

The regular meeting of the Lake Wales City Commission was held on January 19, 2010 at 6.15 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

The invocation was given by Dr. Jim Moyer, Warner University

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Lee A. Wheeler, III; Jonathan Thornhill; John Paul Rogers; Mayor L. Jack Van Sickle.

COMMISSIONERS ABSENT: None

CITY REPRESENTATIVES PRESENT: Judith H. Delmar, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk.

MAYOR

Agenda Item 5. PROCLAMATION: Albinism Awareness Month, February 2010

Mayor Van Sickle read a proclamation proclaiming the month of February 2010 as "Albinism Awareness Month."

Mayor Van Sickle presented Police Chief Herb Gillis with a toy miniature armored tank designed by Ben Booker, a resident of Lake Ashton.

Mayor Van Sickle moved Agenda Item 17 for first discussion and vote.

Agenda Item 17. Reconsideration of Modification of Official Traffic Map

Police Chief Gillis reviewed Agenda Item 17. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Herbert Gillis, Police Chief]

SYNOPSIS

Mayor Van Sickle has asked that the request to establish a 4-way stop at the intersection of Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue be returned to the agenda for re-consideration.

[the original agenda item is re-presented in its entirety]

STAFF RECOMMENDATION

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

1. Establish the intersection of Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue as a four-way stop intersection.
2. Place and display official traffic control devices and roadway markings as required.

BACKGROUND

The recommendation listed was developed in partnership with the MLK Neighborhood Watch Group to improve traffic safety along the listed public highways, roads and streets.

Aggressive driving and speeding has long been a problem on Dr. Martin Luther King, Jr. Boulevard. The Lake Wales Police Department has worked with the MLK Neighborhood Watch to remove this problem. A number of traffic enforcement operations were conducted on Dr. Martin Luther King, Jr. Boulevard; however when law enforcement officers are not present violations continue. Accordingly, traffic-calming techniques are needed.

A site review identified the railroad crossing located on Dr. Martin Luther King, Jr. Boulevard provides unintended but nevertheless effective traffic calming. Additional traffic calming is required in and around the James P. Austin Community Center. Accordingly, the Police Department with the support of the MLK Neighborhood Watch Group recommends the City Commission establish Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue as a four-way stop intersection.

The location contained in this proposal is 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

None. Funding was included in the Field Operations Division operating budget for this purpose and the required signage is in inventory.

[End agenda memo]

OPENED TO PUBLIC COMMENT

Elizabeth Smiley, 125 W. Orange Avenue, said that she was representing the MLK Neighborhood Watch Group. The Group has been operating for over three years, and it works closely with the Police Department. The MLK Crime Watch Group had requested a stop sign for the intersection of MLK and Sessoms Avenue. They did not foresee any problems, but were told that there were some. She said that people thought instead of a stop sign, the police should simply patrol more and give tickets to speeders. She said that the police have consistently made periodic traffic stops, plus some of the Crime Watch members often stand by the road motioning for motorists to slow down, but to no avail. Their next step was to request a stop sign, hoping it would force people to slow down. She said that a child had been killed at that location a few years back and the Crime Watch Group wanted to prevent that from happening again.

CLOSED TO PUBLIC COMMENT

Police Chief Herb Gillis said the Police Department fully supported the request. The police would continue to provide traffic enforcement there, but he knew a stop sign could be an effective tool in improving traffic safety. He said that, at a previous meeting, there was a general discussion about stop sign placement. Since then, he sent to each Commissioner an inventory of traffic calming measures in the City, along with some recommendations. He recommended that a couple of unwarranted stop signs be removed, and there were other areas where redesigning the intersection was recommended. For the most part, the Police Department has found that stop signs have been very effective in slowing traffic down at the lowest cost to the City. He said he realizes there will always be those who show poor driver behavior and decide to speed anyway but that would be addressed by traffic enforcement.

Commissioner Wheeler said he agrees with the Chief.

Commissioner Thornhill said he was willing to give this a shot and review it later.

Commissioner Rogers said he supports Ms. Smiley and the Chief on this.

Commissioner Howell said she is in favor of the stop signs. She did not know in the beginning that the Committee had been working to make sure the area is safer.

Commissioner Rogers made a motion to establish the intersection of Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue as a four-way stop intersection and to place and display official traffic control devices and roadway markings as required. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Rogers	"Yes"
Commissioner Howell	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

CONSENT AGENDA

City Manager Judith Delmar pulled Agenda Item 12, It's Happening Downtown, Inc. – "Antiques, Art & Oddities," for separate discussion and vote.

Agenda Item 6. APPROVAL OF MINUTES: December 15, 2009, Regular Meeting; January 5, 2010, Regular Meeting

[Agenda Item 7. Withdrawn]

Agenda Item 8. Purchase of 12 Martel MDE2 Digital In-Car Video Systems

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Police Chief Herbert Gillis]

SYNOPSIS

The City Commission will consider approving the purchase of replacement digital in-car video systems for the Police Department.

RECOMMENDATION

It is recommended the City Commission approve the purchase of 12 Martel MDE2 Digital in-car video systems from Sharp Communication, Incorporated for \$42,948.00

BACKGROUND

The Lake Wales Police Department is committed to providing exceptional law enforcement services to our community. To accomplish this goal, there is a need to capture information using digital in-car video systems prior to, during and after incidents. In-car video systems provide for accountability, video evidence and protection against complaints. The first digital in-car video systems were purchased in 2005. In continuous service for 5 years, these digital in-car video systems are experiencing unacceptable failure rates and require a significant allocation of maintenance and repair hours from the Information Technology Department. Accordingly, the Police Department seeks approval to purchase replacement digital in-car video systems.

