

TOWN OF WINDERMERE

Town Council Meeting Minutes

November 10, 2009

A. CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members Burns Hovey, Norma Sutton, Richard Irwin (absent), 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:

Stephen Withers of 712 Main Street and Lance Rickerson of 884 Main Street stated that they have items that they would like the Council to consider when the proposed "homes under perpetual construction" Ordinance is being discussed. They stated that the definitive time for a building permit, re-permitting, town rights-of-ways, and tearing down of abandon property needed to be considered. Member Rose questioned if the concern is with empty homes as well as a home that is being lived in with ongoing construction. Discussion followed. Mayor Bruhn thanked the residents for their comments.

C. MINUTES APPROVAL:

Member Sutton made a motion to approve the October 13, 2009, Town Council meeting minutes as presented. Member Rose seconded the motion. Roll call vote was as follows: Rose – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 4-0.

Member Sutton made a motion to approve the October 27, 2009, Special Town Council meeting minutes as presented. Member Rose seconded the motion. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, and Rose – yes. Motion carried 4-0.

D. CONSENT AGENDA:

Mayor Bruhn briefly reviewed the items. Member Robinson made a motion to approve the consent agenda as presented. Member Sutton seconded the motion. Roll call vote was as follows: Rose – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 4-0.

G. PROCLAMATION: NONE

F. RESOLUTION:

Mayor Bruhn read Resolution 2009-10 Historical Grant - 1890 School House for the record. Member Hovey stated he is not in favor of passing the Resolution due to the funding and that the Historical Board has not met to discuss the item. Manager Bernier explained that there is approximately \$10,000.00 in the old Chapel fund which can be used for the school house. She stated that the donators could be contacted to see if they would like to donate their monies for the school house. Assistant to the Town Manager Wallenhurst explained that she is working with the Archeologist Department at Rollins College for a study that will be needed. She then stated that the Town's portion of the grant can include "in-kind" services. Mayor Bruhn requested that the Town Manager have the Historical Board meet to discuss the issue and donations. Everyone agreed to place this on next month's meeting agenda.

Mayor Bruhn then read Resolution 2009-11 amending the 2008/2009 Budget Special Fund 02 for the record. Member Hovey made a motion to approve Resolution 2009-11. Member Rose seconded the motion. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, and Rose – yes. Motion carried 4-0.

Mayor Bruhn then read Resolution 2009-12 amending the 2008/2009 Budget Special Fund 03 for the record. Member Hovey made a motion to approve Resolution 2009-12.

Member Rose seconded the motion. Roll call vote was as follows: Rose – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 4-0.

- G. FIRST READING: NONE**
- H. SECOND READING/ADOPTION/PUBLIC HEARING: NONE**
- I. PRESENTATIONS/AWARDS: NONE**
- J. OLD BUSINESS:**

1. HMPG – Update – Mr. Mike Galura

Mr. Galura reported on the HMPG projects 1st Avenue and Oakdale Street, Down Drive and Down Court, and 12th Avenue and Oakdale Street. He stated that the 12th Avenue and Oakdale Street project is 40% completed. Mr. Galura explained that the completion of the projects is expected by June 2010. He then stated that the first request for reimbursement is in the process of being completed. Mr. Galura then reported on the STAG Grant projects located at 8th Avenue and Forest Street, and 7th Avenue and Johnson Park. He explained that the projects and the inspection with EPA had been completed and application for final reimbursement is underway. Some discussion followed.

2. DRB – Clarification of October Consent Agenda item b – 12037 Lake Butler Blvd. – Member Rose

Member Rose reviewed discussion that has been made with DRB regarding the fence approval. She explained that the Board feels that due to the set back of the fence, it should be treated as a side yard and that there were no complaints from surrounding residents. Member Rose stated that the DRB needs to be tasked with reviewing of the fence code as well. Member Hovey stated his concern with the header piece of the fence. Some discussion followed. Member Rose made a motion to approve the fence variance request without the header. Member Robinson seconded the motion. Member Rose amended the motion to include that the fence does not exceed 6'. Member Robinson was friendly to the amendment. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, and Rose – yes. Motion carried 4-0. Member Rose requested approval for the DRB to review the fence code. Everyone agreed, no motion or vote was made.

Mayor Bruhn stated that with the approval from the Council, Member Hovey has requested to move new business item #2 next for discussion. Everyone agreed.

New Business #2 6th Annual Treebute 2010 – Tree Board Chair Theresa Schretzmann-Myers

Chair Myers introduced Brian Gould – Enviro Care, Adam Jackson – Valley Crest Company, Jim Lott – Lawns A Lott, and Scotty Olson – Arbor Vision. She then explained the request to have the Town sponsor the 6th Annual Treebute 2010. Chair Myers reviewed the agenda for the proposed event. Mr. Olson described the tree pruning event. Chair Myers emphasized the magnitude of impact from around the country for the event. Discussion followed regarding the number and types of trees that will be given away at the Treebute, donations or fees for the trees, sponsorships, and vendors/booths. Manager Bernier stated that prior to any tree being trimmed Public Works Director Craig McNeal must be contacted. Member Hovey made a motion to approve the 6th Annual Treebute. Member Rose 2nd the motion. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, and Rose – yes. Motion carried 4-0.

Everyone agreed to hear New Business – item #1 next.

1. Flooding 12037 Bayshore Drive – Mr. Bill Cowie

Mr. Bill Cowie of 12037 Bayshore Drive, stated that he is requesting assistance from the Town with a flooding issue on his street. He then reviewed his concern with the flooding that is affecting his home, landscaping and trees. Mr. Cowie stated that a berm and/or swale could help alleviate some of the problem. Mayor Bruhn questioned discussion that has been made with Manager Bernier and Marina Bay. Manager Bernier stated that she has not had any further discussion with Marina Bay. She then reviewed a proposed solution which would cost approximately \$17,000.00. Member Rose questioned why there is a problem now. Mr. Cowie stated that he believes the problem began when the new black top was put down. Manager Bernier stated that the road was resurfaced approximately 4-5 years ago. She then explained how the resurfacing project was done. Manager Bernier stated that conversation regarding this issue has been made with Mr. Slonecker from Marina Bay. She explained that there could be drain blockages in Marina Bay. Manager Bernier stated that responsibility regarding the drainage is trying to be determined. Member Hovey stated something needed to be done. Attorney Wilkes explained that the situation can be fixed and assessed back to the residents. Manager Bernier suggested getting an estimate to have the drainage cleaned. She then stated that Mr. Slonecker is scheduled to be in the office on Friday to review records and she will advise him of the Council's discussion. Member Robinson commented on his inspection he made of the area. Member Sutton stated that an estimate for the Bayshore Drive problem is needed as well. Mayor Bruhn stated that along with Bayshore Drive, the pipe condition in Marina Bay needed to be determined. Public Works Director McNeal stated he could use his men, as they are Confined Spaced certified, to look into the pipes as well. Consensus of the Council is to have Manager Bernier move forward with the determination of the problems regarding Marina Bay and Bayshore Drive.

3. Penalties for After the fact Permit – Mayor Bruhn

Mayor Bruhn reviewed the past discussion regarding this item. He explained that the fees will need to be determined by the Town Manager. Mayor Bruhn stated that approval to have Attorney Wilkes draft an Ordinance is needed. Member Rose made a motion to direct Attorney Wilkes to draft the Ordinance. Member Hovey seconded the motion. Member Hovey requested that the amount assessed be based on the fees from the Town and should include Orange County and/or a private firms fee as well. Roll call vote was as follows: Rose – yes, Sutton – yes, Hovey – yes, and Robinson – yes. Motion carried 4-0.

4. Newsletter on the Website – Manager Bernier

Manager Bernier reported on the cost savings of placing the newsletter on the website only for residents. Some discussion followed. Member Sutton made a motion to have Manager Bernier place a notice in the next newsletter that if a resident would like a copy of the newsletter mailed to them, it would need to be requested, otherwise, newsletters will be strictly available on the website only. Member Rose seconded the motion. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, and Rose – yes. Motion carried 4-0.

5. Solid Waste Refuse Bills on Tax Bills – Manager Bernier

Manager Bernier reported that she has spoke with the County and Tax appraiser regarding the assessment. She explained that the advertising has begun with the assumption that the Council will allow the assessment. Mayor Bruhn stated that the Town will save money with this process. Member Robinson questioned rear door service. Manager Bernier stated that she would request that the Ordinance be change to not allow rear door service unless handicapped. Some discussion followed. Member Hovey made a motion to move forward with placing garbage billing on the tax bills. Member Robinson seconded the motion. Roll call vote was as follows: Robinson – yes, Hovey – yes, Sutton – yes, and Rose – yes. Motion carried 4-0. Attorney Wilkes stated that the three step process will take approximately nine months. Further general discussion was made.

6. Storm-water Workshop items – Manager Bernier

Manager Bernier reported on - how much money for how long to the residents, cost to have the assessment on the tax bill vs administration, assessment of partial cost for 2010, and possible loan for infrastructure, items that were brought forward from the Council workshop. Mayor Bruhn stated that an open dialogue with residents was needed. Manager Bernier stated

she will continue to research the workshop items and bring information back to Council as needed. After much discussion regarding the workshop items was made, Member Robinson questioned where the surplus from past budget was going to go. Manager Bernier stated that after further accounting, the amount is approximately \$94,000.00 not \$200,000.00. Member Robinson suggested having a dedicated account for repaving for the surplus funds to be placed in to. Mayor Bruhn suggested placing the resurfacing discussion as an agenda item for the next meeting. Member Robinson advised Manager Bernier that he would like to place this item for discussion at the next meeting.

K. NEW BUSINESS:

These items were previously discussed.

COUNCIL LIAISON REPORTS:

Member Molly Rose: Mrs. Rose reported on discussion that has been made by DRB regarding the Accessory Structure code. There was no interest from the Council to move forward with reviewing the Code. Mrs. Rose then reported on discussion regarding signage that DRB has made. Discussion was made regarding signage and temporary signage.

Member Richard Irwin: Absent

Member Norma Sutton: Mrs. Sutton reported that the DBC has met and discussed the past festival. She stated that it was a great success. Mrs. Rose questioned the street closure for the event. Mrs. Sutton reported that there were no problems with the road staying open. Mrs. Sutton then stated that the next event to be hosted by the Downtown Business owners is a Sparkle Night event that will take place on the first Friday in December.

Member Burns Hovey: No report

Member Cecil Robinson: Mr. Robinson reported that the next Elder luncheon will be December 8th.

Mayor Gary Bruhn: Mayor Bruhn reported that he was invited to speak at the Rotary breakfast on November 3rd, attended West Orange Mayors luncheon, meet with Orange County Council of Mayors, and attended the Downtown Festival and Halloween Festival. Mayor Bruhn reported that he will be attending the Magic game on Monday November 16th with all the County Mayors to sign a community covenant proclamation recognizing armed forces. He then stated that December 9th will be Windermere Community night at Light-Up UCF. Mayor Bruhn invited everyone to attend.

STAFF REPORTS:

Town Manager Cecilia Bernier: Mrs. Bernier reported that she will place on the next agenda for discussion the surplus funds into dedicated street resurfacing fund. She also stated that she will also have other budget items on the next agenda as well. Mr. Hovey requested to place discussion regarding the Lobbyist on the agenda as well.

Town Attorney Tom Wilkes: Mr. Wilkes reported that the lawsuit filed by the Trust who owns the right-of-way, Mr. Ken Ward, has been resolved - withdrawn.

Assistant to the Town Manager Amy Wallenhurst: No report.

Police Chief Dan Saylor: Chief Saylor stated that due to the Mutual Aid with Orange County, the Towns police department responded to the shooting incident in downtown Orlando on Friday.

Public Works Director Craig McNeal: No report.

Mayor Bruhn stated old business items for the next meeting will be permitting, Resolution 2009-10, Bayshore Drive estimate, public hearings for penalty for after the fact and solid waste on tax bills, and a few new business items – repaving account and lobbyist. He then adjourned the meeting at 9:50pm

Dorothy Burkhalter, Town Clerk

Gary Bruhn, Mayor