

The meeting of the Lake Wales City Commission was held on June 16, 2015 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Fultz at 6:15p.m. following the invocation and the Pledge of Allegiance.

#### **INVOCATION**

The invocation was given by Rev. Jim Reddick

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Terrye Howell; Christopher Lutton, Eugene Fultz, Mayor; Jonathan Thornhill, Pete Perez

#### **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**

#### **ANNUAL REPORT**

##### **Agenda Item 5. Annual Report – Library Board**

Glenda Morgan, Acting-Chair of Library Board, gave a report on the Library Board from the past year. She shared various statistics regarding the library including 23,000 borrowers and that over 200,000 visited our Library and there have been an amazing number of activities at the library. She then reported about the new PCLC Bookmobile service that has begun.

#### **PRESENTATIONS**

##### **Agenda Item 6. Debut of New Website by James Slaton, Support/Public Services Director**

James Slaton, Public Services Director, debuted the new city web site and reviewed its new features. The website will go live tomorrow on June 17. New website allows for visitors to sign up for specific notifications, to email staff, comment on the message board, find links to meeting agendas and to see Twitter & Facebook feeds.

#### **COMMUNICATIONS AND PETITIONS**

David Smith, Babson Park, President of the Lake Wales NAACP, reported on a crime conference he attended with Commissioner Perez and Police Chief Velasquez. He said compared to other places we are doing well in Lake Wales, we are not perfect and there's a long way to go, but we are in good shape.

Travis Walthen, 1426 Chamberlain Loop, reported on his new Stags basketball team and asked the community to come out and support the team at Kirkland Gym. He is trying to help kids to stay out of trouble. They play Monday and Wednesday.

Jackie Jackson, 237 East Polk Avenue, requested street lights in her neighborhood as its pitch dark. Kenneth Fields, City Manager, said that he will look into it.

**CONSENT AGENDA**

**Agenda Item 7. APPROVAL OF MINUTES: June 2, 2015, Regular Meeting**

**Agenda Item 8. FY'2015-16 COPS Grant Application – Partial Funding of two Entry-level Police Officers for the next Four Years**

[Begin Agenda Memo]

**SYNOPSIS**

The submittal of the Application requests partial funding for two full-time police officers from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), to be effective October 1 2015 (FY 2015'16). The application deadline is June 19<sup>th</sup>.

**RECOMMENDATION**

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

1. Approval of a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services for partial funding of an entry-level police officer for the next four years.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND**

COPS is a federal program under the US Department of Justice designed to help fund new police officer positions during the economic downturn. The goals of the program are to enhance local community policing programs, reduce crime and provide employment.

The City of Lake Wales is requesting funding of one new entry level police officer. This person would fill a position left vacant by recent budget cuts. The grant, if awarded, will fund 75% of the salary for three years after which the City would be required to pay 100% of the salary for the 4<sup>th</sup> year.

**OTHER OPTIONS**

Do not apply for the grant.

**FISCAL IMPACT**

	<b>FY</b> <b>2015'16</b>	<b>FY*</b> <b>2016'17</b>	<b>FY**</b> <b>2017'18</b>	<b>FY</b> <b>2018'19</b>	<b>Total</b>
COPS Grant	40,742	42,779	43,635	-	127,156
City Portion	13,580	14,260	14,545	58,180	100,565
Total	54,322	57,039	58,180	58,180	227,721

\* Police officers are eligible for a 5% increase following first year of employment.

\*\* Police officers are eligible for a 2% step increase beginning the third year of employment.

[End Agenda Memo]

**Agenda Item 9. US Soccer Foundation Grant – Installation of additional lighting at the Soccer Complex on Hunt Brothers Road**

[Begin Agenda Memo]

### **SYNOPSIS**

The submittal of the Application requests \$37,000 for improvements to the Soccer Complex on Hunt Brothers Road. These funds will be for additional lighting on two fields. There is a 50% match requirement which can be spent next fiscal year.

### **RECOMMENDATION**

Staff recommends that City Commission take the following action:

1. Approve the grant application to be submitted to the US Soccer Foundation for lighting improvements to the Soccer Complex.
2. Authorize the City Manager to execute the applications on the City's behalf.

### **BACKGROUND**

When the Soccer Complex was completed in 2008 only 37.5% of the necessary field lighting was installed. As a result, the majority of the complex is not usable after daylight hours. The fields that are currently lit require much more maintenance as they are overused due to the unavailability of the lights on the remaining fields. This grant, if awarded will light an additional 12.5% of the fields by providing two additional light poles.

This application is for the first phase of an effort to light all of the fields. If awarded, the City will match the grant and the project will be completed the next fiscal year. Efforts to find additional funding for the rest of the lights are in progress.

### **OTHER OPTIONS**

Do not approve the application.

### **FISCAL IMPACT**

A match of \$37,000

[End Agenda Memo]

### **Agenda Item 10. Contract Award - Annual Street, Sidewalk and Curbing Maintenance**

[Begin Agenda Memo]

### **SYNOPSIS**

The City Commission will consider awarding Grove Construction the contract for annual street, sidewalk and curbing maintenance.

### **RECOMMENDATION**

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

1. Award the contract to Grove Construction.
2. Authorize the City Manager to execute the contract on behalf of the City.

### **BACKGROUND**

City staff advertised a request for sealed bids (ITB #15-396) for annual street, sidewalk and curbing maintenance and received one proposal.

Grove Construction was the only qualified bidder to submit a bid for this annual contract. Grove Construction has previously been contracted by the City for annual sidewalk and curbing maintenance and demonstrated quality workmanship in performance of the contract.

After the single bid was received, City Staff contacted the other vendors who registered for the bid in an attempt to ascertain why more bids were not received. The majority of the vendors were subcontractors who only performed single functions, such as milling, and could not perform the work outlined in the bid specifications without working through a prime contractor. Of the three prime contractors interested in the bid, one did not submit a proposal as their current workload is too high, one failed to read the bid addenda, and the third was Grove Construction.

Staff advertised this bid for 21 days via Demandstar, the city's website and the Ledger newspaper.

Given Grove Construction's proven quality of work and their competitive pricing, staff recommendation is to award the contract to Grove Construction.

Combining the asphalt, sidewalk and curbing maintenance into one contract should expedite equipment mobilization and reduce overall mobilization costs by coordinating street and sidewalk work together.

#### **OTHER OPTIONS**

The City Commission may direct staff to re-advertise the bid as an annual contract or direct staff to bid each individual project throughout the year.

#### **FISCAL IMPACT**

The combined current fiscal year budget for Street Resurfacing, Pavement Marking and Sidewalk Maintenance is \$125,000 (Resurfacing/75,000, Marking/35,000, and Sidewalks/15,000).

[End Agenda Memo]

#### **Agenda Item 11. Legal Counsel – Series 2015**

[Begin Agenda Memo]

#### **SYNOPSIS**

Approval authorizes Bryant Miller Olive P.A. to provide professional services relating to debt issuance, not to exceed two million dollars.

#### **STAFF RECOMMENDATION**

It is recommended the City Commission consider the following action:

1. Approve the engagement letter for Bryant Miller Olive P.A.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

Due to several factors, 1) the draw down on reserves due to the economic downturn caused by the recession since 2007, 2) the settlement of the Lake Belle lawsuit, and the 3) numerous capital projects

being completed/planned during 2014 through 2016 (C Street Project, Cemetery Project, Airport Project, extension of Hwy 60 utilities) staff has advised the Commission that short term debt issuance is necessary for these projects to stay on track for completion. Staff has recommended to the City Commission the issuances of debt, not to exceed two million dollars, for a twenty four month period.

On April 21, 2015, the City Commission selected the PFM Group to provide financial advisory services relating to this debt issuance. The Commission was advised that when the City issues debt, outside professional legal services are also necessary to insure compliance with IRS and state statutes. Staff recommended Bryant Miller Olive P.A. to provide these legal services.

#### **FISCAL IMPACT**

Bryant Miller Olive P.A. fee is not to exceed, \$14,000 for service, plus out of pocket costs \$1,500 (total possible costs \$15,500).

[End Agenda Memo]

#### **Agenda Item 12. Extension of Time - Approval of Preliminary PDP Plan - Leoma's Landing, North Side of Chalet Suzanne Road**

[Begin Agenda Memo]

#### **SYNOPSIS**

This project is not yet ready to move towards construction. Mr. Lawson is seeking an extension to his PDP approval as required by code.

#### **RECOMMENDATION**

Approval of a one-year extension of time on the preliminary planned development project (PDP) plan approval for Leoma's Landing, as shown on the plan entitled Leoma's Landing PDP Modification dated 7/15/2014.

#### **REQUEST**

Michael Lawson, developer, has requested a one-year extension on the referenced project, originally approved by the City Commission May 20, 2014. Preliminary plan approvals expire one year from the date of approval unless a site development permit or building permit application has been submitted. The request for extension was made prior to the expiration of the approval. Mr. Lawson stated that the real estate market conditions have not changed in the last year; therefore they were not able to proceed with the development of their project.

There have been no significant changes in the ordinances pertaining to the type of development proposed or in the conditions in the neighborhood. Mr. Lawson has stated his intention to move forward with the project when the economy is more favorable.

A reduced copy of the plan and the conditions of approval are attached for your information. Any change in the plan or conditions would require public hearings for an amendment of the preliminary PDP approval. No changes have been proposed or recommended.

#### **OTHER OPTIONS**

Decline to extend the approval. If Mr. Lawson wishes to proceed with the project, a new PDP plan approval would be required.

[End Agenda Memo]

**Agenda Item 13. Sunset Phase 3 – Final Subdivision Plat, Residential Development, Sunset Drive**

[Begin Agenda Memo]

**RECOMMENDATION**

Approval of plat as submitted

No recommendation from the Planning Board or public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the city commission is a formality.

**BACKGROUND**

Phase 3 of Sunset Point consists of the final thirty-six (36) lots in the Sunset Pointe subdivision. The development is zoned R-1B and was developed to standard code requirements.

The requirements for approval of the final subdivision plat are:

- Consistency with the approved preliminary plat (confirmed)
- Compliance with zoning district standards for lot dimensional requirements (confirmed)
- Completion of infrastructure to city standards (confirmed)
- Approval of the plat and survey by the city's consulting surveyor (completed)
- Approval of the homeowners' association documents and title opinion by the city attorney (completed)

[End Agenda Memo]

**Agenda Item 14. Interlocal Agreement Amendment #6 – Winter Haven Area Transit System (WHAT)**

[Begin Agenda Memo]

**SYNOPSIS**

The Interlocal Agreement allows a "fair-share" contribution to Winter Haven Area Transit System for transportation service it provides in Lake Wales for FY2015-2016.

**RECOMMENDATION**

It is recommended that the City Commission approve Amendment #6 to the Interlocal Agreement with the Polk County Board of County Commissioners for the management and operation of the Winter Haven Area Transit System and the "Fair Share" contribution up to \$5,433 for a term beginning October 1, 2015 and expiring on September 30, 2016.

**BACKGROUND**

The Winter Haven Area Transit System is currently providing transportation service to six municipalities, one of which is Lake Wales. Service level forecasts for the WHAT system for FY15'16 are based on each municipality's commitment and is critical to the continuation of service at near current service levels. The assessed amount is based solely on the percentage of service being provided within each respective municipality and is considered a "fair-share" contribution.

In August of 2009, the Lake Wales City Commission approved the first Interlocal Agreement with the Polk County Board of County Commissioners for transit bus service. The "Fair Share" contribution of up to \$5,433 for Amendment #6 has not changed since the original agreement.

#### **OTHER OPTIONS**

The City Commission has an option of not approving Amendment #6 and the "Fair Share" contribution.

#### **FISCAL IMPACT**

The fiscal impact is up to \$5,433 which is included in the proposed FY15'16 budget.

[End Agenda Memo]

Commissioner Howell asked if we get two new police officers, do we need two more cars and other equipment. Chris Velasquez, Police Chief, said no that there are cars and equipment available for these additional officers if the grant is awarded.

Commissioner Howell made a motion to approve the Consent Agenda. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

Commissioner Howell	"YES"
Deputy Mayor Thornhill	"YES"
Commissioner Perez	"YES"
Commissioner Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

#### **OLD BUSINESS**

##### **Agenda Item 15. RESOLUTION 2015-09, Final Assessment Resolution for Fire Protection Assessments – Public Hearing**

[Begin Agenda Memo]

#### **SYNOPSIS**

The adoption of Resolution 2015-08 established the methodology used to calculate the fire assessment rate and set the maximum assessment fee. Adoption of Resolution 2015-09 will set the final assessment rate and is the final step implementing a fire assessment fee.

#### **RECOMMENDATION**

It is recommended that the City Commission set the final Fire Protection Assessment rate and adopt Final Assessment Resolution 2015-09 providing for Fire Protection Assessments for fiscal year beginning October 1, 2015.

#### **BACKGROUND**

On May 19, 2015, the City Commission adopted Resolution 2015-08 which set the initial Fire Protection Assessment rate. Resolution 2015-08 established the Fire Protection Assessment rate "cap" as follows:

<b>Property Category</b>	<b>Assessment Rate</b>
Residential	Per dwelling unit \$196
<b>Property Category</b>	<b>Assessment Rate</b>
Commercial	Per Sq Ft                    \$.10
Industrial/Warehouse	Per Sq Ft                    \$.01
Institutional	Per Sq Ft                    \$.15

Chapter 10.5 of the Lake Wales Code of Ordinances, Fire Protection Assessments, was established by Ordinance 2008-26. Chapter 10.5 allows the city to collect fire assessment fees after the adoption of an initial rate resolution and a final rate resolution. Adoption of Resolution 2015-08 was the first step in the process of implementing a rate for fire assessment fees.

If the City Commission adopts Resolution 2015-09, property owners in the incorporated boundaries of Lake Wales will receive Fire Protection Assessment bills in November 2015. The first year of the fire assessment fee will be directly billed from the city with all subsequent years' assessments appearing on the property tax bill through the Polk County Tax Collectors Office.

Individualized notices to each property owner stating the proposed assessment for the owner's specific parcel(s) and the date of the public hearing for receiving public comment on the proposed assessment were mailed out on May 26, 2015. In addition, a notice of public hearing was published in the Lakeland Ledger on May 26, 2015.

Following the public hearing on June 16, 2015, the Final Assessment Resolution will be considered. This resolution will establish the final fire assessment rates, approve the final assessment roll, and authorize certification of the final assessment roll.

**OTHER OPTIONS**

Reduce the fire assessment rates set in Resolution 2015-08  
Rely solely on ad valorem taxes to fund fire protection services, equipment and programs.

**FISCAL IMPACT**

The Fire Protection Assessment will create a dedicated funding source for fire protection services. While the Fire Protection Assessment will not completely fund fire protection services, it will afford the City Commission the option of a millage rate reduction.

[End Agenda Memo]

The Mayor asked the Commission that if a fire assessment is passed this evening lets direct the City Manager to put a 1 mil decrease in the millage rate for next year whatever assessment is passed. Commissioner Howell made a motion to this effect. Commissioner Perez seconded the motion.

By Roll Call Vote:

- Commissioner Howell "YES"
- Commissioner Perez "YES"
- Commissioner Lutton "YES"
- Deputy Mayor Thornhill "YES"
- Mayor Fultz "YES"

The motion carried 5-0



City Clerk Clara VanBlargan read **RESOLUTION 2015-09** by title only.

**RESOLUTION 2015-09  
FINAL ASSESSMENT RESOLUTION  
(FY 2015-16)**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WALES; ESTABLISHING LEGISLATIVE FINDINGS; IMPOSING FIRE SERVICES ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Kenneth Fields, City Manager, reviewed this item with a slideshow detailing the reasons for the proposed fire assessment, the methodology for determining the rates, costs to property owners and benefits to the City. He explained that a lower millage rate would improve economic development as we are higher than neighboring cities. The estimated revenue at the recommended rate the first year would be \$1.3 million. This revenue would help with reserves, pay the short term loan, fund capital projects, and enhance our infrastructure and facilities. Mr. Fields said that there are 11 properties owned by disabled veterans which through a state homestead exemption are totally tax-exempt. Currently they will have to pay the assessment, it will be up to the commission whether to exempt them or not.

**OPENED PUBLIC HEARING**

Edward Kupka, Jr., 845 Brentwood Drive, said he is on a set income and taxes and insurance as always going up. He wanted to know if this goes directly to the fire department. He doesn't want to pay to the general fund. Paying \$196 is crazy for his size house. He asked what happens for areas outside the county that need fire service. He asked for an open mind from the commission on this decision. Fire Chief, Joe Jenkins, explained that they currently cover the out-of-county areas. After October 1, 2015 those will all be covered by the county. There are mutual aid agreements where the cities will help each other upon request. Commissioner Lutton said that county areas will have to wait for county fire service and the county residents already pays a fire assessment fee and many other cities in this area have this.

Tom Scali, 3084 Dunmoore Drive, identified this assessment as a fee and not part of ad valorem taxes. He said he was unsure if this could be deducted from their taxes as an expense. He encouraged requiring non-profits to pay as well. He is glad for the reduction in the millage rate. This money should not help the city's debt problem. This money should only go to the fire department. There is some gamesmanship going on.

Preston Troutman, 612 S. Lake Shore Blvd., said that he supports our fire department. He said that this is still a tax. This fee cannot be deducted from federal taxes. He is willing to pay his fair share, but this should be called a tax.

David Smith, 111 Britton St, said that he is a property owner in Lake Wales, and is concerned about people losing property for failure to pay. He asked about vacant lots, which has not been mentioned. He suggested that this needs a closer look. People in the Northwest area can't pay this and he has a hard time getting renters to pay now. We need to build bridges, not walls.

Bill Clark, 2210 Robin Ridge Place, he is in a mobile home community and is president of the Homeowner's Association. He said that this would be a significant increase for them. This fee is disproportionate for them as their homes are small. He does appreciate the fire service and what they do. He asked that they reconsider this, or reduce it.

Rev. Marshall Kirchik, 18721 US 27, Manager of the Blue Star Lodge. He said there are problems with some of the language. It should be changed to say where it is going, who will police it, and how it will be handled. No one begrudges the fire department and their financial needs. This needs to be specific to the fire department.

Commissioner Lutton explained that this money is going to the fire department replacing general fund money. He explained the methodology on how the assessment was determined. The assessment was based on the number of fire calls. Mr. Fields confirmed that this is additional revenue money. The money from the fire assessment will go to the fire department and can't be used elsewhere, but replaces general fund money. It is called a fire assessment and not a tax because of specific state language that is required.

Borden Deane, 4136 Muirfield Loop and President of the HOA, said he understands the need for the assessment. He suggested reducing the fee and is opposed to any exemptions for churches. Churches have kitchens and special events and more likely to have a fire. Commissioner Lutton explained that the sanctuaries are exempt but other areas such as thrift stores. Mr. Field explained that non-profits that are using a building for commercial purposes are assessed. Mr. Deane emphasized that he does not think any of the buildings should be exempt.

Mike Carter, 515 E. Sessoms Avenue, suggested redeveloping a partnership with the County and other cities to restore these funds. This is a highly regressive tax that many families can't pay. Lake Wales will have the highest millage rate and fire assessment fee in Polk County. Mr. Fields is driving city into bankruptcy, this is a leadership failure. We should pay as you go. He urged a no vote, or at least tabling it to research other options.

Darshan Patil, 207 Sessoms Avenue, has recently lost his job. Some of his rental units are vacant. He said the assessment of his property is incorrect. An increase should be part of the millage rate as it is proportional to the value of the house. He has \$1,000 extra bill.

Donna H. Madden, 436 Park Ave E, is manager of Court of Seven Chimneys and Grand Floridian Court. They have invested a lot of money in the properties and brought them up to standards. They do not want to have to raise rental rates and they oppose the assessment.

Rev. Jim Reddick, 718 Hibiscus Avenue, said that the citizens of Lake Wales defeated a previous effort to have a fire assessment. The Fire Department should not have two sources of revenue. If the Fire Department is funded by the fire fee, then the property taxes must be reduced in accordance with the Florida law in the same amount. The commission must choose one. He discussed benefits of fire assessment and read a portion of Florida statutes explaining that the millage rate must go down in the same amount.

Robert Kelly, 1149 Cephia Street, expressed concern about the Circle of Friends and Lake Wales Senior Center that are serving the community. He recommended turning over fire services to the County which would save money for the city and be beneficial career wise for fire department employees.

Manuel Crespo, 850 Wildabon Avenue, distributed handouts to the Commission. He said taxes should be going to something useful, this was tried before. The City should not spend \$ on useless endeavors. He said he is against using tax money for Depot Museum, money for the Fire Department, and sidewalks are ok, this is a gravy train. The wasteful ways must be reined in.

Rebecca Campbell, 131 Alvina Avenue, said non-property owners should be charged as well as only property owners pick up the bills.

David Holmes, 455 Emerald Avenue, said this issue is causing a lot of ill-will and will cause dislike and distrust in the community. This should be tabled and another solution worked out.

Velma Henry, 507 Crescent Circle, said she is on a fixed income and lives by herself. She can't afford this. This will cost a lot of hardships, and is not right.

James Love, 828 Chamberlain Loop, said he appreciates Fire Department's service, they always respond quickly. He encouraged the Commission to reduce expenses like his household would do.

Carol Love, 399 W 6th St, Frostproof, said she has rental property in Lake Wales which is kept up. The middle income people have too much of a burden with all these increases. She suggested recruiting volunteers to help with trees and other projects. She suggested the city must live within its means.

Dr. Gerald Klaussen, 542 Osprey Place, lives in a retirement community, and worked in education and government. He is on a tight budget like many seniors. Please consider this and don't vote for this.

James Bryan, 6899 N Scenic Hwy., said that taxes should be kept down. He pledged to help put the current Commission out of office if this passes. He said the Commission should get input from the public and that we need people to monitor the funds.

Bill Ouellette, Central Avenue, said he has been hired to explore the possibility of appealing this decision. He asked what authority this was being done under Florida Statutes. Mr. Fields said that question will be addressed after public comment. Mr. Ouellette asked what the current millage rate is. Mr. Fields said it was 8.3638. Mr. Ouellette said because they can't go over 10, is this an end around special assessment. Mr. Fields said the Resolution has been reviewed and is legal under state statute and court decisions. Mr. Ouellette asked if a study was done and who did it. Mr. Fields confirmed that it was. Mr. Ouellette asked about the methodology and if it is available to the public. Mayor Fultz confirmed the study was done and displayed a copy. The study was done all above board. Mr. Ouellette asked if a copy of the decision will be available to the public so they can appeal. Mr. Fields said the Resolution will be available in a few days.

James Hill, 506 E. Johnson Avenue, said he left the big city for this reason all the pressures of taxes. He is concerned about the misuse of money; we should not go into debt. Many seniors came here to relax and not spend a lot of money. He asked the commission to really give this some thought.

Carl Fish, 4913 Avon Street, said this will be difficult for the senior citizens and renters. This is a tough decision, but the tough decisions also need to be made over the years. Serious mistakes were made in the past that have led to this. The Commission needs to find other revenue sources. The City spent a lot of money on the new fire station. Every decision they make is important. The Commission needs to consider all expenses.

## CLOSED PUBLIC HEARING

Camille Tharpe, with Government Services Group in Tallahassee, explained the methodology of the assessment, the City has followed the procedures in Florida Statutes, and this has been upheld by the courts. In past appeal efforts with this methodology, the cities have prevailed.

Commissioner Perez Said he is in favor of the fire fee and recommended the lesser number of \$150 or 57.5%.

Deputy Mayor Thornhill said this could be done away with at another time. Mr. Fields said this would need to be reimposed every year.

Commissioner Howell said she is in favor of this in order to reduce the millage rate and encourage new business to come in. This will help Lake Wales get better jobs and industry. The \$196 is not in stone, we can go lower. She said she has not heard another way to get millage rate down.

Commissioner Lutton reviewed the methodology, how the study was done and explained why we need the fire assessment in order to keep same level of services at the fire department and elsewhere. We could also raise taxes. Commissioner Lutton encouraged more citizen participation in Government to help with decisions. The costs for the city increase each year too.

Mayor Fultz said that he is also a senior citizen on a fixed income. Many citizens in Lake Wales want a lot of things, but they don't want to pay for it. This is an opportunity for everyone to contribute to Lake Wales. Events such as the recession and Lake Belle litigation were not the fault of the City. He encouraged more volunteers to run for commission and to participate.

Commissioner Howell asked about the millage rate if they choose a lower rate. Mr. Fields explained that if they went with the \$150 rate and the 1 mil reduction it would essentially be awash with a net increase of \$13,000 for new projects. The \$168 rate would have an increase of \$140,000.

Commissioner Perez said he also is on a fixed income. He would like to minimize the amount collected because the \$265,000 needs to be replaced. He made a motion to approve an assessment rate at \$150 per household at a rate of 57.5% and the associated rates for commercial properties.

Commissioner Lutton asked if this includes the lower millage rate. Mayor Fultz reviewed the early vote that any fire assessment approved would include a 1 mil reduction. If we go with the 57.5% that would lead to an increase of \$13,000.

Commissioner Howell confirmed that with the 1 mil reduction we would have \$13,000 for additional capital projects. Mr. Fields confirmed that.

Commissioner Perez restated his motion to approve an assessment rate at \$150 per household at a rate of 57.5% and the associated rates for commercial properties. Commissioner Howell seconded the motion.

Mayor Fultz asked about reviewing the exemptions. Mr. Fields said if all exemptions were eliminated it would lead to an increase of \$60,000. However, another public hearing would be required to allow those entities to come and speak. Commissioner Lutton asked how the exemptions would be decided for the different properties. Ms. Tharpe said they will piggy-back off what he property appraiser has

designated. Each property may have to be looked at and determine what the use is. The general rule is if they are institutional in use and totally tax-exempt they will receive the exemption. If they are commercial in use, even if tax-exempt, they will not. Some examples were discussed.

Roll Call Vote:

Commissioner Perez	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Deputy Mayor Thornhill	"NO"
Mayor Fultz	"YES"

The motion carried 4-1.

Kenneth Fields, City Manager, said the rates are for commercial property it is \$.08 per square foot, for industrial warehouse it is \$.01 per square foot, and for institutional it is \$.12 per square foot.

Commissioner Lutton commented that we will work on getting that millage rate down every year. A lower millage rate will encourage more business to come into the city.

The meeting was recessed at 8:47pm and reconvened at 8:58pm.

**NEW BUSINESS**

**Agenda Item 16.           ORDINANCE 2015-04, Amendments to Zoning, Land Use and Development Regulations -1<sup>st</sup> Reading & Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS**

Several areas of the zoning regulations (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments to address scrivener's errors and provide better clarification and intent of the code.

**RECOMMENDATION**

It is recommended that the City Commission approve Ordinance 2015-04 on first reading following a public hearing.

The Planning and Zoning Board held a public hearing on May 26, 2015 and voted to recommend various amendments to the *Zoning, Land Use and Development Regulations* as set forth in the proposed ordinance.

Public notice requirements have been met for a public hearing, required on the first and second readings of an ordinance that changes the permitted uses within zoning districts.

**BACKGROUND**

Amendments and adjustments are proposed for a variety of reasons. Some amendments deal solely with misspellings and omitted words. The other amendments are proposed based on experience of staff and the Planning Board and with the changing market conditions in development.

Following are explanations of the proposed revisions. Numbering corresponds to the section numbers of the ordinance.

**1. Planning Board membership** – The word “members” was omitted from the subsection.

**2. Land use approval process** – The recommendation is to relocate Table 23-220 from its current location at the end of Article II, Division 2 and place it at the end of Sec. 23-211. Also recommended is the renumbering of the table to correspond with its new location.

**3. Special exception use permit process – Add expiration regulations** – When a special exception use permit is not established within a year of approval, an assessment should be made by the planning board on whether to grant an extension. There is already a provision that a discontinued special exception use permit expires after a year of disuse. The relocation of this provision is also recommended.

**4. Vacation of public-rights-of-way or public easements** – This amendment recommends changing from an ordinance to a resolution the action required to vacate a public easement. Easements are usually for public utilities and are not used by the general public for access to properties such is the case with rights-of-way. A resolution is sufficient. In cases where public notice is appropriate, an ordinance, which requires public advertising and two readings, can be enacted.

**5. Dedications of public improvements** – Amendments are proposed to sec. 23-223 (subdivision plat process) to clarify that a resolution by city commission is required to accept dedications of streets and other public facilities, though they are dedicated by the property owner on the subdivision plat. Such a resolution is already required under sec. 23-226, but it is not cross-referenced in the subdivision regulations.

This amendment is also recommended by the city attorney in order to be consistent with state and case law.

State law states that dedication of streets does not obligate a city to construct or maintain such streets. A resolution would state that the city accepts this responsibility and would be enacted only at such time as the city is willing to do so, probably after a percentage of houses are completed. Repairing damage to roadways occurring during house construction will then be largely the responsibility of the developer.

**6. Street classification adjustments** – The street classification section of the zoning regulations is amended to add roadways serving property annexed into the city in recent years, to promote consistency with the Comprehensive Plan and the Polk County classification system, and to update definitions and terminology.

**7. Landscape standards** – Minor changes are proposed prohibiting the use of invasive or otherwise unsuitable trees for meeting landscaping requirements and clarifying the definition of tree.

**8.** This section addresses an omitted asterisk in Table 23-405.

**9. Permitted and special exception uses, zoning districts** – A reassessment of uses allowed in C-3 Highway Commercial and C-2 Commercial was discussed with the Planning Board and recommended as follows:

Allow indoor amusement establishments by right (permitted use) in C-3 Highway Commercial zoning district. While some caution is needed in allowing the full array of indoor amusement establishments in and around the downtown and in neighborhood commercial centers, the C-3 district is the city’s most intense commercial area where such uses are appropriate.

Allow multi-family developments with over 12 units through the PDP process in C-2 Commercial and C-3 Highway Commercial districts, provided the classification of the property on the FLUM (Future Land Use Map of the Comprehensive Plan) allows for residential uses.

A recommendation to amend the notes at the bottom of Table 23-421 to better address outdoor storage and outdoor display and sales is also recommended.

**10. Residential accessory uses and structures** – Proposed is the establishment of a minimum square footage requirement for accessory units and the elimination of the requirement for an additional 5,000 square feet above the required minimum set by the zoning district.

**11. Dimensional requirements** – Corrections to Table 23-422A of the minimum lot width for the R-2 district and clarification to the footnote regarding reduced street frontage are proposed. The minimum lot width should be 75 to be consistent with the rest of the districts. The footnote is amended to remove the requirement for additional lot area, but not to count the panhandle portion towards the minimum lot area required.

**12. Fences and Hedges** – In the residential section clarity is made that vinyl or plastic cannot be used for exterior development walls. In non-residential the minimum height allowance in the I-2 and BP districts is being raised from six (6) feet to eight (8) feet. The elimination of the requirement for a special permit by the planning board to allow barbed wire in an Industrial zone is proposed.

**13. Flood Hazard reduction in new development** – Proposed is an explicit requirement to construct all new roads above the base flood elevation where the roads are located in areas of special flood hazard as identified by FEMA. Other amendments are proposed to bring the requirements in line with Polk County requirements.

**14. Definitions** – An amendment to move health clubs from the *Amusement establishment, indoor* to the definition for *Service, personal*. A refinement to the definition for *Light, uses* is also proposed. This amendment is reflective of the changes in the market from the impact of the logistics center and interest in Longleaf Business Park.

#### **FISCAL IMPACT**

Adoption of the amendments to the zoning code will have no direct fiscal impact.

#### **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]

City Clerk, Clara VanBlargan, read **ORDINANCE 2015-04** by title only.

#### **ORDINANCE 2015-04**

(Amendments to zoning regulations, Chapter 23 – Code of Ordinances)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING TABLE 23-220 LAND USE APPLICATIONS, REVIEW, APPROVAL AND PUBLIC HEARING; AMENDING SPECIAL EXCEPTION USE PERMIT; AMENDING VACATION OF PUBLIC RIGHTS-OF-WAY OR PUBLIC EASEMENT; AMENDING FINAL SUBDIVISION PLAT; AMENDING ACCEPTANCE OF DEVELOPER DONATIONS, DEDICATIONS, CONTRIBUTIONS, ETC; AMENDING STREET CLASSIFICATION SYSTEM; AMENDING STREET ACCESS REQUIREMENT; AMENDING TABLE 23-405; AMENDING CERTAIN PERMITTED AND SPECIAL PERMIT USES IN VARIOUS ZONING DISTRICTS; AMENDING AND ADDING DEFINITIONS; AMENDING LANDSCAPE STANDARDS; AMENDING FENCES AND HEDGES; AMENDING DIMENSIONAL STANDARDS – RESIDENTIAL; AMENDING ACCESSORY UNITS – RESIDENTIAL PROPERTIES; MAKING MISCELLANEOUS CORRECTIONS, CLARIFICATIONS, AND ADJUSTMENTS; PROVIDING FOR**

**SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Director of Planning and Development, reviewed this item.

**OPENED PUBLIC HEARING**

There were no comments made by the public.

**CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to approve **ORDINANCE 2015-04** after first reading and public hearing. Commissioner Lutton seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Deputy Mayor Thornhill "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

**Agenda Item 17. Resolution 2015-14, Capital Improvement Revenue Note Series 2015**

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission will consider adopting Resolution 2015-14, authorizing the issuance of Capital Improvement Revenue Note, Series 2015 in an amount not to exceed \$2,000,000. Loan proceeds will be used to finance various City capital projects.

**RECOMMENDATION**

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

1. Adopt Resolution 2015-14, authorizing the issuance of the City of Lake Wales, Florida Subordinate Lien Capital Improvement Revenue Note Series 2015, not to exceed \$2,000,000.
2. Authorize the Mayor to execute the appropriate documents on the City's behalf.

**BACKGROUND**

On April 08, 2015, due to low unrestricted cash balances, low balances in the emergency sinking funds and various capital projects in fiscal year 2014'15 the Finance Department strongly recommended short term borrowing to the City Commission.

Low cash balances of the General Fund, additional cash requirements of the Cemetery Addition Project within the Capital Project Fund, cash flow needs of the Utility Fund created largely by the Lake Belle Settlement of \$828,124 and overrun costs relating to Phase I of the C Street Project, and the matching requirements of the Airport Improvements all contributed to the need for the short term borrowing.



On April 21<sup>st</sup>, the City Commission approved financial advisory services for Public Financial Management, Inc. (The PFM Group). The PFM Group received four bank loan responses for the RFP distributed for the financing of the Fire Substation and the Cemetery Project.

- 1) **Hancock Bank**  
Interest rate 1.17%, bank council fee not to exceed \$3,500.
- 2) **CenterState Bank**  
Interest rate 1.65%, bank council fee not to exceed \$5,000.
- 3) **Citizens Bank**  
Interest rate 2.15%, bank council fee \$5,000, plus recording, legal and documented related costs.
- 4) **SunTrust Bank**  
Interest rate 2.11% (fixed), bank council fee \$5,000, plus all other reasonable fees.  
Interest rate 1.81% (floating rate), bank council fee \$5,000, plus all other reasonable fees.

Staff recommends accepting Hancock Bank offer as defined below:

<u>Maturity</u>	<u>Principal</u>	<u>Interest</u>	<u>Debt Service</u>
1/1/2016	\$ 440,000	\$ 11,700	\$ 451,700
7/1/2016	439,000	9,126	448,126
1/1/2017	560,000	6,558	566,558
7/1/2017	561,000	3,282	564,282
	<u>\$ 2,000,000</u>	<u>\$ 30,666</u>	<u>\$ 2,030,666</u>

- Cost of Issuance \$36,500

**City of Lake Wales – Debt Policy Review:**

On February 5, 2013, the City Commission adopted a debt policy for the City of Lake Wales. The City's debt policy requires the following evaluation:

**Sec. 2-523. - Purpose for which debt can be issued** - When it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries.

**Staff's Response:** Series 2015 debt issuance for the following capital projects:

New Cemetery	\$	190,673
Website Redesign		25,000
Audio/Video - Austin Center		30,000
Security System for Admin. Building		20,000
Mausoleum Roof		3,215
Hardman Complex - Kirkland Gym		85,000
Airport Improvements		146,112
	\$	<u>500,000</u>
Pole Barn	\$	26,500
C Street - Phase I		133,500
Fence - Market Street		25,000
Ground Storage Tank		35,000
Market Street Upgrade		600,000
Lift Station Rehab.		250,000
Lift Station Pump Replacement		100,000
Water/Sewer Line - Vanguard		330,000
	\$	<u>1,500,000</u>

Financing these projects would be a means to achieve a fair allocation of costs between current and future beneficiaries.

**Sec. 2-525. - Categorization of debt** - In the case of governmental debt, the debt must be secured by a revenue source which has been in effect for at least three years, and would have provided coverage of at least 115 percent of the average annual debt service on such obligations

**Staff's Response:** Series 2015, pledged revenue sources including certain franchise fees, public service tax revenues and communication service tax revenues. The pledged revenue sources combined provide sufficient coverage of the average annual debt service requirement.

**Sec. 2-526. - Debt limitations - Non self-supporting debt.** The city shall conduct an objective analysis as to the community's ability to assume and support additional debt service payments before the issuance of non self-supported debt. The city shall use an analytical approach for its determination. This process shall compare generally accepted standards of affordability to the current values for the city. These standards shall include debt per capita, debt as a percent of taxable value, debt service payments as a percent of current revenues and current expenditures, and the level of overlapping net debt of all local taxing jurisdictions. The process shall also examine the direct costs and benefits of the proposed expenditures. The decision on whether or not to assume new debt shall be based on the identified costs and benefits, the current conditions of the municipal bond market, and the city's ability to "afford" new debt as determined by the aforementioned standards. The city shall strive to achieve and/or maintain these standards at a low to moderate classification.

**Staff's Response:** For a review of the City's financial condition, the Finance Department has selected the "Financial Indicators", F1 through F6, provided by the State of Florida Auditor General Office for fiscal year ending 09/30/2014. To assist auditors and local governments in making financial condition assessments, the Auditor General is providing financial and other data, financial indicators, and benchmarks. Auditor General staff compiles the information from audit reports and other sources.

<http://www.myflorida.com/audgen/local%20govt/INSTRUCTIONS%20-%20EXCEL.htm>

**Financial Indicator #2** - Consists of a five year review of Unassigned/Assigned Fund Balance + Unrestricted Net Assets. This would provide an indication of whether the municipality is building reserves or spending reserves. For the City of Lake Wales, the City had built reserves from 2008 through 2010. From 2011 through 2014, the City has needed to use reserves to support operating and capital costs.

Indicator F1 also compares the City to a benchmark, which consist of similar Cities based on population between 5,000 to 14,999, and taxable property values between \$500 million to \$699 million. Our benchmark for F1 indicates the City's reserved are lower than our comparable benchmark cities. Staff has brought this issue to the City Commission over the last several years. City staff shall incorporate this need to increase reserve balances with the budget process for fiscal year 2015'16.

**Financial Indicator #3** – Consists of a five year review of Unassigned/Assigned Fund Balance / Total Expenditures. This indicator provides a measurement of a municipality's reserve compared to annual expenditures. For example – In FY 2013'14 the City's governmental funds had \$1,076,439 in unassigned/assigned fund balances, but the City had annual expenditures relating to governmental activities totaling \$16,821,369 or 6.4% (\$1 million/\$16.8 million). Over the last twenty years, the City has carried low reserve balances, however current reserve balances are unusually low. When compared to the benchmark of the City's reserve policy of 15% to 20%, the City's current balance of 6.4% is unfavorable. However, this does not indicate any inability to afford the new debt to be issued in Series 2015.

**Financial Indicator #4GF & #4P** – Consists of a five year review of Cash & Investments/Current Liabilities for both governmental funds (4GF) and the proprietary fund (4P). As expected, due to the low reserve balances maintained by the City, the cash/inv. to liability ratios is also low and unfavorable when compared to our benchmark group. As the City works to increase the City's cash & investment reserves, these indicators will improve.

**Financial Indicator #5G & #5P** – Consists of a five year review of Cash & Inv/(Total Operating Exp/12) for both governmental funds (5G) and the proprietary fund (5P). Within the governmental fund, the expenditures of CRA fund and the draw down on the reserve balances has caused this indicator to show an unfavorable decline. Compared to our benchmark, the City also has an unfavorable indicator. As the City works to build reserves, this indicator will improve.

The proprietary fund (utility system) for fiscal year 2010 and 2011 shows a favorable indicator due to additional cash and investment placed within the utility fund for future funding of construction work relating to the C Street sewer project, debt service funding relating to the wastewater treatment plan, increased sinking fund requirements and a reduction in pay-as-you-go capital projects.

**Financial Indicator #6G & #6P** – Consists of a five year review of Current Liabilities/Total Revenues. The governmental fund over the last five years has shown significant decreases in current liabilities, from \$1.1 million in FY09'10 to \$723,668 in FY11'12 however, current liabilities has risen to \$1.2 in FY 13'14; at the same time, the revenues within the governmental fund have also realized significant decreases, from \$15.6 million in FY 10'11 to \$13.3 FY12'13, and \$14.1 in FY 13'14. The decreases in revenues were mainly due to the recession and reduction in grant projects relating to growth and historical preservation.

With the reduction in debt service obligation (Series 2003, Series 2005 and Series 2009) and the increase in economic factors (property values, new business and residential housing, increased state revenue sharing), the City is expected to be in a more stabilized position in relation to annual operating funding requirements. The City Commission is aware of the debt reduction expected within FY2014'15 and also of the annual operating deficit which the City has experienced for the last several years in relation to the governmental fund.

Within the proprietary fund, current liabilities have risen over the last five years, from \$2.1 million in FY10'11 to \$3.5 million in FY13'14. At the same time, revenues have increased from \$6.3 million in FY 09'10 to \$6.8 million FY 13'14. The City Commission has directed staff to bring forward a rate increase within the Utility

Fund of 14.5% for FY 15'16 due to the various capital projects necessary within the Utility Fund for maintaining the system and preparing for economic growth within the community.

**Financial Indicator #7** – Consists of a five year review of Long-term Debt Per Capita. The City's debt to population ratio has been decreasing since 2010.

A comparison of surrounding cities as of 09/30/2013 included the following data:

City of Lake Wales  
Comparison Data

Comparative Cities Per Auditor General Office	Taxable Property Value (in millions)	Operating Milage	Governmental Long-term Debt	Populations	Price Index	9/30/2011 Debt per Capita*	Debt as % of Taxable Value
	1 Bay Harbor Islands, Town Of	603.956	5.25	8,137,235	5,808	1.085	1,291
5 Neptune Beach, City Of	640.437	3.3756	368,205	7,109	1.085	48	0.06%
6 New Port Richey, City Of	485.001	9.5799	19,763,764	14,868	1.085	1,225	4.07%
7 North Bay Village, City Of	669.219	5.474	8,949,067	7,667	1.085	1,076	1.34%
8 Palmetto, City Of	656.335	5.7171	6,517,427	12,775	1.085	470	0.99%
9 Pembroke Park, Town Of	548.802	8.5	253,056	6,201	1.085	38	0.05%
10 Sebring, City Of	539.895	4.99	5,121,950	10,561	1.085	447	0.95%
11 Tavares, City Of	602.559	6.4531	15,954,450	14,260	1.085	1,031	2.65%
12 Zephyrhills, City Of	587.457	6.1415	1,979,258	14,227	1.085	128	0.34%

Cities within Polk County	Taxable Property Value (in millions)	Operating Milage	Governmental Long-term Debt	Populations	Price Index	9/30/2013 Debt per Capita*	Debt as % of Taxable Value
	1 Auburndale	880.074	4.2657	16,283,080	14,009	1.085	1,071
2 Bartow	518.067	3.996	5,674,492	17,475	1.085	299	1.10%
3 Davenport	93.874	7.75	708,366	3,027	1.085	216	0.75%
4 Dundee	118.960	7.9495	2,311,273	3,808	1.085	559	1.94%
5 Eagle Lake	n/a	n/a	n/a	n/a	n/a	n/a	n/a
6 Fort Meade	n/a	n/a	n/a	n/a	n/a	n/a	n/a
7 Frostproof	n/a	n/a	n/a	n/a	n/a	n/a	n/a
8 Haines City	761.724	7.79	43,917,353	21,385	1.085	1,893	5.77%
9 Highland Park	11.018	9.9759	-	234	1.085	-	0.00%
11 Lake Alfred	129.426	5.068	144,228	5,068	1.085	26	0.11%
12 Lake of Hamilton	56.382	8.4276	17,409	1,262	1.085	13	0.03%
13 Lakeland	4,428.138	4.6644	46,091,257	98,773	1.085	430	1.04%
14 Lake Wales	563.083	8.5866	14,130,435	14,522	1.085	897	2.51%
15 Mulberry	154.843	8.4	331,200	3,775	1.085	81	0.21%
16 Polk City	56.556	8.6547	1,724,912	1,582	1.085	1,005	3.05%
17 Winter Haven	1,532.958	5.79	29,086,816	36,280	1.085	739	1.90%

\* Note - Within the debt to population ratio is a price index of 1.041. (Example - Lake Wales (14,130,435/14,522)/1.085 = 897)

As of September 30, 2014

Taxing Authority	Debt Outstanding	Estimated Percentage Applicable	Estimated Share of Overlapping Debt
City of Lake Wales	\$ 11,610,579	100%	\$ 11,610,579
County of Polk (1)	200,054,799	2.37%	4,741,299
Polk County School Board (2)	385,131,000	2.37%	9,127,605
Total Direct and Overlapping Debt	<u>\$ 596,796,378</u>		<u>\$ 25,479,483</u>

Note: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the city. The schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the City of Lake Wales. This process recognizes that, when considering the government's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account.

Source:

(1) Debt outstanding data provided from information with Polk County, Florida CAFR statistical section disclosure as of their most recent audited financial statements ending September 30, 2013.

(2) Debt outstanding data provided from information with The School Board of Polk County, Florida CAFR statistical section disclosure as of their most recent audited financial statements ending June 30, 2013

**FISCAL IMPACT**

Financing in the amount not to exceed \$2,000,000, a two year maturity at 1.17% creates an estimated fiscal impact of \$2,036,666 (principal available for funding projects \$1,963,500, cost of issuance \$36,500, and interest expense of \$36,666)

[End Agenda Memo]

City Clerk Clara VanBlargan read **RESOLUTION 2015-14** by title only.

**RESOLUTION 2015-14**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING THE ISSUANCE OF THE NOT TO EXCEED \$2,000,000 CITY OF LAKE WALES, FLORIDA SUBORDINATE LIEN CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2015, TO FINANCE IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM AND TO PARKS AND RECREATION, ADMINISTRATIVE, AIRPORT AND TRANSPORTATION FACILITIES AND TO PAY ASSOCIATED COSTS OF ISSUANCE; PLEDGING CERTAIN FRANCHISE FEES, PUBLIC SERVICE TAX REVENUES AND COMMUNICATION SERVICE TAX REVENUES ON A SUBORDINATE BASIS TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE; DESIGNATING THE NOTE AS BANK QUALIFIED FOR PURPOSES OF SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986; AUTHORIZING THE NEGOTIATED SALE OF THE NOTE TO WHITNEY BANK D/B/A HANCOCK BANK; PROVIDING FOR THE RIGHTS**

**OF HOLDERS OF SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Monique Spotts, Bryant, Miller, Olive, Bond Counsel for the City, reviewed this item.

Commissioner Perez said he thought that this \$2 million was something we would have in abeyance, not that it was earmarked for certain projects. Kenneth Fields, City Manager, explained that they originally discussed doing a letter of credit but it turns out that under the tax laws the best way to borrow funds at a tax-exempt rate was to designate capital projects to be covered by this loan that would free up money allocated to those projects that can be used for cash reserves situation. That's why back in April the reimbursement resolutions were done so we could spend the money and reimburse ourselves at a tax-exempt rate. This was the best way to get the lowest interest rate. It is still a 2 year loan. It is purely for tax reasons it is designated this way. It will free up \$2 million. Commissioner Perez asked for confirmation that this money can't be spent for anything else. Commissioner Lutton responded that it is already spent. Mr. Fields confirmed this, we are paying ourselves back. Commissioner Perez asked about cost over runs. Why do they happen and how often? Mr. Fields explained he has put in measures to prevent future overruns including using an independent contractor to review the plans for any oversights. This may cost more up front but can save us hundreds of thousands of dollars in the long run. They will also be rebidding all engineering contracts. Some will not be selected again. They are also looking into some landscaping engineering firms. Ms. Spotts said these funds on the 25th.

**OPENED FOR PUBLIC COMMENT**

There were no comments

**CLOSED FOR PUBLIC COMMENT**

Deputy Mayor Thornhill made a motion to adopt **RESOLUTION 2015-14**. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Commissioner Lutton asked if there was a benefit to semi-annual payments. Mr. Fields that for debts of this kind it is typical. This is helpful as our revenue comes in chunks.

**Agenda Item 18. Modification of the Official Traffic Map**

[Begin Agenda Memo]

**SYNOPSIS**

Staff is requesting a modification of the Official Traffic Map for the purpose of designating a 25 Mph Speed Limit on Carlton Avenue.

## **RECOMMENDATION**

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

1. Designate the Speed Limit on Carlton Avenue, between 7<sup>th</sup> Street and Marietta Street, to be 25 Mph.

## **BACKGROUND**

There is no speed limit currently posted on Carlton Avenue and no record of the City Commission designating a speed limit on Carlton Avenue via the Official Traffic Map. Florida Statute 316.189(1) establishes a speed limit of 30 Mph on streets within municipal boundaries where speed limits are not designated. A traffic study conducted by the Lake Wales Police Department in early May, 2015 recommends that vehicle speeds should be limited to 25 Mph in the area. The volume of pedestrian and vehicular traffic on Carlton Avenue increases significantly in the mornings and afternoons during the school year and is a cause for concern when children are walking to and from Hillcrest Elementary School.

A speed limit of 25 Mph on Carlton Avenue is consistent with the speed limits of adjacent streets in the area.

The Lake Wales Police Department has reviewed the proposed modification of the Official Traffic Map and supports the request to establish a 25 Mph speed limit on Carlton Avenue.

The location outlined in this proposal is within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that "Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads". The City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

## **OTHER OPTIONS**

The Commission may choose not to make the requested changes to the Official Traffic Map

## **FISCAL IMPACT**

The total cost of the eight required speed limit signs is \$546.80

[End Agenda Memo]

James Slaton, Public/Support Services Director, reviewed the item.

Commissioner Lutton asked about that Hillcrest Elementary area which has heavy traffic at pick-up and drop-off time. Should there be increased police presence there? Police Chief, Chris Velasquez, said we have increased police presence there. If new officers are hired that will help. It is a bad design but they are working with it.

Commissioner Howell made a motion to approve the modification of the traffic map. Commissioner Lutton seconded the motion.

By Voice Vote:

Commissioner Howell "YES"  
Commissioner Lutton "YES"

Deputy Mayor Thornhill "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

**Agenda Item 19. Appointments – Airport Authority Board; Code Enforcement Board; Planning & Zoning Board**

**SYNOPSIS**

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc.

**RECOMMENDATION**

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

The Mayor is asked to 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.

Lake Wales Code of Ordinances Sec. 2-26 (3). Limit on Consecutive Terms:

(a) Except as provided in paragraph (b) below, no person shall serve more than three (3) consecutive terms on a single board, commission or committee except that a person appointed to a partial term that is less than one-half ( $\frac{1}{2}$ ) of the normal term for that particular board, commission or committee shall be permitted to serve three (3) consecutive terms in addition to the partial term. Members appointed before July 1, 1989, may be permitted to serve three (3) additional consecutive terms. This limit on consecutive terms may be waived for members of regulatory boards (i.e., planning and zoning board, board of appeals, code enforcement, etc.) with the recommendation of the city manager where, in the sole discretion of the city manager, special circumstances exist which warrant the appointment of a particular member to an additional term.

(b) There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan.

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least four (4) voting members must be qualified electors of 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: 2 vacancies; 2 expiring terms



Applying for Re-appointment for Term Expiring 7/1/18: Katherine Rogers, resident  
Charles Keniston, resident

Current Members:

Charles Keniston, resident	03/06/12 - 07/01/15, 1
Jack Neal, resident	09/19/06 - 07/01/15, 3-Final
Katherine Rogers, resident, chairman	09/18/12 - 07/01/15, 1
Charles Loomis, resident	11/03/10 - 07/01/16, 2
Robert Kelly, resident	07/03/07 - 07/01/16, 3-Final
Dale Marks, resident	06/17/08 - 07/01/17, 3
Robert Wood, resident	05/19/15 - 07/01/17, 1
***Vacant***	- 07/01/18
Commissioner Perez, non-voting member	05/19/15 - 05/02/17

Airport Manager (City Code Sec. 2-41(f)(5)) - City Manager

Meetings (City Code Sec. 2-41(r)) - The Lake Wales Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

Current Meeting Schedule: - 1st Monday @ 5:30 PM; Commission Chamber

Duties/Powers (City Code Sec. 2-41(f)) - The Lake Wales Airport Authority exercises its powers and jurisdiction over the property known as the Lake Wales Airport and properties in addition to the Lake Wales Airport so long as they are exercised pursuant to contract with other governmental entities for the operation and supervision of other airports, airfields, and related facilities. The Lake Wales Airport Authority, subject to approval by the Lake Wales City Commission, is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure
3. To maintain an office at such place or places as may be designated by the City of Lake Wales.
4. To sue and be sued in its own name, plead, and be impleaded.
5. To provide oversight of airport operations for the purpose of input and advice to the city manager in his capacity as Airport Manager.
6. To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport which may be located on the property of the authority. Nothing in Ordinance 2007-07 shall exempt the Lake Wales Airport Authority from the provisions of chapter 333, Florida Statutes.
7. To issue bonds of the authority, as hereinafter provided, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.



Melissa Konkol, resident	01/19/10 – 07/01/15, 2
Wilena Vreeland, resident	10/04/11 – 07/01/15, P+1
Angela Jones, resident	05/07/13 – 07/01/15, 1
Warren Turner, resident	07/01/14 – 07/01/15, P
Murray Zacharia, resident	06/18/13 – 07/01/16, 1
William Follett, resident	07/03/07 – 07/01/16, 3-Final
Jean Kincaid Scott, resident	06/17/08 – 07/01/17, 3

Current Meeting Schedule: 2nd Monday @ 5:00 PM; Commission Chamber

Powers (City Code Sec. 2-57) - The Code Enforcement Board imposes administrative fines and other noncriminal penalties to enforce city health and sanitation, local business tax receipt, fire, building, zoning and sign ordinances when it finds that a pending or repeated violation continues to exist.

In accordance with F.S. 162.08, The Code Enforcement Board has the power to:

1. Adopt rules for the conduct of its hearings.
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.
3. Subpoena evidence to its hearings.
4. Take testimony under oath.
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least six (6) members must reside in the City and one (1) member must either reside in or own real property in the city. (3 year term)

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

Applying for Re-appointment for Term Expiring 7/1/18: Mark Bennett, resident  
Joanne Fuller, resident

A fourth term for Ms. Joanne Fuller is recommended by the Planning & Zoning Board and the Planning & Development Director. The City Manager has the authority to recommend that the City Commission grant the additional three year term.

Current Members:

Joanne Fuller, resident	09/19/06 – 07/01/15, 3
Mark Bennett, resident	05/07/13 – 07/01/15, 1

Charlene Bennett, resident	02/16/10 – 07/01/16, 2
***Vacant***, resident	– 07/01/16
Sharon Allen, resident	07/01/04 – 07/01/17, P+4-Final
***Vacant***, resident	– 07/01/17,
John Gravel, property owner	05/06/14 – 07/01/16, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber  
Rules of procedure (City Code Sec. 23-205.3):

- a. The planning board shall elect from its membership one (1) member to serve as chairman and one (1) to serve as vice-chairman.
- b. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.
- c. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.
- d. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;
2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. To perform any other duties which are lawfully assigned to it by the city commission

## 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**

None. These are volunteer citizen boards.

The Mayor re-appointed Katherine Rogers to serve on the Airport Authority for a term expiring on July 1, 2018. Deputy Mayor Thornhill made a motion to approve the re-appointment made by the Mayor. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

The Mayor re-appointed Charles Keniston to serve on the Airport Authority Board for a term expiring on July 1, 2018. Deputy Mayor Thornhill made a motion to approve the re-appointment made by the Mayor. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

The Mayor re-appointed Wilena Vreeland to serve on the Code Enforcement Board for a term expiring on July 1, 2018. Deputy Mayor Thornhill made a motion to approve the re-appointment made by the Mayor. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

The Mayor re-appointed Melissa Konkol to serve on the Code Enforcement Board for a term expiring on July 1, 2018. Deputy Mayor Thornhill made a motion to approve the re-appointment made by the Mayor. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

The Mayor re-appointed Mark Bennett to serve on the Planning and Zoning Board for a term expiring on July 1, 2018. Deputy Mayor Thornhill made a motion to approve the re-appointment made by the Mayor. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

The Mayor re-appointed Joanne Fuller to serve on the Planning and Zoning Board for a term expiring on July 1, 2018.

Kathy Bangle, Director of Planning and Development, said the City Manager needed to recommend the appointment for an additional 3-year term. Kenneth Fields, City Manager, recommended the appointment.

Deputy Mayor Thornhill made a motion to approve the re-appointment made by the Mayor. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Perez "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

## **CITY MANAGER**

### **Agenda Item 15. City Commission Tracking Report:**

Mr. Fields reported the following:

- FDOT has agreed to help with funding of the runway extension at the airport. FDOT will help with areas that FAA cannot cover. It will be 18 months until funding is in place. He commended Teresa Allen, Assistant Director of Public/Support Services for her efforts on this.
- The skate park improvements will start at the end of the month.

- Some utilities projects can move forward now that funding is in place, but Phase II of the C Street project is a ways off yet.
- The new website will go live tomorrow.
- We will have an ad in the Florida League of Cities Conference Guide for the Annual meeting this summer.
- They have completed interviews with possible candidates for Depot Museum Director. Representatives from the Museum Association participated. There will be a meeting to discuss the candidates and a selection will be made soon. The \$125,000 is all the costs for the operation of the museum, not just the salary. They are working on an agreement with the Historic Society to identify what is theirs.

Mr. Fields thanked the City Commission for their efforts during this difficult issue, he is proud to work with those that are willing to step up and do what's right for the city.

**Agenda Item 16. City Commission Calendar**

Mr. Fields reported that the first budget workshop is scheduled for Tuesday, July 14 and the second one is Tuesday, August 11. The estimates on state revenues will be delayed due to the state budget issues. They will work with their own estimates in the meantime. Commissioner Lutton suggested a larger cut than 1 mil in the property taxes. Mr. Fields said that they will look at it.

**Agenda Item 17. Annual Reporting – Boards, Commissions, and Committees**

**CITY COMMISSION COMMENTS**

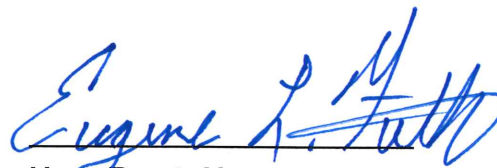
Commissioner Howell thanked everyone for coming. She said many are supportive of efforts to help our City grow and get better.

**MAYOR COMMENTS**

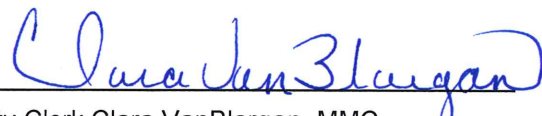
Mayor Fultz asked Mr. Fields about talking to someone about MSTU funds for the library. The Bookmobile is wonderful. Mr. Fields said it's not just the Library, but recreation facilities that are used by the County residents. He is being vocal with the County about additional funding for Lake Wales. Commissioner Lutton pointed out that there are very few County parks facilities in the area.

Mayor Fultz said Lake Wales is on the upswing and things are moving in the right direction. We will continue to see progress.

The meeting was adjourned at 9:27 p.m.

  
Mayor/Deputy Mayor

ATTEST:

  
City Clerk Clara VanBlargan, MMC

