

AGENDA STUDY SESSION
October 31, 2008

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioner Howard Wiggs had a scheduling conflict. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present along with staff and media.

Mayor Fletcher called the meeting to order at 8:35 a.m.

Tim McCausland covered the public hearings.

Palmer Davis covered the Red Light Cameras.

Greg Parks of American Traffic Solutions gave a presentation on how the Red Light Cameras would work. The challenge was to find non-FDOT property to install polls for the cameras. The video would run 24/7 but there were no face shots. The public had concerns about the video being used 24/7. None of the customers using the cameras had an increase in accidents. The police were in support of the video running 24/7.

Alan Lukhaub represented the employee association and addressed proposed ordinance 08-110. They did not object to the ordinance. They would like the Commission to allow all elected positions to reside outside the city limits of Lakeland. Tim McCausland explained that right now only the two active employees were allowed to live outside the city limits.

Jim Verplanck did not support the other members living outside the city limits. The Mayor agreed. There were seven members on the Pension Board, three elected, three appointed and the six would choose one.

The employees wanted to be able to elect representatives that did not live inside the city limits. It would help them find qualified people for their positions.

The consensus was to require the non-employee positions to be city residents.

Doug Thomas covered the City Manager agenda. Recycling had generated funds for the city and saved money on costs at the landfill. The recycling program did break even or better. The City had not considered recycling for small business. If the city went to automated trucks, those trucks would not fit down the alleys. The City would then have to choose to force the public to use the front curbs or run two different types of trucks.

Tim McCausland covered the City Attorney agenda.

The meeting adjourned at 9:46 a.m.

HOUSING WORKSHOP

October 31, 2008

The Lakeland City Commission met for the Housing Workshop in the Commission conference room. Commissioners Edie Yates, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioner Howard Wiggs had a scheduling conflict. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present along with staff and media.

Mayor Fletcher called the meeting to order at 10:01 a.m.

Assistant Community Development Director Steve Bissonnette introduced Brian Rewis who made the presentation, a copy of which is on file in the City Clerks Office.

Brian Rewis presented the Housing and Economic Recovery Act of 2008 (HERA) - Neighborhood Stabilization Program, and Neighborhood Services proposed strategy. He wanted support from the Commission. He would come back again with the actual application.

The President signed HERA on July 30, 2008. It was Emergency Assistance for the Redevelopment of Abandoned and Foreclosed Homes. The funds would be treated as CDBG Funds, with key altered provisions. HUD determined need based on number and percentage of:

- Home foreclosures in each state or unit of local government
- Homes financed by a subprime mortgage related loan
- Homes in default or delinquency

Lakeland's Allocation was \$2,005,781. Polk County's Allocation was \$14,586,258. The City had to spend the entire allocation within 18 months or return the funding to HUD. Only property that had already been foreclosed upon was eligible for the program. The program would require formal action by the City Commission at the November 17, 2008 meeting. The timeline is listed below.

October 31 – November 14, 2008	15-day Citizen Participation Period
November 17, 2008	City Commission approval of Substantial Amendment to Consolidated Plan (will serve as application to HUD for NSP funds)
<u>December 1, 2008</u>	Deadline to submit application to HUD's Jacksonville Field Office
January 15, 2009	Application approved by HUD; Grant agreement executed
<u>July 15, 2010</u>	Deadline to spend or commit NSP funds
July 16, 2010 – July 29, 2013	Grantee may use NSP Program Income for continued NSP activities
<u>July 30, 2013 and beyond</u>	NSP Program Income must be returned to HUD

The meeting adjourned at 10:36 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

LAKELAND CITY COMMISSION
Regular Session
November 3, 2008

CALL TO ORDER – 9 a.m.

INVOCATION

Father Caulfield of St. Joseph's Catholic Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

Employee Service Awards

10 Years

Lilyquist, Richard E	10-19-1998	Public Works
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20 Years

Aikens, Betty J	10-24-1988	Police Dept
Begenau, William W	10-31-1988	Lakeland Electric
Collins, Thomas M	10-10-1988	Police Dept
Geiger, Jennifer L	10-10-1988	Lakeland Electric
Gries, Laurie A	10-24-1988	Police Dept.
Halbert, Kregg A	10-03-1988	Lakeland Electric
Hrusovsky, Kirby C	10-10-1988	Police Dept
Jones, Kevin D	10-10-1988	Lakeland Electric
Lukhaub, Karen L	10-20-1988	Risk Management
Maguire, Shawn P	10-17-1988	Lakeland Electric
Meador, Trenton E	10-31-1988	Lakeland Electric
Parolini, Kimberly C	10-24-1988	Finance
Thornton, David R	10-31-1988	Lakeland Electric

25 Years

Siegel, Sharon L	10-03-1983	Public Works
White, Victor P	10-31-1983	Police Dept

Mayor Fletcher and Doug Thomas presented these awards.

PROCLAMATIONS

Dr. Wade G. Gardner Day

Mayor Fletcher and Parks & Recreation Director Bill Tinsley presented this proclamation. Dr. Gardner had cared for the City of Lakeland swans for 50 years.

Gang Free Florida Month**Polk County Family Week****National Hospice and Palliative Care Month****EQUALIZATION HEARINGS – 9:30 AM**

Recess/convene: Commissioner Wiggs moved to recess as the City Commission and convene as the Equalization Board. Commissioner Verplanck seconded and the motion carried unanimously.

Lots Cleaning and Clearing

Tim McCausland presented the Assessments Against Property For Lot Cleaning And Clearing. A copy of this assessment roll is attached to the end of these minutes.

Motion: Commissioner Wiggs moved to approve the assessments. Commissioner Verplanck seconded.

Mayor Fletcher asked for comments and there were none.

Action: The motion carried unanimously.

Adjourn/reconvene: Commissioner Wiggs moved to adjourn as the Equalization Board and reconvene as the City Commission. Commissioner Verplanck seconded and the motion carried unanimously.

FY2008 Strategic Plan Year End Report (Doug Thomas)

Doug Thomas gave the presentation, a copy of which is on file in the City Clerks Office.

Comments

Commissioner Wiggs complimented Doug and his team for the comprehensive evaluation and the ease of understanding. There was still a misunderstanding amongst the public concerning maintenance of parks. He wanted a staff report to the Commission re maintenance of parks.

Beautification Awards - None**Guest Presentation by Senator Dockery and Representative Ross re CSX**

Senator Paula Dockery and Representative Dennis Ross gave a CSX/Commuter Rail Project Update. A copy of this presentation is on file in the City Clerks Office.

Today was Representative Ross's last day representing District 64. Senator Dockery wanted to take a few minutes to brief everyone on the CSX issue in its entirety.

State of Florida would buy 61.5 miles along the A Line in order for four counties to the east to have a commuter rail system. The state would pay \$150 million for those 61.5 miles. CSX would still run freight on that line. The appraised value of that land is \$22 million. CSX claims the land appraised at \$450 million and they want the State to pay additional dollars in the following amounts:

C&F* \$150 M – Payment for 61.5 miles of “A” line
F \$198 M – Freight capacity improvement on “S” line
F \$209 M – 5 overpasses (up from 59 million) on “S” line
F \$ 52 M – Other freight capacity improvements
ILC*/F \$ 23 M – Taxpayer help to CSX for their new ILC
ILC/F \$ 9 M – Taxpayer help to CSX for access road to their new ILC
C&F \$400 M – Possible Double track “A” line

*C&F-commuter & freight, F-freight and ILC-intermodal logistics center

The S line does not have anything to do with commuter rail. The S line and the A line cross in Plant City and Lakeland. The \$23 M would allow CSX to open another rail yard in Winter Haven (ILC). The Federal government was supposed to provide \$300 M to match the State's money. The local governments (along the 61.5 miles) were to provide \$150 M. The Federal dollars were not included in the 2008 budget. The grand total of the project would be \$1,491,000,000.00 taxpayer dollars for commuter rail on 61 miles in four counties to the east. That includes no buying of land or laying down new track. It is to use existing track that CSX owns and allow CSX to use the tracks 12 hours a day.

The problem for Lakeland is that Lakeland sits where the A line and the S line meet. The ILC is to the east of Lakeland. The freight has to go through Lakeland to the ILC on the east side of Lakeland. The combination of the rerouting of the freight and the ILC is what causes Lakeland's problem. FDOT cut this deal with CSX and some of the local governments without consulting those areas that would be negatively impacted, such as Plant City and Lakeland. It never came before the legislature. The group was all for good commuter rail and the City of Winter Haven creating jobs. They wanted to renegotiate the deal to take freight out of downtown Lakeland.

The one issue that the legislature had some authority over was the fact that CSX wanted to transfer liability of anything that happened on that 61 miles onto the taxpayers of the State of Florida. That needed legislative action.

Representative Ross explained the liability issue. There were two parts to the issue; one was the limiting of liability to a self-insured fund where \$250 million would be the sole source of recovery for damages that occurred along the 61-mile corridor. It required that the State hold CSX harmless from anything, including their negligence. The taxpayers would never be able to change negligent behavior that caused an incident because CSX would never correct it because they would never have to pay punitive damages that cause the behavior.

The second issue was sovereign immunity. The extension of sovereign immunity to those for-profit industries that would take care of dispatch, maintenance and the security of the rails would mean that those companies would be limited to \$100,000 of damages and then the victims would have to appeal to the legislature under a claims bill. This would do nothing to change the behavior that caused the incident in the first place. When the legislature passed tort reform in 2006, they were saying that the State would now require those who were responsible to pay their proportionate share in damages based on their proportionate share of liability. This particular deal was saying no the State would take the larger share even if the State were not at fault. This leaves the State holding the bag for damages of a cause by a for-profit company, which they could not control.

HR 2095 Railroad Safety Enhancement Act passed at the Federal level on October 16, 2008. This bill showed that the State of Florida was not in danger of losing federal funding for commuter rail. This also gave Amtrak an opportunity to enter into an agreement with the State for commuter rail. Their goal right now was to renegotiate the deal or a firm commitment to redirect the rail traffic out of downtown Lakeland.

Some communities along the 61.5 miles of track were concluding that they needed to withdraw from the project because they cannot afford to pay into the project. Under this commuter rail proposal, the State would assume operating costs for seven years and then those costs would shift over to the local governments. The local communities are beginning to oppose paying the bond debt on the ILC, as it would not benefit their community.

The battle now was to renegotiate the deal or get a firm commitment to redirect the traffic. This was being sold as commuter rail but it was really a freight subsidy for a for-profit company that had \$2 billion in profits last year. If the State of Florida was serious about commuter rail then the project should be bifurcated. Commuter rail does not harm the City of Lakeland. The ILC itself does not harm

Lakeland. The combination of the subsidies to the S line with the ILC in Winter Haven is what really affects the City of Lakeland.

FDOT had a study done that showed CSX could add nine trains to the S line now. CSX claims they would only add four trains. If that is true and CSX could add nine trains now, why pay \$198 million to make further capacity improvements?

Lakeland's position should remain either a firm commitment that CSX will redirect rail traffic out of downtown Lakeland or renegotiate this deal and take the freight component away and just focus on commuter rail.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and enacted by one motion. There was separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item was removed from the consent agenda and considered in its normal sequence.

- * City Commission Minutes 10/17-20/08
- * Utility Committee Minutes 10/20/08
- * Memo re: Waiver of 5:01 p.m. Hearing
- * Appropriation and Increase in Revenue – Budget Carryovers

Action: Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Verplanck seconded and the motion carried unanimously.

COMMITTEE REPORTS AND RELATED ITEMS

Land Acquisition & Disposition Committee 10/31/08

Tim McCausland reviewed reformatting of the agenda. Committee minutes and their corresponding agenda items would now be presented under the heading Committee Reports and Related Items. The committee chair would present the report and make an appropriate motion. The Commission would then vote on the motion.

Commissioner Higgins gave the committee report.

The Land Acquisition Disposition Committee met in the Commission conference room. Commissioner Glenn Higgins (chair), Mayor Fletcher, and Commissioner Justin Troller (members) were present. Commissioners Edie Yates, Gow Fields, and Jim Verplanck were present along with staff and the media.

Commissioner Higgins called the meeting to order at 9:46 a.m.

The purpose of this meeting was to discuss the disposition of 210 Windsor Street. Staff hired Durrance & Associates to appraise the property. The property was valued at \$175,000. The cost of the appraisal was \$4,380.

Public Works requested authorization to sell the property with an established minimum price of \$179,380, and to advertise invitations to bid.

Anyone who would like may bid on the property. The group discussed the appropriate minimum price.

Recommendation: Commissioner Troller moved to approve the sale of 210 Windsor Street for a minimum price of \$179,380. Mayor Fletcher seconded and Commissioner Higgins concurred.

The meeting adjourned at 9:51 a.m.

Glenn E. Higgins, Chair

Commissioner Verplanck pointed out before the meeting that Mayor Fletcher seconded the motion.

Action: Commissioner Higgins moved to approve the sale of 210 Windsor Street for a minimum of \$179,380. Commissioner Verplanck seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

Memo re: Requesting Authorization to Offer Property for Sale - 210 Windsor Street

Action: The Commission approved this item as part of the Land Acquisition Disposition Committee report.

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 10/17/08 – 10/20/08**
- * **Utility Committee 10/20/08**

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5041; Proposed 08-112; Red Light Camera Enforcement (1st Rdg 10/20/08)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO TRAFFIC ENFORCEMENT; ADOPTING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR THE USE OF UNMANNED AUTOMATED CAMERAS TO DETECT RED LIGHT INFRACTIONS; PROVIDING AN ENFORCEMENT PROCEDURE AND PENALTIES; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Greg Parks of American Traffic Solutions made a presentation on red light cameras. Palmer Davis clarified that the City was not changing what qualified as a violation but enforcing the law, as it existed. There would be a 30-day warning period before the City began issuing citations.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote Commissioners Fields, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Commissioner Yates was absent at that time. Ayes: six. Nays: Zero. The motion carried unanimously

Memo re: Agreement with American Traffic Solutions, Inc. for Installation and Operation of Red Light Cameras

This was an Agreement with American Traffic Solutions, Inc. (ATS) for the installation and operation of red light cameras at selected intersections throughout Lakeland. ATS's services under the Agreement would include:

- Installing, operating and maintaining red light cameras at intersections selected by the City;
- Assisting the City with a public education and outreach campaign;
- Providing a back-office, automated web-based violation processing system that would include image review, mailing violation notices with color images of violations, mailing follow-up notices and processing payments;
- Providing statistical reports of violations; and
- Providing expert witnesses to testify as to the accuracy, technical operation, and effectiveness of the system.

ATS would provide Lakeland Police Department personnel access to ATS's database were LPD would review images to confirm the existence of a violation

before a violation notice was mailed to the motor vehicle owner. ATS would then handle the mailing of notices and initial collection efforts. ATS's fees under the Agreement would be \$125 for the first paid citation per camera per day, \$25 each for the second and third paid citations per camera per day, and \$10 for the fourth and subsequent paid citations per camera per day. The Agreement guaranteed that the City would never have to pay ATS for any fees or costs in excess of program revenues.

Staff recommended that the Commission authorize the appropriate City officials to execute the Agreement with American Traffic Solutions, Inc.

Assistant City Attorney Palmer Davis presented this item to the Commission.

Commissioner Troller asked for clarification for collecting fines.

ATS would send out the bill. If the violation was not paid, ATS would not get a percentage

Action: Commissioner Verplanck moved to approve the agreement. Commissioner Higgins seconded and the motion carried unanimously. Commissioner Yates was absent at that time.

Ordinances (First Reading)

Proposed 08-101; Amending Ordinance 4592, As Amended; Modifying Dixieland Special Public Interest Zoning District Overlay to Allow Residential Uses Above the First Floor in O-1 and C-2

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4592, AS AMENDED; MODIFYING THE SPECIAL PUBLIC INTEREST ZONING DISTRICT WITHIN THE DIXIELAND COMMUNITY REDEVELOPMENT AREA LOCATED SOUTH OF EAST WALNUT STREET AND NORTH OF LENOX STREET TO ALLOW RESIDENTIAL USES ABOVE THE FIRST FLOOR IN O-1 AND C-2 ZONING CLASSIFICATIONS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Mayor Fletcher asked for comments there were none.

Proposed 08-106; Amending Ordinance 3765, As Amended; To Add and Conform Existing Designations on 4.54 Acres Located North of Interstate 4, East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 3765, AS AMENDED, WHICH ESTABLISHED A SPECIAL PUBLIC INTEREST ZONING DISTRICT CLASSIFICATION AND REGULATIONS FOR PROPERTY LOCATED EAST OF US 98 NORTH, SOUTH OF CREVASSE STREET AND NORTH OF INTERSTATE 4; ADDING ADDITIONAL ADJACENT PROPERTY, SPECIFYING ADDITIONAL CONFORMING USES; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Mayor Fletcher asked for comments and there were none.

Proposed 08-113; Proposed Changes to the Land Development Regulations Related to Conditional Uses, Accessory Dwelling Units, Fences and Walls, Alcoholic Beverage Establishments and Other Miscellaneous Provisions

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKE LAND LAND DEVELOPMENT CODE RELATED TO CONDITIONAL USES, ACCESSORY DWELLING UNITS, FENCES AND WALLS, ALCOHOLIC BEVERAGE ESTABLISHMENTS AND OTHER MISCELLANEOUS PROVISIONS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Bruce Kistler gave a brief presentation on this ordinance.

Mayor Fletcher asked for comments.

Commissioner Verplanck brought up the issue that it would be incumbent on the property owner to be aware of deed restrictions.

Proposed 08-114; Text Amendment #T-08-026 to the Capital Improvements Element of the Lakeland Comprehensive Plan

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-026 TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE LAKE LAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 RELATED TO THE 5 YEAR CAPITAL IMPROVEMENTS PLAN; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Ordinances (Emergency Adoption)

Ordinance 5042; Proposed 08-110; Providing Procedure for Election of Members to the City of Lakeland Employees' Pension Board of Trustees

AN ORDINANCE RELATING TO THE CITY OF LAKE LAND EMPLOYEES' PENSION BOARD OF TRUSTEES; ESTABLISHING PROCEDURE FOR FULL TIME EMPLOYEES OF THE CITY OF LAKE LAND TO ELECT MEMBERS TO THE BOARD OF TRUSTEES IN ACCORDANCE WITH THE CHARTER OF THE CITY OF LAKE LAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote Commissioners Higgins, Troller, Verplanck, Wiggs, Fields, and Mayor Fletcher voted aye. Commissioner Yates was absent at that time. Ayes: six. Nays: Zero. The motion carried unanimously.

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re Solid Waste Professional Services Agreement

In accordance with the State of Florida Consultant's Competitive Negotiation Act, the City advertised a request for qualifications in July 2008 to solicit a professional consultant to provide solid waste operational, performance enhancement, and planning services to evaluate potential collection alternatives to the City's solid waste collection services. The alternatives to be evaluated included conversion to automated collection for residential customers, alley collection services, and methodologies for providing roll-off collection service citywide.

Five firms responded to the request and three of the firms, SCS Engineers, HDR Engineering, Inc. and RW Beck, Inc., were short-listed for interview by a selection committee comprised of representatives from the City's Public Works and Finance Departments. The selection committee subsequently has recommended the

highest ranked firm, SCS Engineers of Tampa, Florida, and has negotiated the project's specific scope components and final fees for services. The elements of the study include the following tasks:

1. Project kick off and data gathering;
2. Analysis of conversion to automated collection for residential customers;
3. Analysis of alley collection services;
4. Analysis of roll off collection services and possible franchising programs;
5. Completion of final report and presentation to City

The total not-to-exceed consultant fee for the recommended alternatives assessment as described in the consultant engineers' proposal was \$144,177. The final report was projected to be completed in late February with a presentation on its results to be scheduled in March 2009. Funding for the services was budgeted in the Fiscal Year 2009 Solid Waste Management Budget. A related analysis of potential changes to the current residential recycling program would be performed in-house in conjunction with the external consultant study.

Staff recommended that the City Commission authorize the appropriate City officials to execute the agreement for Solid Waste Professional Services with SCS Engineers of Tampa, Florida for the not-to-exceed fee of \$144,177.

Doug Thomas presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried unanimously. Commissioner Yates was absent at that time.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-115; Amending Ordinance 3643; Repealing Section 16 Related to Conditional Uses for Property Located at 310 McDonald Street (Southside Baptist Church)

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 3643; REPEALING SECTION 16 RELATED TO PROPERTY LOCATED AT 310 McDONALD STREET; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-116; Conditional Use for a Private School, Church, and Ancillary Activities in an Existing Facility Formerly Used by Southside Baptist Church. The Subject Properties Consist of Several Blocks or Partial Blocks Lying East of Pennsylvania Avenue, North and South of Ridgewood street, and North and South of McDonald Street.

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A PRIVATE SCHOOL, CHURCH AND ANCILLARY ACTIVITIES IN AN EXISTING FACILITY ON PROPERTY CONSISTING OF SEVERAL BLOCKS OR PARTIAL BLOCKS LYING EAST OF PENNSYLVANIA AVENUE, NORTH AND SOUTH OF RIDGEWOOD STREET, AND NORTH AND SOUTH OF MCDONALD STREET; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-117; Conditional Use to Allow Church Activities and a Caretaker's Dwelling Unit on Property Located at 703 Hull Street to Serve an Adjacent Church

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW ACCESSORY CHURCH USES AND A CARETAKER'S DWELLING UNIT ON PROPERTY LOCATED AT 703 HULL STREET; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-118; Amending Ordinance 4501; Modifying the Lakeside Village PUD to Allow a Drug Store

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4501 TO ALLOW A 15,000 SQUARE FOOT DRUG STORE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-119; Small Scale Amendment #SS-08-027 to Future Land Use Map Assigning Land Use to 4.31 Acres Located at 3111 U.S. Highway 98 South

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-027 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 4.31 ACRES LOCATED AT 3111 U.S. HIGHWAY 98 SOUTH, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-120; Application of City C-3 Zoning on 4.31 Acres Located at 3111 U.S. Highway 98 South

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 4.31 ACRES LOCATED AT 3111 U.S. HIGHWAY 98 SOUTH WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-121; Small Scale Amendment #SS-08-028 to Future Land Use Map Assigning Land Use to 0.71 Acres Located at 2215 East Edgewood Drive

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-028 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 0.71 ACRES LOCATED AT 2215 EAST EDGEWOOD DRIVE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-122; Application of City C-2 Zoning on 0.71 Acres Located at 2215 East Edgewood Drive

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 0.71 ACRES LOCATED AT 2215 EAST EDGEWOOD DRIVE WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-123; Small Scale Amendment #SS-08-029 to Future Land Use Map Assigning Land Use to 0.96 Acres Located at 3001 and 3003 U.S. Highway 98 South

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-029 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 0.96 ACRES LOCATED AT 3001 AND 3003 U.S. HIGHWAY 98 SOUTH, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-124; Application of O-1 Zoning on 0.96 Acres Located at 3001 and 3003 U.S. Highway 98 South

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 0.96 ACRES LOCATED AT 3001 AND 3003 U.S. HIGHWAY 98 SOUTH WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Proposed 08-125; Amending Ordinance 5018; Correcting Scrivener's Error Related to Stormwater Rates

AN ORDINANCE RELATING TO STORMWATER MANAGEMENT; AMENDING ORDINANCE 5018 OF THE CITY OF LAKE LAND, FLORIDA; PROVIDING FOR AN AMENDED FEE SCHEDULE; CORRECTING A SCRIVENER'S ERROR; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on November 17, 2008.

Resolutions**Resolution 4724; Proposed 08-063; Lots Cleaning and Clearing**

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the resolution. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote Commissioners Fields, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Commissioner Yates was absent at that time. Ayes: six. Nays: Zero. The motion carried unanimously

Miscellaneous Reports and Communications**Memo re: Outside Legal Fee Report**

Following are legal fees and expenses paid to outside law firms July – September of 2008 along with a comparison from the same time frame for 2007 and a comparison of this fiscal year to the previous three.

Broad and Cassell

Bond Counsel – Repurchase Agreement \$19,750.00
and 2008A Issue

Bush Ross	Personal Injury Subrogation	\$812.16
Cardwell Law Firm	Miscellaneous CRA Matters	\$780.00
Chapman & Cutler	Bond Counsel – 2008A Issue	\$45,000.00
Gail M. Cheatwood	Miscellaneous Municipal Ordinance Defense	\$300.00
Gray Robinson	Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation	\$151,099.23
Holland & Knight LLP	Bond Counsel – 2008A Issue and Repurchase Agreement	\$128,500.00
Hopping, Green & Sams	LE Regulatory Compliance	\$15,505.22
Mechanik Nuccio Williams Hearne & Wester	Miscellaneous Bankruptcy Matters	\$3,382.50
Oertel, Fernandez, Cole & Bryant, P.A.	SWFWMD Permitting	\$41,051.92
Ross, Vecchio, & Trussel P.A.	Miscellaneous Workers Comp Defense	\$28,860.49
Ruden, McClosky, Smith, Schuster & Russell, P.A.	Counsel Relating to Union Negotiations	\$62,770.02
Sugarman & Susskind	Counsel Relating to Pension Matters	\$5,128.75
Theriaque, Vorbeck & Spain	DRI Application / CSX, Inc.	\$18,891.39

JULY - SEPTEMBER 2008 TOTAL	\$521,831.68
JULY - SEPTEMBER 2007 TOTAL	\$1,354,515.22

FY 2004-2005	\$583,606.84
FY 2005-2006	\$871,831.74
FY 2006-2007	\$2,326,470.84
FY 2007-2008	\$1,557,339.28

* **Memo re: Waiver of 5:01 p.m. Hearing**

During the month of November, the Community Development Department planned to present the Commission with an amendment to the Land Development Regulations, which would require at least one hearing after 5 p.m.

Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be held after 5 p.m.

Action: The Commission approved this item on the Consent Agenda.

FINANCE DIRECTOR

* **Appropriation and Increase in Revenue – Budget Carryovers**

As the Finance Department closes one fiscal year and opens another, they compile a list of carryover projects and supplemental appropriations and submit the list for approval by the City Commission. Approval of the list would provide Departmental budgets for continuing projects, which overlap fiscal years.

The City Manager's Office has approved the following list of carryover accounts/projects. The balances were preliminary and Finance would finalize them after posting all year-end accounting adjustments.

Staff requested to increase the estimated revenues where applicable, and appropriate funding for the accounts/projects as listed retroactive to October 1, 2008.

Action: The Commission approved this item on the Consent Agenda.

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Troller encouraged everyone to vote.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING - None

CALL FOR ADJOURNMENT – 11:58 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk