

TOWN OF WINDERMERE

Town Council Meeting Minutes

October 13, 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. He then recognized Boy Scout Jacob Hutchinson who is working on his citizenship badge.

B. OPEN FORUM FOR RESIDENTS:

Sterling Hall of 11023 Clipper Court commented on the drainage in Marina Bay. Manager Bernier stated that at the present time, the subdivision is responsible for its drainage. She then stated that if the subdivision can produce documentation clarifying ownership, she is willing to review them. Rhonda Kanan of 416 Butler Street stated that she would like to have the Town consider an Ombudsman Committee. She stated that she thought the Committee would be beneficial for the Town. Stephen Withers of 712 Main Street stated that the DRB would like the Council to consider placing a comment on the website stating that a permit is needed prior to any work being done. He also stated that the DRB would like the Town's Code of Ordinances on the website. Manager Bernier stated that the Code of Ordinances have been typed and are now in the proofing stage. She explained that once the proofing is done, the information will be placed on the website. Member Rose questioned the timeframe for the information to be placed on the website. Manager Bernier explained that she is uncertain of the timing due to the document needing to be proofed by her and Zoning Clerk Music. Mr. Withers stated that the DRB continues to work on the re-write of the sign ordinance as well. Mr. Jim Goodrich of 11606 Lake Butler Blvd., stated that he would like to comment on consent agenda item "a".

C. MINUTES APPROVAL:

Member Rose made a motion to approve the September 8, 2009, Town Council meeting minutes as presented. Member Irwin 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 Sutton made a motion to approve the September 9, 2009, Tentative Budget meeting minutes as presented. 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.

Member Sutton made a motion to approve the September 21, 2009, Final Budget meeting minutes as presented. Member Robinson seconded the motion. Roll call vote was as follows: Rose – yes, Irwin – yes, Sutton – yes, Hovey – yes, and Robinson - yes. Motion carried 5-0.

D. CONSENT AGENDA:

Mayor Bruhn briefly reviewed the items. Mr. Goodrich of 11606 Lake Butler Blvd., requested that the Council deny the Giles Menaker (item a) fence request. Mayor Bruhn questioned the similarity of the requests and why one was approved and one was not. Member Rose stated that she was not present at the past DRB meeting, however she believes the height is the reason. Member Hovey voiced his concern with both fence variance requests. He then questioned the hardships. Much discussion followed. Mayor Bruhn suggested approving the recommendation of the DRB to deny item "a" and request tabling item "b" until a clarification from the DRB is received. Member Hovey made a motion to approve the DRB recommendation to deny the fence variance request - item "a" and table item "b" until next meeting when a clarification from the DRB can be made. Member Rose seconded the motion. Roll call vote was as follows: Rose – yes, Irwin – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 5-0. Mr. Tompkins of 11710 Lake Butler Blvd. explained his request for the fence. He

stated that he is on a corner lot which is two fronts and two sides. Mr. Tompkins stated that he has a sidewalk on his property and has it has much use. He stated that safety/security is his main concern. Member Hovey stated that the fence is 8' tall. Member Irwin commented that the fence height requirement needed to be reviewed to determine if the current height restrictions needed to be updated.

G. PROCLAMATION:

Mayor Bruhn read the proclamation for the record. He then proclaimed October 31, 2009 – November 7, 2009, as Week of the Family. He then presented Bishop Johnson with a proclamation. Bishop Johnson thanked the Town for the support. He then presented Mayor Bruhn with a father/son figurine as a token of appreciation.

F. RESOLUTION:

Mayor Bruhn read Resolution 2009-07 Town Government for the record. Member Irwin made a motion to approve Resolution 2009-07. Member Rose seconded the motion. Roll call vote was as follows: Rose – yes, - Irwin – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 5-0.

Mayor Bruhn then read Resolution 2009-08 National Guard for the record. Member Robinson made a motion to approve Resolution 2009-08. 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.

