

CITY COMMISSION MEETING MINUTES
December 8, 2003

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Finance Director Wes Hamil, followed by the Pledge of Allegiance. PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert and Barbara DeVane; City Attorney Brent McCaghren; City Manager James Williams; City Clerk Cynthia Bonham. Commissioner Douglas Metcalf was available via tele-conferencing at 8:00 p.m.

MAYOR'S REPORT:

- a) Mayor Marchman recognized Collette Botelho of the Police Department as Outstanding December 2003 Employee of the Month.
- b) Police Chief Doug Ball presented the first place trophy awarded to the Police Department S.W.A.T. team from the annual S.W.A.T. team competition.
- c) Request by Dr. Evelio deHoyos and Attorney Frank Hamner to speak to the Commission.

Evelio deHoyos, 1000 Old England Avenue, provided a brief explanation of the access issue related to Old England Avenue. He asked whether the City would consider adopting a resolution regarding this issue.

There was discussion whether a public notice needed to be provided if the Commission takes action on a certain item. Attorney McCaghren explained the legal requirements for adopting a resolution according to the City Charter. Discussion ensued regarding the Commission not having the opportunity to review the final judgement. Mayor Marchman asked if the Commission would consider a resolution that he drafted that responds to the final judgement and the language used concerning the City's position.

Susan Finnegan, 75 Palmer Avenue, provided comments in support of maintaining access to the lake.

Gary Barker, 1029 McKean Circle, expressed his preference of closing access to McKean Circle.

Holler Attorney Frank Hamner, explained the decision emphasized in the final judgment.

Discussion ensued on the City's position to remain neutral with this issue and how this was emphasized in the final judgement. Mr. McCaghren explained the court's judgement. He explained when the Holler's purchased their property, the City declined to vacate the property in question. He summarized the court decision as follows: any rights the City had was lost in 1965 because of Chapter 712 (Marketable Record Title Act); the City had not taken any action prior to that date to perfect and retain those rights, nor has the City since the 1800's established or maintained a public road over that area.

There was discussion regarding the partial summary judgments that were granted. Mayor Marchman expressed his concern that the City, by remaining neutral, resulted in the wording of the order that the City disclaimed any interest that the public may have. Commissioner DeVane commented that the City's recent intention was to let the court make this decision. She asked that the City's counsel itemize what the issues are. Mr. McCaghren provided an update on the City's staff that were involved in this issue. Commissioner DeVane asked that staff review this issue

further prior to addressing a resolution.

Bernard Essex, 269 E. Canton Avenue, provided comments in support of maintaining access to the lake by removing the existing fence.

There was discussion regarding whether the property taxes have been paid on the disputed area.

Peggy Strong, 916 Palmer Avenue, spoke about how this issue has gone on too long and that the rights of the citizens should be preserved.

Mayor Marchman stated that the Commission cannot make a determination or change the courts decision on this issue and that the determination is not final until it is scrutinized at the appellate level.

Shawn Rader, Lowndes Drosdick law firm, 215 N. Eola Drive, opposed to a resolution, provided the Holler's position on this issue.

Jean Goldsberry, 345 Palmer Avenue, opposed the fence erected by Mr. Holler disallowing access to the lake. Discussion ensued that the court had ordered an injunction that allowed the fence to remain during litigation.

Al Wood, 8328 Margarita Drive, Orlando, spoke in favor of access to the lake.

Georgia Rourke, 1258 Arlington Place, spoke about how she believed the City Attorney did not remain neutral during the trial. City Attorney McCaghren responded to comments that were provided by Ms. Rourke. He noted that the City was named as a defendant in this case, that the City did not call witnesses at the trial, did not offer or produce any evidence, nor did the City examine any witnesses.

Mayor Marchman distributed a proposed resolution for consideration that he said expressed his concern with the wording of the court's final judgement. Commissioner Eckbert elaborated on the importance of public access to City lakes and securing private property rights. He expressed his concern of the City being involved with this issue while it is still in litigation.

Commissioner Storer asked when the rights to this parcel expired in 1965, if any kind of active determination existed that the City had no interest or if this was a right that expired that was not caught. Mr. McCaghren provided a brief summary on the Marketable Record Title Act and what the statute provides for. Additionally, Mr. McCaghren provided a brief history on the right-of-way in question.

