



**MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE**

**Mayor Gary Bruhn  
Council Members  
John Armstrong  
Jim O'Brien  
Robert McKinley  
Molly Rose  
Allen Pichon**

***Agenda***

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**October 25, 2016  
6:00 PM**

**WINDERMERE TOWN HALL  
520 MAIN STREET  
WINDERMERE, FL 34786**

**PLEASE TURN OFF ALL CELL PHONES AND PAGERS**

**PLEASE NOTE:** IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversations shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council.
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. **PLEASE NOTE:** IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the testimony and evidence upon which the appeal is to be based.

## AGENDA

- THE MEETING IS CALLED TO ORDER BY THE MAYOR
- FLAG SALUTE
- INVOCATION

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

- a. Town Manager Robert Smith 5 Year Service Award (Mayor to Present)
- b. Red Ribbon Week October 23-31, 2016 (Mayor to Present)
- c. Week of the Family November 5-12, 2016 (Mayor to Present)

3. TIMED ITEMS AND PUBLIC HEARING

a. ORDINANCE NO. 2016-02: Lot Split Ordinance

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO SUBDIVIDING PROPERTY; REVISING SUBSECTION 3.02.02(4) OF THE TOWN'S LAND DEVELOPMENT CODE TO (1) CLARIFY THE LOT SPLIT PROCEDURE AND PROVIDE THAT THE TOWN MANAGER MAY ADMINISTRATIVELY APPROVE A REQUEST TO SUBDIVIDE PROPERTY WHEN SPECIFIC REQUIREMENTS ARE MET, (2) TO PROVIDE THAT TWO OR MORE CONTIGUOUS NONCONFORMING PLATTED OR CONVEYED OF RECORD LOTS ON WHICH A DWELLING UNIT OR OTHER PRINCIPAL STRUCTURE IS CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE AND CROSSES A LOT OR PARCEL LINE OF THE NONCONFORMING LOTS ARE NOT "GRANDFATHERED" AND ARE THEREAFTER DEEMED BOUND TOGETHER TO CREATE ONE SINGLE LOT WHICH SHALL NOT BE REDUCED IN WIDTH OR AREA TO CREATE OR INCREASE A NONCONFORMITY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

b. ORDINANCE NO. 2016-04: 5 Yr. CIP Update (FRDAP)

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, UPDATING THE ADOPTED 2016 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM TO INCLUDE IMPROVEMENTS TO CENTRAL PARK AND TO FERNWOOD PARK; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

c. ORDINANCE NO. 2016-05 Charter Amendments Ordinance

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE TOWN CHARTER; PROVIDING FINDINGS OF TOWN COUNCIL REGARDING THE CURRENT CHARTER AND A PROPOSED REVISED CHARTER; ADOPTING A NEW CHARTER FOR THE TOWN AND REPEALING THE FORMER CHARTER IN ITS ENTIRETY; AUTHORIZING AND DIRECTING THE FILING AND PUBLICATION OF THE NEW TOWN CHARTER; PROVIDING THE LEGAL AUTHORITY FOR ENACTMENT OF THE ORDINANCE; PROVIDING FOR A REFERENDUM FOR ELECTORS OF THE TOWN TO APPROVE THE NEW CHARTER; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING EFFECTIVE DATES.

4. CONSENT AGENDA

- a. Z16-017: 1040 W 2nd Avenue – Voorhees/Churchill – Variance to allow construction of new proposed pool less than 50 feet from the normal high water elevation of Lake Butler (Attachment-Development Review Board Recommends Denial)
- b. All Rite Fences Service: Guardrail Replacement South Main/Chase \$34,960 (Attachment-Staff Recommends Approval)

5. OLD BUSINESS:

6. NEW BUSINESS

a. MINUTES

- i. Town Council Tentative Budget Meeting Minutes September 6, 2016 (Attachment-Staff Recommends Approval)
- ii. Town Council Regular Meeting Minutes September 13, 2016 (Attachments-Staff Recommends Approval)
- iii. Town Council Final Budget Meeting Minutes September 21, 2016 (Attachments-Staff Recommends Approval)

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

i. ORDINANCE NO. 2016-06: Charter Financing Questions

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE TOWN CHARTER; APPROVING TWO OPTIONAL AMENDMENTS TO SECTION 49 OF THE CURRENT TOWN CHARTER PERTAINING TO TOWN BORROWING; PROVIDING FINDINGS OF THE TOWN COUNCIL; CALLING A REFERENDUM ON THE TWO OPTIONAL AMENDMENTS; PROVIDING FOR FILING AND PUBLICATION OF THE AMENDMENT ADOPTED (IF EITHER); PROVIDING AUTHORITY FOR THE ORDINANCE AND FOR EFFECTIVE DATES.

ii. ORDINANCE 2016 -07 Temporary moratorium concerning medical cannabis activities

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO HEALTH, SAFETY AND WELFARE; ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

iii. ORDINANCE NO. 2016-08 GARBAGE CANS AND TRASH CONTAINER

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO HEALTH, SAFETY AND WELFARE; AMENDING SECTION 28-3 OF THE TOWN OF WINDERMERE'S CODE OF ORDINANCES TO ADD REMOVAL AND LOCATION REQUIREMENTS FOR

**GARBAGE CANS AND TRASH CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**c. APPOINTMENTS: COMMITTEES AND BOARDS**

**d. CONTRACTS AND AGREEMENTS**

- i. Agreement between the School Board of Orange County, Florida and the Town of Windermere for the Park Avenue Expansion Project. (Attachments-Board Option)
- ii. IPO 5: Park Avenue Turn Lanes and Maguire Roundabout Turn Lane Improvements \$154,424 (Attachments-Board Option)
- iii. IPO 6: Park Avenue Milling and Resurfacing Design from Butler Drive to 600' East of Tryon Plan and Multi-Use Path Design \$125,187 (Attachments-Board Option)
- iv. IPO 8: Bicycle/Pedestrian Study 6<sup>th</sup> Ave Shared Use Path/Trail from Main St. to Town Limit \$19,990 (Attachments-Board Option)
- v. Task Assignment No. 19 Man-hour and Fee Proposal West Second Avenue Roadway and Drainage Improvements. \$106,060 (Attachments-Board Option)
- vi. TOW-055: The Willows Milling and Resurfacing Improvements Design \$51,250 (Attachments-Board Option)
- vii. Task No. 20 Man-Hour and Fee Proposal First Avenue and Forest Street Drainage Improvements \$58,978 (SFWMD Cooperative Grant) (Attachments-Staff Recommends Approval)
- viii. RFQ 2016-02: Tree Trimming and Removal Services (Attachments-Staff Recommends Enviro Tree Service, Inc.)

**e. FINANCIAL**

- i. Town Entrance Signage (Attachments-Staff Recommends Berry's Signs)

**f. GENERAL ITEMS FOR CONSIDERATION**

- i. Town of Windermere Signage Placement Policies and Procedures (Attachments-Board Option PW Director Scott Brown & John Fitzgibbon to Present)

**7. MAYOR & COUNCIL LIAISON REPORTS**

- a. MAYOR GARY BRUHN
- b. COUNCILMAN O'BRIEN
- c. COUNCILWOMAN MOLLY ROSE
- d. COUNCILMAN ARMSTRONG
- e. COUNCILMAN MCKINLEY
- f. COUNCILMAN PICHON

**8. STAFF REPORTS**

- a. TOWN MANAGER ROBERT SMITH
- b. TOWN ATTORNEY TOM WILKES
- c. POLICE CHIEF DAVE OGDEN
- d. PUBLIC WORKS DIRECTOR SCOTT BROWN

## 9. ADJOURN

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- **REPORTS: NO ACTION REQUIRED**

- a. Vacation Rentals Memorandum from Gray Robinson

- **FILED ITEMS**

- **IMPORTANT DATES**

October 26th HPB

October 27th Parks & Recreation Meeting

October 27th LRP Meeting

October 28th Farmer's Market/Food Truck Night

October 28th Halloween Movie Night

October 29th Halloween Hayride and Costume Parade

November 1st FTFM Selection Meeting

November 1st Code Enforcement Meeting

November 2nd DBC Meeting

November 2nd Boy Scout Meeting (Community Room)

November 3rd Garden Club General Meeting

November 4th Farmer's Market

November 8th General Elections

November 10th West Orange Chamber Lunch and Learn

November 11th Farmer's Market

November 11th Private Event

November 15th DRB Meeting

November 16th Willows HOA Meeting (Community Room)

November 17th Windermere Tree Board (Community Room)

November 18th Farmer's Market/Food Truck Night

November 19th Private Event

November 22nd Town Council Meeting

November 24th- 25th Town Offices Closed (Thanksgiving)

November 24th LRP (Reschedule)

November 24th P&R (Reschedule)

November 25th Farmers' Market (Possible Reschedule)

November 25th Private Event

November 30th HPB Meeting

December 1st Garden Club General Meeting

December 2nd Farmer's Market

December 3rd Private Event

December 6th -11th Social Prep

December 6th FTFM Selection Meeting (Possible Community Room)

December 6th Elder's Luncheon

December 6th Code Enforcement Meeting

December 7th DBC Meeting

**December 7th Boy Scout Meeting (Community Room)**  
**December 8th Town Holiday Social**  
**December 9th Farmer's Market**  
**December 10th Holiday Movie Night**  
**December 13th Town Council Meeting**  
**December 15th Windermere Tree Board (Community Room)**  
**December 16th Farmer's Market**  
**December 20th DRB Meeting**  
**December 21st Private Event**  
**December 22nd P&R**  
**December 22nd LRP**  
**December 23rd Farmer's Market/Food Truck Event (Possible Reschedule)**  
**December 23rd & 26th Town Offices Closed (Christmas)**  
**December 27th Town Council Workshop**  
**December 28th HPB Meeting**  
**December 30th Farmer's Market**  
**December 30th & January 2nd Town Offices Closed**