

The meeting of the Lake Wales City Commission was held on November 19, 2013 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at 6:00 p.m. following the invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT:

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Jennifer Nanek, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

MAYOR

Mayor Fultz shared a certificate of appreciation from Charter Schools to the City of Lake Wales for their support of the Charter Schools.

PRESENTATIONS

Agenda Item 5. "Chickens" in Residential Areas by Assistant Planning & Development Director Kathy Bangley

Kathy Bangley, Assistant Planning & Development Director, presented a slideshow sharing the benefits and drawbacks of allowing chickens. Several other cities that allow chickens the respective ordinances regulate the number of birds, prohibit roosters, include regulations on fees, permits, coops, education requirements, and no slaughtering is allowed. Many of the ordinances limit noise and require setbacks. Ms. Bangley explained that staff resources are limited in enforcing these regulations. Some cities have pilot programs to allow a few families to try raising chickens. Several problems were identified with allowing chickens such as lots of unwanted chickens and what to do with them.

Catherine Price, 831 Campbell Avenue, asked about identifying the benefits. Ms. Bangley said while there are positive environmental benefits to raising chickens, her presentation mostly focused on the impact to city resources.

Nick Smith, 1001 Tower Blvd., asked for clarification regarding the Center for Disease Control (CDC) article. Ms. Bangley said that there are lower rates for catching disease from chickens than dogs and cats.

David Smith, Babson Park, asked about enforcement as chickens are running loose now. Ms. Bangley concurred and said there is no enforcement available to deal with the current illegal chickens.

Manuel Crespo, 850 Wildabon Avenue, said that he was opposed to chickens and asked about diseases. Ms. Bangley confirmed that there is potential for disease, but that it is low, no worse than disease from cats or dogs.

Commissioner Lutton asked if there is a potential increase of coyotes or other varmints. Ms. Bangley responded, no, not if chickens are kept well.

Catherine Price explained the need to have chickens to help with community organic gardens. Ms. Price asked if a variance might be possible. Ms. Bangley said that it was possible but would require an ordinance change. City Manager Kenneth Fields said that staff was neither in favor of allowing chickens nor against them but must present the impact of allowing chickens to the commission. Ms. Price said as there are already chickens in the city nothing would really change. Mr. Fields said many citizens not following the rules regarding chickens would be the problem.

Commissioner Carter said there were not enough positives included in the presentation. He recommended examining pilot projects to determine the best model to follow in order to move forward on this.

Commissioner Wojcik said that additional training and staff would be needed and costs would have to be determined. She complimented Ms. Bangley on the balanced presentation. Commissioner Wojcik expressed caution on moving forward with this and suggested checking on the costs of a pilot program.

Commissioner Lutton expressed concerns regarding the fiscal impact of allowing chickens as we need to manage expenses. Costs and how to pay for this must be determined and urged caution on moving forward.

Mr. Fields said city staff could monitor the progress of the nearby ongoing pilot programs and readdress the issue in the future.

Commissioner Wojcik asked if we can do better on regulating the current chickens. Mr. Fields said the city would coordinate with the county animal control to address illegal chickens.

CONSENT AGENDA

Agenda Item 6. Approval of Minutes: November 5, 2013, Regular Meeting

Agenda Item 7. Dr. Martin Luther King Jr. Parade & Celebration 2014 – Temporary Street Closings

[Begin agenda memo]

SYNOPSIS

The approval of the special event permit application will allow the Dr. Martin Luther King Jr. Celebration activities to take place and allow the temporary street closings for the parade on January 20, 2014.

RECOMMENDATION

The recommendation is for the City Commission to take the following action:

1. Approve the special event permit application for the Dr. Martin Luther King Jr. Celebration to be held beginning December 7, 2013 and ending on January 20, 2014
2. Approve the use of the James P. Austin Community Center for the following events:
 - Saturday, December 21, 2013, MLK Gala, 6:00 p.m.
 - Sunday, January 5, 2014, MILK Debutante Ball, 6:00 p.m.
 - Thursday, January 16, 2014, Unity in Community Pot Luck Dinner, 6:00 p.m.
 - Friday, January 17, 2014, Oratorical Contest, 6:00 p.m.
 - Saturday, January 18, 2014, Health Fair, 9:00 a.m.
 - Monday, January 20, 2014, Legacy Breakfast at 9:00 a.m., MLK Program at 11:00 a.m. and MLK Parade at 3:00 p. m.

3. Approve the temporary street closings for the Dr. Martin Luther King Jr. Celebration and Parade to be held on Monday, January 20, 2014. The requested timeframe for the street closings of the parade is from 2:30 p.m. to 5:00 p.m. and after parade activities on Lincoln Avenue from approximately 4:30 p.m. to 8:00 p.m. The streets to be closed will be as follows:
Dr. Martin Luther King Jr. Boulevard at the James P. Austin Community Center north to Dr. J.A. Wilshire Avenue, E Street to Lincoln Avenue Lincoln Avenue to A Street, A Street to Dr. J.A. Wilshire Avenue, First Street to Park Avenue, Park Avenue to Dr. Martin Luther King Jr. Boulevard to the Austin Center where the parade ends.
4. Approve the use of the Kiwanis Park picnic area at 8:00 a.m. on January 18, 2014 for the check in for the Unity Walk and the use of Stuart Park picnic area for the final destination of the walk, which will end at approximately 11:30 a.m.
5. Approve the temporary closing of the city parking lots on Lincoln Avenue for vendors and/or parking.

BACKGROUND

Mr. Narvell Peterson, President of the Dr. Martin Luther King Jr. Scholarship Fund of Lake Wales Inc., submitted a Special Event Permit application for the Annual Dr. Martin Luther King Jr. Celebration and Parade to take place beginning in December 2013 and ending on January 20, 2014. The MLK committee decided to hold the Debutante Ball and the Dr. Martin Luther King Jr. Gala in December of this year instead of having all the events in January of 2014.

The committee is requesting the use of the James P. Austin Community Center for the following events:

- Saturday, December 21, 2013, MLK Gala, 6:00 p.m.
- Sunday, January 5, 2014, MLK Debutante Ball, 6:00 p.m.
- Thursday, January 16, 2014, Unity in Community Pot Luck Dinner, 6:00 p.m.
- Friday, January 17, 2014, Oratorical Contest, 6:00 p.m.
- Saturday, January 18, 2014, Health Fair, 9:00 a.m.
- Monday, January 20, 2014, Legacy Breakfast at 9:00 a.m., MLK Program at 11:00 a.m.

The special event permit application also includes a request for the closing of several streets for the parade on January 20, 2014 at 3:00 p.m. The route is as follows:

Dr. Martin Luther King Jr. Boulevard at the James P. Austin Community Center north to Dr. J.A. Wilshire Avenue, turning left and continuing to E Street, turning right on E Street and continuing to Lincoln Avenue, traveling on Lincoln Avenue to A Street, turning right on A Street and continuing to Dr. J.A. Wilshire Avenue. The parade will then turn left and continue to First Street and continuing on First Street until Park Avenue, turning west on Park Avenue continuing until Dr. Martin Luther King Jr. Boulevard. At this point, the parade will turn right on Dr. Martin Luther King Jr. Boulevard and continue to the Austin Center where the parade ends.

After the parade, the celebration will continue with food and craft vendors, music, and entertainment along Lincoln Avenue and in the city parking lots along Lincoln Avenue. The activities are to conclude at 8:00 p.m. The Dr. Martin Luther King Jr. Committee will be responsible for requiring the vendors to close promptly at 8:00 p.m. They will also be responsible for site set up, sanitary facilities and clean up after the event concludes. In-kind services will be provided by the Lake Wales Police Department and the Streets Department. VOICE will be assisting with pedestrian traffic and vehicular traffic control.

OTHER OPTIONS

Do not approve this event, use of city facilities or the street closings.

FISCAL IMPACT

In-kind services for the City were budgeted for FY13/14 for \$3,776.00. The MLK Scholarship Fund of Lake Wales Inc. is responsible for 25% or \$944.00. Approval of this request will allow the James P. Austin rental fees to be waived.

[End agenda memo]

Agenda Item 8. 2014 Lake Wales Art Show at Lake Wailes Park- Special Event Permit Application

[Begin agenda memo]

SYNOPSIS

The approval of this request will allow the 43rd Annual Lake Wales Art Show to be held in Lake Wailes Park March 7, 2014 to March 9, 2014 and allow artists to set up on Friday, March 7, 2014.

RECOMMENDATION

The recommendation is for the City Commission to take the following action:

1. Approve the Special Event Permit Application for the 43rd Annual Lake Wales Art Show to be held March 7 – 9, 2014 in Lake Wailes Park
2. Approve the hours as follows: March 7 - set up at 10:00 a.m. and evening festivities beginning at 5:00 p.m. and ending at 8:00 p.m., March 8 and 9 – 10:00 a.m. to 5:00 p.m.
3. Approve the request for set up by the artists on March 7, 2014 at approximately 10:00 a.m.

BACKGROUND

Ms. Barbara Conner, President of the Lake Wales Art Council, Inc. submitted a Special Event Permit Application for the 43rd Annual Lake Wales Art Show to be held March 7 to March 9, 2014 in Lake Wailes Park. This event will begin on Friday evening, March 7, 2014 at 5:00 p.m. with a barbeque and musical entertainment for the entire family and it will conclude at 8:00 p.m. On Saturday and Sunday the day's activities will begin at 10:00 a.m. and end at 5:00 p.m. The Special Event Permit Application includes a request for the artists to set up on Friday, March 7 at approximately 10:00 a.m. In prior years, the artists have been given permission to park RV's for overnight camping on the south side of the park near the retention areas. This year the RV's will park at the Methodist Church parking lot.

The Art Council will be using off-duty police officers from the Lake Wales Police Department from 6:00 p.m. to 6:00 a.m. during the entire event. The Art Council will pay the cost of this service at 100%. The Field Operations Division will be providing clean up services on Saturday and Sunday with the Art Council paying 25% of those costs. The Arts Council will also be responsible for site set up, obtaining tent permits, providing licensing for food vendors, acquiring sanitary facilities and dumpsters and providing liability insurance for the event.

OTHER OPTIONS

Do not approve the event

FISCAL IMPACT

In-kind services provided by the City were budgeted for FY13-14 for \$1,025.00. The Art Council will be responsible for 25% or \$256.00. Private security to be provided by the Lake Wales Police Department and will be paid at 100% by the Art Council.

[End agenda memo]

Agenda Item 10. Lease Agreement with Mears Motor Leasing

[Begin agenda memo]

SYNOPSIS

Staff is requesting Commission approval to lease-purchase three (3) Fire Department vehicles from Mears Motor Leasing.

RECOMMENDATION

Is it recommended that the City Commission take the following action(s):

1. Approve the sixty (60) month lease of two Ford Escape administrative vehicles and one F-250 rescue first responder vehicle from Mears Motor Leasing
2. Authorize the City Manager to execute the lease on behalf of the City.

BACKGROUND

Within the FY 2013/14 annual budget, the City Commission approved \$13,725 for Fire Department vehicle leases (annual budget pg. 50). The City currently has no existing Fire Department vehicle lease obligations.

Staff recommends the lease-purchase of these vehicles for the following reasons:

- The new vehicles would replace one model year 1998 Jeep Cherokee, one model year 2000 Ford Crown Victoria, and one model year 2007 Ford F-350 Rescue truck.
- The proposed lease obligation of \$13,464.81 (9 months) provided by Mears Motor Leasing came in under FY 2013/14 budgetary appropriations by \$260.19 ($13,725 - 13,464.81 = \260.19).
- If these new vehicles were purchased under the State of Florida Contract the total purchase price would be \$86,456. Under the Mears Motor Leasing agreement these vehicles can be leased at an annual cost of \$17,953 (total cost over the five year lease term is \$89,765). A full purchase would result in a current-year decrease in cash flow of \$86,456 as compared to \$13,464.81. The lease term does not begin until the vehicles are delivered, which takes approximately ninety days from the date ordered. For this reason, only nine months of the lease have been budgeted in the 2013/14 fiscal year.
- The lease term of sixty (60) months will conclude at approximately 50% of the useful life of the two administrative vehicles.
- Mears Motor Leasing's bid included a one (1) dollar residual buyout price at the end of the sixty (60) month lease term.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. If the City decided to use financing options, this lease-purchase option would result in the lowest financing cost over the life of the lease. The interest costs of the lease-purchase option are \$3,308.

The City advertised an Invitation to Bid and received two responses from qualified bidders: Mears Motor Leasing submitted a bid which included a total vehicle purchase price of \$86,456, or an APR of 1.54% and a total annual lease payment of \$17,953 (Total lease cost of \$89,765.13).

Enterprise Fleet Management submitted a bid for the administrative vehicles only, which included a total vehicle purchase price of \$39,612, or an APR of 3.63% and a total annual lease payment of \$7731.84 (Total lease cost of \$38,659.20) with a \$7,526 residual buyout at the end of the lease.

OTHER OPTIONS

1. A full purchase would result in a current year decrease of cash flow of \$86,456.
2. Retain the existing vehicles

FISCAL IMPACT

The proposed lease obligation of \$13,464.81 (9 months) provided by Mears Motor Leasing came in under budgetary appropriations by \$260.19 ($13,725 - 13,464.81 = \260.19).

If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$17,953 for the remaining four (4) years of the five (5) year lease. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the Fire Department would suffer the loss of the vehicles.

[End agenda memo]

Agenda Item 11. Award of Bid to Highlands Oil Company, Inc.

[Begin agenda memo]

SYNOPSIS

Staff is requesting Commission approval of the vendor selection of Highlands Oil Company, Inc. for the installation of a fuel tank at the fire sub-station on Chalet Suzanne Road.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Award of Bid to Highlands Oil Company, Inc., 1130 N. Scenic Highway, Lake Wales, FL, for the purchase and installation of a fuel tank and fuel delivery system.

BACKGROUND

City staff solicited sealed bids (Bid #14-366) for the purchase and installation of a fuel tank and fuel delivery system at the Chalet Suzanne fire sub-station and received eight responses from qualified bidders. This fuel tank will provide fuel for the fire apparatus at the station and the backup generator at the facility.

Highlands Oil Company, Inc., which is a local vendor, responded with the lowest bid of \$34,500. The remaining bids were:

Guardian Fueling Technologies	\$34,783
Glasgow Equipment Service, Inc.	\$37,000
Envirosafe Fuel Systems	\$40,361

Anant Technologies, Inc.	\$41,586
ACT Environmental, Inc.	\$49,926
E.O. Koch Construction Co.	\$51,131
AEC Services, Inc.	\$53,645

This project was managed by the City in an effort to capitalize on the City's tax exempt status.

OTHER OPTIONS

The City Commission may choose not to award this Bid to Highlands Oil Company, Inc. and select another vendor

FISCAL IMPACT

\$34,900 was allocated for the fuel tank installation in the original construction loan for the fire sub-station.

[End agenda memo]

Agenda Item 12. Preliminary Financial Statements for September 30, 2013

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of September 30, 2013.

The unaudited financial statements for the City of Lake Wales for the period ending September 30, 2013 are presented to the City Commission for review.

General Fund (001), page 1:

The General Fund, based on the unaudited financial statements, appears to be materially on target with beginning balance expectations for Fiscal Year 2013'14.

Transportation Fund (102), page 6:

The Transportation Fund, based on the unaudited financial statements, appears to be materially on target with beginning balance expectations for Fiscal Year 2013'14.

CRA Fund (105), page 11:

The CRA Fund, based on the unaudited financial statements, appears to be materially on target with beginning balance expectations for Fiscal Year 2013'14.

Library Fund (110), page 16:

The Library Fund, based on the unaudited financial statements, appears to be materially on target with beginning balance expectations for Fiscal Year 2013'14.

Debt Service Fund (201), page 21:

The Debt Service Fund, based on the unaudited financial statements, appears to be materially on target with beginning balance expectations for Fiscal Year 2013'14.

Utility System Fund (403), page 27:

The Utility System Fund, based on the unaudited financial statements, will require a short deferral of some of the non-essential capital projects planned within Fiscal Year 2013'14. There was a budgetary error within the calculation of the "estimated beginning fund balance." The City Manager, Utility Director, and the Finance Director have begun discussions relating to the necessary adjustments for FY 2013'14.

Airport Authority (404), page 29:

The Airport Authority, based on the unaudited financial statements, appears to be materially on target with beginning balance expectations for Fiscal Year 2013'14.

OPENED PUBLIC COMMENT ON CONSENT AGENDA

There were no comments from the public regarding the consent agenda.

CLOSED PUBLIC COMMENT ON CONSENT AGENDA

Commissioner Lutton asked to pull Agenda Item #9 for separate discussion.

Commissioner Carter asked, regarding Agenda Item #10, the cost of maintenance on these 3 vehicles.

James Slaton, Support Services Director, said that he has the county maintenance rates, but may use other options to use local business which will be investigated. The cost savings with using the county is \$2,370.00 annually as these three are replacing older vehicles. Commissioner Lutton commented that this savings almost pays the lease fee.

Commissioner Thornhill made a motion to approve the Consent Agenda except #9. Commissioner Lutton seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 9. Award bid for the purchase and installation of playground equipment.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider awarding Dominica Recreation Products/GameTime the bid for the purchase and installation of playground equipment in various city parks for \$123,834.00.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Award Dominica Recreation Products/GameTime the bid for the purchase and installation of playground equipment at Stuart, Mobley, Lincoln, Crystal Lake Park and the Northwest Complex for \$123,834.00.

BACKGROUND

On October 15, 2013, the City of Lake Wales advertised an Invitation to Bid that the City was accepting sealed bids for the purchase and installation of playground equipment.

A mandatory pre-bid meeting was held on Tuesday, October 22, 2013 at 10:00 a.m. in the City Commission Chambers. Bids were opened on Tuesday, November 5, 2013 at 2:00 p.m. in the City Commission Chambers at the Municipal Administration Building.

Award of bid was based on low bid and the ability of the company to perform the work as outlined in the scope of work, specifications, warranty, and compliance.

Compliance Terms:

- IPEMA Certified (International Play Equipment Manufacturers Association)
- ADAAG Compliant (Americans with Disabilities Act Accessibility Guidelines)
- ASTM/CPSC Compliant (American Society for Testing and Materials/Consumer Product Safety Commission)
- NPSI Certified (National Playground Safety Institute)
- Factory ISO9001 & ISO1400 Certified (Industry Standards)

SCOPE OF WORK

Bidder shall be responsible for the following:

- Pre-site visit for review and discussion
- Delivery of equipment
- Meeting and unloading the delivery truck and stage off site prior to installation
- Installation of equipment
- Daily verbal and weekly written updates on work and coordination of all deliveries of surfacing, borders, and anything needed to make the job go smooth.
- Trash removal from site
- Sign off completion and walk through on site with owner
- 90 day site revisit and inspection of work by installation manager
- 3-year labor warranty

Bids received are as follows:

1. Dominican Recreation Products/GameTime	\$123,834.00
2. Playmore Recreational Products & Services	124,983.68
3. Florida Play Structures	131,939.00
4. ARC (Advanced Recreational Concepts)	137,900.00
5. BYO Recreation (Beyond Your Ordinary)	155,875.76

FISCAL IMPACT

This purchase is funded in the current fiscal year capital budget.

OTHER OPTIONS

The old playground equipment has already been removed from the parks and need to be replaced.

[End agenda memo]

Commissioner Lutton asked if the equipment for Crystal Lake Park was less than what was there before as Crystal Lake is the most used it needs more equipment. The systems for Crystal Lake Park and Lincoln Park appear to be the same. He asked what the budget was. Teresa Allen, Public Services Administrator, said the budget was \$140,000 and that the two park systems are the same. Ms. Allen said they can investigate additional equipment once the proposed system is installed as the cost came in under budget.

City Manager Kenneth Fields agreed that they can add more and stated that Crystal Lake has some current equipment still in place. Mayor Fultz urged caution about favoring one park over another so the systems should be same. Commissioners Wojcik and Lutton both commented that additional usage might justify more equipment. Ms. Allen suggested putting in the equipment and see if there is room for additional equipment such as spring riders. Commissioner Wojcik asked if there are plans to beautify the parks. Ms. Allen stated that there are plans to beautify Mobley Park but not currently for Crystal Lake Park.

Ms. Allen explained that they are exploring the possibility of additional features at Crystal Lake Park such as picnic tables for those that rent the park.

Commissioner Carter asked about additional fencing for security. Ms. Allen responded that yes additional fencing at Crystal Lake Park. Commissioner Lutton asked about fencing for the other parks. Ms. Allen said the other parks had adequate fencing. Commissioner Carter clarified that he was suggesting fencing the system itself. Ms. Allen said that the City is following recommended safety standards for playgrounds and they have been looking at fencing issues for each park.

Commissioner Wojcik asked if plans could be developed to beautify the parks with the help of the Parks board. Margaret Swanson, Director of Planning and Development, responded yes they could.

Commissioner Thornhill made a motion to approve the Award of bid for the purchase and installation of playground equipment. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 13. ORDINANCE 2013-18, FY12'13 Budget Amendment #4 - 2nd Reading & Public Hearing

[Begin agenda memo]

SYNOPSIS

The City Commission will consider adoption of the fourth Amendment of FY-12'13 Budget adopted on September 18, 2012.

RECOMMENDATION

The recommendation is for the City Commission to adopt Ordinance 2013-18 after second reading and public hearing.

The City Commission approved first reading of Ordinance 2013-18 on November 5, 2013. Public Notice for second reading and public hearing was advertised on Saturday, November 9th in the Lake Wales News.

BACKGROUND

Ordinance 2012-15 estimating revenues and appropriating funds for Fiscal Year 2012'13 was adopted by the City Commission September 18, 2012 and amended by Ordinance 2013-02 (02/05/13), 2013-06 (03/19/2013) and 2013-10 (07/16/2013).

We are presenting, for second reading and public hearing, an amendment of Ordinance 2013-18 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment.

This budget amendment is based on unaudited financial reports for the accounting period ending on 09/30/13. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	64,184
Transportation Fund	26,146
Police Forfeiture	19,000
Debt Service Fund	10,270
Capital Projects	1,000,000
Airport Fund	1,000
Total Increase(Reduction) of Revenues & Balances Fwd	1,120,600
Appropriated Expenditures & Reserves	
General Fund	79,586
Library Fund	60,000
Debt Service Fund	10,270
Utility System Fund	50,752
Airport Fund	6,600
Reserves	913,392
Total Increase(Reductions) of Appropriated Expenditures & Reserves	1,120,600

The proposed budget amendment increases the City's total budgeted expenditures by \$207,208 and increases reserves by \$913,392 for a net increase in appropriated expenditures and reserves of \$1,120,000 (from \$35,503,385 to \$36,623,985).

Reasons for this amendment include:

Revenues and Reserve Balance Proposed Changes:

General Fund revenues increased by \$64,184 for the following items:

- Miscellaneous revenues reduced by \$55,000 for the Heartland funding, which was not received during FY12-13.

- Other Funding Sources increased by \$119,184 for the capital lease of six police cars from Mears leasing. Upon review of the terms within the lease agreement, these leases agreements will be recognized as capital lease instead of operating leases.

The Transportation Fund beginning fund balance increased by \$26,146 for a more accurate reflection of this fund.

Police Forfeiture Fund revenues increased by \$19,000 for the proceeds received from the sale of seized vehicles on Gov Deals.

Debt Service Fund revenues and expenditures were both increased by \$10,270 for the lease service payments due on the six new police cars. The terms of the lease agreement caused the classified of these lease to be "capital leases" which in turn created the need to list these payments within the debt service fund.

Net Capital Project Fund revenues increased \$1,000,000 due to the inclusion of the \$1,700,000 loan (for the fire substation and cemetery addition) and the reduction of \$700,000 for a fire substation grant.

Airport revenues increased by \$1,000 relating to campground rentals for a more accurate reflection of this fund.

Appropriated Expenditures and Reserve Balance Proposed Changes:

Fund expenditures increased by \$207,208 for the following items:

- \$2,400 for an ID Badge Machine within the HR Department
- \$119,184 for the capital lease of six new police cars
- \$10,270 transfer to debt service for the lease payment due on the new police cars
- \$10,270 was paid by the debt service for the lease service due on the new cars
- \$5,084 for security system and a lap top computer to be used at the soccer complex
- \$60,000 for carpet at the library

Revenue balance increased by \$913,392.

OTHER OPTIONS

With the exception of the detailed items listed about this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission. This required housekeeping amendment must be adopted no later than November 30, 2013.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2013-18

[End agenda memo]

Clara VanBlargan, City Clerk, read Ordinance 2013-18 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2012-15 AS AMENDED BY ORDINANCE 2013-01, 2013-06, AND 2013-10 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2012-2013 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Dorothy Ecklund, Director of Finance, reviewed Ordinance 2013-18.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2013-18 after second reading and public hearing. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 14. ORDINANCE 2013-19, Amendments to Sign Regulations - Chapter 23 Zoning, Land Use and Development Regulations – 1st Reading

[Begin agenda memo]

SYNOPSIS

With the passage of extensive amendments to the sign code in June, the City Commission requested the Planning Board to gather public input to determine what additional amendments are needed to strike "a balance between community appearance standards and business signage needs." After a series of public meetings and discussions, the Planning Board has voted on several recommendations, including the expansion of the areas where internally lit and electronic signs are allowed. The recommended amendments are set forth in Ordinance 2013-19, proposed for first reading.

RECOMMENDATION

Approval of Ordinance 2013-19 on First Reading

The Planning and Zoning Board held a public hearing on October 22, 2013 and voted to recommend amendments to the sign regulations as set forth in Ordinance 2013-19 (summarized below).

In addition, the Board recommends that the concept of way-finding signs be explored to replace the use of A-frame sidewalk signs in addressing downtown signage needs.

The Board recognizes the importance of sign regulation in improving the community's appearance and recommends that enforcement of the regulations be set as a priority with sufficient staff resources to effectively and fairly administer the program.

BACKGROUND

Following a public hearing held by City Commission on June 4th the Planning Board was charged with facilitating a public meeting process to gather input on further amendments to the sign ordinance. The

Planning Board's guiding principle for formulating the amendments was a balance between community appearance standards and business signage needs. On July 23, 2013, a public meeting was held after 470 surveys were sent to local businesses. The city received nineteen (19) responses and eight (8) people attended the meeting. Discussion of sign issues continued at public meetings held by the Planning Board on the August 27, 2013 and September 24, 2013. A final public hearing was held on October 22, 2013 for which staff sent notification to 630 business tax receipt holders. Three members of the business community attended the public hearing.

The Board discussed issues that were raised during the City Commission's review of the sign code amendments enacted in June as well as issues raised since then. In response to public comments, allowances on three types of signs were re-evaluated:

- Internally lit signs – including box type signs and channel letters
- Electronic signs – computerized, digital signs
- A-Frame sidewalk signs

Internally Lit Signs

The Planning Board is recommending expansion of the areas where internally lit signs are allowed. Currently, they are allowed along US 27 and commercial areas along SR 60.

The recommended expansion areas are:

- Along Central Ave. from SR 60 to Scenic Highway
- Along First Street from SR 60 to Wiltshire Ave.
- Scenic Highway except the ban should be kept between Polk Ave. and Wiltshire Ave.
- SR 60 north side between Marietta St. and 13th St. (PF-Professional District)
- SR 60 west of US 27 – Industrial districts
- Mt. Lake Cutoff Road – LCI-Limited Commercial-Industrial and I-2 Industrial Infill Districts.
- C-4 Neighborhood Commercial Districts (southwest corner of Burns and Buck Moore)

The Board also recommended allowing non-animated neon signs not exceeding 2 sq. ft. in size in display windows of businesses, regardless of zoning district.

Electronic Signs

Expansion of the areas where electronic signs are allowed was also considered. Consistent with recommendations from the Historic District Regulatory Board and the Parks and Community Appearance Advisory Board, allowing electronic signs in the downtown and along the Scenic Highway is not recommended. Amending the code to allow electronic signs along Mt. Lake Cutoff Rd. is recommended. This amendment involves the LCI-Limited Commercial-Industrial District and I-2 Industrial Infill District on the north side of Mt. Lake Cutoff Rd. The south side of the road is conservation land.

A-Frame Sidewalk Signs

The Board debated at some length on issues related to A-frame sidewalk signs. The Board recommends that eventually A-frame signs be eliminated in favor of a more effective method of addressing downtown signage needs, such as way-finding signs in the public areas and more effective use of wall, canopy, awning, and projecting signs. Way-finding signs are group signs pointing out various businesses in the vicinity of the sign. The Marketplace and landscaped areas in the downtown could be used for this purpose. Until the concept of way-finding signs can be explored, the Board recommends making no changes to the regulations on A-frame sidewalk signs. However, strict enforcement of the regulations on these signs is recommended to eliminate snipe signs in the right-of-way and other illegal use of portable signs throughout the city.

This recommendation stems from numerous issues with A-frame signs, including the potential for their becoming a hazard by being knocked over or blown away, blocking the sidewalk or impeding someone's exit from a parked car, as well as the cluttered look they can create. Sidewalk widths are variable, making it feasible for one business to have an A-frame sign while another cannot. A-frame signs were intended to inform pedestrians walking along the sidewalk, but are often used to substitute for ground signs, which cannot be used on downtown properties where there are no front yards. However, they are often ineffective, with small lettering and parked cars and landscaping in the way hiding them from view.

Several people have suggested that a system of way-finding signs in the downtown should replace A-frame signs. The Planning Board agrees.

Enforcement

It was the consensus of the board to recommend to the City Commission that enforcement of the sign regulations is a priority and to request that the Commission ensure that the Code Enforcement department has adequate resources to enforce the regulations along with all of the other codes.

FISCAL IMPACT

Adoption of the amendments to the sign code will have no fiscal impact. An enforcement program may require additional staffing and expenditures.

OTHER OPTIONS

The Commission may decide to modify the amendments recommended by the Planning & Zoning Board or to decline to make further amendments.

[End agenda memo]

Clara VanBlargan, City Clerk, read Ordinance 2013-19 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 EXPANDING THE AREAS WHERE INTERNALLY LIT AND ELECTRONIC SIGNS ARE ALLOWED; ADDING A PERMIT EXEMPTION FOR SMALL NEON SIGNS IN BUSINESS DISPLAY WINDOWS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Margaret Swanson, Director of Planning and Development, reviewed Ordinance 2013-19.

Charlene Bennett, Chair of Planning & Zoning Board, reviewed details of recommended changes to the ordinance and efforts to solicit public input which included mailed notices and a survey. Ms. Bennett described discussions held by the board on various types of signs and all the recommendations were approved by the board. She encouraged enforcement of all the regulations once in place.

Commissioner Wojcik commended the efforts made to get public input and said it was not an easy process. She said the recommendations are excellent.

Commissioner Lutton asked for clarification on the rules regarding A-frame signs and snipe signs. Margaret Snipe signs not allowed in the public right-of-way and that A-frame signs are allowed in certain places. Commissioner Thornhill asked if flags allowed and where they discussed. Ms. Swanson said that flags are not allowed. Commissioner Carter asked about some businesses which might need the A-frame signs. Ms. Swanson explained that currently they are allowed in some places but they are looking for options or alternatives to A-frame signs that would be more effective.

Commissioner Carter asked what the plan for enforcement is. City Manager Kenneth Fields will use Code Enforcement and instruct them to enforce the ordinance. Commissioner Lutton asked if we can enforce it after all this time. Mayor Fultz said we'll see how enforcement works. Mr. Fields said that hopefully another staff person may be added next year to help with enforcement. Commissioner Lutton asked if anyone can pull illegal signs especially those in one's own yard. Albert Galloway, City Attorney, said only designated staff can pull illegal signs but if they are in a person's yard they can be pulled by that person.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Lutton made a motion to approve Ordinance 2013-19 after first reading. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

COMMUNICATIONS AND PETITIONS

Nick Smith, 1001 Tower Blvd., invited everyone to the Make it Magical event downtown on December 6. Mr. Smith said that at the last meeting Jim Bell from the Chamber of Commerce mentioned the poor appearance of the Grand Hotel. Mr. Smith expressed various concerns regarding the status of the hotel. He said that no plans have been submitted, no contractors, no certificate of insurance. He has concerns regarding having public tours in there as well as other safety concerns. Mr. Smith requested a cease and desist order for not following the contract and that the current legal status of the contract be examined. He said that reports should be required as the contract states.

CITY MANAGER

Agenda Item 15. City Commission Tracking Report:

City Manager Kenneth Fields reported that there is interest at the Airport for additional development. Funding help with planned improvements at the airport is needed.

Mr. Fields reported they are moving forward on playground equipment now that the bid has been approved.

Regarding the grant agreement approved at the last meeting Mr. Fields said they are revising the legal language so the Memorandum of Understanding has not been signed. Hopefully this will be finalized by next meeting but the design work is moving forward.

Mr. Fields said that the fire department is going well. Walls are up and roof is on and a recreation facility is being added to parcel of land.

Mr. Fields said that he is working with the library to develop a display at to honor former commissioners and mayors.

Agenda Item 16. City Commission Calendar

The next workshop date is set for December 3rd at 5:30 p.m. to discuss items to present to the legislative delegation scheduled for December 16th in Bartow. City Manager, Kenneth Fields, said that the agenda will be available by Thanksgiving.

CITY COMMISSION COMMENTS

Commissioner Wojcik asked for copies of hotel contract in order to review it in order to answer Mr. Smith's concerns about the hotel. She asked if those issues are of a concern. Albert Galloway, City Attorney, explained that the owner is the fee simple owner and we can't require anything of the owner of the hotel just like any other building. The liability lays with the owner not the City. Commissioner Lutton said the previous commission felt the requirements were met and approved giving him the building. Commissioner Wojcik stated that she is glad the City is not responsibility.

Commissioner Carter asked about receiving status reports from Advisory boards regularly. Mr. Fields said he is working on that.

Commissioner Carter expressed concern about the lack of sidewalks on certain parts along the south side of HWY 60 as it is a safety issue.

CITY MANAGER COMMENTS

Mr. Fields and Support Services Direct James Slaton shared a slideshow on improvements where Jim Bell identified problem areas around Lake Wales at the previous city commission meeting. Mr. Fields commended the employees who helped rectify these issues.

Mr. Fields commended the volunteers, including Chief Jerry Brown, for their help with the community cleanup last Saturday.

The meeting was adjourned at 7:28 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargen, MMC