

The regular meeting of the Lake Wales City Commission was held on June 4, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Lee A. Wheeler, III.

#### **INVOCATION**

The invocation was given by Pastor Norwood from Community Baptist Church

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Terrye Y. Howell; Jack Van Sickle; John Paul Rogers; Kathy Manry; Lee A. Wheeler, III, Mayor.

**COMMISSIONERS ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Anthony G. Otte, City Manager; Albert C. Galloway, Jr., City Attorney; Judith Delmar, Asst. City Manager; Jacquie Hawkins, Deputy City Clerk.

#### **Agenda Item 4. APPROVAL OF MINUTES**

Commissioner Manry made a motion to approve the minutes of the May 20, 2008 regular meeting. The motion was seconded by Commissioner Howell.

#### **ROLL CALL:**

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

#### **MAYOR**

#### **Agenda Item 5. COMMENDATION: AL COPPEDGE**

Chief Gillis explained that Officer Coppedge arrested a suspect on a drug violation. The suspect later wrote a letter thanking Officer Coppedge for his handling of the arrest. Mayor Wheeler said that he always thought our Police Department was the best in the state and periodically something happens to remind us of that fact. He commended Officer Coppedge for an excellent job.

#### **Agenda Item 6. CERTIFICATES OF APPRECIATION**

Linda Kimbrough, Kimbrough and Associates, on behalf of the Green and Gold Foundation presented certificates of appreciation to the Lake Wales Police Officers who staffed the Cultural Festival held over Memorial Day weekend. Ms. Kimbrough commended them for going beyond the call of duty. Commissioners Howell and Manry, as well as Mayor Wheeler, personally thanked them for a job well done.

#### **CITY MANAGER**

Mr. Otte said that it was requested that Agenda Items 7 and 8 be continued to a date certain of July 1, 2008. Kathy Bangle, Asst. City Planner, confirmed that the continuance was at the request of the property owner to allow more time for SWFWMD to review their plans.

**Agenda Item 7.                    Ordinance 2008-14, Annexation: Tedder Property, West Side of US27 North  
- 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 7. The full staff memo from Margaret Swanson, director of Planning and Development is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

The applicant has requested postponement of action on this ordinance until the first City Commission meeting in July. Staff recommends that the ordinance be given a second reading, that the public hearing be opened and public comment heard, and that the hearing be continued to the July 1, 2008 City Commission meeting.

Notice requirements for a public hearing have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND**

Bryan Potts, P.E., Tannath Design, Inc., authorized agent of the owner Allen Tedder, has requested annexation of the property. Commercial development is proposed.

An ordinance assigning Zoning and Future Land Use Map designations for the property is being brought concurrently to City Commission.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City limits on the east across US 27.

Surrounding uses:

North: County A/RR Agricultural/Rural Residential - unimproved

South: County HIC High Impact Commercial - Flea Market Property

East: City RAC Regional Activity Center - Wendy's, Denny's, and Home Depot

West: County A/RR Agricultural/Rural Residential

**OTHER OPTIONS**

Decline to annex the property.

**FISCAL IMPACT**

The annexation will add to the City's tax roll.

[end memo]

Ms. Delmar read Ordinance 2008-14 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPEN PUBLIC HEARING

There were no comments made by the public.

The public hearing for Ordinance 2008-14 was continued to a date certain of July 1, 2008.

**Agenda Item 8. Ordinance D2008-01, CPA/Zoning: Tedder Property, West Side of US27 North - 2nd Reading & Public Hearing**

Mr. Otte reported on Agenda Item 8. The full staff memo from Margaret Swanson, director of Planning and Development is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

The applicant has requested postponement of action on this ordinance until the first City Commission meeting in July. Staff recommends that the public hearing be opened and continued to the July 1, 2008 City Commission meeting.

Notice requirements for a public hearing have been met.

The Planning and Zoning Board held a public hearing on April 22, 2008 and voted unanimously to recommend a change in the land use designations on the subject property from Polk County Future Land Use designations HIC - High Impact Commercial to City of Lake Wales Future Land Use designation RAC- Regional Activity Center and Zoning Map designation C-3 Commercial.

Notice requirements for a public hearing have been met.

**BACKGROUND**

The ordinance proposes land use designation changes for approximately 2 acres of property located on the west side of US 27 across from Wendy's and Home Depot. Ordinance 2008-14, being processed concurrently, provides for annexation of the property.

See Attachment A to the ordinance for location and land use designations.

Since the property is under 10 acres in size, the amendment for a Future Land Use Map designation can be approved by the City as a "small scale" comprehensive plan amendment without review by the state's Department of Community Development.

Small-scale amendments are not counted as one of the two comprehensive plan amendments allowed per year.

Proposed development: A Racetrac gas station and convenience store are proposed for the site.

The property is currently designated as HIC-High Impact Commercial on the Polk County Future Land Use Map. The HIC classification allows a wide range of commercial uses, including convenience stores, restaurants, and large retail establishments. The site is located adjacent to the City's RAC – Regional Activity Center, the most intense commercial designation of the Future Land Use Map. The zoning designation on adjacent property within the City is C-3. These designations allow a full range of commercial uses and are appropriate designations for commercial uses such as the gas/convenience store proposed.

Surrounding land use and land use designations:

Surrounding uses:

North: County A/RR Agricultural/Rural Residential - unimproved  
South: County HIC High Impact Commercial - Flea Market Property  
East: City RAC Regional Activity Center/C-3 zoning - Wendy's, Denny's, Home Depot  
West: County A/RR Agricultural/Rural Residential - agricultural

Site access:

Access to the site is from US 27 at the traffic signal at Starr Lake Boulevard.

Potable/Wasterwater Flow:

The gas station will use approximately 600 gpd based on historical data from similar size stores.

**OTHER OPTIONS**

A C-2 zoning designation would allow a convenience/gas station by special permit.

**FISCAL IMPACT**

The land use change would allow commercial development on the property, thereby increasing the tax base of the City.

[end memo]

Ms. Delmar read Ordinance D2008-01 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 2.08 ACRES OF LAND, LOCATED ON WEST SIDE OF US 27 NORTH OF THOMPSON NURSERY ROAD, FROM POLK COUNTY FUTURE LAND USE DESIGNATION HIC - HIGH IMPACT COMMERCIAL TO LAKE WALES FUTURE LAND USE DESIGNATION RAC - REGIONAL ACTIVITY CENTER AND ZONING DESIGNATION C-3 HIGHWAY COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE.**

**OPEN PUBLIC HEARING**

There were no comments made by the public.

The public hearing for Ordinance D2008-01 was continued to a date certain of July 1, 2008.

**Agenda Item 9. Ordinance 2008-10, Amended and Restated Development Order for Eagle Ridge Mall, Development of Regional Impact – 1<sup>st</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 9. The full staff memo from Margaret Swanson, director of Planning and Development is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval of Ordinance 2008-10 on first reading following a public hearing.

Notice requirements have been met for a public hearing.

The Central Florida Regional Planning Council and its transportation consultant, DRMP, have been working with the applicant and the applicant's traffic consultant regarding the Eagle Ridge Mall DRI Substantial Deviation to finalize the DRI transportation stipulations. The Council recommends approval of the amended Development Order.

## **BACKGROUND**

The proposed extension of the buildout completion dates further than seven years into the future triggers the Substantial Deviation by State statute.

Eagle Ridge is an approved development of Regional Impact located in the City in the southeast quadrant of the intersection of U.S. 27 and CR17A/Chalet Suzanne Road in Polk County. The development was approved for 1,200,000 square feet of commercial space on June 26, 1990. There was a change in local government jurisdiction from Polk County to the City of Lake Wales.

The Eagle Ridge Mall property was annexed into the City in September 2005 and the Development Order transferring jurisdiction was adopted by the City on March 19, 1996.

Stage 1 of the project is currently approved for a total of 1,000,000 square feet (GLA), including the development of the mall facility and outparcel development, with a May 1997 stage completion date. The proposed amendment would extend the buildout completion date to 2012.

Stage 2 consisting of 200,000 square feet in outparcel development has a May 2003 completion date. The proposed amendment would extend this date until 2015. There is no change in the gross square footage proposed in the original DRI.

The amendment also addresses Condition Four of the adopted Development Order establishing a 1,500 foot buffer around an off-site Eagle's Nest that restricted the development of Parcel 5 on the adopted Map H until certain conditions were satisfied. The application documents the resolution of development order conditions and the development potential of Parcel 5.

## **OTHER OPTIONS**

Decline to approve Ordinance 2008-10

## **FISCAL IMPACT**

Continued development of the Mall and outparcels will add the tax rolls of the City.

[end memo]

Ms. Delmar read Ordinance 2008-10 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR EAGLE RIDGE MALL DEVELOPMENT OF REGIONAL IMPACT, CONSISTING OF APPROXIMATELY 179.1 ACRES OF LAND LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF HIGHWAY 27 AND CHALET SUZANNE ROAD, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 380.06, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

## **OPENED PUBLIC HEARING**

Rebecca Furman, Eagle Ridge Mall Representative, said they were only requesting that the buildout dates be extended, and that the requirement regarding the eagle that has vacated the premises, be removed. She said that the Central Florida Regional Planning Council agreed to do an in-depth analysis of traffic impact. City staff has required that the mall owners participate in the cost of a traffic signal at the

Chalet Suzanne Road entrance. The CFRPC unanimously approved the change. She said they are working on bringing in tenants and plan to make use of their total allotment.

#### CLOSED PUBLIC HEARING

Commissioner Manry made a motion to approve Ordinance 2008-10 after first reading and public hearing. The motion was seconded by Commissioner Howell.

#### ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

#### **Agenda Item 10. Invitation to re-join Polk County Urban County Program**

Mr. Otte reported on Agenda Item 10. The full staff memo is incorporated into the minutes.

[begin memo]

#### **RECOMMENDATION**

It was staff's recommendation that the City Commission take the following action:

1. Direct the City Manager to decline the invitation to resume participation in the County's CDBG program; and,
2. Authorize the continued participation in the Small Cities Program for the next 3-year cycle.

#### **BACKGROUND**

The Community Development Block Grant Program provides federal funding assistance for housing and neighborhood revitalization projects and for economic development projects. Cities have potential access to this funding through two programs, the CDBG entitlement program and the Small Cities Program.

The CDBG entitlement program allocates annual federal grants to larger cities and urban counties. In the case of a grant to an urban county, grant funds are then distributed between unincorporated areas of the county and cities who participate in the county's program. In the state-administered Small Cities Program, the states are given federal funds to award as grants to smaller cities on the basis of state-determined funding priorities. A city can obtain funds only from one of these two programs during any 3-year cycle.

Between 1978 and 2002, the City received about \$2.4 million in CDBG funds as a result of our participation in the Polk County Urban County CDBG program. Toward the end of that period, the City was receiving about \$105,000 per year. The funds were spent to purchase playground equipment, build and upgrade recreational facilities, and construct improvements that included a parking lot at Lincoln and B St. and the Lincoln Avenue Streetscape. It should be noted that the county's program also provided city residents with the B Street Center; however, this funding came in addition to the annual funding allocation, and the building construction was handled by county staff.

In 2002, the City Commission voted to leave the County program for the following 3-year cycle and compete in the statewide Small Cities Program. Subsequently, the City was awarded a \$750,000

Neighborhood Revitalization grant for drainage and other infrastructure improvements in the Minnesota St. & Grove Ave. area.

In 2005, the City Commission voted to decline re-entry into the County program and again competed in the statewide Small Cities Program. The City was awarded a second Neighborhood Revitalization grant in the amount of \$750,000, this time for improvements in the vicinity of Dr. J. A. Wiltshire Blvd.

The second 3-year cycle in the Small Cities Program is now almost completed, and it is again time to determine if the City will stay in that program or resume participation in the County's program for Fiscal Years 2009, 2010, and 2011. We are required to notify the County in writing by June 16 if the City Commission votes to resume participation, after which we will be required to execute an Urban County Cooperative Agreement with the County.

Our grant consultant, Andy Easton, believes we have a good chance of receiving a Commercial Revitalization grant during the next 3-year cycle of the Small Cities Program. If the Commission chooses to remain in this program, the meeting on June 17 will include a vote to approve a grant category for the next application.

### **FISCAL IMPACT**

If we participate in the County's program, we will receive some portion of whatever funds the County is awarded. Currently, it is assumed that the City will receive about the same as it received in the past, i.e., about \$100,000 per year.

The Small Cities Program is a risk, since funding is not assured; however, the amount of available funding is much greater –up to \$750,000 per grant. With a larger grant, we can substantially fund a project that resolves an existing problem in our low-to-moderate income neighborhoods or in our core commercial districts.

[end memo]

Mr. Otte advised that the City had two choices:

- It could accept the invitation to join the County program and receive up to \$120,000 a year for the next three years, or
- Take a chance and continue with the Small Cities program with the possibility of being awarded \$750,000 in the next three years.

Mr. Otte said that it was our grant consultant's recommendation that we stay with the small city program, and he only gets paid his 15% if we receive the grant. He is greatly motivated to only work on projects he thinks we can get, and he thinks the City has a good chance of receiving the next economic development revitalization grant for the downtown water project.

Mayor Wheeler said it might be a gamble but he thought it was worth trying for the \$750,000.

Commissioner Howell made a motion to direct the City Manager to decline the invitation to resume participation in the County's CDBG program and authorize the continued participation in the Small Cities Program for the next 3-year cycle. The motion was seconded by Commissioner Manry.

### **ROLL CALL:**

Commissioner Howell	"YES"
Commissioner Manry	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**Agenda Item 11.        Modification of the Official Traffic Map**

Mr. Otte reported on Agenda Item 11. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended that the Mayor and the City Commission modify the Official Traffic Map in the following manner:

1. Establish 2<sup>nd</sup> Street from the intersection of Central Avenue to the intersection of Tillman Avenue as one-way (South). Place and display official traffic control devices and roadway markings as required.
2. Prohibit thru commercial vehicle traffic on Lakeshore Boulevard. Place and display official traffic control devices as required.

**BACKGROUND**

The designation of 2<sup>nd</sup> Street as one-way from Central Avenue to Tillman Avenue is necessary to create parking in and around the Polk Community College campus at historic city hall.

Prohibiting thru commercial vehicle traffic on Lakeshore Boulevard should prevent commercial vehicles from using Lakeshore Boulevard as a corridor between State Road 17 and State Road 60. The prohibition would not apply to commercial vehicles such as ambulances, fire engines, refuse trucks, or commercial vehicles making residential deliveries.

All of the locations contained in this proposal are within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that "Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads." Attorney General Robert Butterworth confirmed this provision in Advisory Legal Opinion 2001-06 issued on February 12, 2001. As such the City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

**OTHER OPTIONS**

The Commission may choose not to make any changes to the Official Traffic Map.

**FISCAL IMPACTS**

It is estimated that 8 signs will be necessary at a cost of \$15.65 per sign, for a total of \$125.20.

[end memo]

Commissioner Manry made a motion to establish 2nd Street from the intersection of Central Avenue to the intersection of Tillman Avenue as one-way (South). Place and display official traffic control devices and roadway markings as required and to prohibit thru commercial vehicle traffic on Lakeshore Boulevard. Place and display official traffic control devices as required. The motion was seconded by Commissioner Howell.

**ROLL CALL:**

Commissioner Manry	"YES"
Commissioner Howell	"YES"



Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**Agenda Item 12. Purchase of Heckler and Koch Rifles and Related Accessories**

Mr. Otte reported on Agenda Item 12. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

It was recommended the City Commission approve the purchase of Heckler and Koch rifles and related accessories from SRT Supply for \$19,502.52.

**BACKGROUND**

The Special Weapons and Tactics (SWAT) Team was created in 1997 by the Lake Wales Police Department to respond to critical incidents that exceed the capability of the Patrol Section. These incidents can include:

1. Engaging heavily-armed offenders
2. Performing counter-terrorism operations
3. Performing hostage rescue
4. Performing riot control
5. Providing security for visiting dignitaries
6. Resolving situations involving barricaded offenders
7. Resolving situations involving suicidal persons
8. Serving high-risk arrest warrants
9. Serving high-risk search warrants

When created the SWAT Team was equipped with the Heckler and Koch MP5N submachine gun for use in close quarter battle (CQB) environments such as high-risk search warrants. Today, in response to urban active-shooter situations a rifle is required. In these situations, SWAT Teams have engaged offenders equipped with assault rifles and ballistic vests at long distances.

Developed in 2005 by Heckler and Koch, the HK416 D10RS is used by the United States Special Operations Command (USSOCOM) and the United States Capitol Police. The HK416 D10RS rifle is accurate at long distances (300 yards) and can penetrate ballistic vests. The compact size of the HK416 D10RS is essential as it will allow the SWAT Team to operate effectively in CQB environments.

Like the HK416 D10RS, the HK417 was developed in 2005 by Heckler and Koch for the United States Special Operations Command (USSOCOM). The HK417 operates 7.62 x 51mm ammunition (.30 caliber) and is designed for counter-sniper operations at great distances (600 yards).

**OPTIONS**

The City Commission may disapprove the purchase of Heckler and Koch rifles and related accessories from SRT Supply.

**FISCAL IMPACTS**

The Police Department proposes to use funds deposited in the Police Services Impact Fee Trust Account to purchase the Heckler and Koch rifles and related accessories. The current fund balance of the Police Services Impact Fee Trust Account is \$32,656.00

Section 23-427, Code of Ordinances of the City of Lake Wales, provides the monies deposited into the Police Services Impact Fee Trust Account shall be used solely for the purpose of constructing or improving the City's police services. Specifically, monies are authorized for the acquisition of vehicles utilized in providing police service and the apparatus or equipment necessary to provide such service.

Pricing for the Heckler and Koch rifles and related accessories was obtained from SRT Supply, the only Heckler and Koch law enforcement and military master dealer in Florida.

[end memo]

Mr. Otte said this purchase is in preparation for something we hope we will never need, but have to be prepared for, as we never know if it will happen here.

Commissioner Van Sickle said that at first he thought that it was too much "firepower" for Lake Wales. But, if you look at what happened in Los Angeles when the police were outnumbered and the bank robbers had vests and the latest equipment, leaving about 15 police officers wounded, as well as citizens, he figured we needed to be prepared. He said the money was coming from impact fee dollars and it was a smart move.

Mayor Wheeler asked how many weapons were being purchased and Chief Gillis said there were four 223 caliber rifles and one with larger rounds, a counter-sniper rifle needed for longer range. All of them will penetrate body armor and are far more accurate than what we have.

Commissioner Howell said that she wanted to be assured that they would not be using these rifles for clearing parades etc., but only for terrorist-type sniper attacks that threaten our citizens or officers. Chief Gillis said the rifles would be used at large venues like at the mall and at schools.

Mayor Wheeler brought up the Oklahoma shooting and Chief Gillis said they needed a rapid response if such an incident ever were to happen here. The Los Angeles officers had to go purchase guns at a local gun store because they had none that were powerful enough. He wants the Lake Wales' SWAT team to be prepared so police can respond within minutes when and if an unfortunate attack occurs.

Commissioner Manry asked what the City did with seized weapons. Chief Gillis said that by State Statute, they were required to destroy all seized weapons that will not be used by the police department.

Commissioner Rogers recommended those weapons as being accurate and dependable.

Commissioner Manry made a motion to approve the purchase of Heckler and Koch rifles and related accessories from SRT Supply for \$19,502.52. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**COMMUNICATIONS AND PETITION**

**CITY COMMISSION TRACKING REPORT**

Stop light at Mountain Lake Cut-off Rd and Scenic Highway: Mr. Otte reported that FDOT had been scheduled to be at a meeting to discuss the light at this intersection, but at their request the meeting was moved to the June 17 City Commission meeting. At that meeting, they will report on the status of both the stop light at Mt. Lake Cut-off Road and the raised grass median on SR60.

Mayor Wheeler commented on the clearing of vegetation on Mt. Lake Cut-off Road and noted that the area has conservation easements. Commissioner Manry said they were creating a mess. Mr. Otte said he would find out who was doing the clearing: Progress Energy, the County or FDOT. Mr. Otte reported that no additional property would be needed to do the work on Mt. Cut-off Road for the signal project.

Commissioner Van Sickle said that Mt. Lake Cut-off Road was on the next TPO agenda to discuss approval of dollars for that project.

Budget Retreat: Mr. Otte reported that City staff is considering two dates for the budget retreat; the last week in June, Monday June 23<sup>rd</sup> and Thursday June 26<sup>th</sup>. He said that Deputy City Clerk Jacquie Hawkins will contact the Commissioners about their availability on these dates.

Mayor Wheeler said he would like the meeting held somewhere beside City Hall, like at Bok Tower. Mr. Otte said that would not be accessible to citizens as there is a gate fee. Commissioner Manry said he would have to talk to someone at Bok about it and she could find a contact name, but she would prefer having it at the Library as that would be easily accessible to everyone. Mr. Otte said he would check with the Library.

#### **PUBLIC COMMENT**

Jean Scott, 306 Townsend Avenue, asked if we were celebrating 4<sup>th</sup> of July on the 5<sup>th</sup> of July and was told we were. She asked if VOICE volunteers would be needed and Mr. Otte said they would be. She said they needed to be contacted.

Mayor Wheeler reminded everyone that Economic Development Director Harold Gallup was the one who raised the needed funds to have the celebration this year.

Phillis Johnson, citizen, told the Commission of several ongoing problems that have not been responded to, which included:

- Traffic, noise, fights, stealing and shootings on the 100 block of D Street causing her to fear for her safety and allowing her no sleep at night.
- Fireworks every year being shot into the streets by people causing her to fear that her house might catch fire.
- People living in abandoned buildings on E Street.

Mayor Wheeler asked if the last item would be a code enforcement issue. Mr. Otte said the Code Enforcement Officer and the Building Official have been working on foreclosure of the D Street building. He said he would follow up on it. Chief Gillis said he would work on increasing patrols in the area and that it was illegal for people in the City to shoot fireworks.

Commissioner Howell said that Ms. Johnson complained to her on several occasions and she could hear all the noise through the telephone. Ms. Johnson said that when she calls the police, by the time they get there, the ones causing the disturbance are long gone.

Linda Kimbrough, Kimbrough and Associates, 24 Orange Avenue West, said that investors own the two-story apartment building on D Street and suggested that the City board it up so people can't get into it. She said that the other buildings mentioned are also owned by investors and they should be required to board them up. Mr. Otte invited Ms. Kimbrough to go on the road trip with them after the meeting adjourned so she could point out those buildings.

**COMMISSION COMMENT**

Commissioner Rogers said a resident had contacted him to commend Mr. Torrance for fixing the flooding problem on S. Lake Shore Blvd.

Commissioner Rogers said that the CRA Steering Committee contacted him saying they would like to have a seat at the table during the Budget Workshop so they could have input on CRA funding.

Commissioner Howell asked if the spreading of millings in the alleys would be soon. Mr. Torrance, said yes. She asked if the company paving the roads would do the alleys while they were here. Mr. Torrance said the alleys were too narrow for their equipment and that City staff would do the work using the county grader. Mr. Otte asked Mr. Torrance to assemble a list of alleys to be milled so the Commission could prioritize them. Commissioner Howell said she thought Florida Refuse should help pay for the alleys as they are the ones tearing them up. Mr. Otte said that people like to put their garbage in the alleys and yet the alleys are the least capable of holding up under heavy garbage trucks. He said the only alternative would be to require residents not to put garbage in the alleys, or do something else to the alleys. He asked Mr. Torrance if the new millings would hold up. Mr. Torrance said they would hold up to some degree. He said the alleys have a sub-standard base and so it won't matter what we put on top of it, it will start moving. We still will have some problems but millings get very hard and will eliminate some of the problems. He said single-axle trucks weren't as bad. But, garbage trucks with single-axes don't hold as much so they use double axles. It is the twisting and turning that causes the problem.

Commissioner Howell asked for the gymnasium schedule. Mr. Otte said it would be open Monday through Saturday from 10 a.m. to 7 p.m. and on Sundays from 12 p.m. to 6 p.m. Commissioner Howell asked what they should do if they get to the gym during those hours and no one is there and the gym is locked. Mr. Otte said he would get a contact phone number and include it on the bottom of the posted schedule.

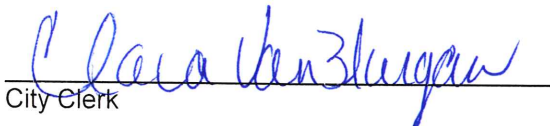
Commissioner Manry asked about the drilling under SR60. Mr. Torrance explained that it was for the southside force main and he would check to see when it would be completed. He said there were only two ways to do the work: tear up the street to put the pipe in; or drill under the street. Mr. Torrance said that tearing up the street is not an option due to the amount of traffic on SR60, so they have to drill under it.

Mayor Wheeler asked about the National Guard unit deploying to Iraq and asked what the City was doing. Mr. Otte said there were two scheduled events: a ceremony at PCC in Winter Haven on June 16<sup>th</sup>; and the VFW family activities to be held on Fathers Day, June 16, in the VFW parking lot from 8 a.m. through the afternoon. Soldiers will be there from noon on for residents to say their good-byes. Mayor Wheeler asked everyone to keep these hometown soldiers in their thoughts and prayers.

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
Mayor/Commissioner

ATTEST:

  
\_\_\_\_\_  
City Clerk