

A meeting of the Lake Wales City Commission was held on June 18, 2013 at 6:01 p.m. following the invocation and the Pledge of Allegiance in Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Michael S. Carter; Christopher Lutton; Betty Wojcik; Jonathan Thornhill; Mayor Elect Gene Fultz

COMMISSIONERS ABSENT:

CITY REPRESENTATIVES PRESENT: Dorothy Ecklund, Interim City Manager; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney;

[Meetings are recorded but not transcribed verbatim]

MAYOR

PRESENTATIONS

Agenda Item 5. Florida House Representative Mike La Rosa – Funding relating to Dental Clinic

Mr. La Rosa gave the City Commission an update on the passing of the state budget, which had a surplus this year, as well as some of the recent bills that were passed including some student safety bills that Mr. La Rosa was instrumental in writing and presenting to the Legislature. He explained that the Lake Wales Dental Clinic funding was vetoed by the Governor because he didn't think there would be a return for taxpayer dollars. Mr. La Rosa advised the Commission that funding for the dental clinic will have a better chance of passing if they add the clinic to other funding projects that Polk County may be initiating because it is easier for the Governor to veto a single line-item. He told the Commission he would be glad to meet with them to discuss options whenever they were ready.

Commissioner Carter asked if the dental clinic was a dead issue for the current session and Mr. La Rosa said there was nothing that could be done budget-wise now unless a Special Session is called, which he did not see happening.

Commissioner Carter asked for a timeline for getting the dental clinic funding ready in time for the next budget session. Mr. La Rosa gave the following timeline:

- The Commission should start meeting with Polk County as soon as possible to see if Lake Wales can partner with them.
- The Legislature will start the budget process in September
- Lake Wales' priorities won't be needed until November but the earlier he can start 'planting the seeds', the better.

Commissioner Wojcik said that, though it appears that the dental clinic is only for Lake Wales, it was her understanding that the clinic is the only one of its kind in all of Polk County and therefore draws patients from not only Lake Wales but also the whole county and other nearby counties as well. This service is not provided elsewhere because it offers low-cost options and patients pay on a sliding scale. Many therefore

pay little or none at all. She said maybe the Commission needs to make its case to the Legislature stronger.

Commissioner Lutton asked if the independent dental office needs to ask for a grant from the County. Mr. La Rosa said the county would be able to answer that question, but he thought that was the direction they should go.

Agenda Item 20. Presentation – The New Fire Substation

Mayor Fultz moved Agenda Item 20 up.

Fire Chief Jerry Brown gave a Power Point presentation that included the history and pictures of the current main fire station, the current trailer substation with an explanation of why it was needed so quickly, the newest fire truck which was paid for with impact fees, and pictures of the proposed fire station, which at one time was in the city's five-year plan and will take care of the northern part of the City for many years. He said that detailed engineer drawings were available at the fire station for their review. Information, which is available in electronic form, can be obtained by contacting the City Clerk or the City Manager.

Commissioner Carter asked for a timeline, which the Chief provided as follows:

- June 27th – open bids will be accepted and he hops the stiff competition will trim the cost.
- July 16th – the agenda item will come before the city commission for approval
- August – break ground
- June 2014 – completed and in use

Commissioner Wojcik commented that the cost of the much smaller substation will cost approximately the same amount as the main substation's cost when it was built.

CONSENT AGENDA

Commissioner Carter pulled Agenda Item 9 for further discussion

**Agenda Item 6. Minutes: May 21, 2013 Regular Meeting
June 4, 2013 Workshop Meeting
June 4, 2013 Regular Meeting**

**Agenda Item 7. Lease Agreement Extension for Polk Workforce Development Board, Inc.
d/b/a Polk Works at the James P. Austin, Jr. Community Center**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The extension of the lease agreement will allow Polk Works to continue the Young Leaders program at the James P. Austin, Jr. Community Center until June 30, 2014.

RECOMMENDATION

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

1. Approve an extension of the lease agreement with Polk Workforce Development Board, Inc. d/b/a Polk Works to operate the Young Leaders program at the James P. Austin, Jr. Community Center for a term expiring June 30, 2014.
2. Authorize the City Manager to execute the agreement.

BACKGROUND

Removing obstacles to employment will take a community effort, with representatives from many sectors including churches, government, businesses, education, and job training agencies. The Young Leaders program provides academic support and employment training to adults between the ages 16 and 21 who reside in Polk County. The program is free to those who qualify and assists youth in gaining the necessary academic and workplace skills needed to become successful as they move into adulthood.

The tenant agrees to use the property for the sole purpose of operating the employment and training program for adults and children. It will operate Monday through Friday. Designated office space shall be utilized from 8:00 a.m. until 5:00 p.m. There is no usage fee required of this tenant. There may be additional fees charged at the regular inside-city rate for any special events sponsored by Polk Works that take place at the center outside of the regular operating hours.

The City Commission approved an annual lease with Polk Works since June 2007.

FISCAL IMPACT

There is no cost to the City if this lease is approved.

OTHER OPTIONS

Deny approval of the lease agreement; however, by not approving the agreement, this organization will need to find another facility to run this program.

[End agenda memo]

Agenda Item 8. Right of Way Donation to Polk County

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

This is a request to donate a 10' strip of Right of Way in front of the fire station property on Chalet Suzanne Road to Polk County for future roadway expansion.

RECOMMENDATION

It is recommended that the City Commission approve the donation of 10' Right of Way to Polk County for future roadway expansion and authorize the Mayor to execute the Warranty Deed.

BACKGROUND

Polk County has requested that the City donate 10' of land located on Chalet Suzanne Road in front of the fire station property. The property is needed in consideration for future roadway expansion. Attached are the Warranty Deed and Surveyor's Sketch of the property.

FISCAL IMPACT

None

[End agenda memo]

Agenda Item 10. Disposal of Scrap Meters

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff is seeking commission approval for the disposal of scrap water meters to Viking Recycling, Inc.

RECOMMENDATION

It is recommended that the City Commission accept the proposal from Viking Recycling, Inc, to buy the City's scrap water meters for \$1.67 per pound.

BACKGROUND

The meters staff is trying to sale are the old meters that have been changed out due to the change out program. Out of the three companies that provided a quote to buy these old meters Viking Recycling, Inc is willing to offer the city the highest dollar per pound at \$1.67 per pound per meter. The scrap meters staff intends to sell would range in weight from approximately 10 lbs to 25lbs. ranging in the city receiving \$16.70 to \$41.75 per meter. The \$1.67 per lb involves Viking Recycling, Inc coming to the city's location to pick these meters up. The only time City staff would be required to spend is to help load the meters on to the truck. This would be an activity required even if the city had to dispose of these old meters at the landfill.

OTHER OPTION

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

FISCAL IMPACT

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

Scrap Meters	Price Per LB
Alabama Surplus	\$1.30
Allied Scrap Metal	\$1.54
Viking Recycling, Inc	\$1.67

[End agenda memo]

Commissioner Carter asked how many meters there were to be scrapped. Utilities Projects Administrator Sarah Kirkland said she didn't know because they pay by the pound and she explained.

Agenda 11. Amended Cooperative Funding Agreement Between the Southwest Florida Water management District (SWFWMD) and the City of Lake Wales for the Lake Wales Country Club Reuse Project (N335)

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff requests commission to give approval for the signing of the amended agreement presented by SWFWMD for the additional funds of \$96,501 for which SWFWMD would be responsible to reimburse 1/3 of the cost in the amount \$32,167.

STAFF RECOMMENDATION

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

1. Approve the amended agreement in the amount of \$846,501, an increase of \$96,501.00 for which SWFWMD would be reimbursing 1/3 at \$32,167.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

The primary function of the reuse system was to provide residential, commercial, and agricultural customers with properly treated wastewater for irrigation purposes thus directly offsetting fresh water pumpage traditionally used for this purpose. The city's system, when constructed, was initially intended to serve the Whispering Ridge and Mayfair subdivisions, City owned and adjacent privately owned citrus groves, Lake Wales Cemetery, City owned multi-purpose sports complex, Longleaf Business Park and ultimately the Lake Wales Country Club (LWCC).

Operating under this premise the City was approved and entered into a Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD). As the project progressed and construction costs rose, the City and Ben Hill Griffin (BHG) had a difficult time reaching an agreement for the financial portion that BHG was to contribute to the construction of the reuse line. It was at this time staff approached SWFWMD and requested for the Cooperative Funding agreement to be amended to the extent of having the BHG Country Club removed from the scope of the project, thus relieving the City of the obligation to extend the line to that location.

Although, this request was approved and the Cooperative Funding Agreement was amended, SWFWMD still wanted the City to give serious thought to extending the reuse line to the BHG County Club. Staff continued on with the project and fulfilled the remainder of the agreement, minus the BHG extension.

In 2009 and 2010, staff and BHG representatives worked to create an amended agreement that would serve both parties well. On May 17, 2010, the City Commission approved an agreement between the City of Lake Wales and BHG. On November 16, 2010, City Commission approved for staff to submit an application to SWFWMD requesting grant funds to complete the extension of the reuse water main to the Lake Wales Country Club. The grant request was to cover the cost of the construction only, with the City being responsible for all costs associated with the engineering phase of the project. On December 6, 2011, the City Commission approved the Cooperative Funding Agreement with SWFWMD based on the estimated cost of \$750,000 for the project.

On December 7, 2010, the City Commission approved entering into a contract with Kimley-Horn & Associates to provide engineering services for this project. The project was put out to bid for which there were nine responsive bidders. On March 6, 2012, the City Commission awarded the bid Killebrew Construction, Inc. in the amount of \$846,501. It was at this time staff began working with representatives from LWCC and SWFWMD for the additional funding.

SWFWMD has completed the amended agreement which would provide reimbursement to the City for the additional \$32,167 which would be SWFWMD's portion of the increase cost over the original construction cost estimate. On February 27, 2013, BHG provided their additional \$32,167 relating to actual construction costs over original project estimates.

Staff recommends that the City Commission approve the signing of the SWFWMD amended agreement for the additional funds that were needed to complete the project. Once the District receives the signed amendment, the City's final reimbursement can be processed.

FISCAL IMPACT

This is mainly a house-keeping item necessary for the City to receive additional funding of \$32,167 from SWFWMD for reimbursable construction costs relating to the County Club reuse project.

Note: Reimbursement of the costs total of \$846,501 is broken down as follows: \$282,167 received from Ben Hill Griffin (Lake Wales Country Club), \$282,167 received from SWFWMD, and \$282,167 appropriated by the City of Lake Wales.

[End agenda memo]

Agenda Item 12. Engineering Services for the US 27 Water/Sewer/Vanguard Relocation

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval an engineering services contract for the US 27 Water/Sewer Vanguard Relocation.

STAFF RECOMMENDATION

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

1. Approve staff to enter into an engineering services contract with Gannett Fleming, Inc to provide engineering services US Hwy 27 Water/Sewer Vanguard Relocation in the amount of \$49,841.12.
2. Authorize the Interim City Manager, Dorothy Ecklund, to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City has water and sewer lines in the Florida Department of Transportation (FDOT) right of way along side US 27 in front of the Vanguard School. Initially, when FDOT announced that it was going to widen US 27 from SR 60 to Interstate 4, the City entered into a Joint Participation Agreement with the FDOT. The agreement provided that the City would use FDOT's engineer and contractor in case any conflicts developed between the highway widening and the new storm water structures that were being installed.

The City staff that that were involved with the contractors for the widening in 2008, encountered some complications working with the FDOT contactor for the relocation of the water and sewer lines in the above referenced area. Because a satisfactory resolution could not be reached at that time, the City Commission at its January 9, 2009, city commission meeting entered into an agreement with FDOT to allow City staff five years to have the lines relocated in accordance with FDOT's Utility Adjustment Manual specifications. Staff has field located and established which parts of both the water main and force main do not currently meet these specifications.

Staff is seeking commission approval to enter into an engineering scope of services contract with Gannett Fleming, Inc for the US 27 Water/Sewer Vanguard Relocation in the amount \$49,841.12, and to give approval for the authorization of the Interim City Manager, Dorothy Ecklund, to execute the appropriate documents on the City's behalf.

OTHER OPTIONS

Chose not to enter into an engineering contact at this time and hinder the relocation of these lines to the appropriate depths as stipulated by the Florida Department of Transportation Utility Adjustment Manual.

FISCAL IMPACT

Both the Water and Sewer Divisions have placed a total of \$300,000 in the 2012'13 Capital Budgets for the relocation of both the water and sewer mains.

[End agenda memo]

Agenda Item 13. Inter-local Agreement between the City of Lake Wales and Polk County

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The approval of the Interlocal Agreement is for Storm Water Management Services.

RECOMMENDATION

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

1. Approve the agreement between the City of Lake Wales and Polk County for the Storm Water Management Services as provided in the National Pollutant Discharge Elimination Application Regulations for Storm Water Discharge.
2. Authorized the Mayor to execute the agreement on the city's behalf.

BACKGROUND

In order for the City of Lake Wales to comply with regulation 40 CFR Parts 122, 123, and 124, a Final Rule adopted on November 16, 1990, stating the City is responsible for conditions relating to the storm water discharges for which it is the operator. The Storm Water Management Programs included in the City's National Pollutant Discharge Elimination System/Municipal Sanitary Storm Sewer System permit specifies inspection of industrial facilities and monitoring the characteristic quality discharge from the City's Municipal Sanitary Storm Sewer System.

The County will provide assistance to the City in the implementation of the inspections, monitoring, and reporting requirements of the NPDES permit. The Environmental Specialist will conduct inspections for the industrial facilities as City maintained retention ponds. The County will also provide NPDES storm water program monitoring results to assist the City in preparation of the Annual Report submitted to the Florida Department of Environmental Protection. The Environmental Specialist will assist the City in the investigation of illicit discharges to the MS4, along with providing copies of all inspection results forwarded to the City.

OTHER OPTION

None. The interlocal agreement is a requirement of the Lake Wales NPDES/MS4 requirement.

FISCAL IMPACT

There is no fiscal expense to the city at the signing of the agreement.

[End agenda memo]

Commissioner Thornhill made a motion to approve the Consent Agenda excluding Agenda Item 9. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 9. Award of Contract for Septic System Repairs at the Depot Museum Complex

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff is asking for approval of a contract to Brock Excavation, Inc. for septic system repairs at the Depot Museum Complex

RECOMMENDATION

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

1. Approve a contract with Brock Excavation Inc. and Montoya Electric Service, Inc. for septic repairs at the Depot Museum complex and authorize the City Manager to execute the contracts

BACKGROUND

The Depot Museum complex septic system is not operating efficiently. There are backups in the service lines to the Depot Museum and the Children's Museum. Staff has researched the problem and

determined that the best fix for the problem is to do a bore under SR 17 (Scenic Highway) and tie the sanitary services into an existing gravity sewer system.

The commission approved the repair of the septic system on January 15, 2013. Staff requested estimates from four (4) reputable underground contractors in order to make the necessary repairs.

Proposals were received as follows:

Excavation Point Inc.	\$25,041
Odom Contracting	\$23,252
Killebrew Inc.	\$25,886
Brock Excavation Inc.	\$14,210

After reviewing the proposals staff is recommending awarding the contract to Brock Excavation Inc.; they are a reliable company and have done work for the City before.

A separate contract with Montoya Electric Service, Inc. will also be required for a not to exceed \$2,300.

The total septic repair with these two (2) separate contracts is \$16,510.

FISCAL IMPACT

On April 3, 2013, agenda item #9, the City Commission approved an appropriation of \$25,000 for connecting the Depot Museum to the City's sewer system. This was in FY 2012'13 Budget Amendment #2.

[End agenda memo]

Commissioner Carter asked the following questions:

- **Format:** Commissioner Carter commented that there was no consistency between the four bidders as to format and content, though two had exactly the same format, which was what the Commission had requested to be done in the past. He explained that some of the bids had permits, others did not; some had a contingency fee and others did not; one of the bids was less, but when you look into it there were things they would not be covering that the others were. He asked if something could be done so the Commission would be comparing apples to apples instead of apples to oranges.

Public Works Director Tom Moran explained that he had emailed all the bidders the same form with the proposal but only two of them used it. He agreed that all of them should be the same. Commissioner Carter asked why they couldn't reject those with a different format.

Commissioner Lutton said he saw no problems with them using their own format for small projects of \$25,000. He explained that using the standard format would require full engineering drawings and bid forms, and then if every 'l' was not dotted and every 't' crossed, the city would have every right to reject it. He said he wouldn't worry about a standard form unless the project was over \$100,000. Commissioner Carter asked how you would know what it would cost before the bid goes out. Commissioner Lutton said Mr. Moran would be able to estimate the cost, and he explained how that is done.

- **Bids:** Commissioner Wojcik asked why there was such a big difference between the low and high bid. Commissioner Lutton explained the costs for some of the items and said that because they were private companies they could charge whatever they wanted.

- **Electrical Services:** Commissioner Carter asked if the electrical service was to be separate or included. Mr. Moran explained that Brock Excavation cannot hook up that service but Montoya can. He said it will cost, at max, \$2,300 to have Montoya hook it up for them. The other three bidders probably have staff that can do it. Commissioner Carter said \$2,300 should be added to Brock's bid of \$14,000 because their bid has absent or hidden costs.

Commissioner Wojcik made a motion to approve a contract with Brock Excavation Inc. and Montoya Electric Service, Inc. for septic repairs at the Depot Museum complex and authorize the City Manager to execute the contracts. The motion was seconded by Commissioner Lutton.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 14. Ordinance 2013—05, Amendments to Sign Regulations, Chapter 23 Zoning, Land Use and Development Regulations - 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Extensive amendments are recommended to strengthen the sign regulations to withstand legal challenges. In addition, to assist businesses and improve community appearance, a number of adjustments are proposed to the regulations on the types and dimensions of signs allowed.

RECOMMENDATION

A first reading of Ordinance 2013-05 was approved by City Commission May 21, 2013.

The Planning and Zoning Board held a public hearing at their January 22, 2013 meeting and recommended amendments to the dimensional and placement provisions of the regulations pertaining to signs. The board is familiar with the full extent of the proposed amendments, but made no specific recommendation on the legal aspects of the code changes.

BACKGROUND

Revisions to the sign regulations are proposed for two purposes:

- Strengthen regulations to withstand legal challenges. (Staff recommendations)
- Adjust regulations on the types and dimensions of signs to assist businesses and improve community appearance. (Planning Board recommendations)

The City Commission held a workshop on June 4, 2013 to discuss questions that arose at the first reading of the ordinance. A number of business owners and citizens addressed sign regulation issues

including: signs in right-of-way downtown; sign lighting; electronic signs; and off-site signs. The need for further exploration of these issues with input from local businesses was discussed, with an eye toward future amendments. However, staff and some commissioners urged the passage of the proposed ordinance prior to formulating additional amendments. Setting a definite time-line for public discussions and proposed amendments was also urged.

Legal challenges

Sign regulations are vulnerable to legal challenges because messages on signs are a form of speech protected by the U. S. Constitution. In preparing the amendments, staff has worked closely with the City Attorney and has done extensive research on legal challenges to sign code provisions and recommendations from the legal profession on legally defensible sign ordinances.

However, no revision can render the ordinance immune to challenge; there could always be an instance where a court interprets the First Amendment in such a way as to declare a portion of the code in conflict.

Intent of regulations

Statements of purpose and intent are proposed at the beginning of both the residential (sec. 23-526) and non-residential (sec. 23.545) sections of the ordinance. These points state the city's legitimate public purposes for the regulations and its intent to promote free expression.

Commercial and non-commercial messages

The amendments will not regulate the wording on a sign except that commercial messages will not be allowed on residential properties.

Courts have consistently upheld sign regulations that limit the manner, placement and dimensions of signs, but have invalidated provisions that are "content based," meaning that they regulate, directly or indirectly, the wording on a sign. Examples of content-based regulations: special provisions for "real estate," "political," or "yard sale" signs.

The amendments differentiate between "commercial" and "non-commercial" messages. The courts have held that the Constitution accords a "lesser protection" to commercial speech than to other constitutionally guaranteed expression. Restriction of commercial speech through signage regulation is a legitimate exercise of the government's power when it advances a substantial government interest. Restricting non-commercial speech is much more difficult to justify.

The proposed definition of "commercial message" specifically states the types of messages that are not considered commercial (underlined):

Commercial message means a sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity or to an institution or other non-residential activity or use. For the purposes of sign regulation, the following are not considered commercial activities: proposed sale, rental or lease of the real estate where the message is displayed; the incidental and occasional sale of personal property on site; residential yard sales held in compliance with the provisions of this chapter; and construction/renovation on site.

Proposed provisions:

- Businesses may use their sign allowance for display of either a commercial or non-commercial message. In addition, they are allowed one sign per frontage for a non-commercial message. A real estate sign, for example, could be displayed on the non-commercial sign or on any of the commercial signs allowed on the property. (See sec. 23-545.6.b. Temporary Signs)
- Residential properties are allowed up to four small signs (4 sq.ft.) for the display of non-commercial messages. These signs could display a "for sale" or political message, or any other

non-commercial message. Commercial messages are prohibited on residential properties except where there is an approved bed and breakfast establishment or day care home (no change from current ordinance). (See sec. 23-526.3.)

- On vacant properties, only non-commercial messages may be displayed. This provision effectively prohibits off-site commercial signage and billboards, but allows signs for the sale of the property and other non-commercial messages. Maximum sizes proposed for the signs are in proportion to the size and frontage of the property. (See sec. 23-526.c. and sec. 23-545.6.b)

Changes to dimensional and placement requirements:

Roof signs

Currently, signs above roof line are prohibited. Proposed: prohibit any kind of roof sign.

Sandwich board signs/A-frame sidewalk signs

These signs are the only exception to the ban on private signs in the public right-of-way. The purpose is to attract the attention of people walking along the sidewalk in the pedestrian (downtown) districts. The signs are not meant to be read by persons in vehicles.

Proposed amendments:

- Change name to A-frame sidewalk sign to clarify type of sign allowed. (Sandwich board can mean a sign carried by a person with shoulder straps.)
- Now allowed only downtown and on Lincoln Ave. Proposed: allow at shopping plazas with sidewalks greater than 5-ft. in width in front of building.
- Reduce size allowed from 5' high to 4' high and from 30" wide to 24" wide to better fit on sidewalk.
- Emphasize ban on signs with prongs or solid bases (already banned by definition).
- Prohibit placement in landscaping except grass directly adjacent to sidewalk.
- Provisions to remain: permit required; no blocking ADA access; no balloons, streamers, etc.; allowed only while business is open.

Lighting of sign in PF-Professional district

Propose to eliminate prohibition on lighting a sign on a PF property abutting a residential district.

Ground signs in downtown districts

A special permit from the Planning Board is now required for a ground sign in downtown districts because there is no required front setback; properties are eligible only if the building is set back at least 20 feet. Proposed: allowing ground signs by right on properties with at least a 20-ft. front yard setback.

Electronic signs

Electronic signs are now allowed only in the C-3 Highway Commercial districts. All C-3 districts are on either SR 60 or US 27. Proposed: allow electronic signs in LCI-Limited Commercial-Industrial zones on US Highway 27. LCI areas on US 27 include Secured Storage (near Hunter's Glen), Lee's furniture and adjacent properties, and the car dealerships at Mt. Lake Cutoff. There are LCI districts on the Scenic Highway where electronic signs will continue to be prohibited. (Staff recommendation) NOTE: Allowing electronic signs in the LCI district on Mt. Lake Cut-off Rd. was suggested at the June 4 workshop.

Yard sales

Define yard sale to exclude the occasional sale of individual items on a property. Move permitting from Police to Planning & Development (at request of former City Manager).

Special events – community (Sec. 23-545.5.b (1))

Temporary signs are allowed on public property and in the right-of-way of city streets for community-wide special events at the discretion of the Planning Director. The provision currently states that "community civic and fraternal organizations sponsoring public service or special events shall be allowed a reasonable number of temporary signs or banners designed to inform the public of such event," but gives

no guidance to staff on placement, size or what a “reasonable” number might be. Proposed: city manager or city commission may establish policies for these types of signs regarding types and placement. The policies could be changed as necessary without the necessity of an ordinance amendment. The Planning Dept. would administer the policies.

Dimensional requirements for non-residential signs (Table 23-545)

- Decrease allowance for wall signs in C-1A (historic) district to 1 sq. ft./1 linear ft. of building frontage (recommended by Historic District Regulatory Board).
- Increase base size* of a “business complex” sign from 30 sq. ft. to 36 sq. ft.
- Adjust required minimum lettering sizes and tenant band widths.
- Increase base size* of a ground sign from 24 sq. ft. to 30 sq. ft. and base height in commercial districts from 14 to 15 ft.
- Reduce the minimum distance between right angle signs from 30 to 20 ft.

*Base size is the size allowed for a property with up to 20,000 sq. ft. in floor area. Larger businesses are allowed larger signs according to a formula up to a maximum square footage.

Provisions to be retained

Most of the regulations in the code will remain in place. Some notable provisions have been relocated, but will remain in the code:

- No private signs in the road right-of-way or on public property (except A-frame signs in pedestrian areas).
- No internally lit signs downtown or along the Scenic Highway
- Maintenance, non-conforming, and enforcement sections – no changes
- Wind-actuated signs – spinners, streamers, etc. are prohibited

Summary of sections to be amended:

- Sec. 23-212. *Verification of zoning compliance*
This section requires that zoning requirements must be verified prior to development activity, including the placement of a sign. A building permit is also required for signs except those painted on a building or window. Amendments: improve clarity of the permitting process.
- Sec. 23-343. *Auctions, sales, and events, temporary (non-residential properties)*
This section was revised in 2012 to allow temporary signage, such as banners, at special sales and events at businesses. Amendments: add statements that commercial messages may be displayed for special sales and events.
- Sec. 23-355. *Yard sales (residential properties)*
This section contains regulations for yard sale signs. Amendments: change permitting authority from Police to Planning (at request of former City Manager); cross-reference sign regulations.
- Sec. 23-526. *Signs – Regulations for signs on residential properties*
Residential properties are those with a single-family, two-family, or multi-family building or a vacant property zoned for residential use. Amendments: only major change is to allow up to 4 temporary signs for non-commercial messages (political, real estate, personal opinion, etc.)
- Sec. 23-545. *Signs – Regulations for signs on non-residential properties*
Table 23-545 sets forth the types of signs and the dimensions allowed for non-residential signs. Sign types and dimensional requirements vary with the zoning district where the property is located. Amendments: Numerous amendments are proposed as noted above.
- Sec. 23-802 *Definitions* – All definitions pertaining to signs are grouped under “Sign.”

Several definitions will be revised or removed. A definition of "Yard sale" is added.

OTHER OPTIONS

Staff is ready to move forward with critical amendments to protect the code from challenges. If the Commission would like to discuss further amendments to the types and sizes of signs, staff suggests following up with a separate ordinance.

FISCAL IMPACT

The amendments could protect the city from costly law suits.

[End agenda memo]

Deputy City Clerk Jackie Hawkins read Ordinance 2013-05 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE SIGN REGULATIONS IN THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS BY ADDING STATEMENTS OF INTENT AND SEVERABILITY CLAUSES; AMENDING PROHIBITIONS AND PERMIT EXEMPTIONS; DEFINING "COMMERCIAL MESSAGE" AND REVISING DEFINITIONS OF VARIOUS TERMS PERTAINING TO SIGNS; LIMITING THE DISPLAY OF COMMERCIAL MESSAGES TO DEVELOPED NON-RESIDENTIAL PROPERTIES; ALLOWING NON-COMMERCIAL MESSAGES ON ALL PROPERTIES; AMENDING REGULATIONS FOR SIDEWALK SIGNS; AMENDING LOCATIONAL AND DIMENSIONAL REQUIREMENTS FOR SIGNS; AMENDING MISCELLANEOUS PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Planning & Development Director Margaret Swanson reviewed Agenda Item 14.

Mayor Fultz read a portion of the 'Request to Planning & Zoning Board Sign Code Amendments' proposal as follows:

Request that the Planning Board explore the issues related to the sign code through a public meeting process and report back to the City Commission with recommendations, the first meeting to be held on June 25th.

Specifically the Planning Board is requested to provide a recommendation to the City Commission by September 30, 2013 on amendments to the sign regulations in Chapter 23 of the Code of Ordinances. The guiding principle for formulating amendments shall be a balance between community appearance standards and business signage needs.

A series of public sessions shall be held to identify issues or topics for discussion. As a start, points raised at the June 4, 2013 City Commission workshop on the sign ordinance shall be on the agenda.

The business community and general public shall be invited and encouraged to participate. The expertise of local sign companies as well as the sign regulations of other communities shall be utilized in formulating any recommendations. Input from the City's Parks and Community Appearance Advisory Board and its Downtown Historic District Regulatory Board shall be solicited.

Enforcement and Permitting:

Ms. Swanson said that, at the last meeting, someone asked if they would begin enforcing the provisions of the sign ordinance, if the ordinance is passed. She said they would be, though they would send out a notice to those impacted by the downtown A-frame sign provision to give them a period of time, at least two weeks, to get permits. She proposed that the permit fees be waived for those who apply during the

grace period. Those who do not comply during that timeframe, though, would have to pay the fee and go through the regular process.

Task Force:

Commissioner Carter said that at the last meeting, the commission was fairly specific that a task force needed to be set up. He asked if that is what that group they mentioned would be called. Mayor Fultz said yes and that the task force will be made up of the business leaders of the community, Code Enforcement and beautification groups, with the Planning and Zoning Board conducting the meetings. He said their recommendations will come back to the Commission on September 30th for them to have their final say regarding the changes the task force wants in the ordinance.

Commissioner Carter said the task force will be an excellent opportunity to show the community that the City is 'business friendly'. He said he was not in favor of passing the ordinance on second reading because he did not think they were ready to implement it. He suggested waiting 60-90 days. He said the constitutionality of the ordinance would not be in question if it is not enforced, whereas if we do enforce it, legal action could be brought against the City by the business community. He said he believed the ordinance was the wrong answer at the wrong time and advised that they do the right thing and engage the community first.

Citation:

Commissioner Carter said he received a complaint from a resident that a downtown thrift store got cited for having furniture in front of the business and they were given seven days to comply, even though there are many places downtown that do the same.

Commissioner Lutton said that a business being cited for furniture in front is not a sign issue but a code enforcement issue.

Assistant City Planner Kathy Bangley said the thrift store was not cited. A code enforcement officer visited the business to make them aware that they were out of compliance and to give them information on how to come into compliance. Commissioner Wojcik added that her understanding is that Code Enforcement will not be affected by this ordinance other than the A-frame sidewalk signs.

Mayor Fultz said the ordinance not allowing the furniture in front of a business has already been on the books and was enforceable even before they discussed the sign issue. But he said he also heard that the business was ticketed and was not just given a warning.

OPENED PUBLIC HEARING

Jim Brow, Longs Dry Cleaners: Mr. Brow said they now have 84 signatures of businesses that have retained legal counsel, those who would like their concerns addressed. He asked if the Commission received the letter their lawyer sent and he was told they had. He asked that the Commission work with the business community first so the city and its businesses can prosper and grow. He asked that the Commissioners take time to walk through the downtown area once a week to talk to some of the business owners, people who have everything they own tied up with their business' success, so they can find out their concerns.

Motion #1:

Mayor Carter made a motion to table the item until after the task force has a chance to do its work.

There was no second.

Commissioner Thornhill said he will be voting for the ordinance for the following reason:

- He has been assured that the work of the task force won't be turned aside and the people will have a chance to voice their concerns.

- He has been assured that those out of compliance will get a warning and given an opportunity to first comply before being cited.

Motion #2”:

Commissioner Thornhill made a motion to approve Ordinance 2013-05 on second reading with amendments allowing electronic message boards in the LCI zone along Mt Lake Cutoff Road, and allow flags in the LCI zone along US 27.

The motion died for the lack of a second.

Commissioner Lutton said adding those amendments would usurp the process of having the task force. He said the proposed changes were actually very minimal and mostly expands sign usage. He read and addressed the issues that were put forth in the lawyer’s letter to the City as follows:

- **A-frame Signs:**
The proposed ordinance only makes the A-frame signs in the downtown section a little bit smaller because the sidewalk is not wide enough for the 30” sign.
- **Externally Lit Signs:**
The proposed ordinance expands the use of externally lit signs by allowing them in the PF district along SR60 adjacent to residential areas, which before this ordinance change was not allowed. The use of internally lit signs can always be discussed by the task force.
- **Allowed Signage:**
The amount of signage has been based on the linear footage of the building. Changing it to road frontage or number of city lots, as proposed in the lawyer’s letter, would in some instances reduce the amount of signage area a business can have.

Commissioner Lutton said in the past as well as presently, those that wanted special consideration or wanted an ordinance change could go before the Planning Board. That process has always been in place. The proposed ordinance corrects the legal problems.

Commissioner Lutton made a motion to adopt Ordinance 2013-05 after second reading and public hearing. The motion was seconded by Commissioner Wojcik with the understanding that they were also approving the public input process.

By Roll Call Vote:

Commissioner Lutton	“YES”
Commissioner Wojcik	“YES”
Commissioner Carter	“NO”
Commissioner Thornhill	“YES”
Mayor Fultz	“YES”

The motion carried 4-1.

NEW BUSINESS

Agenda Item 15. Award of Contract for Roof Rep[airs on City Library

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The approval of the contract will allow the Library roof to be repaired.

RECOMMENDATION

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

1. Approve the contract with Fisher and Floyd Roofing and Sheet Metal Co., Inc. for roof repairs at the Library
2. Authorize the City Manager to execute the contract

BACKGROUND

In 1991 the Lake Wales Public Library underwent an expansion, quadrupling the size of the library building. With this expansion the building became a split level along the east side. A flat, rolled roof covers this 20' x 150' addition. The current rolled roof is original to the 1991 library renovation. Annual inspections by the Facilities Administrator have shown areas of "bubbling" in the rolled roofing.

Recent inspections show an increase in the size and number of these distressed areas. The library has experienced leaking in the large double paned windows beneath the flat roof during heavy rains.

Staff sought proposals requesting contractors to provide a repair methodology for the roof. Proposals were received as follows:

Fisher and Floyd Roofing and Sheet Metal Co.	\$16,120
Advanced Commercial Roofing	\$15,923
Budget Roofing Service Inc.	\$18,200

After reviewing the proposals, staff is recommending awarding the contract to Fisher and Floyd Roofing. They are a local company and have done work for the city before. When the rehab work was done on the Gym several years back Fisher and Floyd were roofing contractors for that project. Allowing for the 2% preference for local vendors, the net cost from Fisher and Floyd equates to \$15,797.60.

FISCAL IMPACT

A budget amendment would need to be completed for \$16,120 for the roof replacement cost as this item was not included with the original budget approved by the City Commission for FY 2012'13.

If the roof replacement is approved by the City Commission, staff will include this item within the next budget amendment, which is scheduled for City Commission consideration in August of 2013.

The funding source for the \$16,120 would be the additional revenue realized by the Library from Polk County Intergovernmental Revenues of \$14,120 and the remaining balance of \$1,850 would need to be allocated from the Library's ending fund balance (which has an estimated balance of \$75,263)

[End agenda memo]

Public Works Director Tom Moran and Facility Manager Don Porter were available for questions.

Commissioner Thornhill said he was happy that the 2% preference policy worked.

Commissioner Wojcik made a motion to approve the contract with Fisher and Floyd Roofing and Sheet Metal Co., Inc. for roof repairs at the Library and to authorize the City Manager to execute the contract. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 16. Award of Bid for the C Street Sewer Line Replacement Project

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider awarding bids for the C Street Sewer Line Replacement Project.

STAFF RECOMMENDATION

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

1. Approve the award of bid to Killebrew Construction in the amount of \$1,659,442.30
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

In 2010, as a result of historical operation and maintenance difficulties experienced within a localized area of the City, the Commission approved an engineering study to be conducted by Envisors (EVI). The study was to evaluate the suspected substandard sanitary sewer system contributing to Lift Station No. 16, which is located near the center of the City's utility service area.

EVI's engineering study determined that the sewer system, for the defined area, was substandard due to substandard pipe slopes, pipe materials, and pipe cover. It is also suspected that a significant amount of inflow and infiltration (I/I) due to the substandard pipe materials and deteriorating manholes is occurring. Based on the engineering study, the City Commission decided to begin the "C Street Project" which involves the replacement of the substandard sewer system with an appropriate sanitary sewer system for the area.

Upon completion of all engineering, staff submitted phase I of the C Street Project for bid on May 1, 2013 with a bid open date of June 3, 2013, to which there were two responsive bidders. EVI has reviewed both bid submittals and have found Killebrew Construction, Inc to be the lowest responsive bidder. Upon Commission approval EVI will issue the Notice to Proceed to the contractor and prepare the contract documents for City Attorney Approval. Staff is seeking approval of the award of bid to Killebrew Construction, Inc in the amount of \$1,659,442.30.

OTHER OPTION

Chose not to award the bid to Killebrew Construction, Inc re-advertise, and possibly delay the start of construction for this project.

FISCAL IMPACT

Funding for this project during FY 2012'13 consists of budgetary appropriations of \$750,000.00 from a CDBG grant award and \$934,860.00 from utility reserves for a total of \$1,684,860.00.

[End agenda memo]

Utilities Projects Administrator Sarah Kirkland reviewed Agenda Item 16.

Commissioner Carter asked if all the easements were obtained. Ms. Kirkland said the easements for the CDBG grant portion have been acquired, which allows the city to move forward.

Commissioner Carter asked for confirmation that we have a \$750,000 grant and \$934,000 will come from the Utility Reserve Fund. Ms. Kirkland confirmed.

Commissioner Wojcik said this project has been 'hanging out there' ever since she was elected to the City Commission and she was happy to be the one to make the motion. She asked when they would start construction and Ms. Kirkland said typically they have 30 days.

Commissioner Wojcik made a motion to approve the bid to Killebrew Construction and authorize the City Manager to execute the appropriate documents. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 17. Appointments – Boards, Commissions, and Committees

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The appointments will fill vacancies due to resignations, expiration 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– 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)

1. *There is no interview process requirement for applicants applying for appointment to this board.*
2. *Members are not required to file an annual Form 1, Statement of Financial Interests*
3. *Current Vacancies: 2 residents (expiring terms); 1 city commissioner*

The appointment is for a city commissioner and two resident members.

1 City Commissioner vacancy: Serves for the duration as his/her term as a Commissioner
(Commissioner Carter is unable to complete his term)

2 resident vacancies: terms expire 07/01/16

Applying for appointment: None

Applying for re-appointment: Charles Loomis, resident
Robert Kelly, resident

The resident vacancies are due to two expiring terms. Mr. Loomis & Mr. Kelly have been recommended for reappointment by the Airport Authority. Commissioner Carter currently serves as the city commission member. He is unable to complete his term due to a busy schedule and is unable to attend on the night of the Board meeting.

Mayor Fultz volunteered to be the Commission Liaison to the Airport Authority as Commissioner Carter had a conflict with the meeting dates and stepped down.

Commissioner Thornhill made a motion to appoint Mayor Fultz to the Airport Advisory Board. All were in favor.

All "AYE"; None "NAY"

Mayor Fultz with the consent of the City Commission re-appointed Charles Loomis and Robert Kelly to serve as a member to the Airport Authority Board for a term expiring on July 1, 2016.

By Voice Vote:

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

The motion carried 5-0.

Bicycle/Pedestrian Advisory Commission (BPAC) – The commission consists of seven (7) regular members and three (3) alternate members. At least five (5) regular members and three (3) 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)

1. *There is no interview process requirement for applicants applying for appointment to this board.*
2. *Members are not required to file an annual Form 1, Statement of Financial Interests*

3. *Current Vacancies: 3 residents (1 can be a non-resident); 2 resident alternates & 1 alternate meeting other requirement (1 resident vacancy is due to a member requesting to serve as an alternate)*

1 regular vacancy 1 term expires 07/01/14
2 regular vacancy 2 terms expire 07/01/16

1 resident alternate vacancy term expires 07/01/16
1 resident alternate vacancy term expires 07/01/15
1 non-resident alternate vacancy term expires 07/01/15

Applying for appointment: Jose Joglar-Gaya, resident (Jose is requesting to be switched from a regular seat to an alternate seat)

Applying for re-appointment (regular) Evelyn Pabon, resident
Lorraine McIntosh, resident

Applying for re-appointment (alternate) Jaime Rivera, resident

Because Evelyn Pabon and Jaime Rivera were recently appointed to serve on the BPAC for a partial term expiring on 07/01/13, a new application for re-appointment was not necessary.

Mayor Fultz with the consent of the City Commission appointed Jose Joglar-Gaya as an alternate to the BPAC Board with a term ending July 1, 2016; reappointed Evelyn Pabon and Lorraine McIntosh as regular members with a term ending July 1, 2016; and reappointed Jaime Rivera as an alternate with a term ending July 1, 2015.

By Voice Vote:

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

The motion carried 5-0.

Board of Zoning Adjustment and Appeals (BOA) – The board consists of five (5) members. Members must be residents. (3 year term)

- *An interview process is necessary for new applicants only.*
- *Members are required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 4 residents (includes 2 expiring terms)*

4 resident vacancies: terms expire 07/01/16

Applying for appointment: none

Applying for re-appointment: James Boterf, resident
Barbara Follet, resident

Mayor Fultz with the consent of the City Commission reappointed James Boterf and Barbara Follet to the Board of Zoning Adjustment and Appeals with terms ending July 1, 2016.

By Voice Vote:

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

The motion carried 5-0.

Citizens & Police Community Relations Advisory Committee – The committee 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)

1. *There is no interview process requirement for applicants applying for appointment to this board.*
2. *Members are not required to file an annual Form 1, Statement of Financial Interests*
3. *Current Vacancies: 1 citizen (expiring term)*

1 resident vacancy: term expires 07/01/15

Applying for appointment: none

Applying for re-appointment: Manuel Crespo, resident

Because Manuel Crespo was recently appointed to serve on the Citizens & Police Community Relations Advisory Committee for a partial term expiring on 07/01/13, a new application for re-appointment was not necessary.

Mayor Fultz with the consent of the City Commission reappointed Manuel Crespo to the Citizens & Police Community Relations Advisory Committee with a term ending July 1, 2015.

By Voice Vote:

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

The motion carried 5-0.

Code Enforcement Board – 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)

1. *An interview process is necessary for new applicants only.*
2. *Members are required to file an annual Form 1, Statement of Financial Interests*
3. *Current Vacancies: 3 residents (includes 1 expiring term and 1 member with final expiring term)*

1 resident vacancy 07/01/15

2 resident vacancies 07/01/16

Applying for appointment: Murray Zacharia, resident (The applicant has been interviewed and is recommended for appointment.)

Applying for re-appointment: William Follett, resident

Mayor Fultz with the consent of the City Commission appointed Murray Zacharia and reappointed William Follett to the Code Enforcement Board with terms ending July 1, 2016.

By Voice Vote:

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

The motion carried 5-0.

CRA Citizen Advisory Committee – The committee 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)

- a) *There is no interview process requirement for applicants applying for appointment to this board.*
- b) *Members are not required to file an annual Form 1, Statement of Financial Interests*
- c) *Current Vacancies: 4 residents in specific voting district or meeting other requirement in specific voting district (includes 3 expiring terms)*

1 resident vacancy: term expires 07/01/14

3 resident vacancies: terms expire 07/01/15

Applying for appointment: none

Applying for re-appointment: Murray Zacharia, resident

Mayor Fultz with the consent of the City Commission reappointed Murray Zacharia to the CRA Citizen Advisory Committee with a term ending July 1, 2015.

By Voice Vote:

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

The motion carried 5-0.

Depot Advisory Commission – The 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.*
- *Members are not required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 3 residents (includes 2 expiring terms); 3 non-residents (includes 2 expiring terms)*

1 non-resident vacancy: term expires 07/01/14

2 non-resident vacancies: terms expire 07/01/16

1 resident vacancy: term expires 07/01/14

2 resident vacancies: terms expire 07/01/16

Applying for appointment: none

Applying for re-appointment: Linda Johnson, non-resident

Mayor Fultz with the consent of the City Commission reappointed Linda Johnson to the Depot Advisory Commission with a term ending July 1, 2016.

By Voice Vote:

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

The motion carried 5-0.

Historic District Regulatory Board – The board consists of five (5) members, of which 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- 1) *An interview process is necessary for new applicants only.*
- 2) *Members are required to file an annual Form 1, Statement of Financial Interests*
- 3) *Current Vacancies: 1 resident or own property in City; 2 resident or own property in City or meets other requirement (includes 1 expiring term)*

1 vacancy; resident or own property in City	term expires 07/01/15
1 vacancy; resident or own property in City or meets other requirement	term expires 07/01/15
1 vacancy; resident or own property in City or meets other requirement	term expires 07/01/16

Applying for appointment: none

Applying for re-appointment: Diane Armington, owns property in city

Mayor Fultz with the consent of the City Commission reappointed Diane Armington to the Historic District Regulatory Board with a term ending July 1, 2015.

By Voice Vote:

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

The motion carried 5-0.

Housing Authority – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- *An interview process is necessary for new applicants only.*

- *Members are required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 2 residents or meets other requirement (includes 1 expiring term & 1 final expiring term)*

2 vacancies: terms expire 07/01/17

Applying for appointment: Wanda Lawson, resident

Applying for re-appointment: none

Mayor Fultz with the consent of the City Commission appointed Wanda Lawson to the Housing Authority with a term ending July 1, 2017.

By Voice Vote:

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

The motion carried 5-0.

Lakes Advisory Commission - The commission consists of seven (7) members. At least six (6) members must reside in the City, and no more than one (1) member may reside outside the City. (3-year term)

1. *There is no interview process requirement for applicants applying for appointment to this board.*
2. *Members are not required to file an annual Form 1, Statement of Financial Interests*
3. *Current Vacancies: 4 residents; 1 resident or non-resident*

This board cannot meet due to a lack of quorum.

3 resident vacancies: terms expire 07/01/15

1 resident vacancy: term expires 07/01/16

1 resident or non-resident: term expires 07/01/16

Applying for appointment: none

Applying for re-appointment: none

Library Board – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid occupational license issued by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

1. *There is no interview process requirement for applicants applying for appointment to this board.*
2. *Members are not required to file an annual Form 1, Statement of Financial Interests*
3. *Current Vacancies: 1 resident or own property in City or occupational license in City (expiring term)*

1 vacancy: term expires 07/01/18

Applying for appointment: none

Applying for re-appointment: Cheryl Garnett, resident

Because Cheryl Garnett was recently appointed to serve on the Library Board for a partial term expiring on 07/01/13, a new application for re-appointment was not necessary.

Mayor Fultz with the consent of the City Commission reappointed Cheryl Garnett to the Library Board with a term ending July 1, 2018.

By Voice Vote:

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

The motion carried 5-0.

Parks and Community Appearance Advisory Board - The board consists of seven (7) members. A majority of the members shall reside or own property within the city limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. Members are appointed for terms of three (3) years, except that the initial terms of the members shall be staggered so as to provide two (2) vacancies at the end of each year. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

- 3) *There is no interview process requirement for applicants applying for appointment to this board.*
- 4) *Members are not required to file an annual Form 1, Statement of Financial Interests*
- 5) *Current Vacancies: 3 residents or own property in City; 1 resident or own property in City or meet other requirements (includes 3 expiring terms)*

1 vacancy: term expires 07/01/15
3 vacancies: terms expire 07/01/16

Applying for appointment: Terrye Howell, resident
Jim Bell, meeting other requirements

Mayor Fultz with the consent of the City Commission appointed Terrye Howell and Jim Bell to the Parks and Community Appearance Advisory Board with a term expiring July 1, 2016.

By Voice Vote:

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

The motion carried 5-0.

Planning & Zoning Board – The board consists of seven (7) members. Members must reside in the city, own property in the city or hold a valid occupational license issued by the city. (3 year term)

1. *An interview process is required for new applicants only.*
2. *Members are required to file an annual Form 1, Statement of Financial Interests*

3. *Current Vacancies: 3 residents or reside in the city, own property in the city or hold a valid occupational license issued by the city (expiring terms; 1 eligible for a 4th term)*

3 vacancies: terms expire 07/01/16

Applying for appointment: none

Applying for re-appointment: Charlene Bennett, resident
Robert (Bob) Gibson, resident

On July 1, 2013, Bob Gibson's third term expires. In accordance with Sec. 2-26 of the Code of Ordinances, the Interim City Manager waived the three-term limit for Mr. Gibson due to an existence of a special circumstance on the Board.

Mayor Fultz with the consent of the City Commission reappointed Charlene Bennett and Bob Gibson to the Planning & Zoning Board with terms ending July 1, 2016.

By Voice Vote:

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

The motion carried 5-0.

Recreation Commission – Representative members are appointed by their organization. The commission consists of three (3) citizen members and thirteen (13) representatives from various community organizations providing a recreation program for the community. (3 year term)

- *There is no interview process requirement for applicants applying for appointment to this board.*
- *Members are not required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 2 residents*

1 resident vacancy: term expires 07/01/15

1 resident vacancy: term expires 07/01/16

Applying for appointment: none

Applying for re-appointment: none

Finance Committee – The committee consists of the City Manager, Finance Director and Finance staff, and two City Commissioners. City Commissioners serve for the duration of their term as a Commission or until no longer desire to serve.

Establishment - In 2002, the Finance Committee was established to review the City's financial position on a monthly basis to closely monitor the progress in resolving the City's current financial problems. Close monitoring was to facilitate a more timely identification of new problems should they occur. The establishment of the Finance Committee was endorsed by the City's auditors. Right now, the Finance Committee has only been meeting annually to review the annual City Auditor's Report.

- *There is no interview process requirement for appointment to this board.*
- *Members are not required to file an annual Form 1, Statement of Financial Interests*

- *Current Vacancies: None.*

Commissioner Thornhill and Commissioner Wojcik are currently serving as the Commissioner members. Both said they would like to continue serving.

Mayor Fultz reappointed Commissioner Thornhill and Commissioner Wojcik as liaisons to the Finance Committee.

All "AYE; None "NAY"

Investment Committee - The committee consists of the city manager, a city commissioner, the finance director, and two (2) members of the public who are residents of the City of Lake Wales or owners of property located in the City of Lake Wales or persons having a business tax receipt issued from the City of Lake Wales. (Public members serve 4-yr terms)

Establishment – In 2009, the Investment Committee was established in accordance with City Code Section 2-502 for the purpose of formulating alternative investment strategies and short-range directions and for monitoring the performance and structure of the portfolio within established policies. The committee will formulate and recommend change, if necessary, to the investment policies.

- *There is no interview process requirement for appointment to this board.*
- *Members are not required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 2 public members; 1 city commission member (expiring terms)*

2 public vacancies: terms expire 07/01/17

Applying for appointment: none

Applying for re-appointment: none

Commissioner Thornhill is currently serving as the Commissioner member. He said he would like to continue serving.

The Mayor reappointed Commissioner Thornhill to serve as a member to the Investment Committee.

All "AYE; None "NAY"

OPTIONS

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

FISCAL IMPACT

[End agenda memo]

Agenda Item 18. City Commissioner Liaison Appointments

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

City Commissioners serve on other governmental agency boards as a liaison to the city.

RECOMMENDATION

The Mayor is asked to appoint City Commission members to serve as liaisons to the City on various governmental agencies in Polk County. An appointment might allow for first time representation, replace city commission members that no longer wish to continue serving for the duration of their term as a commissioner, or reappoint a commissioner who wishes to continue to serve.

POLK TRANSIT AUTHORITY BOARD OF DIRECTORS

The Polk Transit Authority was created in 2007 by the Florida Legislature, and acts as the regional transit authority for Polk County. The PTA provides strategy development and implementation of alternative local funding sources when federal transit operating funds are no longer available to Lakeland and Winter Haven due to their status change from urbanized areas with under 200,000 in population to urbanized areas with over 200,000 persons because urbanized areas with populations that exceed 200,000 are no longer eligible for federal transit operating funds.

The PTA can work towards the consolidation of the three existing transit service providers into a single entity, providing countywide transit services coordinate with other regional providers, so there is the potential for a long-term and stable source of transit funding.

On August 21, 2012, the City Commission renewed an Interlocal Agreement with Polk County securing the fair-share funding for the Winter Haven area Transit System in the amount of \$5,433 for Fiscal Year 2012/2013. The appointment of a City Commissioner to the Board does not obligate the City Commission to contribute any future general funds to support transit services.

The City of Lake Wales alternates providing a liaison with the City of Haines City. The Haines City liaison is on the Board until December 2013.

The Mayor is asked to appoint a City Commissioner to serve as a voting member to the PTA for a term beginning January 2014 and expiring December 2016.

Currently, the Board meets bi-monthly on the fourth Wednesday at 9:00 a.m. in the Neil Combee Building, also known as the County Administrative Building, in the County Commission Chambers, 330 West Church Street, Bartow, Florida. The next meeting will be held on Wednesday, July 24, 2013.

Mayor Fultz appointed himself to the Polk Transit Authority Board with a term to begin on December 14, 2013.

All "AYE; None "NAY"

POLK TRANSPORTATION PLANNING ORGANIZATION (TPO) BOARD

The Polk Transportation Planning Organization (TPO) is the lead transportation planning agency for Polk County. It develops transportation plans and programs for Polk County as mandated by federal and state legislation, which are designed to meet the community's short and long term travel needs. Transportation projects, e.g., road widening projects or bus service expansions, are planned and programmed through federal and state funding by the TPO in cooperation with the Florida Department of Transportation (FDOT) transportation operators and local governments. Staff support is provided by the Growth Management Department of the Polk County Board of County Commissioners.

The TPO provides a forum for cooperative decision-making regarding countywide transportation issues. It is comprised of a 19-member policy board of local elected officials, staff, and advisory committees. The

member governments include the Polk County Board of County Commissioners and the cities of Lakeland, Winter Haven, Auburndale, Bartow, Haines City, Lake Wales, Fort Meade, Mulberry, Frostproof, Lake Alfred, Dundee, Eagle Lake, Davenport, Polk City, and Lake Hamilton. Other public agencies such as the Central Florida Regional Planning Council, and the Florida Departments of Community Affairs (DCA), Environmental Protection (DEP), and the Florida Department of Transportation (FDOT), are also represented on its advisory committees.

Currently, the city has no representation on the PTA. The Mayor is asked to appoint a city commissioner to serve on the Board for the duration of his/her term as city commissioner.

The Board meets bi-monthly on the second Thursday at 9:00 a.m. in the Neil Combee Building, also known as the County Administrative Building, in the County Commission Chambers, 330 West Church Street, Bartow, Florida. The first meeting for the appointee to attend will be on August 8, 2013.

Mayor Fultz appointed himself to the Polk Transportation Planning Organization Board.

All "AYE; None "NAY"

POLK COUNTY JOINT AIRPORT ZONING BOARD (JAZB)

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.

The Joint Airport Zoning Board (JAZB) regulates the uses of land located around eight (8) airports licensed for public use by the State of Florida Department of Transportation in Polk County. These facilities include four (4) publicly owned, and four (4) privately owned, airports.

The publicly owned airports include:

- Bartow Municipal Airport
- Lakeland Linder Regional Airport
- Lake Wales Municipal Airport
- Winter Haven Municipal Airport

Privately owned airports include:

- Brown Seaplane Base
- Chalet Suzanne Airport
- River Ranch Airport
- Lakeland Airpark

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.

As representatives to the Board, the City of Lake Wales is required to appoint two voting members: a city commissioner, and a city staff member, and one non-voting Airport Manager, who is a member to the Lake Wales Airport Authority Board. Members are required to file a Statement of Financial Interests with the Polk County Supervisor of Elections Office. The City Commission member serves for the duration of his/her term as a commissioner. Individual members serve as appointees of their respective local governments until their successors are appointed.

Current members on the Board representing the City are Airport Authority Board member Bob Kelly; Planning & Development Director Margaret Swanson; and Commissioner Carter.

The Mayor has the option of allowing Commissioner Carter to continue serving, if he wishes to continue serving on the Board, or appoint a new Commissioner to serve for the duration of his/her term as City Commissioner.

The Board meets annually. The Chair or a majority of its members may call additional meetings at any time and the Chair or a majority of its members may also decide the meeting location.

Mayor Fultz appointed Commissioner Thornhill to the Polk County Joint Airport Zoning Board.

All "AYE; None "NAY"

LAKE WALES CHARTER SCHOOLS, INC. BOARD OF TRUSTEES

The purpose of the Lake Wales Charter Schools, Inc. Board of Trustees is to improve student learning and academic achievement with the use of innovative learning methods in compliance with Section 1002.33, Florida Statute (2002), providing for the establishment of charter schools in Florida.

Membership of the Board consists of the public charter schools within the System. Because of their commitment to Lake Wales Charter Schools, the City of Lake Wales selects a member for Seat #2 of the Board of Trustees, which can be someone from the community or a member of the City Commission. There are seven volunteer voting members, plus one non-voting teacher member, for a total of eight Trustees. The Board members should have the credibility and respect of the community, reflect the diversity present in the community, and be qualified in terms of training, education, and experience.

The current Seat 2 member that represents the City is Commissioner Betty Wojcik who said she would like to continue serving out her partial three-year term that expires on June 30, 2014. The Mayor has the option of allowing Commissioner Wojcik to complete her term on the Board or to appoint a new Commissioner to serve for the remainder of the June 30, 2014 term.

Meetings are held annually between May 15 and June 1.

Mayor Fultz reappointed Commissioner Wojcik to the Charter School Board. Commissioner Wojcik said the meetings are held monthly.

RIDGE LEAGUE OF CITIES BOARD

The Ridge League of Cities consists of 22 cities/towns whose representatives attend board and dinner meetings. The purpose of the league is to assist its members in promoting efficiency in local government, to educate members, and to discuss items of common interest.

Currently, representatives and attendees of the City of Lake Wales pay for their own meals and travel. Dinner meeting meal prices range from \$16.00 to \$30.00. Member cities are required to pay annual dues: population of less than 5,000 pays \$250.00 and population greater than 5,000 pay \$500.00. Dues have been paid for this fiscal year.

The Mayor appoints a City Commissioner to a regular member seat and a City Commissioner to an alternate member seat. Commissioner Thornhill currently serves as the regular member and Commissioner Lutton currently serves as the alternate member. A Commission member serves for the duration of his/her term as a City Commissioner. The Mayor has the option of allowing the current Commissioners to serve on the Board or appoint new Commissioners to serve.

Board members need to attend board meetings when possible. All are welcome to attend the Dinners.

Board Meetings

January 10, 2013 – Winter Haven City Hall
May 9, 2013 – Winter Haven City Hall
August, 2013 – Orlando
November 14, 2013 – Winter Haven City Hall

Dinner Meetings

April 11, 2013 – Lake Alfred
December 13, 2012 – Lakeland
February 21, 2013 – Lake Wales
March 14, 2013 – Bartow
June 13, 2013 – Polk City
September 12, 2013 – Ritz Theatre, Winter Haven
October 10, 2013 – Haines City
December 12, 2013 – Lakeland

OPTIONS

The Mayor could choose not to allow City Commission representation on the various government agencies.

FISCAL IMPACT

City Commission members appointed to serve could incur travel expense to attend meetings. This expense is reimbursable at the state-mandated mileage reimbursement rate if an expense report is filed with the City Manager's Office.

[End agenda memo]

Mayor Fultz reappointed Commissioner Thornhill as the representative and Commissioner Lutton as the alternate to the Ridge League of Cities Board.

All "AYE; None "NAY"

Commissioner Carter recommended that each of the twelve some odd boards give a ten minute presentation before the City Commission one time a year, staggered so only one is scheduled each month, so that the commission can find out what is working, what is not working and if they need help so the Commission can become aware of their mission, what they do, and when they meet. Mayor Fultz thought that was a good idea.

Commissioner Carter made a motion to instruct each board to present their mission to the city commission annually. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 19. Lake Wales Cemetery Addition

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval of a cemetery addition project, which will encompass the use of five acres, and the creation of a cemetery enterprise fund.

STAFF RECOMMENDATION

It is recommended the City Commission consider the following action:

1. Direct staff to begin the design and engineering phase of the cemetery addition
2. Direct staff to begin drafting the necessary ordinance for the creation of a cemetery enterprise fund
3. Authorize the Interim City Manager to begin negotiation with Billy J. Allen relating to the release of five (5) of the forty-five (45) acres of City property currently leased to Mr. Allen

BACKGROUND

Lease Agreement between the City and Mr. Billy Allen:

On April 2, 2012, the City Commission approved a three (3) year lease agreement between the City and Mr. Billy Allen for City property on which Mr. Allen is harvesting citrus. The contract runs annually from July 1st to June 30th. The terms of the contract state that if the City wants to withdrawal a portion of the property the City must provide notice to Mr. Allen on or before January 31st of any lease year. Such withdrawal will be effective at the end of such lease year, but Mr. Allen will be allowed to harvest the citrus crop on the portion removed from the lease through July following such notice. Under the current lease agreement, if the City provides notice on or before the end of January 31, 2014, Mr. Allen is entitled to use the land through July of 2014.

If the City Commission wishes to begin cemetery construction work before August of 2014, staff recommends the Commission authorize the Interim City Manager to begin negotiation with Mr. Allen for a possible addendum to the existing contract for the release of five (5) acres of the property.

If negotiations are unsuccessful, within the existing lease agreement, the City does have the right to terminate the agreement with thirty (30) days notice but this would trigger a requirement for the City to pay Mr. Allen 1) the entire annual rent payment for the lease year being terminated and 2) any and all expenses for caretaking that have been actually incurred during such lease year based upon the standard industry caretaking costs.

Proposed New Cemetery:

On April 2, 2012, staff presented information to the City Commission on land to be utilized as a proposed new cemetery for Lake Wales. At that time the decision to begin work on a proposed new cemetery for Lake Wales was delayed.

On February 5, 2013, due to the number of remaining burial lots staff again presented the proposed cemetery material to the City Commission. Staff felt that the number of remaining burial lots indicated that a decision needs to be made in order to allow sufficient time for engineering and platting of the property.

On February 5, 2013, the City Commission provided the following direction to staff:

1. Evaluate the proposal for developing the piece of land.
2. Evaluate how it can be structured as an enterprise with no city subsidy.
3. Come up with a model for how to make the existing cemeteries sustainable.

4. List all the options the city has for staying in the cemetery business, such as how much they would have to charge per plot in order to break even, including maintaining it forever.
5. Limit the existing available plots to families of members already buried in Lake Wales, people who live here, or have roots in Lake Wales and continue selling them on an as-needed basis, no more installment plans.
6. Find some successful business models for privately owned cemeteries so the Commission can see what is working and what is not working.
7. Instead of developing all 45 acres, staff is instructed to show how the operating costs can be sustainable if the approximate twenty acres on the two parcels between Hunt Brothers Road and Ray Martin Road are plotted but designing and constructing done only on 5 acres at a time, to be added to next fiscal year's budget.

Section - 1 Evaluate the proposal for developing the piece of land:

Staff met with area funeral directors on 02/26/2013. Various ideas were discussed but several recurring ideas included:

- Creation of a cemetery perpetual care reserve fund in which the principal would be preserved and the investment earnings would be used for the operational cost of the cemetery.
- Creation of a well thought out design on future roads and infrastructure within the new cemetery.
- Only develop five (5) acres at this time. An acre provides approximately five hundred (500) adult plots. An adult plot dimension is 5x12 ft., child/infant is 2x5 ft., and cremation is 4x4 ft. The City historically, from 2010 through 2012, sells around 110 plots per year.

Staff was provided a directive (#7) by the City Commission to show how the operating costs can be sustainable if the approximate twenty (20) acres are plotted but designing and construction is done only on five (5) acres at a time.

Section - 2 Evaluate how the new cemetery can be structured as an enterprise with no city subsidy:

Staff has provided an estimate of the fee structure necessary for a cemetery enterprise fund as requested by the City Commission. This fee structure would be very similar to the fees charged by Glen Abbey Memorial Gardens, located in Auburndale, Florida.

Comparison of Surrounding Cemetery (Private) Fee Structures

Burial Lot Categories	New Cemetery	Glen Abbey Memorial Gardens	Serenity Gardens	Memorial Gardens
	Lake Wales	Auburndale	Lakeland	Lakeland
Adults - Resident	1,269	1,195	1,095	1,595
Adult - Water Only	-	-	-	-
Adults - Non - Resident	1,586	1,195	1,095	1,595
Child/Infant - Resident	410	225	1,095	395
Child/Infant- Water Only	-	-	-	-
Child/Infant - Non - Resident	513	225	1,095	395
Cremation - Resident	498	695	(a)*	1,595
Cremation - Water Only	-	-	-	-
Cremation - Non - Resident	622	695	(a)*	1,595
Scattering Garden	250	100	350	695

Serenity Gardens Note: (a)* - No cremations due to fact that lots or nickes are sold out.

Comparison of Surrounding Cemetery Municipal Fee Structures

Burial Lot Categories	New Cemetery Lake Wales	City of Lakeland	City of Frostproof	City of Bartow	City of Winter Haven	City of Haines City
Adults - Resident	1,269	926	500	550	623	360
Adult - Water Only	-	-	-	-	-	-
Adults - Non - Resident	1,586	926	500	550	850	720
Child/Infant - Resident	410	367	500	75	364	65
Child/Infant- Water Only	-	-	-	-	-	-
Child/Infant - Non - Resident	513	367	500	75	364	65
Cremation - Resident	498	399	500	275	364	720
Cremation - Water Only	-	-	-	-	-	-
Cremation - Non - Resident	622	399	500	275	364	720
Scattering Garden	250	-	-	-	-	-

A comparison to the Lake Wales proposed cemetery enterprise fee structure compared to existing general fund (subsidized) cemetery fee structure:

**City of Lake Wales
Comparison of Cemetery Fee Structures**

Cemetery Lot Fees	Enterprise Fund New Cemetery	General Fund Existing Cemetery	Increase in Fee	% of Increase
Adults (Lot size 5x12 ft)				
Lake Wales - Resident	1,269	580	689	119%
Lake Wales - Water Only*	1,586	725	861	119%
Lake Wales - Non-Residents	1,586	1,160	426	37%
Child/Infant (Lot size 2x5 ft)				
Lake Wales - Resident	410	193	217	112%
Lake Wales - Water Only*	513	241	272	113%
Lake Wales - Non-Residents	513	386	127	33%
Cremation (Lot size 4x4 ft)				
Lake Wales - Resident	498	193	305	158%
Lake Wales - Water Only*	622	241	381	158%
Lake Wales - Non-Residents	622	386	236	61%
Scattering Garden	250	-	250	

Note (*) - Under the proposed enterprise fee structure there no longer would be a category of "Water Only". There would only be a fee structure designed for "resident" or "non-resident".

New Cemetery – City Subsidy:

Governmental Accounting Standards Board (GASB) Statement #34 requires an activity to be reported as an enterprise fund if the pricing policies of the activity establishes fees and charges designed to recover its costs, including capital costs (such as depreciation or debt service). If it is the intention of the City Commission to create an enterprise fee structure for the new cemetery, then standard accounting practices would indicate that the initial start-up costs paid by the general fund would be reimbursed at such time as funding is available within the new enterprise fund.

Staff has estimated a City subsidy of \$35,000 per year through Fiscal Year 2019'20 would be necessary for the new cemetery. Staff recommends allocation of the rental fees received from the grove property for this purpose. Staff recommends any funding from the general fund to the new cemetery enterprise fund be recognized as an internal loan. The \$245,000 (\$35,000 x 7 years) is recommended to be repaid to the General Fund as funding is available.

Section - 3 Come up with a model for how to make the existing cemetery sustainable:

Currently Lake Wales has approximately 27.4 acres of existing cemeteries which have provided burial space for nearly 14,369 individuals. The existing cemeteries include Willow Lawn (approximately 10 acres – 2,808 burial lots) and Lake Wales Cemetery (approximately 17.4 acres – 11,561 burial lots). As of June 3, 2013, burial spaces available for sale include the following:

Willow Lawn

None

Lake Wales Cemetery

Adults	70
Child	68
Infant	14
Cremation	<u>56</u>
	208

Lake Wales historical cemetery fee structures, for over the past ninety-years, were never intended to be the sole source of sustainability for the perpetual maintenance costs associated with the City's cemeteries. At this point, with only 208 burial lots available for sale, it is unfeasible for these cemeteries to provide sufficient funding for sustainability from cemetery fees alone.

However, as the new cemetery enterprise fund evolves, it might be possible for absorption of these two original cemeteries into the enterprise fund, but only when at least ten (10) acres of the new cemetery is under development. As the projection of the need for ten (10) acres is beyond fifteen-year, it is staff recommendation this option be considered only at that time.

Section - 4 List all the options the city has for staying in the cemetery business, such as how much they would have to charge per plot in order to break even, including maintaining it forever:

The City has the following options:

- Continue charging comparable "municipal" cemetery fees and subsidize the cemetery for perpetual maintenance and capital costs. Based on FY 2011'12 actual cost, the City average maintenance cost per acre is \$5,535. For the existing 27.4 acres this cost is equal to \$151,659 (\$5,535 x 27.4 acres). The maintenance for the new five acres is estimated to create additional costs of \$15,790 (\$3,158 x 5 acres). Once all the burial lots are sold, the City would be responsible for the perpetual maintenance currently estimated at \$167,449. This cost does not include capital outlay.
- Create a cemetery enterprise fund and charge fees sufficient enough to create a perpetual care reserve fund. The City's fee structure would be higher than surrounding municipal cemetery fees structures.

Section - 5 Limit the existing available plots to families of members already buried in Lake Wales, people who live here, or have roots in Lake Wales and continue selling them on an as-needed basis, no more installment plans:

Implemented by staff in April of 2012

Section - 6 Find some successful business models for privately owned cemeteries so the Commission can see what is working and what is not working:

The Cities of Lakeland, Frostproof, Bartow, Winter Haven, and Haines City do not attempt to breakeven on their maintenance and capital costs associated with cemetery operations. All of these municipal cemeteries are subsidized by other general fund revenues in addition to their cemetery fees.

Three privately owned cemeteries have been located in Auburndale (Glen Abbey Memorial Gardens) and Lakeland (Serenity Gardens and Memorial Gardens). The proposed cemetery enterprise fee schedule is very similar to fees charged by these entities.

Section - 7 Instead of developing all 45 acres, staff is instructed to show how the operating costs can be sustainable if the approximate twenty acres on the two parcels between Hunt Brothers Road and Ray Martin road are plotted but designing and constructing done only on 5 acres at a time, to be added to next fiscal year's budget:

Public Works Director, Tom Moran, has provided engineering, surveying, and construction cost estimates totaling \$423,762. His scope of services included designing twenty (20) acres and constructing five (5) acres cemetery use. Appendix A provides the detail relating to this scope of service estimate.

Time Line (If approved by City Commission):

06/19/2013 through 08/19/2013	Survey and Conceptual Plan
08/20/2013 through 10/21/2013	Approve of Core Plan, SWFWMD permit, Pre Bid
10/22/2013 through 12/12/2013	Bid Opening, Notice of Award, Start Construction
12/12/2013 through 04/11/2014	Cemetery Construction

The Finance Department has estimated annual debt service costs of \$40,200 relating to the design and construction cost estimate. The assumption used for this debt service included a principal balance of \$466,138 (\$423,762 plus a 10% contingency of \$42,376), semi-annual debt service payments over a fifteen-year debt issuance, and a 3.5% interest rate.

FISCAL IMPACT

Level of Service Options:

- Allow the remaining burial lots to be sold and then discontinue providing burial lots to the public. The City retains the responsibility of maintaining the existing two public cemeteries with estimated annual maintenance cost of \$152,000.

or

- Direct staff to begin the design and engineering phase of the new cemetery addition. Estimated design and construction cost for the development of five (5) acres is \$423,762. For cash flow purposes, the finance department recommends debt issuance for this project. Estimated annual debt service cost of \$40,200 has been projected for this project.

Fee Structure Options for the New Cemetery:

- Continue charging comparable "municipal" cemetery fees and subsidize the cemetery for perpetual maintenance and capital costs. Estimated perpetual maintenance is \$15,790 for the new cemetery addition, plus the additional annual debt service of \$40,200 for the next fifteen years. ($\$15,790 + 40,200 = \$55,990$)

or

- Create a cemetery enterprise fund and charge fees sufficient to create a perpetual care reserve fund. The City's fee structure would be higher than surrounding municipal cemetery fees structures. Comparison of the fee structures is provided in Section 2.

[End agenda memo]

Interim City Manager Dorothy Ecklund reviewed Agenda Item 19.

Commissioner Lutton recommended that they take one item at a time and get a consensus for each. Ms. Ecklund concurred and added that at the end, a motion can be made for all that received consensus.

Negotiations:

Commissioner Lutton recommended that Ms. Ecklund begin the negotiation process with the Leasee so he can work on taking the first five acres out of production according to his harvesting schedule.

Mayor Fultz concurred.

Funding:

- **New Cemetery:**

Ms Ecklund asked if the Commission would like to have it set up as an Enterprise Fund, where the fees generated from the sale of the lots would be enough to cover the construction to build the cemetery and with the creation of a Perpetual Care Fund so the earnings generated will be sufficient to cover operating expenditures perpetually.

Ms. Ecklund said the City would need to subsidize the cemetery when first built, before cemetery lots have been sold, with revenues from the city. She recommended allocating \$35,000 from the grove rental for this purpose, treating it as an internal loan to the Enterprise Fund, to be paid back at the point and time when the Perpetual Care Fund is sufficient to raise enough revenue to not only cover the operating costs, but pay back the General Fund.

Commissioner Wojcik said it made sense to set it up that way. She said the City has provided an opportunity for our residents to be buried locally, but at a continuing loss. She said she thought it was time for those who use the facility to make sure the cost is covered.

Commissioner Lutton said a perpetual fund that covers the upkeep of the grounds long-term should be a relief to those who purchase lots so they know their lot won't be abandoned or neglected. He thought that would be a good marketing plan.

Mayor Fultz agreed and none of the other Commissioners disagreed.

- **The Existing Cemeteries - Willow Lawn and Lake Wales Cemetery:**

Ms. Ecklund said that when the first five-acres have sold out and construction begins on the new five-acres, she will recommend that the Commission in place at that time, considers picking up the two other cemeteries that are now maintained out of the General Fund, incorporating them into the Enterprise Fund, if that fund is by then sufficient to do so.

Mayor Fultz asked when that might come about and Ms. Ecklund said it would be hard to give a projection because that would be based on how fast the first five acres sold. She made an estimate of 15-20 years. She said she wanted that recommendation put into the memo so that when the time comes, they know the concept had already been formed.

Sale Prices:

- **Escalating Prices:**

Commissioner Lutton asked if there will be an escalation in sale prices over the 15-20 years. Ms. Ecklund said there probably would be no increase the first three to five years but that will depend on how investment earnings accumulate on the Perpetual Care Fund plus how fast operating costs rise. They will monitor those two things, earnings and expenditures, and will raise sale prices accordingly.

- **Cemetery Plots:**

- **Child and Infant Plots:** Commissioner Lutton said there is a different price for child and infant lots and asked if there was a separate burial area for them. Public Service Administrator Teresa Allen said there was, with smaller lots which is why the price is less, and also for in-ground cremations,
- **Family Plots:** Commissioner Lutton asked if two full-size lots would have to be purchased if a parent wants their child buried next to them. Ms. Allen said that choice is up to the family but other options are provided. An infant can be buried at the foot of the parent's grave because the cemetery plots are large enough to hold one body and two cremations, or one body and one infant.

Commissioner Wojcik asked if a family could still have a family plot. Ms. Allen said they can and many families already have done that. Commissioner Wojcik said they would have to buy four – five- or even ten lots, however many their family needs.

Commissioner Thornhill said that years ago you could get a family plot for less than it would cost to buy them individually. Ms. Allen said she has been employed here 15 years so it would have had to be before that time. Now, they have to pay full price for each lot.

Commissioner Lutton asked if there would be a rush when the new cemetery is opened for purchasing family plots, for those who don't already have plots for multiple generations. Ms. Ecklund said if there is a rush that would be fine because it will be set up as an Enterprise Fund so the cost of the lot will be sufficient to cover both the construction cost and perpetual care. If the Perpetual Care Fund builds faster than expected, it will come before the City Commission for approval to build the next five-acre section.

Commissioner Thornhill made a motion to approve the new cemetery as outlined by the City Manager.

Commissioner Lutton asked that the motion include conceptual plans for the full twenty acres so we have a quality facility with a current modern design and it won't just be row after row of lots.

Public Works Director Tom Moran said the projected conceptual plan should be done in August. Before they can do that, they will have to get a conceptual plan permit from the Water Management District. He also plans to work with the Engineer, surveyor and funeral home directors to find out what works for them.

Commissioner Lutton said Civil Engineers build straight lines and what we need is more like a garden with traffic flow better than the ones we now have. Mr. Moran said that scattering gardens was part of the concept.

Commissioner Lutton made a motion to accept the memo for the development of the cemetery, planning and designing the twenty acres and developing five acres. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Lutton

"YES"

2013-292

Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Mayor Fultz called for a recess that began at 7:33 PM and reconvened at 7:43.

Agenda Item 21. Financial and Legal Advisory Services for the Fire Substation and the Cemetery Addition

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

This is a Contract with Public Financial Management, Inc. and Bryant Miller Olive P.A. for professional services relating to debt issuance for the Fire Substation and the Cemetery Addition.

STAFF RECOMMENDATION

It is recommended the City Commission consider the following action:

1. Approve the engagement letter with Public Financial Management, Inc. (PFM) for financial advisory services
2. Approve the bond counsel service agreement for Bryant Miller Olive P.A.
3. Authorize the Interim City Manager to execute the appropriate documents on the City's behalf

BACKGROUND

Debt Issuance

The City Commission has decided to move forward on two separate construction projections, the new fire substation (to be located off Chalet Suzanne Road) and a new cemetery addition (to be located between Hunts Brother Road and Ray Martin Road).

Based on the preliminary construction estimates, the Fire Substation construction is not to exceed \$1,200,000 and the Cemetery is not to exceed \$500,000. The Finance Department has recommended the City Commission obtain finances relating to these projects for the following reasons:

- A withdrawal from the Emergency Sinking Fund for both of these projects would not be advisable at this time based on the current economic condition of the City. The current balance of the Emergency Sinking Fund is \$1,500,000, while the combined estimated project costs total \$1,700,000.
- Both projects have long assets useful life. The Fire Substation has an estimated building asset life of thirty years. The availability of salable lots within the new Cemetery is estimated between fifteen and twenty years.
- The City of Lake Wales currently has two cemeteries, which include Willow Lawn (2,808 burial lots) and Lake Wales Cemetery (11,561 burial lots). Willow Lawn no longer has any salable burial lots and Lake Wales Cemetery, as of June 3, 2013 has 208 saleable burial lots. Staff feels that due to the remaining burial lots construction needs to begin on the project.

When the City issues debt, outside professional assistance is provided by the PFM Group (financial advisory services) and Bryant Miller Olive P.A. (legal services).

The PFM Group

On May 5, 2009, the City Commission approved a financial advisory agreement with the PFM Group. The agreement was for five years term through May 5, 2014. The agreement authorizes the PFM Group to assist the City in the following areas:

- Develop and monitor debt structure alternatives
- Recommend a negotiated or competitive sale for debt issuance
- Work with City staff members to develop financing terms, develop financing documents, and assist with the closing procedures relating to debt issuance

Bryant Miller Oliver P.A.

The Bryant Miller Olive firm has agreed to provide its services as Bond Counsel in connection with the issuance of bonds, notes or other obligations of the City. The firm will perform the following services:

- Review of proposed financing programs as to legal feasibility, compliance with applicable law and pending or proposed revisions to the law, including United States Treasury regulations
- Prepare ordinances or resolutions and any amendments thereto in order to authorize the debt
- Prepare or review the trust indentures, loan agreements, escrow agreements, and any other agreements or similar documents necessary, related or incidental to any financing
- Review all disclosure documents prepared and authorized by the City, but only insofar as such documents describe the bonds and summarize the underlying documents
- Render an opinion in written form at the time such transactions are closed as Bond Counsel to the City

FISCAL IMPACT

The PFM Group

PFM will charge a flat \$15,500 fee which would also cover any out of pocket expenses.

Bryant Miller Oliver P.A.

The Firm shall be compensated for the services described above, at the time the bonds or notes are issued, at the rate of \$1.20 per bond with a minimum fee of \$17,500. For a privately placed bank loan, the fee will equal \$14,000. The Firm shall be reimbursed for all routine or out-of-pocket expenses related to an issue. An out-of-pocket expense does not include travel, which will not be reimbursed by the City.

If the Firm is hired as both bond counsel and disclosure counsel, the bond counsel fee described above would be reduced to \$1.00 per bond with a minimum fee of \$15,000.

[End agenda memo]

Interim City Manager Dorothy Ecklund reviewed Agenda Item 21.

Ms. Ecklund explained why professional services were needed from the PFM Group and Bryant Miller Oliver P.A. She explained how combining the issuance of both the fire substation and the cemetery addition will save in cost. She explained that the cemetery would be financed for 15 years, so the loan would not exceed the life expectancy of the saleable lots, but the loan for the fire substation will be for 20 years.

Ms. Ecklund said she will be seeking a loan with the following two options that will come back to the Commission on August 5th with a staff recommendation for their consideration:

- The ability to pay the debt off early without a penalty but with a higher interest rate
- The 'Make Whole' concept, whereby the city gets a lower interest rate but then would have to pay the full amount of interest when the note is paid off.

Commissioner Carter said if we didn't go with the firm PFM we'd have to pay about \$14,000. Ms. Ecklund said PFM will look for and bring back the following best available options:

- Whether to negotiate with banks
- Whether to start the bid process.

She said neither she nor the bond counsel know which that will be.

Commissioner Carter said we are going to have to pay PFM \$15,000 and we still will have to pay the bank \$14,000 to originate the loan. Ms. Ecklund said that Bryant Miller Oliver does not know how the loan will come through the bank, a bond issue or a note, so they gave their fee structure for both options. Commissioner Carter asked if we would have to pay them \$17,000 and \$14,000. She said we would have to pay one or the other depending on the options we end up with.

Commissioner Carter said we therefore would only have to pay \$14,000 if we don't go with Bryant Miller Oliver. City Attorney Chuck Galloway said the city does not have the expertise to do the work. He said a bond issue is different than a note. Commissioner Wojcik said if it's a note it will be \$14,000 and if it's a bond issue it will be the \$17,500.

Commissioner Carter wanted confirmation that if we hire the firm for both our bond counsel and disclosure counsel, the fee goes down. Mr. Galloway said it goes down to \$15,000 if there is a bond issuance and if they serve in both capacities, though he said he did not know the reason for that.

Commissioner Carter said they really don't know the dollar amount being approved because we don't know at this point if they will be hired for both. Mr. Galloway concurred.

Commissioner Wojcik said once they research it, it will come back before the Commission. A yes vote will mean approval so staff can move forward. Ms. Ecklund gave the following timeline:

- PFM will put together the bid by the last part of June.
- It is expected to come back to the Commission July 16th.
- Staff will take a week to review it and make a recommendation.
- She will then prepare an agenda item
- It will come before the Commission on August 5th.

Commissioner Wojcik asked for confirmation that by combining the financing for both the cemetery and the fire substation into one lump sum, they won't have to pay to have those services done twice; and that the cemetery part of it will be paid off in 15 years and the substation part will be paid off in 20 years. Ms. Ecklund confirmed.

Commissioner Wojcik made a motion to:

1. Approve the engagement letter with Public Financial Management, Inc. (PFM) for financial advisory services
2. Approve the bond counsel service agreement for Bryant Miller Olive P.A.
3. Authorize the Interim City Manager to execute the appropriate documents on the City's behalf

The motion was seconded by Commissioner Lutton.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 22. City Commission to Decide How Many Candidates to Interview for City Manager

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SUBJECT: City Manager Applicants

We are forwarding the following for your review at this time:

1. List of applicants arranged in order of combined score received by the Mayor & each Commissioner
2. List of the Mayor & Commissioners' top 10 choices
3. List of the Range Riders' top 12 choices in alphabetical order

The Commission will need to decide to interview the top 5, or some other number of candidates. Human Resources will conduct reference and background checks on short-listed candidates.

- In keeping with the timeline established by the Commission, interviews will start the week of June 24th. Initial interviews with the City Commission can be conducted by phone for out of state candidates. The second round of interviews will need to be in-person and will be scheduled during the week of July 8th.

[End agenda memo]

At the start of the meeting the Commissioners were provided with a revised Candidate Ranking List. Human Resource Director Sandra Davis explained why it had to be revised, though she said the revision did not change the top ten candidates, merely changed their order on the sheet. .

After a discussion, the City Commission decided to have first round phone interviews with the eleven top ranked candidates as follows

:

- Two candidates that were on four of the Commissioner's top ten lists:
 - Richard Reade
 - Kenneth Fields
- Six that were on three of the Commissioner's top ten lists:
 - Kyle McCain
 - Kenneth Sauer
 - Dennis Kelly
 - Michael Stampfier
 - John Granger
 - Vince Akhimie
- Three that were on two of the Commissioner's top ten:
 - Ann Toney-Deal
 - Robert Bartolotta
 - John Schnieger

Commissioner Carter made a motion to approve the top eleven phone interview list. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Human Resource Director Sandra Davis gave the following possible timeline:

- She would notify the candidates not selected
- She will send forms for the top eleven candidates to sign.
- She will do background checks on the eleven candidates
- She can:
 - Set up phone interviews with the top eleven for the following week
 - She can move the phone interviews up a week if the Commission wants to wait until the background check results are finished
 - They can do in-person interviews with candidate that live in Florida and have phone interviews with those who live out of state or too far to drive.

Commissioner Thornhill suggested emailing the eleven candidates some general questions so the commission can have the answers before the interview.

Commissioner Lutton asked if having them "think on their feet" would be better.

Commissioner Wojcik said she thought the candidates would already have an idea of what will be asked and would therefore be prepared to answer whatever we ask.

Commissioner Thornhill agreed that some of the questions should be asked during the interview but general questions could be asked ahead of time. Ms. Davis said the questions asked at the first interview are normally general in nature and they get more specific during the second interview.

The consensus was to provide the following general questions.

- What will be your beginning steps when coming to Lake Wales?
- What are your five top strengths and weaknesses?
- What are the five positive and five negative points you have heard about Lake Wales?

The consensus was to schedule the phone interviews the week of June 24th through 28th, as many interviews each night as possible, starting at 5:30 PM in the city manager's conference room or break room.

CITY MANAGER

- **City Commission Tracking Report:**

Interim City Manager Dorothy Ecklund was available for questions but there were none. Commissioner Carter asked that 'action items' taken out of Commission meetings be added to the tracking report or something similar so the Commission does not lose track of them.

Budget Workshops:

Ms. Ecklund explained that the budget workshop had been canceled for before the meeting because she didn't feel that the data was ready to go before the Commission. She said she will be working to get the information out to them if possible on Friday so they have time to review the budget before they schedule the workshops. Otherwise she will roll it into one of the other department's budgets. The consensus was

to have the budget workshops on alternate agenda Tuesdays. Ms. Ecklund said she'd bring to the Commission some possible dates.

Workshop July 2nd: Ms. Ecklund said she would like to have a workshop on July 2nd at 4:00 PM regarding park safety issues and concerns.

Staff Direction: Ms. Ecklund said she was seeking directions on two topics to find out if the Commission wanted staff to spend more time on them or if they want staff to focus on the issues already going on.

- **Noise Ordinance:**

Ms. Ecklund asked if the Commission wanted staff to look further into the noise ordinance and have commission discussions on that issue.

Commissioner Carter said he would like to have the discussion because daily a car goes by his residence with the music blasting, sometimes rattling the windows. He said the City Commission went through a fair amount of effort to get the noise ordinance passed and either the fines aren't enough or something else is wrong because it doesn't seem to be working.

Commissioner Thornhill said he has seen some of them being stopped by the police, though not lately.

Commissioner Wojcik said she understood that something like 100 tickets have been issued since the ordinance was approved. Police Chief Chris Velasquez said the police department has issued numerous violations for vehicle noise and they work hard to keep the peace and quiet. The problem is that though some may respond and alter their behavior, many pay the fine but continue to do it. Some people come from other cities and may not know we have an ordinance against it so they have put message boards up to try to prevent it from happening. He said each time they have to address that issue two or three officers are tied up with one car. He said he lobbied to have the state noise law brought back but unfortunately politics got the best of it. If the police are aware of certain areas where vehicle noise is more prevalent, they patrol those areas more heavily but they can't be in every part of the city every minute of the day.

Commissioner Lutton said there is 20 square miles within the city limits and there are a limited number of officers on each shift, so they can't be expected to be able to catch every offender.

Chief Velasquez said he saw no need to talk more about the issue. The police force will continue to do their job and do the very best they can. He already had to spend a great deal of time on gather statistics

Commissioner Wojcik said that Ms. Ecklund was asking for a consensus as to whether this should be scheduled as an agenda item. Ms. Ecklund said what staff is seeking for is a consensus that the Commission wants or doesn't want staff to spend additional time related to the noise ordinance.

The consensus was they did not want more time spent on this ordinance. Commissioner Carter said it was not a unanimous decision and he was disappointed. He said maybe he was the only one who hears it. Commissioner Lutton said he lives on SR60 and hears it all the time but he just tunes it out. Mayor Fultz said he's heard it as well.

Commissioner Wojcik said they already had discussions on the noise ordinance. The question is if one Commissioner can ask staff to spend an exorbitant amount of time researching something to answer a question, or if it should come from the consensus of the entire Commission because the city manager works for the commission and not for individual commissioners. There is nothing wrong with staff answering an individual's question as long as it won't take staff away from their

duties. If it will take a lot of staff time, than she believed that needs to come before the commission for a consensus.

- **Dog Ordinance:**

The second issue Ms. Ecklund asked for consensus on was about aggressive dogs. She explained that the issue had been discussed in April and again in June of 2011. She asked if the Commission wanted staff to spend anymore time gathering information and putting together an agenda item for a workshop on this topic.

Commissioner Carter said it wasn't about asking staff to gather information, only that the commission can discuss the Lake Wales policy openly in a public format to find out who handles a dog attack, and who answers the call when they dial 911.

Commissioner Thornhill said they already did that.

Police Chief Velasquez said that when someone dials 911 because of a dog attack that's in progress the Lake Wales Police responds every time and stabilizes the situation.

Commissioner Carter said the past Sunday a dog aggressively came after himself and his wife and his wife had to hold the dog off with a stick. He called 911 and was switched to animal control. They didn't show up until 35 minutes later.

Chief Velasquez said, according to the police log, the police did respond because animal control was out of jurisdiction. The log also states that when Commissioner Carter called he said he was home safe at his residence less than five minutes into the call and the threat had passed. He was asked if he wanted police contact with the options of yes, no, or if necessary. The response given the police was 'if necessary'. It was not necessary because the dog attack was over and he and his wife were safe. He said his department as well as Animal Control still responded to the area and attempted to locate the dog.

The Chief said he did some research after reading about it in the newspaper and found that Animal Control actually responded to 483 animal related calls in Lake Wales since January first. He said the Lake Wales Police Department works hand-in-hand with Polk County Animal Control and they have a great relationship. He said he compiled some records on the subject but can spend more time gathering more if the Commission wanted him to, but it will cost money. He said we already pay taxes to the Polk County for that service and he would recommend them not spending more time on it.

The Consensus was that if a commissioner asks the city manager to do something that will take a lot of time, that request should be brought for consensus to the entire body.

COMMUNICATIONS AND PETITIONS

James Lloyd, Little League coach: Mr. Lloyd explained that his Lake Wales' PAL (Police Athletic League) team won first place in the State Tournament and he is trying to raise the approximate \$6,000 needed for his and another Lake Wales team to compete in the National Tournament to be held in Kentucky. He explained some of the fundraisers they have been having to raise money and asked if the City would be willing to help fund the trip. He was told that the city has not been awarding grants in several years but suggested that he leave his contact information with the city clerk and Bill Rogers from the Lake Wales News. The information left as a contact was: Debbie Rheiner 863-676-6260 or mail to PO Box 3981 in Lake Wales.

David Smith, had several questions:

- **Cemetery:** He said there are only 70 adult plots, 68 children, 14 infants, and 56 cremations left at the cemetery and he asked how many people are buried annually in Lake Wales' cemeteries.

Public Service Administrator Teresa Allen said he was correct with the numbers so they have enough for about a year, which is why they are starting the project right away. She said they sell about 100 a year, but they have only been selling lots as needed....no advanced sales, many residents already have plots purchased so that will not come from those remaining, and some owners move away and sell their lots, which add to that list. Funeral directors are informed when that happens.

- **City Manager Applicants:** Mr. Smith said there were two city manager applicants from Lake Wales and he asked for the reason they would not be interviewed. Mayor Fultz said it was because they ranked very low as far as qualifications and therefore were not among the top ten or eleven that were chosen. He said looking at a native son or daughter of Lake Wales was why he had asked if they could enter them into the interview process but there was not a consensus and it would not be conducive to what they want to accomplish.

Black Applicants: Mr. Smith asked how many applicants were black. Human Resource Director Sandra Davis said race identification is not on the application so she would not know the answer to that question.

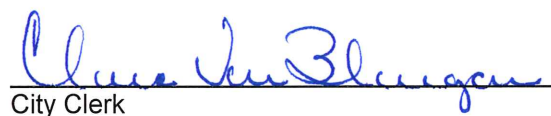
Mimi Hardman, Lake Wales Historic Society, asked that the commission revisit the Depot Museum lease agreement by adding it as an agenda item because the museum is in need of money in order for it to survive.

CITY COMMISSION COMMENTS

There being no further business the meeting was adjourned at 8:46 PM.


Mayor/Commissioner

ATTEST:


City Clerk