

TOWN OF WINDERMERE

Town Council Meeting Minutes

May 12, 2015

CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members Molly Rose, Bob McKinley, Richard Gonzalez and John Armstrong. Town Attorney Tom Wilkes, Town Manager Robert Smith, Public Works Director Dave Grimm and Clerk Dorothy Burkhalter were also present. Council Member Jim O'Brien arrived at 6:08pm. Chief Ogden was absent. Sergeant Bill Eastwood was present.

Mayor Bruhn called the Council meeting to order at 6:00 pm and determined that a quorum was present. Troop 223 from Windermere Union Church led everyone in the Pledge of Allegiance.

1. OPEN FORUM/PUBLIC COMMENT:

Mr. Richard Montgomery of 11067 Schooner Way deferred his comments until the Stormwater Assessment discussion.

2. SPECIAL PRESENTATION/PROCLAMATION/AWARDS:

a. John Spears DRB Retirement

Member Rose presented John Spears with an appreciation plaque for his years of service to the Town of Windermere serving on the Development Review Board and the Charter Review Committee. Mr. Spears graciously accepted the plaque.

b. Mayoral Proclamation Recognizing May 11-15, 2015 as "Women's Lung Health Week" in the Town of Windermere

Mayor Bruhn read and proclaimed May 11-15, 2015, as "Women's Lung Health Week".

c. Police Appreciation Week May 10th-16th, 2015

Mayor Bruhn read and proclaimed May 10-16, 2015, as "Police Appreciation Week".

3. TIMED ITEMS AND PUBLIC HEARINGS: NONE

4. CONSENT AGENDA:

a. 14-365 Facade DRB Agenda – Façade improvements to 505 Main Street

b. TABLED JUNE 9th, Z15-007 – Variance request to allow replacement of dock/boathouse at 13 Chase Road

c. Z15-008 Variance request to allow more than 10% expansion of gross floor area of a non-conforming single-family home at 136 Down Court

d. Z15-009 Right of Way Use Agreement 209 Oakdale ST – Ralph and Linda Zeigler

Mayor Bruhn explained that item b has been removed from the consent agenda for approval. Member Rose made a motion to approve items a, c, and d, as presented. Member Armstrong seconded the motion. Roll call vote was as follows: Rose – yes, McKinley – yes, Gonzalez - yes and Armstrong – yes. Motion carried 4-0.

5. OLD BUSINESS: NONE

6. NEW BUSINESS:

a. MINUTES: Town Council Meeting Minutes

- i. Town Council Regular Meeting Minutes April 14, 2015**
- ii. Town Council Workshop Minutes April 28, 2015**

Mayor Bruhn stated that approval is needed for the meeting minutes. Member Rose made a motion to approve the minutes as presented. Member McKinley seconded the motion. Roll call vote was as follows: Armstrong – yes, Gonzalez – yes, McKinley – yes, Rose – yes, and O’Brien – yes. Motion carried 5-0.

b. ORDINANCE FIRST READING ONLY:

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE TOWN COUNCIL OF WINDERMERE, ORANGE COUNTY, FLORIDA, RELATING TO PUBLIC SAFETY; AUTHORIZING THE LEVY AND COLLECTION OF FIRE PROTECTION ASSESSMENTS AGAINST NON-GOVERNMENT PROPERTY AND FIRE PROTECTION SERVICE CHARGES AGAINST GOVERNMENT PROPERTY FOR THE PURPOSE OF FUNDING THE AVAILABILITY AND PROVISION OF FIRE RESCUE SERVICES; PROVIDING DEFINITIONS; PROVIDING A LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT TO REAL PROPERTY FROM THE AVAILABILITY AND PROVISION OF FIRE RESCUE SERVICES; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE PROTECTION ASSESSMENTS AND FIRE PROTECTION SERVICE CHARGES; PROVIDING FOR THE PREPARATION AND ADOPTION OF A NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR A PUBLIC HEARING ON THE NON-AD VALOREM ASSESSMENT ROLL; PROVIDING NOTICE BY PUBLICATION AND BY MAIL OF THE PUBLIC HEARING; PROVIDING CRITERIA FOR REQUIRED FUTURE PUBLIC HEARINGS; PROVIDING THAT FIRE PROTECTION ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF AN ASSESSMENT ROLL; PROVIDING FOR CORRECTIONS OF ERRORS AND OMISSIONS IN THE ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF INTERIM ASSESSMENTS ON PROPERTY UNDERGOING IMPROVEMENT; DECLARING THE INTENT TO USE THE UNIFORM ASSESSMENT COLLECTION ACT TO COLLECT SPECIAL ASSESSMENTS FOR NON-GOVERNMENT PROPERTY; AUTHORIZING THE TOWN TO ADOPT A RESOLUTION AND TO ENTER INTO AN AGREEMENT TO REIMBURSE THE PROPERTY APPRAISER AND THE TAX COLLECTOR FOR THE USE OF THE UNIFORM ASSESSMENT COLLECTION ACT; ENACTING OTHER RELATED PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO SIGNS; REVISING SECTION 8.03.05 OF THE TOWN OF WINDERMERE’S LAND DEVELOPMENT CODE ENTITLED “PERMISSIBLE SIZE AND NUMBER OF TEMPORARY SIGNS” TO PROVIDE STANDARDS FOR SALE, LEASE, AND RENTAL SIGNS WHEN SUCH SIGNS ARE EXPECTED TO BE DISPLAYED IN A COMMERCIAL ZONING DISTRICT FOR A CERTAIN AMOUNT OF TIME THROUGHOUT THE YEAR; ADDING WINDSONG AT WINDERMERE AND ROSSER RESERVE TO THE LIST OF DEFINED COMMUNITIES FOR PURPOSES OF COMMUNITY GARAGE SALES; REQUIRING SIGNS COME INTO CONFORMANCE WITH THE REQUIREMENTS OF THIS ORDINANCE ON OR BEFORE A DATE CERTAIN; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Bruhn read the titles of Ordinances 2015-07 and 2015-08 for the record. He then stated that the second reading/public hearing will be held at the June Council meeting.

c. RESOLUTION FOR APPROVAL: NONE

d. APPOINTMENTS: COMMITTEES AND BOARDS:

i. Charter Review Committee

Mayor Bruhn explained that a review of the Charter for any corrections or changes is upcoming. He then stated that as in years past, Council Members would designate a resident to sit on the Committee. The following were named, Member Rose – Bob Sprick, Member Armstrong – Ernie Myers, Member Gonzalez – Susan Carter and Member McKinley – Al Pichon. Member O'Brien will forward his designee at a later date. Discussion was made regarding allowing the Mayor to recommend a resident as well. Consensus was to keep the committee to five members.

e. CONTRACT AND AGREEMENTS:

i. SFWMD Contract Addendum

Mayor Bruhn explained the modification. Manager Smith commented the funds were dedicated from Task assignment #13. Mayor Bruhn stated that this is an amendment to grant monies that have been previously received. Member Rose made a motion to approve the contract addendum as presented. Member O'Brien seconded the motion. Roll call vote was as follows: O'Brien – yes, Rose – yes, McKinley – yes, Gonzalez - yes and Armstrong – yes. Motion carried 5-0.

ii. BID No. 2015-01 Second Avenue/Pine Street Drainage Improvements

Mayor Bruhn introduced this item. He stated that Barracuda Building Corp. is the apparent lower bidder at \$137,762.00. Member McKinley made a motion to approve the Barracuda Building Corp bid in the amount of \$137, 762.00. Member Gonzalez seconded the motion. Roll call vote was as follows: Armstrong – yes, Gonzalez – yes, McKinley – yes, Rose – yes, and O'Brien – yes. Motion carried 5-0.

iii. First Amendment to the Employment Agreement between the Town of Windermere and David Ogden

Mayor Bruhn reviewed the proposed employment agreement of Chief Ogden. He explained that the contract would be for five years, vacation time increased to 20 days, use of 40 hours comp time, increase severance pay out to statutory maximum of 20 weeks, and would like to see any savings from his potential salary increase go towards implementing the compensation and classification study. Member O'Brien commented that Chief Ogden is happy where he is at and would like to remain at the Town of Windermere. Member O'Brien made a motion to approve the proposed contract with Chief Ogden. Member Rose seconded the motion. Member Armstrong requested comments from Manager Smith. Manager Smith stated that Chief Ogden has been doing a phenomenal job. He then stated that the Police Department is operating at above standard levels. After some discussion was made, roll call vote was as follows: O'Brien – yes, Rose – yes, McKinley – yes, Gonzalez - yes and Armstrong – yes. Motion carried 5-0.

f. FINANCIAL:

i. Classification and Compensation Study Implementation

Mayor Bruhn introduced this item. He then clarified for the record that the two Administrative Assistants, the Town Clerk, two Police Sergeants, the Police Detective, and the Deputy Chief need immediate increases. Mayor Bruhn stated that retirement, take home cars and other increases will be discussed in the budget meetings. Manager Smith stated that the

Finance Clerk is also included in the immediate increase. He also stated that significant increases would be needed if the City of Ocoee's mediums and maximums were used. Member O'Brien questioned if one take home car for the Sergeant 3 is included in this request. Manager Smith explained that during budget discussions, a policy change to allow Sergeant 2 to have a take a car home will be made. Mayor Bruhn stated that the take home car is not being requested this evening and will be discussed during budget meetings. Manager Smith explained that the only request for tonight is to bring the Administrative Assistants up to the market minimum, the Finance Clerk to market average, the Town Clerk to the market average, Sgt Bonk to Sergeant 3, Sergeant Eastwood to Sergeant 1, Detective John Allen to market average of \$54,000.00, and Deputy Chief Treadwell to the starting minimum of \$72,100.00. Member Armstrong questioned the take home cars. Manager Smith stated that a policy needed to be put in place and further discussion will be made in the budget process. Member Gonzalez made a motion to approve the Town Manager's recommendation for the increases. Member McKinley seconded the motion. Roll call vote was as follows: Armstrong – yes, Gonzalez – yes, McKinley – yes, Rose – yes, and O'Brien – yes. Motion carried 5-0. Manager Smith clarified that the adjustments would be retroactive to May 1st. Mayor Bruhn stated that the Council is in agreement with May 1st.

g. GENERAL ITEMS FOR DISCUSSION

i. Stormwater Assessments and the Availability to Request a Credit

Mayor Bruhn introduced this item. He then turned the floor over to Attorney Wilkes. Mr. Wilkes commented that the operating and maintaining of stormwater systems by the town is 90% public policy and 10% legal. He then commented on the past adopted stormwater fee Ordinance, ownership and control, easements dedicated by plats, credits and maintenance of systems. Discussion followed regarding subdivisions, maintenance of roads and stormwater, previous repair maintenance in Marina Bay, HOA's responsibilities, annexations, system inspections, and revising the existing Ordinance. Mayor Bruhn opened the floor to the public. Mr. Richard Montgomery of 11067 Schooner Way introduced himself. He stated that he had recently been advised that per a South Florida Water Management District permit approval, the HOA should have been maintaining the drainage system. Mr. Montgomery stated that this information has not been included into any covenants, nor has there been any maintenance done. He then commented on Orange County Code Section 34.204. Mr. Montgomery stated that Manager Smith received an engineering estimate for Marina Bay in the amount of \$95,000.00. He then stated that he has an issue with the definition of who's responsible for the repairs in the report. Mr. Montgomery commented that the report states Marina Bay. He then voiced his concern of not knowing who is responsible for the repairs. Member Armstrong questioned if the County had handled repairs and/or issues in the past. Mr. Montgomery stated yes. Member Armstrong questioned when Marina Bay was annexed. Mr. Montgomery stated it was in the 1990's. Discussion followed regarding responsibility, grants, repairs, neglect of the system, and a MSBU. Mayor Bruhn stated that consensus from the Council is needed to move forward with re-writing the Ordinance and removing credits. He then commented that there is 2 in favor of credits and 3 that are not. Mayor Bruhn suggested that Manager Smith draft an Ordinance with no credits, define the criteria to be used that may be used for justification. Some discussion followed.

ii. Town Manager Evaluation

Mayor Bruhn introduced this item. He stated that Manager Smith would like to request additional time off to spend with his family in lieu of money, which would be 40 hours of comp time that must be used and not paid out. Mayor Bruhn also commented that Manager Smith would like to forgo any salary increase and put it towards implementing of the compensation and classification study. Mayor Bruhn publicly commended Manager Smith for passing his increase to the employees; his love for this town and the benefits to the town have been astounding. Member Gonzalez made a motion to approve the request of the Town Manager. Member Rose seconded the motion. Member Armstrong stated he is not in favor of the review process. Member O'Brien commented on how the review form was devised. After further discussion was made, roll call vote was as follows: Armstrong – yes, Gonzalez – yes, McKinley – yes, Rose – yes and O'Brien – yes. Motion carried 5-0.

7. MAYOR & COUNCIL LIAISON REPORTS

a. **MAYOR GARY BRUHN** – Mayor Bruhn reported on the Florida League of Mayors Business Summit, the Rotary Festival, the Mayors/Managers luncheon, attended the Tiger Bay Congressman debate, attended the Apopka Foliage event, attended a meeting with Manager Smith and Orange County, attended Mayor Dyers State of Orlando Address, and attended the West Orange Scouting event. He then commented on the Law Enforcement Memorial that was held in Tallahassee and Orlando. Some discussion followed regarding Counties being responsible for unincorporated areas.

b. **COUNCIL MEMBER JIM O'BRIEN** – Mr. O'Brien stated that the Long Range Planning Committee did not meet. He then requested a future discussion regarding tree canopy heights. Mr. O'Brien then suggested that the dumpster platform repairs be monitored.

c. **COUNCIL MEMBER MOLLY ROSE** – Ms. Rose reported on the variance process if an owner is increasing their square footage by 10%. Manager Smith stated he would have Mr. Cornelius submit comments regarding the 10%. He also stated it is lower than other municipalities.

d. **COUNCIL MEMBER ROBERT MCKINLEY** – Mr. McKinley reported that the Elders will not meet until October. He stated that Mr. Grimm will report on Public Works. Mr. McKinley stated that Parks and Recreation did not meet. He then commented on the memorial trip to Tallahassee. Mr. McKinley stated that he and his wife are very appreciative to have been able to attend. He then stated that due to his short tenure on the Council, he did not fill out a performance review on Manager Smith. Mr. McKinley stated that the work from the Town Manager and Staff has been outstanding. He then thanked Manager Smith and Mr. Grimm in handling a fence issue at a park. Member Rose stated she would like Parks and Recreation Committee to review the local parks for a possible dog park.

e. **COUNCIL MEMBER RICHARD GONZALEZ** – Mr. Gonzalez had no report. He then commented that he is in favor of a dog park as well.

f. **COUNCIL MEMBER JOHN ARMSTRONG** – Mr. Armstrong reported on the progress of the School House. Manager Smith stated he is still waiting on a revised quote. Mr. Armstrong commented on documents that will be going to Orange County for storage. He then gave an update on the marker. Manager Smith stated that there has been discussion regarding the year of the school for the marker. Some discussion followed. Mr. Armstrong reported on the past Downtown Business Committee meeting. Discussion was made regarding food trucks. Mr. Armstrong then reported on the streetscape project. Mr. McKinley questioned the food truck sponsors. Manager Smith commented on the sponsors. Mr. McKinley commented that the sponsors need to be relocated throughout the event. After some discussion was made, Mr. Armstrong stated that Mr. Thurman would like to turn the yard sale event over to a committee. Member O'Brien stated that this event was to be for residents only and it's not just residents taking part in the sale. After some discussion was made, consensus of the Council was to do away with the community yard sale unless it's town residents only. Mr. Armstrong stated that the DBC has stated that they would like the sign ordinance amended.

8. STAFF REPORTS:

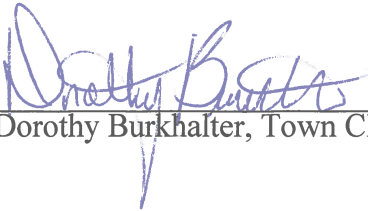
a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith commented that he will be in Washington DC May 13th – 16th. He then stated that he will be on vacation May 16th through May 29th. Mr. Smith stated point of contacts will be Chief Ogden and Clerk Burkhalter. He then reported on the pavement management plan, IPO 4, and the annual planting plan. Mr. Smith stated that on behalf of Chief Ogden and himself, he would like to thank the Mayor and Council for giving them the tools needed to succeed. He stated that without the staff and council support, the accomplishments couldn't have been obtained as quickly as they were.

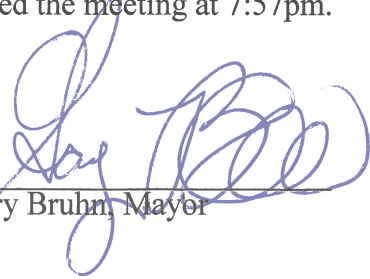
b. **TOWN ATTORNEY TOM WILKES** – Mr. Wilkes reported that the Mills family has filed an appeal for the denial of their gazebo. Some discussion followed.

c. **POLICE CHIEF OGDEN** – Chief Ogden was absent.

d. **PUBLIC WORKS DIRECTOR DAVID GRIMM** – Mr. Grimm reported on stormwater projects and road projects/repairs.

After some discussion was made, Mayor Bruhn adjourned the meeting at 7:57pm.


Dorothy Burkhalter, Town Clerk


Gary Bruhn, Mayor