call vote was as follows: Robinson – yes, Hovey – absent (restroom), Sutton – yes, Irwin – yes, and Rose – yes. Motion carried 4-0. *

4. Code Enforcement Time Line – Manager Cecilia Bernier

Manager Bernier stated that this item is for information only. She then explained both processes for lot clearing - Code Enforcement and Lot Clearing Ordinance. Some discussion followed. Member Rose questioned the clean-up of pools. Manager Bernier explained that the pools are enforced by the Code Enforcement process not the lot clearing ordinance. *Mayor Bruhn informed Member Hovey of the previous motion and vote of item #3. Member Hovey cast an “aye” vote which would carry 5-0. Discussion resumed regarding item #4. Member Hovey questioned the timeline for compliance. Manager Bernier explained that due to the nature of the infraction determines how quickly the item is handled. She explained that a courtesy contact is the initial step and if no response is received then the item moves thru the Code Enforcement process.

Manager Bernier stated for the record that per the comments from Ms. Kanan in the open forum, she would like to comment. She explained that the reason why she (Manager Bernier) stated she did not receive the request from Ms. Kanan to talk with the Council is because the request to appear at Council was made by Ms. Kanan’s attorney, Cynthia Hawkins, not by Ms. Kanan. Ms. Kanan never requested to appear at Council. Only her attorney requested to appear at Council. Manager Bernier stated that Attorney Hawkins’ request was forwarded to the Town Attorney and discussion between the two attorneys was made. She explained that, after the two attorneys talked, Ms. Hawkins decided not to bring the item forward. Chief Saylor stated that there has been an issue with Ms. Kanan and there still is a current case with her and the town. Attorney Wilkes stated that in his discussion with the other attorney, she was informed the discussion of police employees is under the direction of the Town Manager not the Town Council.

COUNCIL LIAISON REPORTS:

Member Cecil Robinson: Mr. Robinson reported that the Long Range Planning Committee did not meet. He then stated that the next Elder luncheon will be October 6th.

Member Burns Hovey: Mr. Hovey stated that the Tree Board did not meet due to the holiday. He then stated that they are talking about a “recycling” program.

Member Norma Sutton: Mrs. Sutton stated that the Downtown Business District Committee has met. She stated that they are requesting two special sessions to discuss the fall festival. Mrs. Sutton stated the dates as September 17th and October 15th for the two special sessions. Discussion regarding the Festival was made. Mrs. Sutton then thanked everyone for their support during her past medical issue.

Member Richard Irwin: Mr. Irwin reported that the Central Park fence has been completed and looks great. Member Hovey questioned the status of the boat dock. Manager Bernier stated that she is waiting on a consent letter from FDEP. Member Robinson commented on the increased use of Central Park. Mayor Bruhn stated that Lake Down park is being used greatly.

Member Molly Rose: Mrs. Rose stated that the Development Review Board continues to review the sign ordinance. She stated that the lit sign is an issue.

Mayor Gary Bruhn: Mayor Bruhn reported that he attended the Florida League of Cities Conference, Ice Cream Social, How Shall We Grow meeting, and the Senate Bill 360 session

He then commented on an issue on Bayshore Drive and an e-mail he received from Mr. Basque regarding the stop signs. Mayor Bruhn advised everyone that the Town was on the front page of the NY Times regarding the Eagle Scout project and a piece of steel from the World Trade Center. He then stated that he would like to have an update on the ordinance for homes that are under perpetual construction. Some discussion followed.

STAFF REPORTS:

Town Manager Cecilia Bernier: Mrs. Bernier stated that the Town received a notice of violation letter from FDEP regarding the Lake Down dock. She then reviewed the concerns regarding the cleats and tenders that were stated in the letter. Some discussion followed.

Town Attorney Tom Wilkes: Mr. Wilkes stated that the Town received a lawsuit from Mr. Ward regarding the right of way. He then explained the issue and stated that a “motion to dismiss” had been filed.

Assistant to the Town Manager Amy Wallenhurst: No report.

Police Chief Dan Saylor: Chief Saylor explained that he is working a citizens police academy for residents. He stated that the academy will be one day a week from 6:00 pm –10:00 pm for ages 18 and up. Member Hovey requested the possibility of a juvenile class as well. Chief Saylor stated he would research that possibility.

Public Works Director Craig McNeal: Mr. McNeal no report.

Resident Carol Manning stated she travels a lot and she is glad to be a Windermere resident and commended the Town Council and Staff for a great job that they do.

Mayor Bruhn adjourned the meeting at 8:50

Dorothy Burkhalter, Town Clerk

Gary Bruhn, Mayor