If approved, all police vehicles assigned to the Patrol and Special Operations Divisions, including spares, will be equipped with a digital in-car video system. In addition, the Information Technology Department will maintain digital in-car video systems in inventory to promptly replace damaged or inoperable systems.

OPTIONS

The City Commission may vote not to approve this purchase.

FISCAL IMPACTS

The Police Department proposes to use \$19,208.00 from the Edward Byrne Justice Assistance Grant (2010-JAG -1101) and \$23,740.00 of unprogrammed funds in the Fiscal Year 2009/2010 CRA Operating Budget for this purchase. The unprogrammed funds were created when the City Commission approved the lease rather than the purchase of police vehicles for the Community Oriented Policing Section (COPS). Accordingly, the digital in-car video systems purchased with CRA funds will be installed in the vehicles assigned to the COPS.

This purchase underwent an informal competitive selection process as permitted under city purchasing code section 2-418(c6) for the purchase of specialized or standardized equipment.

[End agenda memo]

Agenda Item 9. Lake Wales Mardi-Gras Celebration & Parade – Temporary Street Closing

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of the special permit request will allow the Lake Wales Mardi Gras Parade and activities to be held on February 13, 2010.

RECOMMENDATION

It is recommended that the City Commission take the following action:

1. Approve the temporary street closing of Stuart Avenue, Park Avenue, and Market Street between Central Avenue and Stuart Avenue from 6:00 a.m. until 10:00 p.m. for the Lake Wales Mardi Gras Parade and activities to be held Saturday, February 13, 2010.
2. Authorize the City manager to sign the event permit.

BACKGROUND

Dr. Jeannette, Eberle, President of the Lake Wales Mardi Gras submitted a Special Event Permit Application for the Annual Lake Wales Mardi Gras Parade to be held Saturday, February 13, 2010. The parade will start at 3:00 p.m. on the east side of the City Administration Building and end on East Park Avenue and Third Street at approximately 4:30 p.m. The day's activities will continue after the parade with food vendors, craft vendors, music and entertainment in downtown Lake Wales until 10:00 p.m. Food and craft vendors will be set up on the Market Place, Stuart and Park Avenues from 8:00 a.m. to 10:00 p.m. with set-up starting at 7:00 a.m. A beer tent will be set up on private property at the Wachovia parking lot on Park Avenue.

The parade route involves the following streets:

East on Central Avenue from Dr. Martin Luther King Jr. Blvd. to Scenic Highway; north on Scenic Highway from Central Avenue to Stuart Avenue; west on Stuart Avenue from Scenic Highway to First Street; north on First Street from Stuart Avenue to Park Avenue; east on Park Avenue from First Street to Third Street.

The Police Department, VOICE and the Streets Department will coordinate control of vehicular traffic. "Keep Polk County Beautiful" is providing trash boxes to the Mardi Gras Committee, and these will be placed throughout the parade route. Trash bin placement, sanitary facilities, site set-up and clean up will be the responsibility of the Mardi Gras Committee.

All Departments have reviewed the permit application and have no objections to the event provided the following conditions are met:

1. The Florida Department of Transportation (FDOT) issues a road closing permit for the closing of SR 17 (Scenic Highway) between Park Avenue and Central Avenue between the hours of 2:00 p.m. and 5:00 p.m.
2. The event sponsor obtains tent permits from the Building Department for tents 10 X 10 or larger.
3. The event sponsor obtains an alcoholic beverage permit from the Division of Alcoholic Beverages & Tobacco.
4. The City is provided with proof of liability insurance with the City listed as co-insured for the event.

OTHER OPTIONS

Do not approve this event

FISCAL IMPACT

There is \$11,895 budgeted for in-kind services for the Lake Wales Mardi Gras Parade.

[End agenda memo]

Agenda Item 10. Race for the Kids Foundation Special Event – Hydroplane Boat Racing

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of the special event permit application will allow the Race for the Kids Boat Races to be held on Lake Wailes March 19th – March 21st, 2010.

RECOMMENDATION

It is recommended that the City Commission approve the Special Event Permit Application for the Race for the Kids Foundation Boat Races to take place on Lake Wailes beginning Friday, March 19, 2010 with boat test runs between 10:00 a.m. and 5:00 p.m.; Saturday, March 20, 2010 from 10:00 a.m. to 5:00 p.m. and on Sunday, March 21, 2010 from 12:00 noon until 5:00 p.m.

BACKGROUND

Mr. Gary Levin, representative of the Race for the Kids Foundation submitted a special event permit application for the Race for the Kids Boat Races to be held on Lake Wailes March 19, 2010 through March 21, 2010. On Friday, March 19 the event participants will be setting up in Lake Wailes Park and performing test runs between the hours of 10:00 a.m. and 5:00 p.m. On Saturday and Sunday the official races will take place as follows; Saturday, March 20, 10:00 a.m. to 5:00 p.m. and Sunday, March 21,

12:00 noon to 5:00 p.m. Race for the Kids Foundation is a 501C3 organization to raise money for charitable organizations that help children. This event helps to raise money for this Foundation.

It will not be necessary to close any streets in connection with this event. The sponsor is responsible for site preparation, sanitary facilities, parking, and site clean up. Additional trash boxes and bags will be provided to the sponsor by Keep Polk County Beautiful. The sponsor will also be required to obtain tent permits for any tents greater than 10 x 10 and will provide the City with proof of liability insurance with the City listed as co-insured for the event.

City Departments have reviewed the application and have no objections to the event providing that all conditions regarding sanitary facilities, site preparation, parking, and clean up will be met. The Lakes Advisory Board approved the event at their meeting on December 8, 2009.

OTHER OPTIONS

Do not approve this event

FISCAL IMPACT

There is \$53,192 budgeted for in-kind services for special events for FY09/10.

[End agenda memo]

Agenda Item 11. Lake Wales Main Street – “Lake Wales Car Cruise”

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of the special event permit application will allow Main Street to hold the Lake Wales Car Cruise event on the fourth Saturday of each month in the downtown area. The event will require the closing of some public areas. Approval is requested to hold the event once each month through December 21, 2010.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the special event permit application from Main Street for the Lake Wales Car Cruise to take place the fourth Saturday of each month between the hours of 4:00 p.m. and 8:00 p.m. for a period not to exceed twelve months from date of application which is December 21, 2009
2. Approve the closing of Stuart Avenue from First Street to Scenic Highway from 2:00 p.m. until 9:00 p.m. on the fourth Saturday of every month until December 21, 2010.
3. Approve the partial closure of S. Market Street from Stuart Avenue to the alley directly north of Central Avenue from 2:00 p.m. until 9:00 p.m. on the fourth Saturday of every month until December 21, 2010.
4. Approve the closing of the parking lot at the intersection of Scenic Highway and Stuart Avenue for the First Assembly of God's Kids Zone activities from 2:00 p.m. until 9:00 p.m. on the fourth Saturday of every month until December 21, 2010.

BACKGROUND

On behalf of Main Street, Larry Bossarte submitted a special event permit application to hold the Lake Wales Car Cruise, a display of custom, classic and antique cars on the fourth Saturday of each month in

the downtown area primarily on Stuart Avenue. This event will be held between the hours of 4:00 p.m. and 8:00 p.m. and will require the closing of the following public areas between the hours of 2:00 p.m. and 9:00 p.m.:

- Stuart Avenue from First Street to Scenic Highway
- S. Market Street from Stuart Avenue to the alley directly north of Central Avenue
- the parking lot at the intersection of Scenic Highway and Stuart Avenue

This event will showcase custom, classic and antique cars that will be located along Stuart Avenue. Musical entertainment will be set up on a portion of S. Market Street at Stuart Avenue and directly adjacent to the alley north of Central Avenue. Main Street is also planning to expand the event with the addition of food vendors and other craft vendors. As part of this event the First Assembly of God will be presenting the Kids Zone on the parking lot at the intersection of Stuart Avenue and Scenic Highway. This activity will include a bounce house, face painting, children stories and games for the entire family.

Since Main Street is requesting a permit for a monthly event, staff is recommending that the city commission consider approving this event for a period not to exceed twelve months from date of their original application, which was on December 21, 2009. By approving this event for a twelve-month period it will eliminate the need for the sponsor to file a new application each month and schedule an agenda item for Commission approval each month. If at any time during the twelve-month period changes or modifications are made to the event activities that are approved, a new special event permit application will be required and must be approved prior to the event being held.

City departments have reviewed the special permit application and have no objections to the event providing that all requirements for site preparation, site clean up, food vendor and craft vendor licensing, sanitary facilities, proof of liability insurance to cover all activities are met and pending the City Commission approval of the event and the closing of Stuart Avenue, portion of Market Street and the parking lot located at the intersection of Scenic Highway and Stuart Avenue.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the city associated with this event.

[End agenda memo]

END CONSENT AGENDA

Commissioner Howell made a motion to approve the Consent Agenda excluding 12. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"Yes"
Commissioner Rogers	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

Agenda Item 12. It's Happening Downtown, Inc. - "Antiques, Art & Oddities"

Ms. Kinloch reviewed Agenda Item 12. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of the special event permit application will allow It's Happening Downtown Inc. to hold the "Antiques, Art & Oddities" event on the first Saturday of each month in the downtown Marketplace. The event will require the closing of an alley and three public parking lots. Approval is requested to hold the event once each month through December 15, 2010.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the special event permit application from It's Happening Downtown Inc. for their monthly event "Antiques, Art & Oddities" on the first Saturday of every month between the hours of 6:00 a.m. and 4:00 p.m. for a period not to exceed twelve months from date of application which is December 15, 2009.
2. Approve the use of the Marketplace for the event and the closing of the alley between Park Avenue and Stuart Avenue from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.
3. Approve the closing of the Marketplace parking lot located southeast of Market Street for event vendors from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.
4. Approve closing the parking lot adjacent to 252 East Stuart Avenue (Salon Salon) for event vendors from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.
5. Approve the closing of the parking lot at the intersection of Scenic Highway and Stuart Avenue for the Kids Zone activities from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.

BACKGROUND

It's Happening Downtown Inc. has been presenting their "Antiques, Art & Oddities" event in downtown Lake Wales for several years utilizing two parking lots for event vendors and one other lot for the Kids Zone. At the request of the City, Sarah Padgett --representative of It's Happening Downtown Inc.-- submitted an updated special event permit application to continue with their event on the first Saturday of each month. The time period requested for approval is from 6:00 a.m. to 4:00 p.m. This time frame includes set-up beginning at 6:00 a.m. with an approximate start time of 8:00 a.m.

This event will be held in the Marketplace and will involve the closing of two parking lots for proposed use by vendors as follows; Marketplace parking lot southeast of Market Street and the parking lot adjacent to Salon Salon, 252 East Stuart Avenue. As part of the "Antiques, Art & Oddities" event, they are requesting the closing of the parking lot at the intersection of Scenic Highway and Stuart Avenue for the Kids Zone presented by the First Assembly of God that will be consist of a bounce house, face painting, balloons, stories and games.

In order to prevent the sponsor from having to submit a new application each and every month for approval by the City Commission, a request has been made to grant approval for this event for a period not to exceed twelve months from the date of application, December 15, 2009. If at any time during the twelve-month period, changes or modifications are made to the event activities, a new special event permit application will be required and must be approved prior to the event being held.

Although this event does not include the closing of any roads, it involves the closing of an alley and three public parking lots on a monthly basis. After careful review of the application, it is staff's opinion that the decision to approve or deny the closing of these public areas rests with the City Commission since approval will reduce the number of parking spaces in the downtown area once per month. The sponsor

will be responsible for meeting all requirements for site preparation, site clean-up, food vendor and craft vendor licensing where necessary, sanitary facilities, and proof of liability insurance to cover all activities. In addition the sponsor will be required to notify the City if the event is canceled at any time during a given month.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There is \$53,192 budgeted in in-kind services for special events for FY09/10.

[End agenda memo]

Ms. Delmar explained that this item was removed from the Consent Agenda because staff felt that it needed discussion.

Katie Kinloch, Administrative Assistant for the City Manager's office, said that though no roads are being closed, there are three parking lots and an alley in the downtown area that will be closed once a month. She said, although the organization has been closing the parking lots for several years now, she was not sure if closing them was causing problems for people trying to get to businesses and restaurants in the downtown area. This permit was to be set up on a twelve-month basis so they would not have to come back to the Commission for approval every month. Staff had no problems with this permit but they wanted the Commission to have an opportunity to review it and ask questions.

Ms. Delmar added that the twelve-month permit was part of our "business friendly" approach. Mayor Van Sickle said he wholeheartedly agreed with the twelve-month approach. He did have a concern with closing the parking lots and asked if anyone had taken a poll of the businesses to see if there were any complaints. He did not want to hear later that businesses were being hindered because customers could not find a place to park. Ms. Kinloch said that, though she has been working with this special events for several years, she has not received any complaints from businesses. Ms. Delmar said there had not been complaints. The reason it was being brought to the Commission at this time was to give the Commission the opportunity to talk about the closing of public parking lots and because changing the scope of the activity needs City Commission approval.

Todd Hammond, president of "It's Happening Downtown," said the Antiques and Oddities event has been operating over two years now, with the support of the downtown merchants. People attending the event are also patronizing the shops and restaurants, so it is bringing business to the downtown area. He said there was only the possibility of all three parking lots being closed as they are used only as an over-flow for Market Place, which can hold 25 vendors. They also have community events such as the Blood Mobile, Humane Society, and demonstrations by the police or fire departments. The parking lots are only used when needed. The event needs no City services as they set up and clean up themselves. The Care Center supports the event, helping to set up tables, and is a vendor. Ms. Delmar asked if there were other parking lots available for patrons and Mr. Hammond said there were. None of the Commissioners had questions or objections.

Commissioner Thornhill made a motion to:

1. Approve the special event permit application from It's Happening Downtown Inc. for their monthly event "Antiques, Art & Oddities" on the first Saturday of every month between the hours of 6:00 a.m. and 4:00 p.m. for a period not to exceed twelve months from date of application which is December 15, 2009.
2. Approve the use of the Marketplace for the event and the closing of the alley between Park Avenue and Stuart Avenue from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.

3. Approve the closing of the Marketplace parking lot located southeast of Market Street for event vendors from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.
4. Approve closing the parking lot adjacent to 252 East Stuart Avenue (Salon Salon) for event vendors from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.
5. Approve the closing of the parking lot at the intersection of Scenic Highway and Stuart Avenue for the Kids Zone activities from 6:00 a.m. and 4:00 p.m. on the first Saturday of every month until December 15, 2010.

The motion was seconded by Commissioner Wheeler.

By Voice Vote:

Commissioner Thornhill	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Rogers	"Yes"
Commissioner Howell	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

OLD BUSINESS

Agenda Item 13. Ordinance 2010-01, Modifying Rules for Rental of Austin Center – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

The Commission will consider requiring the presence of a city employee to supervise the James P. Austin Community Center when rented outside of normal operating hours and requiring reimbursement of costs to the public. The Commission will also consider prohibiting consumption of alcoholic beverages at events where minors are present.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2010-01 after second reading and public hearing.

BACKGROUND

The City Commission approved Ordinance 2010-01 after first reading on January 5, 2010.

On December 19, 2006 the City Commission adopted Ordinance 2006-48 establishing rules and regulations for the use and rental of city parks and recreation facilities. Rental fees for reserved use of city facilities were also established and are currently being charged.

At the present time when the Austin Center is rented for events in the evenings and on weekends, city staff is on site for the duration of the activity to supervise use of the facility and reduce the incidence of damage. In the current ordinance, however, this requirement for staff presence is only at the discretion of the city manager and there is no provision for reimbursement of cost to the public.

Ordinance 2010-01 removes discretion and requires that at least one city employee be present to supervise the use of the Austin Center building. This ordinance provides for waiver of the requirement when the applicant for a

use permit is a regular user of the facility or an established not-for-profit group with no history of misuse of the facility. The ordinance will also allow the city manager to require the presence of an employee when the Tourist Club is rented if it is deemed to be necessary. In cases when a city employee must be present, the user of the facility will be required to reimburse the public for the cost.

Under the current ordinance, consumption of alcoholic beverages is prohibited in all community facilities except the James P. Austin Center where it is allowed under certain conditions. Due to problems that have occurred at the Austin Center where alcohol was being served while minor children were present, it is the Police Chief's recommendation that the City Commission prohibit consumption of alcoholic beverages at events where minor children are present. Exceptions will be allowed where alcoholic beverages are served with a meal or following a funeral or memorial service, and at a wedding reception where a champagne toast is served. A violation will result in closure of the event and loss of deposit. Adoption of Ordinance 2010-01 will eliminate some of the worst alcohol-related abuse of the Austin Center and ease law enforcement concerns for the safety of the public in general and minors in particular.

OTHER OPTIONS

Do not adopt Ordinance 2010-01.

FISCAL IMPACT

Requirement for reimbursement of staff costs to supervise rental of the James P. Austin Community Center will reduce the cost to the public for operating the Austin Center after normal working hours.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-01 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES BY REQUIRING THE PRESENCE OF A CITY EMPLOYEE TO SUPERVISE THE AUSTIN COMMUNITY CENTER AND THE TOURIST CLUB WHEN RENTED FOR AN EVENT OUTSIDE OF NORMAL OPERATING HOURS, REQUIRING PAYMENT OF CITY COSTS FOR SUCH SUPERVISORY EMPLOYEE, AND PROVIDING FOR EXCEPTIONS; PROHIBITING THE SERVING OF ALCOHOLIC BEVERAGES AT AN EVENT IN THE AUSTIN COMMUNITY CENTER WHEN MINOR CHILDREN ARE PRESENT AND PROVIDING FOR EXCEPTIONS; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell said that she wanted to schedule a time to meet with the City Manager about the prices that were being charged for the rental of the Austin Center. She wanted to know if a cost analysis had been done to determine the exact cost to the City for electricity and other things per hourly use when renting the facility. Her concern was that we were charging more than what it actually costs the City and the fees were higher than people could afford to pay. She said she was not referring to the prohibition of alcoholic beverages when children were present, for that would probably help. Ms. Delmar said she would be happy to meet with her. In reference to a previous suggestion by Commissioner Howell, Ms. Delmar said the Finance Director was working on a way for renters to be able to pay an Austin Center deposit with a credit card. Staff should have something to bring forward on that soon.

Commissioner Wheeler made a motion to adopt Ordinance 2010-01 after second reading and public hearing. The motion was seconded by Commissioner Thornhill.

Roll Call:

Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Commissioner Rogers	"Yes"
Commissioner Howell	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

NEW BUSINESS

Agenda Item 14. Resolution 2010-03, EAR – Evaluation and Appraisal Report (EAR), Comprehensive Plan – Public Hearing

Ms. Swanson reviewed Agenda Item 14. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

SYNOPSIS

The Evaluation and Appraisal Report (EAR) assesses the Comprehensive Plan as required under the Growth Management Act. It summarizes changes in the City since the last complete revision of the plan (2000) and analyzes how well the plan has served the community. The plan must be updated within 18 months of the EAR. Adoption of Resolution 2010-03 will approve the EAR and authorize its submission to the state Department of Community Affairs.

RECOMMENDATION

On November 24, 2009, the Planning and Zoning Board held a public hearing on the draft EAR and voted unanimously to recommend its approval.

Public notice requirements have been met for a public hearing on the EAR.

BACKGROUND

Chapter 163 of Florida Statutes requires each local government to prepare an evaluation of its Comprehensive Plan periodically. The schedule of the Department of Community Affairs (DCA) called for Lake Wales' EAR to be submitted in September 2009. Unfortunately, work on the EAR fell behind schedule. It was determined that many communities are approving their EARs without preliminary review by the state agency. Based on discussions with the DCA, staff recommends this approach.

The EAR is based on public input received from a questionnaire survey, a series of Planning & Zoning Board hearings held during the past year and a half, and a scoping meeting held by the City Commission in August 2008.

Sections of the EAR

Part 1

- Introduction – explains the purpose of the EAR and how it was developed.
- Community Profile – provides general information about Lake Wales and analyzes changes in the community since the last complete update of the Comprehensive Plan in the year 2000.
- Effectiveness of the Comprehensive Plan – evaluates how well the Plan has served the community, reviews major amendments to the Future Land Use Element adopted in 2005, lists key tasks for updating the plan (by mid-2011), and documents compliance with state

requirements under Chapter 163, F. S. This section also notes where actions called for in the plan have not yet been implemented.

PARTS 2, 3, AND 4 – KEY ISSUE MATRICES

These sections analyze key issues facing the community, evaluate how well the Plan has served in regard to the issue, and propose changes to policies needed in the Plan's revision.

- **Curbing Urban Sprawl - Managing growth to avoid haphazard and inefficient land use.** Faced with unprecedented growth in the past decade, the City developed strategies and land use regulations to manage growth. Many of these were adopted in Plan revisions in 2005. This section recommends continuation and fine-tuning of these policies.
- **Providing Potable Water and Wastewater Services for Growth - Providing current and future residents with potable water and wastewater services at the adopted level of service (LOS) standards.** A number of strategies were developed in the past decade to meet the utility needs of projected growth. Key components are concurrency requirements and the queue system for utility capacity reservations, which have provided the City with a good basis for planning and timing facility expansions. The City currently has water and sewer capacity to serve growth for 7-9 years at pre-recession development rates and for 12 years with planned improvements to the wastewater plant and the wastewater reuse system. With improvements already programmed in the current 5-year capital plan, 2,700-3,000 new residential units can be served. Revising the 5- and 10-year utility expansion boundaries on the Comprehensive Plans service map is recommended. Maintaining and improving current policies is recommended as a general course.
- **Encouraging Infill and Redevelopment - Encouraging intensification and reuse/recycling of properties in older areas of the city where services are in place.**
A program of growth management policies is in place to encourage infill and redevelopment. As an example, impact fee exemptions in the core area of the City provide an economic incentive for redevelopment. Zoning regulations allow maximum flexibility in older commercial and industrial areas. An active program of economic development and identification of additional methods to encourage redevelopment are essential.

Update of the Comprehensive Plan – 2011

Amendments to the Future Land Use Element and Map in 2005 and subsequent amendments to the *Zoning, Land Use and Development Regulations* have addressed many of the growth management issues that the City faced in the past decade.

Generally, the City has a good basis to manage growth effectively. Mechanisms in place include a concurrency management system with a capacity reservation queue system, a revised Future Land Use Map and associated policies, and updated zoning regulations. Continuation of the policies that have been put in place is recommended. Improving the system by fine tuning and identifying additional methods to achieve goals is an on-going task.

Updating the Plan will entail removing many recommended actions that have already been achieved and reassessing and reprogramming actions that have not been achieved.

To be effective, City land use policies and regulations may need to be adjusted to mesh with those of the County and nearby communities. Polk County and its municipalities are all in the process of updating their plans.

Once the Department of Community Affairs approves the City's EAR, staff will begin the update of the Comprehensive Plan to meet the 18-month deadline.

For the most part, the plan update will be done in-house. However, revision of the utilities element (potable water, wastewater, drainage, and wastewater reuse) will be based on "mini master plans" currently being prepared by consulting engineers. The plans will document the condition of existing systems and detail the projects that have been incorporated into the adopted capital improvements plan to meet projected facility needs.

OTHER OPTIONS

If the City Commission requests changes to the EAR, a revision will be brought back for consideration. However, DCA has advised submitting the EAR as soon as possible to avoid any penalties, which could include a freeze on any land use amendments until the EAR is complete. If DCA finds that the EAR needs more work, revisions will be requested.

FISCAL IMPACT

The EAR does not bind the City to any particular action that requires funding. The update of the Comprehensive Plan will be accomplished by in-house staff with the exception of technical portions of utility plans.

[End agenda memo]

Ms. VanBlargan read Resolution 2010-03 by title only.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, APPROVING THE EVALUATION AND APPRAISAL REPORT ON THE COMPREHENSIVE PLAN AS SET FORTH IN ATTACHMENT A AND AUTHORIZING ITS SUBMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A BASIS FOR THE UPDATE OF THE COMPREHENSIVE PLAN.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Ms. Swanson noted that there were some typographical errors in the agenda memo and said that the cover sheet and Table of Contents had been placed in the wrong place. She said this would be corrected.

Commissioner Howell asked for an update on the progress for redevelopment in the older areas of the city where septic tank pipes were above ground. Ms. Delmar said there had been a discussion about reprogramming some of the CRA Bond funds for engineering. First, a survey has to be completed, which is underway. She said, if there are additional funds, they were looking at another project coming off the CRA Bond list, to put in at least the first phase of construction.

Commissioner Thornhill made a motion to approve Resolution 2010-03. The motion was seconded by Commissioner Howell.

Roll Call:

Commissioner Thornhill	"Yes"
Commissioner Howell	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Rogers	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

[End agenda memo]

Agenda Item 15. Resolution 2010-04, Creation of Lake Wales Charter Review Committee

Mr. Galloway reviewed Agenda Item 15. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Albert C. Galloway, Jr., City Attorney]

RECOMMENDATION

That the City Commission approve Resolution 2010-04 creating the City of Lake Wales Charter Review Committee.

BACKGROUND

It was suggested that the Lake Wales Charter might require revision or updating and it was the consensus of the City Commission that it would be appropriate for such an undertaking to occur. Resolution 2010-04 is presented for the purpose of creating the Charter Review Committee and charging it with the task of the contemplated review and possible recommendations to the City Commission for changes or revisions to the Charter which would then be submitted to the electors if approved by the Commission.

FISCAL IMPACT

The Committee appointees will be uncompensated volunteers, but may be reimbursed for necessary expenses allowed under general law. It is not contemplated that any such expenses will be incurred.

[End agenda memo]

Ms. VanBlargan read Resolution 2010-04 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE CITY OF LAKE WALES CHARTER REVIEW COMMITTEE; PROVIDING FOR OBJECTIVES OF THE COMMITTEE; PROVIDING FOR COMPOSITION AND APPOINTMENT OF MEMBERS, QUALIFICATIONS OF MEMBERSHIP, MINIMUM MEMBER ATTENDANCE REQUIREMENTS AND REMOVAL FROM OFFICE; PROVIDING FOR DUTIES OF THE COMMITTEE; SPECIFYING MEMBERS' TERM OF OFFICE; IDENTIFYING MINIMUM PROTOCOL REQUIREMENTS; PROVIDING FOR DUTIES OF THE CITY MANAGER AND CITY ATTORNEY REGARDING THE COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Van Sickle said he received a comment from a resident, and believed the other Commissioners had also, about a concern with Section Three paragraph D stating that a committee member can be removed by majority vote of the City Commission without finding cause. The resident suggested modifying it to require there be a cause.

City Attorney Chuck Galloway said for a committee like this, the necessity of finding a cause would make it where it was operable. The reason for that is that it is not going to function for long. He gave a hypothetical example of having a disruptive committee member.

If a cause had to be found, you would have to go through a due process hearing, which would only serve to clog the process. He said you would want it to function informally so that the Commissioners can talk about what they need to accomplish. Because of the committee's short life, and the nature of what it is doing, the more hurdles you put in it, the more difficult it becomes for them to function. That was why having a no-cause finding is the better course. He said there was no way of knowing if all committee members would be able to work well together, or if there would be one that argues over things of no great

importance. This would inhibit the ability of the committee to function. You want to be able to cure that, and if it is required to have cause, you get into a hearing etc., making it an onerous way to have to deal with the problem, if one should come up.

The Mayor asked Ms. Delmar for her thoughts on the subject as she recently went through working on a similar committee formed for a cemetery regulation review and he heard that at times the meetings were spirited. He asked her if she would have liked a similar clause for that. Ms. Delmar said that nothing had ever arisen to that level of confrontation. It was merely a lively discussion. Mayor Van Sickle said that his concern was that, by not having to find fault, someone could be taken off the committee for a frivolous reason.

Commissioner Wheeler gave a possible solution. He said there could be a requirement that the committee make a majority vote to recommend removal by the Commission. That way it would take a majority of committee members to decide that a member was a clog in the wheel, and they would have some basis for bringing it to the Commission. He suggested the verbiage, "removed upon the recommendation of the majority of the committee and approval by the majority vote of the City Commission."

Commissioner Howell said she thought the City Manager and City Attorney should discuss it before having it go to the City Commission. They could decide if, in their good judgment, there was just cause to go further. Mayor Van Sickle said he was afraid that would put the City Manager and Attorney in a bad light. He agreed with Commissioner Wheeler's suggestion. If it ever was to come to the Commission, the City Manager and Attorney would be asked for their opinion and recommendation at that time. Commissioner Howell said she wanted to make sure that a committee member would not be dropped because they were expressing an opinion, even if spirited.

Ms. Delmar said she thought this was just a formality in the resolution. She said, in reference to the other committee groups she worked with, including redistricting for voting purposes, there were differences of opinion and discussions at times were lively, but never where it had held up a meeting. The whole point of the committee was to come to some consensus for a recommendation to the City Commission and past committees even came up with alternatives. The committees worked through the issues, and there had never been anything close to the level of needing to remove anyone.

Commissioner Thornhill said that the Commission would be choosing the committee members so it would be up to them to choose people who were not contentious, but would move forward to do the best for the City of Lake Wales. He suggested adding Commissioner Wheeler's suggestion. Mr. Galloway said he could add that clause to the sentence with no difficulty.

Commissioner Rogers said he hoped not to have any mean-spirited people on the committee who would be so disruptive that a recommendation would have to be made for removal. But if that happened, he believed the Commission could work something out to get the committee back on track.

Commissioner Wheeler made a motion to approve Resolution 2010-04 to include the discussed amendment to Section Three, Paragraph D. The motion was seconded by Commissioner Thornhill.

Roll Call:

Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Commissioner Rogers	"Yes"
Commissioner Howell	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

Agenda Item 16. Extension of Existing License Agreement with Dixie-Walesbilt, LLC for the Hotel Grand Project

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Harold Gallup, Economic Development Director]

SYNOPSIS

An Extension of the License Agreement with Dixie-Walesbilt, LLC for the Hotel Grand Project is requested until the February 02, 2010 Commission Meeting.

RECOMMENDATION

Staff recommend that the City Commission take the following action:

Authorize an extension until February 2, 2010, of the presentation of the Developers Agreement between the City of Lake Wales and the Lake Wales Community Redevelopment Agency and Dixie-Walesbilt, LLC for the redevelopment of the Grand Hotel.

BACKGROUND

The City and the CRA entered into a License Agreement with Dixie-Walesbilt LLC., on July 15, 2009 for a period of six months. The formal Developers Agreement is in final legal review and will be presented at the February 02, 2010 meeting of the City Commission.

CURRENT FISCAL IMPACT

None.

FISCAL IMPACTS OF OTHER ALTERNATIVES

None.

[End agenda memo]

Commissioner Thornhill made a motion to authorize an extension until February 2, 2010, of the presentation of the Developers Agreement between the City of Lake Wales and the Lake Wales Community Redevelopment Agency and Dixie-Walesbilt, LLC for the redevelopment of the Grand Hotel. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"Yes"
Commissioner Howell	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Rogers	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

Agenda Item 18. Appointment – Code Enforcement Board

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Clara VanBlargan, City Clerk]

SYNOPSIS

The appointment will fill a vacancy due to a resignation of a Board member.

RECOMMENDATION

It is recommended that the City Commission make the appointment as deemed appropriate.

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc. The City Commission is asked to make the appointment as deemed appropriate.

Code Enforcement Board – Members are appointed by the City Commission. The board consists of seven (7) members and may appoint up to two (2) alternates to serve in the absence of board members. Whenever possible, membership shall include an architect, a businessperson, a realtor, an engineer, a general contractor, and a subcontractor. Members must be residents. (3-year term)

One (1) regular vacancy: term expires 07/01/12

Applying for regular appointment: Melissa Anne Konkol, resident

Regular vacancy is due to the resignation of Martin Fried.

An interview process for new applicants is necessary for the Code Enforcement Board, but not for applicants who currently serve on the Board. Melissa Anne Konkol is an alternate member, and has served (3) consecutive terms on the Board before serving as an alternate member.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for some boards to obtain a quorum.

[End agenda memo]

Commissioner Howell made a motion to appoint Melissa Anne Konkol to serve as a regular member to the Code Enforcement Board for a term to expire on 07/01/2012. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"Yes"
Commissioner Rogers	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

Agenda Item 19. Discussion of Preliminary Financial Statements for December 31, 2009, Fiscal Year to Date

Ms. Delmar reviewed Agenda Item 19. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared Judith H. Delmar, City Manager]

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of December 2009. Revenues were slightly behind target levels. General Fund expenditures were slightly over budget, but Utility Fund expenditures were slightly under budget.

The unaudited financial statements for the City of Lake Wales for the Period Ending December 31, 2009 are presented to the City Commission for review. At the end of December, the City was 25% into the fiscal year. Seven of twenty-six payrolls (26.9%) have been expensed through December 31. Revenue and expenditure budgets have been adjusted to reflect Budget Amendment #1.

SUMMARY

The following chart gives a brief summary of overall operating revenue and expenditure performance as of December 31, 2009. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis:

Fund	Budgeted	Actual at 12/30	Target at 12/30	Actual at 12/30 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues ¹	\$10,839,648	\$4,171,548	\$4,216,427	(\$44,879)	-0.4%
Expenditures ³	\$11,085,691	\$2,834,035	\$2,771,423	\$62,612	+0.6%
Special Revenue					
Revenues ¹	\$4,484,306	\$2,618,644	\$1,853,286	\$765,358	+17.1%
Expenditures ³	\$2,836,569	\$348,281	\$709,142	(\$360,861)	-12.7%
Debt Service					
Revenues ³	\$2,363,120	\$597,055	\$590,780	\$6,275	+0.3%
Expenditures ²	\$2,363,120	\$3,559,113	\$3,559,113	\$0	+0.0%
Utilities					
Revenues ¹	\$6,608,450	\$1,613,872	\$1,709,284	(\$95,412)	-1.4%
Expenditures ³	\$7,006,451	\$1,194,227	\$1,751,613	(\$557,386)	-8.0%
Airport					
Revenues ³	\$107,000	\$15,539	\$26,750	(\$11,211)	-10.5%
Expenditures ³	\$107,000	\$23,634	\$26,750	(\$3,116)	-2.9%

¹ Revenue target = prior year performance at same point in fiscal year

² Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

³ Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of December we are 3/12 or 25% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, most operating revenues are about where we would expect them to be at the end of three months. Utility revenues are lagging slightly and will be closely watched as the year progresses.

Revenues from water and sewer charges at the end of December 2009 were \$17,072 behind where they were in December 2008 (water, -\$19,399; sewer, +\$36,471). If we use 25% of the fiscal year as the target level, however, water revenues were \$46,584 under target and sewer revenues were \$6,392 ahead of target. This is a combined shortfall of \$40,192 compared to the budget. Operating expenditures are also running behind target at the end of December. Excluding project costs funded by CRA bond proceeds, Utility Fund expenditures were 8% or \$557,386 below the target level.

Operating expenditures in the General Fund are running 0.6% ahead of target (+\$62,612), and operating expenditures in all other Funds are running behind target levels. The 1% lump sum increase for employees was paid out in December, and this has skewed expenditures in relation to target.

The City has not borrowed any money from the Pool/Tax Anticipation Investment Account. The balance at the end of FY 07'08 when the account was created and the current balance are as follows:

	9/30/08	12/31/09	Difference
Pool/Tax Anticipation Investment Account	\$1,037,852	\$1,044,557	\$6,705

The City's overall cash position at the end of December 2009 improved over the cash position at the end of December 2008 (+\$2,310,733). In order to make an accurate comparison, however, the following adjustments must be made:

	12/31/08	12/31/09	Difference
Total Cash & Investments	5,862,971	8,173,704	2,310,733
Due to Other Governments	(121,000)	(364,911)	
Deferred Revenues*	(423,849)	(407,520)	
Cash & Investments Net of Adjustments	5,318,122	7,401,273	2,083,151

* reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc), at which time revenue will be recognized

After excluding cash that was collected on behalf of other governments and deferred revenues, the City's overall cash position at the end of December 2009 was \$2,083,151 better than at the end of December 2008.

In comparison to total cash and investments at November 30 of \$3,834,822, the December cash and investments position increased by \$3,566,451. This is normal increase with the infusion of ad valorem tax revenues near the end of the first fiscal quarter. Between December 1 and December 31, the City received \$3,511,706 in ad valorem taxes and \$994,855 in CRA tax increment revenues from the County.

[End agenda memo]

Commissioner Rogers thanked Ms. Delmar for the great job she did on the 2009 Annual Report and the State of the City address at the Lake Wales Area Chamber of Commerce Luncheon on Friday, January 15.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar reported that there are no changes on the City Commission Tracking Report.

COMMUNICATIONS AND PETITIONS

Richard Sylvia, 2063 Bel Ombre Circle, gave the Commission an update on his progress with the problem he had with his swimming pool having been built partially in the easement. He met with the City Attorney who told him he would need a survey and had recommended Southern Survey. Mr. Sylvia had a great deal of trouble contacting Mr. Johnson and left many messages that were not returned. He is still waiting for the document for his neighbors to sign that Mr. Galloway would supply. He asked how much this was going to cost him. Mr. Galloway said he did not know. He said if he gets a copy of the survey to Mr. Johnson, he would do a legal description of the area of his pool where it protrudes into to easement. When he receives the legal description, he can then prepare the document for the neighbors to sign. He said he thought he would title the document, "Consent to Partial Vacation of Easement." His secretary already looked into the ownership of each of the lots in question so a separate document for each lot can be prepared.

CITY COMMISSION COMMENT

Mayor Van Sickle said he received the update of stop signs from Chief Gillis. He said there was a stop sign in Lake Ashton on Dunmore Road that he needed Mr. Galloway to comment on, as it might be a

legal issue. The City Commission had approved the stop sign but the CDD will not put it up because in Lake Ashton the signs are cast aluminum with \$600 poles. He said it was his opinion that the City still has authority to put up a stop sign using the same kind of poles they use in the City. He said they need some direction from the City to either put up the stop sign or change the traffic map. Mr. Galloway said he would look into that question. He said those streets were not dedicated to the City but they are public property because they are owned by the CDD, giving the City jurisdiction to control the traffic. He said he would get with the Police Chief on that question.

Commissioner Thornhill said he received the list of stop signs and said he saw only one removal recommendation. He asked if that was correct. It was. He commented that he heard many good comments about the State of the City Address given by the City Manager and he thanked Ms. Delmar.

There were no comments made by the Commission.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk