

The regular meeting of the Lake Wales City Commission was held on February 15, 2011 at 6:00 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; Michael S. Carter; 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**

**CONSENT AGENDA**

**Agenda Item 5.            APPROVAL OF MINUTES:  
                                  January 27, 2011, Special Meeting  
                                  February 1, 2011, Regular Meeting**

**END CONSENT AGENDA**

Commissioner Thornhill reported a correction to be made on Page 4, Paragraph 7, in the January 27, 2011, special meeting minutes. He requested that the word "personnel" be changed to "personal" in the following sentence:

"Commissioner Thornhill said this should be a business rather than "personal" decision...."

Commissioner Thornhill made a motion to approve the Consent Agenda with the requested change in the January 27, 2011 special meeting minutes. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**Agenda Item 6.            Ordinance 2011-03, Amendments to Chapter 5 Alcoholic Beverages – 1<sup>st</sup>  
                                  Reading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Margaret Swanson, Director of Planning and Development; Kathy Bangley, Asst. Director of Planning and Development]

## SYNOPSIS

This ordinance provides for "fraternal or civic organizations" to be added to Chapter 5, Alcoholic Beverages, *City of Lake Wales Code of Ordinances*, for hours of sale and exemption for the distance restriction from churches. The ordinance also relocates regulations for consuming alcoholic beverages in an outdoor seating area on public property to Chapter 23 (zoning regulations).

## RECOMMENDATION

Approval of Ordinance 2011-03 upon First Reading. No public hearing is required.

## BACKGROUND

Currently, there are no provisions in City Code to allow the issuance of an alcoholic beverage license to a "fraternal or civic organization." (Note: The VFW has an alcoholic beverage license, apparently issued under an earlier version of Chapter 5 of the Code.) This ordinance will define "fraternal or civic organization," set hours of sale/consumption of alcoholic beverages at such establishments, and exempt them from the requirement to be 500 feet from any church.

A companion ordinance (Ord. 2011-04) will amend the zoning regulations (Chapter 23) to allow the approval of an alcoholic beverage license for a "club" only if it meets the definition of "fraternal or civic organization" in Chapter 5, Alcoholic Beverages.

The ordinance also makes a housekeeping change to regulations in sec. 5-5 to eliminate duplication of regulations (in Chapters 5 and 23) and improve organization.

Details of the proposed changes follow:

### Section 5-3 Definitions

- Adds a definition for "fraternal or civic organization." In keeping with state licensing classifications, the proposed definition limits organizations eligible for an alcoholic beverage license to "national fraternal or benevolent associations." State licenses limit these organizations to serving alcohol by the drink for consumption on premises (no package sales) to members and members' guests.
- Adds "served or consumed" to the definitions for "operator" and "owner." This change is for clarification. Alcoholic beverage regulations pertain to establishments that allow patrons to "consume" alcohol whether or not a "sale" has taken place.

### Section 5-4 Hours of sale

Sets hours of sale for fraternal or civic organizations as 8:00 a.m. until 2:00 a.m. of the following day. This is consistent with all other establishments allowing consumption on premises.

### Section 5-5 (consumption on public area)

- Eliminates the approval requirements for alcoholic beverage consumption on public property (e.g. sidewalk café) from this section and cross references the zoning regulations, which already address the issue. These regulations are more appropriately located in the zoning regulations because zoning approval is required on all alcoholic beverage license applications and because City Commission approval of the private use of public space does not always involve consumption of alcohol.
- The requirement for City Commission approval for alcoholic beverage consumption at special events in public areas will remain in sec. 5-5 (2) because it does not involve zoning approval.

Section 5-6 Distance from church or school

- Exempts "fraternal or civic organization" from the requirement to be 500 feet from established churches. State law requires that bars be at least 500 feet from a school, but the distance requirement from a church is optional.
- Lake Wales' Code also exempts wine and beer bars from the church rule.

**OTHER OPTIONS**

The Commission may choose not to add "fraternal or civic organization" to the list of establishments that may be approved for an alcoholic beverage license in Lake Wales.

**FISCAL IMPACT**

Proposed changes will have a positive effect on business tax receipts for the City.

[End of agenda memo]

Ms. VanBlargan read Ordinance 2011-03 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 5, ALCOHOLIC BEVERAGES; DEFINING FRATERNAL AND CIVIC ORGANIZATION, AMENDING HOURS OF SALE, AMENDING PUBLIC AREAS, EXEMPTING FRATERNAL OR CIVIC ORGANIZATIONS FROM THE REGULATION ON DISTANCE FROM CHURCHES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Swanson reviewed Agenda Item 6.

Commissioner Carter asked the following questions:

- Why a public hearing for this ordinance was not required though it was required for Ordinance 2011-04, the companion ordinance. Ms. Swanson said a public hearing at both the first and second readings of Ordinance 2011-04 is required because it changes the list of uses in the zoning code.
- Commissioner Carter said that under the Fiscal Impact section it states that the change would have a positive effect on business tax receipts. He asked for the extent of that positive impact when fraternal organizations are usually tax exempt. Ms. Swanson agreed that they were usually tax exempt so there would be very little impact for them but that it was not inconceivable that there might be a for-profit organization at some point.
- Commissioner Carter said that not allowing a bar to be established within 500 feet of a church was inconsistent if it allowed a church to be built within 500 feet from a bar. He gave an example of a church that was established within 500 feet of an already established bar at a shopping center on SR 60. He said if the bar/restaurant ever closed and had to be re-licensed, they may not be able to get a liquor license because it will then be within 500 feet of an established church. Ms. Swanson said that happens many times in zoning and it would be considered a special exception permit use. Staff would look at when that use went in, and what impact it would have on the neighborhood. But if another sensitive use wanted to move in next door to it, the new use is not regulated because they know the other exists. If it is acceptable to them, they are allowed to move in. Ms. Delmar agreed that if the bar closed, it would impact another bar's ability to open in that location. Commissioner Carter asked if that inconsistency would be addressed so as to not allow a church to move in within 500 feet from an existing bar. Ms. Delmar said that inconsistency had been pointed out in the past but it went nowhere.

Commissioner Thornhill asked for confirmation that City Commission approval for outdoor beverage consumption on private property would still be required even if it is removed from this section. Ms. Swanson confirmed and said the requirement is already in the zoning regulations. This ordinance would

eliminate the duplication and would cross reference the zoning code. Commissioner Thornhill asked Interim Police Chief Velasquez if the Police Department had any issues with the ordinance and he did not.

Commissioner Howell made a motion to approve Ordinance 2011-03 after first reading. The motion was seconded by Commissioner Carter.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 7. Ordinance 2011-04, Chapter 23 Zoning, Amendments to Table of Uses, Alcohol and Outdoor Seating Regulations – 1<sup>st</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Margaret Swanson, Director of Planning and Development; Kathy Bangley, Asst. Director of Planning and Development]

**SYNOPSIS**

Amendments to the zoning regulations will add "club" to the table of permitted and special exception uses in non-residential districts and will authorize zoning approval of alcoholic beverage licenses for clubs meeting the definition of "fraternal and civic organizations." The ordinance will also consolidate and reorganize requirements for outdoor seating and for the service of alcoholic beverages in public areas, such as sidewalk cafes in the downtown.

**RECOMMENDATION**

Staff recommends approval of Ordinance 2011-04 upon first reading.

Public notice requirements have been met for a public hearing. Ordinances changing the list of permitted uses require a public hearing at both first and second readings.

**BACKGROUND**

Lodges and clubs, such as the Veterans of Foreign Wars, are not defined or allowed specifically in the zoning code. The practice of classifying them as offices does not recognize that clubs differ greatly from offices. They are primarily meeting/gathering facilities, not merely offices, and they often have kitchens, outdoor party or sports facilities, and sometimes bars.

The amendments proposed in this ordinance will define "club" as a separate use to be allowed as a permitted use (administrative approval) in commercial zoning districts and a special exception use (planning board approval) in professional, neighborhood commercial, and mixed use districts.

The ordinance will allow zoning approval of an alcoholic beverage license for a "club" only if it meets the definition of "fraternal and civic organization" proposed in the companion Ordinance 2011-03 for Chapter 5 – Alcoholic Beverages.

Special condition regulations for “outdoor cafes” are revised to cover “outdoor seating” in general. The section is reorganized to separate regulations pertaining to all outdoor seating and those pertaining only to outdoor seating on public property. The provisions are essentially unchanged, including the requirement for City Commission approval for outdoor seating areas and alcoholic beverage service on public property (usually sidewalks).

Specific amendments:

Sec. 23-342. Alcoholic beverage sales and service – Conditional use regulations

This section governs zoning approval for alcoholic beverage licenses. Applications for state licenses require sign-off by the zoning officer certifying that the location for the proposed business is zoned appropriately for the type of license requested. There are various types of licenses depending upon whether alcohol is consumed on or off premises and whether alcohol to be served is beer/wine or liquor.

Specific changes are:

- The section is reworded to replace confusing language and improve consistency.
- The proposed new use “club” is added to the list of uses eligible for an alcoholic beverage license, provided the club meets the definition of “fraternal or civic organization” proposed in Chapter 5 – Alcoholic Beverages. (See companion Ordinance 2011-03.) License applications will receive zoning approval only if they qualify as a national fraternal or benevolent association or a club devoted to civic or community purposes. The state licensing agency has additional requirements that must be met prior to the granting of the license. Licenses for these types of organizations allow for beer, wine and liquor to be consumed on premises. No package sales are allowed.
- Regulations for alcoholic beverages at establishments with outdoor seating areas on public property (e.g. public sidewalks) are moved from *sec. 23-353 Outdoor seating* to this section to consolidate all requirements for zoning approval for alcoholic beverage licenses.
- The minimum amount of indemnification (at least one million dollars) is moved from Chapter 5 to this section, as part of the license application approval requirements.

Sec. 23-353 Outdoor seating – Conditional use regulations

Changes to this section are to improve clarity; no changes in the requirements themselves are proposed.

- The title of the section is changed from “Outdoor cafés” to “Outdoor seating” to indicate that it covers outdoor seating in general.
- The section is reorganized to separate outdoor seating requirements for public and private property. Note that outdoor seating on public property, such as sidewalk, is limited to the C-1 downtown districts and requires City Commission approval.
- The change in terms (“outdoor café” to “outdoor seating”) is not meant to require City Commission approval of incidental placement of a bench or decorative item on the sidewalk outside a business; *sec. 18-26* of the Code authorizes the City Manager to approve “obstructions” in the public right-of-way. Outdoor display of goods, whether on public or private property, requires Planning Board approval.
- The requirements related to alcoholic beverage service in public seating areas are moved to *sec. 23-342 Alcoholic beverage sales and service*. A cross reference to that section has been added.

Table 23-421 Permitted Uses and Special Exception Uses

Amendments to the table are proposed to add “Club” and to modify footnotes to correspond to changes in regulations in this ordinance.

- “Club” is added under the amended title “EDUCATIONAL AND CULTURAL USES.”
- Footnotes are modified to correctly cross-reference regulatory sections as amended in this ordinance.
- The table is modified to allow “clubs” as follows:
  - Permitted* (administrative verification) in C-1 Downtown, C-2 General commercial, C-3 Highway commercial, and LCI – Limited commercial-industrial districts
  - Special exception use permit* (Planning Board approval) in C2R – Commercial/residential mixed use, C-4 Neighborhood commercial, C-5 Village center, and PF – Professional districts

#### Sec. 802 Definitions

- Definition of the new use "Club" is added.
- Definition of "Outdoor seating" is added. The term covers outdoor gathering areas at various types of businesses. For zoning purposes, an area used for customer service or gathering will be subject to regulations for outdoor seating regardless of whether actual tables and chairs are provided.

#### OTHER OPTIONS

If the Commission chooses not to make the proposed changes, new "clubs" will be classified as "offices" and will be limited in the types of facilities to those appropriate to offices. No new alcoholic beverage licenses will be approved for these types of organizations. Two clubs that will be restricted are the American Legion and the Elks Club.

#### FISCAL IMPACT

Some increase in tax base may result from the addition of "club" to the list of permitted uses. However, most fraternal and civic clubs are tax exempt.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-04 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING THE CONDITIONAL USE REGULATIONS FOR ALCOHOLIC BEVERAGE SALES AND FOR OUTDOOR SEATING AREA; DEFINING CLUB; ALLOWING CLUBS IN VARIOUS ZONING DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Swanson reviewed Agenda Item 7.

#### OPENED PUBLIC HEARING

There were no comments made by the public.

#### CLOSED PUBLIC HEARING

Commissioner Howell asked if the reason for this ordinance was because businesses put things outside. Ms. Swanson said this ordinance pertains to outdoor seating, not outdoor display. Outdoor displays of goods on private property require a special permit but if on public property, such as on city sidewalks, it would require the City Manager's approval. Commissioner Howell asked for confirmation that this ordinance would make allowances for the American Legion and the Elks and it was confirmed. Ms. Delmar explained that there was nothing in the existing ordinance that permits alcoholic beverage licenses for a fraternal organization or a zoning classification that provides for a location. Right now, staff cannot mark the box on an application that would permit a beverage license so this would solve that problem.

Commissioner Carter asked if this would affect private clubs like the one downtown. Ms. Swanson said that establishment had been classified as a wine and beer bar.

Commissioner Howell made a motion to approve Ordinance 2011-04 after first reading and public hearing. The motion was seconded by Commissioner Carter.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 8. Resolution 2011-03, Conveyance of Property to Habitat for Humanity of East Polk County, Inc.**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Kathy Bangley, Asst. Director of Planning & Development]

**SYNOPSIS**

The City Commission has expressed an interest in the provision of affordable housing to the citizens of Lake Wales. Resolution 2011-03 will convey a City-owned parcel on C Street to Habitat for Humanity of East Polk County, Inc. for construction of an affordable single-family house.

**RECOMMENDATION**

It is recommended that City Commission approve Resolution 2011-03 conveying a City-owned parcel on C Street to Habitat for Humanity of East Polk County, Inc., directing the City Attorney to draw up the necessary documents, and authorizing the Mayor to sign.

**BACKGROUND**

The City Commission has expressed an interest in the provision of affordable housing to the citizens of Lake Wales. One role that the City can play is to make available properties that are under public ownership.

Habitat for Humanity of East Polk County, Inc. has expressed interest in obtaining property to construct homes in Lake Wales. In 2005 and 2008 they constructed homes on Stuart Avenue and Wetmore Street respectively.

The subject property located on C Street, known by parcel ID numbers 272935-879000-002190 and shown on Attachment "A" is approximately 6650 square feet in size.

In February 2006 this property along with others was conveyed to the Green and Gold Foundation. In October 2008 they returned to public ownership through a reverter clause included in the deed.

Conveyance of the property to Habitat, which is a nationally recognized housing provider, carries the following benefits:

- Eliminate City's maintenance responsibility and liability. The City is responsible for providing maintenance of publicly-owned property. This includes mowing, irrigation if appropriate, and maintenance of trees. In addition, the city is subject to liability claims for action that may occur on property under its ownership. Once the property is no longer under City ownership, the maintenance and liability issues are removed.
- Additional Revenue. The average value of a Habitat Home is \$75,000.00, which after homestead exemption, would represent \$234.00 in property taxes to the City. In addition,

the average monthly water, sewer and garbage bill in the City is \$70.75, which equals annual revenue of \$849.00. Including property taxes and utility fees, the City could anticipate at least \$1,038.00 a year in revenue from the construction of a single-family residence.

- Provide affordable housing opportunities for residents of Lake Wales.

## FISCAL IMPACT

Conveyance to Habitat will relieve the City of maintenance responsibility and liability and puts the property back on the tax rolls.

## OTHER OPTIONS

Not convey the property and retain it under public-ownership.

[End agenda memo]

Ms. VanBlargan read Resolution 2011-03 by title only.

## **A RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE CONVEYANCE OF A PARCEL OF LAND OWNED BY THE CITY AND LOCATED ON C STREET AND SPECIFICALLY SHOWN ON ATTACHMENT "A" TO HABITAT FOR HUMANITY OF EAST POLK COUNTY INC.**

Commissioner Howell said she was happy with the conveyance and asked if there were more lots that could be given to Habitat for Humanity. Ms. Delmar said staff was working on classifications for another group of lots. Ms. Bangley said it was her understanding that once the piece of property is conveyed to Habitat for Humanity, the actual construction of the home can begin within 60 – 90 days because the new owner has met all the requirements.

Commissioner Rogers said he had been concerned with setting a time-limit because he did not want the property turned over to Habitat for Humanity only to have it sit there for months but his concern was already addressed. Ms. Bangley said she recently was told that Habitat for Humanity plans on building 100 homes in Polk County in 2011 so the C Street piece of property, as well as the property on D Street that had been conveyed to them last year, should be under construction sometime this year.

Commissioner Carter asked for the status on the D Street project. Ms. Bangley said it was her understanding that the prospective owner for the C Street lot is further along in the process than the one on D Street. Therefore, the C Street project will begin first, though the D Street project is on their list for this year. She said she would let the Commission know when the building permit is pulled.

Commissioner Howell made a motion to approve Resolution 2011-03, conveying a City-owned parcel on C Street to Habitat for Humanity of East Polk County, Inc., directing the City Attorney to draw up the necessary documents, and authorizing the Mayor to sign. The motion was seconded by Commissioner Carter.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"



The motion carried 5-0.

**Agenda Item 9. Award Contract for Lake Wales Cemetery Irrigation**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Teresa Allen, Public Services Administrator]

**SNYOPSIS**

The City Commission will consider awarding Prince Land Services, Inc. the contract for Reuse Irrigation improvements at the Lake Wales Cemetery for an amount of \$130,000.00.

**RECOMMENDATION**

Staff recommends that the City Commission approve the following action:

1. Approve the contract for reuse irrigation improvements at the Lake Wales Cemetery for an amount of \$130,000 and authorize the City Manager to execute the contract.

**BACKGROUND**

On August 6, 2010 Kimley-Horn and Associates, Inc. (City's consulting engineers) advertised a request for sealed bids seeking proposals from licensed irrigation contractors who are experienced in installing underground irrigation systems. The bids are for the Reuse Irrigation improvements project at the Lake Wales Cemetery with sealed bids due on Thursday, September 21, 2010.

Bids were received as follows and the award is based on the low bid from Prince Land Services.

First: Prince Land Services	\$159,660.00
Second: Florida Commercial Landscape	190,000.00
Third: LaGrow Irrigation and Well Drilling	226,788.75
Fourth: Newburg Irrigation, Inc.	231,862.50

Bids received represent the cost of installing the reuse irrigation throughout the entire Lake Wales Cemetery. \$140,000 was budgeted in fiscal year 11/12; \$130,000 for the installation of the reuse irrigation system and \$10,000 for engineering services related to construction management and inspection services.

Prince Land Services, Inc. has agreed to complete just the installation of the irrigation system in the south, southwest and the northeast areas of the cemetery in order to stay within the funds available. The budgeted amount of \$130,000 will complete the irrigation in 25 of the 39 zones, leaving 13 zones in the northwest section of the cemetery to be completed at a later time. Staff will request approximately \$30,000 in next fiscal year's budget to complete the project.

**FISCAL IMPACT**

The current fiscal year budget has \$140,000 for this project.

**OTHER OPTIONS**

Do not begin the project until it can be fully budgeted to be completed in one fiscal

[End agenda memo]

Ms. Allen reviewed Agenda Item 9.

Commissioner Thornhill said he was in favor of moving forward with the project, though he did not like having to split it up.

Commissioner Carter said he was concerned with only doing 60% of the project. He asked that they consider finding the \$30,000 needed to complete the project because the Prince Land Service bid was quite a bit lower than the rest, 18% to 19% lower, and he was afraid that if we wait until next year, that \$30,000 could be \$40,000 or \$50,000.

Dorothy Pendergrass, Finance Director, said she was working on FY 2010/2011 Budget Amendment #2 to present at the next Commission meeting and reported that the following unexpected, one-time source revenues had come in; \$18,400.00 from Polk County for the prior years business taxes, \$4,200.00 for a prior year's lien, and \$2,400 for an auto expense reimbursement, a total of \$24,000 of unbudgeted funds. She said there is still 2/3<sup>rd</sup> of the year left so hopefully the \$6,000 will come in but if not, there is sufficient time to look at a small spending freeze. Ms. Delmar added that they wanted to move forward and get the project finished, restored and looking beautiful before Memorial Day, the cemetery's busiest day of the year. She recommended approval of the contract with Prince Land Services for up to \$159,000.00 with the intent to finish the project, though they will still have time to scale back if they need to. Commissioner Carter said that sounded like a good plan.

Commissioner Rogers said there had been a comment in the Lake Wales News complementing the Commission for the cemetery improvements when the Commissioners simply provided the funds and Cemetery Superintendent Pam Mosher was the one who got the job done. He complemented Ms. Mosher for the job she did and invited others to do likewise.

Commissioner Howell said she thought it would be wonderful if the money could be found to complete the job now but if the money can't be found, she was sure that the unfinished section of the cemetery would be kept up and looking good until funds become available.

Commissioner Howell made a motion to approve the contract for reuse irrigation improvements at the Lake Wales Cemetery for an amount not to exceed \$159,660.00 and authorize the City Manager to execute the contract. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 10. Appointment – Airport Authority Board; General Employees' Retirement Board**

The full staff memo is incorporated into the minutes.

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

## SYNOPSIS

The appointments will fill vacancies due to resignations, expirations of terms, newly established boards, etc.

## RECOMMENDATION

It is recommended that the City Commission make the appointments 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.

**Airport Authority Board** – Members are appointed by the City Commission. The Board consists of seven (7) members. At least four (4) members must be qualified electors of the City, and one member is a City Commissioner, who is a non-voting member. (3-year term)

There is no interview process required for applicants applying for appointment to this board.

1 vacancy: term expires 07/01/12

Applying for appointment: Clifford Baggett, resident & owns property in City  
Homer P. Rip Walser, resident & owns property in City

A vacancy is due to the resignation of John "Philip" Weikert.

At its meeting on Monday, February 7, 2011, the Airport Authority Board recommended Clifford Baggett to serve as a member on the Board.

**General Employees' Retirement Board** – Resident members are appointed by the City Commission. The board consists of five (5) members. Two (2) members must be employees who are members of the plan, two (2) members must be a resident of the City, own property in the city or have an occupational license issued from the City of Lake Wales, and one member is a voting City Commissioner.

There is no interview process required for applicants applying for appointment to this board.

1 resident vacancy: term expires 04/01/13

Applying for re-appointment: Linda Kimbrough, resident

Resident vacancy is due to the expiring term of Linda Kimbrough.

## 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 the board to obtain a quorum until vacancies are filled.

[End agenda memo]

Mayor Van Sickle recommended that Clifford Baggett to be appointed to serve as a member on the Airport Authority Board.

Commissioner Rogers made a motion to appoint Clifford Baggett to serve as a member on the Airport Authority Board for a term to expire on 07/01/12. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Commissioner Rogers made a motion to reappoint Linda Kimbrough to serve as a member on the General Employee's Retirement Board for a term to expire on 04/01/13. The motion was seconded by Commissioner Carter.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

#### **Agenda Item 11. Schedule Special Meeting to Certify Official Ballot**

The full staff memo is incorporated into the minutes.

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

#### **SYNOPSIS**

It is necessary for the City Commission to schedule a special meeting for the purpose of certifying the official ballot at the end of qualifying period to allow the Elections Supervisor to prepare for ballot printing and audio ballot printing.

#### **RECOMMENDATION**

It is recommended that the City Commission, following the candidate qualifying period, schedule a special meeting no later than Monday, February 21, 2011 to certify the official ballot.

#### **BACKGROUND**

As part of the City's Administrative Agreement with the Polk County Supervisor of Elections, at the end of qualifying the City Clerk must provide the Elections Supervisor with a list of qualified candidates for the City offices to be voted upon in the 2011 Municipal Election, as well as the official title. This information will allow the Elections Supervisor to prepare files for ballot printing and audio ballot printing, preparation, receipt, and testing of the ballots to be used in the City Election.

It is recommended that the City Commission schedule a special meeting to certify the official ballot no later than Monday, February 21.

## OPTIONS

None.

## FISCAL IMPACT

None.

[End agenda memo]

Ms. VanBlargan reviewed Agenda Item 11.

The City Commission scheduled the special meeting for Friday, February 18, 2011 at 6 PM in the Commission Chamber to certify the official ballot.

Commissioner Rogers asked that they also discuss at the special meeting whether or not the City Commission wanted to use a selection committee to find a City Manager or let the City Commission do it, as was his recommendation. If the Commission decides to form a committee, he asked that the Commissioners be prepared at that special meeting to appoint the person of their choice. Ms. Delmar said that no one was suggesting that the City Commission would not make the choice for the City Manager. She explained that each time a City Manager was hired in the past, a selection committee had been appointed to weed through the large volume of resumes. Commissioner Rogers said he wanted all the resumes available to the City Commissioners so they can be advised of all the candidates and what their qualifications are. He said he hoped the other City Commissioners would step forward and do their duty to find a new City Manager when the time comes. Ms. Delmar said the resumes would not be available until the end of March and if at that time the Commission wanted to bypass the selection screening process that would be their choice, though there would be a lot of resumes for them to go through. There had been 350 resumes submitted when City Manager Greene was hired and Polk City recently had 60 resumes for their search for a County Manager.

Mayor Van Sickle said he thought the Commissioners should be ready at the special meeting to select an individual of their choice who would sit on the Selection Committee Board to weed out the resumes the Commission does not need to spend a lot of time on. He said that even if the committee narrows them down to 20 or 40 resumes, it will still take a great deal of time for the Commissioners to read and rank them.

Commissioner Howell said she preferred having just the ballot certified at the special meeting. Mayor Van Sickle said it would not take long for them each to supply a name. Commissioner Howell asked what the rush was for and Ms. Delmar said the committee did not need to be set up until the beginning of April because the deadline for resumes is the end of March.

## CITY MANAGER'S REPORT

### CITY COMMISSION TRACKING REPORT

Ms. Delmar reported no changes to the tracking report.

Commissioner Carter asked for an update on the following tracking report items:

- **The tennis courts:** Ms. Delmar said that it would basically be a patch and paint job, though one process would be used on the courts by the Tourist Club and another process used at the courts at the Northwest Complex.
- **The C Street project and Treatment Plant:** Commissioner Carter asked if staff knew yet how they would pay for the two projects. Ms. Delmar said they would first need to know how much it

will cost, which they do not know yet as they are still working on the engineering and surveying. Cash is still accumulating from the CRA Bond for this purpose and when staff gets a better handle on the cost, grants can be applied for. Commissioner Carter asked for confirmation that grant applications will be part of the process and Ms. Delmar confirmed adding that they were scheduled to talk with the CDBG Grant representative within the next two weeks about a Neighborhood Revitalization Grant for up to \$750,000.00.

- **Downtown Streetscape project:** Commissioner Carter said the business community would rather not have the streets torn up for upcoming special events like Mardi Gras and the Centennial Celebration. Harold Gallup, Economic Development Director, said they would try to minimize any impact on those activities as much as possible but added that much of the Centennial Celebration will be held at Lake Wales. Commissioner Carter said that last March Mr. Gallup told them the project would be done this past summer and it is now almost a year later and nothing has been done. Mr. Gallup said no one wanted it done during Thanksgiving, Halloween or Christmas so they kept pushing things around though they realize no matter when they do it there will be something going on. He said they had to do a lot of rework involving a great deal of detail, cross checking, re-pricing, and scope modification while trying to get everything finished without violating the CDBG grant covenant.

Mr. Gallup gave the timeline as follows:

- They advertised on February 12<sup>th</sup>;
  - The pre-bid meeting will be on February 22<sup>nd</sup>
  - Bids are due on March 2<sup>nd</sup>.
  - It will come before the Commission on March 15<sup>th</sup>
  - The pre-construction meeting and notice to proceed will be on March 16<sup>th</sup>
  - The completion date is July 31<sup>st</sup>
- **Kirkland Gym project:** Mr. Gallup said they are actually a little ahead of schedule. The draft documents were in and being reviewed by the engineers and structural people.

Commissioner Thornhill asked if there would be savings from the tennis court project that could be used somewhere else and Ms. Delmar said she believed so though it has not gone out to bid yet.

### **COMMUNICATIONS AND PETITIONS**

Linda Kimbrough, 307 N. Florida Avenue, introduced L. B. Scott, the National President of the Police Athletic League, (PAL).

L.B. Scott from Jacksonville, a retired Police Officer and Executive Director of the PAL State of Florida Association, gave an overview of the organization, its goals and accomplishments, the difference it can make to Lake Wales' youth in reducing crime while developing character, and he encouraged the Commission to invest in the city's youth by supporting the Lake Wales Chapter.

David Smith, Babson Park, asked for an update on the Proclamation he had requested eight or nine months ago as a memorial for Police Chief Levine. He reminded them that Chief Levine came up through the Lake Wales ranks to eventually become our Police Chief. Ms. Delmar said the Police Department would work on a proclamation to be presented at the next City Commission meeting and thanked Mr. Smith for reminding them.

### **CITY COMMISSION COMMENT**

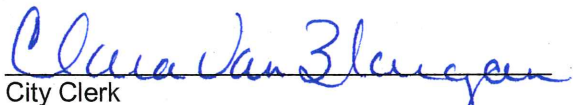
Commissioner Carter said he had been in support of the City Manager's change of command decision at the Police Station and assured the public that the acting Chief was capable, the police force was professional and dedicated, and business would be carried out as usual.

Commissioner Thornhill said the Liberty Tree that was planted by the memorial in front of City Hall will be dedicated on February 21<sup>st</sup> at 12:00 noon and invited interested parties to participate.

There being no further business, the meeting was adjourned.

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

ATTEST:

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