G. FIRST READING: NONE

H. SECOND READING/ADOPTION/PUBLIC HEARING: NONE

I. PRESENTATIONS/AWARDS:

Mayor Bruhn introduced Ms. Rebecca O'Hara from the Florida League of Cities. Ms. O'Hara of 1482 Lee Avenue, Tallahassee, FL recognized Mayor Bruhn and awarded him with the Home Rule Hero award. Mayor Bruhn graciously thanked the FLC. He then thanked the Council and staff for their support.

J. OLD BUSINESS:

1. STAG Update - Mr. John Fitzgibbon

John Fitzgibbon, project manager, stated that the final completion had been issued in June. He then reported he is working with Manager Bernier regarding the reimbursement component to the government. Mr. Fitzgibbon stated that with the current rains, the project was inspected and showed to perform properly.

2. HMPG – Update – Mr. John Fitzgibbon

John Fitzgibbon, project manager, stated that the project had begun. He reported that the current rains have assisted in the working of the system. Mr. Fitzgibbon then reported that the sod work, with the final grading, will be the next steps to complete the N. Oakdale Street project. He then explained the work proposed for the next project at 12th Avenue & Oakdale Street. Member Hovey questioned the construction time. Mr. Fitzgibbon stated approximately 2-3 months. Member Robinson questioned the hedge removal at 1st Avenue & Oakdale Street. Mr. Fitzgibbon explained that the resident is pleased with the work in the area and the removal is best for the project.

3. 9/11 Eagle Scout Project – Mayor Gary Bruhn

Mayor Bruhn introduced Jeff Cox, Eagle Scout Candidate. Mr. Cox then gave a power point presentation regarding his proposed project. He then stated that he would like to locate the memorial between the Town Hall and Library. Mr. Cox stated that he will have approximately

15 helpers with the project starting December 5th. He then thanked everyone. Much discussion followed. Member Rose stated that putting a “clear coat” on the steel would aid in protection. Member Sutton questioned the project cost. Mr. Cox stated approximately \$17,000.00 with much of the funds being donated. Mayor Bruhn stated that the location needed to be determined with Public Works Director McNeal due to the drain-field. Discussion followed regarding design, location, maintenance, lighting/electrical, landscaping, and protecting the steel from rust. Member Hovey stated he would pay for the lighting. John Fitzgibbon stated that he would contact the current stormwater contractor to possibly work with Member Hovey for stamped concrete. Mr. Cox’s landscaper stated he would do pavers instead of stones. Mr. Cox was presented with a t-shirt from a family member of a victim of the World Trade Center. Assistant to the Town Manager Wallenhurst commented on the great work ethics, personality and professionalism that Mr. Cox has shown thus far. Member Irwin made a motion to approve the proposed Eagle Scout project. Seconded by all. All were in favor. Opposition – none.

4. Home under Perpetual Construction -

Manager Bernier stated that the Town Attorney had been working on a draft Ordinance. She then stated that national Property Management Code need to be researched as well. Member Hovey stated his concern with the Ordinance. He explained that the projects that are owner/occupied should not be penalized. Discussion followed regarding houses that are partially built and abandoned. Mayor Bruhn stated that there will be an update in November regarding this issue.

K. NEW BUSINESS:

1. EAR/Comp Plan – Manager Bernier/Mrs. Janet Shira

Manager Bernier explained that based on the EAR, a Comp Plan amendment is needed. She stated that guidance from the Council is needed to proceed forward. Manager Bernier stated that the Council could reconvene the EAR Committee or the Council could review the ideas and make a guidance determination. She then stated that she and Mrs. Shira are requesting a workshop with the Council. Member Irwin stated that the Consultant should bring forward a few options for the Council to review and select. Mayor Bruhn questioned the Council if they would be available for a workshop in two weeks. Everyone agreed. After some discussion, Mayor Bruhn stated that the workshop will be Tuesday, October 27th, at 7:00 p.m. in the Town Hall.

6. Downtown Business Committee – Chair Mark Dean

Chair Mark Dean gave a brief report regarding the Downtown Business Fall Festival. He then stated that the issue to close or not to close Main Street has not been decided as of yet. Mark Allen, owner of Allen’s Creamery, stated that he and a few other business owners would like Main Street closed so that the public could walk across the road safely. He then stated another issue is due to the number of vendors. Mr. Allen stated that last year there were 42 vendors and now there is approximately 70 vendors registered. Member Hovey questioned the budget/funding of the event. Mr. Allen stated that there are enough funds to cover the cost of the police to close the roads. Chief Saylor stated that the DBC could cover the cost for eight off-duty officers. Member Hovey stated his concern with parking a number of cars around town. Member Sutton stated the results of a survey that was taken between the businesses. She stated that the consensus was to leave the roads open. Member Sutton stated that she is aware of a few other issues that have been discussed as well. Much discussion followed. Member Hovey made a motion to leave the roads open and have the Police assist at the crosswalks. Member Robinson seconded the motion. Further discussion was made. Roll call vote was as follows: Rose – yes, Irwin – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 5-0.

4. Tree Board Fundraiser – Chair Theresa Schretzmann-Myers

Chair Myers introduced Kevin Dowling with the Windermere Roadies Cycling. She then stated that the Tree Board is requesting approval to have a “cycle for the trees” fundraiser. Chair Myers stated that the event would be March 20, 2010. She explained the route which would begin at the Town Hall. Chair Myers stated that the fee would be \$20.00 per adult and \$10.00 per child. She stated that the profits would benefit the Tree Board. Mr. Dowling stated that mountain bikes and beach cruisers would be the type of cycles used. Discussion followed

regarding the route, policing, and profits. Chief Saylor stated that Police Officers should be used for the event and he did not have extra funding in his budget for the event. Mayor Bruhn stated that the Tree Board would need to fund the police for the event. Member Hovey made a motion to approve the route and the proposed Tree Board fundraiser. Member Irwin seconded the motion. Member Rose reiterated that the funding for the police will need to be deducted from the proceeds of the event. Chair Myers agreed. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, Irwin – yes, and Rose – yes. Motion carried 5-0.

3. Tim’s Wine Market 2COP License – Mr. Craig Lopus

Mr. Lopus, owner of Tim’s Wine Market, stated that he is requesting approval to obtain a 2COP License to sell beer and wine at the market. He then stated that to achieve this he would need a variance to Ordinance 93-3, Chapter 4 Section 4-82 a&b. Mr. Lopus stated that there is an requirement of 1000’ from an established church or school unless the business is a restaurant. Member Rose commented that other location require 500’. Much discussion followed regarding allowable distances, licensing, variances, and business hours. Member Hovey stated that this item needed to be tabled, sent to the DRB for review, and have the Town Manager measure the distances needed. Chief Saylor stated that the distance will be determined by ATB Board and if it’s not met, the license will not be issued by them. Mayor Bruhn stated that the distance needed to be determined by ATB, and if it meets the distance then the item needs to be heard by the DRB. Manager Bernier stated that she will work with Mr. Lopus if the distance is approved.

2. Development Review Board – Member Stephen Withers

- a. Town Ordinances on the web-site**
- b. Penalty for building without a permit – after the fact penalty**

Manager Bernier stated that the Ordinances have been typed and proofing of the documents are next. She then explained that a statement will be placed on the web-site regarding permitting. Member Hovey suggested placing information regarding permitting in the next newsletter. Manager Bernier then explained the ad for the RFQ is ready to be published. She explained that once that is done, the fee schedule will be brought back for discussion and at that time is when the “after the fact” fee can be discussed. Member Hovey stated he has a few comments regarding the RFP and has e-mailed those to Amy. Mayor Bruhn stated that this will be placed on a future agenda for discussion. Everyone agreed.

5. Garbage Service Billing – Mayor Gary Bruhn

Mayor Bruhn stated that this item was briefly discussed at a prior workshop. He then stated that he would like the Town Manager to investigate the possibility and cost of placing the annual garbage assessments on the yearly tax bills. Some discussion followed. Mutual consent was to have the town manager research the cost of placing assessment on the tax bills as well as the cost “in house” to do the billing.

COUNCIL LIAISON REPORTS:

Member Molly Rose: Ms. Rose stated that she was out of town and did not attend the past DRB meeting. She explained that the Downtown Business Committee will be attending the next DRB meeting as well. Ms. Rose suggested changing the process of sending out the newsletter. She suggested that in the next newsletter, a statement of “this will be the last mailed newsletter and to view the future newsletters, you may visit the web-site. Unless we hear from you, this will be the standard operating procedure”. Ms. Rose stated that this will also save on costs. Mayor Bruhn stated that this item will be placed on the next Council agenda under old business. Mrs. Sutton questioned the cost savings. Mayor Bruhn requested to include the costs for printing, paper, postage, ink and labor for the next meeting.

Member Richard Irwin: Mr. Irwin stated that Health Central now has a facebook account. He stated that facebook may be another source for information from the Town. Mr. Irwin explained that the Parks and Recreation Committee is working on several projects that he will discuss at a future meeting.

Member Norma Sutton: Mrs. Sutton stated that the Downtown Business Committee was previously discussed.

Member Burns Hovey: Mr. Hovey stated that the Tree Board has already been discussed.

Member Cecil Robinson: Mr. Robinson stated that the Elder Luncheon was held on October 6th and it was a success. He stated that the next luncheon is scheduled for December 8th.

Mayor Gary Bruhn: Mayor Bruhn reported that he attended the Transportation Tax Task Force meeting. He then stated that he attended the Jazz Fest, SunRail Task Force meeting, Little Miss Windermere \$250.00 donation to the Humane Society event, Elementary Civics Session event, Florida League of Cities meeting, Harbor House Luncheon, and the Windermere Elementary SAC meeting. Mayor Bruhn explained that the Town will be taking part in the Light-up UCF event.

STAFF REPORTS:

Town Manager Cecilia Bernier: Mrs. Bernier gave a financial report. She explained that the Town has ended up with a revenue surplus of over \$200,000.00. Mrs. Bernier stated that the funds will go back into the Reserve account. She then gave an update on Butler Bay Park. Mrs. Bernier reported on past discussions regarding the Library and their lease and electricity costs. She stated that she will re-open the discussion with Orange County Library System. Member Irwin suggested that Manager Bernier research how the City of Ocoee, City of Winter Garden and the Town of Oakland operate their libraries.

Town Attorney Tom Wilkes: No report.

Assistant to the Town Manager Amy Wallenhurst: Ms. Wallenhurst stated that she attended a flood plain seminar. She then reported on that discussion.

Police Chief Dan Saylor: Chief Saylor stated that the department applied for a grant a few years back to purchase the electronic finger print machine. He stated that this type of machine will be mandatory in the near future and his department is the only one in the area to have this machine.

Public Works Director Craig McNeal: No report.

Mayor Bruhn reported that the work for the roundabout at Park Avenue and Maguire Road continues. He then stated that he attended a Crime Summit with Chief Saylor. Mayor Bruhn stated that old business items discussed would be Homes Under Perpetual Construction, clarification from DRB regarding Consent Agenda - item b. 12037 Lake Butler Blvd Fence, Tim's Wine Market update from the Chief and ATB regarding the distance, Penalties for after the fact permits, Newsletter on the website, and Library contract.

Member Hovey publicly apologized to the Staff and the Public Works Department for comments he made in the past workshop. He stated the comments were not to be taken personally or as an insult.

Mayor Bruhn adjourned the meeting at 10:06 p.m.

Dorothy Burkhalter, Town Clerk

Gary Bruhn, Mayor