

The regular meeting of the Lake Wales City Commission was held on April 6, 2010 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; Lee A. Wheeler, III.; 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

Agenda Item 5. PROCLAMATIONS: Sexual Assault Awareness Month, April 2010; Child Abuse & Neglect Prevention Month, April 2010; National Volunteer Week, April 18-24, 2010; Voice Appreciation Day, April 7, 2010.

There was no one present to accept the "Sexual Assault Awareness Month" and "Child Abuse & Neglect Prevention Month" proclamations.

The Mayor read a proclamation proclaiming April 18-24, 2010 as "National Volunteer Week." Eric Grendier from the Lake Wales Medical Center accepted the proclamation.

The Mayor read a proclamation proclaiming April 7, 2010 as "VOICE Appreciation Day." Members of VOICE accepted the proclamation.

Agenda Item 6. CERTIFICATES: Community Crime Watch Programs

Police Chief Herbert Gillis presented Certificates of Recognition to the following six Watch Groups for their efforts in assisting the Lake Wales Police Department in working to reduce crime and disorder in the City of Lake Wales:

- Carlsberg Estates Neighborhood Watch
- Eagle Ridge Mall Business Watch
- Historic Downtown Business Watch
- Lake Ashton Neighborhood Watch
- Martin Luther King, Jr. Neighborhood Watch
- Tower Lakes Neighborhood Watch

CONSENT AGENDA

**Agenda Item 7. Approval of Minutes: March 9, 2010 Workshop
March 16, 2010 Regular Meeting**

Agenda Item 8. Lake Wales Municipal Airport Perimeter Fencing and Apron Flood Lighting, Master Agreement Task Order # 12

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider approving Master Agreement Task Order #12 with Hoyle, Tanner & Associates for the Lake Wales Municipal Airport Perimeter Fencing and Apron Flood Lighting (design engineering only) and authorize up-front funding by the General Fund in the amount of \$23,000.00.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

1. Master Agreement Task Order #12 with Hoyle, Tanner & Associates for Perimeter Fencing and Apron Flood Lighting (design engineering only) for the Lake Wales Municipal Airport.
2. Authorize up front funding from the General Fund for the project.

BACKGROUND

In August 2002, the City of Lake Wales and Hoyle, Tanner & Associates entered into a Master Consulting Agreement for the purpose of defining the general terms and conditions applicable to the initial and continuing contractual relationship between the parties for professional services. This project is eligible for these services.

Although the Lake Wales Municipal Airport is not a certified airport, it is essential that all air operations areas (AOA) be secured. The goal of the City is to take steps toward securing the air operations area (AOA) at the Lake Wales Municipal Airport.

This project will enhance the perimeter fencing at key locations around the airfield and around the terminal building. Controlled access to the airfield will also be accomplished and existing swing gates will be upgraded to electronic roll gates with proximity card readers to control individual access to the airfield and limit access to predetermined individuals.

The project is eligible for Federal Aviation Administration (FAA) grant funding per Federal Aviation Administration (FAA) order 5100.38c Chapter 5, Airfield Construction and Equipment Projects, Section 4, Paragraph 535(e), Taxiway and Apron Lighting and Section 5, Paragraph 547(f), Safety, Security and Related Facilities (City's entitlement funds).

Due to the amount of the project (\$23,000.00) the FAA is encouraging the City to cover the design phase of this project then submit a grant application for the construction phase of the project and include the preliminary cost (design) for reimbursement.

Combining the design and construction phase services into a single grant will decrease the FAA's and the City's requirements for reporting and grant oversight.

FISCAL IMPACT

The cost of the Perimeter fencing will be advanced by the General Fund using General Fund reserves. The General Fund will be reimbursed by the Airport with FAA funds received during the construction phase of this project.

OPTIONS

Do not approve the project.

[End agenda memo]

Agenda Item 9. Purchase of two (2) rear discharge mowers

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider approving the purchase of 2 (2) Grasshopper rear discharge mowers from Dave's Power Equipment, LLC in the amount of \$21,472.16.

RECOMMENDATION

Staff recommends that the City Commission approve the purchase for two Grasshopper rear discharge diesel mowers with 61" decks from Dave's Power Equipment in the amount of \$21,472.16.

BACKGROUND

The current fiscal year budget provided for the purchase of lawnmowers for the Streets and Parks Departments. These mowers will mainly be used in the median and right-of-way areas; therefore, for safety purposes, staff decided on rear discharge mowers. The purchase of rear discharge mowers will also eliminate grass clippings from blowing in the streets and drains.

In accordance with the requirements and specifications, staff obtained prices through written quotes. The results were as follows:

Dave's Power Equipment	\$10,736.08 each	Grasshopper 61" diesel/rear discharge
Garden Grove Lawnmower	\$11,790.45 each	Husquanna 60" diesel/rear discharge
Fields Equipment Company	\$14,391.75 each	John Deere 62" diesel/rear discharge

OTHER OPTIONS

Do not purchase the mowers.

FISCAL IMPACT

Funds to purchase mowers are included in the FY 09'10 budget: Streets \$13,000.00; Parks \$28,000.00.

[End agenda memo]

Agenda Item 10. Award of Bid: Skid Mounted Booster Pumping Station

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Projects Administrator]

SYNOPSIS

Staff requests commission approval to award the bid to Brandes Design-Build Inc. for the construction of the Skid Mounted Booster Pumping Station.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the Award of Bid for Bid #10-195 Skid Mounted Booster Pumping Station to Brandes Design-Build Inc in the amount of \$164,000.
2. Approve entering into a contract with Brandes Design-Build, Inc for the construction of the project.

BACKGROUND

The City of Lake Wales Utilities Department is proposing to install a reuse booster pump to be placed at the intersection of Simone Drive and Roberta Road in Whispering Ridge. The installation of the booster pump is an essential component of the reuse transmission system, enabling the City to provide reuse water to customers in the defined reuse area for irrigation purposes. Without the installation of the pump, the City becomes unable to provide the flow pressure necessary for effective irrigating.

Staff submitted a request for bid with a bid open date of March 15, 2010. To this request, staff received 9 responsive bids, with Brandes Design-Build, Inc being the lowest bidder. All bid documents were examined by the city's engineer that designed and submitted all bid documents for this project.

OTHER OPTION

Choosing not to install the reuse booster station will make it necessary for all city customers in the reuse area to continue to use potable water for irrigation purposes. In addition, by not installing the reuse booster pump, the City will forfeit a pending reimbursement in the amount of \$160,191 to be received from the Southwest Florida Water Management District for construction of a functional beneficial reuse system

FISCAL IMPACT

Originally \$45,000 was budgeted in the 2009-2010 Capital Budget for this project, but this amount only covers the cost to engineer the project. A budget amendment of \$164,000 will be necessary to appropriate the funds required for this project. The \$164,000 needed to complete this project will be taken from the wastewater impact fee account which had a balance of \$749,189 at 1/31/2010.

[End agenda memo]

Agenda Item 11. Scrap Meters & Metal

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Projects Administrator]

SYNOPSIS

Staff is seeking commission approval to sell scrap water meters to Commercial Metals Company and any additional scrap metal to Viking Recycling, Inc.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Accept the proposal from Commercial Metals Company, to buy the City's scrap water meters for \$1.65 per pound.
2. Accept the proposal from Viking Recycling Inc, to buy the City's scrap metal for \$8.00 per

hundred pounds.

BACKGROUND

The meters we are recommending for disposal are the old meters that do not meet the qualification for the new (SLP) Sensus Loyalty Program, also known as the exchange program. The exchange program allows for the city to switch old Sensus meters out of the system for the newer radio read meters at a discounted price. This program becomes beneficial while staff, in its efforts, continues to switch the old meters out for the new radio read meters currently being installed to upgrade the meter reading system.

Out of the four companies that provided a quote to buy these old meters, Commercial Metals Company was willing to offer the city the highest dollar per pound at \$1.65 per pound per meter. The scrap meters staff intends to sell would range in weight from approximately 10 lbs to 25lbs. which would result in the city receiving \$16.50 to \$41.25 per meter. The \$1.65 per lb involves Commercial Metals coming to the city's location to pick these meters up. The only time City staff would be required to spend is to help load the meters on to the truck. This would be an activity required even if the city had to dispose of these old meters at the landfill.

Additional scrap metal to be disposed of is presently occupying a big area at the Waste Water Treatment Plant. Scrap metal consists of all the water lines, service lines and hydrant repairs city staff perform on a day to day basis that have to be removed due to material failure. This scrap metal stored at the waste water treatment plant does not give a good housekeeping appearance and could provide for a potential written violation from the Health Department on the next Sanitation Survey.

The quote for the disposal of the scrap metal is \$ 8.00 per 100lbs. Viking Recycling has agreed to waive the delivery fee and Container daily rental if staff can load up the container and have it ready for them within a week. The Water Department does not have any use for these meters and scrap metal, however the City can make a little money out of the sale and it would help clean up the areas to be used for other much needed storage space.

OTHER OPTION

None. If the old meters and scrap metal are not disposed of or sold to a scrap yard, staff would have to take the metal and old meters to the landfill, thus paying a charge for disposal based on weight. It has become necessary to dispose of these materials in order to create additional storage space in the inventory warehouse and the clearing of the stock yard at the Wastewater Treatment Plant.

FISCAL IMPACT

There is no fiscal expense to the city. The City would benefit from the sell of the scrap meters and metal. The proceeds would come back to the city as utilities miscellaneous revenue. If this scrap material has to be taken to the landfill, there would be a per pound charge for disposal.

[End agenda memo]

CONSENT AGENDA - ADDENDUM

Agenda Item 11-A. Polymer Feed System Replacement

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Projects Administrator]

SYNOPSIS

The polymer feed system at the waste water treatment plant needs to be replaced.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the expenditure of \$10,500 to Siemens Water Technologies for the replacement of the polymer feed system.

BACKGROUND

The proper selection and use of a polymer will often significantly reduce the overall treatment costs of producing public access reuse. The use of a polymer, in lieu of an inorganic coagulant such as alum, significantly reduces the amount of sludge that is generated in the treatment process. The cost of disposing of these sludges in landfills has steadily increased; consequently, it is a significant economic benefit when polymer is employed. The proper selection and use of a polymer often results in extended filter runs, reduced backwash times, and lower energy costs, resulting in significant savings as well. The proper selection and application of a polymer can simplify operations by improving overall performance of the treatment process; thus reducing the probability of treatment plant upsets.

The piece of equipment staff is seeking to replace is the polymer feed system. This feed system deploys the needed amount of polymer to aid in the removal of suspended matter from waste water and more particularly to a system for continuously feeding polyelectrolyte's to a waste water treatment plant. Due to the nature and consistency of the chemical (polymer), the polymer feed system will have the tendency to fail. Failure results by either releasing too much polymer into the system or not releasing any polymer at all. The current system is not at the point to where both instances are occurring. Therefore, staff requests commission approval to purchase a new polymer feed system from Siemens Water Technologies in the amount of \$10,500.

OTHER OPTION

None. Polymer is an essential chemical in the waste water treatment process. Without the feed system staff would not be able to introduce polymer into the system for proper waste water treatment.

FISCAL IMPACT

\$70,500 was budgeted in the 2009-2010 Wastewater Operation Budget in the M& R Treatment Plant Line Item. Currently there is \$48,174.00 remaining in this account.

SYNOPSIS

Staff is seeking

[End agenda memo]

END CONSENT AGENDA

Commissioner Rogers reported that Agenda Item 8 had been tabled by the Airport Authority and needed to be pulled from the Consent Agenda.

Commissioner Thornhill reported an error in the March 16, 2010 regular City Commission minutes. At the end of the Consent Agenda, Commissioner Howell was listed twice and Commissioner Thornhill was not listed for the voice vote.

Mayor Van Sickle discussed Agenda Item 9, Purchase of two (2) rear discharge mowers. He said the three bids for lawn mowers did not list the same options and he wanted to know what options had been requested for the bid process. Public Services Administrator Teresa Allen explained that the three dealers did not carry the same model lawn mowers so staff compared the three mowers as much as they could as requested by the City's Purchasing Agent. Mayor Van Sickle said that safety lights were not listed on the bid for the Grasshopper mower and said he thought it would be a good option to have for work being done on US 27. Ms. Allen said that safety lights were not listed in the bid, but the dealer did confirm that they were included in the price and would be on the mower. The Mayor asked Ms. Allen to get that in writing from the dealer before buying it. Commissioner Wheeler asked if it could be approved conditionally on getting that in writing and he was told it could.

Mayor Van Sickle discussed Agenda Item 11-A, Addendum: Polymer feed system replacement. He said that several months earlier there had been bids taken for the purchase of polymer and asked if this was additional equipment to be used as a back-up. Ms. Kirkland said the confusion was caused by a typo in the agenda memo. Where it stated the reasons for failure, it should have said that it either releases too much polymer or none at all. The Mayor asked if this would reduce the past problem we had with the way sludge was removed. Ms. Kirkland said it would allow the sludge to process normally. If too much sludge is released, it makes the sludge thicker and fills up the screw press faster, causing them to dump the loads more often than they normally would. Ms. Delmar said it affected the quantity rather than the quality of the sludge. The Mayor said that the figures on the bid statement did not add up. Ms. Kirkland went over the figures on the three bids and explained that the reason for selecting Siemens Water Technologies Corp. was because staff was only familiar with the products they sold and did not want to take a chance on a company they had not used before.

Commissioner Wheeler made a motion to approve the Consent Agenda to include correcting an error in the March 16, 2010 regular City Commission minutes (Agenda Item 7) as reported by Commissioner Thornhill; excluding Agenda Item 8; with the addition of Addendum Agenda Item 11-A; and with the condition on Agenda Item 9, the safety light option be provided in writing from the dealer. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 12. Ordinance 2010-05, Annexation of Right-of-way for Hunt Brothers Road and Tangelo Street – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Kathy Bangle, Assistant Director of Planning and Development]

SYNOPSIS

The annexation of the subject rights-of-way will bring into the incorporated city limits portions of both Hunt Brothers Road and Tangelo Street that were transferred for operation and maintenance by mutual agreement from the County in 2004.

RECOMMENDATION

It is recommended that the City Commission take the following action:

Adopt after second reading and public hearing Ordinance 2010-05 providing for the annexation of approximately 2,411 feet of right-of-way on Hunt Brothers Road and Tangelo Street.

BACKGROUND

On March 16, 2010 city commission accepted Ordinance 2010-05 after first reading. Public notice requirements for a public hearing following a second reading have been met.

In June 2004 the City entered into an agreement with Polk County for the transfer of public roads. This agreement gave the city responsibility for the operation and maintenance of 1,056 feet of Hunt Brothers Road and 1,355 feet of Tangelo Street. (Both distances are measured from State Road 60 southward.) Although the city took over maintenance, the streets remained in unincorporated territory.

There has been confusion regarding law enforcement along both of these roads. The properties abutting the subject rights-of-way are in the corporate city limits. The Police Chief has requested that annexation be pursued so there is a clear demarcation between City and County jurisdictions.

OTHER OPTION

City Commission could choose not to annex the rights-of-way.

FISCAL IMPACT

None. The city assumed financial responsibility for operation and maintenance in 2004.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-05 by title only.

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2,411 FEET OF MAINTAINED RIGHT-OF-WAY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURSDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2010-05 after second reading and public hearing. The motion was seconded by Commissioner Howell.

Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 13. Ordinance 2010-06, Partial Vacation of Easement as requested by Richard Sylvia – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Albert C. Galloway, Jr., City Attorney]

BACKGROUND

A swimming pool and related facilities was built which encroaches into the drainage easement which lies along the northerly 20 feet of the Bel-Ombre subdivision. The encroachment has affected the marketability of the parcel. The owner of the affected lot, Richard Sylvia, requested that the City Commission partially vacate the easement. The consent of 8 of the 9 owners whose lots are served by the drainage easement have consented to the action requested by Mr. Sylvia. The proposed Ordinance, if adopted, should serve to cure the title problem caused by the encroachment.

OTHER OPTIONS

Decline to adopt the Ordinance without the consent of all owners whose properties are served by the drainage easement.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-06 by title only

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2,411 FEET OF MAINTAINED RIGHT-OF-WAY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURSDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Thornhill made a motion to approve Ordinance 2010-06 after first reading. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 14. Ordinance 2010-07, Amendments to Zoning, Land Use and Development Regulations – 1st Reading

Ms. Swanson reviewed Agenda Item 14.

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

SYNOPSIS

The ordinance makes several changes to ease requirements for businesses. It will eliminate the deadline for removal or alteration of legally non-conforming signs except for those that were non-conforming upon annexation into the City limits. The provisions for abandoned signs will be amended to allow a sign to be covered rather than removed if the sign can be used for a future business on the site. The ordinance also reduces several zoning review fees and corrects a text error in the requirements for recreation space.

RECOMMENDATION

Approval of Ordinance 2010-07 upon First Reading. No public hearing is required.

The Planning & Zoning Board held a public hearing on amendments to the zoning regulations on February 23, 2010 and recommended the changes to the regulations for non-conforming signs as set forth in Ordinance 2010-07. Staff recommends corrections to the rules on recreation area calculations, changes to the regulations on abandoned signs and sign code enforcement, and adjustments in the fee schedule.

BACKGROUND

Easing of sign regulations are proposed, based upon direction from City Commission given at a workshop in January. Changes are proposed to restrictive provisions that were carried over from the prior code when the zoning regulations were overhauled in 2005. Notably, signs that do not conform to current requirements but were legally permitted by the City under prior rules will be allowed to remain. The current code requires their removal as of March of this year.

Also proposed are reductions in several review fees and reinstatement of a section on calculation of recreation area erroneously omitted by Municode during codification.

Additional amendments to the sign code are being developed by planning staff and the city attorney to respond to citizen concerns and to improve the ordinance in light of legal challenges to other city's sign ordinances in the past few years.

Details of proposed changes follow.

SECTION 1: Review Fee – Alcoholic beverage license Table 23-242 "Land Use Applications – Required Fees"

Explanation: This amendment proposed by staff will reduce review fees for alcoholic beverage license applications. The fees have been reconsidered in light of the changes in the regulation of alcoholic beverage licenses enacted by the City Commission last October. Proposed adjustments reflect the fact that some types of licenses require more review than others. Those requiring review to determine distance from churches or schools (per sec. 5-6 of the Code) will be charged \$100. The change in this review fee from \$220 to \$100 is proposed to reduce the burden to local businesses. Restaurants and grocery stores requiring zoning review will be charged \$50, while changes of name and renewals requiring minor review for state license sign-off will be charged \$30. Please note that the fee is charged for new licenses only; the state license fee must be paid on an annual basis.

SECTION 2: Review Fee – Signs

Table 23-242 "Land Use Applications – Required Fees"

Explanation: This is a housekeeping amendment to make official the practice of charging only a zoning fee for sign permits where no review is required under the building code. Most sign types require a building permit to ensure that they meet anchoring requirements. A zoning fee is not charged if a building permit fee is required, although zoning review for sign dimensions and placement is always necessary.

SECTION 3: Tree Replacement Fee

Table 23-242 "Land Use Applications – Required Fees," "

Explanation: A reduction in the tree replacement fee from \$115 to \$75 per caliper inch is proposed to reflect a reduction in market costs. Several nurseries were called to determine the current average price.

The tree replacement fee is paid by developers who remove significant trees from a site and choose to pay into the City's tree replacement fund rather than replanting. The funds are used by the City for tree maintenance and planting on public property.

SECTION 4: Recreation area requirements

Sec. 23-443.1 Residential PDPs, Minimum design standards, sec. c. Recreation area

Explanation: The amendment replaces language (subsec. 2) that was removed in error during codification by Municode. The outline form is also corrected, and minor changes are made to the list of criteria. The section lists conditions for counting dry retention areas as part of the recreation area requirement in a planned development project (PDP).

SECTION 5: Abandoned signs

Sec. 23-545.8 *Maintenance of signs*

Explanation: Existing code requires abandoned signs to be removed within 30 days of notice and does not allow alternatives for signs that may be usable for future business on the site. The proposed provisions will allow a reusable abandoned sign to be covered or to have a blank face installed for an indefinite period. Lettering will be allowed on the sign (such as real estate copy or an announcement of a new business proposed for the property). A temporary sign permit will be required to ensure that the sign is in sturdy condition.

At this time there are about a dozen abandoned ground signs within the City limits. Several are on the Shell gas station property on SR60 W. Abandoned wall signs have not been surveyed.

SECTION 6: Nonconforming signs

Sec. 23-545.9 *Nonconforming signs*

Explanation: Staff proposes to ease requirements for removal and alteration of "legally" nonconforming signs, that is, signs that were permitted prior to a code change that made them nonconforming.

No change is proposed in the requirement to immediately remove nonconforming signs that were placed illegally.

Per the requirements now in effect, all legally nonconforming signs must be removed or made to conform by March 15, 2010. (Please note that the provisions on nonconforming signs were carried over from the prior code when the zoning regulations were overhauled in 2005.) The provisions were discussed by City Commission at a workshop in January, at which time Commissioners were not supportive of the existing provisions.

A brief field survey by staff concluded that there isn't an extensive problem with nonconforming signs. In some of the older commercial areas, such as on SR 60 between US 27 and the Scenic Highway, some of

the signs are somewhat higher or larger than currently allowed. Over time, as signs are replaced, the nonconformities will be corrected.

Also proposed is elimination of the requirement to bring a sign into compliance if there is a change in the name, nature or character of the business. This requirement could mean significant cost to an applicant. The cost for replacing a lighted ground sign typically exceeds \$10,000. The degree of sign nonconformity we have in Lake Wales does not justify requiring this level of expenditure. Of the other cities reviewed, only Bartow has a similar provision. The others have provisions that the sign can be altered, provided the nonconformity is not increased and the cost of the alteration does not exceed 50% of the cost of achieving compliance.

Proposed to remain is a requirement that signs that were on properties at the time of annexation must be removed if they did not comply with City requirements at the time. This provision gave a 5-year grace period for signs not allowed in Lake Wales, such as billboards.

SECTION 7: Sign code enforcement

Sec. 23-545.10 Enforcement

Explanation: The option of revoking an occupancy permit is removed from the sign code enforcement provisions with the concurrence of the City Attorney.

OTHER OPTIONS

The Commission may choose not to amend the zoning regulations or may instruct staff to make changes to the proposed amendments.

FISCAL IMPACT

Proposed changes will have a positive effect on businesses by easing requirements and fees. Reductions in fees will have a minor negative impact on city revenues.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-07 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; TO ADJUST REVIEW FEES FOR ALCOHOLIC BEVERAGE LICENSES AND SIGNS NOT REQUIRING A BUILDING PERMIT; TO ADJUST TREE REPLACEMENT FEE; TO CORRECT PROVISIONS ON RECREATION AREA CREDITS; TO AMEND COMPLIANCE REQUIREMENTS FOR NONCONFORMING SIGNS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell made a motion to approve Ordinance 2010-07 after first reading. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 15. Ordinance D2010-01, CPA to Resolve Non-Compliance CPA 08-01 – Hunt Brothers, Inc. Property – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Kathy Bangley, Assistant Director of Planning and Development]

SYNOPSIS

Amendments to the Comprehensive Plan in Ordinance D2010-01 execute the remedial actions required by the state under the Stipulated Settlement Agreement approved by the City Commission at its February 16, 2010 regular meeting. The agreement resolves issues of non-compliance on comprehensive plan amendment 08-01 relating to two properties owned by the Hunt Brothers, Inc. The ordinance amends the Future Land Use element and adds a note to the Future Traffic Circulation Map.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

Accept after first reading Ordinance D2010-01 - Remedial actions - DCA v. City of Lake Wales and Hunt Brothers, Inc. on CPA – 08-1.

BACKGROUND

On February 16, 2010 the City Commission executed the Stipulated Settlement Agreement with the Department of Community Affairs to satisfy objections raised by the department to ordinances D2007-09 (172 acres Packing Plant Property) and D2007-11 (46.1 acres South Side of SR 60E). Ordinance D2010-01 amends the Comprehensive Plan to incorporate the remedial action agreed to in the settlement agreement.

The proposed policy additions are as follows: Policy 5.23 restricts the level of development allowed on the Hunt Brothers property along SR60 and surrounding the existing packing plant through caps on square footage and a reduced floor area ratio. Policy 5.24 specifies the road segments that will require improvements to accommodate the development during the 2030 planning horizon.

In late 2007 the city annexed five properties owned by Hunt Brothers Groves, Inc. Upon transmittal to DCA for review of the proposed land use designations the two above referenced properties were found to be non-compliant with the city's comprehensive plan. The one specific area of concern was transportation and its compliance with the State's comprehensive plan. The policies referenced above address these issues.

OTHER OPTION

None. The Commission agreed to make the amendments when the Stipulated Settlement Agreement was executed.

FISCAL IMPACT

None

[End agenda memo]

Ms. VanBlargan read Ordinance D2010-01 by title only.

ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT AND THE FUTURE TRAFFIC CIRCULATION MAP (ATTACHMENT A) OF THE FUTURE

LAND USE MAP SERIES OF THE COMPREHENSIVE PLAN AS REQUIRED UNDER THE SETTLEMENT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF LAKE WALES TO RESOLVE THE NOT-INCOMPLIANCE FINDING ON COMPREHENSIVE PLAN AMENDMENT 08-1, INVOLVING CHANGES TO THE FUTURE LAND USE MAP IN ORDINANCES D2007-09 AND D2007-11 FOR PROPERTIES OWNED BY HUNT BROTHERS, INC., SPECIFICALLY TO LIMIT BUILDING SQUARE FOOTAGE AND RESIDENTIAL DENSITY AND TO IDENTIFY ROADWAY IMPROVEMENTS NECESSARY TO ACCOMMODATE DEVELOPMENT ON THE PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rogers made a motion to approve Ordinance D2010-01 after first reading. The motion was seconded by Commissioner Thornhill.

Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 16. Resolution 2010-08, Master Joint Participation Agreement 2010-A

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Resolution 2010-08 updates the agreement and amends the funding for the Medium Intensity Taxiway Lighting System (MITLs) to a total of \$318,897.00, FAA: \$302,953.00, FDOT: \$7,972.00, City: \$7,972.00 and provides funding for improvements to runway 17-35 safety area in the amount of \$100,000.00; FDOT: \$80,000.00 and City: \$20,000.00.

RECOMMENDATION

Staff recommends that the City Commission approve Resolution 2010-08 and enter into a Master Joint Participation Agreement with the Florida Department of Transportation (FDOT).

BACKGROUND

In May 2005 the City of Lake Wales entered into a Joint Participation Agreement, Resolution 2005-14, with the Florida Department of Transportation (FDOT) for funding of the following Lake Wales Airport projects: Signage & Tetrahedron (air traffic pattern indicator), Automated Weather Observing System (AWOS), Precision Approach Path Indicator (PAPI), Master Joint Participation agreement with Hoyle, Tanner & Associates, Inc. Task Order #1 (planning and design of an Airport Master Plan and Airport Plan Update) and Automobile Parking.

In 2006 Resolution 2006-11 replaced the existing Joint Participation Agreement, incorporating the above projects that had not been completed to date (AWOS and Automobile Parking) and including additional funding for Automobile Parking and funding for FAA airport improvements (FDOT's match for upcoming FAA projects).

In 2007 Resolution 2007-04 replaced the existing Joint Participation Agreement, incorporating the projects from Resolution 2007-04, and including funding for the design phase of the Medium Intensity Runway Lights project (MIRL,s) and for FAA improvements (FDOT's match for upcoming FAA projects).

In 2008 Resolution 2008-01 replaced the existing Joint Participation Agreement, incorporating the project that had not been completed to date (Automobile Parking) and including funding for the Medium Intensity Runway Lights project (MIRLs) construction phase and for FAA improvements.

In 2009 Resolution 2009-05 replaced the existing Joint Participation Agreement, including funding for the Medium Intensity Taxiway Lighting System (MITLs) construction phase.

Resolution 2010-08 replaces the existing Joint Participation Agreement and includes an amendment to the funding for the Medium Intensity Taxiway Lighting System (MITLs) from \$218,255 to \$318,897; FAA: \$302,953, FDOT: \$7,972.00, City: \$7,972.00. Funding is also provided for improvements to bring runway 17-35 safety areas up to standards and re-mark the pavement in the amount of \$100,000; FDOT: \$80,000 and the City: \$20,000.

FISCAL IMPACT

The City's match for the taxiway lights project is \$7,972

Federal (FAA) share is \$302,953

FDOT share is \$7,972

09/10 budget

MITL's(Medium Intensity Taxiway Lights (construction phase)	\$318,897.00
---	--------------

The City's match for runway 17-35 improvements is \$20,000.00

FDOT share is \$80,000.00

10/11 budget

Improve Runway 17-35 safety areas to standards and remark pavement	\$100,000.00
--	--------------

OPTIONS

The Medium Intensity Taxiway Lights project is 95% complete.

The need for improvements to runway 17-35 safety area was pointed out when the Florida Department of Transportation conducted its annual inspection of the airport.

[End agenda memo]

Ms. VanBlargan read the Resolution 2010-08 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A MASTER JOINT PARTICIPATION AGREEMENT (JPA), ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL MANAGEMENT NUMBER): 426177 1 94 01 (REHABILITATE MEDIUM INTENSITY TAXIWAY LIGHTING SYSTEM AND MARK TAXIWAYS "A", "B", AND "C"); 4227981 1 94 01 (IMPROVE RUNWAY 17-35 SAFETY AREAS TO STANDARDS AND REMARK PAVEMENT) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN MULTIPLE AVIATION PROJECTS AT THE LAKE WALES MUNICIPAL AIRPORT.

Commissioner Thornhill made a motion to approve the Resolution 2010-08. The motion was seconded by Commissioner Wheeler.

Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 17. Additional Service Agreement for Parlier Architects

Ms. Pendergrass reviewed Agenda Item 17.

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Dorothy Pendergrass, Finance Director]

SYNOPSIS

Amendment to the Design Professional Services Agreement (JOB No. 9706) approved September 16, 1998, for additional services relating to the proposed Swimming Pool Facility.

STAFF RECOMMENDATION

Staff is recommending the following:

1. Approval of the additional service amendment for Parlier Architects P.A. services on the pool design phase.
2. Approval of an appropriation in an amount not to exceed \$5,000 from the pool/tax anticipation reserve account to fund professional services related to the pool design phase.

BACKGROUND

As a result of the February 9, 2010 workshop, one goal of the pool committee is to provide the City Commission with an actual pool design. The development of an updated pool design will provide more accurate cost estimates, while also providing conceptual details for both the City Commission and the public to understand the scope and function of the pool facility.

While reviewing the historical progress of a swimming pool complex in Lake Wales, it was determined that a contract with Parlier Architects, P.A. for the schematic design phase only was approved by the City Commission in September of 1998 and is still valid.

Due to the time lapse, personnel turnover and philosophical changes as this project has continued to evolve, the pool committee is requesting an amendment to the Parlier contract for additional services relating to the design phase only. The expenditure for this additional service shall not exceed \$5,000. It is recommended by the pool committee that monies to fund this item be taken from the pool/tax anticipation reserve account. Appropriation of these funds will need approval by the Commission and will be included in the next budget amendment.

[End agenda memo]

Mayor Van Sickle said that the Unity-in-Community group that made a presentation to the Commission had indicated at that time that they were interested in a water park design but the Parlier design is an Olympic lap-type pool. He asked if the Committee had decided on a lap-type design instead. Ms. Pendergrass said that the type of pool that will be recommended is still being discussed. The goal of the Committee is to have an actual pool design with costs, whether a lap-type pool or water park pool, by the June workshop. In order to reach that determination, the Committee will need to have an accurate design so the actual cost can be determined. She said if the Committee decides on a lap-type pool then there would be no additional fees. Ms. Pendergrass said that in the minutes it said to bring back something definite so the public would know what is being discussed.

Commissioner Wheeler said that, as he understood it, the money is contingent upon a change from the lap-type pool to the water park pool. If the Committee decides on the lap pool, the money will not be needed. We have to have the contract lined up just in case. Ms. Pendergrass said if they were going to change the whole design, from a lap pool to a water park pool, then a contract for Parlier services to design it will be needed. She said the company had been contracted twice over a 12-year period for a pool, and each time the pool was put on hold.

Commissioner Howell asked if the City was locked-in on having Parlier do the work. Ms. Delmar said the construction design work would go out for bid but the schematic phase design work would be through an extension of the original contract with Parlier.

Commissioner Rogers read the part of the contract that stated that the contract may be terminated by any party and said that we were not locked in to using the Parlier firm. He said he was not in favor of spending an additional \$5,000 until we knew what kind of pool would be built or even if we will build one. He said, according to what he read, the architectural services could go as high as \$96,180. He was concerned with spending this money at the height of the recession without knowing what we are going to do. Ms. Pendergrass said that the amendment before them was only for the schematic phase, which was all that was authorized in the original contract by the City Commission.

City Attorney Chuck Galloway said that this amendment was an extension of the first contract for up to \$5,000. The Commission's directions were for the Committee to submit the actual costs so it could consider whether or not to go forward with the project.

Commissioner Rogers said he did not think they should spend any money until the pool committee nailed down what kind of pool it wanted. He said the Committee was scheduled to report to them in about 60 days so there was no rush. Ms. Delmar said the report was due for the June workshop.

Commissioner Thornhill said that in order to go forward with the project this needed to be done. He said the memo explained why they would need the contract if there were architectural schematic changes to the original plans and that Parlier would bill the City monthly for the number of hours spent on it. It did not mean we would necessarily spend all of the \$5,000. It could end up being \$200. He said the committee would not be able to make any changes without this contract.

Ms. Delmar said that one of the things the Commission had requested for the June workshop was the estimated cost. Ms. Pendergrass said it was the Committee's understanding that they were to bring the complete package including construction and operational costs. She would not be able to figure the operating costs or construction costs on a water park pool by using the lap pool information because they would be different. The Committee needed to have the drawings before it could proceed with the goal the Commission outlined. She said the water park pool that Haines City has had a cost of \$1.2 million and the lap pool was about \$2 million. But, we may want different things included in our water park pool, or want a different size lap pool. The architect also knows all the costs including things in the surrounding area, for example the cost of the groundwork and the parking lot. She added that she did not have the expertise when talking to the pool companies, who happen to be trying to sell the pool, to know whether their quote included all of these cost. The pool committee is also discussing the actual location of the pool on the lot, and the architect will know if, for example, a retaining wall would be needed. She said their objective was to have all the costs presented to the Commission.

Mayor Van Sickle asked if the cost would include the moving of city employees from the building. Ms. Pendergrass said that was another piece they were looking into. The Mayor said they were also looking at the possibility of using the gym locker room but he thought it might be too small. He added that if the locker-room is used for both gym use, with those usually in their late teens or early twenties, and pool use, with mainly young kids, the City was setting itself up for disaster. Ms. Pendergrass said the pool committee was addressing those type issues.

Commissioner Howell made a motion to approve the agreement with Parlier Architects. The motion was seconded by Commissioner Wheeler.

By Voice Vote:

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

Motion carried 5-0

Agenda Item 18. Appointment – General Employee’s Retirement Board

Ms. Delmar reviewed Agenda Item 18. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointment will fill a vacancy due to an expiring term of a Board member.

RECOMMENDATION

It is recommended that the City Commission make the appointment 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.

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 the Mayor and/or Commissioner. This appointment is for a resident member. (2-year term)

One (1) vacancy: term expires 04/01/12

Applying for reappointment: Violeta Salud, resident

A vacancy is due to the expiring term of Violeta Salud.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicant named above and seek other applicants; however, it may be difficult for the board to obtain a quorum.

[End agenda memo]

Mayor Van Sickle said he served with Ms. Salud on the Retirement Board and recommended her.

Commissioner Howell made a motion to re-appoint Violeta Salud to serve on the General Employees' Retirement Board for a term to expire on 4/1/12. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 19. Discussion of Preliminary Financial Statements for February 29, 2010, Fiscal Year to Date

Ms. Delmar reviewed Agenda Item 19.

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Judith H. Delmar]

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of February 2010. Revenues were slightly ahead of target in the General and slightly behind in the Utility Fund. Expenditures in both these major budgets were under budget.

The unaudited financial statements for the City of Lake Wales for the Period Ending February 28, 2010 are presented to the City Commission for review. At the end of February, the City was 41.7% into the fiscal year. Eleven of twenty-six payrolls (42.3%) have been expensed through February 28. Revenue and expenditure budgets have been adjusted to reflect changes through Budget Amendment #2.

SUMMARY

The following chart gives a brief summary of overall operating revenue and expenditure performance as of February 28, 2010. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis:

Fund	Budgeted	Actual at 2/28	Target at 2/28	Actual at 2/28 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues ¹	\$10,839,648	\$6,014,192	\$5,950,617	\$63,575	+0.6%
Expenditures ³	\$11,159,391	\$4,574,524	\$4,649,746	(\$75,222)	-0.7%
Special Revenue					
Revenues ¹	\$4,795,650	\$3,225,408	\$3,659,385	(\$433,977)	-9.0%
Expenditures ³	\$3,230,413	\$951,548	\$1,346,005	(\$394,457)	-12.2%
Debt Service					
Revenues ³	\$2,363,120	\$991,814	\$984,633	\$7,181	+0.3%
Expenditures ²	\$2,363,120	\$1,615,940	\$1,615,940	\$0	+0.0%
Utilities					
Revenues ¹	\$6,608,450	\$2,716,540	\$2,879,743	(\$163,203)	-2.5%
Expenditures ³	\$7,014,814	\$2,075,963	\$2,922,839	(\$846,876)	-12.1%
Airport					
Revenues ³	\$107,193	\$33,648	\$44,664	(\$11,016)	-10.3%
Expenditures ³	\$107,193	\$47,616	\$44,664	\$2,952	+2.8%

¹ Revenue target = prior year performance at same point in fiscal year

² Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

³ Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of February we are 5/12 or 41.7% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, most operating revenues are about where we would expect them to be at the end of the first fiscal quarter with the exception that utilities revenues are lagging somewhat.

Revenues from water and sewer charges at the end of January 2010 were \$113,083 behind where they were in February 2009 (water, -\$132,268; sewer, +\$19,185). If we use 41.7% of the fiscal year as the target level, however, water revenues were \$105,797 under target and sewer revenues were \$6,265 under target. This is a combined shortfall of \$112,062 compared to the budget. Operating expenditures were running behind target at the end of February. Excluding capital outlay and debt service, Utility Fund expenditures were 6.5% or \$251,960 below the target level.

Operating expenditures in the General Fund are running 0.7% behind target (-\$75,222) despite the fact that payroll is still slightly skewed in relation to budget because of the 1% lump sum increase for employees that was paid out in December. Operating expenditures in the other Funds are running behind target levels except that Airport expenditures are running slightly ahead of target (+\$2,952).

The City has not borrowed any money from the Pool/Tax Anticipation Investment Account. The balance at the end of FY 07'08 when the account was created and the current balance are as follows:

	9/30/08	2/28/10	Difference
Pool/Tax Anticipation Investment Account	\$1,037,852	\$1,048,425	\$10,573

The City's overall cash position at the end of February 2010 declined from the cash position at the end of February 2009 (-\$433,345). In order to make a more accurate comparison, the following adjustments are made:

	2/28/09	2/28/10	Difference
Total Cash & Investments	7,960,867	7,527,522	(433,345)
Due to Other Governments	(122,456)	(282,038)	
Deferred Revenues*	(416,009)	(407,255)	
Cash & Investments Net of Adjustments	7,422,402	6,838,229	(584,173)

* reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc), at which time revenue will be recognized

After excluding cash that was collected on behalf of other governments and deferred revenues the City's overall cash position at the end of February 2010 was \$584,173 under its February 2009 level. For the most part this is explained by the fact that accounts payable were \$592,477 greater in February 2009 than they were in February 2010.

In comparison to total cash and investments at January 31 of \$6,902,050, the February cash and investments position decreased by only \$63,821. A decrease is not unusual with the slow-down of ad valorem tax revenues at this time of year. Between December 1 and December 31, the City received \$3,511,706 in ad valorem taxes and \$994,855 in CRA tax increment revenues from the County. In February, revenues from ad valorem taxes totaled \$93,984.

[End agenda memo]

CITY MANAGERS REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar said there was a change to the tracking report. A list of projects was submitted to the Transportation Advisory Committee including the turn-lane on Scenic and Florida Avenues. The Committee is supporting the projects that were recommended and they are moving forward.

Commissioner Thornhill commented that Ms. Swanson does a good write-up. The Mayor agreed and added that it goes to the Board who reviews it and then sends it to the TPO, the next meeting being held on Thursday. Ms. Banglely said the TAP voted last Thursday to incorporate all the committee's comments and move them forward as presented. Mayor Van Sickle explained how the TPO works and said it is extremely rare when the TPO does not take a recommendation.

COMMUNICATIONS AND PETITIONS

Leon Weech, 620 Emerald Avenue, asked for a status report on the restoration project on the Kirkland Gym. The Mayor said that project would be addressed at the City Commission Workshop on April 13th.

Mr. Weech commented on the poor attendance at the April 5th Charter Review Committee meeting. He said there were serious flaws on the way city officials are elected and the way they carry out their duties, along with some city employees, and that the Charter makes it difficult to correct problems as they occur. He felt that serious revisions were needed. He invited the public to attend the meetings and write letters to the editor about their concerns. Ms. Delmar said the city website has a page for the Charter Review Committee with the minutes, meeting dates, the topics to be discussed at each meeting, and a form whereby interested citizens can send a comment to the Charter Review Committee requesting a particular issue to be discussed, with a possible recommendation for revision.

Mayor Van Sickle said he attended two of the meetings as a citizen and thought the committee was well organized, was identifying problems, and taking a systematic approach in resolving the issues.

CITY COMMISSION COMMENT

Commissioner Howell brought up a serious noise issue and said the noise ordinance lacked the ability to deal with it. She said she got six calls on Easter evening from angry citizens who have to listen to loud music all night from passing cars. She said she can even hear the noise from her house and that her house actually shakes because of it. She said there appeared to be nothing the Police Department could do because all the offender had to do was turn down the music when a police officer is spotted and turn it back up once the officer leaves. The Police can't arrest them, fine them, or escort them out of the city. She said that when the county dispatcher is called they request a name. She said other surrounding cities, including Winter Haven, have greatly reduced this problem and that we should investigate how this was accomplished. She suggested moving the offenders to a park, away from neighborhoods. Ms. Delmar said there were no areas where citizens would not be affected by the noise, and that we needed to eliminate the problem. She said they would look at Winter Haven's noise ordinance and see how it differs from that of Lake Wales and make the appropriate changes to make our ordinance more enforceable. Commissioner Howell said the reason we have such a big problem is because nothing is done about it, and we get the people that have been removed from other cities.

Police Chief Herbert Gillis said Lake Wales has one of the better noise ordinances in the County. He said that if you can hear the noise from 25 feet away, it is a state statute violation with a fine of \$114. If it can be heard 100 feet away it is a misdemeanor and the offender can be charged with a crime. This seemed to have addressed the noise problem from buildings but not from cars. He said the number one complaint he gets from community meetings is the noise. He said that there is a problem on Lincoln Avenue. In the past, when the stores closed at night, the police used to move the people away as they no longer had a reason to be there. But now there is a club on Lincoln Avenue, providing a reason for people to be there, and that is where the complaints are originating. He said they had complaints that community police officers were never seen during the day, so those officers had been moved to the day shift. Now the loud music is happening at night so they are shifting those officers to the night shift, calling it Operation Tranquility, to specifically deal with the loud music. He said there is a zero tolerance for noise and they give no warnings. If music is heard from 25 feet away, they are fined and have to go to court. If it is heard 100 feet away they are charged with a crime. Commissioner Howell asked if property owners that allowed cars playing loud music to congregate on their private property could be fined for allowing it. She asked if the noise was a problem only in her area and Chief Gillis said it was everywhere. He said the problem is that it is harder to locate a car that is mobile than one that is parked. For the parked cars it is a matter of getting in there without being seen so he has been sending some officers in unmarked cars to try to catch them. He said he has four or five officers now in the area just for the loud music in and around Lincoln Avenue. Within the next week or so there should be improvement.

One of the Voice members present complained about children being picked up every day at the Boys and Girls Club by adults exposing them to awful music.

VOICE member Jean Scott complained about the music on Townsend Avenue where she lives. She said the other day she called Police Chief Gillis and within five minutes a police officer showed up. She has not heard loud music since.

Commissioner Wheeler said the Commission got a memo in its agenda packet about some homeowners east of Lake Wales eager to annex about 500 acres of property into the city because of concerns they had with hometown democracy. He feared that as it gets closer to the November's vote, there will be a stampede of property owners who want to annex in. Commissioner Wheeler said that as he would no longer be on the Commission after the May meeting, he wanted to remind the Commission that it does not have to annex everyone requesting it.


Commissioner Thornhill asked Police Chief Gillis if the only thing a resident could do about the loud music problem was call the police. Chief Gillis said it would help to get the license plate number, the description of the vehicle, and the location where it was seen. Commissioner Howell asked if the police could make an arrest based on someone calling in the license plate number. Chief Gillis said they could not arrest them, but they would certainly pull offenders over and educate them on the local ordinance and state law.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk