



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

July 24, 2008

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Harold L. Bouler, Bob Buchanan, H. Gerald Jowers and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Director of Information Technology Bob Reilly, City Planner Ed Williams, Human Resources Director Frank Gilbert, Deputy Fire Chief Matt McGrew, Assistant City Engineer Mike Kelley, Police Lieutenant Bill Sullivan, Finance Director Robin Hayes, Building Official Skip Lukert, Recreation Director Jay Conn, Economic Development Director Dolores Key, Assistant City Clerk Angee Grimmage, and West Orange Times Reporter Michael Laval

Mayor Rees announced that the Commission would be using the new electronic voting equipment and asked the citizens to please be patient with them during this learning process.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of June 26, 2008 and July 10, 2008 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 08-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 (1) OF CHAPTER 78, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN BY AMENDING THE PROCEDURES AND FEES OF THE CITY OF WINTER GARDEN WATER AND SEWER ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 08-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE WINTER GARDEN CODE OF ORDINANCES BY AMENDING SECTION 78-243 RECLAIMED WATER RATES AND CHARGES; PROVIDING FOR A WATER CONSERVATION RATE STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 08-38 and 08-39 by title only. Public Services Director Cochran stated that staff is asking for postponement of Ordinance 08-38 and Ordinance 08-39 to a date uncertain. He stated that a postponement would give the rate consultant the opportunity to attend the meeting in order to explain the rates and answer

questions for the City Commission. **Motion by Commissioner Buchanan to table Ordinances 08-38 and 08-39 to a date uncertain. Seconded by Commissioner Boulter and carried unanimously 5-0.**

- C. **Ordinance 08-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING MUNICIPAL ELECTIONS; PROVIDING FOR CONSISTENCY WITH RECENT CHARTER AMENDMENTS; PROVIDING REGISTRATION PROCEDURES FOR CANDIDATES, ELECTION DUTIES OF CITY CLERK AND ADOPTION FOR CERTAIN PROVISIONS OF THE FLORIDA ELECTION CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-40 by title only. City Clerk Golden stated that this Ordinance will bring the City's code into compliance with the recent Charter revisions and changes in the Florida Statutes. Mayor Rees confirmed there would be six weeks between the qualifying period and the election. **Motion by Commissioner Jowers to approve Ordinance 08-40 with the second reading and public hearing on August 14, 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 08-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING VOTING DISTRICT BOUNDARIES; ADOPTING THE REPORT OF THE DISTRICTING COMMISSION, INCLUDING THE MAP AND DESCRIPTION OF PROPOSED ELECTION DISTRICTS FILED WITH THE CITY BY THE DISTRICTING COMMISSION ESTABLISHED PURSUANT TO SECTION 25 OF THE CITY CHARTER; ENACTING THE DISTRICT BOUNDARIES PROPOSED BY SUCH REPORT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-42 by title only. Mayor Rees thanked the Districting Commission for all their hard work on this project. He recognized Derek Blakeslee as the Districting Commission Chairman to address the City Commission with their report.

Mr. Blakeslee gave a brief explanation of what the Districting Commission was charged with accomplishing. He stated that the Districting Commission met a total of five times. They reviewed, discussed, and adjusted a series of different maps. The map being presented to the City Commission tonight is a map unanimously approved by the Districting Commission. Mr. Blakeslee gave some background information regarding the Districting Commission's process. He explained that the districts were last adjusted in 2001 when the City's population was 14,350. At that point, each district consisted of approximately 3600 residents. City Charter Section 25 (3) requires that if any single district becomes 50 percent greater than the population of the smallest district, the City shall establish a Districting Commission. The current district populations are; District 1 = 5200, District 2 = 5800, District 3 = 4500, District 4 = 15,500 for a total population of

31,000. He explained that the guidelines for readjusting the boundaries were gathered from several places; City Charter, equal protection clause of the Federal Constitution, and the Federal Voting Rights Act. The Districting Commission focused on the following five factors:

1. Compactness
2. Contiguousness
3. Preservation of Communities of Interest
4. Preservation of Cores of Prior Districts
5. Protection of Incumbents

The first two items (1 and 2) are specifically mentioned in the City's Charter, the second two items (3 and 4) were not absolute requirements but were deemed important to keep within the context of the Federal Voting Rights Act and compliance with the 1985 Court decision requiring that the City of Winter Garden go to single member districts. He stated that protection of the incumbents was given less weight but was still reviewed if it could be accommodated. He referred to the map and explained that the Districting Commission tried to maintain the core of District 3 and the boundaries between District 1 and District 3 as they relate to the east side of Winter Garden. District 3 had to come across State Road 50 into the current District 4. Obviously, District 4 had to shed most of its residents in order to get each district to a population of 7,500. Most of the impact was to some of the residents in District 2, which was mostly in the downtown Winter Garden area by being moved to District 1. District 2 will also cross State Road 50. He stated that the Districting Commission did manage to keep all of the mentioned objectives.

Mr. Blakeslee addressed the Charter requirement to use a street as the dividing line when drawing the boundaries. This method no longer works, especially with the newer neighborhoods in District 4. You no longer divide by a street but by a subdivision.

Mayor Rees thanked Mr. Blakeslee and the Districting Commission members for their work on this project. He asked that at the next Commission meeting, staff provide the City Commission with the total population of each district and their projected population growth.

Commissioner Sharman stated that the Charter change that requires a City Commissioner to live within their district played a part in the drawing of the proposed map. He asked the City Attorney how difficult would it be to put this issue back to the citizens for reconsideration to allow someone to run for any district. Mr. Ardaman replied that there are multiple ways to get a Charter amended; people can petition or it can be presented by the City Commission, but it will have to go to the voters in order for it to be changed.

Commissioner Sharman asked about the timetable for a change like this and if it could be done before the next election. Mr. Ardaman stated that it was about a six month process but it can be looked into. Mr. Bollhoefer stated that the critical issue is the time. The last change was substantial because it was the entire Charter; however this is only one item. The real issue is with the Orange County Supervisor of Elections and when it could be put on a ballot. Ms. Golden stated that Mr. Cowles will not allow the voter

registration books to be open because of the upcoming Presidential election. The City Clerk will check with the Orange County Supervisor of Elections to see if it is possible to put something on a ballot for a Charter amendment before the next election.

Mayor Rees allowed Mr. Blakeslee to address how much weight was put into the residency issue. Mr. Blakeslee referenced the alternate maps that the Districting Commission tried to draw and stated that these were backed away from because of moving so many of the citizens from one district to another district to simply draw pretty lines. The idea was to maintain as many people within their original districts as possible.

Commissioner Buchanan commented that the proposed map keeps the incumbents in their districts. He does not agree with asking residents to vote again to change it back.

Commissioner Sharman stated that if he wanted to make a change to the map he did not want sitting Commissioners to be a consideration for moving a boundary line. There is some tweaking on the map he wants to do.

Commissioner Buchanan stated that he feels like the Districting Commission did what they were asked to do by giving the City Commission the best map they could.

Commissioner Jowers stated that the Commission is here to make the final decision and it does not matter to him what district he is in or if the numbers are changed. If you are doing your job as a City Commissioner, you will be elected to the district that you are in.

There was discussion on taking time to review this issue and discussing it further at the next meeting.

Commissioner Boulter expressed that the City Commission should not second guess themselves on decisions they have made. He stated that he thinks the City Commission made their decision overwhelmingly for single member districts. To flip-flop makes the City Commission look like they do not know what they are doing. City Commissioners represent the entire city and also their particular segment of the City.

It was the **consensus** of the City Commission to **continue the first reading of Ordinance 08-42 until August 14, 2008.**

- E. **Ordinance 08-43:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA; RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS THROUGHOUT THE INCORPORATED AREAS OF WINTER GARDEN, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS INCLUDING A DEFINITION FOR THE TERM "FIRE RESCUE ASSESSMENT"; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE RESCUE ASSESSMENTS; PROVIDING THAT FIRE RESCUE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A

FIRE RESCUE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING AUTHORIZATION FOR EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING A PROCEDURE FOR THE COLLECTION OF FIRE RESCUE ASSESSMENTS; PROVIDING A MECHANISM FOR THE IMPOSITION OF ASSESSMENTS ON GOVERNMENT PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

City Manager Bollhoefer stated that this is the fire assessment fee that has been discussed for several months. This is the first reading and the primary reason staff is recommending approval is so that the City can keep this option open until a later date. Staff is not recommending approval of a fire assessment fee but is recommending approval of the first reading with the second reading on August 14, 2008 at which time we will have more information available on the budget and have a better idea of what our numbers will be. **Motion by Commissioner Buchanan to approve Ordinance 08-43 with the second reading and public hearing on August 14, 2008. Seconded by Commissioner Jowers and carried unanimously 5-0.**

3. **REGULAR BUSINESS**

A. **Accept resignation of Barbara Pennington and appointment a replacement on the Code Enforcement Board with term to expire March 1, 2011**

City Clerk Golden stated that the current applicants on file have been provided, plus a late submittal.

Mr. Bollhoefer thanked Ms. Pennington for her service on the board and all of the work that she has done for the community.

Commissioner Buchanan stated that he had two people contact him about serving on the Code Enforcement Board; Jason Fleming and Rocco Williams. **Motion by Commissioner Buchanan to appoint Rocco Williams to the Code Enforcement Board for the remainder of Barbara Pennington's term that expires March 1, 2011. Seconded by Commissioner Boulter and carried unanimously 5-0.**

B. **Recommendation to amend Tanner Hall rental policy**

Recreation Director Conn stated that last spring the Recreation Department presented to the City Commission recommended policy changes to Tanner Hall rental contracts. He stated that he is presenting amendments to those new policies due to the decreased rental of Tanner Hall. The original changes were made to increase revenue and to curtail some of the problems by having a preferred caterer list. He asked for approval of the recommended changes that include; eliminating the preferred caterer lists, end events at 11:00 p.m. instead of 10:00 p.m. for Friday and Saturday nights only, alcohol must be

served by a licensed bartender or cater that holds an alcohol license in the State of Florida, and decrease the rental rates.

Mr. Bollhoefer stated that the reason the times were changed was due to complaints from residents living across from Tanner Hall. Many people have decided not to rent on a Friday nights because they work on Friday and if an event is not started until 7:30 or 8:00 p.m., 10:00 is too early to shut down. Going to 11:00 p.m. will help with leasing the hall. He pointed out that the people that moved near the hall did so after the hall was built and with full knowledge that it is an auditorium.

Commissioner Jowers stated that he has a problem with requiring a State licensed bartender for the non-profit agencies utilizing the hall as they have volunteer bartenders for fundraising purposes. He suggested changing the policy so non-profit agencies can have their own bartender. Mr. Conn stated that change would be acceptable.

There was discussion on the revenues and expenses for Tanner Hall. Mr. Conn stated that the hall is booked sometimes a year in advance and these changes are not seen for some time.

Commissioner Bouler asked why the licensed bartender issue come up. Mr. Conn shared that some renters serve their guests too much alcohol and the renters just leave without cleaning the hall to the City's standards regardless of the higher deposit required. Mr. Bollhoefer stated that the reason you want a licensed bartender or cater is to control how the alcohol is distributed. The fear of not having a licensed person is that it may not be controlled as well.

Commissioner Bouler asked if the City is liable should someone get injured after overindulging in alcohol. Mr. Bollhoefer replied that it is primarily the person putting on the event. The City currently requires the event holder to have secondary insurance, although there has been talk of eliminating it in the past.

Commissioner Sharman asked if there is anything the City can do to protect itself legally if the City allows event holders to operate without a licensed bartender. Mr. Ardaman responded that the liability is more in the fact that the City is authorizing it to occur. He stated that there is some risk if alcohol is allowed, you cannot eliminate it all.

Commissioner Jowers named some of the past non-profit agencies that have used Tanner Hall with volunteer bartenders. He stated that a licensed bartender wants quite a bit of money per hour, which takes away from the non-profit's revenue. **Motion by Commissioner Jowers to approve amending the rental policy for Tanner Hall with an exception for non-profit organizations that they are allowed to furnish their own bartenders. Seconded by Commissioner Bouler and carried unanimously 5-0.**

C. **Recommendation to establish the budget workshop and public hearing dates for Fiscal Year 2008/2009**

Finance Director Hayes recommended that the budget workshop be held immediately after the August 28th meeting and to schedule the two required public meetings regarding the millage to September 10, 2008 at 6:00 p.m., instead of the regular September 11, 2008 because of a conflict with the County's budget hearing, and September 25, 2008 at 6:30 p.m.

It was the **consensus** of the City Commission to accept the proposed dates and times for the budget workshop and public hearings for the Fiscal Year 2008-2009.

D. **Recommendation to approve setting the proposed tax millage rate at 3.5733 for Fiscal Year 2008/2009**

City Manager Bollhoefer stated that staff is recommending that the tax millage rate be set at 3.5733, which is an increase from last year's rate of 3.3866. This rate is not recommended to be the final rate and at the second hearing it can be established at the rate the City Commission would like it to be. According to the TRIM rules, the rate can be lowered but it cannot be raised. The reason the rate of 3.5733 was selected was because it is the highest millage rate that can be established with a simple majority of the City Commission. **Motion by Commissioner Jowers to approve setting the proposed tax millage rate at 3.5733 for Fiscal Year 2008/2009. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

4. **MATTERS FROM CITIZENS** – There were none.

5. **MATTERS FROM CITY ATTORNEY** – There were none.

6. **MATTERS FROM CITY MANAGER**

• **Evening at the Pops**

Mr. Bollhoefer recognized Mr. Larry Cappleman on behalf of the Winter Garden Rotary Club to address an issue concerning the annual Evening at the Pops event. Mr. Bollhoefer stated that at the budget hearings last year the \$5,000 donation to the Rotary for their Evening at the Pops event was cut. The Florida Auto Auction has since offered to pay \$2,500 if the City would pay the other \$2,500. Because someone has offered to pay half, staff recommends that the City pay the other half.

Mr. Cappleman stated that they have partnered with the City since the 2003 centennial to sponsor the philharmonic concert on the lake at Tanner Hall. This event is becoming somewhat of a tradition that we want to maintain. The cost this year to hire the Philharmonic Orchestra is slightly in excess of \$20,000 and the Rotary will need to raise that money in order to break even on the project. The Rotary has contributions in hand that cover at least 60 percent of the cost of the free concert. They are allowing non-profit organizations to sell tickets that will allow access to preferred areas where they can bring lawn chairs and sit closer to the performance. None of the money for those tickets will go to the Rotary Club but will go directly to the non-profit organization. He stated that this is done as a marketing opportunity to get the word out. The event is scheduled for the same

weekend as the Downtown Merchant's Art Festival, which they think this will be very positive for the whole weekend of festivities.

Mr. Cappleman asked the City Commission if they would match the Florida Auto Auction's contribution of \$2,500. He stated that they do not expect to be pocketing any money this year; they just want to cover their costs. He also asked that the City waive the Tanner Hall rental fees and permit the Winter Garden Rotary Club to sell beer and wine to the participants outside the auditorium. He stated that alcohol will be served in the same manner as last year, which is in nondescript cups. Mayor Rees clarified that only beer and wine would be served. Mr. Cappleman replied yes.

Commissioner Bouler stated that he participated last year and encouraged everyone to attend.

Commissioner Buchanan clarified that the Auto Auction has committed to a \$2,500 contribution. Mr. Cappleman responded yes. Commissioner Buchanan stated that this has been a real feather in the cap for Winter Garden and it brings in people from our surrounding counties to see our City. The money spent is a real good advertising tool for what the City is trying to accomplish downtown in generating more revenue for the City and for the merchants.

Motion by Commissioner Buchanan to approve donating \$2,500 to the Winter Garden Rotary Club for the Evening at the Pops event; waiving of Tanner Hall rental fees; and allowing beer and wine to be served. Seconded by Commissioner Bouler and carried unanimously 5-0.

• **Drainage Issue for Sandra Rice's Property**

Mr. Bollhoefer stated that the northwest corner of Chapin Station has had a drainage issue in the past for resident Sandy Rice. He is convinced that this property is receiving most of its run-off water directly from the Chapin Station and Tuscany subdivisions. He requested that the City Commission authorize staff to set aside \$10,000 to address remedying this problem. Mayor Rees and Commissioner Jowers agreed that this has been an ongoing problem. **Motion by Commissioner Jowers to approve setting aside \$10,000 to address the flooding problem generated by Chapin Station and Tuscany subdivisions. Seconded by Commissioner Bouler and carried unanimously 5-0.**

• **Calendar**

Mr. Bollhoefer stated that the City has established a calendar for the City Commissioners to go online to see upcoming events and HOA meetings.

• **Habitat for Humanity**

Mr. Bollhoefer stated that Habitat for Humanity currently has a project in which they have requested delaying the payment for their impact fees until the Certificate of Occupancy (CO) is issued. It is the **consensus** of the City Commission to allow delaying payment of their impact fees until such time as the CO is issued.

• **Arts and Architecture**

Mr. Bollhoefer stated that a group called Arts and Architecture is a group of architects that do projects free of charge for low income neighborhoods. There is a location at 10th and Center Street where eight units can be placed. These architects have agreed to do all of the architectural work for free; developers will do this project for little or no profit; and several other groups of contractors will help out. Staff would like to move forward with this project. It is step number three in the redevelopment of East Winter Garden and he asked for a commitment from the City Commission for staff to work on moving this project forward.

Mayor Rees asked if they can be required to sell the property to current Winter Garden residents. Mr. Bollhoefer replied yes because this is not a program that goes through HUD.

Commissioner Jowers spoke of the housing authority that never got off the ground that he thinks is still on the books. This authority was established to do the exact same thing. He stated that this was a dream of Bob Barber who was the mayor at that time.

Mr. Bollhoefer stated that the Planning Department is also looking at a plan for the East Winter Garden area which he thinks is a very important project. **Motion by Commissioner Jowers to approve committing to a multi-housing project at 10th and Center Streets. Seconded by Commissioner Boulter and carried unanimously 5-0.**

• **Golf Carts**

Mr. Bollhoefer stated that he has been approached by several citizens about using golf carts in certain areas of the City. Staff is working on this and will bring a presentation on the pros and cons to the City Commission at the August 14th meeting.

A. **Designation of a voting delegate for the Florida League of Cities conference in August**

Mr. Bollhoefer stated that every year the City Commission selects a voting delegate for the Florida League of Cities conference. Commissioner Jowers asked which Commissioners were attending. Mr. Bollhoefer responded that Commissioner Jowers and Commissioner Boulter have registered to attend. **Motion by Commissioner Jowers to appoint Commissioner Boulter as the Florida League of Cities voting delegate for the 2008 conference. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. **Budget update**

Mr. Bollhoefer stated that staff is looking at everything philosophically from a zero budgeting approach. He stated that staff will be going to a citizens based management of government where the citizens will have a lot more input in the whole process.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman asked that the City send a plaque to Barbara Pennington for her outstanding service on the Code Enforcement Board.

Commissioner Sharman stated that he has received a lot of comments about how our citizens enjoyed the grand opening of City Hall.

Commissioner Bouler thanked the Districting Commission for their hard work in the redrawing of district boundary lines. He stated that he attended several of the meetings and heard some of the discussions and it was a job well done.

Commissioner Bouler stated that there is a sign on Ninth Street that signifies that you are entering East Winter Garden and he wants it removed. He asked the City Manager to ask the County to remove it as it is time for the change in mindset that there is a separate unit in the City.

Commissioner Bouler stated that he is pleased with the efforts to get housing in the eastern area, which is much needed. There is a lot of change in that area and the police are working very hard to reduce crime in that area. There are good changes going on over there and he thanked the City for their efforts in that change.

Commissioner Buchanan announced that as the appointed representative for the Chamber of Commerce he has Hob Nob tickets for sale for those who are interested.

Commissioner Jowers stated that he has been hearing about speed traps on Daniel Roads and has asked questions of staff and the Police Department. Daniels Road is getting known all over Central Florida as a speed trap and he does not like to hear that about Winter Garden. He suggested changing the speed limit from 35 to 40 mph.

Commissioner Sharman stated that he has heard from both sides on this issue and the residents in that area would like it to remain at 35 mph. He asked if more warnings could be issued instead of tickets.

Commissioner Jowers stated that the limit is 40 mph on Dillard Street to the north that is more congested than it is on the south side. He thinks 40 mph is reasonable and has been told that it is a safety issue, but he thinks it is a profit issue.

Mr. Bollhoefer stated that it is not a profit issue and explained how this speed limit came about at the request of residents in that area. He has no objection to changing the speed limit to 40 mph, if the City Commission so desires.

There was discussion on legally changing the speed limit and its enforcement.

Commissioner Jowers stated that this road is a gateway into our City and this is what people are seeing.

Commissioner Bouler explained that the north end of Dillard is commercial area and then to the south side it becomes residential. He thinks that the residents living there should weigh in on what they think is safe for their area.

Commissioner Sharman asked if the data on the speeds for which tickets were issued is available for review. Mr. Bollhoefer replied yes. Commissioner Sharman asked that this data be reviewed prior to a decision by the City Commission.

Motion by Commissioner Jowers to increase the speed limit on Daniels Road south of State Road 50 to 40 mph.

Mayor Rees asked if the City Commission really wants to get into directing the Police Chief about what and where to set the speed limits. He thinks it should be discussed with the Police Chief and come up with an acceptable speed limit.

Mr. Bollhoefer stated that he was the one who directed the speed limit for that area based upon the request of residents in the area and he has spoken with Police Chief Brennan who is fine with the 40 mph speed limit. He stated that he takes full responsibility for establishing the speed limit.

Commissioner Jowers stated that he has discussed this issue with the City Manager a couple times and nothing has happened so he has brought it to the City Commission.

Mr. Bollhoefer stated that he is fine with setting it at 40 mph, the Police Chief is fine with it, and it is a safe speed that the road was designed to handle.

Commissioner Buchanan stated that he would also like to have the Police Chief come in on this issue. This issue is in Commissioner Sharman's district and if he has heard the residents want the speed limit at 35 mph, it should be based on the fact that this area is residential. He stated that he would not want to see some child hurt while on a bicycle and know that he raised the speed limit over what it was originally determined to be safest.

It was the consensus of the City Commission to discuss this issue with the Police Chief at the next meeting. **Commissioner Jowers withdrew his motion.**

The meeting adjourned at 8:03 p.m.

APPROVED:

/S/ _____
MAYOR JOHN REES

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC