

A workshop meeting of the City Commission was held on January 10, 2012 at 5:00 p.m. in the Commission Chamber at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

**COMMISSIONERS PRESENT:** John Paul Rogers; Jonathan Thornhill; Betty Wojcik; Terry Y. Howell; Mayor Michael S. Carter.

**COMMISSIONERS ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Terry Leary, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk;

[Meetings are recorded but not transcribed verbatim]

**Agenda Item 2.            Electronic Board for City Hall**

The full staff memo is incorporated into the minutes.

[Begin Agenda memo]

**SYNOPSIS**

Funds are budgeted in the 2012 CIP for \$15,000 and \$13,000 in the 2013 CIP for a community message board for a total of \$28,000. A location for the board has been identified in front of the Fire Dept/Municipal Building in the street right-of-way of Central Avenue. It is on the east side of the Fire Station.

The City's portable sign has been moved to the location in order to simulate a permanent message board and assess its visibility from vehicles traveling along Central Avenue. The reader board on the portable message board is only one sided. If we were to install a permanent board it would be 2 sided but would be similar in height and size to what is proposed.

The message board will require a building permit but the sign ordinance does not apply to a municipal message board placed within the City's right-of-way.

I am attaching 2 samples of electronic message boards that were received in May, 2011. One is \$12,029 and the other is \$33,381. This is very preliminary but I am sure you will agree that the monument mounted board is in keeping with the architecture and historical ambience of Lake Wales. Again, this is very preliminary and we would have to bid this project. The message board could be a valuable tool in communicating with citizens and residents to inform them of upcoming events, public safety notifications, committee vacancies, deadlines, etc.

**RECOMMENDATION**

Approval of Commission to seek bids for this project.

**OTHER OPTIONS**

Do nothing until next fiscal year.

**FISCAL IMPACT**

Authorize a budget amendment for this fiscal year; funding source would be fund balance.

[End Agenda Memo]

City Manager Terry Leary reviewed Agenda Item 2 and said the options were as follows:

- Do a budget amendment to cover the unbudgeted portion to get the sign this year
- Carry over the CIP money from this year and discuss it again next year
- Do nothing

City Attorney Chuck Galloway said that amending the sign ordinance to say that only the City can have electronic signs will most likely trigger a constitutional challenge. He gave an example of a recent case in Neptune Beach where the ordinance was challenged on one point and the district court struck down the entire sign ordinance. Until Neptune Beach got another sign ordinance in place, it was a free-for-all.

Mayor Carter asked for Mr. Galloway's recommendation. Mr. Galloway said, if the Commission decides that electronic signs are acceptable in the community, he would recommend amending the sign ordinance to allow not only the City to have electronic signs but anyone else who wished to have them. He said that Polk State College, the First Presbyterian Church and the First Baptist Church had expressed a desire to have an electronic sign in the past but there had been no provision to allow them to have one at that time. He explained that if an ordinance that only applies for the government is created, you are setting up for a challenge. Mayor Carter said both Polk State College and the Baptist Church have monument type signs and he wanted to know how those signs differ from the proposed community message board. Mr. Galloway explained that those signs were not internally lit and the message would have to be manually changed, whereas the proposed message board would be changed by computer, and internally lit. Mayor Carter said he thought this type sign was needed to keep the public informed on things pertaining to the City.

City Planning and Zoning Director Margaret Swanson said electronic signs are allowed in commercial areas along US 27 and SR 60 and the internally lit signs that were there before the ordinance prohibited them were grandfathered in. Electronic and internally lit signs are specifically not allowed on Scenic Highway or the downtown area because the Planning Board recommended in 2005 when the zoning regulations were rewritten that they not be allowed there.

Mayor Carter said the only difference between the proposed sign and those presently at the Baptist Church or Polk State College appears to be the method by which the message is changed. Ms. Swanson said the two signs are also lit by use of a spotlight and are not internally lit. The electronic sign is considered to be an entirely different sign because it is very modern looking, and the letters move, causing distraction. Mayor Carter said the ordinance could be worded to prohibit moving letters. If it is the consensus of the Commission to have one, then they need to decide how they can make it happen.

Ms. Swanson said that a few years ago the City Commission discussed changing the ordinance in response to Polk State College's request for an electronic sign but decided to make no change at that time. She said that this could be looked at again. Sign regulations should reflect the community's tastes on how the City should look, so the City Commission needs to decide where it wants to allow them. She said there are many people in the community that do not believe they are appropriate downtown or on Scenic Highway. The Mayor responded that many other people think it is appropriate.

Commissioner Howell said that presently electronic signs are allowed in certain areas of the City but not downtown or on Scenic Highway. She wondered why those not allowed to have them haven't taken it to court. Mr. Galloway said because it is available to anyone in the approved district. If the ordinance allowed it for all government use, then it would have to allow it for things like public schools because that is a government agency. But that would exclude church school and the problem is with those excluded who may say that if they can't have one, neither should others.

Commissioner Howell said she thought the City should be permitted to have the sign because it would be used for public benefit and not for private use such as for clubs or other organizations. She asked if the ordinance could be written to fit our needs but restrict unwanted use. For example limit the size, allow internally lit signs that do not fade or scroll, require that it to look historical if in the historic district, and

things like that. Commissioner Wojcik said the Commission would have to decide if that was a policy they would want to implement knowing that allowing it would open up the possibility of having that type of sign all up and down Central Avenue. She added that the Chamber of Commerce also advertises community events and can make the same argument. Mr. Galloway gave an example of a big blue sign put up in the old part of Lakeland that the neighbors hate but there is nothing they can do about it. Since that sign was erected, Lakeland devised an ordinance to preclude anyone else from putting one up but once it is there, it's there. Mayor Carter said we can learn from other cities' mistakes.

Commissioner Wojcik said the Economic Development Partnership discussed electronic signs when they talked about the sign ordinance and their fear was that if a city sign is allowed, a precedent would be set allowing signs all up and down Central Avenue, which they did not think would be in the City's best interest for the beauty of Lake Wales. She added that the City Commission may disagree and that will be fine if that is what it wants. Mayor Carter said that the possibility already exists because all the business up and down Central Avenue can put up a sign similar to the ones at the church and the college, yet they have not chosen to do so. He said he thought softly lit signs like street sign which are lit just enough to be able to be read, would be appropriate because they would not flash or scroll and would be lit up just enough to be able to read the information.

Commissioner Howell said that the police department mobile sign is presently in place in front of City Hall where the proposed sign would go. It is lit but does not flash or scroll. Mayor Carter said the proposed sign would simply say things like, "Welcome to Lake Wales" or "City Commission Meeting tonight at 6:00". It would not change from one message to another every few minutes or even every hour. He said the sign at Polk State College has said, "Students Welcome" for three days now. The only difference is that instead of someone having to change the message manually, it could be changed by computer.

Ms. Swanson said electronic signs all have the capability of having graphics and can change every few seconds if set that way, though she has seen restrictions on how often they can change. She said they need to realize that owners will probably want to use that feature and it will be hard to enforce any restrictions. Mayor Carter said the Commission has control over what is allowed and the ordinance can be written to allow or not allow whatever is necessary. Ms. Swanson said that writing the ordinance is not a difficult thing to do but the Commission will need to decide what is appropriate for Lake Wales and where it would be appropriate. If the City is going to spend that much money for an electronic sign, it may want to change the message more than once every few days. She asked if they would change the present ordinance along US 27 and SR 60 to put the restrictions on new signs. Commissioner Howell asked if staff could check with other cities to see what type of ordinance is working well with them.

Ms. Swanson said the present ordinance allows a changeable copy of a sign in front of City Hall as long as it is changed manually. City Manager Terry Leary said changing the letters manually can be a problem because someone has to be available to change them all the time, and you have to be sure you have enough letters to say whatever is needed.

Commissioner Rogers said the City has to live within its own ordinance but we may be opening a can of worms by allowing electronic signs and the Economic Development Council was against it. He was not against putting up a sign because he agreed that something was needed as some people don't even know where City Hall is. Whatever the Commission decides will be fine with him as long as it looked attractive but, his concern was with spending that much money on a sign during a recession. He said he would rather spend the money on an expert to evaluate job classifications and things of that nature.

Commissioner Thornhill said that the complaints he heard from the downtown merchants were that people couldn't find their shops at night because they were unable to have lit signs. Commissioner Thornhill said if that type sign would bring more business downtown, he would be all for it. He said electronic signs are allowed downtown in Lakeland, and there is business going on downtown at night. But, he said he has also been to places that have no restrictions and there are so many lights blinking everywhere you are left shaking your head. It comes down to traditional versus contemporary but he said if they are careful, he believes an ordinance can be written that will address their concerns without

opening a Pandora's Box. But, he also agreed with Commissioner Rogers that it may not be the best use of our money at this time.

Mayor Carter asked if the consensus was to ask staff to draft an ordinance in compliance with their discussion, and look at other cities in Polk County to see how their ordinances were drafted and what issues they may have in regards to electronic signs.

Commissioner Howell asked that they come up with an ordinance that fits their needs and that the city attorney be the devil's advocate to make sure we won't discover future problems that later have to be fixed. Ms. Swanson recommended that staff be allowed to come back with various options. She said she consults the city attorney on legal issues when writing an ordinance.

Commissioner Wojcik said that only \$15,000 was allocated from CRA funds for this year but by the time the ordinance process is finished it will be next year anyway. She suggested that this be brought back during the budget process for next year and maybe they can come up with the additional money. She said that she agrees that if we get a sign, it should set the right precedent for Lake Wales and be in keeping with our architecture. Mayor Carter said it would give them time to see what grant money might be available under economical development.

The consensus was to have staff:

- Carry forward the CIP funds till next year
- Move forward with options for a sign ordinance after checking with other cities in Polk County
- Pass it by the city attorney for his approval
- Look into grants
- Bring it forward for discussion during the next budget cycle.

**PUBLIC COMMENT:** There was none.

### **Agenda Item 3.           Permitting of Businesses**

The full staff memo is incorporated into the minutes.

[Begin Agenda memo]

At the request of Mayor Carter, information on streamlining the permit process for establishing a business in the city. Below, please find information on the process for approval of a business and an analysis of turn-around times on applications over the past two years.

A certificate of use is required under the zoning code (Chapter 23) prior to changing the use of a property or establishing a new use. A number of codes and requirements must be satisfied for a certificate, as noted below. The reviews are coordinated by the planning department per a procedure set up a few years ago to facilitate the process.

A problem addressed in the procedure is that business owners were paying their business tax prior to getting a certificate of use. The "business tax" used to be called "occupational license" under state law, and owners mistakenly thought that once they had paid that tax, they didn't need any other approvals. The procedure now requires the certificate of use to be presented before the business tax receipt is issued.

#### **Process for issuance of a certificate of use**

Application: form submitted to planning department – No fee required  
Conference with planner often takes place to assist at this point.

Reviews:

**Zoning check – Same day as application usually**

Use – Permitted in zoning district? Special permit from planning board required?

Required attachments – example: lease or permission of landlord

Special conditions – Are there special conditions that must be met for the use?

(examples: automotive uses, day care, home occupations have specific requirements.)

Site plan – required for new buildings or site changes

Parking – are parking requirements met?

Impact fees – does new use have a higher impact fee than current or past use?

Building permit – May be required for improvements being made by applicant.

Safety inspections for Fire and Building Code requirements – Often same day as application

Required if use of property is changing or property has not been used for 6 months.

Building permits may be needed for alterations to meet codes.

Inspection of improvements and certificate of occupancy may be required.

Approval – When all requirements met.

Certificate is issued.

Forwarded to Finance Dept. for processing of business tax payment.

**Turn-around time**

Certificates of use were analyzed for 2010 (104 processed) and 2011 (101 processed).

Average times between application and issuance – averages for 2010 and 2011

- 71% - same or next day

**Breakdown:**

- 44.5% - same day
- 26.5% - next day
- 17% - within 5 days
- 12% - greater than 5 days (all delayed for renovations or build-out)

**Points:**

- Almost 90% are processed within 5 days.
- Turn-around times improved from 2010 to 2011.
- Process has been “tweaked” to improve twice in the past year.
- Tracking will be improved to determine where improvements can be made.  
Dates of initial safety inspections have not been tracked, but usually same day.
- Applications that took longer than 5 days were issued immediately after construction was completed and approved by Building Official.
- Professional licensing is checked by the Finance Dept. before payment of the business tax per Chapter 19.

[End Agenda Memo]

Planning and Development Director Margaret Swanson reviewed Agenda Item 3.

There was a discussion on some of the reasons the process might be delayed. For example the applicants might take a while to submit everything required for application or to get the needed renovations and inspections completed.

There was a discussion on how tracking can be improved and Ms. Swanson said they will be recording more data such as documenting the exact reasons some applications took longer to process.

Commissioner Rogers asked if there was anything the City Commission could do to fix the perception that Lake Wales is not business friendly. Ms. Swanson said that they often receive second hand, vague complaints saying it takes too long to get a business approved in Lake Wales. But, unless staff knows specifically which case and what part of the process took too long, there is not much they can do to fix the problem, correct the behavior, or determine how it could have been done more quickly. She said if a Commissioner is approached with a vague complaint, it would be helpful if they could get the specifics. Commissioner Thornhill suggested that a genuine enthusiasm for new businesses could be shown. Ms. Swanson said staff certainly tries to be friendly and helpful, and they go the extra mile by going to the site and assisting with drawing site plans for those who can't afford to pay for an engineer. Mayor Carter said the complaints he has heard are that the codes are too strict for the renovations of older building and he gave an example. Ms. Swanson noted that the building and fire codes are state codes, not City codes.

Commissioner Rogers asked if there was anything the City Commission could do to expedite the building permit process. Ms. Swanson suggested directing people who want to start a business to the Planning Department because the department coordinates and guides applicants through the review and permitting process.

"Mayor Carter thanked the Planning Staff for the informative report and said that from now on he will try to get specifics when he hears a complaint."

**Agenda Item 4. Discussion on Economic Development Council**

Mayor Carter said his concern is that though there are separate organizations like the Economic Development Council, the Economic Development Director at the City, Main Street, and business incubators put on by the Chamber of Commerce and Webber University, that are involved with economic development in the city, he has not seen an economic plan and does not know who is in charge or if these groups work together or communicate with each other. He said it was not a complaint because he knows things are going on, but he does not understand how they all are connected.

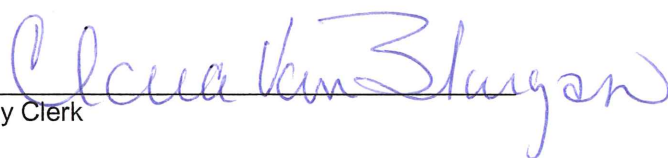
Economic Development Director Harold Gallup updated them on the progress. The following points were made by him and the Commission.

- The various groups are working on many things that have not reached the level of Commission discussion but once they get to that point the Commission will be updated.
- The Commission approved the Economic Development Plan last year but needs to know the status of the plan and if it is working. Mr. Gallup said the elements are now in place, the strategies are working, there is a lot better cooperation between organizations, and they are moving forward with brainstorming ideas for what exactly they want done in Lake Wales and how those ideas will be funded.
- Quarterly update reports will be put in the Commission mail boxes to keep them informed.

There being no further business, the meeting was adjourned at 5:48 p.m.

  
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Mayor/Commissioner

ATTEST:

  
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City Clerk