Commissioner DeVane expressed her concern of other areas in the City that are perceived as public right-of-ways or public parks. She asked staff to return with a list of properties that are assumed open to the public with a determination as to who retains ownership.

Commissioner Storer spoke that he would be supportive of a resolution with a useful time frame for the citizens to use as appropriate. Discussion ensued regarding the intent of the proposed resolution.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA REGARDING ITS DECISION TO REMAIN NEUTRAL IN ORANGE COUNTY CIRCUIT COURT CIVIL ACTION CASE NO. 1998-CA-5720, DE HOYOS V. HOLLER AND THE CITY OF WINTER PARK.

Motion made by Commissioner Storer to adopt the resolution with the third “whereas” to be amended that the current Commission has not disclaimed any interest in the property, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer and DeVane voted yes. Commissioner Eckbert voted no. The motion carried with a 3-1 vote.

CITY ATTORNEY’S REPORT:

Mr. McCaghren presented a final draft of a Developer’s Agreement between the City, Orange County and Laser Bright. He said the developer has executed the agreement, and that the County has asked the Commission to consider it tonight because they hope to approve it at their next County Commission meeting. He explained the intent of the agreement.

Motion made by Commissioner approve the developer’s agreement, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, DeVane and Eckbert voted yes. The motion carried unanimously.

PUBLIC HEARINGS:

a) Request of Backworks LLC:

ORDINANCE NO. 2552-03: 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 ESTABLISH OFFICE AND SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATIONS ON THE PROPERTY ANNEXED AT 1605 W. FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 2553-03: 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 ESTABLISH OFFICE (O-1), PARKING LOT (PL) AND SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING DESIGNATIONS ON THE PROPERTY ANNEXED AT 1605 W. FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

City Attorney McCaghren read both ordinances by title. No staff or public comments were made.

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

Motion made by Commissioner Eckbert to adopt the zoning ordinance with the Planning and Zoning Commission recommendations that the approval be limited to Backworks, LLC; conceptual approval with the conditions that the final plans for architectural, civil, landscaping, exterior lighting, dumpster screening and perimeter walls require final approval by the P&Z; that an underground sanitary sewer easement be provided if requested by the City to allow the extension of sewer to Blue Heron Drive; and that a 6' wall be erected that runs the entire length of the portion zoned PL. Seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

b) Request of David McCulley:

ORDINANCE NO. 2554-03: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP FUTURE LAND USE PLAN MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 2020 MIZELL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

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

c) Request of Doug Trovillion:

Planner Jeff Briggs provided the staff report. He explained the conditional use request to construct a four story, 31 unit condominium building on the site of the existing Langford Apartments, 315 E. New England Avenue and to split the property at 237 E. New England Avenue into two lots. He confirmed that the Planning and Zoning Commission unanimously approved the request with conditions.

Mayor Marchman asked for public comments. No comments were provided.

Motion made by Commissioner Eckbert to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner DeVane. The motion carried unanimously with a 4-0 vote.

Discussion ensued whether a time frame was offered concerning a starting date for this process. Commissioner DeVane asked that the Planning and Zoning Commission discuss the possibility of

placing time limits on similar projects. Commissioner Eckbert concurred with Commissioner DeVane. A recess was taken from 6:05 p.m.- 6:12 p.m.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2494-03, INCREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM EIGHT (8) MEMBERS TO NINE (9) MEMBERS; PROVIDING AN EFFECTIVE DATE. First Reading

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

Mayor Marchman and Commissioner Storer provided comments in support of increasing the membership of this board. Commissioner DeVane expressed her concern of increasing this board which would become one of the largest in the City. She suggested reducing the number of members to assist with quorum requirements or evaluate the effectiveness of this board in a year.

Economic and Cultural Development Department employee Gordon Blich explained what the board members expect to accomplish with this request. Commissioners deliberated as to whether the number of board members should be increased.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Mayor Marchman. Upon a roll call vote, Mayor Marchman and Commissioners Storer voted yes, Eckbert and DeVane voted no. The motion failed with a 2-2 vote.

Mayor Marchman asked that this ordinance be presented again to a full Commission at the January 12, 2004, meeting.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF WINTER PARK, FLORIDA BY AMENDING SECTION 2.14 "BORROWING" TO ELIMINATE THE REQUIREMENT FOR VOTER REFERENDUM APPROVAL PRIOR TO THE CITY'S ISSUANCE OF REVENUE BONDS TO FINANCE THE PURCHASE, LEASE AND/OR ACQUISITION OF PARK REAL PROPERTY AND/OR PARK PROJECTS; PROVIDING A BALLOT TITLE AND WORDING FOR THE SUBSTANCE OF THE PROPOSED AMENDMENT; PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE CHARTER AMENDMENT PROPOSAL; PROVIDING AN EFFECTIVE DATE. First Reading

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

Commissioner Eckbert stated that this amendment should be made under a comprehensive review of the City Charter and noted he would not support a stand alone Charter amendment. Mayor Marchman explained that it may be easier to deal with individual Charter items instead of a total review. Commissioner DeVane spoke how the existing Charter prohibits the City from borrowing funds to purchase park lands. Mayor Marchman and Commissioner Storer provided supportive comments regarding the proposed amendment. City Attorney McCaghren clarified if the City wished to borrow funds to purchase park lands or pledge ad valorem taxes, it would still require a voter referendum. Commissioner Eckbert elaborated on how the existing Charter falls short of optimizing the efficiency of government.

Motion made by Commissioner DeVane to accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, DeVane voted yes. Commissioner Eckbert voted no. The motion carried with a 3-1 vote.

CITY MANAGER'S REPORT:

- a) Confirmation of the Director of Communications and Public Relations.

City Manager Williams introduced Clarissa Howard and asked that the Commission confirm her as the new Director of Communications and Public Relations.

Motion made by Commissioner DeVane to accept the confirmation of Clarissa Howard as the new Director of Communications and Public Relations, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. The motion carried unanimously.

- b) Appeal of Tree Preservation Board for removal of a tree on Rollins property.

Planner Jeff Briggs provided the staff report. He explained the issue involves the removal of a 52" live oak tree at the corner of the Cornell Arts Museum which is proposed to be expanded. He reported that the conditional use for the proposed expansion has already been approved but the existing tree ordinance does not circumvent the powers of the Tree Preservation Commission by virtue of any action taken by the Planning and Zoning Commission or the City Commission.

Chief of Forestry Lee Mackin provided justification for denying the request. He said the application was denied based upon the code and because this is a 54" specimen tree. Mr. Mackin explained that the Tree Preservation Committee denied the request for removal based on the tree size, condition and lack of planning. He said Rollins is here tonight to appeal the decision made by the Tree Preservation Committee.

Rollins College Vice President George Herbst elaborated on how Rollins is fully committed to responsible action regarding the preservation and enhancement of its tree canopy. He provided a brief background of the proposed Cornell Fine Arts planning design. Mr. Herbst stated that the College is concerned that the tree hangs over the museum and jeopardizes the art collection. He stated that it would be very costly at this point to redesign the entire building and that the Tree Preservation Committee would not consider the condition of the structure or allow the architect to explain the existing building constraints. He asked that the Commission approve the removal of the tree along with the replacement requirement. Mr. Herbst noted that the college is prepared to plant nine, 6" or more caliper trees.

Mr. Herbst continued that denying the request permits Rollins to remove the tree and to plant 9, 6" replacement trees. He commented that the original intent of the tree ordinance was not to be punitive and that it should reward the responsible behaviors of property owners. He suggested to permit the Planning and Zoning Commission to address trees involved in redevelopment or development projects in the City. Additionally, he suggested to stipulate up-front that a tree can be removed if replaced with trees that meet the certain standards of caliper. He stated the ordinance should be reviewed and refined.

Joe Terranova, 700 Melrose Avenue, concurred with the applicant that the tree ordinance should not be rescinded but perhaps refined because it discourages economic development.

Mayor Marchman commented that the ordinance should be reviewed but its intent is to preserve trees and not to restrict development. There was discussion on whether denying the applicant any relief would enable them to do exactly what is being proposed. City Attorney McCaghren clarified that a specimen tree of greater caliper would need to be provided by the applicant. He explained if the appeal is denied, the applicant still has the right to remove the tree and provide replacement trees in accordance with the ordinance.

Mr. Mackin addressed many of the comments made by the applicant and noted that Mr. Herbst was given the opportunity to present their plans to the Tree Preservation Board. He addressed the safety concern by saying that any possible damage resulting from the tree would be minimal because of the tree's proximity to the building. Discussion ensued as to whether the tree ordinance should be reviewed, refined and allow credits for the existing tree canopy on larger portions of land.

Mr. Mackin noted the intent of the ordinance that the Commission has the authority to make the ultimate decision, not the applicant. He stated the ideal choice for both the applicant and the City would be to provide replacement trees on the college property. He continued that the applicant has the option of planting trees under the direction of the Parks and Recreation Director or the Commission anywhere within the city limits.

Commissioner Storer sought clarification on the time frame of the option for the applicant. Mr. McCaghren explained that the applicant may choose to pay into the tree replacement fund or replace and replant the new trees which would be the conditions for the tree removal. He noted that the timing would be the same for either option. Mayor Marchman stated that it will be in the City's best interest to request the nine, 6" caliper trees.

Motion by Commissioner Storer to deny the appeal with the hope that the college will replace the tree caliper inches that have been discussed publicly at this meeting and that staff review the usability of the existing tree ordinance, seconded by Commissioner DeVane. Motion carried unanimously.

Both Mayor Marchman and Commissioner Storer disclosed having conversations with the applicant prior to this meeting.

c) Presentation by Orange County Public Schools regarding Winter Park High School renovations and new access plan.

Orange County School Board member Joie Cadle introduced the speakers in attendance that are involved with this issue.

Winter Park High School Principal Bill Gordon provided a brief history on the proposed renovation, the master plan and how the plan addresses the current safety concerns dealing with ingress and egress to the school.

Ron Lang, Harvard Jolly Clees Toppe Architects, provided a powerpoint presentation summarizing the Winter Park High School master plan. He addressed traffic plans designed to improve the ingress and egress to the school, student parking, bus traffic, and Phase I of the addition of the new science and art building.

Commissioner DeVane sought clarification on some of the proposed entrance ways to the school. She expressed her concern of opening an area that has been closed for a very long time and the impact to the surrounding area. Commissioner Eckbert inquired whether the issue of the legal driving age being raised to 18 years was taken into account in the proposed traffic plan. Mr. Gordon responded that the impact of the legal driving age being raised has been addressed.

Mr. Gordon noted that the project should be completed in 30 months. Ms. Cadle explained the arrangements that have been made to make the renovation less of an impact on the surrounding neighborhood.

Commissioner Storer asked if City staff was given the opportunity to review the traffic impact of the renovation plan. Mr. Gordon responded that the plan was presented to the City Manager and staff last week. There was discussion on whether the proposed plan would necessitate changes to existing ingress and egress agreements. Commissioner Storer asked that staff consider existing agreements while reviewing the renovation plan.

Commissioner Eckbert expressed his concern of designing the parking lot for 900 cars that may only be good for two years. Commissioner DeVane asked if the routing of traffic should be revisited frequently during the renovation period. Ms. Cadle announced that the renovation plan will be presented to the community on December 11, 2003, 7:00 p.m., at Winter Park High School. Commissioner Storer asked that the plans to date be forwarded to City staff for review and what is envisioned for the entrance and access points. Mr. Lang noted that the portables will arrive by November or December 2004.

Planning Director Don Martin elaborated on how the proposed plan improves the concerns for the surrounding neighborhood. He said he does not believe the plan violates the 1969 agreement and that no addendums to the agreement have been located. Mayor Marchman noted that this is the first time the Commission has reviewed the plans and how this project is still in the planning stage. He stated that the Commission's primary concerns are with entry way #6.

d) Topics and schedule for Commission work sessions.

City Manager Williams presented this item. He said several Commissioners have expressed an interest in considering the possibility of holding occasional work sessions to discuss specific items. He said staff believes that the first five items are of the most importance; the others are not as urgent. Mr. Williams suggested to have one stand alone meeting on the third Monday of each month to discuss one item at a time. Discussion ensued regarding the number of issues that can be discussed and dispatching the item for action.

Commissioner Storer supportive of the idea, elaborated that if certain issues are not addressed in their entirety, they will resurface because they are tied to other issues. Mayor Marchman expressed his preference of either a Commissioner(s) or staff identifying the particular issue that needs discussion and then schedule a work session specific to that issue instead of scheduling a specific time and monthly meeting. Commissioner Eckbert commented on his preference that staff focus on policy directives for consideration by the Commission. Commissioner Storer commented on the need to include a definitive mission statement with each issue. Commissioner DeVane sought clarification on possible meeting times.

After further comments, a consensus was reached to schedule a work session when the City is faced with a pressing issue instead of scheduling on-going monthly work sessions.

Non-Agenda Item - Sterling Award Program

Although the next item was not on the agenda, City Manager Williams presented the issue regarding the meeting that was held with the City of Coral Springs about the Sterling Award Program.

Assistant City Manager Randy Knight provided an update of the meeting he and Commissioner Eckbert attended regarding the program. He explained that the award is presented by the governor to cities that improve the way they operate. He reported that the City of Coral Springs has been a recipient of the award twice and has developed a corporate culture which focuses on ways to better improve its operations. Mr. Knight noted there are many elements of the program that are applicable for the City of Winter Park.

Mr. Knight explained that the process starts with an annual distribution of a detailed citizen survey throughout the city. He continued that their next step is to develop a business plan which results from a two and a half day strategic planning session which includes their Commission and senior staff members. Mr. Knight stated that the process continues with a review of the business plan during the budget process which is monitored regularly during the year. Lastly, Mr. Knight noted that the program provides for the Commission to focus on a course of action based upon the citizen surveys.

Mr. Knight reported that if the Commission considers this program, members from the City of Coral Springs have offered to present and explain the program during a Winter Park Commission meeting. There was discussion regarding how long the City of Coral Springs has been involved in the program and the major commitment that it requires. Commissioner Eckbert expressed what he felt was advantageous with the program. Commissioner Storer elaborated on being mindful of

having responsiveness built into any system under consideration.

There was a consensus to review the program further and for staff to return with recommendations that could improve the City's communication and help to make operations work more efficiently. He said he was amenable to discuss this issue during a planning or work session.

CONSENT AGENDA:

- a) Approve minutes of 11/24/03.
- b) Approve budget adjustments as follows:
 - 1) Transfer \$1,508,481 from General Fund balance to Capital Improvements Fund to cover costs of municipalization efforts for the electric distribution system incurred through September 30, 2003 (FY 2003).
 - 2) Cover FY 2003 shortfall in garbage collection account with transfer from lakes chemicals account in Stormwater Operating Fund.
 - 3) Appropriate certain revenues totaling \$125,864, primarily related to fire services, in excess of budget estimates to cover fire services expenses for FY 2003.
 - 4) Carry forward \$3,546,922 in capital project budgets remaining from FY 2003 to FY 2004.
- c) Review calendar and update with upcoming events.
- d) Modify the fine for the "unpermitted" tree removal at 1341 Michigan Avenue to \$500.00 to be split equally between the property owner, Zera Bromfield and the contracted tree service, Chuck Kimmig. Plant one 6" caliper approved shade tree on the property at the expense of the property owner.
- e) Approve the Assistant City Manager employment agreement.
- f) Approve Task Order 2003-03 with CH2M HILL, scope and budget for the design of the Aloma Water Treatment Plant, Magnolia Water Treatment Plant Phase II improvements, and the Planned expansion of the Swoope Water Treatment Plant, not to exceed \$1,523,157 to be funded under the existing water & sewer bond issue.

No public comments were provided.

Motion made by Commissioner Storer to approve the Consent Agenda, seconded by Commissioner DeVane. Motion carried unanimously with a 4-0 vote.

NEW BUSINESS:

1. Vol Quitzow, 1760 Tonto Trail, Maitland, spoke about how street performers are viewed and treated in the City. Discussion ensued regarding how the City regulates street performers and charity drives by requiring proper permits and licenses. Mayor Marchman said this issue will be reviewed and a response will be provided to Mr. Quitzow. He suggested looking at other communities and how they deal with street performers.

2. Rick Frazee, 1921 Englewood, spoke about the mission furniture that is displayed in the lobby of the Public Safety Building. He asked if the furniture can remain on display with additional pieces loaned from select stores on Park Avenue along with prices and contact information. Mr. Frazee said he would like to start a fund within the City where funds can be accumulated to be used specifically to purchase mission furniture. Discussion ensued regarding whether a better offer can

be obtained. Mr. Frazee stated that he will return after the new year with a proposal. There was discussion that any furniture placed for display maintain the theme of the Public Safety Building's architecture. Mr. Frazee suggested to form a committee that he would serve on along with a police officer, a firefighter, an interior decorator and Alberto Vargas, the City's Town Designer.

3. Lois Castner, 2238 Whitehall Drive, expressed her concern with the traffic from the Winter Park High School. She asked that an agreement outlining ingress and egress and gate hours to the school be secured and executed between the City, the school and the Orange County School Board. She spoke of the impact to her property if the gate on Berwick Drive is changed from a secondary entrance to a primary one. Commissioner Storer commented on using this opportunity to secure any future agreements with the school and School Board in writing.

Commissioner Metcalf joined the meeting by telephone at 8:00 p.m.

4. Mayor Marchman stated that Bill Battaglia has requested that either himself or Scott Stahley be added to the Parking Task Force. There was discussion that Parking Task Force meetings are public meetings where attendants are able to provide comments. Commissioner Metcalf commented on the challenge of maintaining quorums with large committees. Planning Director Don Martin explained that 85-90% of the process is already completed and that many of the decisions are currently under consideration. He expressed his concern of adding another member at this time. Mayor Marchman read the e-mail received from Mr. Battaglia. Commissioner Eckbert suggested having the Chairman of the task force inform Mr. Battaglia of upcoming meetings in which he can attend and provide input. Commissioner Metcalf concurred with Commissioner Eckbert and suggested the same procedure for the Public Art Advisory Board. Mayor Marchman asked that Mr. Battaglia be placed on the notice list for future meetings.

Commissioner DeVane asked for an update from the Parking Task Force. Mr. Martin stated that a draft report is ready and can be furnished to the Commission. He said that the consultant is prepared to submit a presentation to the Commission at the second meeting in January. Commissioner Storer commented that at some point the stakeholders should go through a validity check and spoke about including objective people as task force members. Commissioner DeVane asked that the meeting be advertised as a public hearing and be time specific so the community can provide their input.

5. Commissioner DeVane inquired into the status of the Regency Hotel. Mayor Marchman reported that documents that would allow the closing to occur were executed on Friday. Mr. Martin spoke of the financial documents that were signed and said that the permit is ready and pending the payment of fees. Commissioner Metcalf said he is in support of the condo/hotel mix with this project. He reported on a rumor that the developer prefers to complete the entire project in room styles which could later be sold as condos. He explained why he will not support a change in the basic structure of the hotel plan. Commissioner Eckbert asked whether it is better to address this issue while the condos are under construction. Discussion ensued regarding the unit composition (condo/hotel) of this project.

6. Commissioner Metcalf spoke of conversations he had with Dick Straus (Winter Park Land Company and member of the Central Business District Parking Task Force) and George Herbst

(Rollins College) about owners of multiple properties and possibly establishing a property owners group to discuss the status of Park Avenue.

7. Commissioner DeVane inquired about the type of economic incentives that are available to assist with the vacant retail buildings in the City. Commissioner Metcalf commented that these are the type of issues the Economic Development Advisory Board should be addressing.

8. City Attorney McCaghren asked for clarification of the Commission's intent with the resolution concerning the deHoyos/Holler issue. Mayor Marchman suggested to make the resolution available to Dr. deHoyos because it is a public document.

The meeting adjourned at 8:20 p.m.

Mayor Kenneth Marchman

ATTEST:

City Clerk Cynthia Bonham