

MINUTES
LDDA BOARD OF DIRECTORS MEETING
City Commission Conference Room
June 3, 2010
7:15 a.m.

PRESENT: Ford Heacock, Janet Tucker, Patricia Hendler, Joe Mawhinney, Jim Malless, Don Selvage, David Hallock, Anne Furr, Becky Abel, Gus Palas, Marlon Lynn, Palmer Davis, Tony Delgado, Assistant Chief Bill LePere, Captain Larry Giddens, Jim Studiale, Steve Bissonnette, Lynn Schindler, Tamara Sakagawa, Nicole Travis, Bill Mutz

ABSENT:

CALL TO ORDER: Ford Heacock, Chairman, called the meeting to order.

210 CITY CLUB/TRADERS ALLEY AT 210: Gus Palas, owner of 210 City Club, asked for a hearing by the LDDA of his concerns of repeated noise complaints about his business from a resident in Downtown. After giving some history of former uses of the building, Gus then focused on recent uses of the building. The first noise complaint came in 2002 from a Downtown resident who had just declared homestead for her residence three weeks prior to the complaint. The Club operated from 2005-2008 without any complaints. The business was closed in 2008 and the building was purchased by current owner Marlon Lynn, who began renovating the building. When renovations were complete, the bar reopened in December 2009. (The Club's hours are 4 p.m. – 2 a.m. Monday through Friday and 8 p.m. – 2 a.m on Saturdays.) The first new noise complaint came on January 28, 2010, and since then over 50 complaints have been reported, most between Thursdays and Saturdays, all from the one Downtown resident.

There is no music or speakers in the courtyard behind the building, but patrons of the business go in and out of the bar in the back because the building is a no-smoking facility and patrons use the courtyard to smoke. The noise complaints are due to the door being opened for people to enter and exit, allowing music and voices to "leak" out. No citations have been issued by the Lakeland Police Department officers, though LPD has responded with an officer for each complaint by the resident.

If LPD were to issue a citation of a noise violation, the violation would be a criminal charge rather than a civil charge, based on the current ordinance.

The noise ordinance was not written with the intent of using it for enforcement, but that is what is being done now. There is ambiguity about what constitutes grounds for a citation in the definitions used in the ordinance. Does "amplification of the human voice" mean a raised voice, or does it mean electronic amplification? LPD currently is enforcing based on electronic amplification, as trained when the ordinance went into effect. What is the responsibility of residents or others who may complain about noise? Palmer Davis stated that the standard based on "a reasonable person" is typical.

Jim Studiale stated that he thought all residential in C-6 and C-7 should be conditional uses. 229 N. Tennessee will soon bring additional residents to the same alley. Residents should accept a level of noise suitable for an entertainment district in Downtown.

The resident is living in her building on the first floor and has been issued a code violation because the code reads that residential use is not allowed on the ground floor.

Gus Palas stated that businesses in commercial areas should be exempt from the noise ordinance.

Jim Malless moved and David Hallock seconded the motion to recommend that the City Commission authorize the City Attorney to review and revise the noise ordinance, taking into account the Downtown Plan, and particularly clarifying the definition of "amplified sound". Motion passed 7-0.

Jim Malless moved to strongly encourage the City Commission NOT to make C-6 and C-7 areas conditional for residential. There was no second.

David Hallock moved and Joe Mawhinney seconded the motion that staff come back to the LDDA with its recommendations concerning the residential issues in C-6 and C-7 including:

- **Zoning allowances**
- **Conditional use for residential**
- **Criminal concerns**
- **Sound abatement**

Motion passed 7-0.

The meeting adjourned at 8:35 a.m. for the start of the CRA Advisory Board Meeting.

The meeting of the LDDA Board reconvened at 10:10 a.m.

Present: David Hallock, Patricia Hendler, Ford Heacock, Joe Mawhinney, Jim Malless, Janet Tucker, Tamara Sakagawa, Anne Furr, Becky Abel

Janet Tucker moved that LDDA write a letter to the City Commission asking them to financially support the Florida Southern Welcome Center Project at the level of \$500,000. Motion seconded by David Hallock. Ford expressed concern that the City Commission may not appreciate the LDDA telling it what to support, especially since LDDA is not offering any financial support of the project. Janet said that since the \$2.5 million red light camera money has been designated to benefit "the arts," that this project would qualify. Janet Tucker modified the motion to write a letter of support for the Welcome Center to the City Commission but not to ask them to do anything. Modification seconded by David Hallock. Motion failed 0-6.

Janet Tucker moved that the LDDA write a letter to the City Commission stating that the LDDA supports the Florida Southern Welcome Center project and encourages the City Commission to support the project. Motion seconded by David Hallock. "Support" is not defined as actual contribution of money. Motion failed 2-4.

Meeting adjourned at 10:20 a.m.

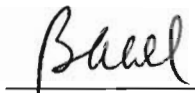
The next LDDA Board of Directors meeting is scheduled for Thursday, June 17, 2010 from 8:00 to 10:00 a.m. in the Employee Relations Conference Room.



Ford Heacock, Chairman

6-17-10

Date



Becky Abel, Administrative Assistant

6-17-10

Date