



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

**Mayor Jim O'Brien**

**Council Members**

**Andy Williams**

**Tony Davit**

**Mandy David**

**Tom Stroup**

**Brandi Haines**

***Agenda***

***Agenda***

**February 10, 2026**

**6:00 PM**

**\*\*AMENDED AGENDA\*\***

**WINDERMERE TOWN HALL**

**520 MAIN STREET - WINDERMERE, FL 34786**

**JOIN ZOOM MEETING: [HTTPS://WWW.ZOOM.COM/](https://www.zoom.com/)**

**MEETING ID: 816 9286 6627**

**PASSCODE: TOW2024**

**ONE TAP MOBILE: +1 (305) 224-1968, 81692866627# US**

**PLEASE TURN OFF ALL CELL PHONES**

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceedings should contact the Office of the 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, shall be either turned off or otherwise silenced.
2. Prolonged conversation 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 proceedings 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**

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

### **2. SPECIAL PRESENTATION / PROCLAMATIONS / AWARDS**

### **3. TIMED ITEMS & PUBLIC HEARING**

#### **a. First Reading of Ordinance 2026-01 - 2045 Comprehensive Plan Remedial Amendment (Attachment)**

##### **ORDINANCE NO. 2026-01**

**AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; ADOPTING THE TOWN OF WINDERMERE 2045 COMPREHENSIVE PLAN WITH AMENDMENTS TO OBJECTIVE 2.3 AND POLICY 2.3.1, TRANSPORTATION ELEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BASED ON THE FINDING OF NON-COMPLIANCE, DATED DECEMBER 19, 2025, WITH CHAPTER 2025-190, SECTION 28, LAWS OF FLORIDA, BY THE FLORIDA DEPARTMENT OF COMMERCE, PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.**

#### **b. RESOLUTION 2026-01**

##### **RESOLUTION NO. 2026-01**

**A RESOLUTION AMENDING THE GENERAL FUND FOR TOWN OF WINDERMERE BUDGET**

**YEAR 2024/2025**

**c. RESOLUTION 2026-02**

**RESOLUTION NO. 2026-02**

**Resolution Authorizing the Law Firm of Shutts and Bowen to Do an Initial Assessment of the Viability of the Appeal Attendant to the Controversy Regarding the 3rd Avenue Boathouses and to Potentially Prosecute the Appellate Action.**

**4. OLD BUSINESS**

**a. Approval of Main Street Tennis Court Resurfacing - Nidy Sports Construction (Attachments)**

**5. NEW BUSINESS**

**a. MINUTES (Attachments)**

**i. Town Council Meeting Minutes Dec. 9, 2025**

**ii. Town Council Workshop /Public Information (Restrooms) Meeting Minutes January 6, 2026**

**iii. Public Information Session (Restrooms) Meeting Minutes Jan. 22, 2026**

**iv. Town Council Workshop (Town Hall Rentals) Meeting Minutes Jan. 27, 2026**

**b. Variance Request (Attachments)**

**i. Case Z26-02 – 400 West 2nd Avenue, Paul Drogosch, Representative / Property Owner - Variance to permit a decrease in the required contiguous side setback for a contiguous corner lot from 35 feet to 24 feet to construct an addition to the property's single-family residence**

**6. MAYOR & COUNCIL LIAISON REPORTS**

**7. STAFF REPORTS**

**8. ADJOURN**

# Town of Windermere

614 Main Street Windermere, FL 34786

Office: (407) 876-2563

Fax: (407) 876-0103

Mayor

JIM O'BRIEN



Town Manager

ROBERT SMITH

Clerk

DOROTHY BURKHALTER

## **Town Council February 10, 2026**

### **FIRST READING ORDINANCE 2026-01 2045 COMPREHENSIVE PLAN REMEDIAL AMENDMENT**

This agenda item is for the Town Council to complete the first reading of Ordinance 2026-01 to adopt the 2045 Comprehensive Plan remedial amendment. After the Town Council's first reading of the ordinance, a public notice will be published for the adoption public hearing for the 2045 Comprehensive Plan remedial amendment to be held on March 10, 2026.

On May 13, 2025, the Town Council held a public hearing and approved the transmittal of the draft of the updated Comprehensive Plan to the State and other review agencies.

The Town's updated Comprehensive Plan was submitted to the Florida Department of Commerce, several other state agencies, and Orange County, on May 28, 2025. On July 25, 2025, the Town received a letter of no objections and no comments from the Florida Department of Commerce, which directed the Town to adopt the updated Comprehensive Plan within 180 days of July 25, 2025.

On October 14, 2025, the Town Council approved Ordinance 2025-06 to adopt the updated Comprehensive Plan. After the adoption, the updated Comprehensive Plan was submitted to the Florida Department of Commerce for its final compliance determination.

On December 19, 2025, the Town received a letter from the Florida Department of Commerce finding that the Town's adopted updated Comprehensive Plan was not compliant with the requirements of Chapter 2025-190, Section 28, Laws of Florida (aka SB 180) because a change to Objective 2.3 and Policy 2.3.1, Transportation Element, includes a



change from the word “discourage” to “prohibit”. The Florida Department of Commerce found that this change was more burdensome or more restrictive and violates state law. See below the change that is the subject of the finding of non-compliance:

~~Ordinance:~~

**OBJECTIVE 2.3: Residential Conversions and Constrained Facilities.** The Town shall establish mechanisms that ~~shall will discourage~~ prohibit the conversion of current residential properties to non-residential uses on constrained ~~roads~~ facilities.

**POLICY 2.3.1:**

The Town shall ~~discourage~~ prohibit the conversion of residential properties to non-residential uses along Main Street/Maguire Road/Chase Road and E 6<sup>th</sup> Avenue/Conway-Windermere Road, which are constrained facilities as identified by the Town Council.

~~**POLICY 2.3.2:**~~

~~The Town shall discourage the conversion of residential properties to non-residential uses adjacent to the Town Center to preserve the character of the Town Center area and to discourage land uses with limited ability to improve the traffic flow along the Main Street corridor.~~

Prior to and after the Town received the December 19, 2025, letter of non-compliance from the Florida Department of Commerce, Brad Cornelius, AICP, Contracted Town Planner, had a phone conversation with and sent emails to representatives of the Florida Department of Commerce. Brad strongly objected to the finding of non-compliance.

The primary reasons for the objection to the finding of non-compliance under Chapter 2025-190, Section 28, Laws of Florida (aka SB180) are:

1. The Town received a letter of no objection from the Florida Department regarding the updated Comprehensive Plan on July 25, 2025, which was after the effective date, July 1, 2025, of Chapter 2025-190, Section 28, Laws of Florida (aka SB 180). The Department did not object to the change to Policy 2.3.1 and advised the Town to move forward with adoption of the updated Comprehensive Plan as proposed. Since the State law that is referenced for the finding of non-compliance was effective on the date that the Department issued the finding of no objection, the Town moved forward in good faith to adopt the updated Comprehensive Plan as proposed. The Town was reasonable in the understanding that there were no objections from the Department related to Chapter 2025-190, Section 28, Laws of Florida (aka SB 180).
2. Section 1623.3184(4)(e)4., F.S, states in part: "...Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report..." The Department raised no objections to the

proposed updated Comprehensive Plan, after the effective date of the subject State law, and should not have any basis to find the Town's adopted Comprehensive Plan not in compliance.

3. Finally, the Town's updated Comprehensive Plan includes other objectives and policies that result in the same regulation as the revised Policy 2.1.3, Transportation Element. Consequently, the change from "discourage" to "prohibit" is not more burdensome nor restrictive. For example:

Policy 1.4.1. FLUE, states: "Future development and redevelopment activities shall be directed in appropriate areas as depicted on the Future Land Use Map, consistent with sound planning principles, minimal natural area impacts, prevention of urban sprawl, consistent with the Goals, Objectives and Policies contained within this Comprehensive Plan and in harmonious pattern to take full benefits of the natural environment and to enhance the character of the Town."

Policy 1.4.5, FLUE, states: "The Town shall forbid spot zoning and strip zoning."

Policy 1.4.11, FLUE, states: "The conversion of residential properties to office and commercial uses along Main Street shall be prohibited in order to maintain the character of the downtown area."

The urban sprawl criteria of Section 163.3177, Florida Statutes, states that urban sprawl includes that it "Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments."

The email correspondence to the Florida Department of Commerce is attached. Please note that a response was never received from the Florida Department of Commerce to any of the emails.

In discussion with the Town Manager and Town Attorney, it was determined that changing the wording back to "discourage" was more efficient than further challenging the Florida Department of Commerce.

The proposed Ordinance 2026-01 simply amends Objective 2.3 and Policy 2.3.1 as follows:

Objective 2.3 Residential Conversions and Constrained Facilities. The Town shall establish mechanisms that ~~shall prohibit~~ will discourage the conversion of current residential properties to non-residential uses on constrained roads.

Policy 2.3.1. The Town shall ~~discourage~~ prohibit the conversion of residential properties to non-residential uses along Main Street/Maguire Road/Chase Road and E 6<sup>th</sup> Avenue/Conroy-Windermere Road, which are constrained facilities as identified by the Town Council.

There are no other changes to the Comprehensive Plan adopted by the Town Council.

With the approval of Ordinance 2026-01, the revised Objective 2.3 and Policy 2.3.1 will be added to the full adopted Comprehensive Plan and resubmitted to the Florida Department of Commerce for approval.

The Town Council is requested to hold the first reading of Ordinance 2026-01 and to set the adoption public hearing for March 10, 2026, at 6:00 p.m.

December 19, 2025

The Honorable Jim O'Brien  
Mayor, Town of Windermere  
614 Main Street  
Windermere, Florida 34786

Dear Mayor O'Brien,

FloridaCommerce has completed its review of the adopted comprehensive plan amendment for the Town of Windermere adopted by Ordinance No. 2025-06 on October 28, 2025 (Amendment No. 25-01ER), which was received and determined complete on November 6, 2025. FloridaCommerce received the adopted amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.).

FloridaCommerce has identified a conflict with the application of Chapter 2025-190, Section 28, Laws of Florida (L.O.F.), and the adopted comprehensive plan amendment. These conflicts render the adopted comprehensive plan amendment null and void ab initio pursuant to Chapter 2025-190, Section 28, L.O.F. Chapter 2025-190 provides:

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

For the reasons outlined herein, Windermere's adopted amendment 25-01ER is more restrictive or burdensome making it null and void ab initio pursuant to Section 28 of Chapter 2025-190, L.O.F.

If you have any questions related to this review, please contact James Stansbury, Bureau Chief, by telephone at (850)-717-8512 or by email at [James.Stansbury@Commerce.fl.gov](mailto:James.Stansbury@Commerce.fl.gov).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/acs

cc: Brad Cornelius, AICP, Contracted Town Planner

Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council

Chapter 2025-190, Section 28, L.O.F. provides:

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

Windermere adopted amendment 25-01ER revises the Town's comprehensive plan to include a policy that is more restrictive or burdensome than Windermere's currently adopted Comprehensive Plan. The following policy is more restrictive or burdensome: Policy 2.3.1.

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Re: [EXTERNAL] - Re: Windermere Adopted Amendment 25-01ER


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From Cornelius, Brad <bcornelius@wadetrim.com>

Date Mon 2025-12-08 5:14 PM

To Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Stansbury, James <James.Stansbury@commerce.fl.gov>; Yazmin.Valdez@commerce.fl.gov <yazmin.valdez@commerce.fl.gov>

Cc Warner, Amanda <AWARNER@WadeTrim.com>; Baird, Connor <cbaird@wadetrim.com>; Hague, Taylor <thague@wadetrim.com>

 1 attachment (62 KB)  
paste.png;

James, Adam, Yazmin,

Thank you for taking the time to discuss with me the Town of Windermere's adopted comprehensive plan (25-01ER).

Regarding the Department's SB 180 concern about the change to Objective 2.3 and Policy 2.3.1 of the Transportation Element (see image below), I am providing the following additional support information for the proposed change from "discourage" to "prohibit".

~~Ordinance:~~

**OBJECTIVE 2.3: Residential Conversions and Constrained Facilities.** The Town shall establish mechanisms that ~~shall will discourage~~ prohibit the conversion of current residential properties to non-residential uses on constrained ~~roads~~ facilities.

**POLICY 2.3.1:** The Town shall ~~prohibit-discourage~~ the conversion of residential properties to non-residential uses along Main Street/Maguire Road/Chase Road and E 6<sup>th</sup> Avenue/Conway-Windermere Road, which are constrained facilities as identified by the Town Council.

~~**POLICY 2.3.2:** The Town shall discourage the conversion of residential properties to non-residential uses adjacent to the Town Center to preserve the character of the Town Center area and to discourage land uses with limited ability to improve the traffic flow along the Main Street corridor.~~

1. Policy 1.4.1. FLUE, states: "Future development and redevelopment activities shall be directed in appropriate areas as depicted on the Future Land Use Map, consistent with sound planning principles, minimal natural area impacts, prevention of urban sprawl, consistent with the Goals, Objectives and Policies contained within this Comprehensive Plan and in harmonious pattern to take full benefits of the natural environment and to enhance the character of the Town."

The Town has historically prohibited the conversion of residential to non-residential uses along its only two primary routes into the Town. These two routes are Conroy-Windermere Road/E 6<sup>th</sup> Avenue, which is the east-west route into the Town, and Main Street/Maguire Road/Chase Road, which is the north-south route into the Town. The properties that abut these two routes are primarily detached single-family homes on relatively smaller lots. The exception is the Town's

downtown, between 4<sup>th</sup> Ave and 7<sup>th</sup> Ave, which is the Town Center Overlay District, property owned by the Town, property owned by Windermere Family Church, Windermere Elementary School, and Orlando Utilities Commission.

The change from "discourage" to "prohibit" in Objective 2.3 and Policy 2.3.1 does not impose a new restrictive or burdensome requirement. The change better implements the requirements of Policy 1.4.1, FLUE, to direct future development consistent with sound planning principles, prevent urban sprawl, and to be consistent with the harmonious pattern to enhance the character of the Town. The proposed Objective 2.3 and Policy 2.3.1 clearly prevent inappropriate strip commercial/office development along these primary access roads into the Town.

**2. Policy 1.4.5, FLUE, states: "The Town shall forbid spot zoning and strip zoning."**

The proposed Objective 2.3 and Policy 2.3.1 essentially are the same as Policy 1.4.5, FLUE. The common definition of "strip zoning" is a lining of uses fronting on an existing road with limited lot depth. This is the situation in the Town of Windermere. The two primary routes that are identified in Policy 2.3.1 are major roads with abutting lots with limited depth. The conversion of these existing lots from the current single-family residential use to a non-residential use along Conroy-Windermere Road/E 6<sup>th</sup> Avenue and Main Street/Maguire Road/Chase Road would result in "strip zoning".

The change from "discourage" to "prohibit" in Objective 2.3 and Policy 2.3.1 does not impose new restrictive or burdensome requirements. The change better implements the requirements of Policy 1.4.5, FLUE, to prevent "strip zoning". The proposed Objective 2.3 and Policy 2.3.1 clearly prevent inappropriate strip commercial/office development along these primary access roads into the Town.

**3. Policy 1.4.11, FLUE, states: "The conversion of residential properties to office and commercial uses along Main Street shall be prohibited in order to maintain the character of the downtown area."**

Policy 1.4.11, FLUE, is the same effect as Objective 2.3 and Policy 2.3.2, as this policy already prohibits the conversion of residential uses to office and commercial uses.

The change from "discourage" to "prohibit" in Objective 2.3 and Policy 2.3.1 does not impose new restrictive or burdensome requirements. The change is consistent with Policy 1.4.11, FLUE, to prevent the conversion of residential uses to office and commercial uses along Main Street, which is one of the streets referenced in Policy 2.3.1 (Main Street/Maguire Street/Chase Avenue).

**4. The urban sprawl criteria of Section 163.3177, Florida Statutes, states that urban sprawl includes that it "Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments."**

As stated in Policy 1.4.1 and 1.4.5, FLUE, the Town prevents urban sprawl and prohibits strip zoning.

The change from "discourage" to "prohibit" in Objective 2.3 and Policy 2.3.1 does not impose new restrictive or burdensome requirements. The change is consistent with the urban sprawl criteria of Section 163.3177, Florida Statutes, as implemented by Policy 1.4.1 and Policy 1.4.5, FLUE and the proposed new Objective 2.3 and Policy 2.3.1.



I sincerely hope that the following supporting information clearly shows that the change from "discourage" to "prohibit" in Objective 2.3 and Policy 2.3.1, TE, does not impose new restrictive or burdensome requirements. The change is consistent with other existing policies, referenced above, of the Town's comprehensive plan that were not changed. This reflects the Town's standard and approach to protecting and maintaining the unique character of the town. The town is a small residential community with a small commercial center that is the heart of the town. The Town is protective of its heart of the town to maintain the unique and special character of this community.

For documentation purposes, I need to point out that the Department's review of the draft transmittal of the comprehensive plan amendment for Department review did not raise the SB 180 issue. The letter that was sent to the Town from the Department stated that the Department had no objections nor comments to the proposed comprehensive plan amendment. The Town moved forward, in good faith based on the letter received from the Department, to adopt the Town's comprehensive plan with no change to the objective and policy in question.

Please let me know if you have any questions or need any other supporting information.

