

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
May 27, 2003**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 4:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, Doug Metcalf and Barbara DeVane; City Attorney C. Brent McCaghren; City Manager James Williams and City Clerk Cynthia Bonham. Absent: Commissioner John Eckbert.

MAYOR'S REPORT:

Mayor Marchman introduced Morna Robbins, President of the Winter Park Art Festival, who presented the City with this year's Art Festival framed poster.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1823-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 876 OLD ENGLAND AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- b) RESOLUTION NO. 1824-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 841 NORTH PARK AVENUE AND KNOWN AS THE UNIVERSITY CLUB OF WINTER PARK AS A HISTORIC LANDMARK IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- c) RESOLUTION NO. 1825-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 546 HOLT AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and

DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- d) RESOLUTION NO. 1826-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING STRUCTURED PUBLIC FIRE EDUCATION PROGRAMS FOR SCHOOL STUDENTS.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

CONSENT AGENDA:

- a) Approve minutes of 5/13/03.
b) Approve bids, purchases and change orders:
1) Change Order #2 for Bid WP-3-2003, Pennsylvania Corridor Bricking Project to Gibbs & Register, Inc. for removal and disposing of existing buried curb along roadway, \$7,954.00 (Budget: CIP Streets)
2) Change Order #4 for RFQ-1-2001, Winter Park Public Safety Building Contractor at Risk to Jack Jennings & Sons, Inc. for additional work as per attachment, \$88,208.54 (Budget: CIP, Public Safety Building)
3) Change Order #1, Bid WP-3-2002, Stormwater Quality Improvements, Trismen/Lakewood to Schuller Contractors, Inc. for additional work/services, less expenses, \$23,436.98 (Budget: CIP Stormwater)
c) Approve Budget adjustments:
1) Transfer \$2,745 from the Parks Department to the ITS Internal Service Fund to purchase a laptop computer for the Division Chief who now works at the Parks Administrative Office.
d) Review calendar and update with upcoming events.

Motion made by Commissioner Metcalf to approve the Consent Agenda, seconded by Commissioner Storer and carried unanimously.

CITY MANAGER'S REPORT:

- a) Discussion of the Glenridge Way Bricking Project in relation to the work being done by the developer of Baldwin Park.

City Manager Williams addressed the Glenridge Way bricking project and the work to obtain assistance from Orange County through the 20/20 initiative. He stated they are willing to work with the City and that the City has been working with the developer to delay the paving of the road until we obtain the funds. This will ensure the road work will not have to be repeated. Mr. Williams provided a draft letter asking them to delay the widening and paving of the road until the funds are received. He stated that the signals will be installed as planned. He addressed the temporary lanes that will be installed to allow buses and vehicles to enter and exit the driveways. He summarized the City's obligation under the School Board agreement.

Discussion ensued regarding Orange County's commitment to deliver funds for this project from the 20/20 initiative. Commissioner Storer asked if staff could see if Orlando would be willing to share the risk with the City for upfronting the money over 10 years. Commissioner Storer stated he is trying to mitigate the City's risk and keep this on track. Commissioner DeVane stated she spoke with Orange County about the funding coming out of ad valorem taxes which she was informed these funds are not used for road improvements. She stated that they are not willing to change this but agreed that the City would be receiving \$500,000 towards this project with the funds coming from the 20/20. She addressed the City's request for \$1.6 million. Commissioner Metcalf addressed the 20/20 Orange County meeting that he attended and that the money we receive will not be provided any time soon because of other projects taking precedence.

Commissioner Storer spoke about installing slow zones. Commissioner DeVane asked that the raised crosswalk on Pennsylvania Avenue at the Ninth Grade Center be revisited. She also asked for a cost estimate for only bricking minus the undergrounding of lines, street lights, sidewalks, etc. that was originally a part of the cost figure.

Dr. Dan Buckman, Orange County Schools, addressed his appreciation for what is taking place.

Public Works Director English provided comment that controlling the traffic lights will control speed better than brick at the intersections and recommended to brick the entire road, not portions. After further comments, there was consensus to notify the developer to move forward with the widening if Orange County informs the City that the funds will not be provided anytime soon and if the County is willing to provide the funds quickly, to ask them to defer it. Mr. Williams will find out from Orange County when the funds will be provided.

2. City Manager Williams provided an informational item regarding the Park Avenue Area Association Father's Day Celebration.

PUBLIC HEARINGS:

a) ORDINANCE NO. 2514-03: IN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED", SO AS TO ANNEX COMMERCIAL PROPERTIES ON THE SOUTH SIDE OF LEE ROAD INCLUDING 1500, 1560, 1600, 1640, 1650, 1660, AND 1680 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE OF JUNE 1, 2003. Second Reading

ORDINANCE NO. 2515-03: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED", SO AS TO ANNEX COMMERCIAL PROPERTIES ON THE NORTH AND SOUTH SIDE OF LEE ROAD AND PROPERTIES ON THE EAST AND WEST SIDES OF WYMORE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE OF JUNE 1, 2003. Second Reading

Attorney McCaghren read both ordinances by title. Planner Jeff Briggs explained the number of votes obtained for these annexations and Mr. Clayton's request to delete their property of 1011 N. Wymore Road from the list of properties for annexation. No public comments were made.

Motion made by Commissioner Metcalf to adopt the first ordinance (Lee Road), seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

Motion made by Commissioner DeVane to adopt the second ordinance (Lee Road/Wymore Road) with the deletion of the Clayton property at 1011 N. Wymore Road, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- b) Conditional use request of the Morse Foundation to expand the existing museum warehouse building at 920 Railroad Avenue by adding an additional 7,200 square feet on the south side of the building.

Planner Jeff Briggs provided the staff report. He explained that Attorney Scott Glass would be the special counsel for this item. He explained the request to expand their warehouse at 920 Railroad Avenue, the size of the existing building and the request to expand the property to continue housing the collection and restoration work they perform. He spoke that the applicant was not going to expand the parking lot but that the Planning and Zoning Commission was concerned about permitting a building with a parking variance that would be nonconforming if a future user purchased the property. Both the applicant and the P&Z agreed it would be prudent to expand the parking area. He stated the development meets the code and received a positive P&Z recommendation.

Applicant Susan Gantt, 1225-B North Orange Avenue, added that they worked with staff and are retaining 35% of the existing tree canopy. No public comments were made.

Motion made by Commissioner DeVane to approve the conditional use request , including the four Planning and Zoning Commission conditions, seconded by Commissioner Storer and carried unanimously with a 4-0 vote.

- c) Request of T-REP to revise the development agreement for the western portion of the block bounded by Miller, Indiana and Schultz Avenues to substitute town homes for an office building.

Planner Jeff Briggs explained the request to revise the terms of the development agreement. He addressed the zoning of the property and displayed the updated site plan to be substituted within the development agreement displaying residential development over the entire western half of the block. He addressed the revised development agreement to change the project which also gives the City the consent from the owner to administratively rezone the office portion to residential. He stated that the Planning and Zoning Commission approved this unanimously. No public comments were made.

Motion made by Commissioner Metcalf to approve the change in the development agreement, seconded by Commissioner Storer and carried unanimously.

- d) and f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO THE EXCHANGE OF REAL PROPERTY; AUTHORIZING THE EXCHANGE OF A PARCEL OF PROPERTY OWNED BY THE CITY BEING THE NORTHERLY PORTION OF 851 WEST

NEW ENGLAND AVENUE, WINTER PARK, FLORIDA, IN EXCHANGE FOR TWO PARCELS OF PROPERTY OWNED BY VALENCIA COMMUNITY COLLEGE FOUNDATION, INC., BEING 845 AND 859 WEST NEW ENGLAND AVENUE, WINTER PARK, FLORIDA, ALL MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE PLAN MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO EDUCATIONAL AND COMMUNITY SERVICES ON THE REAR 80 FEET OF THE PROPERTY AT 851 W. NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF LOW DENSITY RESIDENTIAL (R-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE REAR 80 FEET OF THE PROPERTY LOCATED AT 851 W. NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Planner Jeffrey Briggs stated that item f) relates to this item (d) and will be combined as one hearing. Attorney McCaghren read the ordinances by title. Mr. Briggs addressed the Minnie Vickers property the City purchased that juts into the Valencia College parking lot to provide land to build an affordable senior housing project on the north side of New England. He stated that Valencia is willing to sell their property and also swap and sell the back property so they can expand their parking lot. He stated that transaction will not be complete until the zoning is approved so they can use it as a parking lot. He further explained that this is providing affordable senior housing to meet a need on the Westside that the private marketplace would not meet if we were not doing this transaction. He stated that is the commitment the City is making and that the Planning and Zoning Commission agreed to change the zoning based on the usage commitment.

Lurline Fletcher, 790 Lyman Avenue, opposed turning residential property into a parking lot. No further public comments were made. Commissioner comments included the need for affordable housing in this area.

Motion made by Commissioner Metcalf to accept the ordinance to exchange the property on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

Motion made by Commissioner Metcalf to accept the comprehensive plan ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

Motion made by Commissioner Metcalf to accept the zoning ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

e) Final subdivision plat approval for Mr. Jeff Hamilton for the Hamilton Place Subdivision to be located south of Beloit Avenue and east of Denning Drive.

Attorney Scott Glass was Special Counsel for this issue. Planner Jeff Briggs explained the contents of the final subdivision plat submission and the location and acreage of the property. He explained that the property is being sold by the Morse Foundation. He spoke about the preliminary plat approval before the Commission in January, along with the 13 conditions imposed on the applicant by the Planning and Zoning Commission. He stated that since that approval, the applicant has prepared the more detailed data and plans needed for a final plat approval. He stated that the additional plans include the details on the infrastructure which includes two new brick streets (existing City right-of-way of Beloit and a new cul-de-sac road), ornamental type of streetlights and stormwater retention details.

He addressed the northern 25' of the property being vacant and property owner Mr. Kimble wanting to redevelop his two properties and use the 25' for a driveway access to enable rear entry garages for any new homes that may be built there. He stated the plans submitted also include improvement plans, i.e., a subdivision development sign at the entrance, a landscape plan, a tree preservation plan, the architectural details for the proposed homes being built and a wall along the eastern side of the property to block vehicle headlights from being seen in the rear yards of Northwood Circle residents. He stated the applicant has agreed to the condition of the P&Z to build a masonry wall along the eastern property line of Capen Avenue but there has been controversy whether to build the wall on the east or west side. He explained why they chose to build the wall on the east side.

Mr. Briggs explained the development agreement commits the applicant to abide by what is within the plans submitted and binds any future property owner. He addressed the declaration of covenants and restrictions that are to be put into place on all the lots, the incorporation of the homeowner's association and by-laws which can be legally carried out when the homeowners take over from the developer. He stated that the Planning and Zoning Commission approved the request with a 4-1 vote and the conditions have been incorporated into the development agreement provided to the Commission this evening.

Mayor Marchman disclosed conversations with surrounding neighbors (Shay Silver, Michelle Rodriguez and Bette Tallen). Commissioner Storer addressed concerns with the lack of a materials list and the 25' right-of-way. Mr. Briggs stated the City is keeping this as a right-of-way and will not be given to anyone at this time. Commissioner Storer said he wants the residents to have access to it if it is a right-of-way. Mr. Briggs clarified that the developer will maintain the right-of-way as part of the development agreement. Commissioner Storer and Commissioner DeVane disclosed that they met with Michelle Rodriguez. Other Commission questions and concerns were answered by Mr. Briggs. He clarified for Commissioner DeVane that Beloit Avenue is paved until you reach Oaks and from that point on, the south 25' is used for stormwater, the north 25' is open, and there is a landscape screening which screens the view and acts as a barrier to anyone walking to the pond. He stated it is open to walk to the eastern property line which is where the Pennsylvania Place wall is located and will be extended to provide a privacy buffer to the Northwood Circle property owners.

Commissioner DeVane asked how the Beloit/Denning intersection will be configured with signage and what we anticipate the impact to be there. Mr. Briggs explained that the intersection will

continue to have a stop sign at the end of Beloit Avenue as you are headed west. Commissioner DeVane asked for assurance that the stop sign will be adequate. Commissioner DeVane also stressed the need to see actual material samples, not just a list.

Applicant Jeff Hamilton, representing the project, stated that the materials list is contained in the building plans which they are now prepared to submit to the Building Official for approval. He summarized the history of the project, the many meetings attended and working with the Planning Staff and the Planning and Zoning Commission to ensure the project was consistent with what they believed the City would agree to. He stated they have complied with a revised R-2 code that was adopted after their original submittal. He stated they also complied with the newly adopted tree ordinance and have saved a much larger percentage of canopy than is required. He summarized their agreed to list of amenities and accommodations as listed within the development agreement and as requested by the City and other amenities as requested by City staff. He spoke about the public feedback from buyers being positive. He concluded by requesting a finding by the Commission that the plans they have drawn are consistent with the preliminary subdivision plans which were previously approved.

Questions to Mr. Hamilton were asked by the Commission. Mr. Hamilton responded to those questions and concerns. Commissioner Storer asked if the materials list was submitted as part of the architectural plan. Mr. Hamilton stated that it was anticipated at the P&Z meeting that because the materials are specified in the building plans and when they are submitted to the City for a building permit, the City will review the materials at that time.

Engineer Hugh Lokey, addressed the proposed impacts to traffic. He provided numbers related to the amount of traffic expected to be generated and did not anticipate any problems from a traffic point of view. He stated that the project has been reviewed by a traffic consultant from Traffic Planning and Design.

Landscape Architect August Schwartz, summarized the landscape plan for the project to include the existing tree plan, the canopy to remain and the site plan for the project, including the number of trees.

Dr. Bette Tallen, 1170 Kenwood Avenue, in opposition to the project, provided a powerpoint presentation regarding the citizen's response to the Hamilton Place application.

A recess was taken from 6:22 to 6:30 p.m.

Residents present to speak in opposition of the project are as follows: Edward Hoover, 637 Pansy Avenue; Matt Zettler, 1101 Kenwood Avenue; Francis Daniely, 721 Northwood Circle; Dori Morse, 1049 Aragon Avenue; Francesca Moore, 1207 Kenwood Avenue; Kristen Hoover, 637 Pansy Avenue; Paul McNear, 1136 Oaks Blvd.; Margaret Howe, 1170 Kenwood Avenue; Laurie McNear, 1136 Oaks Blvd.; Thomas Kimble, 1070 Oaks Blvd. (Submitted drawings showing potential changes he believed would improve the project); Michelle Rodriguez, 1667 N. Park Avenue; George Livingston, 359 Beloit Avenue; Joan Scott, 1115 Oaks Blvd.

Those opposed to the project included the following reasons: disagreed with the architectural plan, traffic concerns, potential for student renters, noise, the desire for a brick wall to be built on the west side of Capen Avenue, disputed the tree plan, disputed the design element, concerns with off-street

parking, disagreed with the location of garages and parking of vehicles, believed this project did not meet zoning criteria, comprehensive plan test non-compliance, has not complied with conditions imposed, and believing the project was against code.

Richard Strauss, 400 N. New York Avenue, Elizabeth Morse Genius Foundation, spoke in support of the project.

Applicant Jeff Hamilton presented his rebuttal to the public comments and addressed and clarified concerns of the residents who spoke. He stated they have met the conditions imposed and that the floor plans were submitted earlier on. He stated that the garage doors would not be visible facing the Kimble rental property. He also addressed the materials that will be used on the project to make sure the units do not deteriorate and a guarantee that the materials as proposed will not be changed into cheaper materials, the homeowner's association will maintain the unit exteriors to ensure the units are cared for, and in the event the HOA does not properly maintain the property, the City can make them enforce any obligations they may be neglecting. He stated the HOA will also maintain the front yards.

Commissioner DeVane spoke about the lack of detail of floor plans submitted to the Commission, the lack of architectural diversity, concerns with the garages in the back and how they will actually look like, concerns that no fenced back yards will be allowed and who will maintain the yards, the lack of a materials list, traffic concerns, concerns with the wall adjacent to Northwood Circle, the need to determine whether or not the right-of-way will be used as a walking/bicycle path in the future, concerns with treatment of the retention pond and the location, and the lack of a public park area. She asked Mr. Hamilton to come back with some refinements.

Commissioner Storer spoke about the existence of property rights attached to this property and that the Commission cannot make this property a City park. He addressed concerns with the level of detail provided concerning the project and the need for a materials list. He stated he was not comfortable with the details of the proposal presented.

Commissioner Metcalf addressed concerns with the lack of a materials list and the increase of traffic. He stated this property is going to be developed because the City is not in the position to make this a park but that he needed to see more detail.

Mayor Marchman asked procedural questions as to applicant and Commission options if this final subdivision plat approval as presented was denied. Attorney Glass responded concerning the code and that the applicant has to be provided a statement setting forth the grounds for disapproval. Mr. Briggs suggested to table the item until the applicant can satisfy Commission concerns. Mayor Marchman stated some items remain that need improvement.

Motion made by Commissioner DeVane to turn down the proposal presented to us tonight and to deny the final plat approval for Hamilton Place for the following reasons: 1) the lack of building elevations from sides other than the front and the lack of sufficient diversity in architectural plans; 2) the lack of a materials list with samples, 3) lack of traffic study with sufficient numbers to support the building that will occur there and address the intersection of Louisiana, Denning and Beloit, 4) insufficient detail on the wall adjacent to the Northwood (style of wall) and lack of agreement between the people who will be impacted by the

location (need to reconsider the wall if the right-of-way is needed for a future pedestrian/bicycle path); 5) the treatment of the Capen Avenue piece where the parking entry to the rear of the units 1-4, the appropriate screening of the view of the rear of units 1-4 and the retention pond (from Oaks Blvd. and Mr. Kimble's property), 6) and the lack of dedicated park space. Seconded by Commissioner Storer and carried unanimously with a 4-0 vote after a roll call.

- g) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING REGULATIONS" SUBSECTION 58-85 "ZONING CHANGES AND AMENDMENTS" AND ARTICLE VI "SUBDIVISION REGULATIONS" SUBSECTION 58-378 "SPECIFICATIONS FOR PRELIMINARY PLATS AND PLANS" SO AS TO REQUIRE PROSPECTIVE BUILDING PLANS AND BUILDING ELEVATIONS AS PART OF THE APPLICATION. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the intent of the ordinance. No public comments were made.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- h) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-75 "GENERAL COMMERCIAL (C-3) DISTRICT TO ADD RESIDENTIAL UNITS AS A PERMITTED USE WITHIN THIS DISTRICT. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the ordinance will allow all the zoning districts to contain residential. No public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

NEW BUSINESS:

1. Commissioner DeVane commented about the lack of property within the City that has not been developed, but that the City has one of the highest standards for parkland in the state. She asked that an ordinance be adopted to address a parks impact fee for new residential that requires the developer of the project to either set aside park space, provide funds to the City to acquire property within the City or the developer can acquire property in the City. She believed that any development larger than 2-3 houses need to address parks.

Commissioner Metcalf expressed concerns with ending up with small plots spread over the City that would need to be maintained. He believed it would benefit the City to have a certain number of acreage that makes this reasonable to do. Commissioner Storer suggested that the developer could pay into an account to mitigate the park deficiency if there is no room for a park at that particular location. Staff was directed to come back with suggestions how to achieve this goal.

2. Commissioner Metcalf spoke about attending the Economic Development Board meetings to attempt to gain more businesses on Park Avenue and throughout the community. He stated that several commercial businesses are speaking with him about some of the difficulties affecting their restaurants. He stated there are restaurants in the City in difficulty and in order to expand the volume of their revenue and profitability of their restaurants, they try to reach the seat level that allows the acquisition of a liquor license. He stated some have achieved this level but when they do, they are imposed with user fees and additional sewage that they find difficult to pay because of their restaurants being small and in trouble financially. He stated that the barriers being put up by the City may cause two certain restaurants to fold soon. He asked if something can be done to calculate the sewer fees differently to give selected restaurants a break. Commissioner Metcalf clarified the need to protect the portions of the sewer system that will have a dramatic impact on the City. He spoke about the extra sewer capacity and the flexibility there he believed existed due to the City recapturing some of the capacity.

Attorney McCaghren made suggestions how this could possibly be accomplished but would have to be further explored. Commissioner DeVane offered other suggestions to remedy this. The importance of providing incentives was discussed. Staff was directed to provide possible solutions.

3. Commissioner Storer asked the Commission how they liked two meetings being combined into one as was done this evening. He suggested to start future meetings at 3:30 p.m. and that he believed citizens would prefer one meeting. Charter provisions were provided that only one meeting a month is sufficient. Commissioner DeVane suggested to try it through the summer months and to start it the next meeting. City Manager Williams suggested to utilize the Consent Agenda to make recommendations and if the Commission agrees, the items would not need to be discussed; if the Commission believes an item needs to be discussed, they can pull the item off the Consent Agenda for discussion. This will be revisited at the August 26, 2003, meeting to determine if the Commission believes this will work and if future meetings will continue in this fashion.

4. Commissioner Metcalf discussed the Commission salaries that do not cover expenses throughout the month. He addressed other area cities having expense allowances over and above their salary that would help compensate them for the expenses they incur. He commented that their pay limits the participation of residents to run for office because of the large amount of time it takes and not being able to afford to participate. He asked that this be considered sometime in the future. There was consensus to consider expense accounts to cover expenses but not in the upcoming budget year due to the tight budget year.

5. Commissioner Metcalf addressed the rose garden design and whether what is being built is consistent with what was approved. Parks Director Holland will address the Commission at the next meeting.

Mayor Marchman adjourned the meeting at 8:40 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk