



**BACKGROUND**

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the Police Department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety.

This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$10,291.00 and if approved would be included in the 2012/2013 budget. Match is not required with this program.

The Police Department proposes to use these funds to continue the Lake Wales Community Safety Program by purchasing and installing in-car video camera systems.

This equipment will allow law enforcement officers to effectively document traffic violations and enforcement activities that occur in range of the in-car camera. Additionally, it will provide valuable evidence that will enhance criminal prosecutions.

**OTHER OPTIONS**

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

**FISCAL IMPACTS**

The Finance Department has reviewed this application.

[End agenda memo]

Commissioner Howell made a motion to approve the Consent Agenda excluding Agenda Item 7 and with the corrections to the regular meeting minutes. It was seconded by Commissioner Lutton.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 7. Modification of contract for telecommunications service**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Commissioners will consider approving a modification to the agreement for telecommunications services due to a mistake regarding the contract end date. There are no changes to any other part of this agreement.

## RECOMMENDATION

It is recommended that the City Commission:

1. Authorize the Mayor to sign the Memorandum of Modification regarding the telecommunications agreement with the Polk County Sheriff's Office.

## BACKGROUND

The Polk County Sheriff's Office recently discovered an error regarding the end date in their agreement for telecommunications service. Section 11.1 of the original agreement stated it would end on September 30, 2012 instead of September 30, 2013. Section 6.2 of the agreement provides for services until Oct 1, 2013. The Sheriff's Office is requesting the Mayor sign a Memorandum of Modification that reflects the correct date this agreement will end.

Staff recommends approval.

[End agenda memo]

Mayor Carter had the following comments and questions:

- Mayor Carter said there has been an ongoing problem with the police dispatch and he asked for an update.

Police Chief Chris Velasquez said he was aware there had been complaints of people calling the non-emergency number and it not being answered. He said the police department has communicated these concerns whenever they arise and the Sheriff's Office has worked with them to address them. He plans to meet with a sheriff's staff member tomorrow and said he would discuss the contract since it will be ending after next year. He said he believes the county is trying to give the very best service and he knew they have been working hard to hire additional dispatchers and address concerns brought to their attention. Chief Velasquez said the Lake Wales Police Department is committed to quality and finds it unacceptable for calls to go unanswered. He asked residents to call the Lake Wales Police Department during regular business hours and let them know the details any time they call the non-emergency number and receive no answer because they need to track this issue.

Chief Velasquez assured the Commission that the 9-1-1 calls are being answered by county dispatch. He explained that citizens will get to talk to a live person the majority of the time when calling the Lake Wales Police Department during normal business hours at 678-4223. After hours and on weekends, calls made to that number will go to the county dispatcher after choosing option #1.

- Mayor Carter said he respected citizens who have enough composure to realize that their call is not an emergency and so call the non-emergency dispatch instead of 9-1-1 but it frustrates them when they pay for service they are not getting.
- Mayor Carter said he will vote 'no' on renewing the contract unless he sees evidence that the County will live up to their end of the bargain. He thanked the Police Chief for staying on top of it and said he hopes for a positive resolution.

Commissioner Howell had the following comments and questions:

- Commissioner Howell said many of the County's actions were not acceptable to her. She said not only are non-emergency calls unanswered many times but the dispatchers are not from the Lake Wales area and don't know what you are talking about when you give directions. There have been times when the police were sent to the wrong place.

- Commissioner Howell said that if we continue with the county contract, the Sheriff's Department needs to honor that contract. She said that what was spoken to them during the Commission meeting and what was in the contract was not the same. The dispatchers from Lake Wales were to be hired and treated the same as those who applied for the job, and our dispatchers were to be eligible for the same promotions. That never happened. She said she would explain further after the meeting to the Police Chief if he wanted. She said someone should have checked the contract to make sure what they said in the meeting was included in the contract. Chief Velasquez said he would speak to them tomorrow about this issue also.

Commissioner Thornhill told of an incident where he was hit by a drunk driver but was not hurt. When he called the non-emergency number he got no answer and he followed the driver all the way to his house. He asked, for the record, if that would be considered a 9-1-1 call or a non-emergency call. Chief Velasquez said that in a dangerous situation involving a drunk driver or a situation that could be dangerous, 9-1-1 should be called and you should stay on the line to keep them updated.

Chief Velasquez gave an example of a car incident where no one was hurt and so the non-emergency number was called. He said that though it wasn't an emergency, it was serious enough that the person then should call the 9-1-1 number, tell them it was not an emergency, but no one was answering the non-emergency number. The Chief said he did check into one of the no pickup complaints and found that there had been 131 calls during that one hour, which is a very high volume of calls. He said if the person had stayed on the phone it would have eventually been answered. Though he said he understands that that can happen he plans to talk to the Sheriff's Office tomorrow at his meeting and work with them to resolve the issue the best he can. Again, he stressed that emergency calls were handled quickly but said at times it could take longer for non-emergency calls to be answered depending on the call volume.

Commissioner Wojcik made the following comments:

- Commissioner Wojcik asked for confirmation that the modification they were voting on was just to correct the end date that was listed wrong. It was confirmed. Chief Velasquez said the approval of this item in no way affects the terms or performance of the contract.
- Commissioner Wojcik asked for confirmation that at some point between now and 2013 when the contract ends, there will be negotiations for a new agreement. City Manager Terry Leary explained that once the budget process is finished, they will be discussing with the Sheriff the terms and price for a renewed contract. Staff plans to start early so they don't get sidetracked and have enough time to find another solution if needed. Commissioner Carter asked if part of the negotiations would be to bring the dispatch back to Lake Wales and Ms. Leary said they will be looking into the cost of starting up again and compare that cost to what the Sheriff's Department is asking for in the new contract.

Commissioner Wojcik made a motion to authorize the Mayor to sign the Memorandum of Modification regarding the telecommunications agreement with the Polk County Sheriff's Office. It was seconded by Commissioner Lutton

By Roll Call Vote:

Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Mayor Carter	"NO"

The motion carried 4-1.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **Agenda Item 8. Ordinance 2012-09, International Property Maintenance Code and Related Code Enforcement Procedures – 1<sup>st</sup> Reading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

The City Commission will consider approving the International Property Maintenance Code and related Code Enforcement procedures that will prescribe standards for maintaining residential structures in the City as well as create new, revised and updated standards for commercial properties.

### **RECOMMENDATION**

City staff requests that the City Commission approve Ordinance 2012-09 on first reading, the International Property Maintenance Code 2009 as a part of the Code of Ordinances of the City of Lake Wales.

### **BACKGROUND**

On February 7, 2012 the City Commission held a workshop in order to discuss Code Enforcement. At that workshop, staff presented several examples of ordinances and procedures that are being implemented by surrounding cities and towns in order to eliminate blighted properties within their jurisdictions and provide a safe, clean appearance.

Many properties within the City are blighted, unkempt, abandoned and in many cases are a health and safety threat. The appearance of some of these properties does nothing to further the economic development of the City. The existing codes do not adequately address the standards necessary to accomplish our goals. If the Commission would adopt the IPMC (International Property Maintenance Code) it would, for the first time prescribe standards for maintaining residential structures in the City as well as create new, revised and updated standards for commercial properties.

Notable highlights of the IPMC (with local amendments) include:

- Increased enforcement of "living standards" regulations (light, ventilation, living space, heating and sanitation) in housing quarters, improving overall quality of rental units;
- Increased focus on the commercial sector, requiring that commercial structures be maintained to minimum standards similar to residential buildings;
- Legislative authorization for officers to use any available method of code enforcement to bring an IPMC violation into compliance, including citations, need for correction/removal before the City's Code Enforcement Board.
- Creation of an enhanced ability for City officials to "close" or secure dangerous or abandoned structures (commercial or residential) in an effort to protect the health, safety and welfare of the general public should the situation require; and
- Allowance for modification to IPMC requirements as determined by the City, should such modifications be necessary.

The Building Official is now in charge of Code Enforcement. His knowledge and training will ensure our ability to interpret the Code and work with the community to achieve compliance and to be as flexible as possible. Our current Code Officer has received adequate training and

certifications to begin implementation. We have added another Code Officer and he will be required to attain "ICC Property Maintenance and Housing Inspector" certification.

In addition to the IPMC, the ordinance would address nuisance abatement liens which would have "special assessment" and "super lien" status (equivalent to the lien of municipal taxes) to prevent their discharge in a foreclosure action. Staff has worked closely with our City Attorney to draft a sound document according to law. Finally, new Section 12-219 of the Code of Ordinances would allow the City Manager the discretion to prepare a non-ad valorem property tax assessment collection resolution for consideration by the City Commission for unpaid abatement and correction liens, should such measures be deemed necessary.

## OPTIONS

Do not approve Ordinance 2012-09

## FISCAL IMPACT

Redevelopment of the City of Lake Wales and economic expansion will most likely progress at a slower rate if the problem is not addressed.

[End agenda memo]

Deputy City Clerk Jacquie Hawkins read Ordinance 2012-09 by title only.

**AN ORDINANCE RELATING TO PROPERTY STANDARDS AND ENFORCEMENT; REPEALING SECTIONS 7-180 THROUGH 7-188, INCLUSIVE, SECTIONS 12-36 THROUGH 12-41, INCLUSIVE, AND 12-71 THROUGH 12-79, INCLUSIVE OF THE LAKE WALES CODE OF ORDINANCES; ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES IN THE CITY; PROVIDING THE STANDARDS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY; AUTHORIZING THE CITY'S CODE ENFORCEMENT BOARD TO HEAR APPEALS OF CHAPTER 12 ADMINISTRATIVE ABATEMENT ORDERS; GIVING CHAPTER 12 ABATEMENT LIENS SPECIAL ASSESSMENT STATUS AND SUPER-PRIORITY; AUTHORIZING THE CITY COMMISSION TO COLLECT CODE ENFORCEMENT SPECIAL ASSESSMENT LIENS ON PROPERTY TAX BILLS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CONTINUANCE OF LEGAL ACTIONS, CODIFICATION AND AN EFFECTIVE DATE.**

Building Official Cliff Smith reviewed Agenda Item 8.

Commissioner Wojcik made the following comments:

- Commissioner Wojcik said she thought the ordinance was great because it addresses the needs of the City and gives Code Enforcement the tools they need.

Commissioner Howell made the following comments and asked the following questions:

- Commissioner Howell said she thought it made sense that the Building Official would be in charge of the code and could do something right away.
- Commissioner Howell asked if this would affect homes as well as businesses and Mr. Smith said it would affect all buildings in the city limits, both commercial and residential.

- Commissioner Howell asked if appeals would go to the Code Enforcement Board or to the City Commission. Mr. Smith said it would go before the Code Enforcement Board or Board of Zoning Adjustments and Appeals under the guidance of the City attorney.

City Attorney Chuck Galloway said it would depend on what the appeal was, but it would never come to the City Commission. It would go to either the Board of Zoning Adjustments and Appeals or the Code Enforcement Board and he explained what type of appeals would go to each.

Mr. Smith added that the appeal process was similar to the Florida Building Code, but the City never has had one and he didn't expect there to be one as his department works with the property owners to resolve the issue before it goes that far.

- Commissioner Howell gave an example of an out-of-state property owner who has an overgrown lawn and is given 30 days to get it mowed. He waits till the last moment and gets it mowed, but then waits until the city cites him again and he has another 30 days to comply. She asked if there was some way to break that cycle.

Mr. Smith said there are many out of state landowners and they usually comply after a courtesy letter is sent. He said that just because they have been given more tools to work with does not mean they are going to pounce on citizens. It just gives them the tools to go forward if needed.

Mayor Carter made the following comments and asked the following questions.

- Mayor Carter asked if this would mean they have to change the Charter of the Code Enforcement Board and the Board of Zoning Adjustments and Appeals for the way they approach the task.

City Attorney Chuck Galloway said they would not have to change because they will function the same way they do now. He explained Florida Statutes, Chapter 162. He said the Code Enforcement Board has the authority to hear the appeals that are set out within the ordinance.

Commissioner Wojcik said when they do hear an appeal, they will be ruling on whether the Building Official has acted within his jurisdiction based on the ordinance and not necessarily ruling on whether or not the building is in disrepair. Mr. Smith concurred and said they would determine if his interpretation of the code was accurate because there are many gray areas in all codes.

Mr. Galloway said the new ordinance is a little more detailed but the appellate court has to keep a record if an appeal goes to the circuit court anyway. If it ever gets to that point we would understand what's going on beforehand and will be able to deal with the issue.

- Mayor Carter asked Mr. Smith if he would have all the tools and resources and trained staff he needs to enforce the ordinance if it passes. Mr. Smith said he could always use more, but his one fulltime employee and one part-time employee working 30 hours a week and working toward his level one certification, is adequate.
- Mayor Carter said that at one time the Commission asked for a list of properties out of compliance and he asked for an update on that request. Mr. Smith said the request was not forgotten and once he can get the new employee up to speed and used to the procedures, they will work on doing that.

## **PUBLIC COMMENT**

Phyllis Johnson, 138 D Street, complained that there are seven empty buildings surrounding her house and that rats and possums from these buildings are trying to get into her house. She said some of the buildings have been boarded up since Hurricane Charley hit in 2004. She said one of the buildings, the Walker Building, belongs to the city and though the city keeps it boarded up; people keep pulling the

boards off and the last time the door was taken off its hinges. She said she continues to see rats as big as cats going in and out of it and from the other neglected buildings. She suggested that no one cares if there are rats as big as cats in the northwest section. Mayor Carter said they do care.

- Mayor Carter asked Police Chief Velasquez if he was aware of vandalism being done to that city building. Building Official Cliff Smith explained that the building has been condemned and they are in the process of trying to find the approximately \$8,500 needed to have it demolished. Chief Velasquez said it was not necessarily vandalism but trespassing. People are pulling the boards off so they can get inside. He said they will try to keep it boarded up, but that won't eliminate the rats.
- Mayor Carter asked if the ordinance dealt with rat infestation and Mr. Smith said not specifically but the ordinance deals with sanitation, health and safety, which could apply. Mayor Carter asked if the new ordinance would give them the authority to call an exterminator and send the owners the bill. Commissioner Thornhill asked if the bill could be tacked onto their tax bill like they do now with the cost of mowing unkempt property. Mr. Smith said the new ordinance will allow them to do that but they don't want it to be perceived that the City is a lawn service and he does not want to have crews going out six days a week boarding up buildings even if the cost is attached to their taxes. Their goal is to get the owners to comply and then fine them if they won't.
- Commissioner Wojcik asked if the cost for boarding up a building can also be put on their tax bill. Mr. Smith said if the building is a potential threat to children they would want it boarded up, but they wouldn't want it boarded up forever. There is a mechanism in the code that gives them the authority to board it up but limits it for 120 days.

Commissioner Howell said that if the ordinance passes, Code Enforcement can start boarding up these buildings for 120 days and add the bill to their taxes and they can put rat poison in the Walker Building because the City owns it. Mr. Smith said that it was his understanding that rat poison was put down inside the Walker Building when they originally boarded it up. City Manager Terry Leary said there are a lot of buildings that have been boarded up for a lot more than 120 days. Even if we start the clock once the ordinance is passed, progress will be made.

Mr. Smith said their first priority is to demolish the building at 143 D Street once they find the funds, because he considers it an emergency situation. Commissioner Howell said there is a church and children in that area and they would hate for something to happen.

- Commissioner Lutton said he assumed that staff can't get the owners to call them back.

Ms. Leary said that, in preparation for this agenda item, they have been researching the names of owners of these properties and they are prepared to give the owners a certain amount of time and then follow up if they don't comply.

- Commissioner Lutton asked if the City owns the building once it is condemned and the building is torn down.

Mr. Galloway said we would put a lien against the property but would not own it. Mr. Smith said the property at 143 D Street has a very large mortgage on it so he didn't believe the City would want it. Mr. Galloway said it would be foolish to foreclose because there still would be the problem of that property eventually going into default. He said that the new ordinance will give them the ability to attach a lien onto the tax bill, although there will have to be a resolution adopted for that purpose after second reading. He said the ordinance will give more ability for the City to force owners to do something. They will be more willing to comply when owners see mowing bills attached with their tax bill at \$75 a pop and realize they will have to pay it.



Commissioner Howell said the City can't go around tearing all the buildings down because the city will have to pay for it to be done, but this ordinance will help.

Commissioner Thornhill made a motion to approve Ordinance 2012-09 after first reading. It was seconded by Commissioner Howell

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 9. Resolution 2012-12, Heartland Communities, LLC**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Resolution 2012-12 is an authorizing resolution which describes the parameters of the contemplated issue, including award of sale and specifics related to the issuance of the bonds.

**RECOMMENDATION**

That the City Commission approves Resolution 2012-12. A representative of the developer's bond counsel, Nabors, Giblin & Nickerson, P.A., will be present to address questions or concerns regarding the contemplated bond issue.

**BACKGROUND**

Resolution 2012-04, as modified by Resolution 2012-10, has previously approved authorizing the City of Lake Wales to serve as the "conduit" issuer of a series of bonds for financing of a senior housing project to be located on Buck Moore Road within the corporate limits of the City. Resolution 2012-10 authorized an increase in the principal amount of the bond issue to not exceeding \$27 million. Resolution 2012-12 is an authorizing resolution which describes the parameters of the contemplated issue, including award of sale and specifics related to the issuance of the bonds.

**FISCAL IMPACT**

The proposed development will add to the City's tax base and will provide construction and permanent jobs. The developer continues to bear the costs associated with the bond issue.

**OPTIONS**

The City may decline to approve the Resolution, but without its approval, the City of Lake Wales may lose this development opportunity.

[End agenda memo]

Deputy City Clerk Jacquie Hawkins read Resolution 2012-12 by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$27,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS SENIOR HOUSING COMMUNITY REVENUE BONDS (VIA VITA ON THE RIDGE PROJECT), SERIES 2012A AND SUBORDINATE SERIES 2012B; ESTABLISHING PARAMETERS FOR THE AWARD OF THE SALE THEREOF AND ESTABLISHING CRITERIA FOR DETERMINING THE TERMS THEREOF, INCLUDING THE DATE, INTEREST RATES, INTEREST PAYMENT DATES AND MATURITY SCHEDULE AND OTHER TERMS OF SUCH BONDS; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION OF A TRUST INDENTURE, LOAN AGREEMENT, LAND USE RESTRICTION AGREEMENT, ASSIGNMENT OF MORTGAGE AND SECURITY AGREEMENT AND REMARKETING AGREEMENT; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS AND APPROVING THE FORM OF THE BOND PURCHASE AGREEMENT AND EXECUTION THEREOF RELATING TO THE NEGOTIATED SALE OF THE BONDS; AUTHORIZING THE APPOINTMENT OF A TRUSTEE, PAYING AGENT, REGISTRAR AND REMARKETING AGENT OF THE BONDS; APPROVING THE FORM OF AN OFFICIAL STATEMENT WITH RESPECT TO THE BONDS AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE MAYOR OR VICE MAYOR OR ANY CITY COMMISSIONER AND THE CITY CLERK TO TAKE ANY OTHER ACTIONS NECESSARY TO ISSUE THE BONDS AND MAKING OTHER PROVISIONS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

City Attorney Chuck Galloway reviewed Agenda Item 9.

Mayor Carter said this was just the authorizing resolution and the content hasn't changed.

Commissioner Lutton said he wanted to make sure that by passing this resolution the city will not be on the hook for the bill if something goes wrong. Mr. Galloway concurred and said all cost is being borne by the developer. The documents make it clear that the City, County, State, and its citizens will in no way be charged with anything.

Commissioner Wojcik made a motion to approve Resolution 2012-12. It was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Wojcik	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Mayor Carter	"YES"

The motion carried 5-0

**Agenda Item 10. Contract for Acquisition of Fire Station Site on Chalet Suzanne Rd. for 3.76 acres of real estate**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

The City has programmed a Fire Sub-Station for the Northern Sector of the City for a number of years. Currently the City enjoys a very high ISO 3 Rating that allows the property owners in the City to enjoy a reduced rate for Homeowners Insurance policy quotes. Currently the city has leased a site for the last year and a-half to maintain this rating and has been on the same site since 2005. Negotiations have been

on-going and sites pricing reviewed along this corridor and the subject property is now available at a competitive price.

## **RECOMMENDATION**

The City Staff recommends the City Commission take the following actions:

Approve and authorize Mayor to execute the Contract for the purchase of 3.76 acres identified as 600 Chalet Suzanne Rd., Lake Wales, Florida. The Contract Price is for One Hundred Seven-Five Thousand Dollars (\$175,000.00) with the City participating in Ten Thousand Dollars (\$10,000.00) of the Closing Cost for the property for a total expenditure of One Hundred Eighty Five Thousand Dollars (\$185,000.00). The authorization is subject to and limited to the conditions set-forth in the Contract including completing an Environmental Phase 1 Evaluation and a Phase II if required, conveyance by a General Warranty Deed, and no outstanding tax or other liens.

## **BACKGROUND**

The Lake Wales Fire Department has been providing fire protection from a sub-station site at 1965 Thompson Nursery Road since may 2005. The City is currently in a lease for the sub-station site through June 30, 2013 at an annual rate of \$36,000.00. In February 2012 staff made City Commission aware that several sites were under evaluation and being considered for a permanent sub-station location that is mission critical to the City of Lake Wales Fire Department. The acquisition of this site provides for the following with respect to the City's needs and requirements:

- Eliminate Lease Expenditures for a site in the subject corridor. That expenditure is currently at \$36,000.00 per annum and subject to increases or termination at the end of a lease term;
- Provides a permanent site that is Mission Critical for the City of Lake Wales Fire Department and for the provision of fire services to the Citizens of Lake Wales;
- Provide for a permanent location for the Fire Station for the Northern portion of the City;
- Provide the necessary control of real estate for applying for Grants for the project;
- Provide some addition property for limited additional municipal services that may be identified for future citizens needs;
- The acquisition of the property will provide for programming of the construction of the permanent fire station under less onerous time constraints with a lease termination in June 2013 on the current site;
- The purchase of the property ends the loss of monies made through lease payments on this needed municipal asset;
- This Fire Station is on the 2012-2013 Capital Program of the Fire Department for the City of Lake Wales, albeit additional funding will be required (Grants or loans) for construction;

## **FISCAL IMPACT**

As of June 12, 2012, the City has \$111,064.26 in impact fees eligible to be used towards the acquisition of property for the purpose of a fire station. Additional funding needed for the acquisition and pre-engineering related to environmental and other closing activities are estimated at an additional \$100,000. Staff recommends an internal loan from the Emergency Sinking Account with 3% annual interest to be paid to the General Fund until such time as Fire Impact Fees are sufficient to reimburse the General Fund.

The source of funding for the construction of the Fire Station may come from several sources including but not limited to grants, as available, or debt financing. These alternatives will be presented to the City Commission once engineering cost estimates relating to the construction of a fire station are available.

## **OPTIONS**

Do not purchase the property and continue with a lease; Instruct Staff to continue seeking an alternative site; continue with the smaller site from the Eagle Ridge Mall.

[End agenda memo]

Economic Development Director Harold Gallup reviewed Agenda Item 10.

Mayor Carter made the following comments and asked the following questions:

- **Cost of Property:** Mayor Carter questioned the differences between the market value on the tax rolls, the property appraisal, and the price being paid by the City.

Mr. Gallup said the City is able to acquire a piece of property on a site zoned R-3 (multi-family) and land-use of MDR (6 units to the acre) within the service area, and within five miles of the downtown Fire Station, at \$8,000 per unit when property in the area increased from \$6,000 per unit to \$18,000 per unit. The property is currently used for residential use and it has a Homestead filing on it. He said he thought it was a good deal for the City and for the fire station. He said not all 3.76 acres will be needed for the fire station and the additional land can be used for other city purposes or be sold for adjacent residential expansion, thereby recovering some of the money. Even with the closing cost it will be less than \$200,000 for the property.

Commissioner Lutton asked if they looked into using an outparcel at the Mall and Mr. Gallup said the City couldn't afford it for they are running \$10 to \$15 a square foot, or probably \$400,000 on the low side. Commissioner Lutton said the \$36,000 saved the first year without the lease would pay for the move, the road and all temporary cost. Mr. Gallup said it may not pay for everything but it would pay for a big chunk.

- **Interest:** Mayor Carter asked why the city would be paying 3% interest to borrow the money from itself.

Mr. Gallup explained that they would be applying for grants and some funding would come from impact fees. The rest of the money would be borrowed from the City at 3% interest and then paid back from impact fees when they come in. With this loan, the city is not losing money on interest to the bank nor paying other fees for the loan.

Commissioner Wojcik said that impact fees are limited to certain uses and if we finance it from the sinking fund at 3%, then the 3% comes back to us out of impact fees instead of from ad valorem taxes. Mr. Gallup said instead of losing money, the interest will come back to us from impact fees.

Finance Director Dorothy Pendergrass explained that if the money was borrowed from a bank, we would have to pay them interest on that money. Putting that money in a CD would only earn 1% interest, but taxpayers will be getting 3% on their money, a better rate of return than what can be attained at any bank in town, and that money will go into the General Fund. She said that eventually the economy will improve and impact fees will once again come in to reimburse the General Fund at 3% interest.

- **Closing Cost:** Mayor Carter said that many times the closing cost is split between the buyer and the seller and yet the city is bearing the entire cost.

Mr. Gallup said they were originally asking \$199,000 and if the closing cost was split it would have been over \$200,000, so it was just a method of moving the money around that made it work for the property owner.

- **Eagle Ridge Mall Property:** Mayor Carter asked what happened to the property we were trying to get at Eagle Ridge Mall. Mr. Gallup said that the Mall site was still in the approval process with

the anchor stores and explained the process the Mall has to go through for any out parcel transaction.

The following reasons were given as to why it would be necessary to move forward with the purchase of the property:

- Though the property at the Mall will be free, it is very small with no room for expansion.
- They have been trying to get the property now for two years. The Mall has been very cooperative but the anchor stores have been dragging their feet because they have the right to vote yea or nay. We might end up getting it but our lease agreement is running out in a year and we can't take the chance of being caught with no alternative than to lease again for another \$36,000. There will be about two months worth of work at the existing lease site, leaving us only ten months to find some property.

- **Fire Station Building:** Mayor Carter was concerned that there is no money to build the fire station and it will have to come from debt financing, which the Commission is trying to avoid.

Mr. Gallup and Fire Chief Brown explained that the building alone will cost \$450,000 and with site development (sewer, water, architect and engineering) added in, it will be about \$750,000. If the property is purchased the fire trailer could be temporarily moved to that property until such time funding can be found for the fire station when the economy turns around, or a loan is secured. This would save the \$36,000 lease fee a year, which can then go toward the cost of the building or temporary sanitary fields that will be needed on the property. Mr. Gallup said they always knew the project would have to be a debted project.

Finance Director Dorothy Pendergrass said if a grant comes along that will pay for the construction of the building that would be the best option. But, even if no grant comes along, we would no longer be paying \$36,000 a year to an outside entity, which is equivalent to the debt service we would have to pay through a loan.

- **Engineering Cost:** Mayor Carter asked for the estimate of engineering cost. Mr. Gallup said it would be about \$7,000 for Phase I, and \$15,000 for Phase II if something is found in Phase I that would warrant an environmental assessment. He explained further and gave examples.

Mayor Carter asked if we would know before we buy the property. Mr. Gallup said the property had been used as residential for 28 years, cattle have not been concentrated on the property, and nothing like an arsenic walkthrough has been found in the aerial. It appears to be a clean piece of property but until the analysis is done there is no way to be sure. In order to get a loan you have to have proof that the property is not contaminated and there are no outstanding issues with the EPA. He gave examples of the cost of cleanup by purchasing property that had not been cleared.

Mayor Carter said it would be prudent to make sure that contamination does not exist prior to buying it. Mr. Gallup said the City was not buying the property. It will be taken off the market for a limited amount of time. He gave the following process that will be followed:

- Phase I – the property is checked to see if there are any signs of contaminants
- If evidence is found, it will go to Phase II under the EPA to do an engineering study to determine what the problem is and the solution
- If the solution is not cost effective, the City walks away and cleaning up the property is not a city obligation. If we still want the property after a solution or negotiation on remediation is completed, then it may be purchased at that time.

## PUBLIC COMMENT

Jack Van Sickle, 4060 Lake Ashton Drive, asked that the Commission approve the purchase of the property. He explained that the property they have been leasing for the trailer has no parking, so all employees who man the temporary trailer have to be brought over from the downtown fire station and

picked up to change shifts, leaving the station temporarily vacant for about 20 minutes, which leaves Lake Aston, a 55 plus community with many frail, elderly people, temporarily unprotected. Commissioner Wojcik said the fire station serves Carlsburg Estates as well, plus all those on the north side of town.

Commissioner Thornhill made a motion to approve and authorize Mayor Carter to execute the contract for the purchase of 3.76 acres for \$175,000.00 with the City participating in \$10,000.00 of the closing cost for a total expenditure of \$185,000.00. It was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 11. Appointments – Boards, Commissions, & Committees Board**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

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

**RECOMMENDATION**

It is recommended that the City Commission make the appointments as deemed appropriate.

**BACKGROUND**

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc. The City Commission is asked to make the appointments as deemed appropriate.

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

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

3 vacancies: terms expire 07/01/15

Applying for re-appointment: Charles Keniston, resident & owns property in City  
Jack Neal, resident, owns property & business in City

Applying for appointment: None

The vacancies are due to the expiring term of Charles Keniston, Jack Neal, and Clifford Baggett.

Commissioner Howell made a motion to re-appoint Charles Keniston and Jack Neal to the airport Authority Board for a term to expire on July 1, 2015. It was seconded by Commissioner Wojcik.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Bicycle/Pedestrian Advisory Commission** – Members are appointed by the City Commission. The Board consists of seven (7) regular members and three (3) alternate members. At least five (5) regular members and two (2) alternate members must reside within the City limits. Members who are not City residents must reside within the City's utilities service area in a residence served by the City's utilities system, receiving either water or sewer service. (3-year term)

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

4 regular vacancies:                    1 term expires 07/01/13  
    1 term expires 07/01/14  
    2 terms expire 07/01/15

3 alternate vacancies:                2 terms expire 07/01/13  
    1 term expires 07/01/15

Applying for re-appointment:    Jackie Williams, resident  
    Mimi Hardman, resident & owns property in City

Applying for appointment:        None

The vacancies are due to the expiring term of Jackie Williams and Mimi Hardman and vacancies that have not been filled in a while.

Commissioner Howell made a motion to re-appoint Jackie Williams and Mimi Hardman to the Bicycle and Pedestrian Advisory Committee for a term to expire on July 1, 2015. It was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Citizens & Police Community Relations Advisory Committee** – Members are appointed by the Mayor. The Board consists of three (3) members with a quorum requirement of two (2) members. One (1) member shall be an active Lake Wales police officer appointed by the Police Chief and two (2) members must be residents serving no more than two consecutive terms. (2-year term)

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

2 vacancies:                                   1 term expires 07/01/13  
   1 term expires 07/01/14

Applying for re-appointment:   Nathan Minton, resident and owns property in city

Applying for appointment       None

A vacancy is due to the expiring term of Nathan Minton and the resignation of Davis Connor.

Mayor Carter made a motion to re-appoint Nathan Minton to the Citizens & Police Community Relations Advisory Committee for a term expiring on July 1, 2014. It was seconded by Commissioner Howell.

By Voice Vote:

Mayor Carter	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"

The motion carried 5-0.

**Code Enforcement Board – Members are appointed by the City Commission.** The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, a realtor, an engineer, a general contractor, and a subcontractor. Members must be residents. (3-year term)

An interview process is necessary for new applicants only.

4 vacancies:                                   1 term expires 07/01/13  
   3 terms expire 07/01/15

Applying for re-appointment:   Wylene Kimbrough, resident & owns property in City  
  Melissa Konkol, resident & owns property in City  
  Wilena (Willie) Vreeland, resident & owns property in City

Applying for appointment:       None

The vacancies are due to the expiring term of Wylene Kimbrough, Melissa Konkol, and Wilena (Willie); and the resignation of Roderick Parker who resigned from the BOA to serve on the Code Enforcement Board.

Commissioner Howell made a motion to re-appoint Wylene Kimbrough, Melissa Konkol, and Wilena Vreeland to the Code Enforcement Board for a term expiring on July 1, 2015. It was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.



**CRA Citizen Advisory Committee** – Members are appointed by the City Commission. The Board consists of five (5) members. Members must own property or operate a business within the voting district provided that the residence or business of the nominee is within the boundaries of the CRA. (2 year term)

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

2 vacancies:                               Terms expire 07/01/14

Applying for re-appointment:       Clinton Horne, resident & owns property in City  
Robert Bryant, resident & owns property in City

Applying for appointment           None

The vacancies are due to the expiring term of Clinton Horne and Robert Bryant.

Commissioner Howell made a motion to re-appoint Clinton Horne and Robert Bryant to the CRA Citizen Advisory Committee for a term expiring on July 1, 2014. It was seconded by Commissioner Wojcik.

By Voice Vote:

Commissioner Howell	“YES”
Commissioner Wojcik	“YES”
Commissioner Lutton	“YES”
Commissioner Thornhill	“YES”
Mayor Carter	“YES”

The motion carried 5-0.

**Depot Advisory Commission** – Members are appointed by the City Commission. The Depot Advisory Commission consists of ten (10) members. At least six (6) members must reside in the City, and no more than four (4) members may reside outside the City. (3-year term)

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

1 non-city resident vacancy:       Term expires 7/1/14

3 resident vacancies:               1 term expires 7/1/14  
2 terms expire 7/1/15

Applying for re-appointment:       Jack Neal, resident and property & business owner in City

Applying for appointment:       None

The vacancies are due to the expiring term of Jack Neal, the death of Jake Rowe, and the placement of Mollie Cooper in a nursing home.

Commissioner Wojcik inquired as to why the City has a Depot Commission when the City is no longer responsible for the Depot Museum. Jennifer Nanek, Special Projects Manager, explained that this issue was discussed previously and that Mimi Hardman had requested that the City keep a Depot Commission to preserve a City connection to the Museum and the Commission at that time agreed.

Commissioner Howell made a motion to re-appoint Jack Neal to the Depot Advisory Commission with a term expiring on July 1, 2015. It was seconded by Commissioner Thornhill

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

## OTHER VACANCIES

Staff received no applications to fill the vacancies on the following boards, committees & commissions:

- Board of Zoning Adjustments and Appeals (BOA) (5 member board; 2 resident vacancies)
- Drug & Prostitution-Related Nuisance Abatement Board (7 member board; 2 resident vacancies)
- Historic District Regulatory Board (5 member board; 2 vacancies – must reside or own property within the City)
- Historic Preservation Board (9 member board; 4 resident vacancies & 5 non-resident vacancies - must own property within the city limits or hold an occupational license issued by the City)
- Lakes Advisory Commission (7 member board; 3 resident vacancies)
- Library Board (5 member board; 1 resident vacancy)
- Parks and Community Appearance Advisory Board (7 member board; 2 vacancies – must reside or own property within the city limits)
- Planning & Zoning Board (7 member board; 2 vacancies - must reside in the city, own property in the city or hold a valid occupational license issued by the city)
- Recreation Commission (3 resident members & various community organizational members; 2 resident vacancies)

Board Applications are considered for appointment by the City Commission at various times of the year. Regulatory Boards require an interview process for all new applicants before being considered for appointment by the City Commission.

Applications are available from the City Clerk, Municipal Administration Bldg., 201 W. Central Avenue or can be obtained on the City's website at [www.cityoflakewales.com](http://www.cityoflakewales.com).

## FISCAL IMPACT

None. These are volunteer citizen boards.

## OTHER OPTIONS

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

[End agenda memo]

Commissioner Wojcik asked if it would be possible to let interested out-of-town residents serve on the Boards to fill up some of the many vacancies.

City Attorney Chuck Galloway said it would depend on the board. Some require a certain percentage to be inside city residents, and he thought the Code Enforcement Board was made up of all inside-city residents. He said the Commission can structure it the way they wish if there is no impediment.

Mayor Carter said he didn't think they should open it up to just anyone but he approved of opening it up to those who at least work inside the city.

Commissioner Lutton said right now applicants have to own property or have an occupational license in the city.

Commissioner Wojcik said if they allow folks to serve who work in the city, whether they own the business or just work for someone else who does, we might get some that are involved locally that have an interest.

Commissioner Howell said for instance, people that live in Winter Haven who own property or a business in Lake Wales would consider Winter Haven their town so applicants should be residents that pay city utilities. She gave the example of County Oaks and said because they pay utilities they are contributing to the city.

Mr. Galloway said some communities say that if you don't live within the city limits or pay utilities to the city, you cannot even come to the podium, and the courts have upheld that. So he thought that could probably be the basis for being on a city board, depending on their qualifications, and that would open up a pool of more people who are willing to serve.

Commissioner Wojcik said that for many years the Mountain Lake Community has considered Lake Wales to be their community. Because they support things that go on in Lake Wales and contribute to local organizations they might be willing to serve on a board, but they do not live within the city limits, may not work in Lake Wales, and don't pay taxes in Lake Wales. Lake Wales may consider them part of the community just as we consider Bok Tower to be part of our community though it is not within the city limits. She said this was something they should discuss further at some point.

Commissioner Lutton said there are people who may not live in the community but who have a special interest and are qualified for a particular board, like the Lakes Advisory Commission. Allowing them to serve would be a way to get qualified people on these boards. He gave an example of the Historic Preservation Board and said we may not have many architects in town and because their projects may come up for a vote, they would be disqualified from voting anyway. So there may be local architects in the area that would be willing to serve. Commissioner Wojcik said it could be someone from Country Oaks that is an architect in Winter Haven.

Mayor Carter asked staff to put together a list of all the boards with the requirements for serving. Commissioner Lutton said the information is already there.

#### **Agenda Item 12. Appointments – Polk County Joint Airport Zoning Board (JAZB)**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

The appointment will replace the voting city commission member on the Polk County JAZB.

#### **RECOMMENDATION**

It is recommended that the City Commission appoint a voting city commissioner to represent the city on the Polk County Joint Airport Zoning Board (JAZB). This appointment will take the place of former Commission John Paul Rogers. Individual members serve as appointees of their respective local governments until their successors are appointed.

The appointed City Commissioner is required to file a Statement of Financial Interests with the Polk County Supervisor of Elections Office.

## BACKGROUND

The City of Lake Wales is a member of the Polk County Joint Airport Zoning Board (JAZB) as established by City of Lake Wales Resolution 78-12. Chapter 333, Florida Statutes, governing the powers, duties, and responsibilities of the Board. As representatives to the Board, the City of Lake Wales is required to appoint two voting members (one city commissioner and one staff member) and one non-voting Airport Manager (member to the Lake Wales Airport Authority Board.) This appointment is for a voting city commissioner.

- Current voting staff member is Planning & Development Director Margaret Swanson
- Current non-voting member is Robert "Bob" Kelly, current member to the Lake Wales Airport Authority Board

The Polk Transportation Planning Organization (TPO) serves as the technical staff to the Joint Airport Zoning Board (JAZB) that oversees the Polk County Airport Zoning Regulations. The TPO is requesting that the City Commission make the appointment as it deems appropriate at this time.

## OPTIONS

None

## FISCAL IMPACT

None

[End agenda memo]

Commissioner Howell made a motion to appoint Mayor Carter to the JAZB. It was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

## **Agenda Item 13. Commission Discussion – Decreasing City Commissioners Annual Compensation**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

## SYNOPSIS

Commissioner Lutton requested this item to be placed on the agenda for discussion.

At the June 5, 2012 City Commission meeting, Commissioner Lutton said that he heard that city staff was asked to find a way to cut their budgets by 10%. Since the city is in such a budget crunch, he proposed that the City Commission take a 10% pay cut until the economy improves because he said it would send

a message to the "troops" out there that the Commission puts its mouth behind its words. He asked that it be brought as an agenda item at the next meeting.

[End agenda memo]

Commissioner Lutton reviewed Agenda Item 13.

Commissioner Howell asked if the administration was cut 10%. Commissioner Wojcik said that last year they considered furloughs or salary cuts in the budget and if cuts were made, the Commissioners would have theirs cut also. She said if that happens this year, the Commission salary would be equally reduced along with other employees.

Commissioner Thornhill said he wouldn't vote against it but he uses his stipend for his service on the boards he is on and to pay for the convention he plans to attend. He does not object to the cut, but he said it would be cut anyway if the employees get a cut.

Mayor Carter said the money is quickly used up for fuel cost, cell phone, and lunches. He said he thought it was premature to vote on that now and they should wait and see what happens when they start discussing cuts in the General Fund.

City Manager Terry Leary said they will be bringing back proposals such as employee furloughs when they start looking into the General Fund budget.

### **CITY MANAGER'S REPORT**

- City Commission Tracking Report:

**Polk Avenue Retention Pond:** Mayor Carter said it was supposed to go to bid in June of 2012 and asked for an update. Tom Moran said it was on target.

**Kirkland Gym:** Mayor Carter asked for an update on the leak at the gymnasium.

Mr. Gallup said everything has been fixed and there are no more leaks. Mayor Carter asked why the Economic Development Director was taking care of maintenance issues. Mr. Gallup said he was involved because he was in on the contract for repairs to the gym. Now that it is fixed, he did not plan to be involved again.

**Grand Hotel:** Commissioner Howell asked if there was a deadline for the Grand Hotel to be completed.

Mr. Gallup said there was no deadline because it fluctuates with the real estate market. He said that though it may appear that nothing is being done, commercial work is being done on the inside of the building, and leases are being arranged.

Commissioner Wojcik said the building department has been working with them to solve some issues. Mr. Gallup said that there are no original plans for the building so everything on the building has to be figured out, which takes a great deal of time.

### **COMMUNICATIONS AND PETITIONS**

Phyllis Johnson, 138 D Street, asked how she would be protected from fireworks being shot up over her house. Police Chief Velasquez said that was one of the most common calls law enforcement receives on holidays like the 4<sup>th</sup> of July and New Year's Eve and that officers would be patrolling the neighborhoods as well as at the Mall and at the Lake and will do the best they can. He said that sparklers were legal, but not fireworks that shoot into the air. The police will not be arresting people but educating them on safety, the law and to be respectful of their neighbors.

**CITY COMMISSION COMMENTS**

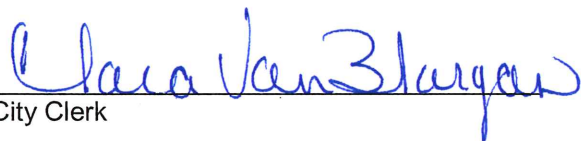
**Mosquito Spray:** Commissioner Howell asked who is responsible for mosquito spraying, the city or the county. She was told it was the county.

**Citizen Budget Survey:** Ms. Leary announced that the citizen budget surveys were going out in the water bills on Thursday. They are also available on line, at the library, and at city hall along with a box for their collection.

There being no further business, the meeting was adjourned at 7:55 p.m.

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

ATTEST:

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