Take care,  
Brad Cornelius, AICP  
Contracted Town of Windermere Town Planner



**Bradley T. Cornelius, AICP, CPM, CFM** Vice President  
201 N Franklin Street, Suite 1350, Tampa, FL 33602  
813.882.4373 office  
813.415.4952 cell



*Employee Owner since 2013*

---

**From:** Sieracki, Adam  
**Sent:** Friday, December 5, 2025 12:14 PM  
**To:** Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Cornelius, Brad <bcornelius@wadetrim.com>  
**Cc:** Valdez, Yazmin <Yazmin.Valdez@commerce.fl.gov>; Stansbury, James <James.Stansbury@commerce.fl.gov>  
**Subject:** [EXTERNAL] - Re: Windermere Adopted Amendment 25-01ER  
**When:** Friday, December 5, 2025 3:00 PM-3:30 PM.  
**Where:** Microsoft Teams Meeting

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For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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**From:** Cornelius, Brad <[bcornelius@wadetrim.com](mailto:bcornelius@wadetrim.com)>

**Sent:** Friday, December 5, 2025 12:11 PM

**To:** Sieracki, Adam <[Adam.Sieracki@commerce.fl.gov](mailto:Adam.Sieracki@commerce.fl.gov)>

**Cc:** Valdez, Yazmin <[Yazmin.Valdez@commerce.fl.gov](mailto:Yazmin.Valdez@commerce.fl.gov)>

**Subject:** [EXTERNAL] - Re: Windermere Adopted Amendment 25-01ER

**CAUTION** - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

Adam,

Yes, I am available at 3 pm today for a virtual meeting. Please send me a meeting invitation for this afternoon.

Take care,

Brad Cornelius, AICP

Contracted Town of Windermere Town Planner



**Bradley T. Cornelius, AICP, CPM, CFM** Vice President

201 N Franklin Street, Suite 1350, Tampa, FL 33602

813.882.4373 office

813.415.4952 cell



*Employee Owner since 2013*

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**From:** Sieracki, Adam <[Adam.Sieracki@commerce.fl.gov](mailto:Adam.Sieracki@commerce.fl.gov)>

**Sent:** Friday, December 5, 2025 12:04 PM

**To:** Cornelius, Brad <[bcornelius@wadetrim.com](mailto:bcornelius@wadetrim.com)>

**Cc:** Valdez, Yazmin <[Yazmin.Valdez@commerce.fl.gov](mailto:Yazmin.Valdez@commerce.fl.gov)>

**Subject:** Windermere Adopted Amendment 25-01ER

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Good morning,

My name is Adam Sieracki, and I am a Planning Analyst with FloridaCommerce. We are currently reviewing adopted amendment 25-01ER for the Town of Windermere and were wondering if you had any upcoming availability to discuss a few clarifying questions. Our team has availability for a 30-minute virtual meeting at any of the following times:

- This afternoon after 3:00 pm
- Monday, December 5: 9:00 am, 11:00 am, or 4:00 pm
- Tuesday, December 9: 9:00 am or after 4:00 pm

Please let me know if you are available, or we can set up another time that works best for you. Thank you for your time, and we look forward to discussing the amendment with you soon.

Thank you,

**Adam Sieracki**  
Planning Analyst  
Bureau of Community Planning and Growth  
Division of Community Development

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FloridaCommerce  
Office: 850.717.8549

**FLORIDACOMMERCE** [www.FloridaJobs.org](http://www.FloridaJobs.org)



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**Re: FloridaCommerce Response Letter - Town of Windermere Amendment 25-01ER(A)**

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**From** Cornelius, Brad <bcornelius@wadetrim.com>

**Date** Fri 2025-12-19 5:03 PM

**To** FloridaCommerce Amendment Correspondence

<FloridaCommerceamendmentcorrespondence@commerce.fl.gov>; jobrien@windermere.fl.us  
<jobrien@windermere.fl.us>; tmccue@ecfrpc.org <tmccue@ecfrpc.org>; Stansbury, James  
<james.stansbury@commerce.fl.gov>

**Cc** Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Valdez, Yazmin <Yazmin.Valdez@commerce.fl.gov>; Smith, Robert (rsmith@town.windermere.fl.us) <rsmith@town.windermere.fl.us>; Heather Ramos <heather.ramos@gray-robinson.com>; Warner, Amanda <AWARNER@WadeTrim.com>; Baird, Connor <cbaird@wadetrim.com>; Hague, Taylor <thague@wadetrim.com>; Mastison, Sarah <smastison@wadetrim.com>; Dorothy Burkhalter <dburkhalter@town.windermere.fl.us>

 2 attachments (662 KB)

Re: [EXTERNAL] - Re: Windermere Adopted Amendment 25-01ER; TWN. WINDERMERE 25-01ER (P).pdf;

James,

I completely disagree with the Department's finding of non-compliance of the Town of Windermere's adopted comprehensive plan amendment 25-01ER(A). I have reviewed this with the Town Manager and Town Attorney.

From our previous discussion and the email I sent to the Department on December 8, 2025, I clearly showed that the change to "discourage" to "prohibit" in Policy 2.3.1 was not more burdensome nor restrictive as it is consistent with and further implements several adopted policies in the Town's comprehensive plan that did not change with this amendment. I have attached the previous email that I sent to the Department on December 8, 2025.

In addition, the Department's letter dated July 25, 2025, specifically states: "...FloridaCommerce does not identify any objections or comments to the proposed amendment...The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment." I have attached the Department's letter from July 25, 2025.

The Department's letter was sent to the Town after the effective date of the law referenced in the letter of December 19, 2025, regarding the finding of non-compliance.

I do not understand how the Department can change its position after it noticed the Town that there were no objections nor comments and advised the Town to move forward with the proposed amendment for adoption.

As I previously stated, the Town moved forward with the adoption of the comprehensive plan amendment as proposed in good faith based on the letter from Department dated July 25, 2025.

I respectfully request that the Department reconsider its finding of non-compliance based on the fact that the change to Policy 2.3.1 is not more burdensome nor restrictive, as documented in my email to you on December 8, 2025, and that the Department notified the Town on July 25, 2025, that there were no objections or comments from the Department on the proposed comprehensive plan and advised that the Town to move forward with adoption as proposed.

I am available on Monday, December 22, 2025, or Tuesday, December 23, 2025, to discuss this with you or other Department staff.

Take care,  
Brad Cornelius, AICP  
Contracted Town of Windermere Town Planner



**Brad Cornelius, AICP, CPM, CFM**, Vice President  
201 N Franklin Street, Suite 1350, Tampa, FL 33602  
813.882.4373 office  
813.415.4952 cell  
*Employee Owner since 2013*



---

**From:** FloridaCommerce Amendment Correspondence  
<FloridaCommerceamendmentcorrespondence@commerce.fl.gov>  
**Sent:** Friday, December 19, 2025 4:09 PM  
**To:** jobrien@windermere.fl.us <jobrien@windermere.fl.us>; Cornelius, Brad  
<bcornelius@wadetrim.com>; tmccue@ecfrpc.org <tmccue@ecfrpc.org>  
**Cc:** Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Valdez, Yazmin  
<Yazmin.Valdez@commerce.fl.gov>  
**Subject:** FloridaCommerce Response Letter

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**This message originated outside of Wade Trim.**

Please see attached correspondence from the Florida Department of Commerce (FloridaCommerce) regarding the above comprehensive plan amendment. In addition to this electronic message, a paper copy of the letter is being mailed to the addressee. Paper copies of the attached correspondence are available upon request. **Please do not respond to this e-mail address as it is not regularly monitored for messages. Instead, please contact the Department planner identified in the attached letter if you have any questions or concerns.** Thank You

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to FloridaCommerce via email may be subject to disclosure. Under Florida law email addresses are public records.

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**Re: FloridaCommerce Response Letter - Town of Windermere Amendment 25-01ER(A)**

---

**From** Cornelius, Brad <bcornelius@wadetrim.com>

**Date** Mon 2026-01-12 10:53 AM

**To** FloridaCommerce Amendment Correspondence  
<FloridaCommerceamendmentcorrespondence@commerce.fl.gov>; tmccue@ecfrpc.org  
<tmccue@ecfrpc.org>; Stansbury, James <james.stansbury@commerce.fl.gov>

**Cc** Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Valdez, Yazmin <Yazmin.Valdez@commerce.fl.gov>;  
Warner, Amanda <AWARNER@WadeTrim.com>; Baird, Connor <cbaird@wadetrim.com>; Hague, Taylor  
<thague@wadetrim.com>; Mastison, Sarah <smastison@wadetrim.com>

James,

I am following up on my email to you on 12/19/2025, which is below.

I have one more point to make. Section 1623.3184(4)(e)4., F.S, states in part:

"...Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report..."

As I have previously stated, the Department's objections, recommendation, and comments report provided no objections, recommendations, nor objections, and the Town's adopted comprehensive plan was not substantially changed from what the Department reviewed. Consequently, it is my strong opinion, that the Department incorrectly found the Town's comprehensive plan non-compliant.

I respectfully request your response and reconsideration of non-compliance. I tried to call, but your voicemail is full.

Take care,  
Brad Cornelius, AICP  
Contracted Town of Windermere Town Planner



**Bradley T. Cornelius, AICP, CPM, CFM**, Vice President  
201 N Franklin Street, Suite 1350, Tampa, FL 33602  
813.882.4373 office  
813.415.4952 cell



*Employee Owner since 2013*

---

**From:** Cornelius, Brad <bcornelius@wadetrim.com>

**Sent:** Friday, December 19, 2025 5:03 PM

**To:** FloridaCommerce Amendment Correspondence

<FloridaCommerceamendmentcorrespondence@commerce.fl.gov>; jobrien@windermere.fl.us  
<jobrien@windermere.fl.us>; tmccue@ecfrpc.org <tmccue@ecfrpc.org>; Stansbury, James  
<james.stansbury@commerce.fl.gov>

**Cc:** Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Valdez, Yazmin <Yazmin.Valdez@commerce.fl.gov>; Smith, Robert (rsmith@town.windermere.fl.us) <rsmith@town.windermere.fl.us>; Heather Ramos  
<heather.ramos@gray-robinson.com>; Warner, Amanda <AWARNER@WadeTrim.com>; Baird, Connor  
<cbaird@wadetrim.com>; Hague, Taylor <thague@wadetrim.com>; Mastison, Sarah  
<smastison@wadetrim.com>; Dorothy Burkhalter <dburkhalter@town.windermere.fl.us>

**Subject:** Re: FloridaCommerce Response Letter - Town of WIndermere Amendment 25-01ER(A)

James,

I completely disagree with the Department's finding of non-compliance of the Town of Windermere's adopted comprehensive plan amendment 25-01ER(A). I have reviewed this with the Town Manager and Town Attorney.

From our previous discussion and the email I sent to the Department on December 8, 2025, I clearly showed that the change to "discourage" to "prohibit" in Policy 2.3.1 was not more burdensome nor restrictive as it is consistent with and further implements several adopted policies in the Town's comprehensive plan that did not change with this amendment. I have attached the previous email that I sent to the Department on December 8, 2025.

In addition, the Department's letter dated July 25, 2025, specifically states: "...FloridaCommerce does not identify any objections or comments to the proposed amendment...The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment." I have attached the Department's letter from July 25, 2025.

The Department's letter was sent to the Town after the effective date of the law referenced in the letter of December 19, 2025, regarding the finding of non-compliance.

I do not understand how the Department can change its position after it noticed the Town that there were no objections nor comments and advised the Town to move forward with the proposed amendment for adoption.

As I previously stated, the Town moved forward with the adoption of the comprehensive plan amendment as proposed in good faith based on the letter from Department dated July 25, 2025.

I respectfully request that the Department reconsider its finding of non-compliance based on the fact that the change to Policy 2.3.1 is not more burdensome nor restrictive, as documented in my email to you on December 8, 2025, and that the Department notified the Town on July 25, 2025, that there were no objections or comments from the Department on the proposed comprehensive plan and advised that the Town to move forward with adoption as proposed.

I am available on Monday, December 22, 2025, or Tuesday, December 23, 2025, to discuss this with you or other Department staff.

Take care,  
Brad Cornelius, AICP  
Contracted Town of Windermere Town Planner





**Brad Cornelius, AICP, CPM, CFM,** Vice President  
201 N Franklin Street, Suite 1350, Tampa, FL 33602  
813.882.4373 office  
813.415.4952 cell  
*Employee Owner since 2013*



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**From:** FloridaCommerce Amendment Correspondence  
<FloridaCommerceamendmentcorrespondence@commerce.fl.gov>  
**Sent:** Friday, December 19, 2025 4:09 PM  
**To:** jobrien@windermere.fl.us <jobrien@windermere.fl.us>; Cornelius, Brad  
<bcornelius@wadetrim.com>; tmccue@ecfrpc.org <tmccue@ecfrpc.org>  
**Cc:** Sieracki, Adam <Adam.Sieracki@commerce.fl.gov>; Valdez, Yazmin  
<Yazmin.Valdez@commerce.fl.gov>  
**Subject:** FloridaCommerce Response Letter

---

**This message originated outside of Wade Trim.**

Please see attached correspondence from the Florida Department of Commerce (FloridaCommerce) regarding the above comprehensive plan amendment. In addition to this electronic message, a paper copy of the letter is being mailed to the addressee. Paper copies of the attached correspondence are available upon request. **Please do not respond to this e-mail address as it is not regularly monitored for messages. Instead, please contact the Department planner identified in the attached letter if you have any questions or concerns.** Thank You

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## **ORDINANCE NO. 2026-01**

**AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; ADOPTING THE TOWN OF WINDERMERE 2045 COMPREHENSIVE PLAN WITH AMENDMENTS TO OBJECTIVE 2.3 AND POLICY 2.3.1, TRANSPORTATION ELEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BASED ON THE FINDING OF NON-COMPLIANCE, DATED DECEMBER 19, 2025, WITH CHAPTER 2025-190, SECTION 28, LAWS OF FLORIDA, BY THE FLORIDA DEPARTMENT OF COMMERCE, PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.**

**Be it ordained by the Town Council of the Town of Windermere, Florida:**

**Section 1. Findings.** In adopting this ordinance, the Town Council of the Town of Windermere, Florida (the “Town”), finds and declares the following:

- (1) As required by Section 163.3191, Florida Statutes, the Town approved the required evaluation and appraisal letter of the adopted comprehensive plan on May 30, 2024, which identified the needed amendments to the Town’s comprehensive plan;
- (2) As required by Section 163.3184, Florida Statutes, the Town approved the transmittal of the proposed comprehensive plan amendments to the Florida Department of Commerce and other required review agencies on May 13, 2025, and provided the Florida Department of Commerce and all applicable review agencies with the proposed comprehensive plan amendments on May 28, 2025;
- (3) On July 25, 2025, the Florida Department of Commerce issued a letter stating that the Florida Department of Commerce has no objections nor comments for the proposed comprehensive plan amendments. No other review agencies had substantial comments. The Town was directed to adopt the proposed amendments within 180 days of July 25, 2025.
- (4) On October 28, 2025, the Town adopted Ordinance 2025-06, which approved the comprehensive plan amendments and transmitted the adopted comprehensive plan amendments to the Florida Department of Commerce;
- (5) On December 19, 2026, the Town received notice from the Florida Department of Commerce that the comprehensive plan amendments adopted by Ordinance 2025-06 were found to be non-compliant with Chapter 2025-190, Section 28, Laws of Florida, as Objective 2.3 and Policy 2.3.1, Transportation Element, were deemed by the State to be more burdensome or restrictive due to the change of the word “discourage” to “prohibit”.
- (6) The Town has revised Objective 2.3 and Policy 2.3.1, Transportation Element, to remove the word “prohibit” and replace with the word “discourage” as was previously

used prior to the amendment to the comprehensive plan. Consequently, the Town's amended comprehensive plan is no longer more burdensome nor restrictive.

**Section 2. Amendments to the Town's Comprehensive Plan.** The 20245 Comprehensive Plan amendments to Objective 2.3 and Policy 2.3.1, Transportation Element, set forth in Exhibit "A" of this ordinance are hereby approved and adopted by the Town Council and shall be fully incorporated into the 2045 Comprehensive Plan previously adopted by Ordinance 2025-06.

**Section 3. Codification.** It is the intent of the Town Council that the comprehensive plan amendments shall become and be made part of the comprehensive plan of the Town. Goals, objectives, and policies of the comprehensive plan may be renumbered or reorganized for editorial, or codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the comprehensive plan amendments adopted.

**Section 4. Severability.** If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

**Section 5. Effective Date.** The effective date of this comprehensive plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

**APPROVED AND ADOPTED** by the Town Council of the Town of Windermere on the \_\_\_\_ day of \_\_\_\_\_, 2026.

Town of Windermere, Florida  
By: Town Council

By: \_\_\_\_\_  
Jim O'Brien, Mayor

Attest:

\_\_\_\_\_  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

First Reading:  
Advertised:  
Second Reading:

## EXHIBIT “A”

### **2045 Town Comprehensive Plan Objective 2.3 and Policy 2.3.1, Transportation Element Revised February 1, 2026**

Objective 2.3 Residential Conversions and Constrained Facilities. The Town shall establish mechanisms that ~~shall prohibit~~ will discourage the conversion of current residential properties to non-residential uses on constrained roads.

Policy 2.3.1. The Town shall ~~discourage prohibit~~ the conversion of residential properties to non-residential uses along Main Street/Maguire Road/Chase Road and E 6<sup>th</sup> Avenue/Conroy-Windermere Road, which are constrained facilities as identified by the Town Council.

RESOLUTION # 2026-01

A RESOLUTION AMENDING THE GENERAL FUND  
FOR TOWN OF WINDERMERE BUDGET YEAR 2024/2025

BE IT RESOLVED, that the total revenues for the Town of Windermere for the Fiscal Year 2024-2025 General Fund is amended as follows: amended

PASSED AND ADOPTED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2026

<b>24/25 FY Revenues &amp; Expenses</b>	<b><u>Year End Actual</u></b>	<b><u>Adopted Budget</u></b>	<b><u>Amended Budget</u></b>
	<b><u>9/30/2025</u></b>	<b><u>9/30/2025</u></b>	<b><u>9/30/2025</u></b>
<b><u>Revenue General Fund</u></b>	-	-	-
Property Tax @ 3.7425 mills	3777574.68	3,662,906.00	3,662,906.00
Local Option Gas Tax	92327.76	95,000.00	95,000.00
Utility Service Tax Duke Energy	511626.2	424,000.00	424,000.00
Utility Service Tax Water	43125.59	35,000.00	35,000.00
Utility Service Tax Lk Apopka Gas	40569.71	34,000.00	34,000.00
Communication Services Tax	604408.93	500,000.00	500,000.00
Local Business Tax	8759	11,000.00	11,000.00
Building Permits	323124.18	200,000.00	200,000.00
Zoning/Plans Review	12820.62	35,000.00	35,000.00
Surcharges	8952.18	6,500.00	6,500.00
Right of Way Use Agreements	2175	10,000.00	10,000.00
Franchise Fee - Duke Energy	372831.31	310,000.00	310,000.00
Franchise Fee - Lake Apopka Gas	19254.17	21,000.00	21,000.00
Spec Assessment - Lot Clearing	8494.32	5,000.00	5,000.00
The Willows Lighting MSTU Assessment	15925.89	16,433.28	16,433.28
Fire Rescue Fee Assessment	911645.23	925,880.68	925,880.68
Sunset Bay Repaving Assessment	11373.14	11,546.69	11,546.69
Tennis, Parks & Film Permits	13194.93	12,000.00	12,000.00
Federal Grant		760,000.00	760,000.00
FEMA- State Grant (Hurricane)	669568.17	0.00	0.00
State Grant - Jag 6N189	10000	15,000.00	15,000.00
CARES ACT - Other Financial Assistance	1321258	1,391,295.00	1,391,295.00
Revenue Sharing	173109.12	170,000.00	170,000.00
Mobile Home Licenses	215.37	130.00	130.00
Alcohol, Beverage & Tobacco Licenses	2475.16	1,500.00	1,500.00
1/2 Cent Sales Tax	578612.84	600,000.00	600,000.00

Business Tax Distribution	6195.75	0.00	0.00
Orange County Public Schools	59986.3	62,500.00	62,500.00
Police Education Fund	2124.91	0.00	0.00
Police Services	6436.28	7,000.00	7,000.00
Off Duty Police	59461.73	45,000.00	45,000.00
Solid Waste	391674.29	399,808.80	399,808.80
Historical Preservation Committee	21560	32,000.00	32,000.00
Holiday Social	500	0.00	0.00
Tree Board Committee	12790	15,000.00	15,000.00
Parks & Recreation Committee	189974.54	95,000.00	95,000.00
Fines/Bonds/Citations	16566.94	17,500.00	17,500.00
Investigative	197.73	0.00	0.00
Tree Mitigation Fund	70775	5,000.00	5,000.00
Miscellaneous	28723.02	20,000.00	20,000.00
Wine & Dine	190863.56	225,000.00	225,000.00
Newsletter Ads	3500	1,500.00	1,500.00
Sponsorships (lunch, etc)	0	750.00	750.00
Police Mileage	0	0.00	0.00
Off Duty Admin Fee	4732.5	4,500.00	4,500.00
PGIT Grant		5,000.00	5,000.00
Interest	65165.02	60,000.00	60,000.00
Rent	36380	15,000.00	15,000.00
Proceeds - Sale of Equipment	9051	7,500.00	7,500.00
Garden Club - Donations	0	500.00	500.00
State Appropriations Roads	0	1,500,000.00	1,500,000.00
State Appropriations Multi Modal	0	1,000,000.00	1,000,000.00
State Appropriations Potable Water	0	3,081,000.00	3,081,000.00
State Appropriations Wastewater Study	205607	375,000.00	375,000.00
Stormwater Transfer (HMGP Projects)	0	101,087.73	101,087.73
Centennial Revenue	82286.01	30,000.00	30,000.00
WWD Reserve	40,000.00	40,000.00	40,000.00
	-		
<b>Total Revenue</b>	<b>11,037,973.08</b>	<b>16,398,838.18</b>	<b>16,398,838.18</b>

<u>Expenses By Functional Dept</u>	-	-	-
Legislative	726,520.83	439,173.00	726,520.83
Administration	867,861.57	819,333.99	867,861.57
Clerk	160,975.24	143,790.41	160,975.24
Finance	1,054,351.66	1,149,655.26	1,149,655.26
Development Services	562,087.66	450,000.00	562,087.66
Public Works	5,285,383.30	10,215,143.92	8,770,749.48
Parks & Recreation	82,649.04	91,500.00	107,649.04
Police	2,997,041.29	2,784,337.36	2,997,041.29

Long Range Planning	3,703.14	0.00	3,703.14
Parks and Recreation Committee	207,994.92	95,000.00	207,994.92
Tree Board	14,894.35	15,000.00	15,000.00
Historical Preservation	30,811.67	32,000.00	32,000.00
Elders Committee	4,530.14	7,000.00	7,000.00
Downtown Business Committee	0.00	0.00	0.00
WAYS Committee.	400.00	1,500.00	1,500.00
Code Enforcement	52,386.93	33,500.00	52,386.93
Contingency..	736,712.82	121,904.24	736,712.82
Transfer Out	0.00	0.00	0.00
<b>Total Expenses</b>	<b>12,788,304.56</b>	<b>16,398,838.18</b>	<b>16,398,838.18</b>
<b>Excess Revenue Over Expenditures</b>	<b>(1,750,331)</b>	<b>0</b>	<b>0</b>

<b>SW Revenue</b>				
Stormwater Fee Assessments	340,173.62	348,009.72	348,009.72	
Marina Bay Stormwater Assessment	15,130.25	15,609.30	15,609.30	
Grants	-	-	-	
Interest	6,946.38	-	-	
Misc Revenue	-	-	-	
Transfer In		-	-	
<b>Total Revenue</b>	<b>362,250.25</b>	<b>363,619.02</b>	<b>363,619.02</b>	
<b>SW Expenses</b>				
Stormwater	256,524.35	363,619.02	363,619.02	
<b>Total Expenses</b>	<b>256,524.35</b>	<b>363,619.02</b>	<b>363,619.02</b>	
<b>Excess Revenue Over Expenditures</b>	<b>105,725.90</b>	<b>-</b>	<b>-</b>	
Total Revenue General Fund and SW	11,400,223.33	16,762,457	#	16,762,457
Total Expenses General Fund and SW	13,044,828.91	16,762,457.20	#	16,762,457.20
<b>Excess Revenue over Expenditures</b>	<b>(1,644,605.58)</b>	<b>#</b>	<b>-</b>	<b>#</b>

Town of Windermere

---

Jim O'Brien, Mayor

ATTEST

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Dorothy Burkhalter, Town Clerk



**General Fund Expenditures Reports Attached**

	<b>FY 24/25 Actual</b>	<b>FY 24/25 Budget</b>	<b>FY 24/25 Amended Budget</b>
<b>Expenses</b>			
Legislative	726,520.83	439,173.00	726,520.83
Administration	867,861.57	819,333.99	867,861.57
Clerk	160,975.24	143,790.41	160,975.24
Finance	1,054,351.66	1,149,655.26	1,149,655.26
Development Services	562,087.66	450,000.00	562,087.66
Public Works	5,285,383.30	10,215,143.92	8,770,749.48
Parks & Recreation	82,649.04	91,500.00	107,649.04
Police	2,997,041.29	2,784,337.36	2,997,041.29
Long Range Planning	3,703.14	0.00	3,703.14
Parks and Recreation Committee	207,994.92	95,000.00	207,994.92
Tree Board	14,894.35	15,000.00	15,000.00
Historical Preservation	30,811.67	32,000.00	32,000.00
Elders Committee	4,530.14	7,000.00	7,000.00
Downtown Business Committee	0.00	0.00	0.00
WAYS Committee.	400.00	1,500.00	1,500.00
Code Enforcement	52,386.93	33,500.00	52,386.93
Contingency..	736,712.82	121,904.24	736,712.82
Transfer Out	0.00	0.00	0.00
<b>Total Expenses</b>	<b>12,788,304.56</b>	<b>16,398,838.18</b>	<b>16,398,838.18</b>

*Notes: Total expenditures were under budget primarily due to budgeting the remaining ARPA funds within the public works department.*

The final budget amendment moved some of the unspent ARPA budget to other over-budget line items, resulting in no change to the total expenditure budget.

**General Fund Balance Assigned to:**

Historical Preservation Committee - Fund Balance	\$ 44,728.00
Parks & Recreation Committee - Fund Balance	\$ 36,571.00
Tree Board Committee - Fund Balance	\$ 67,075.00
Tree Mitigation - Fund Balance	\$ 59,410.00
Windermere Wine & Dine - Fund Balance	\$ 13,933.00
Contingency Reserve	\$ 100,000.00

**Revenue minus Expenditures by Fund - MTD/YTD by Fund  
September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 5110 000 7300 Travel and Per Diem	2,107.01	2,000.00	2,000.00
001 5110 000 7500 Misc Exp & Other	2,011.65	500.00	500.00
001 5110 000 7510 Office Supplies	0.00	200.00	200.00
001 5110 000 7541 Fla League of Cities	100.00	546.00	546.00
001 5110 000 7542 Fla League of Mayors	425.00	350.00	350.00
001 5110 000 7543 Fla League of Cities	0.00	400.00	400.00
001 5110 000 7544 West Orange	1,000.00	225.00	225.00
001 5110 000 7545 West Orange Times	0.00	0.00	0.00
001 5110 000 7546 Subscription -	0.00	50.00	50.00
001 5110 000 7547 Tri County League of	700.00	700.00	700.00
001 5110 000 7548 Florida League of	632.00	428.00	428.00
001 5110 000 7551 Metro Plan	241.00	224.00	224.00
001 5110 000 7552 Chamber Event	1,773.60	2,000.00	2,000.00
001 5110 000 7553 West Orange	0.00	500.00	500.00
001 5110 000 7560 Mayor/Managers	373.43	300.00	300.00
001 5110 000 7561 Misc. Luncheons	0.00	250.00	250.00
001 5110 000 7562 Hosting Luncheon	0.00	1,000.00	1,000.00
001 5110 000 7601 Easter Event	2,604.47	2,250.00	2,250.00
001 5110 000 7602 Pancake Breakfast	4,194.41	3,000.00	3,000.00
001 5110 000 7603 Holiday Social	14,249.07	15,000.00	15,000.00
001 5110 000 7604 9/11 & Armed Forces	2,522.52	2,250.00	2,250.00
001 5110 000 7605 Wine & Dine Event	455,230.42	225,000.00	455,000.00
001 5110 000 7608 Employee	3,240.00	6,500.00	6,500.00
001 5110 000 7609 DC Police Memorial	0.00	2,500.00	2,500.00
001 5110 000 7611 Cenntennial	202,481.25	130,000.00	187,347.83
001 5110 000 7612 Lobbyist	25,200.00	36,000.00	36,000.00
001 5110 000 9640 Capital Equipment	7,435.00	7,000.00	7,000.00
<b>Total Expenditures</b>	<b>726,520.83</b>	<b>439,173.00</b>	<b>726,520.83</b>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 5120 000 6120 Salaries	281,700.86	268,953.00	268,953.00
001 5120 000 6123 Cell Phone Allowance	700.00	0.00	0.00
001 5120 000 6124 Car Allowance	6,300.00	0.00	0.00
001 5120 000 6125 ReEmployment	163.43	0.00	0.00
001 5120 000 6140 Overtime	3,240.08	4,000.00	4,000.00
001 5120 000 6210 Fica	16,244.66	16,675.00	16,675.00
001 5120 000 6211 Medicare	3,951.03	3,900.00	3,900.00
001 5120 000 6220 Retirement	32,851.49	26,295.00	26,295.00
001 5120 000 6232 TransAmerica - GAP Health	1,135.27	1,194.00	1,194.00
001 5120 000 6233 Health Insurance	26,413.38	28,317.00	28,317.00
001 5120 000 6234 Dental Insurance	905.61	967.00	967.00
001 5120 000 6235 Vision Insurance	188.34	201.00	201.00
001 5120 000 6236 Life/AD&D	268.68	270.00	270.00
001 5120 000 7300 Travel and Per Diem	0.00	5,000.00	5,000.00
001 5120 000 7313 Legal Fees	302,018.85	225,000.00	273,527.57
001 5120 000 7416 Postage/Transport Fees	166.18	350.00	350.00
001 5120 000 7470 Communication Services	115,835.23	126,550.00	126,550.00
001 5120 000 7471 App River - Licenses &	13,653.87	6,650.00	6,650.00
001 5120 000 7482 Chatter Buzz - Web Site	22,116.12	10,000.00	10,000.00
001 5120 000 7483 Granicus - Agenda Software	947.02	13,762.00	13,762.00
001 5120 000 7490 Plaques/Awards	462.50	750.00	750.00
001 5120 000 7500 Misc Exp & Other Current	2,825.58	5,500.00	5,500.00
001 5120 000 7510 Office Supplies	3,203.05	2,500.00	2,500.00
001 5120 000 7540 Dues	3,385.10	3,000.00	3,000.00
001 5120 000 7541 Newsletter Mailout & Non Ad	18,827.80	15,000.00	15,000.00
001 5120 000 7542 First Aid	707.43	0.00	0.00
001 5120 000 7550 Luncheons	2,386.17	2,000.00	2,000.00
001 5120 000 7560 Seminars	540.19	2,500.00	2,500.00
001 5120 000 9640 Capital Equipment	6,723.65	50,000.00	50,000.00
<b>Total Expenditures</b>	<u>867,861.57</u>	<u>819,334.00</u>	<u>867,861.57</u>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u><b>Y-T-D</b></u> <u><b>Actual</b></u>	<u><b>Y-T-D</b></u> <u><b>Budget</b></u>	<u><b>Amended</b></u> <u><b>Budget</b></u>
Expenditures			
001 5125 000 6120 Salaries	103,542.19	94,500.00	94,500.00
001 5125 000 6210 Fica	5,997.51	5,859.00	5,859.00
001 5125 000 6211 Medicare	1,446.49	1,370.00	1,370.00
001 5125 000 6220 Retirement	13,674.04	9,450.00	13,674.04
001 5125 000 6232 Transamerica GAP -Health Plan	404.44	398.00	398.00
001 5125 000 6233 Health Insurance	9,409.51	9,439.00	9,439.00
001 5125 000 6234 Dental Insurance	322.52	322.00	322.00
001 5125 000 6235 Vision Insurance	67.08	67.00	67.00
001 5125 000 6236 Life/AD&D	95.71	90.00	90.00
001 5125 000 7300 Travel and Per Diem	0.00	250.00	250.00
001 5125 000 7320 Encryption & Records Request	5,647.54	7,000.00	7,000.00
001 5125 000 7321 Municode	6,169.24	2,000.00	6,169.24
001 5125 000 7324 Public Records Scanning	0.00	750.00	750.00
001 5125 000 7416 Postage/Transport Fees	41.15	500.00	500.00
001 5125 000 7500 Misc Exp & Other Current	26.73	500.00	500.00
001 5125 000 7510 Office Supplies	1,018.63	800.00	800.00
001 5125 000 7519 Advertising	3,664.01	4,000.00	4,000.00
001 5125 000 7525 Elections	8,123.07	3,000.00	11,791.55
001 5125 000 7540 Subscriptions/Dues/Training - IIMC	195.00	180.00	180.00
001 5125 000 7541 Subscriptions/Dues/Training - FRMA	0.00	135.00	135.00
001 5125 000 7542 Subscriptions/Dues/Training - FACC	100.00	75.00	75.00
001 5125 000 7543 Conference/Seminar/Training	635.38	2,250.00	2,250.00
001 5125 000 7545 Certified Records Mgmt Training & Exam	395.00	855.00	855.00
<b>Total Expenditures</b>	<u>160,975.24</u>	<u>143,790.00</u>	<u>160,975.24</u>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
Expenditures			
001 5130 000 6120 Salaries	145,544.73	139,108.00	139,108.00
001 5130 000 6210 Fica	9,132.94	8,625.00	8,625.00
001 5130 000 6211 Medicare	2,178.08	2,017.00	2,017.00
001 5130 000 6220 Retirement	7,886.09	13,911.00	13,911.00
001 5130 000 6232 Transamerica GAP - Health Plan	808.88	796.00	796.00
001 5130 000 6233 Health Insurance	18,819.02	18,878.00	18,878.00
001 5130 000 6234 Dental Insurance	645.04	644.00	644.00
001 5130 000 6235 Vision Insurance	134.16	134.00	134.00
001 5130 000 6236 Life/AD&D	191.42	180.00	180.00
001 5130 000 7300 Travel and Per Diem	319.20	500.00	500.00
001 5130 000 7320 Professional Services Audit Fees	20,010.00	25,000.00	25,000.00
001 5130 000 7340 Accufund Software Contract & ADP	11,840.52	12,400.00	12,400.00
001 5130 000 7341 Employee Assistance Program	3,500.00	3,500.00	3,500.00
001 5130 000 7343 Waypoints Support Contract	3,750.00	3,750.00	3,750.00
001 5130 000 7351 Fire Service Restricted Fee	0.00	75,881.00	75,881.00
001 5130 000 7416 Postage	989.98	1,000.00	1,000.00
001 5130 000 7430 Spectrum Business - Internet	30,531.39	30,000.00	30,000.00
001 5130 000 7431 Spectrum Enterprise - Phone	15,559.32	16,000.00	16,000.00
001 5130 000 7433 Orange County Utilities	3,128.31	3,000.00	3,000.00
001 5130 000 7434 Duke Energy	113,818.94	118,000.00	118,000.00
001 5130 000 7435 Duke Energy - Willows St. Lighting	17,596.98	16,433.00	16,433.00
001 5130 000 7436 Lake Apopka Natural Gas	2,692.39	1,200.00	1,200.00
001 5130 000 7440 Copy Machine Rental	5,715.25	5,140.00	5,140.00
001 5130 000 7441 Credit Card & Bank Fees	13,847.36	7,600.00	7,600.00
001 5130 000 7442 Postage Lease	730.62	600.00	600.00
001 5130 000 7450 General Insurance	217,736.00	233,524.00	233,524.00
001 5130 000 7453 Executive Travel Accident Cov	0.00	420.00	420.00
001 5130 000 7500 Misc Exp & Other Current	466.05	300.00	300.00
001 5130 000 7510 Office Supplies	1,901.14	1,600.00	1,600.00
001 5130 000 7520 Operating Supplies	686.97	1,100.00	1,100.00
001 5130 000 7540 FGFOA Dues	0.00	150.00	150.00
001 5130 000 7541 Central Florida FGFOA Dues	0.00	20.00	20.00
001 5130 000 7543 Tuition Reimbursement	8,000.00	7,000.00	7,000.00
001 5130 000 7544 Finance Director Training	1,888.01	2,200.00	2,200.00
001 5130 000 7545 Finance Clerk Training	1,730.52	1,500.00	1,500.00
001 5130 000 8341 Solid Waste	389,739.35	397,545.00	397,545.00
001 5130 000 9672 Capital Improvement - Other	2,833.00	0.00	0.00
<b>Total Expenditures</b>	<b>1,054,351.66</b>	<b>1,149,656.00</b>	<b>1,149,656.00</b>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund  
September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 5150 000 7320 Planning & Zoning	1,173.27	60,000.00	60,000.00
001 5150 000 7321 Bldg Inspection Fees	263,428.32	180,000.00	180,000.00
001 5150 000 7322 Planning & Zoning	274,437.07	130,000.00	242,087.66
001 5150 000 7323 Annexation	8,962.50	30,000.00	30,000.00
001 5150 000 7324 Comprehensive Plan	14,086.50	50,000.00	50,000.00
<b>Total Expenditures</b>	<u>562,087.66</u>	<u>450,000.00</u>	<u>562,087.66</u>



**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 5191 000 5710 Debt Service - Main	0	108,000	108,000
001 5191 000 5715 Debt Service - New Town Facilities	235,000.00	327,000.00	327,000.00
001 5191 000 5716 Interest - New Town Facilities	88,022.25	0.00	0.00
001 5191 000 6120 Salaries	306,829.05	278,465.00	278,465.00
001 5191 000 6125 Unemployment	320.67	0.00	0.00
001 5191 000 6140 Overtime	3,493.35	2,000.00	2,000.00
001 5191 000 6210 Fica	18,697.54	17,265.00	17,265.00
001 5191 000 6211 Medicare	4,501.18	4,038.00	4,038.00
001 5191 000 6220 Retirement	27,712.19	27,787.00	27,787.00
001 5191 000 6232 Transamerica GAP - Health Plan	1,944.15	1,990.00	1,990.00
001 5191 000 6233 Health Insurance	45,232.40	47,195.00	47,195.00
001 5191 000 6234 Dental Insurance	1,550.65	1,611.00	1,611.00
001 5191 000 6235 Vision Insurance	322.50	335.00	335.00
001 5191 000 6236 Life/AD&D	460.10	270.00	270.00
001 5191 000 7340 General Engineering Scvs	130,067.44	83,000.00	83,000.00
001 5191 000 7341 Lawn & Maintenance	87,460.92	82,000.00	82,000.00
001 5191 000 7342 Janitorial Services & Supplies	27,493.24	30,000.00	30,000.00
001 5191 000 7343 Pest Control	7,189.00	7,500.00	7,500.00
001 5191 000 7344 Lakefront Maintenance	37,000.00	40,000.00	40,000.00
001 5191 000 7345 Town Facility Study	0.00	0.00	0.00
001 5191 000 7350 Waste Water Study	255,417.90	375,000.00	375,000.00
001 5191 000 7363 IPO # 121 - Windermere Trail	0.00	0.00	0.00
001 5191 000 7416 Postage	166.27	200.00	200.00
001 5191 000 7457 Storage Units	5,599.40	4,500.00	4,500.00
001 5191 000 7461 Town Hall Decorations	9,847.84	10,000.00	10,000.00
001 5191 000 7463 AC check	3,318.00	1,800.00	1,800.00
001 5191 000 7464 Fire Extinguisher Check	2,623.98	1,500.00	1,500.00
001 5191 000 7465 Misc - Facility Repair & Maint	45,935.65	25,000.00	25,000.00
001 5191 000 7478 Computer Maintenance	132.22	0.00	0.00
001 5191 000 7480 Misc Parts	5,643.20	2,000.00	2,000.00
001 5191 000 7481 Misc Vehicle Repairs	870.25	6,000.00	6,000.00
001 5191 000 7482 Equipment Maintenance	20,982.96	4,000.00	4,000.00
001 5191 000 7483 Sidewalk & Bike Path Repair	(56,718.40)	100,000.00	100,000.00
001 5191 000 7484 Sprinkler/Irrigation Repair	1,286.47	2,000.00	2,000.00
001 5191 000 7500 Misc Exp & Other Current	14,039.85	3,000.00	3,000.00
001 5191 000 7510 Office Supplies	2,193.85	1,000.00	1,000.00
001 5191 000 7519 Uniforms	4,271.00	7,000.00	7,000.00

001 5191 000 7530 Medical Supplies	2,269.88	3,500.00	3,500.00
001 5191 000 7531 Misc. Repaving	1,426.00	10,000.00	10,000.00
001 5191 000 7540 Subscription/Dues/Training	4,975.73	3,800.00	3,800.00
001 5191 000 7543 Tree Mitigation Expense	18,062.90	0.00	0.00
001 5191 000 7560 Gas	11,262.50	8,000.00	8,000.00
001 5191 000 7561 Oil Change	268.05	1,500.00	1,500.00
001 5191 000 7562 Shell/Sand/Rock	26,612.46	25,000.00	25,000.00
001 5191 000 7563 Vehicle Batteries	395.44	500.00	500.00
001 5191 000 7564 Vehicle Tires	308.00	1,500.00	1,500.00
001 5191 000 7565 Misc Shop Expenses	5,258.14	4,000.00	4,000.00
001 5191 000 7566 Street & Road Sodding	491.42	1,500.00	1,500.00
001 5191 000 7567 Tree Removal	64,649.15	40,000.00	40,000.00
001 5191 000 7568 Signs & Banners	65,392.26	20,000.00	20,000.00
001 5191 000 7569 Landfill	0.00	250.00	250.00
001 5191 000 9640 Capital Equipment	0.00	0.00	0.00
001 5191 000 9647 2016 - Ford F700 Dump Truck	0.00	0.00	0.00
001 5191 000 9648 2016 - Motorgrader	8,745.70	8,746.00	8,746.00
001 5191 000 9651 Small Dump Truck	158.76	2,500.00	2,500.00
001 5191 000 9652 PW Vehicle #14	0.00	7,750.00	7,750.00
001 5191 000 9653 PW Vehicle#15	0.00	7,750.00	7,750.00
001 5191 000 9671 Streets & Roads CIP	215,215.20	0.00	0.00
001 5191 000 9673 Capital Improvement - Multi Modal	59,377.00	1,680,978.00	1,680,978.00
001 5191 000 9675 Road Improvement - Old Dirt Main	141,957.65	1,751,250.00	1,751,250.00
001 5191 000 9676 Pavement Mgmt Plan	0.00	0.00	0.00
001 5191 000 9680 Parks & Rec Capital Improvements	16,231.80	25,000.00	25,000.00
001 5191 000 9681 Capital Enhancement - Other	0.00	350,000.00	350,000.00
001 5191 000 9682 Road Improvement - West 2nd Ave	2,151,536.87	1,171,173.00	1,171,173.00
001 5191 000 9683 West 2nd Ave - Design	0.00	46,510.00	46,510.00
001 5191 000 9684 West 2nd Ave - Potable Water	632,025.67	853,993.00	853,993.00
001 5191 000 9685 Potable Water Central Phase	28,098.00	278,357.00	278,357.00
001 5191 000 9686 Bessie Rd Improvement Share	0.00	146,005.00	146,005.00
001 5191 000 9687 Butler Rd Improvement Share	0.00	166,283.00	166,283.00
001 5191 000 9688 Old Dirt Main 9th-10th Rdwy Drainage	16,960.15	418,765.00	418,765.00
001 5191 000 9689 Rosser Reserve	92,314.96	212,784.00	212,784.00
001 5191 000 0000 ARPA	382,482.54	1,391,295.00	1,391,295.00
<b>Total Expenditures</b>	<b>5,285,383.30</b>	<b>10,240,145.00</b>	<b>10,240,145.00</b>



**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u><b>Y-T-D</b></u> <u><b>Actual</b></u>	<u><b>Y-T-D</b></u> <u><b>Budget</b></u>	<u><b>Amended</b></u> <u><b>Budget</b></u>
Expenditures			
001 5193 000 8462 Misc Park Repairs	21,080.95	5,500.00	5,500.00
001 5193 000 8463 Playground Mulch	19,911.19	35,000.00	35,000.00
001 5193 000 8465 Arbor Day Trees	211.20	5,000.00	5,000.00
001 5193 000 8466 Tree Canopy	18,824.00	20,000.00	20,000.00
001 5193 000 8469 Split Rail Fencing	1,114.50	1,000.00	1,000.00
001 5193 000 9671 Capital Improvement	21,507.20	0.00	16,149.04
<b>Total Expenditures</b>	<u>82,649.04</u>	<u>66,500.00</u>	<u>82,649.04</u>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 5210 000 6120 Salaries	1,159,716.38	1,070,202.63	1,159,716.38
001 5210 000 6121 Reserve Salaries	0.00	8,000.00	8,000.00
001 5210 000 6124 Off Duty	14,555.00	45,000.00	45,000.00
001 5210 000 6125 Reemployment Tax	1,922.94	0.00	0.00
001 5210 000 6140 Overtime	27,137.73	20,000.00	20,000.00
001 5210 000 6150 Incentive Pay	0.00	12,500.00	12,500.00
001 5210 000 6210 Fica	74,514.81	65,345.06	65,345.06
001 5210 000 6211 Medicare	18,132.14	15,282.31	15,282.31
001 5210 000 6220 Retirement	185,511.77	196,087.86	196,087.86
001 5210 000 6232 Transamerica GAP Health	5,320.16	5,970.00	5,970.00
001 5210 000 6233 Health Insurance	123,775.75	141,585.00	141,585.00
001 5210 000 6234 Dental Insurance	4,242.32	4,833.00	4,833.00
001 5210 000 6235 Vision Insurance	882.36	1,004.40	1,004.40
001 5210 000 6236 Life/AD&D	1,354.70	1,620.00	1,620.00
001 5210 000 7300 Travel and Per Diem	279.42	1,000.00	1,000.00
001 5210 000 7341 Psychological Exams	375.00	700.00	700.00
001 5210 000 7342 Physical Exams	662.04	1,000.00	1,000.00
001 5210 000 7343 Polygraph	100.00	540.00	540.00
001 5210 000 7416 Postage/Transport Fees	174.82	300.00	300.00
001 5210 000 7452 Fire Service Fee	853,985.42	850,000.00	850,000.00
001 5210 000 7459 Curbing	5,806.00	5,000.00	5,000.00
001 5210 000 7460 Tires	2,191.78	4,500.00	4,500.00
001 5210 000 7461 Radar Certification	3,850.00	2,750.00	2,750.00
001 5210 000 7463 Misc Vehicle Repairs	15,095.61	18,000.00	18,000.00
001 5210 000 7465 Copier Machine Rental	2,236.53	5,000.00	5,000.00
001 5210 000 7470 Communication Services	736.00	0.00	0.00
001 5210 000 7472 Evidence. Com	1,759.00	8,500.00	8,500.00
001 5210 000 7475 PowerDMS	5,223.58	6,500.00	6,500.00
001 5210 000 7479 Dispatch Software & Fee	58,082.00	52,259.00	52,259.00
001 5210 000 7480 Survey Monkey	0.00	400.00	400.00
001 5210 000 7481 360 Labs	0.00	40,000.00	40,000.00
001 5210 000 7485 Finger Printing	1,635.50	4,000.00	4,000.00
001 5210 000 7500 Misc Exp & Other Current	10,920.18	8,000.00	8,000.00
001 5210 000 7510 Office Supplies	5,663.83	5,000.00	5,000.00
001 5210 000 7515 Police Memorial DC	0.00	2,000.00	2,000.00
001 5210 000 7516 Honor Guard Uniforms	0.00	1,000.00	1,000.00
001 5210 000 7520 Gas	46,337.27	40,000.00	40,000.00
001 5210 000 7521 Oil Change	1,183.39	1,250.00	1,250.00
001 5210 000 7522 Batteries	1,387.98	500.00	500.00
001 5210 000 7523 Emergency/Special	2,760.44	1,500.00	1,500.00
001 5210 000 7525 Bullet Proof Vests	14,192.79	5,000.00	13,084.18
001 5210 000 7526 Uniforms	14,196.41	12,000.00	12,000.00

001 5210 000 7527 Ammunition/Guns	6,001.15	6,000.00	6,000.00
001 5210 000 7529 Verizon AirCards/Phones	22,277.32	10,000.00	10,000.00
001 5210 000 7530 Medical Supplies	5,133.84	3,500.00	3,500.00
001 5210 000 7540 Subscription, Dues	5,939.75	6,500.00	6,500.00
001 5210 000 7541 Training	12,903.80	16,000.00	16,000.00
001 5210 000 7542 Accreditation	13,527.84	15,000.00	15,000.00
001 5210 000 9652 2019 Ford SUV #42	0.00	0.00	0.00
001 5210 000 9654 2020 Ford SUV #44	8,816.52	8,816.54	8,816.54
001 5210 000 9655 2021 Ford Pick up #45	7,625.87	7,625.87	7,625.87
001 5210 000 9656 2020 Ford Fusion - SRO #46	5,365.69	5,365.69	5,365.69
001 5210 000 9659 2023 Vehicle - #49	0.00	0.00	0.00
001 5210 000 9660 Police Veh#50	6,946.12	0.00	0.00
001 5210 000 9661 Police Veh#51	6,946.13	9,200.00	9,200.00
001 5210 000 9663 Capital Machinery - Radio	22,459.47	0.00	0.00
001 5210 000 9664 Capital Equipment -	4,461.15	5,000.00	5,000.00
001 5210 000 9665 Police Veh#53	124,306.70	9,200.00	124,306.00
001 5210 000 9669 Cap Equip - Vac Tire Inflator	3,246.75	6,000.00	6,000.00
001 5210 000 9671 Capital Equipment -	58,450.00	0.00	0.00
001 5210 000 9673 Capital Equipment -	5,392.11	10,000.00	10,000.00
001 5210 000 9674 Capital Equipment - Tasers	1,299.00	2,000.00	2,000.00
001 5210 000 9679 Capital Equipment - Other	0.00	0.00	0.00
001 5210 000 9681 Jag Grant JG108	10,041.03	0.00	0.00
<b>Total Expenditures</b>	<b>2,997,041.29</b>	<b>2,784,337.36</b>	<b>2,997,041.29</b>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u><b>Y-T-D</b></u> <u><b>Actual</b></u>	<u><b>Y-T-D</b></u> <u><b>Budget</b></u>	<u><b>Amended</b></u> <u><b>Budget</b></u>
Expenditures			
001 9150 000 5692 Parks & Rec	207,994.92	95,000.00	207,994.92
Committee Events & Expenditures			
<b>Total Expenditures</b>	<u><b>207,994.92</b></u>	<u><b>95,000.00</b></u>	<u><b>207,994.92</b></u>

Revenue minus Expenditures by Fund - MTD/YTD by Fund  
September 30, 2025

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 9200 000 5690 Tree Board	14,894.35	15,000.00	15,000.00
Committee Events & Expenditures			
<b>Total Expenditures</b>	<u>14,894.35</u>	<u>15,000.00</u>	<u>15,000.00</u>

Revenue minus Expenditures by Fund - MTD/YTD by Fund  
September 30, 2025

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 9250 000 5695 Historical Preservation	30,811.67	32,000.00	32,000.00
Committee Events & Expenditures			
<b>Total Expenditures</b>	<u>30,811.67</u>	<u>32,000.00</u>	<u>32,000.00</u>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u><b>Y-T-D Actual</b></u>	<u><b>Y-T-D Budget</b></u>	<u><b>Amended Budget</b></u>
Expenditures			
001 9255 000 5693 Elders Committee	4,530.14	7,000.00	7,000.00
Events & Expenditures			
Total Expenditures	<u>4,530.14</u>	<u>7,000.00</u>	<u>7,000.00</u>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u><b>Y-T-D</b></u> <u><b>Actual</b></u>	<u><b>Y-T-D</b></u> <u><b>Budget</b></u>	<u><b>Amended</b></u> <u><b>Budget</b></u>
Expenditures			
001 9240 000 5694 Ways Committee	400.00	1,500.00	1,500.00
Events & Expenditures			
Total Expenditures	<u>400.00</u>	<u>1,500.00</u>	<u>1,500.00</u>



**Revenue minus Expenditures by Fund - MTD/YTD by Fund  
September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 9400 000 5695 Compliance Actions	51,737.75	5,000.00	23,886.93
001 9400 000 5694 Special Magistrate	0.00	3,500.00	3,500.00
001 9400 000 7416 Postage	449.16	500.00	500.00
001 9400 000 7500 Misc. Expense & Other	200.02	500.00	500.00
Current			
001 9400 000 8340 Code Officer	0.00	24,000.00	24,000.00
Total Expenditures	52,386.93	33,500.00	52,386.93

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
001 5999 000 7567 Hurricane Irma	27,618.56	0.00	0.00
001 5999 000 7569 Hurricane Milton	705,975.46	0.00	0.00
001 5999 000 7570 Hurricane Ian	0.00	0.00	0.00
001 5999 000 7571 Hurricane Helene	0.00	0.00	0.00
001 5999 000 7575 COVID-19	3,118.80	0.00	0.00
Reserves		121,904.24	736,712.82
<b>Total Expenditures</b>	<u>736,712.82</u>	<u>121,904.24</u>	<u>736,712.82</u>

**Revenue minus Expenditures by Fund - MTD/YTD by Fund**  
**September 30, 2025**

	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>
Expenditures			
004 5380 000 6120 Salaries	41,022.92	41,267.00	41,267.00
004 5380 000 6140 Overtime	1,697.51	0.00	0.00
004 5380 000 6210 Fica	3,089.37	2,559.00	2,559.00
004 5380 000 6211 Medicare	742.52	598.00	598.00
004 5380 000 6220 Retirement	(124.75)	4,127.00	4,127.00
004 5380 000 6224 Workers Comp Insurance	0.00	4,019.00	4,019.00
004 5380 000 6232 Transamerica GAP Health Plan	390.25	398.00	398.00
004 5380 000 6233 Health Insurance	9,075.75	9,439.00	9,439.00
004 5380 000 6234 Dental Insurance	309.75	322.00	322.00
004 5380 000 6235 Vision Insurance	64.50	67.00	67.00
004 5380 000 6236 Life/AD&D	95.71	90.00	90.00
004 5380 000 7341 Sweeping	5,175.00	7,500.00	7,500.00
004 5380 000 7342 NPDES Compliance	7,880.00	10,000.00	10,000.00
004 5380 000 7343 Storm Drainage Services	89,700.84	70,000.00	70,000.00
004 5380 000 7344 General Engineering Services	34,403.25	60,000.00	60,000.00
004 5380 000 7345 Swale Maintenance	0.00	30,000.00	30,000.00
004 5380 000 7346 Kimley Horn - Contract Services	9,318.75	20,000.00	20,000.00
004 5380 000 7347 Stormwater Master Plan	0.00	0.00	0.00
004 5380 000 7495 Town Property Assessment	3,516.72	0.00	0.00
004 5380 000 7500 Misc Exp & Other Current	0.00	0.00	0.00
004 5380 000 7520 Operating Supplies	0.00	200.00	200.00
004 5380 000 7530 Stormwater Projects	22,700.05	100,833.00	100,833.00
004 5380 000 7537 Main Street Roadway - IPO #122	18,720.50	0.00	0.00
004 5380 000 9647 2016 Ford F700 Dump Truck	0.00	0.00	0.00
004 5380 000 9648 2016 Motorgrader	8,745.71	0.00	0.00
004 5380 000 9649 Small Dump Truck	0.00	2,200.00	2,200.00
<b>Total Expenditures</b>	<b>256,524.35</b>	<b>363,619.00</b>	<b>363,619.00</b>

# **RESOLUTION 2026-02**

*of the*  
**Town Council**  
*for the*

**Town of Windermere, Florida**

## **Resolution Authorizing the Law Firm of Shutts and Bowen to Do an Initial Assessment of the Viability of the Appeal Attendant to the Controversy Regarding the 3rd Avenue Boathouses and to Potentially Prosecute the Appellate Action**

*Whereas*, the Town of Windermere was the landlord under five lease agreements, dated March 1, 2001, for the boathouses located on 3rd Avenue, all of which expired under their terms on February 28, 2021.

*Whereas*, at its December 8, 2020 meeting, the Town Council extended the lease agreements for a period of 6 months to August 28, 2021 to provide the Town with the opportunity to work with the boathouse tenants to negotiate new lease agreements.

*Whereas*, at the time of the August 10, 2021 meeting, the Town and boathouse tenants were still discussing a potential new lease agreement and the Town Council further extended the lease agreements from month-to-month with such extension automatically renewing until one party provided the other with a 30-day written notice of termination.

*Whereas*, on October 12, 2021 the parties had not reached an agreement on a new lease agreement and accordingly the Town Council voted to give the boathouse tenants a 60-day written notice of termination.

*Whereas*, on March 8, 2022 the Town Council reviewed and approved the 60-day notice of termination for the boathouse leases and the form of the termination notice to be signed by the Mayor and sent to the boathouse tenants.

*Whereas*, on March 8, 2022 the Town Council voted to leave the five boathouses empty for a "cooling down" period to allow the Town committees and Town Council the time to hold workshops and determine how the boathouses should be used in the future.

*Whereas*, on March 8, 2022 the Town Council also discussed the need for the repairs to be made by the Town to the boathouses after the boathouses were vacated because of the lack of maintenance and upkeep by several of the boathouse tenants.

*Whereas*, on April 22, 2022 the Town sent a termination of lease agreement, effectively terminating the boathouse leases on June 10, 2022.

**Whereas**, the Town Council, Town staff and Town representatives received "trespass notices" dated May 10, 2022 from the boathouse tenants threatening the Town with civil or criminal remedies if staff, agents, and officials of the Town were to enter the boathouses or curtilage which were subject to the expired lease agreements.

**Whereas**, pursuant to the boathouse leases, the boathouse tenants had until July 11, 2022 to vacate the boathouses and remove building materials, boat hoists and fixtures, provided such removal was not prohibited by law.

**Whereas**, the boathouse tenants did not vacate the boathouses.

**Whereas**, to exercise the Town's rights to retake possession and require the boathouse tenants to vacate the boathouses, Gray Robinson, P.A. ("Gray Robinson") filed complaints against each non-vacating tenant ("Tenants") with the Orange County Circuit Court of the Ninth Judicial Circuit) requesting relief from the court including eviction (Count I), breach of contract (Count II), and ejectment of the boathouse tenants (Count III) (the "Actions").

**Whereas**, on August 14, 2023, those Actions were consolidated into case styled *Town of Windermere v. Daniel Fanelli, et al.* (Case No.: 2022-CA-006509-O) (the "Trial Court Action").

**Whereas**, following consolidation, the parties engaged in discovery in the Trial Court Action and ultimately filed competing dispositive motions, i.e., the Town of Windermere filed a Motion for Summary Judgment on Eviction and Breach of Contract (Counts I and II) and the Tenants filed a Motion for Final Summary Judgment as to All Counts Concerning the Town's Alleged Riparian Rights.

**Whereas**, on October 7, 2025 the Court adjudicated the cross motions for summary judgment and issued an Order Denying Plaintiff's Motion for Summary Judgment on Eviction and Breach of Contract and an Order Granting Tenants' Motion for Final Summary Judgment as to all Counts Concerning the Town's Alleged Riparian Rights and on November 18, 2025 issued a Final Judgment memorializing that the aforementioned Orders disposed of all of the Town of Windermere's claims, with Tenants prevailing on all three (3) Counts of the Complaint.

**Whereas**, the Town of Windermere appealed the aforementioned Orders and Final Judgment to Florida's Sixth District Court of Appeal in Case No.: 6D2025-2962 ("Appellate Case").

**Whereas**, at present, the Appellate Case remains pending and the parties have been Court ordered to attend and participate in a zoom mediation on February 25, 2026 before mediator Frederick J. Lauten, retired Circuit Judge.

**Whereas**, Gray Robinson, as duly authorized, has represented and continues to represent the Town of Windermere in the Actions, the Trial Court Action and in the Appellate Case.

**Whereas**, Section 9.02 of the Town's Charter provides in part that the "The Town Council shall appoint a Town Attorney, who shall be a lawyer with at least five (5) years of experience and who . . . (c) When required to do so by resolution of the Town Council, shall prosecute and/or defend any complaints, suits and controversies in which the Town is a party...."

**Whereas**, the Town Council has determined that the Town of Windermere requires further legal assessment of the viability of the Appellate Case and potential further and/or additional legal representation in the prosecution of the Appellate Case;

**Whereas**, the Town Council has further determined that the law firm of Shutts and Bowen LLP and its attorneys ("Shutts") are qualified, pursuant to Section 9.02 of the Town's Charter and otherwise, to perform an initial assessment of the viability of the appeal and to, thereafter and following such assessment, potentially broaden the scope of their representation to include also representing the Town of Windermere in the Appellate Case.

***Now Therefore, Be It Resolved by the Town Council of the Town of Windermere, Florida:***

**Section 1. Recitals.** The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**Section 2. Prosecution and/or Defense of Complaints, Suits and Controversies.** Shutts is hereby approved, confirmed, required and directed to do an initial assessment of the viability of the Appellate Case and to otherwise prosecute and/or defend complaints, suits and controversies attendant to litigation regarding the five 3rd Avenue boathouse lease agreements and to take, in consultation with the Town Manager, legal actions necessary and consistent with the direction provided by the Town Council.

**Section 3. Effective Date.** This Resolution shall take effect immediately upon its adoption.

***Resolved this 10<sup>th</sup> day of February, 2026.***

**Town of Windermere, Florida**

By: Town Council

By: \_\_\_\_\_  
**Jim O'Brien, Mayor**



## EXECUTIVE SUMMARY

**SUBJECT:** Approval of Main Street Tennis Court Resurfacing – Nidy Sports Construction  
**REQUESTED ACTION:** \_\_\_\_\_

☐ Work Session (Report Only)  
☒ Regular Meeting

**DATE OF MEETING:** 2/10/2026

☐ Special Meeting

**CONTRACT:** ☒ N/A

Effective Date: \_\_\_\_\_

Vendor/Entity: Nidy Sports Construction

Termination Date: \_\_\_\_\_

Managing Division / Dept: \_\_\_\_\_

Public Works/Parks and Recreation Committee

**BUDGET IMPACT:** \$27,385

☐ Annual

**FUNDING SOURCE:** \_\_\_\_\_

Parks and Recreation Capital Improvements

☒ Capital

**EXPENDITURE ACCOUNT:** \_\_\_\_\_

001-9150-000-5692

☐ N/A

## HISTORY/FACTS/ISSUES:

Mayor & Council,

The Town solicited pricing for the resurfacing of the Main Street (Downtown) tennis courts as part of routine maintenance to preserve court playability and extend the life of the facility. Three (3) vendors submitted quotes, which were reviewed by the Parks and Recreation Committee.

The quotes received were as follows:

- **Nidy Sports Construction – \$27,385**
  - Recommended by the USTA and the Isleworth community
  - Able to begin work within **2–4 weeks**
- **McCourt Tennis Courts – \$37,800**
- **Coastal Courts – \$22,636**
  - Earliest start date several months out

While Coastal Courts submitted the lowest price, the Parks and Recreation Committee determined that vendor qualifications, industry recommendations, and project timing were critical considerations.

The item was originally scheduled for Council consideration in December, but was pulled from the agenda. The January Council meeting was subsequently cancelled, creating a scheduling delay. Due to the time-sensitive nature of the work and vendor availability, the Parks and Recreation Committee requested that the Town Manager authorize the work to proceed in order to avoid further deterioration of the courts and to secure a contractor able to mobilize promptly.

The resurfacing work has since been scheduled with Nidy Sports Construction, and this agenda item is presented to formally document and ratify the action taken.

**REQUESTED ACTION:**

Approve, after the fact, the resurfacing of the Main Street tennis courts and ratify the Town Manager's authorization of an agreement with Nidy Sports Construction in the amount of \$27,385, as recommended by the Parks and Recreation Committee.

---





**Estimator: Tavie Wilson**

## **TENNIS PROPOSAL**

Submitted To:

October 29, 2025

Town of Windermere

213 Main Street

St. Petersburg, FL 34786

Payment to be upon completion. Price subject to change after 30 days. Our Base Price to furnish materials and labor as outlined:

**Three Courts with Two Pickleball Lines: \$27,385.00**

### **SCOPE OF WORK:**

- 1) Machine sand surface of court.
- 2) Patch large open cracks 1/16" or larger with acrylic patch mix.
- 3) Apply approx. 200 LF of armour crack repair system.
- 4) Flood courts and patch any areas holding water per ASBA and USTA guidelines.
- 5) Apply two (2) coats of Acrylic Resurfacer over the entire surface of the court.
- 6) Apply two (2) coats of Color Coating over the entire surface of the court.
  - a. Inbounds Color: **Competition Green**
  - b. Outbounds Color: **Light Green**
- 7) Paint regulation tennis court markings with white textured line paint.
- 8) Remove loose material and paint existing net posts green.
- 9) Furnish and install three (3) new tennis net.
- 10) Paint two (2) regulation pickleball court markings in **Light Blue** textured line paint (one on each half of court #1).

### **OPTIONAL ADD**

Furnish and install two (2) portable pickleball nets.

**\$3,435 tot** \_\_\_\_\_

Initial

### **NOTES:**

- 1) It is recommended owner should spray insects and vegetation on or around courts two weeks prior to work commencement.
- 2) Water must be allowed to drain from court surface. Do not block water flow on side of court with grass or landscaping.
- 3) Owner to provide suitable access for equipment, water, and electric as required.
- 4) Should owner request additional material applied or other work performed to the surface of court which is not outlined above, it will be at an extra cost.
- 5) Squeegee marks are a normal part of the acrylic surfacing process and are recognized within ASBA industry standards. Because coatings are applied in layers with a squeegee, some slight variations in color or texture may appear, especially on lighter courts or in hot/humid conditions. These are considered cosmetic only and, per ASBA guidelines, do not affect the playability, durability, or quality of the court.

### **CRACKS IN TENNIS COURTS:**

It should be noted that as your tennis court ages, it will develop cracks. After resurfacing, new cracks may appear and repaired cracks will reappear. Cracks develop in tennis courts for various reasons with the most common being:

- 1) Constant expansion and contraction of more than 7,000 square feet of surface per court in response to constant fluctuations in ambient temperatures. These daily fluctuations are often greatest in winter.
- 2) Loss of flexibility of the asphalt as it ages and loses the oils used in the manufacturing process.

751 General Hutchison Parkway • Longwood, FL 32750 • (407) 330-9466 • fax (407) 330-9343 • [www.NIDYSPORTS.com](http://www.NIDYSPORTS.com)

- 3) Changes in subsurface stability reflecting through the court surface.

Nidy does **NOT** provide any written or implied guarantee of tennis courts being free from existing or new cracks; thus, cannot and does not warrant against new cracks appearing or old cracks reappearing after the court has been resurfaced.

**WARRANTY:**

Color Coating is warranted against any excessive fading for a period of one year from application. Surface is warranted against peeling and flaking for a period of one year from application. Problems from normal wear, vandalism, and improper care are excluded.

Squeegee marks are a normal part of the acrylic surfacing process and are recognized within **ASBA industry standards**. Because coatings are applied in layers with a squeegee, some slight variations in color or texture may appear, especially on lighter courts or in hot/humid conditions. These are considered **cosmetic only** and, per ASBA guidelines, do not affect the playability, durability, or quality of the court.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Total Dollar Amount Authorized

\_\_\_\_\_  
Date



**Estimator: Tavia Wilson**

## **PROJECT INFORMATION SHEET**

**\*\*COMPLETED FORM MUST ACCOMPANY SIGNED CONTRACT/PROPOSAL\*\***

**Owner Name and Physical Address:**

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**Project Name and Physical Site Address:**

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**Billing Name and Address:**

---

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---

---

**Email:** 

---

**Project Manager's Contact Name, Phone & Email Address:**

Name: 

---

Phone Number: 

---

Email Address: 

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10/22/2025

Town of Windermere  
Park Among the Lakes  
Attn: Peter

PROPOSAL/AGREEMENT

CONDITIONS – Resurface 3 tennis courts (~180' x 120')

1. Contractor will first pressure clean courts to remove mildew, dirt, and other pollutants prior to resurfacing.
2. All damaged asphalt will be repaired and all cracks will be prepped and filled.
3. Contractor will flood courts and check for low spots, then will patch puddled areas as best as possible, to a standard tolerance of 1/8", or the depth of a nickel. **Note: We do not guarantee complete removal of standing water.**
4. Contractor will resurface existing court area, approximately 180' x 120' as to California Products Corporation specifications, using Plexipave materials with a 4 - coat system as follows: **1 coats of Acrylic Resurfacer & 3 coats Fortified Plexipave.**
5. Court colors to be: \_\_\_\_\_ (please specify)
6. Contractor will restripe all playing lines to meet standards and install 3 new McCourt tennis nets, leaving court(s) ready for play.
7. Contractor agrees to provide tools, materials, labor and supervision to complete the above work for the sum of **\$37,800.00**
8. Customer agrees to a lump sum payment in the form of cash or check, for **\$37,800.00** upon completion of the resurfacing.
9. Contractor guarantees workmanship and materials against defects for a period of **ONE (1) year**, except under the following circumstances: (a) normal wear and tear; (b) Acts of God, (c) vandalism and/or (d) any structural damage that may be pre-existing. Contractor cannot guarantee against future or the continuation of root damage, if trees, plants or any other vascular plants are around court perimeter. Subsequent to the completion of the resurfacing, proper use and court maintenance shall be the sole responsibility of the Customer. Contractor cannot guarantee against future cracking due to plants/shrubs being planted near court perimeter. **Contractor warranty does not cover ANY future cracking in asphalt.**

10. Price subject to change if contract is not accepted within 30 days.
11. Work to commence at a date agreed upon by both parties, after Contractor receives a signed copy of this Agreement.
12. Contractor certifies that McCourt Construction, Inc. is licensed and insured to provide the following services.
13. Failure to fulfill the terms of payment will void all guarantees.
14. Water and electricity for project to be provided by Customer.
15. This agreement supersedes all previous agreements between the parties, and all previous agreements are and shall be of no force and effect after the execution of this instrument. No amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by all parties hereto.
16. This Agreement shall be construed and enforced according to the laws of the State of Florida and if any provision of this Agreement is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provision hereof and this Agreement shall be construed and enforced as if such invalid provision had not been included herein.
17. The parties hereto consent to the personal jurisdiction in the State of Florida and further agree that any action or litigation brought hereunder pursuant to or arising from this Agreement or the transactions or services contemplated hereby shall be solely commenced in a court of competent jurisdiction located in Miami-Dade County, Florida.

