

The regular meeting of the Lake Wales City Commission was held on April 20, 2010 in the Commission Chambers at the Municipal Administration Building at 6:00 p.m. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

The invocation was given by Fire Chief Jerry Brown.

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. Proclamation: Confederate History and Heritage Month

Mayor Van Sickle awarded Ms. Tally Ramsing, on behalf of the Lake Wales Chapter of the Daughters of Confederacy, a proclamation proclaiming the month of April as "Confederate History and Heritage Month."

Agenda Item 6 Certificates of Appreciation: Boards, Committees & Commissions

On behalf of the City of Lake Wales and its Citizens, the Mayor presented a Certificate of Appreciation to members who no longer serve on a particular board due to resignations, expirations of terms, etc. thanking them for their dedicated volunteer service as Board members.

Airport Authority Board

Charles Loomis	12/05/06 – 07/01/08
Steven Reddick	12/06/05 – 07/01/09
Robert G. Gibson	06/16/09 – 09/30/09

Bicycle/Pedestrian Advisory Commission

Rosalind M. DiGioia	08/16/05 – 09/04/08
Sharon Becker	08/16/05 – 11/08/09
J. Davis Connor	03/17/09 – 07/01/09
Mike Carter	08/16/05 – 07/01/09

Board of Zoning Adjustments & Appeals

Jonathan Thornhill	06/15/04 – 05/01/09
Sylvia Rogers	08/19/03 - 03/02/10

Code Enforcement Board

Martin S. Fried	12/05/00 – 12/26/09
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Depot Advisory Commission

Linda Johnson	02/01/00 - 07/01/09
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Drug & Prostitution-Related Nuisance Abatement Board

Kevin Kory	07/17/07 – 12/01/09
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Monica Trail 12/16/03 – 12/01/09

Historic District Regulatory Board

Gerald Benedict 09/02/08 – 03/08/10

Historic Preservation Board

Asunta Fleming 06/20/06 - 07/01/09

Barbara Else 09-21-04 - 07/01/09

Mimi Hardman 03/04/03 - 07/01/09

Linda C. Johnson 03/18/03 - 07/01/09

Mark Parlier 03/04/03 - 07/01/09

Elisa A. Pedersen 03/18/03 - 07/01/09

Housing Authority

Rebecca Wynkoop-Seymour 06/21/05 – 07/01/09

Lakes Advisory Commission

John P. Caraway 06/17/08 – 05/20/09

Library Board

Thomas E. Baynes 09/16/08 – 12/01/09

Parks & Community Appearance Advisory Board

Robert DiPardo 07/03/07 – 04/10/09

Planning & Zoning Board

Timothy Welch 09/19/06 - 01/13/10

Police Officers' Retirement Board

Donald Raymond 06/17/03 – 11/12/09

Richard R. Williamson 02/06/01 – 01/20/10

Recreation Commission

Elizabeth McCollough 06/20/06 – 10/01/08

Richard DeLoach 11/05/02 – 10/01/09

Robert Shields 11/05/02 – 10/01/09

Carol Jo Weigand 04/04/06 – 01/25/10

CONSENT AGENDA

Agenda Item 7. Approval of Minutes: April 6, 2010, Regular Meeting

Agenda Item 8. Highway Maintenance Agreement with the Florida Department of Transportation

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The City Commission will consider approving the agreement to continue the highway maintenance for certain State Road Rights-of-Way with the Florida Department of Transportation for an additional three (3) year period for an annual compensation of \$39,359.35.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

1. Approve the agreement with the State of Florida Department of Transportation for maintenance of certain State Road Rights-of-Way.
2. Authorize the Mayor to execute the agreement.

BACKGROUND

The City of Lake Wales and the Florida Department of Transportation have been entering into agreements to maintain rights-of-way on portions of US27, SR60 and SR17 (Alt. 27) within the jurisdictional limits of the City since the early nineties.

In 2007 Resolution 2007-08 provided the City with an annual compensation of \$39,359.35 for the maintenance of certain State Road Rights of Way. The agreement had a term of three (3) years and subject to mutual agreement, the agreement could be renewed for an additional period that may not exceed three (3) years. The resolution authorized any amendments thereto and any renewals thereof.

FISCAL IMPACT

If we do not renew the agreement, the maintenance budget will be funded by City funds and we will lose an annual compensation of \$39,359.35.

OTHER OPTIONS

Do not renew the agreement.

[End agenda memo]

Agenda Item 9. Sand Filter Bridge Repair

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah B. Kirkland, Utilities Project Administrator]

SYNOPSIS

Staff requests commission approval to purchase parts and labor for the repair of the sand filter bridge.

STAFF RECOMMENDATION

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

Approve the purchase of replacement parts and labor for the repair of the sand filter bridge from BMG Conveyor in the amount of \$15,874.72.

BACKGROUND

The city's waste water treatment plant uses the rapid sand filter with a traveling bridge to aid in the treatment process. Water moves vertically through sand which often has a layer of activated carbon or anthracite coal above the sand. The top layer removes organic compounds that contribute to odor. The space between sand particles is larger than the smallest suspended particles, so simple filtration is not enough. Most particles pass through surface layers but are trapped in pore spaces or adhere to sand particles. Effective filtration extends into

the depth of the filter. This property of the filter is essential to its operation, if the top layer of sand were to block all the particles, the filter would quickly clog.

The traveling bridge filter is a gravity filter divided up into several individual filter cells. A bridge travels horizontally along the cells, backwashing individual cells while the other cells continue to filter water. The influent floods the bed to a depth of 2 ft, flows via gravity through the media and exits through effluent ports. Typically, the media bed ranges from approximately 12 in. to 24 in. deep and may consist of single or dual media. Typically, wastewater applications use dual media with silica sand, 0.55 to 0.65 mm, and a uniformity coefficient of 1.5 under an anthracite layer sized at 1.1 mm with a 1.5 uniformity coefficient. The filter functions at the surface rather than at depth. The low terminal head loss, usually less than 2 ft creates the surface filtration. Concurrent with the filtering, a bridge travels along a track system. The bridge isolates an individual cell for backwashing. A backwash pump draws filtered water from the effluent chamber, pumping the water back through the effluent port to fluidize and backwash the bed. Another pump picks up wash water collected in the hood of the bridge and discharges it to the wash water trough.

Bed cleaning enhancements may include air scour or hydraulic spray jets to supplement backwash, or a scarifier blade to plow the media and loosen the solids mat as the bridge moves into position to backwash. Backwash may be triggered by a certain head loss measured by water level probes, started automatically by a timer, or started manually. The parts to be replaced are on this traveling bridge. If the damaged parts are not replaced the traveling bridge is rendered inoperable and the effluent produced from this activity is unusable and does not meet a water quality acceptable for reuse.

Staff recommends purchasing from BMG Conveyor the necessary parts and labor as listed on the attached quote, to replace and rebuild the rolling mechanism and railing on the traveling bridge above the sand filter. In the process of finding a vendor to provide written quotes, staff solicited four vendors. One vendor refused to give a price quote, one vendor quoted parts only and one vendor quoted labor only. Therefore staff recommends purchasing the items necessary from BMG Conveyor because they were the only vendor to provide all the labor and parts necessary to complete this repair.

OTHER OPTION

Chose not to purchase replacement parts for the sand filter bridge and the bridge remains in a state of disrepair.

FISCAL IMPACT

\$70,500 was placed in the 2009-2010 Wastewater Operating budget under M & R Treatment Plants with \$48,195 currently remaining. This line item is funded by operating revenue.

[End agenda memo]

Agenda Item 10. Lake Wales Care Center 25th Anniversary Celebration

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant to City Manager]

SYNOPSIS

Approval of the special event permit application will allow the Lake Wales Care Center's 25th Anniversary Celebration to be held on Sunday, April 25, 2010 and the closing of a portion of Park Avenue between Market Street and First Street

RECOMMENDATION

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

1. Approve the special event permit application from the Lake Wales Care Center for their 25th Anniversary Celebration to take place on April 25, 2010 between the hours of 11:30 a.m. and 3:00 p.m.
2. Approve the closing of a portion of Park Avenue between Market Street and First Street between the hours of 7:00 a.m. and 4:30 p.m. which covers the time for set up and take down

BACKGROUND

Rob Quam of the Lake Wales Care Center submitted a Special Event Permit Application to hold the Care Center's 25th Anniversary Celebration on Sunday, April 25, 2010 at 140 East Park Avenue. The event will be held between the hours of 11:30 a.m. and 3:00 p.m.

This event will feature music by the Lake Wales Chorale, Warner University and Friends Gospel Sing. There will be an old fashioned community picnic on the grounds of the Care Center with great food, fellowship, Gospel music and an opportunity to join in and celebrate 25 years of unified service to the community. As part of the event, the Kids Zone will be set up on the east side of the Care Center. This activity will include a bounce house, face painting, kid's games and fun for the entire family.

The Special Event Permit Application also includes a request for the closing of a portion of Park Avenue between Market Street and First Street between the hours of 7:00 a.m. and 4:30 p.m. The time frame allows for site set up and preparation and site clean up after the event is concluded. The closing of this portion of Park Avenue will allow for the activities to be held on the street in front of the Care Center.

City departments have reviewed the Special Event Permit Application and have approved the event subject to City Commission approval of the event and the closing of the portion of Park Avenue between Market Street and First Street. The sponsor has met all requirements for site preparation, site clean up, sanitary facilities and insurance. All other permit requirements will be met by the sponsor prior to the start of the event.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the city associated with this event.

[End agenda memo]

END CONSENT AGENDA

Mayor Van Sickle questioned Agenda Item 9, Sand Filter Bridge Repair. He said one of the vendors never submitted a bid, one bid was for only parts, one bid was for only labor, and one bid was for both parts and labor. He said they were disconnected bids and there was no documentation in the Commission packet listing what the invitation to bid had required. He asked if that had been put in writing when requesting bids.

Public Works Director Tom Moran said Wastewater Plant Lead Operator Ted Long, who handled the bid, gave everyone the same criteria. One vendor did not provide a bid. The bidder for just labor said he could not get a price for materials from his vendor and the bidder for the materials does not do labor. There was only one bid that included both, which is what was needed. Mayor Van Sickle asked if the company that got the bid, BMG Conveyor, had done business for the City in the past and Mr. Long said it had. The Mayor said his concern was that the bids received in the last two Commission meetings had been for things not asked for. He asked that when these type of bids go out, we have a written document stating

exactly what we want so that all bids received are for the same information in the same way. Ms. Delmar said we have an area on the City's website where we can post a request for quotes and where potential bidders can access the document that specifies exactly what we are looking for. She said she hoped that all City departments were aware of that by now. The Mayor said he found it interesting that the sum of the two separate bids was less than the complete bid, though not a lot of money. He also said he understood that it would be better to have one company do both the parts and labor.

Commissioner Howell said she thought that, at another Commission meeting, staff was asked to use a form for materials and labor whereby everything had to be listed in the bid. Ms. Delmar said we do that with our requests for qualifications and proposals, but that the quote process has always been more informal. In the future, however, there will be a written request specifying exactly what we are looking for in the quote, which will be part of the agenda packet. It will also be posted on the City's website.

Mayor Van Sickle asked if this project was one we were planning to overhaul once we got the million dollars. Mr. Moran said it was part of the modifications and explained how the system works. He said if the system breaks down we are out of the reuse business. The modifications would not even start until a year-and-a-half after the invitation to bid is put out, which is in May or June. Mr. Moran commented that we cannot afford not to do this. Mayor Van Sickle said he is still a little naïve on what we are doing in regards to major repairs. That would have to be discussed at another time.

Commissioner Howell made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 11. Ordinance 2010-06, Partial Vacation of Easement as requested by Richard Sylvia – 2nd Reading & Public Hearing

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 were built which encroach into 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 OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION, MORE PARTICULARLY DESCRIBED HEREIN, OF THAT CERTAIN DRAINAGE EASEMENT SHOWN ALONG THE NORTHERLY BOUNDARY OF THE PLAT OF BEL-OMBRE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 67, AT PAGE 29, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2010-06 after second reading and public hearing. 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 12. Ordinance 2010-07, Amendments to Zoning, Land Use and Development Regulations – 2nd Reading & Public Hearing

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

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

Adopt after second reading and public hearing Ordinance 2010-07.

Ordinance 2010-07 was approved on first reading on April 6, 2010.

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.

A public hearing is required. Public notice requirements have been met.

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.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Wheeler made a motion to adopt Ordinance 2010-07 after second reading and public hearing. The motion was seconded by Commissioner Howell.

Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 13. Ordinance D2010-01, CPA to Resolve Non-Compliance CPA 08-01 – Hunt Brothers, Inc. Property – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

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

Public Notice requirements have been met.

RECOMMENDATION

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

Adopt after second reading and public hearing 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

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.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance D2010-01 after second reading and public hearing. The motion was seconded by Commissioner Wheeler.

Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 14. Ordinance 2010-08, Firefighters' Pension Plan Amendment – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Human Resources Director Sandra Davis and Finance Director Dorothy Pendergrass]

SYNOPSIS

The City Commission will consider approval of proposed amendments to the Firefighters' Pension Plan that comply with SB 538 passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2010-08 on first reading.

BACKGROUND

At its February meeting the Firefighters' Pension Board asked staff to bring forward Ordinance 2010-08 for adoption. The proposed plan amendment contains several changes to the retirement plan, which are addressed by ordinance sections as follows:

Section 1: Sec. 16-163. Board of Trustees

The proposed ordinance would amend Section 16-163(a), related to the make-up of the board of trustees, to increase the terms of board members from 2 to 4 years. (This change is permissible under recent changes to Chapter 175, Florida Statutes, but is not required.)

Section 2: Sec. 20-194 Finances and Fund Management

This revision would increase the maximum investment in foreign securities from 10% to not to exceed 25% of plan assets, on a market value basis. The revision is required under Chapter 2009-97 Laws of Florida. (SB 538) It also requires the board, beginning January 1, 2010 to sell, redeem, divest, or withdraw all publicly traded securities that the fund may have in "scrutinized companies" (companies that do business with countries that engage in terrorism). Divestiture must be completed no later than September 30, 2010. (These changes are mandatory.)

Section 3: Sec. 16-169. Optional Forms of Benefits

Section 16-169 (b) will clarify that a retired firefighter may change his or her designation of a joint annuitant or beneficiary up to two times without the approval of the pension board or without the approval of the prior joint annuitant or beneficiary. Further, the retiree may not be required to furnish proof of good health of the annuitant or beneficiary being removed, and the annuitant or beneficiary being removed need not be living. (This provision is mandatory).

Section 4: Sec. 16-177. Repeal or Termination of Plan

This amendment will incorporate into section 16-177 recent revisions to Chapter 175, Florida Statutes concerning the distribution of plan assets upon plan termination. The recent changes codify the decision of the 4th District Court of Appeal in the Town of Lake Park case, which held that the employer is responsible for funding any deficiency in a firefighter pension plan upon termination of the plan. The changes took effect on July 1, 2009 following passage of SB 538. (This provision is mandatory).

Section 5: Sec. 16-178. Exemption from execution; non-assignability

The proposed amendment will authorize the board of trustees to withhold funds from retirement benefits to pay for insurance premiums, i.e. health, dental or vision. (This provision is permissible under Chapter 175; though not mandatory).

OTHER OPTIONS

Do not approve the amendments

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2010-08 will have no impact on the assumptions used in determining the funding requirements of the program.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-08 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III OF THE LAKES WALES CODE, TO PROVIDE THAT THE TRUSTEES OF THE FIREFIGHTERS' PENSION PLAN AND TRUST BE IN COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Thornhill made a motion to approve Ordinance 2010-08 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 15. Ordinance 2010-09, Police Officers' Pension Plan Amendment – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Human Resources Director Sandra Davis and Finance Director Dorothy Pendergrass]

SYNOPSIS

The City Commission will consider approval of proposed amendments to the Police Officers' Pension Plan that comply with SB 538 that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2010-09 on first reading.

BACKGROUND

At its February meeting the Police Officers' Pension Board asked staff to bring forward Ordinance 2010-09 for adoption. The proposed plan amendment contains several changes to the retirement plan, which are addressed by ordinance section as follows:

Section 1: Sec. 16-233. Board of Trustees

The proposed ordinance would amend Section 16-233(a), related to the make-up of the board of trustees, to increase the terms of board members from 2 to 4 years. (This change is permissible under recent changes to Chapter 185, Florida Statutes, but is not required.)

Section 2: Sec. 16-234 Finances and Fund Management

This revision would increase the maximum investment in foreign securities from 10% to not to exceed 25% of plan assets, on a market value basis. The revision is required under Chapter 2009-97 Laws of Florida. (SB 538) It also requires the board, beginning January 1, 2010 to sell, redeem, divest, or withdraw all publicly traded securities the fund may have in "scrutinized companies" (companies that do business with countries that engage in terrorism). Divestiture must be completed no later than September 30, 2010. (These changes are mandatory.)

Section 3: Sec. 16-239. Optional Forms of Benefits

Section 16-239 (b) will clarify that a retired Police Officer may change his or her designation of a joint annuitant or beneficiary up to two times without the approval of the pension board or without the approval of the prior joint annuitant or beneficiary. Further, the retiree may not be required to furnish proof of good health of the annuitant or beneficiary being removed, and the annuitant or beneficiary being removed need not be living. (This provision is mandatory)

Section 4: Sec. 16-247. Repeal or Termination of Plan

This amendment will incorporate into section 16-247 recent revisions to Chapter 185, Florida Statutes concerning the distribution of plan assets upon plan termination. The recent changes codify the decision of the 4th District Court of Appeal in the Town of Lake Park case, which held that the employer is responsible for funding any deficiency in a Police Officer pension plan upon termination of the plan. The changes took effect on July 1, 2009 following passage of SB 538. (this provision is mandatory)

Section 5: Sec. 16-248. Exemption from execution; non-assignability

The proposed amendment will authorize the board of trustees to withhold funds from retirement benefits to pay for insurance premiums, i.e. health, dental or vision. (This provision is permissible under Chapter 185; though not mandatory.)

OTHER OPTIONS

Do not approve the amendments

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2010-09 will have no impact on the assumptions used in determining the funding requirements of the program.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-09 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE IV OF THE LAKES WALES CODE, TO PROVIDE THAT THE TRUSTEES OF THE MUNICIPAL POLICE OFFICERS' PENSION PLAN AND TRUST BE IN COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rogers made a motion to approve the Ordinance 2010-09 after first reading. The motion was seconded by Commissioner Wheeler.

Roll Call Vote:

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

The motion carried 5-0.

CITY MANAGER'S REPORT

City Commission Tracking Report

Ms. Delmar said that there was a change to the tracking report regarding noise violations. As of April 15th there were seven noise violation citations issued. Commissioner Thornhill asked if the citations were for house or vehicle noise and Police Chief Herb Gillis said they were for vehicle noise. The Mayor asked Commissioner Howell if she was still getting noise complaint calls at night. Commissioner Howell said she actually got a call from the lady who had called to complain on several occasions that said she was very happy with the police efforts because she is now able to sleep at night, though she is just waiting to see what happens when the police stop whatever they are doing because the noise will just start up again. Chief Gillis said they have a lot of work to do, but they were not going to stop.

Dorothy Pendergrass, Finance Director, said she needed direction from the Commission with a streetlight problem at the Brookshire subdivision. The roads in that subdivision are public roads and therefore belong to the City but the subdivision's street lighting has been leased by the developer from Progress Energy instead of being purchased. Ms. Delmar added that the subdivision chose to upgrade the quality of the light posts from the

standard light post seen around the City to very expensive architectural posts. Ms. Pendergrass said it was over \$1,000 a month for the lease on thirty-one street lights.

Ms. Pendergrass said that in January of 2009, one of the homeowners asked the past City Manager, Tony Otte, to look into the high cost of street lighting that had to be shared by all homeowners. Mr. Otte talked with the manager of the homeowners association to follow up on their concern and then asked the Finance Department to find out how much the energy cost was for those thirty-one lights, because, on a traditional public road, gas tax revenue received by the City usually pays for lighting energy costs. Mr. Otte's intent was to bring an agenda item to the City Commission to see if the Commissioners wanted to cover those energy costs. Ms. Pendergrass asked the developer, Larry Szrom, to give her the Progress Energy bills, which he did. In March 2009 that was calculated. The energy cost was \$2,500 from February 2007 to February 2009. After informing Mr. Szrom of the cost, he asked the City to pay the total cost for both the energy use and for the expensive posts. Ms. Pendergrass told him he would have to discuss that with the City Manager, and she did not hear further, though she knew discussions were going on.

Ms. Pendergrass said that in June 2009, a different Brookshire resident called the City to report that their lights had been turned off and that the Homeowners Association told the residents that the City had not paid the electric bill. MR. Otte then used emergency procedures to get the lights turned back on and a check was issued for \$4,477.53. The appropriate paperwork was completed and on June 9, 2009 a letter was sent to the Homeowners Association and to Mr. Szrom telling him that he had 14 days to reimburse the city for that cost to get those street lights back on. The City did not receive payment, but there were still discussions going on. Ms. Pendergrass did not know whether this was to be considered as an overdue bill, or if it was part of a larger issue that would be going before the City Commission.

Ms. Delmar said that part of the discussion with Jerry Miller from Progress Energy had been to see if it was possible to separate the energy cost from the cost of the light poles making the City responsible for the energy cost which is reasonable. It is not reasonable to ask the public to pay for upgraded light poles that cost 10 times more than the energy cost on a monthly basis, particularly since the entire project was approved on the premise that the Homeowners Association would be responsible for that lighting. The City is trying to keep the lights on for public safety purposes, because the subdivision is isolated and the location is very dark without them. That is why Mr. Otte paid that bill; to get lighting on an emergency basis, but the City has yet to be reimbursed.

Ms. Pendergrass said that in March of this year, she and Ms. Delmar discussed ways to keep the lights on. One option would be to create a Street Lighting District for the Brookshire subdivision for the purpose of creating a street lighting assessment relating to the existing decorative street lighting infrastructure lease and maintenance costs. The energy cost would be paid by the city out of gas tax receipts. The decorative lighting would be about \$13,000 a year, which could be paid by the homeowners via the assessment.

Ms. Pendergrass explained the following process for creating a Street Lighting District:

- Adopting an ordinance authorizing a Street Lighting Assessment
- Responding to Petition by property owners

Ms. Pendergrass said that anyone wanting a street lighting district had to create a petition. That way it is driven by the citizens [property owners] who are interested in paying that assessment, which would eliminate any conflicts in the future. A clause would be included in the ordinance to allow for the dissolution of the district whenever the homeowners felt they could handle the payment of the monthly bill.

- Adopting an initial Street Lighting Assessment resolution that would establish the tentative, not to exceed, assessment rates

Ms. Pendergrass said that a one-time publication of the resolution is required, two publications of the time and place, and a 30-day written notice to property owners within the assessment area.

- adopting a resolution for creating a uniformed collection method

Ms. Pendergrass said that four publications are required, a mailing to the Polk County Property Appraiser and the Polk County Tax Collector, and a 20 day notice to the parcel owners, which can be included in the property owner notice requirement for the initial resolution.

- Adopting a final resolution to establish the final assessment rates that will determine the assessment placed on each property owner's parcel

Ms. Pendergrass said that all these documents have been prepared in draft form. The time line is 61 days from the day she starts. If the first item [street lighting district ordinance] is on the May 4 City Commission agenda then the last items [uniformed collection method ordinance and final resolution] will be presented to the City Commission on July 6, 2010.

Ms. Delmar said the Street Light Assessment would allow the City to pay the entire light bill and then bill the individual property owner for the upgraded poles in their tax bill on a prorated basis. The City would be paying the bill in advance and if any homeowner does not reimburse the city, it would be handled as a lien against their property.

Commissioner Howell asked if this was for all new developments. Ms. Delmar said that it would be set up for Brookshire right now, as there were no other developments with this issue except for Kensington. But, in the future, instead of approving new subdivisions with the Homeowners Association responsible for paying the light bill [for upgraded light poles], we could require a special lighting district for all new development to eliminate a potential problem in the future.

Mayor Van Sickle said that Lake Ashton, where he lives, is a CDD community and all roads are public roads. The home owners are assessed on their tax bill to fix those roads. There are also decorative poles, and the light bills are extremely high. He said he did not think the Commission should start paying bills for homeowner associations for their upgraded poles. He said the only way it could be done is to assess the homeowners. It should not be a burden to the taxpayer for a subdivision to have the luxury of upgraded poles. Commissioners Wheeler and Thornhill agreed. Commissioner Howell said she did not see why the City should pay for upgraded poles. Ms. Delmar said the City was not going to pay for the upgraded poles. She explained that Progress Energy could not split the bills as the City requested, or even turn off some of the lights, which had also been discussed. The poles are there, and the City can assist the existing residents in keeping their lights on by creating a special lighting district whereby the City pays the cost and then assesses the property owners to reimburse the public for paying the bills [for the upgraded poles] upfront. The assessment will reimburse the public for back bills and future bills.

Ms. Pendergrass said that what she thinks the Commission is saying, is to go ahead and bring forward an ordinance creating a Street Lighting Assessment District that can be used for any association that petitions with at least 51% of homeowners in favor of having one, though the Commission would decide to accept or reject requests on a case by case basis. For Brookshire, their lights were turned off twice that she knew of, and she did not believe it was feasible for the association to be able to pay for the lights out of what they receive in association fees. However, if an association has plenty of money but does not want to hire bookkeeping staff, that would be completely different. The homeowners would also have to pay the handling fees associated with it such as City administration time, 2% tax collector fee, and a 4% fee charged to those who pay their property tax bills early.

Ms. Pendergrass asked the City Commission if it wanted her to prepare an agenda item for the reimbursement of the prior energy costs that would have been paid with the gas tax if the upgraded poles had not been added. Also, she asked if the City Commission wanted her to prepare a document for future energy costs to be paid by the City or if they wanted it included in the special assessment.

Ms. Delmar said the City's electric energy use comes on one itemized bill. The Brookshire account presently goes to the Homeowners Association but would be changed over to a City account. Ms. Pendergrass said that Brookshire gets a \$1,200 bill each month, of which \$110 is for energy cost. She asked if the Commission wanted the energy cost to be paid out of special assessment or City revenues. Ms. Delmar said that in her opinion the City should pay the bill when it comes and then get reimbursed through assessment. Ms. Pendergrass asked if the part of the bill that relates to energy cost is being paid by gas tax revenue and Ms. Delmar said yes.

Mayor Van Sickle said that the roads in Lake Ashton are public roads, yet he checked and found that gas tax was not being collected for those roads. Ms. Delmar said the City has to file a report with a list of its public roads with the County. All of the gas tax revenues go to the County and then are allocated according to the number of lane-miles subject to gas tax in each city. The Mayor said if the roads in Lake Ashton are public, and are in the City, can the City add those to the list of City roads. Ms. Delmar said they would investigate that. The Mayor said he hated to let the State keep the money we should be getting. Ms. Delmar said it isn't so much the State keeping the money, as it Polk County allocating that Lake Ashton portion elsewhere in the county.

Ms. Delmar said we still have the issue of the energy cost that the City did not pay for Brookshire from February 2007 to current, which is about \$4,500. Ms. Pendergrass said that she had the Progress Energy bills from February 2007 to February 2009, which totaled about \$2,500. The check that was cut in September 2009 was for about \$4,400. She said she believes that the energy cost generated since then and for the next 14 months would be almost equivalent to what the City paid. Ms. Pendergrass said she would figure up the actual cost and prepare a report to show how the money was spent and then how it was recouped.

Mayor Van Sickle asked how many houses there were in Brookshire development and Ms. Pendergrass said she did not know how many houses were in Brookshire, but that there were 87 parcels and according to a preliminary assessment, the estimated annual assessment per parcel would be approximately \$157.

COMMUNICATIONS AND PETITIONS

Rebecca Wynkoop-Seymour, 1301 Bryn-Mawr Avenue distributed pictures for the Commissioners to view and reported her ongoing concerns as follows:

- The lack of parking at the doctor offices near the Lake Wales Medical Center and on Bryn-Mawr Avenue where patrons park on the sidewalk impeding pedestrian passage, park on the grass or on private property, or park where it blocks the view at intersections;
- Trash is being left on the ground and trash totes left out at the road in her neighborhood;
- Broken sidewalks causing residents using motorized wheelchairs to drive in the road;
- The lack of code enforcement in general;
- A problem with Tractor Supply's intercom system being too loud
- A problem with officer response and being made known when making anonymous calls to 911

Ms. Wynkoop-Seymour said the quality of life in her neighborhood has continued to go downhill and she was trying to sell her house and move out of the City.

Mayor Van Sickle said that he was also aware of parking problems in the City and that it is especially bad in Ms. Wynkoop-Seymour's neighborhood where there are not enough parking spaces for all the medical facilities. He asked Chief Gillis what could be done to enforce parking regulations in the City, though he added that when parking regulations are enforced there are many complaints about that.

Chief Gillis said the complaints received at the Police Department are important to them. He said budget cuts made it necessary to reduce services for things like parking enforcement. VOICE members have been doing a phenomenal job downtown but as volunteers, they do not work regular hours and only fill in when they can. As far as code enforcement issues, about a month ago the department did an enforcement sweep along SR 60. He said he would try to get VOICE scheduled more in the mentioned area and said the department would continue

to do its best with its limited means. He said he would report back to the Commission on what Code Enforcement has done.

Mayor Van Sickle asked Chief Gillis to explain the problem with 911 calls. Chief Gillis explained that about ten years ago because of cost savings, and even before dispatchers were moved to Polk County, Lake Wales 911 calls were moved from the Lake Wales Police Department to a central location for emergency calls in Bartow. Residents need to know that when they call 911 from Lake Wales, they may not be getting a local person or even one familiar with Lake Wales' streets. Residents may be asked questions that seem crazy, but the person answering the phone may never have been to Lake Wales. Those 911 calls are passed on to the Sheriff's Office, which are then passed on to the Lake Wales Police Department. He added that in a few months all the 911 calls will be consolidated into one county-wide answering center where the Sheriff's Department and county radio will be housed in one building, allowing for a better exchange of information and improving the level of response.

Ms. Wynkoop-Seymour said that while she was on the Planning and Zoning Board, she asked that the Planning Department look into the parking problem around the hospital and possibly change the parking ratio. The Mayor said the Planning Department did that and is concerned with the parking issue there. Chief Gillis said that the only alternative to pull-in parking, which may block the view at intersections, is parallel parking, but that would cause the loss of needed parking spaces. He said it was a balancing act in that particular community because of the lack of parking spaces.

Ms. Delmar asked Beverly Pennington, Public Service Division Manager, to investigate the rough sidewalk on Bryn-Mawr Avenue that seems to prohibit motorized wheelchairs from using it to get to doctors' offices.

Ruth Dampier, 1154 S. Lakeshore Blvd., reported problems with people parking on the grass on their own property, because it was leaving unsightly ruts on the lawns. She also wanted to know if Code Enforcement could do something to let newcomers to the City know about code enforcement laws and then enforce the ones we have on the books. Ms. Delmar said they were doing a lot about code enforcement violations but apparently there are more than what the City can keep up with. Ms. Dampier asked if they could shame the violators by publishing violators in the newspaper. Ms. Delmar said it was public record but City Attorney Chuck Galloway said he did not think we could.

Ms. Dampier said she knew there was a shortage of City personnel and money but suggested having a spring cleanup to get people to take care of their own property. The Mayor said to get people in neighborhoods to do that, the people would have to want to clean it up or it would not be successful. Chief Gillis said that he has joined in on almost every Great American Cleanup. He said the two Code Enforcement officers are overwhelmed due to recession induced foreclosures. He said they do have a quarterly community cleanup program in place through the county's Great American Cleanup program that supplies materials and dumpsters, and with volunteers from the jails. The Police Department takes the holistic approach of education and prevention by going through the selected neighborhood on a Monday to let them know there will be an enforcement sweep on Wednesday by both Code Enforcement and Community Police Officers. He said there is a quarterly program scheduled in May but that if there are other problem areas they could take two or three troubled neighborhoods in May instead of one. The program is effective because it is not the City telling people to do this, but the City saying they will help them correct the problem, and assisting residents who are unable to do the work.

Ms. Dampier asked how this program was advertised and Chief Gillis said they put news releases on doors in the area and they announce them at Commission meetings.

David Smith, Babson Park, said the law enforcement officers of the area would like a proclamation proclaiming the month of April in honor of Mark LeVine, who passed away, for all the years he served in Lake Wales as Police Chief. Ms. Delmar said we could declare the month of May in his honor at the next Commission meeting. Mayor Van Sickle asked him to contact the City Clerk with the information so she could put it together. He also let the audience know that a number of sympathy cards, that will go with the flowers to the funeral, were at the desk in the lobby for people to sign.

Mimi Hardman, 300 S. Lakeshore Blvd, thanked all the Commissioners for coming to her husband's funeral, who was a former City Mayor and City Commissioner.

Ms. Hardman said she was concerned with the continuing code enforcement problem across the street from the Depot Museum where furniture and other wares are displayed up and down the street in front of the business. She said she already talked to both Police Chief Herb Gillis and Code Enforcement Officer Bill Gindlesperger who told her they can't do anything.

Mayor Van Sickle commented that if the furniture is near the road it is blocking the sidewalk.

Chief Gillis said the business across from the Depot Museum had been given a permit by the former City Manager to have the property in the right-of-way. However, it was FDOT's right-of-way and we did not have the ability to issue a permit, so code enforcement had the owner remove the property from the right-of-way. The owner then moved the property onto private property next to it.

Margaret Swanson, Planning Director, said there is a special permit requirement for outdoor sales on private property. There have been many businesses that have displayed their wares outside over the years. She said she talked to Code Enforcement about making an inventory of those with outdoor sales, notifying the ones that do not have a special permit, requiring them to get one. She said they could not single out one store and tell them they have to get a permit. If the City is going to crack down, it will have to be done across the board. Chief Gillis said that Lowes and Home Depot and other large businesses may be in violation of the ordinance as well. Ms. Delmar said there are also outside displays on Park and Stuart Avenues, and that they may be in violation unless they have special permits. Ms. Hardman added that they were in the CRA. Ms. Swanson said they did not have special permits and being in the CRA did not make a difference. She added that outside seating also requires a special permit if it is on public property. Ms. Delmar asked if special permits have expiration dates and Ms. Swanson said they can be limited. Chief Gillis said he thought the problem was far reaching and that they needed to take that inventory.

Wes Rogers, 500 E. Bullard Avenue, complimented those who worked to bring the medical and dental clinics projects to the northwest section and explained why he thought the projects were needed.

CITY COMMISSION COMMENT

Commissioner Wheeler said that, this being his last Commission meeting, there were many people he would like to thank, but above all the citizens of Lake Wales for allowing him the honor of serving for eight years for it was a wonderful experience. He also wanted to thank the people who attended the City Commission meetings for he knew it was sometimes difficult to sit through long meetings that seemed to drone on and on. He really appreciated the commentary, even when it was criticism, because it gave them food for thought. He wished new City Commissioner Mike Carter the best and said he hoped it would be a similarly rewarding experience for him.

Commissioner Thornhill said he appreciated Commissioner Wheeler's efforts. He said that before he became a Commissioner, he addressed the Commission with a concern and at the end of the meeting Commissioner Wheeler sought him out to tell him he was also concerned with the issue and promised to work on it. Commissioner Thornhill never forgot that. He wished Commissioner Wheeler the best.

Commissioner Rogers said he appreciated Commissioner Wheeler because he sacrificed a lot of personal time and served on many committees. He said the City needs more people like Commissioner Wheeler, willing to serve and dedicate themselves to the City, and striving, as he himself is doing, to be as shining an example of a good City Commissioner.

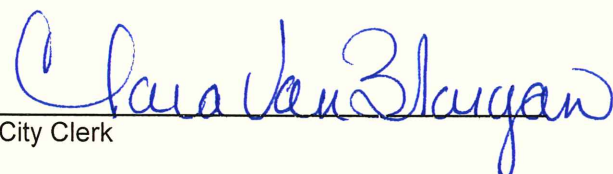
Mayor Van Sickle said that when he first became a Commissioner, Commissioner Wheeler was the Mayor. He said he learned a lot from him including what a Mayor really does. Commissioner Wheeler was appreciated, and will be missed.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk