

# TOWN OF WINDERMERE

Town Council Meeting Minutes

October 13, 2015

## CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members Jim O'Brien (arrived at 6:02pm), Molly Rose, Bob McKinley, Richard Gonzalez and John Armstrong. Town Attorney Tom Wilkes, Town Manager Robert Smith, Chief Dave Ogden, Public Works Director Dave Grimm and Town Clerk Dorothy Burkhalter were also present.

Mayor Bruhn called the Council meeting to order at 6:00 pm and determined that a quorum was present.

### 1. OPEN FORUM/PUBLIC COMMENT:

Theresa Myers, of 2713 Tryon Place, commented on a meeting she attended regarding Windsong and their tree survey. She then commented on the 1887 Schoolhouse work day and the upcoming dedication on December 11<sup>th</sup>.

### 2. SPECIAL PRESENTATION/PROCLAMATION/AWARDS:

#### a. Windermere Mayoral Proclamation Recognizing the Young Marines for their work towards a drug free America

Mayor Bruhn read the proclamation for the record. He then proclaimed October 23-31, 2015, as National Red Ribbon week.

#### b. Windermere Mayoral Proclamation Recognizing the 50<sup>th</sup> Anniversary of the Young Marines

Mayor Bruhn read the proclamation for the record. He then recognized October 11-17, 2015, as the 50<sup>th</sup> Anniversary Week of the Young Marines.

#### c. Windermere Proclamation declaring November 7 through Novembers 14, 2015 as The Week of The Family

Mayor Bruhn read the proclamation for the record. He then recognized November 7-14, 2015, as Week of the Family. Mrs. Rahter thanked the Town for the support of the Week of the Family.

#### d. Windermere Mayoral Proclamation recognizing the 31<sup>st</sup> Year of Pastoral Care Week from October 25<sup>th</sup> through October 31<sup>st</sup>, 2015

Mayor Bruhn read the proclamation for the record. He then proclaimed October 25-31, 2015, as Pastoral Care Week.

### 3. TIMED ITEMS AND PUBLIC HEARINGS:

NONE

### 4. CONSENT AGENDA:

- a. Z15-018- Variance Request - 325 E 6<sup>th</sup> Avenue – Diego Serpa -
- b. Z15-020- Right of Way Use Agreement – 508 W 2<sup>nd</sup> Avenue
- c. Z16-01 – Right of Way Use Agreement – 912 Main Street

Mayor Bruhn introduced the consent agenda items. Member Rose requested to remove item "c". Member Armstrong requested to removed item "a". Member O'Brien made a motion to approve consent agenda b as presented. Member Rose seconded the motion, Roll call vote was as follows: O'Brien – yes, Rose – yes, McKinley – yes, Gonzalez – yes, and Armstrong –

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yes. Motion carried 5-0. Mr. Brad Cornelius with Wade Trim introduced himself. He then reviewed the proposed variance request of 325 E 6<sup>th</sup> Avenue and the proposed side set back of 7.9'. Mr. Cornelius reviewed the proposed bedroom and bathroom project. He then stated for the record that the Development Review Board commented on an additional stormwater pond in the front yard, and the applicant has complied. Member Armstrong questioned the comments of the Development Review Board. Member Rose stated that the Board is recommending approval. Some discussion followed. Mr. Stephen Withers of 712 Main Street and a member of the Development Review Board spoke. He commented that the Board recognized that the house was not centered on the property and there would be sufficient green space remaining. Member Gonzalez made a motion to approve consent agenda item "a" as presented. Member Rose 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. Mayor Bruhn introduced item "c". Member Rose commented that the right of way use agreement is to allow a septic line underneath dirt Main Street. She stated a concern regarding the distance of the septic from neighboring wells and if the code is being met. Manager Smith stated that the Department of Health would be responsible for the permitting and approval process. He also stated that staff could advise the County of the Town's setbacks and requirements. Some discussion followed. Member Gonzalez made a motion to approve consent agenda item "c" contingent of the staff notifying the County regarding the location of all the current wells. Member McKinley 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.

5. **OLD BUSINESS:** NONE

6. **NEW BUSINESS:**

a. **MINUTES:** Town Council Meeting Minutes

- i. **Town Council Tentative Budget Hearing – September 4, 2015**
- ii. **Town Council Regular Meeting Minutes – September 8, 2015**
- iii. **Town Council Final Budget Hearing – September 21, 2015**

Mayor Bruhn stated that approval is needed for the meeting minutes. Member McKinley made a motion to approve the minutes as presented. Member Armstrong 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:** NONE

## ORDINANCE NO. 2015-11

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO BOATHOUSES AND BOAT DOCKS; PROVIDING CLARIFICATION REGARDING THE TOWN'S ADOPTION BY REFERENCE OF ORANGE COUNTY'S ORDINANCES REGULATING, RESTRICTING AND ADDRESSING BOATHOUSES AND BOAT DOCKS THAT SUCH ADOPTION PROVIDES CONCURRENT JURISDICTION FOR THE TOWN AND ORANGE COUNTY TO ENFORCE SUCH REGULATIONS WITHIN THE TOWN; REVISING CERTAIN**

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## REQUIREMENTS PERTAINING TO BOATHOUSES AND BOAT DOCKS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Bruhn read the title of proposed Ordinance 2015-11 for the record. He then stated that the second reading/public hearing will be held at the November 10<sup>th</sup> Town Council meeting.

### ORDINANCE NO. 2015-13

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO SUBDIVIDING OF PLATTED PROPERTY; REVISING SUBSECTION 3.02.02(4) OF THE TOWN'S LAND DEVELOPMENT CODE TO CLARIFY MINIMUM LOT WIDTH; TO REQUIRE MERGER OF CONTIGUOUS NONCONFORMING LOTS UNDER COMMON OWNERSHIP TO MEET STANDARDS TO THE GREATEST DEGREE POSSIBLE; TO PROVIDE THAT THE TOWN MANAGER MAY ADMINISTRATIVELY APPROVE A REQUEST TO SUBDIVIDE PROPERTY WHEN THE RESULTING LOTS OR PARCELS COMPLY WITH THE MINIMUM REQUIREMENTS OF THE LAND DEVELOPMENT CODE, PROVIDING STANDARDS FOR SAME; PROVIDING FOR RATIFICATION, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Bruhn read the title of proposed Ordinance 2015-13 for the record. He then stated that the second reading/public hearing will be held at the November 10<sup>th</sup> Town Council meeting. Attorney Wilkes stated that clarification is needed on page 2, line 70, "on the effective date of the Land Development Code or thereafter." needed to be "on the effective date of this Ordinance." He stated he would review the language and make the change if necessary. Mayor Bruhn stated that the minor change would not hold up the second reading/public hearing.

#### c. RESOLUTION FOR APPROVAL:

##### i. Resolution 2015-11 of the Town of Windermere, Florida pertaining to The Charter Review Committee

Mayor Bruhn read Resolution 2015-11 for the record. Member McKinley made a motion to approve Resolution 2015-11 as presented. Member Gonzalez seconded the motion. Member Armstrong questioned the amount of additional days that is being requested. Manager Smith stated an additional 180 days. Roll call vote was as follows: O'Brien – yes, Rose – yes, McKinley – yes, Gonzalez – yes, and Armstrong – yes. Motion carried 5-0.

##### ii. Resolution 2015-12 of the Town of Windermere, Florida calling for a Referendum on Improvements to Town Facilities

Mayor Bruhn introduced Resolution 2015-12 for the record. He then read the ballot question. Member Rose questioned the Revenue Sharing Trust Fund. Manger Smith stated it's comprised of various streams. Member Rose questioned if property taxes would be increased. Manager Smith stated no. Member Rose then questioned when option three was selected? Manager Smith commented that the consensus of the Council was to move forward with option number 3 for the referendum. He then explained that it would allow the Town to borrow up to the \$4.2 million. Manager Smith stated that the entire \$4.2 might not be used. Member O'Brien stated for the record that there needs to be as much opportunity for public input as possible. Much discussion followed regarding public input, charettes, funding and repayment. Member

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Gonzalez made a motion to approve Resolution 2015-12. Member Armstrong seconded the motion. Discussion was made regarding notice and input to the public, project engineers and funding. Roll call vote was as follows: O'Brien – yes, Rose – yes, McKinley – no, Gonzalez – yes and Armstrong – yes. Motion carried 4-1.

### **d. APPOINTMENTS: COMMITTEES AND BOARDS:**

#### **i. MetroPlan Orlando Transportation Systems& Operations (TSMO) Committee Member**

Mayor Bruhn commented that a Town representative is needed on the MetroPlan Orlando Transportation Systems and Operations Committee. He stated that the meetings are held the third Friday of each month at 1:30pm. Some discussion followed. Member McKinley will be the representative attending the meetings.

### **e. CONTRACT AND AGREEMENTS:**

#### **i. MGEC Task Assignment No. 14: Man hour and Fee Proposal NPDES Phase II MS4 Annual Reporting.**

Manager Smith stated that this assignment has been budgeted. He explained that the pricing came in under the budgeted amount for the permit renewal. Mr. Galura stated that this is mandated. Member Rose made a motion to approve task assignment 14. Member O'Brien seconded the motion. Member Gonzalez questioned if the peninsula is dry or wet. Mr. Galura stated a study would need to be done. Member Gonzalez commented on his concerns of septic tanks close to the water. After some 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.

### **f. FINANCIAL: NONE**

### **g. GENERAL ITEMS FOR DISCUSSION**

#### **i. Second Avenue West of Pine Street Closing for Halloween**

This item was removed per the requestor.

#### **ii. Workshop Date: Annexation Report Presentation TBD**

Manager Smith requested that the Mayor and Town Council members provide dates to him so that a workshop regarding annexations can be scheduled.

## **7. MAYOR & COUNCIL LIAISON REPORTS**

**a. MAYOR GARY BRUHN** – Mayor Bruhn reported on the 911 ceremony, the Officer Robert German road dedication, State of West Orange County Real Estate, Mayor/Managers luncheon with Scott Boyd, Washington DC trip, and the upcoming Highwaymen event at Windermere Town Hall.

**b. COUNCIL MEMBER JIM O'BRIEN** – No report.

**c. COUNCIL MEMBER MOLLY ROSE** – Ms. Rose reported that the Development Review Board will be reviewing the Accessory Structure Code. She then asked Member Armstrong if he could attend the Butler Chain Advisory Board meeting next Monday in her absence. Member Armstrong stated he would be out of town.

**d. COUNCIL MEMBER ROBERT MCKINLEY** – Mr. McKinley reported that the Parks and Recreation Committee needs committee members. He then reported that all the new park signs have been installed and he thanked public works for their assistance with the

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installation of the <sup>Sings</sup> signs. Mr. McKinley further reported on the next Parks and Rec meeting, the upcoming Halloween event, the renewal for the parks and tennis courts keys, and the Elders Luncheon. He commented that the next Elder Luncheon will be December 8<sup>th</sup>.

e. **COUNCIL MEMBER RICHARD GONZALEZ** – No report.

f. **COUNCIL MEMBER JOHN ARMSTRONG** – Mr. Armstrong stated that Mrs. Myers previously spoke in the meeting and commented on the Historical Board. He reported on the upcoming DBC Beer Fest and Art Festival. Manager Smith stated he would send everyone the Farmers Market/Food Truck selection meeting and DBC minutes.

8. **STAFF REPORTS:**

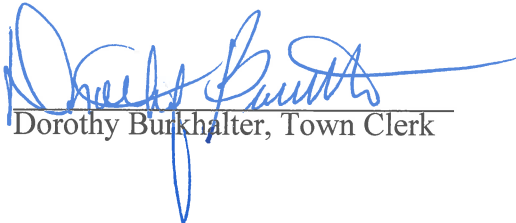
a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith reported that the upcoming months will be very busy for the staff. He then stated that due to the interest of time to make the meeting regarding the Windermere Country Club, he will forward minutes from committee meetings to everyone.

b. **TOWN ATTORNEY TOM WILKES** – No report.

c. **POLICE CHIEF OGDEN** – Chief Ogden reported on upcoming DUI school.

d. **PUBLIC WORKS DIRECTOR DAVID GRIMM** – No report.

After some discussion was made, Mayor Bruhn adjourned the meeting at 7:16pm.

  
Dorothy Burkhalter, Town Clerk

  
Gary Bruhn, Mayor