

**CITY OF TEMPLE TERRACE, FLORIDA  
MAYOR AND CITY COUNCIL  
MINUTES**

**Special Meeting  
Tuesday, June 22, 2010  
Council Chambers–City Hall**

Having been duly advertised as required by law, the special meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, June 22, 2010, for review and consideration of a site plan modification request relative to the downtown redevelopment area.

**PRESENT WERE:** Mayor Joe Affronti, Council Members Alison M. Fernandez, Ron A. Govin, Ken Halloway, and Mark A. Knapp, City Manager Kim Leinbach, City Attorney Mark A. Connolly, and City Clerk Lisa Small.  
**ABSENT WAS:** Council Member Mary Jane Neale.

**ALSO PRESENT WERE:** Public Information Officer Mike Dunn, Leisure Services Director James Chambers, Police Chief Ken Albano, Community Development Director Charles Stephenson, Human Resources Director Woody Hubbard, Fire Chief Keith Chapman, Finance Director Diane Reichard, Public Works Director Joe Motta, Deputy City Clerk Jeannie Barlow, Police Lieutenant Bernard Seeley, Marine Patrol Officer Richard Scilabro, Assistant City Engineer Michael Hall, Robin Kendall, Joe Bell, Deighton Babis, AIA, Alex Velong, Tracey Velong, Chad Velong, Joyce McKenzie, Richard Reina, Jeff Nelson, Mike G. Harper, Gail Scilabro, and several other persons.

There being a quorum present, Mayor Affronti called the meeting to order at 2:00 p.m.

Mayor Affronti stated there would be a Special Presentation before the business of the Special City Council Meeting.

Police Chief Ken Albano commented that, to his knowledge, the highest civilian award that the Police Department can bestow on any citizen of Temple Terrace has never been awarded until today. He explained that the criteria provides that the award may only be given to a private citizen who voluntarily comes to the aid of a Police Officer or another citizen at great personal risk to their own lives in situations arising out of criminal activity, where the citizen involved has no personal motive at stake in the outcome.

Police Chief Albano related the series of events that occurred on June 11, 2010, when Marine Patrol Officer Scilabro was on patrol and conducted a vessel stop, on which there was the odor of marijuana, marijuana was spotted, and one of the suspects, when asked to step aboard the Police Patrol boat, started to flee. Police Chief Albano described the fight that ensued on the boat, about 100 yards north of the Fowler Avenue ramp, and how the Marine Patrol Officer was literally in a fight for his life. He continued that the Marine Patrol Officer tried to deploy his Taser to use less lethal force on the suspect, but the suspect knocked it out of his hands, and as the fight continued on the boat, the suspect attempted three times to get the Marine Patrol Officer's handgun; however, the Marine Patrol Officer was able to push him off, showing great restraint and not attempting to fire his handgun until he reached the point of exhaustion, when he heard a voice ask if he needed help. Responding affirmatively, Police Chief Albano relayed that Mr. Velong brought his boat even with the Officer's boat, and with the Officer's gun still drawn, Mr. Velong assisted the Officer in subduing and handcuffing the suspect, and then riding with the Officer back to the Fowler Avenue ramp to be sure the Officer was okay. Police Chief Albano expressed great pride in Mr. Velong's efforts and gratitude that Marine Patrol Officer Scilabro is still sitting here with them, and neither the Officer, nor the suspect were injured in the altercation.

Police Chief Albano read the award, which stated that upon recommendation and approval of the Awards Board, in recognition of the Citizen's meritorious actions involving great risk to personal safety, by voluntarily aiding in the apprehension of a combative suspect who was actively attempting to disarm the Law Enforcement Officer on June 11, 2010, the Citizen Award of Valor was presented to Chad A. Velong.

**Site Plan Review:**

**1. Downtown Redevelopment – Site Plan Modification Request of Vlass Temple Terrace LLC.**

The City Manager announced they are here today to consider a request to modify and amend a site plan for the southeast quadrant Area "A." He continued that Vlass Temple Terrace LLC submitted a preliminary site plan application amending the previously approved Planned Development Final Site Plan for the City's downtown redevelopment area. He explained the Vlass Group is requesting approval of Phase 1 and Main Street construction to commence remodeling of Buildings B, C, and D, and the related parking areas. The City Manager said staff is recommending approval of the amendment.

The City Manager continued that associated with that request are two minor modifications to the Reciprocal Easement and Operating Agreement. He said one modification is to eliminate special assessments, meaning special assessments by the developer, which is a less restrictive covenant, in his opinion; in addition, that CAM (Common Area Maintenance) charges be divided between Phase 1 and the balance of Area "A." He concluded they are also recommending approval to those provisions. He requested the Community Development Director review the proposed site plan modifications.

Community Development Director Charles Stephenson reviewed that the PD rezoning and final site plan, prepared by King Engineering for Ram Pinnacle, was approved by Council on July 8, 2008. He continued that the modification that is being presented is a request by Vlass Temple Terrace LLC for a modification of that approved PD site plan, under which construction never commenced. He explained that the intent, under the Second Amendment to the Master Developer's Agreement, in lieu of having an approved final site plan, which the developer is continuing to work on, is that the developer has asked that they be permitted to begin with the modifications and improvements to Phase 1, consisting basically of three things: 1) interior and exterior remodeling of Buildings B, C, and D; 2) construction of Main Street from Bullard Parkway to Chicago Avenue; and 3) associated surface improvements in front of Sweetbay and around the area delineated as Phase 1 in Area A.

The Community Development Director noted that the developer has included in this set of drawings some parking along Chicago Avenue, which he requested Council to exclude from any approvals that may be considered today. He explained staff is still working out the details related to some issues with the parking arrangement that he believes can be resolved between now and the time of final site plan approval. He reiterated the developer has indicated that they are continuing to work on their final site plan submittal, which the City should have in a few weeks. He noted that the City will have a 30-day advertising requirement to meet, as well as staff review time before the final site plan can be presented to the Council, which he estimated would occur within the next 45 days. At that point in time, he advised they would be presenting a Planned Development rezoning and a final site plan approval for the entire 20 acres from Bullard Parkway to Chicago Avenue.

The Community Development Director summarized the developer has requested Council to consider the three items he mentioned earlier, so they can move forward to permitting, in lieu of submitting a final site plan at this time. He referred to the display boards prepared by the developer, noting the site plan includes Phase 1 and the portion referred to as 1-A, relative to Main Street. He remarked that staff has always encouraged the construction of Main Street to occur as soon as possible. Regarding the elevations presented, the Community Development Director said the developer and his architect have worked through several issues with staff on the preliminary site plan and most of the concerns have been addressed; while there are still some concerns to be addressed, he believes they have come up with a plan that can be moved on into subsequent phases. He expressed his and the developer's availability to answer any questions Council may have at this time.

Looking at the landscaping plan, Council Member Fernandez expressed concern about shade, acknowledging it is a difficult balance to provide sufficient parking and still maintain shade; however, any large concrete/asphalt parking area will be hot. She said she wanted to be sure that has been taken into consideration. While this particular phase concerns the remodeling of Sweetbay, she explained she was trying to be pro-active; she wanted to be sure there would be awnings or some type of shade provided, in order to draw people to the area.

Commenting that it was difficult for the Council to determine the landscaping from the 11 x 17 copies of the plan that the Council received, the Community Development Director said he understands the concerns and will work with the developer to see if they can get more shade. From his seat in the audience, Mike Vlass, Vlass Temple Terrace LLC, indicated his support for more shade. Council Member Fernandez commented it may not be something that works in this phase, but perhaps for later phases, adding that she is not necessarily suggesting structures, but pergolas or something to provide some type of transition for shade. She asked for consideration of that as they go forward.

Mike Vlass, Vlass Temple Terrace LLC, informed the Council that they have hired a landscape architect from Atlanta, with whom they have years of experience, who is looking very carefully at all corners and all locations to create the main civic park and pocket parks, which will be areas of rest and relaxation, adding that there has to be shade for that to occur. He pointed out on one of the display boards where they created an interesting park opportunity and on other boards, the location of various park areas. He commented they will be submitting all of that to the Council for review before the final approval. He remarked they are keenly aware of the need for shade, stating it could be done with paving, changing street grades, canopies, or arbors. He mentioned their landscape team identified some trees at the golf course they believed were in the "wrong place" at the course; they were wondering whether they would be allowed to move them to the parks in the development, providing some massive trees, and if so, the cost to do so. He emphasized the importance of shade.

Council Member Govin asked whether the plan presented is a final site plan or not. He explained he is hearing there are things they are going to change, but Council is being asked to approve it today; he questioned how they could do that. He said he is concerned about being asked to approve something that includes promises and maybes, which could be gone.

The Community Development Director responded they are ultimately looking for a final site plan on the entire project; what they see here would be incorporated into that final site plan for Council's approval as a whole 20-acre site plan.

The Community Development Director continued that today, as requested by the developer, they are looking for approval to move to the permitting stage, so they can get started on Phase 1, which includes the improvements to the buildings and Main Street. He explained that what they would approve for permitting today is fairly close to what they will be seeing as a final site plan. He noted there are some things to be worked out, as well as some things that are not shown on the boards, about which they need to come to some agreement with the developer, adding his assurance that they can come to agreement. He remarked that they held their Development Review Committee meeting with the developer and requested a couple of things, tweaking the plans here and there; those items have not yet appeared on the plans at this point; however, for the most part what they see here will be permitted. He reiterated that this approved Phase 1 will be incorporated into the overall final site plan.

Council Member Govin questioned the legal position they assume if something is not on here and Council approves it today – in other words, is it as approved today, or can changes or will changes be made.

The City Attorney commented that he understands, from his discussions with Mr. Lant, Mr. Hicks, and the Community Development Director, they have an existing PD site plan for the entire 20 acres that Council approved in 2008 for Ram/Pinnacle; the Code allows for minor modifications to an existing PD site plan without going through a public hearing process pursuant to certain Code parameters. He continued that staff has determined that the requests presented today are principally façade changes, parking lot changes, and the creation of Main Street, and, therefore, fall within the parameters of what can be done without going through a public hearing process.

The City Attorney informed the Council the developer has acknowledged that in order to have a holistic modification to the entire 20-acre parcel, ultimately it needs to go through an entire site plan modification, which will involve a public hearing process and advertisement that will affect the entire 20 acres, so that they have a development that is designed and considered by City staff pursuant to an overall comprehensive package. The City Attorney explained that in the context of the Master Developer's Agreement (MDA), the City's legal department recommended a site plan for the entire 20 acres; however, under the MDA the developer is allowed to go forward with a different site plan than what they are now proposing, which is a 20-acre rezoning of the entire project. He opined that a site plan modification of the entire project is good for the developer and good for the City. He said once that is approved, it doesn't mean that it cannot be modified down the line, just as they are considering modifications to the Ram/Pinnacle site plan at this point in time; over the next few years things may change. He summarized that as he understands it from the Vlass team and the City administration, this is considered a minor modification to the existing site plan that will be followed up shortly by the Vlass team with a 20-acre site plan that will address all aspects of development of Area A.

Council Member Govin commented it would help if the City Attorney could simplify his answer. Council Member Govin restated his question that if there is a spot where the City believes there should be more landscaping and it is not shown on the print approved today, whether that means it will be built as the print shows or whether the City will have any options of being able to later say there needs to be more trees or shaded areas. He noted that in looking at the plans, he thought the landscaping looked extremely skimpy.

The City Attorney deferred to the Community Development Director, stating his understanding is that the intent now is to allow reconfiguration of a parking lot and to allow for the façade improvements to begin and for the creation of Main Street. He continued that to the extent the approval seeks to modify the existing site plan with respect to landscape and other issues, he has not been part of the process, so he deferred to the Community Development Director.

The Community Development Director commented that for the most part this will be a commitment on their part to design and build this according to the drawings. He continued that staff has looked at the landscaping and did not consider it to be skimpy; it is pretty inclusive of what is required pursuant to the Land Development Regulations. He offered that if there were suggestions, he was sure they could be incorporated by the developer.

Council Member Govin responded that perhaps staff has seen something other than what he has seen. He commented that it was difficult to tell from the drawings that were provided to the Council, which appear to show a 500-foot “U” of the property with green spaces drawn; he cannot tell whether that represents grass, hedges, or something else. He expressed concern that throughout this process they pushed for canopies of trees that would give shade, and unless they know that is what is included, it is hard to go forward. He indicated he would willingly approve the façade improvements for Buildings B, C, and D; however, until he sees a landscape elevation, he has no idea what is included.

The Community Development Director stated that typically with a site plan in regard to the landscaping is a schedule and a birds-eye view of the plan, and not a rendering, which would not dictate caliper or height of trees. He said that staff has reviewed the list of trees provided by the developer for Phase 1, and they feel comfortable it meets the requirements. He explained the difficulty of providing shade in a 400-space parking lot; typically they see a five-foot island with a two-inch diameter tree, light pole, hydrant, Fire Department connection, and a transformer, which doesn't provide much shade.

Council Member Govin remarked that most of the tree calipers are not very substantial, which means it would take 5-10 years to have substantial trees on the development. He surmised they cannot give him answers any closer than what they already have, and they are obviously going to do a semi-release of the site plan without it being complete. He noted that they have done a lot of incomplete semi-releases, and while he loves pictures, without an elevation, he cannot tell from the topography given, which cannot be read even with a magnifying glass. He expressed concern that they are ready to approve a site plan that is not complete and they need to exercise caution. He questioned whether there will be further negotiations on the site plan and whether there is room for negotiations once they approve this site plan.

The City Attorney responded that the approval today is only to allow construction on Phase 1 and Main Street and nothing else. He continued that any other development on the property would be subject to the rezoning petition with the fully complete final site plan, which they should have very soon. He said that to the extent there are issues with what they see, today would be the appropriate time to work through those issues with the Vlass team.

With that being the case, Council Member Govin expressed concern about the large park; with vehicles on three sides, he wanted to know what was included in the park plan and how children would be protected from harm from the traffic all around and by them.

The Community Development Director responded that the park has not yet been designed because it is considered to be outside of Phase 1; they are discussing construction of Main Street. He continued that they will be incorporating some sort of design criteria and elevations as part of the final site plan and have not reached a point to design that park at this time.

Council Member Govin remarked that the plan shows it. He questioned the access to the park and whether there are fences or hedges around it.

The Community Development Director reiterated that the park has not been designed, so he cannot answer those questions at this time. Mayor Affronti questioned whether the park is included in what they are talking about today. The Community Development Director responded that the park itself is located within the Phase 1 area; however, they have not designed the park. He said he anticipated the park design, including the hardscape and landscape items, such as benches and trees, will be included when the final site plan is submitted.

In response to Council Member Govin's question as to when the final site plan will be submitted, the Community Development Director responded the developer has indicated they are just a couple of weeks away from submittal. Council Member Govin questioned whether they can approve the changes to B, C and D today, so they can get going, and not do this whole site plan, since the whole site plan is not completed – they are doing a partial site plan approval and he is not comfortable with that.

Mr. Vlass interjected he is not sure they are doing a partial site plan – he would defer that explanation to the City Attorney. He explained they need to know the approved delineations of the location of the roads and the park. He said they do not get into the details of the park until the final site plan is submitted to the City, at which time the Council will have another opportunity for review and input. He clarified that in two or three weeks, the City will have all the details, including the tree calipers. He offered to provide renderings and elevations although, as the Community Development Director pointed out, he said they are not required to do so. He noted that staff has made several requests for changes, and they have agreed to almost all of them; the ones to which they have not agreed, it is only a question of working out the details. Regarding Main Street, he summarized they are not asking for anything more than the approval of the *location* of Main Street, without which they cannot satisfy lender requirements or tenants, who need to know they can access the buildings from Bullard Parkway. He continued that the viability of everything around this park is of great concern to them; they need a nice park to attract tenants and their customers. He said they would like approval to start the building improvements, so they can get the tenants in as quickly as possible and know the location of Main Street - not details.

Acknowledging the difficulty in clearly understanding the plans, Mr. Vlass advised that when they get to final site plan approval, David Floyd of Site Solutions, the landscape architect, and their civil engineers will be here for the presentation, along with renderings, elevations, topography, and grades; if there is any question Council would like clarified or anything they believe is missing or deficient, they will provide as much detail as they would like in a Council meeting or individual meetings. He noted the main park will be like a plaza, with arbors and trees, outside the arts center; it will be detailed out in the next two to three weeks. He reiterated the request today is to allow them to get started, break ground, and get some activity going while they have the window of opportunity to deliver the buildings for Sweetbay and the Post Office before the Christmas season.

The City Attorney confirmed with Mr. Vlass that approval from the Council is needed for them to satisfy the requirements under their leases and partnership agreement, which include, in the next 120 days, the ability to obtain the permits to break ground and proceed with the façade improvements pursuant to their obligations with Sweetbay and the Post Office, along with the approval of the location of Main Street to show lenders and tenants that they have access to the buildings. Mr. Vlass noted that how it is going to happen and the details occur later with final site plan approval and final PD zoning. He commented that while he doesn't like referring back to the Ram/Pinnacle plan, it was the most expeditious way to get started on Buildings B, C, and D; their objective is to start July 1, exactly one year from when the City conveyed the property to them and two years ahead of schedule.

The City Attorney clarified the developer needs approval of the re-configuration of Phase 1, the façade improvements, and the location of Main Street in the area shown as Phase 1A, so the tenants know they have access. Mr. Vlass said he doesn't get into those details, but Mike Lant knows exactly what they need to satisfy the requirements, which the Community Development Director confirmed. The City Attorney advised that the Council can approve the modification of the existing PD site plan in that manner, subject to future Final Site Plan and PD rezoning of the entire 20-acre parcel with all of the other issues they are talking about, such as landscaping, etc.; it doesn't appear to be critical to today's analysis.

Council Member Knapp commented that the pages provided – Landscape Plan Phase 1 and Landscape Plan Phase 1A – include identical plant schedules that are just printed on two different pages, suggesting to some that they were getting twice as many plants as they actually are, when the plant schedules are for the entire site. He said he also noticed the 12" caliper live oaks, which are the largest live oaks that can be transported and planted, are all in Phase 1A, which goes from the entrance off 56<sup>th</sup> Street, with six of the trees around the park. Mr. Vlass confirmed that is correct, to which Council Member Knapp stated that means Main Street is getting all ten of the 12" live oaks. He said he is not concerned with the entire site, since they are only doing Phase 1 at this point, but he questioned whether the landscape page is being approved for Phase 1. If so, he said there is not enough detail to go on, because if it is going to be in phases, the plant schedule needs to actually show what is going to be in Phase 1 and where it will be placed, rather than an all-inclusive landscape plan. He commented that he believed he heard the landscaping plan will be approved later, and he is fine with that; however, he questioned whether the approval today means they are saying this landscape in Phase 1 is adequate. He continued that if it is adequate, his question to staff would be that they can't see the detail of the landscaping in the print, which he would like to see before they agree to the landscape portion. He said he has no problem with the buildings or the layout.

Council Member Fernandez added that she also has no objection with the building layout and street. She questioned whether it is possible to move this forward for construction purposes for the buildings and street layout, but reserve approval for the overall landscape plan until they are looking at the overall site plan. The Community Development Director deferred to Mr. Vlass.

Robin Kendall of EMK Consultants, the civil engineers on the project, explained they were trying to show the overall maximum of what they are putting on the plan for the entire 20-acre site, including Main Street and Phase 1. He said his understanding from speaking with Mike Lant is that they are seeking approval of Phase 1 and Phase 1A, as part of the previously approved Ram/Pinnacle plan. He continued that Code-wise on landscaping, they will meet that, at a minimum, and they are going way above Code on hardscape. He noted that all of the perimeter landscaping is being taken out of 56<sup>th</sup> Street, and instead, they are doing that themselves.

Mr. Kendall continued that in order to meet their deadlines there are other things they need to do, in addition to the City's approval, to move forward. He summarized they need Council approval for Phase 1 and Phase 1A pretty much as they are, explaining that when they submitted it for the PD rezoning plan and preliminary site plan, they provided the City with about 80-85% complete sets of plans, which is 50-60% more than what is required, in order to give the City a chance to review and comment on the ultimate goal of what they plan to do. He said they have received the City's comments and Vlass has addressed them, with some minor tweaking left to do; however, in order to go forward and meet their deadlines, they need the approval of Phase 1 and Phase 1A. He commented there will be trellises out there that David Floyd is proposing, lighting, and benches, noting that they are working closely with the Community Development Director on all of that.

Council Member Fernandez asked whether they can have an approval that satisfies the needs of the permit and have the landscaping aspect separate, breaking them up and having the landscape, even for this portion of the project, as part of the overall entire site plan process. She explained that way none of their concerns with the landscaping would hold up the building process for the site. Mr. Kendall responded he did not see an issue with that, as long as other items don't change, such as adding islands or moving roads.

Council Member Fernandez explained her concerns are based on the fact that the City is a tree community in a natural setting; however Florida is very hot so there is a concern among the public about having ample shade. She said one of their concerns is that the 56<sup>th</sup> Street/Bullard Parkway intersection does not reflect the natural setting of the City of Temple Terrace. She remarked that she wants to be sure it reflects what the citizens want or they will be calling her.

Mr. Kendall explained that on the landscaping they are trying to focus primarily on Main Street, and, therefore, the majority of the plantings are going in that area. Recognizing the City has requirements, Mr. Kendall stated that "big box" stores, such as Sweetbay, do not want their storefront covered from view with landscaping. Mr. Vlass interjected that Sweetbay has gone above and beyond their particular parking arrangement by allowing them to add pedestrian walkways and trees, in addition to lowering their site, which is a massive deal, opening up Swiftmud issues with additional requirements they had not planned to do. He reiterated that they need to make sure that the approvals given today allow them to go forward and that the tenants and the owner, Inland Vlass Temple Terrace LLC, know that they have the approvals they need to build, own, and operate what it has. He said that as long as the landscaping doesn't cause a problem on any of the things they have to get to Inland, he has no problem with coming back to them, because they were expecting to do that in two or three weeks with the overall final site plan. He indicated he had instructed David Floyd to "over-do it" on the landscaping, which is how he gives directions to his professionals – he doesn't micro-manage them. While cost is somewhat of an issue, he said it has to be gorgeous.

Council Member Govin said he would be happy to put a motion on the table if the City Attorney would restate the request, and also to include the fact that final site approval for the landscaping would be done at the time of final site plan approval.

The City Attorney suggested they briefly discuss and confirm the direction.

The City Attorney related that he talked with Mike Lant today; however, he isn't exactly sure what documents Inland requires, other than their partner knowing they have the ability to go forward and build legally. He explained that if it is built in accordance with an approved modification to a PD, they can do that legally subject to further modification, pursuant to the old PD site plan approval. He said the law allows them to modify the existing site plan as they see fit.

As he understands it from Council, the City Attorney said he believes that Council is comfortable approving the layout for Phase 1, including the changes to the parking that are proposed for Phase 1, the proposed changes to the façade improvements and layout of the buildings contained in Phase 1 that were previously known as Buildings B, C, and D, the hardscaping they have proposed for Phase 1, and the layout for Main Street in Phase 1A. He continued, stating that the hardscaping for Phase 1A and whatever landscaping modification that is going to be done, will be done pursuant to the complete PD site plan approval that will be part of the entire 20-acre submittal that they bring to City Council in the next few weeks. The City Attorney confirmed with the Community Development Director that they have the submittals from the developer that are sufficient to modify the existing PD site plan in that respect as a minor modification. To restate it, the City Attorney suggested the motion would be to modify the existing site plan only in those respects with all other modifications as necessary to be done as part of the 20-acre PD site plan submittal that will be received from the developer in the next few weeks.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 071-10(m)** was **ADOPTED**, approving modifications to the existing PD Site Plan, RZP#08-02/SPR#08-01, as approved July 8, 2008, pursuant to Ordinance No. 1233, with the modifications more fully described as (a) the layout for Phase 1, including the changes to the parking proposed for Phase 1, the proposed changes to the façade improvements and layout of the buildings contained in Phase 1 that are more commonly known as Buildings B, C, and D, the hardscaping proposed for Phase 1, and (b) the layout for Main Street in what has been designated in the Master Developer's Agreement as Phase 1A, as shown on the attached Site Plan drawings for Phase 1 and Phase 1A, the hardscaping for Phase 1A, with the understanding that other necessary changes, including, but not limited to landscaping modifications, will be included in the PD Rezoning petition and Final Site Plan Approval for the entire 20-acre parcel known as Area A, lying southeast of the intersection of N. 56<sup>th</sup> Street and Bullard Parkway, bounded on the south by Chicago Avenue and on the east by existing office, multi-family and single family developments. Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Knapp voting "aye," no "nay." Council Member Neale was ABSENT and did not vote.

Council Member Govin requested that the proposed final PD site plan be provided to Council in blueprint size and include elevation views, so that it will be easier to read and understand the height of trees in relation to the buildings, as an example. In addition, he recommended that perhaps they have a workshop with those items to start with, where they can discuss those items before making decisions, to ensure they all understand it before bringing it to Council. He noted that there would not need to be a complete set for everyone as they would not all fit on the conference table – two or three sets should suffice.

Mr. Vlass offered to join in the work session with their engineers to explain the plan, walk them through it, and answer questions.

The City Manager commented that the second associated action is a request, for which the administration recommends approval, for minor modifications to the REOA (Reciprocal Easement Operating Agreement). He explained the changes are to divide the CAM (Common Area Maintenance) charges between Phase 1 and the balance of the parcel known as Area A, to reflect the agreements in place that the City incurred when it purchased the property, which has now been conveyed to the Vlass Group. He explained the other change for which approval is also recommended, is the removal of certain verbiage in the REOA that allows for imposition of special assessments by the developer or its successor, which the City, as a tenant, would find to its benefit. The City Attorney confirmed that both proposed modifications to the REOA could be done in one motion.

Upon motion of Council Member Fernandez, seconded by Council Member Halloway, **RESOLUTION NO. 072-10(m)** was **ADOPTED**, directing staff to prepare modifications to the REOA (Reciprocal Easement Operating Agreement) as recommended by the administration, to allow for the CAM (Common Area Maintenance) charges to be divided between Phase 1 and the balance of Area A, and, further, to substantially limit the rights of the developer, or its successor, to impose special assessments. Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.” Council Member Neale was ABSENT and did not vote.

There being no further business to be discussed, the meeting was adjourned at 3:04 p.m.

Joe Affronti, Sr.  
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Attest:

Ken Halloway, Council Member

Mark A. Knapp, Council Member

Melissa E. Small, MMC  
City Clerk

Mary Jane Neale, Council Member