

A workshop meeting of the City Commission was held on January 12, 2010 at 5:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

COMMISSIONERS PRESENT: Lee A. Wheeler, III; Terrye Y. Howell; John Paul Rogers; Jonathan Thornhill; 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.

Agenda Item 1. Discussion of City Regulations

Utility Matter

Mayor Van Sickle said that he was turning it over to the City Manager as they had received no information to review before the meeting.

Ms. Delmar said that they had envisioned this meeting as being a discussion between the Commission and staff. She said she would like the Commission to tell her what specific problems they were hearing from the public because staff cannot fix problems if they do not know what the problems are. She added that the public is not telling staff. The Mayor responded that he had tried to get developers that were complaining to him to be specific about the issues but they would not say, which makes it quite difficult.

Ms. Delmar said she would like to begin with Public Works Director Tom Moran giving a summary on things that his department is doing or has done in the recent past to ease the feeling of over-regulation that may have occurred in the past. She explained that he had a Lakes Advisory meeting at 5:30 p.m. and would have to leave shortly.

Ms. Delmar reviewed a problem that staff had been aware of but has been solved. She said that, at the suggestion of the City's Fire Marshall, staff looked into the fire sprinkler system and the charges. She said they discovered that if a fire-line of a certain size went into a building where there were multiple tenants the cost of that fire line was not divided among the tenants. Instead, it was charged to each of the tenants individually. If it was one fire line, the City collected on that line six times. That was fixed at the recommendation of the Fire Marshall and everyone was issued a credit for charges that were made erroneously.

Fire Chief Jerry Brown said that the fire sprinkler line situation was more an issue from a water use or water conservation standpoint or from having to reserve capacity. He said he wanted businesses to have fire sprinkler systems. He does not want to make businesses put sprinkler systems in, as the code requires, and then charge them for having them.

Ms. Delmar said that as long as she could remember, at least twenty years, there had been a fire sprinkler charge in the water utility rate schedule. It was set up to be a per-sprinkler head charge. Although it was on the books it was never implemented and the fee was never collected, because the fire department did not have the staff to go out and take an inventory of what businesses had sprinkler heads and how many they had. When the rate study was done a few years ago, the method of charging a fire sprinkler fee based on line size was implemented. Both the Fire Chief and Fire Marshall have pointed out that there is no consumption unless the fire sprinkler goes on, so we're charging for availability of service, but is that reasonable? Having fire sprinklers generally reduces the cost of fighting the fire because the fire is almost out by the time the Fire Department arrives

The Mayor said it was almost like a fire hydrant and we do not charge for those because they are there for the Fire Department to fight a fire. If it was inside the building, the fire can be fought quicker. Commissioner Wheeler said that businesses are really doing the City a favor by having the fire sprinklers.

The Fire Marshall said that in the past there was talk about having to upsize and increase capacity for the sprinkler system. He said it was the reverse if you do not have sprinkler systems. The fire-flow is dictated by a fire protection engineer or approved by NFPA. If you have a sprinkler system the fire-flow could be reduced up to 75% by the local AHJ. So when they put a sprinkler system in, it actually reduces what is required as far as capacity. It is to the City's advantage to have them. If the City penalizes businesses to the point where they remove their sprinkler systems, we would not be able to provide enough fire-flow. It is advantageous, therefore, for businesses to have sprinkler systems. He said that the Legislature is now discussing and lobbying for the future building code to require sprinkler systems in homes, though Florida can opt out. He said he believed that in our lifetime, we would see a State of Florida requirement for new housing construction to have sprinkler systems.

Ms. Delmar said that this fire sprinkler fee accounts for \$50,000 to \$60,000 in water revenue a year, and the Commissioners needed to be aware of that if they want to pull it off the books. She asked if it was the consensus of the Commission for them to pursue this, as the fee is a business cost that could be a disincentive for fire safety and fire prevention.

Mayor Van Sickle said that it should be a savings for the businesses that have sprinkler systems and it only makes sense that we should not charge for a service that is not being used. Tom Moran said that if a new business puts in a sprinkler system, the City has to provide a separate fire line to support that sprinkler system. But, the developer pays the cost of that fire line through an impact fee. Mayor Van Sickle said this needed to be brought forward to a Commission meeting.

Mayor Van Sickle said that the City had an automatic 2.5% increase for water service and he wanted to know if the City was getting more revenue than the actual cost. Ms. Delmar said that it is a 2.5% increase or the cost of living, whichever is greater. One year, the cost of living went up 5%. Staff has found in the past, before implementing the automatic increase, that at some point, because maintenance, repairs, and construction costs for lines and aging equipment go up, that we would have trouble covering operating costs. In the 90's, before the automatic increases took effect, the City would go a couple years with no increase and then in one year have to increase rates 30 - 50% to catch up to where they needed to be. She said there was a rate increase in 1986 when we did the revenue bonds for the sewer treatment plant. Then there was no increase until 1991-1992 when we got into a deficit situation and had to increase water and sewer rates 63-65% just to cover expenses. We do not ever want to be in that position again. She said the Commission may want to adjust the wording so it is not necessarily 2.5% every year, but the automatic escalator is necessary.

The Mayor asked if there were any other concerns. Ms. Delmar said that developers complain about the hassle of getting plans reviewed and getting a straight statement from the City as to what exactly is needed in order to move forward.

Mr. Moran used the Mayfair Development as an example. He said they had 12-14 phases with a set of plans for each phase. He said they would go to the Development Review with a contract engineer or contract attorney assisting, to negotiate the plans. When he came on board he decided that whatever our development standards say is what staff will go with. If the development standards are wrong then they need to be changed, which was the process they were going through now. He said he met with the design engineer from Mayfair Development. There was good dialogue between them with no friction and Mayfair is ready to go forward. That was one example, he said, but other companies have come who had a lack of understanding. He simply plays by the book with no deviations.

The Mayor said that one of the problems he heard was about a water valve or water meter that had to be put in and there was some confusion. The doctor paid ten thousand-dollars for the meter and it was installed. Then the City said it had to be pulled out. The City had caused confusion by making some changes or it did not review the plans. Mr. Moran said they are trying to work with the developers and contractors to figure out what they need and find a solution compatible with both sides.

Ms. Delmar said that we were dealing with development standards that had not been updated for a long time and others that were not clear. They were updated and were made more accessible to developers by being posted on the city's website. Mr. Moran said that his team has been reviewing the standards to see if they are accurate, including typos. He gave an example of one typo found that had " (inches) instead of ' (feet), a very sizable difference. He thinks it is appropriate to have the standards reviewed at least once every two years if not more often. If the rules change, the standards have to change. Ms. Delmar said that the Planning and Development and Public Works Departments are working more closely than in the past on development review.

Commissioner Thornhill said that was his concern. The past complaints he heard were that the two departments were not working together, and the cost was excessive because the City had no in-house engineer. He had not heard anything since, so he said the two departments must be working better together. Ms. Delmar said that one problem was the expectation held by some people that City staff would do their design engineering for them when it was not the City's responsibility.

Planning Director Margaret Swanson said that things have turned around for the better now that the City has a Public Works Director in charge of the whole department. Before, the Planning Department was in charge of coordinating the whole process and they do not review utility plans. The Planning Department logs them in, sees when things are due, and tries to keep the process moving. The change is reflected in the Mayfair agreement that has been batted around for over two years. It was frustrating to pin down where a charge or provision came from, why they think they should get credit, etc. Now, her department can sit down with Mr. Moran and go through the provisions together. The City is close to having the Mayfair agreement ready to bring to the Commission. Mr. Moran said he heard that in one Development Review, a developer told staff they had not been told they needed something. The response he received was that he had never asked, which is not the right attitude to have. Things will change but not overnight.

Signs

Ms. Delmar asked Ms. Swanson to discuss the Planning Development side of the issue. Ms. Swanson said that she would start with the first item on the agenda, the sign and landscaping issues. In regards to signs, she said she was not hearing a lot of complaints except having to get a permit at all. A sign permit is required by the Building Code for all signs except for painted signs on walls or windows. It was brought up at a Commission meeting not long ago that we were charging too high a fee for those type signs. She said she had not been aware that they were charging a fee for those. Since then, that has been corrected. They now charge only a zoning review fee, which is a much lower cost. Ms. Delmar asked if the building code she referred to was the Florida Building Code and Ms. Swanson said it was. Ms. Delmar said that it was a state requirement not a local requirement for a sign permit. If permits were not issued, the City would be in trouble. Ms. Swanson said they had been giving people a break on some of the building requirements.

Building Official Cliff Smith addressed the sign issue. He said that for any structure attached to a building, there has to be a permit issued and an inspection, especially if there is a mechanical attachment. The thing is, staff did not want the sign design and permit to cost more than the sign itself. On occasion, it does cost more, especially if you go through an engineer. He said that very few people would understand the information an engineer would give, anyway. He said he would know if the depth and anchorage spacing on the building was adequate or not. Therefore, they have loosened up on the requirement for the engineering to save people money. A sign painted on a window is not a building code requirement and he does not look at those.

Ms. Delmar interjected that the City has not made major modifications to the sign ordinance that was crafted by Robin Gibson and adopted in the mid 70's. Mr. Gibson's model was used all over the state including in Boca Raton, which is beautiful. That sign ordinance, challenged by the billboard people, was defended by Robin Gibson at no charge to the City, and upheld by the court.

Mayor Van Sickle said that he was told at Patton Tires that they had a problem with their sign, though he did not know what exactly the issue was. Ms. Swanson said that Patton Tires was part of a commercial

subdivision and they had no frontage on Scenic Highway where he can put a sign. He has a trailer there right now, which is not allowed in the ordinance. One of the conditions for approval of that subdivision had been to allow one sign at the entrance with slats for each business, They could also have wall signs. The Mayor said that there is a Patton Tire sign on his roof but it was not very visible. Ms. Swanson said that it was permitted. She said his problem is that his business is at the back of the subdivision and he needs a shopping center sign at the front of that business. Unfortunately, the sign was never put up. If the owner would put the sign up, the businesses in the subdivision could share in the cost of that sign. Patton Tires has no ground to put a sign out there. Ms. Delmar added that this issue was a subdivision owner problem.

Ms. Swanson said that essentially our sign ordinance is the same as it was prior to the 2005 amendment, but some changes have been made as follows:

- Ground Signs: Instead of basing ground signs on the speed limit of the street the business is on, it is now based on the square footage of the business itself, but with a cap.
- Shopping Center Signs: Instead of all shopping centers having to go to the Planning Board for review, with no guidelines and an arbitrary ruling, there now is a formula based on the size of the shopping center along with some consistency in height and spacing of the sign.
- Master Signage Plan: The City also requires a master signage plan for large shopping centers and subdivisions. Most of them have these anyway, like Shoppes on the Ridge that has requirements for each tenant. The City would need a copy of the approved plan for each shopping center.
- Projects Under Development: They have increased allowances for signs under development to say, for instance, "Coming Soon" or to list the contractors working on the project.
- Changeable Signs: They now allow 50% changeable copy on signs instead of one third.
- Internally Lit Signs: Internally lit signs were prohibited except in the C3 district but now are allowed in any commercial area along US 27 or SR 60. This restriction originally was designed to protect professional districts along Scenic Highway and the downtown area from having 50's looking signs that lit up internally. That Ordinance came under a lot of fire. People did not like the ban and wanted to have internally lit signs, so it is something they will be looking into. This came out of a recommendation by the Planning Board.
- Downtown District Signs: When the downtown historic district was set up, the regulations were not changed. The ordinance does require sign review by the Historic Board. The Board has suggested developing guidelines such that if a sign meets the guidelines, it could be approved administratively and would not have to go before the Board. The only signs that would have to go before the Board would be those signs that do not meet the guidelines.
- Car Dealer Signs: The Ordinance only allows one string of banners. Many car dealerships are out of compliance. Staff has not cracked down on them but would rather get the dealerships together to talk about their needs and come up with a compromise. The City cannot allow a free-for-all because signs reflect the character of the community. We need to come up with a sign ordinance that we can enforce. Ms. Delmar added that the highway going through Kissimmee is an example of what it would look like with little or no sign regulations.

Ms. Swanson said that the Planning Department will be studying sign ordinances from Bartow, Winter Haven, Winter Park, and Polk County to see what ideas may be picked up from them. These cities give a lot more signage leeway than Lake Wales does, so the department will analyze those differences and bring back a recommendation.

Commissioner Thornhill asked what the main issues were about signs. Ms. Swanson said that was not altogether clear but she knows some businesses want to put up portable signs and banners. Commissioner Thornhill added the example of putting up little signs with arrows on them, and Ms. Delmar added that they also have issues with the dimensional requirements. Ms. Swanson said that the public basically does not want regulation. Ms. Delmar said that she had gotten some feed back that maybe some of the problems are driven by the sign industry. It is, after all, in their self-interest to sell the sign. Ms. Swanson said that some of the sign makers have come to double-check what is allowed before presenting something to their client. Others seem to have an attitude and claim that Lake Wales is being unreasonable for not allowing what they say other cities allow. She said that they were going by the code

that had been set by the City Commission, but they are more than willing to bring something back to the Commission for a change. In the meantime, they need to enforce what is on the books.

Ms. Swanson said there was some language in the ordinance stating that after a certain period of time, non-conforming signs had to be removed and made to comply. It also states, maybe too strictly, that if you change the face of a sign, you have to bring it into compliance. If the sign is too tall for the current code, and you are just changing the name of the business, under the present code they would have to put up a new sign. That is a little onerous if you look at the cost of some of these ground signs. Someone could start up a business and want to change the name on the sign to the new name, only to find out the previous owner had a non-conforming sign and now they are stuck. That is a potential problem because they have not run into that instance very often. Special events and grand openings are always a gripe for people who want to put up a banner. Officially, they are not allowed, but the department does allow them in reality for 30 days. Some jurisdictions have a provision in its ordinance allowing this, which we might want to consider.

Ms. Delmar asked what the problem was with the sign at Bargain City. Ms. Swanson said that Bargain City had a temporary sign that did not meet city code requirements and it did not have a permit that she was aware of. They had to change it to a permanent sign. They did put up a wall sign. Cliff Smith said all he knew was that the restaurant and ice cream parlor wanted their own sign on the front of the building, as they are located inside the building and wanted people to see that they were there. As the building official, he said he did not care how many signs they put up as long as they are allowed. But, he does care how a sign is attached to the building.

Ms. Swanson said the City had very generous allowances for wall signs. The requirement is two square feet per linear foot of building frontage, which is more generous than other communities they have been looking at. She said they encourage wall signs as opposed to ground signs so are more strict on the ground signs. On ground signs, the management gets a certain amount of footage and then it is up to the owner to determine which businesses get their names on the sign. The City does not regulate that.

Ms. Delmar asked what the timeframe was for non-conforming signs and Ms. Swanson said five years. Ms. Delmar said that when the new sign ordinance was adopted, they had been given five years to comply. The time limit for non-conforming signs therefore is up this year. The prior ordinance, adopted in the 70's, had a ten-year time limit and when that time was up, it was extended. It then got to the point where it needed to be extended again or enforced and it was pretty painful in terms of the controversy it engendered. That is something we may need to discuss because when the five years is up, those non-conforming signs need to be brought into compliance or the period needs to be extended. She asked the Commission for direction on that issue. Commissioner Howell asked if it included signs already up. Ms. Delmar said it would be for signs that are already there but are too big, though she thought most of those are now in compliance. Ms. Swanson said that they are in compliance only in the professional district. She said they would bring something back to the Commission.

Commissioner Howell said that if someone puts a sign up that was in compliance when it was erected, they should not have to change their sign if the city changed the rules. If they were out of compliance the whole time, that would be another matter. She said that many of the rules to her seemed petty, whether they came from the State of Florida, or the City, such things as wanting the sign one-inch taller, shorter or wider. She said she would hate to lose a business because of a little thing. She agreed with the safety issue. A sign needed to be anchored properly so it would not come down in heavy winds. But, changing it because of the way it looks she thought was just petty and ridiculous. Having a sign nine feet too tall is one thing, but not a foot too tall. She asked who would be standing there to measure it. Ms. Delmar responded by saying that a foot is a major percentage of the overall sign so maybe they needed to build into the ordinance some kind of provision for extenuating circumstances. Commissioner Howell added only if it was for a safety issue and not just appearance.

Ms. Swanson agreed with Commissioner Howell on regular signs. Maybe they should only have to change a sign if 50% of it is destroyed or changed. If a sign was grandfathered in, then they would have to comply, too. She gave an example that the Sunoco sign is taller than it needed to be because it has

been there for a long time. She believes it might be changing hands to another gas company and if it does, in the existing ordinance, the sign would have to come into compliance, which she thought was going too far.

Ms. Swanson said she did not think there was an existing issue with billboards and Ms. Delmar said the only billboards left, were outside the city limits. City Attorney Chuck Galloway said that the only billboards that were an issue use to be at the furniture store just before the mall going north. There was an amortization and a settlement agreement, and when that time came, a notice was sent, and the billboards were taken down. They did not want to take them down but knew they had agreed to do so. Ms. Delmar said that the amortization period sprang from the fact that the City annexed that property and those billboards were on the property at the time of annexation. By statute, the City had to allow ten years.

Mr. Galloway said that if we know there is a trigger period coming up, the City needs to be sure to send out some form of notification. Ms. Delmar said that we first needed to determine if we have a problem and if we do, we need to determine how to deal with it.

Mayor Van Sickle said that he would not like to see a five-year grace period on a sign that may not meet the current requirements. If a sign comes into disrepair, or is changed by whatever percentage is agreed to, it should have to be changed. He added that it might be good to have Ms. Swanson look at our sign regulation and see how it could give the Planning Department some leeway. As an example, he said if the current requirement calls for a 12" X 10" sign and the sign that was submitted was 12 ¼ " by 10 ½". Would that really make a difference? Ms. Swanson said they were not totally unreasonable in the Planning Department and they had a fudge factor ability. She added that most signs are made professionally and the companies know the City's regulations or can check with the Planning Department if they are unsure of something. She said most of them come in under the rule.

Commissioner Howell suggested that someone, not a Lake Wales employee but possibly a Chamber member and possibly more than one person, should check the finished ordinance to see if there is something in it that might not have been caught by the Planning Department's eye. She said that a person writing a document can proofread that document over and over and not find the errors because it is correct in the writer's mind. Ms. Delmar said they could do that, and she reminded them that the City was also surveying other cities to see what their requirements are. Commissioner Howell said it would do no good to survey places like Orlando because they have so much competition that if a business wants to set up there, they will comply. Lake Wales does not have that much competition and a business may just decide to move somewhere with less strict rules. She gave an example of the Patton Tires sign problem. Ms. Delmar said they would be surveying Bartow, Winter Haven, Lakeland, and surrounding cities. Commissioner Howell suggested adding a provision that a owner of a commercial subdivision has a temporary time-period before he has to put up the sign if he does not have all the tenants on board yet. Ms. Swanson said that would let the owner off the hook, which is the problem with Patton Tire as the sign he was supposed to put up, never was.

Landscaping

Mayor Van Sickle said that regarding landscaping, a lady in his neighborhood had a Norwegian Pine tree she grew in a container that she periodically transplanted into ever larger containers until the tree is now 4 ½ - 5' tall. He wanted to know if this beautiful tree could be planted on City property. He said he understood that only certain trees can be planted here. Ms. Swanson said that the City did not have a prohibition against a Norwegian Pine. They do not want invasive species planted that would choke out others. She said the Norwegian Pine could be planted in Lake Wailes Park, although she did not think it would grow that well in our area. The Mayor said it does do quite well in our area, and because the Norwegian Pine can grow to a height of 70 feet, it needs to be in a park. Ms. Swanson said they would find a spot for it.

Commissioner Thornhill asked if this was regarding shade trees. Ms Swanson gave a list of tree regulations.

- In parking lots: There is a requirement that there be a buffer around the outside along the street with a hedge and a tree every 50 feet, which was not changed from the old ordinance. Though they did not change the parking lot regulations, they did increase the width of the buffer on US27, SR 17 and SR 60 because it was only 5 feet wide, which is too narrow for that area.
- Shade trees: She said they do not require Live Oaks for shade trees but do require a shade tree that has a crown at maturity of 15 feet or more. They also ask that the trees planted are appropriate for the Ridge because the Ridge has some very harsh growing conditions. She said they have a list of trees from the Forestry Department that have a good survival rate for this area.
- Palm trees: These are not shade trees and if planted must be in clusters so as to provide some shade as a canopy.
- Parking lot regulations: The parking lot regulations have not changed except for increasing the width of the buffer required along US 27, CR 17, and SR 60 because the buffer was only 5 feet wide, which was very narrow.
- Lots backing up to a roadway: A regulation was also added that a residential subdivision with lots backing up to a roadway has to have an exterior buffer to shield the back yards. Before it was added to the ordinance, it was listed as a condition on every subdivision that came through. Now it is in the code so everyone knows what the requirement is.
- Trees along retention ponds: A requirement was added for trees along retention ponds where they butt along the roadway or are interior to a parking lot so it gives a barrier between the road and retention pond.
- Along fences: There is a requirement for 15 feet of shrubbery along solid fences or chain link fences that are in a front yard.

Ms. Swanson said they were looking into some changes to address the water conservation requirement of the City's Comprehensive Plan. Winter Park just put together a brand new ordinance on irrigation that was developed by a landscape architect. The Planning Department plans to look at that, plagiarizing where appropriate, and will bring something before the Planning Board for review and then eventually to the Commission for adoption. She said that her department does not get many complaints about landscaping except if landscaping dies because it was not watered, which does not make people too happy. There is a requirement that they put in a hedge along a roadway and maintain it. If they do not maintain it, they are required to replace it.

Ms. Swanson said that mainly for new development, a permit must be issued for the removal of trees. Developers are required to either replace trees that have been removed, or they can pay into the tree replacement fund. She said they had studied tree removal ordinances from around the state and came up with what they thought were reasonable fees. They plan to adjust those now that the prices of trees have come down dramatically. This will help them on the CDBG project. Another reason they do that is because commercial parking lots have a buffer requirement. The trees cannot be taken out later, so there has to be a penalty if they do.

Commissioner Howell asked if she could remove trees from her own property without getting a permit. Ms. Swanson said that, technically you need a permit, but there is no charge. They also work with homeowners. For instance, if a homeowner wants to remove a tree they fear will fall on their home, the Planning Department will come out and talk to them about it and maybe get an arborist to look at it. A tree company may have told them the tree was ready to die when in fact it is perfectly healthy. The department is not unreasonable. If the homeowner wants to take the tree out, it can be taken out. It is their property. But, she said, the rules are different for commercial property where landscaping trees are required. Ms. Delmar added that if they do have to pay a fee for removing a tree, the fees goes into a fund that is used to plant trees in the City's common areas.

Commissioner Thornhill asked if they had to do cluster palms verses singular palms. Ms. Swanson said they would have cluster palms if they wanted it to count as a shade tree. Commissioner Thornhill asked if people were given the list of approved trees when they came in. Ms Swanson said they have some posters that they give out and a list of trees that do well in this area and meet the requirements. They do not want developers to plant something that will not last. She added that if they had a landscaping plan

and decided to change it, maybe because they find they cannot afford it, they can do so as long as they meet the minimum requirement. She said they do not require landscaping around the buildings, only to buffer parking lots.

Other

Commissioner Rogers said that the Commission would soon be appointing a review committee for the Lake Wales Charter. He said he thinks the persons who sit on this committee should have lived in the City of Lake Wales for a minimum of five years and be a resident of Lake Wales. He said he did not think we needed residents of other towns on the committee.

Commissioner Rogers asked the City's progress on the water tower. He asked why the tower was built 15 feet two short, who was responsible, and who would eat the cost; the City or the contractor. He asked why we even built the water tower when we tore down the water tower on Grove Avenue, put a pressurized system in, and then built a tower that was non-functioning on Ray Martin Road. He said he keeps wondering about these things because we have a lot of money invested in it. Economic Development Director Harold Gallup said that the 15 feet too short was not an issue because after going through a lot of reviews, he did not think the height was going to affect the functionality of the tank. In reference to the tower versus the ground tank, he said the city had alternatives to review, and made an election to go with the tower. This was influenced by the hurricanes that had come through knocking down power for long periods of time. The decision made by the City was based on the information made available to them through engineering. He said that in regards to solutions, they are doing some remodeling on the utility system. They will be meeting with the engineers again and based on what comes out of that meeting, he and the Director of Public Works will formulate an opinion with more than one alternative for the City Manager, who will bring it to the Commission for action. He said he could not answer the question about cost yet because the modeling and the analysis are not complete. Ms. Delmar said that she thought the tower at Grove Avenue was obsolete and the ground storage tank was an upgrade. She was not sure what the issue was between the elevated and ground storage tank, but she knew that there were problems with the old elevated tank and that the most cost effective plan was the ground storage tank.

Mayor VanSickle said that he was interested in the timeline. They have known since July that there were problems. He knew that work was being done behind the scenes, and that they are trying to keep it generic. He wanted to know the timeline so he would know when it would be ready to move forward with a resolution. Mr. Gallup said that getting all the pieces together has not been as easy as one might think. He said they were making sure they have all the information, and come up with solutions before engaging in conversation and negotiations, which takes time. As far as a timeline, when the City Manager gets the memo with the courses of action outlined, it will be brought before the Commission to address concerns and questions. At that time, he will also address costs. He will try to arrange best solutions from least impact to highest impact cost-wise and give alternative actions for recovery with their best recommendation. Mayor Van Sickle said he heard there was a February 2nd deadline. Mr. Gallup said they had hoped to have it ready for that meeting, but at the time of the last workshop, he got a call from the engineering firm that staff changes had occurred. They requested a couple of weeks for the new staff members to review and get updated. That was the reason for the delay. The Mayor said that they at least have some sort of timeline of early February and how it will be identified and resolved.

Mayor Van Sickle said that the Charter review would be a monumental task. He would also like people on the committee who really want to be on it and have a real interest in it because it is a big responsibility. He agreed that it should be composed of citizens of Lake Wales and not people from other communities who would be deciding what we should do in Lake Wales. City Attorney Chuck Galloway said that the Charter is the governing document and the only people who can change it are voters, which, to him, are the only people who should be allowed to participate in suggesting changes. He did not see how it would be appropriate for people without the ability to vote on it to suggest a change that will come to the Commission for approval to put on the ballot. He said it was not legal advice as much as practical advice about a governing document and how he perceived it to be addressed.

Commissioner Wheeler said he thought it was a reasonable suggestion, but he did not know about putting a timeline on it. He said that putting the 5-year timeline on it for residency might disqualify some people that would have been helpful. Certainly, they should be citizens of Lake Wales as that is who would be impacted. Ms. Delmar said it would be like having someone from California writing the Florida Constitution. Commissioner Thornhill said he agreed but he suggested not having a lot of lawyers on it.

Commissioner Thornhill said that he was glad the City had the Tourist Club facility because it was the most convenient building for people to rent. But, the building has no heat and it has been quite cold nor is there air-conditioning. He suggested it might be something we could look at for the future, though he did not know what could be done as he did not think it was conducive to a central heating system. Ms. Delmar said we would have to remember to put that on next year's budget.

Commissioner Howell asked if the gym now had soap and toilet tissue. She thought it ridiculous that whoever was in charge could not make sure it was supplied. Harold Gallup said that the City responds to orders and requests and received orders have been filled. He does not know what is happening to the supplies but they are looking into that. Part of the problem is that there seems to be too many chiefs and not enough Indians there. The head of the Boys and Girls Club is aware of the problem and has been acting on it for over a month and he believes the situation is under better direction. We have no staff there. We just have to deal with it. The complaint of no toilet tissue or soap was received six days after the supplies had been issued from City Hall so the supplies are walking out the door. Commissioner Howell asked if there was toilet tissue and soap there now and Ms. Delmar said that as of this morning there was.

Ms. Delmar asked Mr. Gallup to bring the Commission up to date on the status of the shower. Mr. Gallup said the upper level of the gymnasium has been fixed and maintained but the second level still needed work. He said the concrete had been pulverized because there was a very thin floor of two inches down there instead of the needed 6-inch slab. The shower area had trouble with loose tiles but the area continued to get larger and they realized they had a sizable problem. The tiles were extracted from the floor and saved in order to deal with the mold caused by water intrusion below the grade level. The exterior grade is about a 1.5 feet to 28 inches higher than the floor. When you get enough pressure in there, it will bring the water through the wall, getting underneath the tile, causing the material to disintegrate. Much care was taken in removing the tile because it is a tile very hard to find, and if broken, the entire floor would need to be replaced. There is a lot of hand labor to do. He explained the problems they are facing in detail and what they believe needed to be done to solve the problem including problems with the wall, the gutters and roof. They think they have identified all the problems and are in the process of getting a cost analysis and work program to the City Manager.

Ms. Delmar said that the showers would not be opening in the next week, month or couple of months. She said we had to fix the building whether we open the showers again or not. She asked if the City really wanted to provide that shower facility. The City provides the gym and she did not know if it was the function of a government to provide a place to take a shower when you finish playing basketball. There are liability issues and without a staff presence to monitor behavior, we do not know what goes on or could go on. There is the housekeeping issue of fungus, and keeping the shower clean. These things needed to be considered before re-opening the shower. Regardless of whether we have that discussion, the building needs to be fixed.

Mayor Van Sickle said there also was a possible problem with the foundation on the southeast corner where there are cracks. He said there is settling that is pulling on the wall. He asked Mr. Gallup if that had been looked into. Mr. Gallup said they are looking into it but can't give him an answer on that yet.

OPENED TO PUBLIC COMMENT

Linda Kimbrough, Kimbrough and Associates, invited everyone to attend the Martin Luther King Jr. festivities starting with the Unity Walk on Saturday January 16th. They will be leaving from City Hall at 9 AM. On Sunday there will be a Gospel-fest and on Monday a free breakfast at 9 AM at the Austin Community Center followed by a program at 11 AM and the parade at 3 PM.

CLOSED TO PUBLIC COMMENT

There being no further business, the meeting was adjourned.

ATTEST:



Mayor/Commissioner



City Clerk