**OPTION 1: Overlay entire court surface with fiberglass membrane. This option is highly recommended due to the severe cracking on the existing courts. If you exercise this option to overlay the courts with the fiberglass membrane, the court surface will receive 1 additional coat of acrylic resurfacer (for a total of 5 coats - 2 acrylic resurfacer, and 3 coats of Plexipave). Even with the application of the fiberglass membrane, cracks may still return over time, and are not covered under warranty.**

**Additional Cost for Option 1: \$13,500.00 ADDED TO TOTAL ON LINE 6**

**Total price including Option 1 is \$51,300.00.**

Accepted by \_\_\_\_\_ x

**Matthew McAlpine**  
**McCourt Construction, Inc.**



## QUOTE #199

**SENT ON:**

Aug 08, 2025

**RECIPIENT:****City of Windermere**

219 Main Street  
Windermere, Florida 34786

**SENDER:****Coastal Courts**

2172 Platinum Road  
Unit J  
Apopka, Florida 32703

Phone: 407-822-9955

Email: [estimating@coastalcourts.com](mailto:estimating@coastalcourts.com)

Website: [www.coastalcourts.com](http://www.coastalcourts.com)

Product/Service	Description	Qty.	Unit Price	Total
Resurface triple tennis court	<ul style="list-style-type: none"><li>- Power wash and/or machine sand the court(s) to eliminate dirt, mildew, minor imperfections, and raised crack edges.</li><li>- Clean out the wider structural cracks and fill any cracks exceeding 1/16th of an inch with an acrylic patch mix.</li><li>- Flood the court(s) and patch all areas retaining water to a tolerance of 1/8 inch after one hour of drainage.</li><li>- Squeegee one coat of sand-filled acrylic resurfacer over the entire surface.</li><li>- Squeegee two coats of sand-filled acrylic color over the entire surface, with colors to be selected.</li><li>- Stripe 3ea tennis courts and 2ea pickleball on the first court, ensuring all game lines are 2 inches wide, utilizing textured line paint in accordance with ASBA standards.</li><li>- Rehang the existing tennis nets.</li></ul>	1	\$22,636.00	\$22,636.00
Fiberglass Overlay	Furnish and install 1.8oz fiberglass membrane over the entire court surface. This will create a layer over the existing surface preventing the return premature cracks. *Additional coat of resurfacer is included.	1	\$11,850.00	\$11,850.00

Not included

**Total****\$22,636.00**



## QUOTE #199

SENT ON:

Aug 08, 2025

### Reviews

**Kevin Thoni**



**Angela Huebner**



**Sammie Kielma**



Coastal Courts did an amazing job creating our tennis/pickleball court. Nick was very professional and always communicated with us answering any questions we had. His team, Justin and Jay were great as well. Overall, we are extremely happy with our experience and would highly recommend them.

Coastal Courts has resurfaced courts in multiple communities for me across Central Florida. They are very responsive and the courts have always turned out great!

Fiberglass is an excellent option for a court that has a lot of cracks on it. It is not a fix all, but will definitely aid in the cracks reappearing.

#### CONDITION OF SALE:

- This quote is valid for the next 30 days, after which values may be subject to change.
- Permits are not included.
- All labor is open shop, court must be accessible with heavy equipment, customer must provide a water source to flood court(s) and mix materials.
- Work can only be completed under acceptable weather conditions. Customer must turn off all sprinklers systems that may cause water to fall upon court(s).
- Coastal Courts is not responsible for damage to vegetation, driveways, sidewalks, curbs, or irrigation systems.
- Coastal Courts guarantees workmanship and material for one year after completion date. This guarantee excludes normal wear and tear, physical abuse or neglect, and any other condition beyond our control such as subbase settling, structural cracks, hydrostatic pressure, water vapor pressure bubbles, and intrusion of weeds or insects. Please note: As asphalt sport court age and weathers, it oxidizes, shrinks, and hardens, making it less flexible and more prone for cracks to reappear and new cracks to form. Coastal Courts does not warranty any new appearing or existing cracks reappearing. Cracks develop on sports courts for several reasons, below are the most common:
  - \* Asphalt expands and contracts with temperature fluctuations, causing new cracks to appear and old cracks to reappear, most common in colder months.
  - \* Loss of oils in asphalt causing the asphalt to dry out and be less flexible
  - \* Changes in base stability, causing a crack reflecting through the surface.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## TOWN OF WINDERMERE

### Town Council Meeting Minutes

December 9, 2025

#### CALL TO ORDER:

Present were Mayor Jim O'Brien, Town Council Members Tom Stroup, Andy Williams, Mandy David, Tony Davit, and Brandi Haines. Town Manager Robert Smith, ATM/PWD Tonya Elliott-Moore, Town Attorney Heather Ramos, Chief Dave Ogden, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien opened the meeting and determined a quorum at 6:00pm.

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

Mayor O'Brien opened the floor for public comments. First to speak was Mr. Bryon Sutton of 505 W 2<sup>nd</sup> Avenue. Mr. Sutton commented on the past Rotary Town Pavilion project. He stated that the Rotary had paid McCree \$49,573.77, which needed to be reimbursed back to the Rotary from the Town. Mr. Doug Fay of 506 Butler Street questioned if the Town is appealing the Boathouse litigation and if so, who approved it. Mayor O'Brien stated that direction was made by the Town Council to staff. Some discussion followed. Attorney Ramos stated that Council is working on getting all the questions answered from the court. She then stated that there were strategies on how to proceed.

#### 2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

##### a. **Appreciation Plaque Presentation to Mrs. Mary Frances Howard**

Mayor O'Brien presented Mrs. Mary Frances Howard an appreciation plaque for all her hours of volunteering and dedication to the Historical Preservation Board. Mrs. Howard accepted gracefully.

#### 3. TIMED ITEMS & 2<sup>nd</sup> READING/ PUBLIC HEARING

None

#### 4. NEW BUSINESS

##### a. MINUTES

- i. **Town Council Meeting Minutes October 28, 2025**
- ii. **Town Council Meeting Minutes November 11, 2025**
- iii. **Town Council Special Meeting Minutes November 18, 2025**

Mayor O'Brien introduced this item. Member Davit made a motion to approve the minutes as presented. Member Williams seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit -aye, and Haines – aye. Motion carried 5-0.

##### b. **CONTRACTS AND AGREEMENTS**

##### c. **FINANCIAL**

- i. **Kimley Horn IPO 213 – L0369 Windermere Water Master Plan – South Phase Final Proposal \$662,104.00**

Mayor O'Brien introduced this item. ATM/PWD Elliott-Moore stated that this project is scheduled for late 2026. Mr. Chao commented on the last phase of the water main project. He commented that this is a DEP non-matching grant. Mr. Chao stated that this includes design, permitting, bidding support, construction bidding support and grant administration. Member Davit questioned total project cost estimate. Mr. Chao stated approximately \$6.9 million for the construction estimate, currently at 9.4%.

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

December 9, 2025

Member Davit made a motion to approve IPO 213. Member Williams seconded the motion. Roll call vote was as follows: Haines – aye, Davit – aye, David – aye, Williams – aye, and Stroup – aye. Motion carried 5-0.

#### **d. GENERAL ITEMS FOR CONSIDERATION**

##### **i. HPB Committee Member Appointment – Tracy Mitchell**

Mayor O'Brien introduced this item. Member Davit made a motion to approve Tracy Mitchell. Member Haines seconded the motion. Roll call vote was as follows: Stroup – aye, Williams – aye, David – aye, Davit – aye, and Haines – aye. Motion carried 5-0.

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

Mayor O'Brien stated his appreciation for all those that worked on the Holiday Hoopla and the Centennial capsule. Member Williams reported on the Holiday Hoopla and the 60+ Luncheon. He stated that the next 60+ Luncheon Social will be held February 4<sup>th</sup> at 11:30am. Member Davit reported on MetroPlan Advisory Commission meeting.

#### **8. STAFF REPORTS**

**a. TOWN MANAGER ROBERT SMITH** – Manager Smith reported on the financial reports and thanked Finance and ATM/PWD Elliott-Moore for their work on the report.

**b. ATM/PWD TONYA ELLIOTT-MOORE** – ATM/PWD Elliott-Moore reported on projects, thanked the Centennial Committee and CT Allen.

**c. TOWN ATTORNEY HEATHER RAMOS** – Attorney Ramos had no report. She wished all happy holidays.

**d. CHIEF DAVE OGDEN** – Chief Ogden reported on accreditation, Sgt. Carlos Hernandez, and upcoming events.

**e. TOWN CLERK DOROTHY BURKHALTER** – Clerk Burkhalter reported on qualifying for the upcoming elections in March 2026.

#### **9. ADJOURN:**

Mayor O'Brien adjourned the meeting at 6:27pm

\_\_\_\_\_  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

\_\_\_\_\_  
Jim O'Brien, Mayor

## TOWN OF WINDERMERE

### Town Council Workshop Public Information Restrooms

January 6, 2026

Present were Mayor Jim O'Brien, Council Members Andy Williams, Tom Stroup, Tony Davit, and Brandi Haines. Town Manager Robert Smith, ATM/PWD Tonya Elliot-Moore, and Town Clerk Dorothy Burkhalter were also present. Council member Mandy David was absent.

Mayor O'Brien opened the workshop at 6:00pm. He then commented on the decorum that would take place.

#### 1. OPEN FORUM/PUBLIC COMMENT

None

#### 2. NEW BUSINESS

##### a. Town Square Restrooms

Mayor O'Brien introduced this item and turned the floor over to ATM/PWD Elliott-Moore. ATM/PWD Elliott-Moore commented on Option 1 and Option 2. She then opened the floor to the public. Discussion was made regarding square footage, options 1 & 2, wingwalls, schematic phase, water/bottle fill stations, code requirements for fixtures and handicap, potty parity, tree protection, limb removal, safety concerns, fixture counts for female/male, regulations for women/men restrooms, line of site, maintenance, redesign of option 1, handicap locations, and wing walls.

Discussion was then made regarding the next meeting regarding the restrooms, zoom or in person, and posting easels in Town admin.

#### 3. ADJOURN

Mayor O'Brien thanked all for their input and adjourned the workshop at 6:54pm.

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Dorothy Burkhalter, Town Clerk

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Jim O'Brien, Mayor

## TOWN OF WINDERMERE

### Public Information Session Town Square Restrooms

January 22, 2026

#### PRESENT:

Present were Mayor Jim O'Brien, Council member Brandi Haines, Town Manager Robert Smith, ATM/PWD Tonya Elliott-Moore, and Town Clerk Dorothy Burkhalter.

Mayor O'Brien began the session at 6:05pm.

#### **1. Open Forum/Public Comment**

NONE

#### **2. New Business**

##### **a. Town Square Restrooms**

Mayor O'Brien turned the floor over to ATM/PWD Elliott-Moore. ATM/PWD Elliott-Moore reviewed the proposed options and commented on resident feedback. She stated that option 2 was not favorable, with option 1 more favorable. ATM/PWD Elliott-Moore commented that she and Mr. Fitzgibbon drafted an option 3 and then reviewed it. She then opened the floor for public comment. Manager Smith stated that the family restroom would remain open while the men's and women's individual restrooms could remain locked until events. Mr. Stephen Withers commented on door handle requirements and agreed with option 3. Discussion followed regarding unisex restrooms, ADA restrooms, and family restrooms. Member Haines commented on her displeasure with protocol of releasing information to the public. She then read responses she has received regarding the previously released options. Member Haines commented that with additional option 3 another public session is needed. Discussion followed regarding having restrooms on a site plan to review, selecting the least expensive that looks good on the site, adding storage, water fountains/water stations, benches, roof overhang for queuing, wall attached baby changing stations, and square footage. Mayor O'Brien commented on the workshop, public comments being accepted, square footage and placement. ATM/PWD Elliott-Moore requested clarification for staff. Staff is to have options placed on a site plan, move the workshop to February.

#### **2. ADJOURN:**

The Public session adjourned at 6:42pm.

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Dorothy Burkhalter, MMC, FCRM  
Town Clerk

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Jim O'Brien, Mayor

## TOWN OF WINDERMERE

### Town Council Workshop Town Hall Rentals

January 27, 2026

Present were Mayor Jim O'Brien, Council Members Andy Williams, Tom Stroup, Mandy David, Tony Davit, and Brandi Haines. Town Manager Robert Smith, and Town Clerk Dorothy were also present.

#### 1. PUBLIC WORKSHOP CALLED TO ORDER

Mayor O'Brien opened the workshop at 6:02pm. He then commented on the decorum that would take place.

#### 2. DISCUSSION ITEMS

##### a. Town Hall Rental Regulations

Mayor O'Brien introduced this item and turned the floor over to Manager Smith. Manager Smith stated that Member Stroup has brought forward an issue regarding Town Hall. He then turned the floor over to Member Stroup. Member Stroup commented on concerns with Town Hall renters, impacts on residents, close to residential compared to other rental buildings in non-residential areas, ending rentals at 8:00pm/9:00pm, and the major concern of noise. Discussion followed regarding number of events, noise issues/concerns, revision of the Noise Ordinance, current Town Hall rental agreement, end time of 9:00pm but allow clean-up, live music, excludes town events, alcohol use and concerns, total guest counts, tents/structures/fire safety, special event permits, hiring host/monitors for rentals, increase fees, residents/non-residents rates, overhaul of the rental agreement, ending times and public involvement. Member Stroup stated that this is a noise issue, not a rental issue. Mayor O'Brien commented that other venues rental agreements could be reviewed for further ideas for a new rental agreement. He then thanked all for their input and suggestions.

#### 3. ADJOURN

Mayor O'Brien adjourned the workshop at 7:18pm.

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Dorothy Burkhalter, Town Clerk

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Jim O'Brien, Mayor

00:31:04        Andy Williams: Thank You robert. These are just ideas when I  
looked at other municipalities.  
00:39:26        Andy Williams: thanks everyone  
00:41:39        Andy Williams: Inside only  
00:49:19        Andy Williams: yes. An event planner/host is a good word for it  
01:09:31        Andy Williams: Great idea  
01:09:47        Hannah London: Will happily contribute to this discussion as a  
resident. Feel the existing content has been very thoughtful and considerate and  
lots of great direction to work from. Will reach out following this meeting.

# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

## Development Review Board January 20, 2026

### Town Council February 10, 2026

**Case Number:** Z26-02

**Property Owner/Applicant:** Paul Drogosch (Property Owner)

**Requested Action:** Variance to permit a decrease in the required contiguous side setback for a contiguous corner lot from 35 feet to 24 feet to construct an addition to the property's single-family residence.

**Property Address:** 400 West 2<sup>nd</sup> Avenue

**Legal Description:** PLAT OF WINDERMERE G/36 LOT 409

**Future Land Use:** Residential

**Zoning:** Residential

**Existing Use:** Single Family Residential

#### **Surrounding Future Land Use and Zoning**

**North:** Residential/Residential  
**East:** Residential/Residential  
**South:** Residential/ Residential  
**West:** Recreation/Recreation

## CASE SUMMARY

Paul Drogosch, owner of the property located at 400 West 2<sup>nd</sup> Avenue, submitted a request for approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The requested variance would permit a decrease in the required contiguous side setback for a contiguous corner lot from 35 feet to 24 feet. The purpose of the variance would be to facilitate the construction of an addition to the existing single-family residence on the property. The aerial map provided below shows the location of the subject property, which has been highlighted in red. The property is situated at the southwest corner at the intersection of West 2<sup>nd</sup> Avenue and Palm Street and is directly east of Palmer Park.



Aerial Imagery of 400 W. 2<sup>nd</sup> Avenue (Outlined in Red) - Source: Orange County Property Appraiser

Section 3.02.02(4) c.4. outlines two minimum setback options for contiguous corner lots that contain multiple front yards:

- *Option A. The front yard setback shall be 25 feet, the side yard setback shall be 15 feet and, if applicable, the rear yard setback shall be 35 feet.*
- *Option B. The front yard setback shall be 25 feet, except a front yard that is contiguous with an adjacent corner lot shall have a front yard setback of 15 feet. The side yard setback for a side yard that is contiguous with an adjacent corner lot shall be 35 feet. All other side yard setbacks shall be not less than ten feet or 12½ percent of the lot width, whichever is greater, with a maximum of 15 feet. Garage doors for vehicle access shall be located at least 25 feet from the property line. If applicable, rear yard setbacks shall be 35 feet.*

The house located at 400 West 2<sup>nd</sup> Avenue was constructed in 1986 with the following setbacks. Please see the attached property survey for reference.



- North – 23 feet
- East – 40 feet
- South – 13 feet
- West – 52 feet

Based on these dimensions, the home at 400 West 2<sup>nd</sup> Avenue was designed and constructed in compliance with the Option B setback requirements outlined in the Town’s current Land Development Code, and as such any new construction would be required to adhere to the following setbacks:

- North (West 2<sup>nd</sup> Avenue Right of Way) – 15 feet
- East – (Palm Street Right of Way) – 25 feet
- South – 12.5 feet
- West – 35 feet

The applicant proposes to construct an addition that would be located 24 feet from the western property line, where a 35-foot setback is required. As a result, the addition does not comply with the Land Development Code standards. This variance request seeks to reduce the western setback to 24 feet to allow construction of the proposed addition.

The applicant’s proposed addition totals 530 square feet. This scope of work would introduce more than 125 square feet of new impervious surface to the property, which would require the applicant to provide a grading and drainage plan to display on-site retention for the first inch of stormwater runoff in accordance with the Town’s Land Development Code. This would be reviewed for compliance during the addition’s permitting process.

The following review considerations would also be applicable to the proposed addition at 400 West 2<sup>nd</sup> Avenue, in accordance with Section 6.01.04 of the Town’s Land Development Code:

- *No residential structure shall exceed 2½ stories or 35 feet in height, whichever is less, and all other structures shall be limited to two stories or 35 feet in height, whichever is less, as measured from the elevation of the average undisturbed existing lot grade at the front setback.* The applicant has indicated that the proposed addition will have an approximate height of 13 feet. This is in line with the height of the existing home and compliant with the standards of the Town’s Land Development Code.
- *Principal and accessory buildings and accessory structures constructed in residential zones shall not exceed a floor area ratio of 38 percent.* Based on a lot area of 17,553 square feet, this would permit a maximum of 6,670 (17,553 x 0.38) square feet of gross floor area on the property. Note that this calculation is inclusive of areas contained within garages, carports, screened or roofed porches and balconies. The proposed 530 square-foot addition to the existing single-family residence would not result in a gross floor area that exceeds what is permitted by the Town’s Land Development Code.

Lot setback standards are established by the Town's Land Development Code for infill development, which applies to construction on lots within previously developed areas of the Town. According to Section 3.02.01(1), these standards are intended to ensure compatibility of new construction, primarily within residential areas, with properties established prior to adoption of the Land Development Code. The requested variance seeks to reduce the minimum west setback from 35 feet to 24 feet, bringing the addition 11 feet closer to Palmer Park. This circumstance is unique, as the park occupies half of a block in an otherwise predominantly residential area. Given this context, the proposed reduction should not negatively impact adjacent residential properties and would remain consistent with the overall intent of the setback standards.



*Zoning Map of Surrounding Area - Source: Orange County Property Appraiser*

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

### **CASE ANALYSIS:**

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;

3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion surrounding public streets, the danger of fire or other hazard to the public;
5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

The applicant submitted a site plan, and other materials in support of the variance request. Please see the information provided with the agenda item for the applicant's submittal.

### **PUBLIC NOTICE**

Public notices were mailed to property owners within 500 ft of the subject property. As of February 2, 2026, fourteen (14) responses were received in support of the variance, and none received in opposition. Sharon Pritzker, the owner of the residential property adjacent to the side of the subject parcel closest to the proposed addition, submitted a statement in support of the variance.

### **DEVELOPMENT REVIEW BOARD RECOMMENDATION**

The proposed variance for 400 West 2<sup>nd</sup> Avenue was reviewed at the January 20, 2026, meeting of the Development Review Board (DRB). Based on the information provided in the staff report and input from

the applicant and public, the DRB found the proposed variance compliant with the requirements for the approval of a variance in accordance with Section 10.02.02 of the LDC and recommended approval of the variance as submitted. The DRB vote was 5-0 to recommend approval.

Windermere Development Review Board

520 Main St

Windermere, FL 34786

December 15, 2025 (updated December 16, 2025)

Windermere Development Review Board,

Our names are Paul and Cheryl Drogosch. We own two properties in Windermere Township: 57 Oakdale St. and 400 W Second Ave. We purchased the Oakdale property in late 2024 and the W Second Ave property in the spring of 2025. We are building a new home on 57 Oakdale St and currently living in the 400 W Second Ave home. We have lived in Windermere since 2011; prior to 2025 we lived in Keenes Pointe in a home we built. We have drafted this letter to request a variance related to the 400 W Second Ave property. Our goal is to update the property without creating any significant issues or changes to the neighborhood.

Although we are currently living in the home at 400 W Second Ave until the build on 57 Oakdale St is completed (expected in early 2027), we would like to add an addition on to the home in preparation for giving it to one of my children. The home is on a large contiguous corner lot and is a three-bedroom ranch that is approximately 2,400 square feet. We would like to add about 500 additional square feet in order to add two bedrooms and a bathroom and convert one existing bedroom into an office.

Below, we have summarized our responses to the six items that are assessed when considering whether a variance should be granted. Also, imbedded or included within an email are the architectural plans, site plan, and site survey.

**(1) There are practical or economic difficulties in carrying out the strict letter of regulation.**

*The home was built in 1986 and presumed to comply with the regulations, particularly the setback requirements, that existed at the time. The Township has not been able to locate the 1986 regulations; however, we have been able to locate the certified property plans from 1986 which state the setback requirements at that*

*time. The home does currently comply with the regulations enacted by a 2007 ordinance: specifically, the setback requirements for contiguous corner lots (Option B). The house is small for the size of the lot, and we believe it was built on the lot in 1986 to comply with the then existing regulations and to allow for simple future expansion, if needed for a growing family.*

*Prior to understanding the application of the current setback requirements, we discussed options for an addition with three different builders and architects. Each builder and architect concluded that an addition in any other location would be very costly, as it would require significant truss and structural changes and/or would require building up.*

*Our goal is to maintain the integrity of the property, by keeping the home a ranch style, keeping the site lines similar and not impacting our neighbors or neighbors' views. As noted in the site plan, the proposed addition would be on the West side of the property. The proposed addition would be approximately 25 feet off the West property line which borders Palmer Park (not a neighbor). The proposed placement would need a variance because under Option B of the current regulations for contiguous corner lots, the West property line has a 35-foot setback requirement. For informational purposes, the setback requirements in 1986, according to the certified plans, were 25 feet for each of the two fronts and only 10 feet for each side. Under the current regulations, the front setbacks are the same as they were in 1986; however, the side setbacks changed significantly, depending on the Option selected for contiguous corner lots. Under Option B, the current regulations require one side to be 12.5 feet and the other side to be 35 feet. Since the south side of the structure is approximately 12.5 feet from the property, it is presumed we must apply the 35-foot setback requirement to the West property line. As such, the proposed addition does not meet the current regulations, and we are requesting a variance.*

*Based on discussions with the builders and architects, we believe the costs of putting an addition in any other location would be very significant. We also believe the proposed location and layout keeps the integrity and character of the property and home, has little impact on neighbors and still provides for a very large setback on the West property line, which uniquely borders Palmer Park. We also feel the proposed addition allows us to retain most of the existing trees and vegetation. Further, it allows us to retain the location of the septic (although we will update).*

**(2) The variance request is not based exclusively upon a desire to reduce cost of developing the site.**

*See the response to (1) above. Cost is not the main driver, but rather the integrity of the property.*

**(3) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public.**

*The proposed variance would not increase congestion or create a fire hazard or another hazard for the public. The home would remain a single-family residential home, ranch style. The additional space would accommodate separate bedrooms for children and allow for an office. The additional space could be gained with an alternative building plan; however, an alternative plan would significantly increase cost and significantly change the integrity and character of the home, along with impacting neighbors' views.*

**(4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.**

*The proposed variance will allow for a small addition that keeps the character and integrity of the home consistent with the existing structure and neighborhood. It will increase property values, as it will update the current structure by updating the entire roof, updating the septic system and adding more space. The size of the addition, although not overly significant, will bring the home's square footage to be more consistent with the closely surrounding homes. The proposed addition will have no impact on neighbors' private properties and will have little, if any, impact on the West property line that borders Palmer Park (the West property line is already completely fenced off and heavily vegetated with bushes, trees and other native vegetation which will remain).*

**(5) The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code.**

*As stated in (1) above, the home was built in 1986, and the placement is presumed to be consistent with the then existing regulations. The property is unique in that (a) it is determined to be a contiguous corner lot and (b) the bordering property is not another residence but rather a community park (Palmer Park). The proposed addition is designed to keep the character and consistency of the property, to avoid issues with neighbors and to avoid issues with tree and vegetation removal. If a new home were built on the property, it is likely the owner would adopt Option A of the current regulations for contiguous corner lots, versus Option B and the West property line setback would only be 12.5 feet (with the south property line being the*

*35 feet setback); therefore, the issue is not how close the structure is to the West property line.*

**(6) The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.**

*We do not believe granting a variance would encourage further requests for changes where such land use would not be deemed appropriate. The land use will remain a single residential home, the home will remain a ranch style, the size of the home will be more consistent with close neighbors, and the property is very unique in that it is a contiguous corner lot with the bordering lot being a community park.*

*We appreciate your consideration and would be happy to discuss or provide further information, as needed.*

*Sincerely,*

*Paul and Cheryl Drogosch*

*December 15, 2025 (Updated December 16, 2025)*

*Attachment 1: Architectural Plans – Attached to email*

*Attachment 2: Site Plans – Below and attached to email*



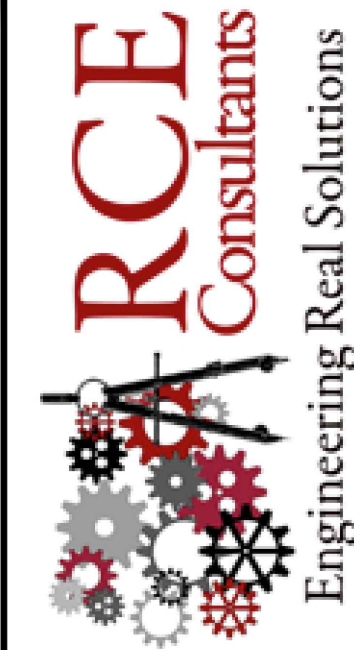
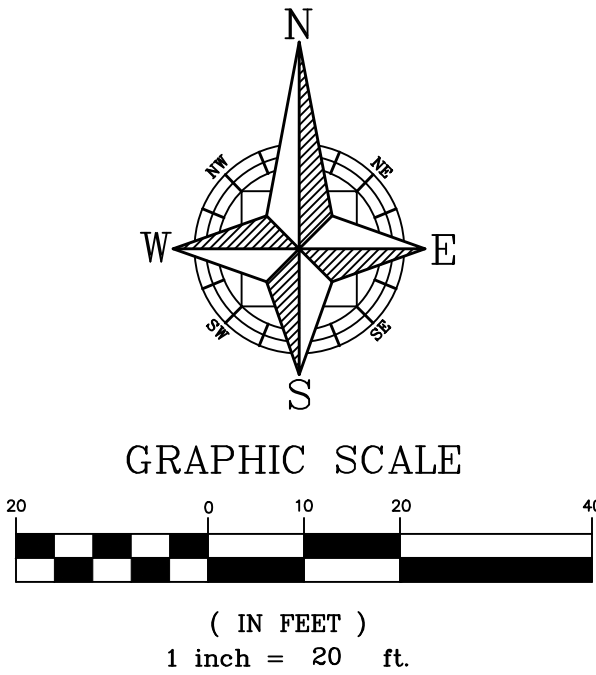






VICINITY MAP  
N.T.S.

NOTE: FREESTANDING EQUIPMENT OUTSIDE OF THE ENVELOPE OF THE HOME (I.E. AIR CONDITIONERS, GENERATORS, ETC.) SHALL HAVE VISUAL SCREENING CONSISTING OF LANDSCAPED MATERIALS WITH A HEIGHT OF AT LEAST 36" AT TIME OF PLANTING. SUCH SCREENING SHALL BLOCK FROM VIEW OF THE EQUIPMENT FROM ANY RIGHTS OF WAY AND ADJACENT PROPERTIES



LEGAL DESCRIPTION: LOT 1, BLOCK 6, CAPE/ORLANDO ESTATES UNIT 11A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 107 THROUGH 109, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

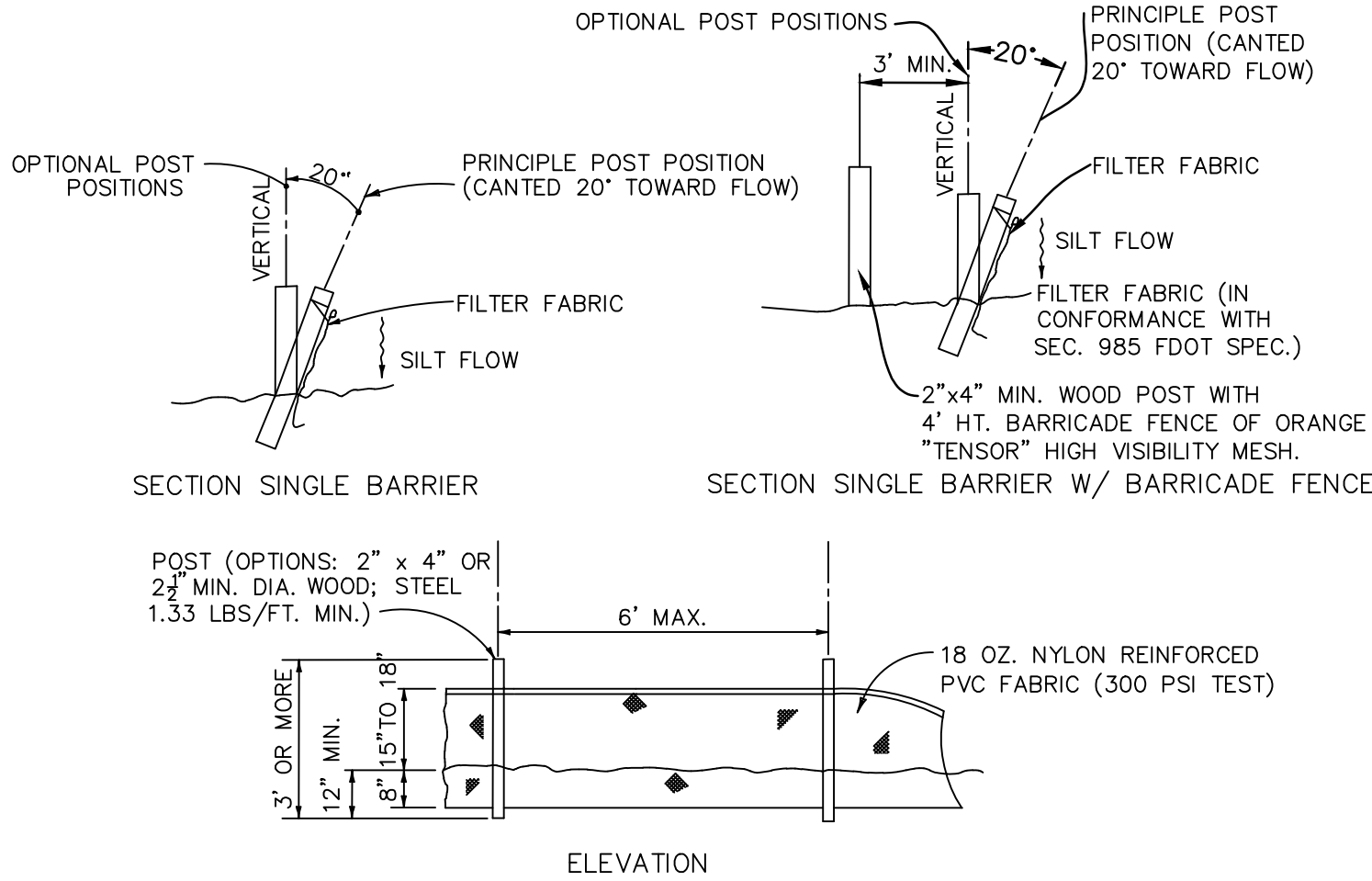
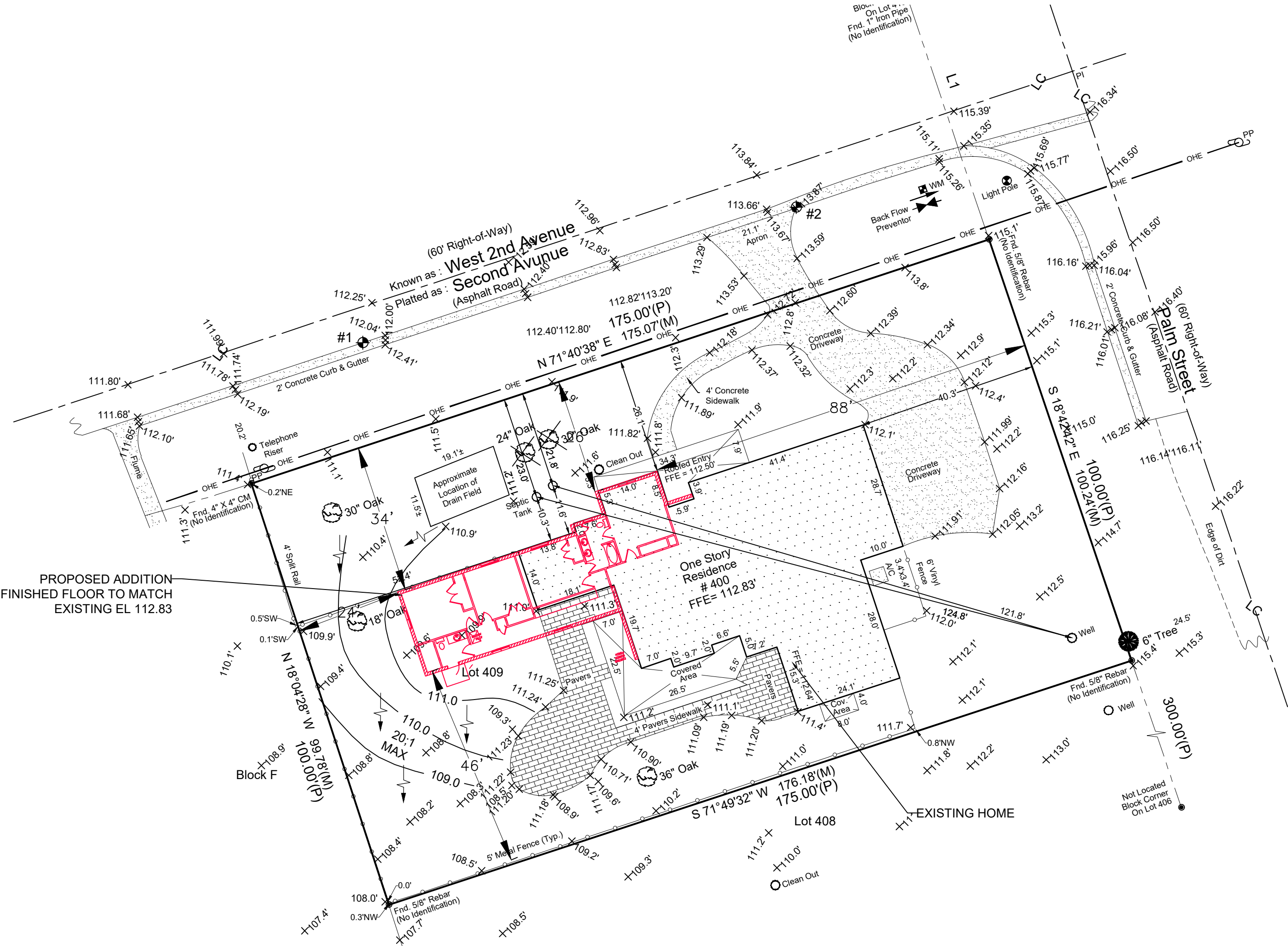
FLOOD DISCLAIMER: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE. THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COMMUNITY NUMBER 120179, DATED 9/25/2009.

GRADING REQUIREMENTS

NEW SLAB SHALL BE ABOVE FINISHED GRADE AT FOUNDATION GRADING AROUND SLAB IS TO SLOPE AWAY FROM FOUNDATION EVERY EFFORT SHALL BE MADE TO MEANDER AROUND EXISTING VEGETATION.

SILT FENCE SHALL BE INSTALLED AROUND THE LOT PER DETAIL. A DOUBLE ROW OF SILT FENCE SHALL BE INSTALLED ALONG THE SOUTH SIDE OF THE LOT, UPLAND OF THE EXISTING SWALE.

THE SILT FENCE SHALL BE INSTALLED, INSPECTED AND APPROVED PRIOR TO COMMENCEMENT OF CONSTRUCTION.



NOTE: SILT FENCE TO BE PAID FOR UNDER THE CONTRACT UNIT PRICE FOR STAKED SILT FENCE (LF).  
FOR ADDITIONAL INFORMATION REFERENCE FDOT INDEX 102

STAKED TURBIDITY BARRIER  
N.T.S.

SITE / F.A.R. DATA		
TOTAL SITE AREA	17,553 S.F.	0.4 AC
IMPERVIOUS AREAS:		
EXISTING BLDG FOOTPRINT	3,121 S.F.	
DRIVEWAY/WALKWAY	1,490 S.F.	
PORCHES/PATIO	1,620 S.F.	
EQUIPMENT PADS	18 S.F.	
NEW ADDITION	530 S.F.	
TOTAL IMPERVIOUS AREA	6,779 S.F.	38.6%
TOTAL F.A.R.	3,651 S.F.	20.8%

400 W 2ND AVENUE  
HOME ADDITION  
SITE & GRADING PLAN

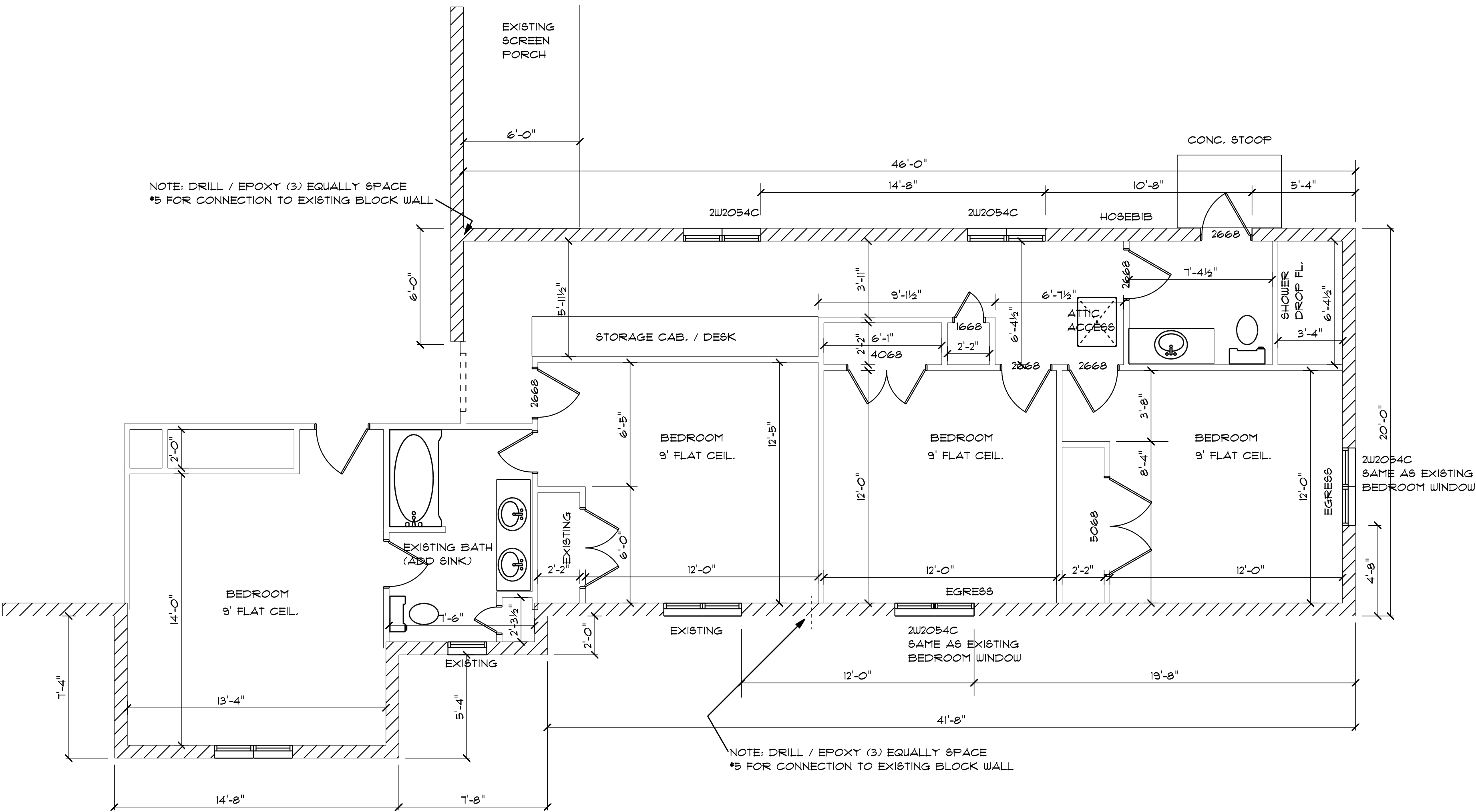
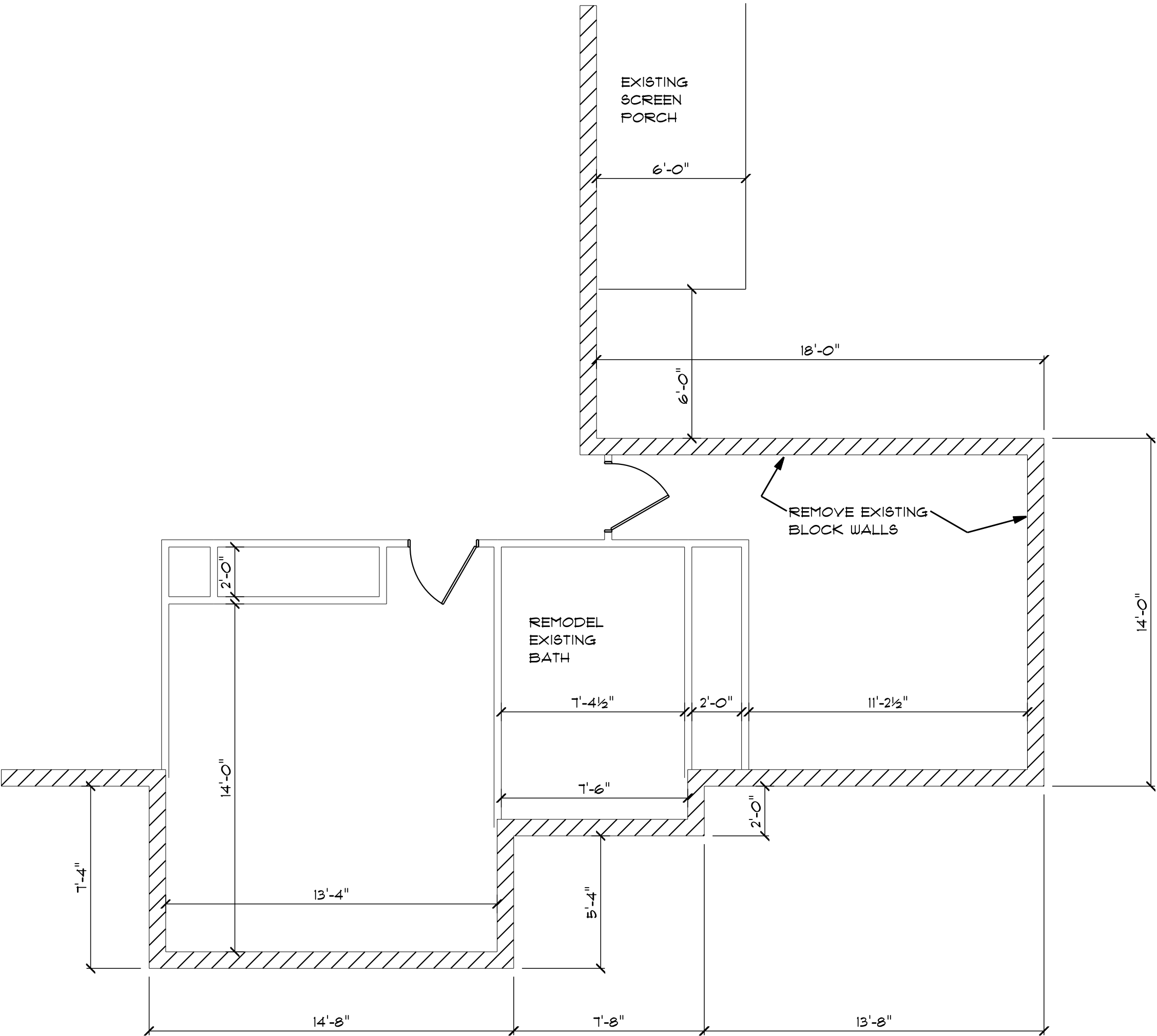
NO.	DATE	REVISION / ISSUE DATE	BY:

RCE CONSULTANTS, LLC  
617 Arvera Drive  
Altamonte Springs, FL 32701  
Phone No. 407-453-8633  
LARRY@RCECONSULTANTS.NET  
CERTIFICATE OF AUTHORIZATION 29307

Engineer of Record

Laurence Poliner  
#56074  
This item has been electronically signed and sealed by Laurence Poliner, P.E., on the date delineated using a digital signature. Printed copies of this document are not considered signed and sealed and the signatures must be verified on any electronic copy.

PROJECT #:  
44.2025  
DRAWN: LMP CHECKED: LMP  
NOV 2025  
SCALE:  
1"=20'  
SHEET:  
C-1  
SITE & GRADING  
PLAN



DROGOSCH REMODEL	
400 W. 2nd AVE, WINDERMERE, FL	
DATE:	06-11-25
REV:	
DRAWN BY:	JSD
SHEET:	1 OF 4



# Z26-02 Public Notice Responses



# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103



Mayor  
JIM O'BRIEN

Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

WOLTMANN MARY ALICE  
DILLARD MARY R  
200 HUNTERDALE RD  
FRANKLIN, VA 23851

## RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02

Paul Drogosch, owner of 400 West 2nd Avenue, has submitted a request for approval of a variance pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to permit a decrease in the required side setback to construct an addition to the property's existing single-family residence. Under the Town's Land Development Code, the minimum required setback for the West side yard is 35 feet for a contiguous corner lot under the Option B configuration. The requested variance is to decrease the side setback from 35 feet as required to 24 feet as proposed. Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere use of the enclosed stamped envelope to Wade Trim, Inc. or by email to tow@wadetrim.com by **January 16, 2026**.

This matter will be presented to the Development Review Board on **Tuesday, January 20, 2026, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, February 10, 2026, at 6:00 p.m.** You may attend the meetings at Town Hall, located at 520 Main Street. All meetings are open to the public and you are welcome to participate. Feel free to contact me if you have any questions.

Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z26-02 (400 West 2<sup>nd</sup> Avenue)**

**APPROVAL:** ✓ **DISAPPROVAL** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

**SIGNATURE:** Mary Alice Woltmann **DATE:** 1/2/26

WOLTMANN MARY ALICE  
DILLARD MARY R  
200 HUNTERDALE RD  
FRANKLIN, VA 23851



# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103



Mayor  
JIM O'BRIEN

Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

SUTTON BYRON K  
SUTTON NORMA T  
505 W 2ND AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
tow@wadetrim.com  
Encl.

---

### RECOMMEND – Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: We see no problem

---

SIGNATURE: Byron K. Sutton DATE: 12-30-25

SUTTON BYRON K  
SUTTON NORMA T  
505 W 2ND AVE  
WINDERMERE, FL 34786

# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

GRAHAM ERIC A LIFE ESTATE  
GRAHAM JEANNE F LIFE ESTATE  
PO BOX 421  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02

Paul Drogosch, owner of 400 West 2<sup>nd</sup> Avenue, has submitted a request for approval of a variance pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to permit a decrease in the required side setback to construct an addition to the property's existing single-family residence. Under the Town's Land Development Code, the minimum required setback for the West side yard is 35 feet for a contiguous corner lot under the Option B configuration. The requested variance is to decrease the side setback from 35 feet as required to 24 feet as proposed.

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
tow@wadetrim.com  
Encl.

---

**RECOMMEND** – Z26-02 (400 West 2<sup>nd</sup> Avenue)

**APPROVAL:** ☒ **DISAPPROVAL** ☐

**COMMENTS:** \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

GRAHAM ERIC A LIFE ESTATE  
GRAHAM JEANNE F LIFE ESTATE  
PO BOX 421  
WINDERMERE, FL 34786



# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

G & J FAMILY TRUST  
405 W 3RD AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02

Paul Drogosch, owner of 400 West 2<sup>nd</sup> Avenue, has submitted a request for approval of a variance pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to permit a decrease in the required side setback to construct an addition to the property's existing single-family residence. Under the Town's Land Development Code, the minimum required setback for the West side yard is 35 feet for a contiguous corner lot under the Option B configuration. The requested variance is to decrease the side setback from 35 feet as required to 24 feet as proposed.

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Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

### RECOMMEND – Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: ✓ DISAPPROVAL: \_\_\_\_\_

COMMENTS: ADDING 500 SF still keeps home under 3,000 SF.  
with 1 story. 24 feet from the side adjacent to  
the park. I don't see how this request would negatively  
impact anyone.

SIGNATURE: [Signature] DATE: 12/24/25


G & J FAMILY TRUST  
405 W 3RD AVE  
WINDERMERE, FL 34786



RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SIGNATURE:  DATE: 12/29/25

KEGLER DOUGLAS ANTHONY  
DOUGLAS ANTHONY KEGLER TRUST  
316 PALM ST  
WINDERMERE, FL 34786

RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_


SIGNATURE:  DATE: 12/23/2025

PRITZKER SHARON J  
PO BOX 1328  
WINDERMERE, FL 34786

RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

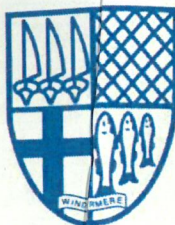
COMMENTS: \_\_\_\_\_

SIGNATURE:  DATE: 12-23-25

WILLIAMS LINNAE D PARSONS  
WILLIAMS PETER MICHAEL  
415 W 2ND AVE  
WINDERMERE, FL 34786

# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103



Mayor  
JIM O'BRIEN

Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

CHAMBLISS ROBERT NEAL  
CHAMBLISS KAREN RENEE  
117 PALM ST  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02

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813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

## RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SIGNATURE: Karen Chan DATE: 1/6/26

CHAMBLISS ROBERT NEAL  
CHAMBLISS KAREN RENEE  
117 PALM ST  
WINDERMERE, FL 34786



# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

HAMRE COMMUNITY PROPERTY TRUST  
315 PALM ST  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
tow@wadetrim.com  
Encl.

---

RECOMMEND – Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: ✓ DISAPPROVAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SIGNATURE: PSB DATE: 1/5/26

HAMRE COMMUNITY PROPERTY  
TRUST  
315 PALM ST  
WINDERMERE, FL 34786

# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103



Mayor  
JIM O'BRIEN

Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

JJS REVOCABLE TRUST  
515 W 2ND AVE  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 400 West 2<sup>nd</sup> Avenue - Z26-02**

Paul Drogosch, owner of 400 West 2<sup>nd</sup> Avenue, has submitted a request for approval of a variance pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to permit a decrease in the required side setback to construct an addition to the property's existing single-family residence. Under the Town's Land Development Code, the minimum required setback for the West side yard is 35 feet for a contiguous corner lot under the Option B configuration. The requested variance is to decrease the side setback from 35 feet as required to 24 feet as proposed.

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[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z26-02 (400 West 2<sup>nd</sup> Avenue)**

**APPROVAL:** ✓ **DISAPPROVAL** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_


**SIGNATURE:**  **DATE:** 12/31/25

JJS REVOCABLE TRUST  
515 W 2ND AVE  
WINDERMERE, FL 34786

RECOMMEND – Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

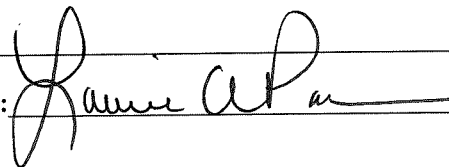
SIGNATURE:  DATE: 1/1/26

KUNKEL KENNETH E  
KUNKEL ANNA KATHRYN VANESSA  
331 W 2ND AVE  
WINDERMERE, FL 34786

RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: ☒ DISAPPROVAL ☐

COMMENTS: \_\_\_\_\_

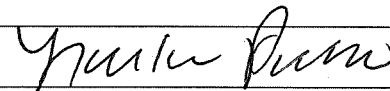
SIGNATURE:  DATE: 1/9/26

WEST 2ND AVE HOLDINGS LLC  
804 W 2ND AVE  
WINDERMERE, FL 34786

RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)

APPROVAL: ☒ DISAPPROVAL ☐

COMMENTS: \_\_\_\_\_

SIGNATURE:  DATE: 1/15/2025

PAHLOW LARKEN  
329 W 2ND AVE  
WINDERMERE, FL 34786

# Town of Windermere

614 Main Street Windermere, FL 34786  
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

December 17, 2025

ALLEN RICHARD R  
ALLEN CATHERINE T  
305 PALM ST  
WINDERMERE, FL 34786

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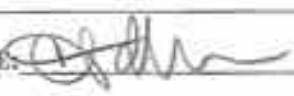
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Encl.

---

**RECOMMEND - Z26-02 (400 West 2<sup>nd</sup> Avenue)**

APPROVAL: ☒ DISAPPROVAL: ☐

COMMENTS: \_\_\_\_\_

SIGNATURE:  DATE: 12/16/25

ALLEN RICHARD R  
ALLEN CATHERINE T  
305 PALM ST  
WINDERMERE, FL 34786