

The meeting of the Lake Wales City Commission was held on January 19, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Deputy Mayor Jonathan Thornhill at approximately 6:00p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Pete Perez; Christopher Lutton; Jonathan Thornhill, Deputy Mayor

COMMISSIONERS ABSENT: Eugene Fultz, Mayor

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

Deputy Mayor Thornhill reported that the Mayor was not present because he was in Tallahassee lobbying for the City of Lake Wales.

5. MAYOR

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

Willie L. Zow, resident, said that his daughter's car was towed the night before for unlawful reasons. It was parked on a public parking lot near the Elks Lodge for less than 20 minutes before being towed. No parking" signs or any tow warning signs are not posted on the parking lot indicating that cars would be towed if parked there after a certain time. He requested his money for the tow be returned to him.

Terry Christian, non-resident and member of the Elks Lodge, said the area that Mr. Zow is referring to is a public parking area on Lincoln Avenue. He said there is a City ordinance sign there but it does not state that a car cannot be parked there after a certain time. The City needs to clarify its message to the people so this does not happen again. He asked if it was a state law or a city ordinance prevented them from parking there after a certain time and if City parking lots closed at the same time as City parks. He said since the towing was requested by the police department he would like clarification from the police chief.

Mr. Fields said there could be a variety of reasons why the vehicle was towed and without the specifics he does not know why.

Chief Velasquez said he would rather not discuss the issue in front of the Commission, but the parking lot does close and it cannot be used for the night club's overflow parking. He said there are certain areas that vehicles cannot park near such as a certain number of feet near a mailbox, driveway, intersection, fire hydrant etc. and although those areas are not necessarily marked, parking is not allowed there. He said without knowing the specifics of why the car was towed, he cannot really comment but he does know that the police officers got all the cars out of there except for the one they could not find the owner to. He said they can come to the police department and speak to the supervisor to learn the details of why the car was towed.

Deputy Mayor Thornhill asked if this was the venue for discussing the matter and Chef Velasquez said it was not. Mr. Fields said if they make a request at the police department we can investigate what the circumstances are surrounding the tow. The City can make refunds but he cannot commit to that without knowing the details of the matter.

Mr. Christian said the car was not parked in an area near a fire hydrant etc. It is a public parking area within the boundaries of the City of Lake Wales that has been discussed before. Someone should be able to provide clarity to them. He said that when he goes to the police department he is treated like a no body from the time he steps in the front door and that he was told by the police chief that he is responsible and accountable for what happens at the Elks Lodge. He said he felt the same way about the police chief position because the police chief should have some understanding about that City parking lot and whether or not it closes. If the six police officers that were there when she parked at 10:36 p.m. had told her that the car would be towed at 11:59 p.m. she would not have parked there.

Commissioner Lutton asked if someone could make a refund request and Chief Velasquez said he had never heard of it, but if they could go to the police department and speak to the supervisor that was in charge that evening to get a little more detail. Mr. Christian said he tried getting the details before they hooked up to the car. The family would like to be issued some type of citation or ticket so they could go before a judge and get it resolved. Mr. Zow said he was told abandonment was the reason for the tow. He said he has been a law abiding citizen in Lake Wales for 30 years and that he is not a trouble maker or a convicted felon. He said that he spoke to his attorney and was told that it was an illegal tow regardless if the City admitted it or not because his daughter did not do anything. Deputy Mayor Thornhill said that is why he would like it discussed at the right venue. Mr. Fields said this is the first he and the Chief have heard of it and that he would like to see what is written in the report.

Mr. Christian showed the abandonment sign that was placed on Mr. Zow's daughter's car and said other cars got the same sign placed on them and they took it as a form of harassment. If there is a City ordinance that prevents people from parking there then he will help enforce it but we have to stop going around in circles.

Commissioner Howell asked the City Manager and the City Attorney if they or they knew if someone else sitting in there could tell her if people could or could not park in a City parking lot after a certain time. Mr. Fields said he or the City Attorney does not know and that they needed a chance to research it, look at the police report to see exactly what happened, and what the rationale was. He said he was not familiar with that section of the City Code. Commissioner Howell said she was not talking about what happened because the car was towed and if had to be towed then that is fine. She asked again if someone was present that could tell her if people could or could not park in a City parking lot passed a certain time and she got no response. She said there are other City parking lots in Lake Wales and if the Code prevents people from parking there past a certain time and it is posted then that is one thing and it needs to be posted all over the City. If it is not a law and someone is trying to make it a law then something is wrong, but if it is a law everyone's car needed to be towed. Mr. Fields said he agreed and that this is the first time hearing what happened. Mr. Zow said he is willing to pay if it was posted, but it was not posted.

Commissioner Howell said the issue needed to be dwelt with in front of the Commission because it is the Commission that passes the laws. If it is a law and it is not posted then it is the fault of the Commission and they should know about it. She said Mr. Christian or anybody else should not have to come to the Commission asking about a parking lot.

Deputy Mayor Thornhill said the direction is to give them an answer but regarding the ticket they will have to talk to the supervisor about that. He said the Commission will not have harassment because that is not what it is about and we will work on getting them an answer. Commissioner Howell added that it should be done in a timely manner to avoid this happening again. Commissioner Lutton agreed.

Mr. Fields said to Mr. Zow that he and the Chief will work on it and get an answer or response back to him by the end of next week. Mr. Zow said he did not want to be shoved off in this matter because he will seek legal action if needed. Commissioner Howell asked Mr. Zow to give the City Manager and the Chief a chance to work on it. Mr. Fields asked Mr. Zow to give the City Clerk his contact information so they could get back with him.

Mr. Christian said as a member of the Lake Wales Elks Lodge he is more than willing to work with the City in keeping problems down and that they are trying to be an asset to the community and not a problem.

Curtis Gibson, resident, said when listening to this it seemed as though the City is fighting against the citizens of Lake Wales, but he could be wrong. Instead of fighting against the citizens we need to help each other in building up the City. He said he hoped that the City takes this seriously and does what it needs to do.

8. CONSENT AGENDA

Agenda Item 8.1. APPROVAL OF MINUTES: January 5, 2016 Regular Meeting

Agenda Item 8.II. Office Space Lease - University of South Florida Board of Trustees

[Begin Agenda Memo]

SYNOPSIS

The approval will allow Florida SBDC to continue leasing office space in the City of Lake Wales Municipal Administration Building for annual payment of \$1.00. Total in-kind contributions provided by the City from January 1, 2015 through December 31, 2015 were \$26,400.

RECOMMENDATION

It is recommended that the City Commission approve the Lease agreement renewal with the University of South Florida College Board of Trustees, a public body corporate, to provide office space to FSBDC for a term beginning February 1, 2016 through January 31, 2017 for \$1.00.

The City Commission approved the original Lease on February 4, 2014.

BACKGROUND

The Florida SBDC network is a statewide partnership of higher education, economic development organizations, and other sponsors dedicated to the economic prosperity of Florida. Founded in 1976 by the U.S. SBA, the program successfully links Florida's education system with community outreach to aid in the development and education of the state's entrepreneurs and small business community. As the only statewide provider of entrepreneurial services, the SBDC plays a vital role in Florida's economic development initiatives by assisting entrepreneurs in all stages of business; working with firms in all industry sectors; utilizing the expertise and resources of some of the best universities and colleges in Florida; accessing the resources of national network of more than 5,000 SBDC professionals; and accrediting through the National Association of SBDCs.

State designated as Florida's Principal Provider of Business Assistance, the Florida SBDC Network has more than 35 years of experience helping businesses grow and succeed. Florida SBDCs have assisted hundreds of thousands of potential and existing business owners by providing management advice, training, and information needed to make sound business decisions in a complex and ever-changing marketplace. With partners ranging from institutions of higher learning to federal, state, and local governments to private organizations, and funding from the U.S. Small Business Administration, Florida SBDCs offer this business management and technical assistance through no-cost consulting and low-cost training for entrepreneurs. Services include strategic market research, business and strategic plan development, market and revenue growth strategy development and implementation, capital access and loan packaging, financial analysis and assessment, accounting systems and financial literacy, and feasibility analysis and start-up assistance.

The Florida SBDC would like to continue providing this vital program to the City of Lake Wales and its citizens by requesting the City Commission approve the Lease agreement renewal for office space at the Lake Wales Municipal Administration Building for a term beginning February 1, 2016 through January 31, 2017 for \$1.00. Hours of operation will be Monday through Friday, 8:00 a.m. to 5:00 p.m. The City will provide the office space, telephone, internet, electric, and water utilities for Lessee. The Total in-kind contributions provided by the City from January 1, 2015 through December 31, 2015 were \$26,400. The \$1.00 payment will offset this in-kind services cost. The lease does not include training class space.

OTHER OPTIONS

Do not approve the lease as proposed.

FISCAL IMPACT

The lease will generate \$1.00 in annual revenue that will offset the cost of office space, telephone, internet, electric, and water utilities for Lessee. Total in-kind contributions provided by the City in 2015 were \$26,400.

[End Agenda Memo]

Agenda Item 8.III. Special Event Application: Lake Wales Car Show 3-Year Permit

[Begin Agenda Memo]

SYNOPSIS

Approval of the Special Event Permit Application will allow the "Lake Wales Car Show" to continue their event on the fourth Saturday of each month in the downtown area for the next three years.

RECOMMENDATION

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

1. Approve the Special Event Permit application for the "Lake Wales Classic Car Show" to take place the fourth Saturday of each month between the hours of 3:00 p.m. and 8:30 p.m. beginning January 31, 2016 and ending January 31, 2019.
2. Approve the temporary closing of the Marketplace, Stuart Avenue from First Street to Scenic Highway, partial closure of S. Market Street from Stuart Avenue to Central Avenue and the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue (west side of SR17).

BACKGROUND

Mr. Larry Bossarte, Lake Wales Main Street Inc. submitted a Special Event Permit Application to continue holding the "Lake Wales Car Show" in the downtown area the fourth Saturday of each month beginning on January 31, 2016 and ending on January 31, 2019. The event hours would be from 3:00 p.m. to 8:30 p.m. which includes set up and take down. This event will showcase custom, classic and antique cars which will be located along Stuart Avenue. Musical entertainment and food vendors will be set up in the Marketplace and/or on a portion of S. Market Street between Stuart Avenue and Central Avenue. They are requesting the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue, closing of Stuart Avenue from First Street to SR17 and a portion of S. Market Street from Central Avenue to Stuart Avenue.

The sponsor is responsible for all requirements for site preparation, site cleanup, food vendor licensing, and sanitary facilities. Proof of liability insurance will be provided to the City.

In November 2012 the Lake Wales Main Street was granted a 3 year permit for the Car Show to continue from January 2013 through January 2016. There have been no problems associated with this event during that time.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the city associated with this event.

[End Agenda Memo]

Agenda Item 8.IV. Cancellation of Tank Maintenance Contract

[Begin Agenda Memo]

SYNOPSIS

Staff requests commission approval to cancel the current tank maintenance contract which expires on September 30, 2016.

RECOMMENDATION

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

1. Approve staff to cancel the current tank maintenance contract.
2. Authorize the signing of the cancellation letter by three members of the City Commission on the city's behalf.

BACKGROUND

As part of the water treatment process, staff operates and maintains four separate elevated storage tanks located within the water distribution system. These tanks have to be inspected and cleaned once a year. The existing contract has been in effect for quite some time and staff would like to go out to market for bid to try and get the best price available for this service.

The current contract states that if the City chooses to cancel its contract, the cancellation has to be approved by three members of the commission six months in advance of the end of the current contract period. The current contract period expires on September 30, 2016. Bringing this item before the commission at this time allows staff the proper time needed to take this service out for bid, and have a new contract in place prior to the start of the 2016-2017 fiscal year. Staff is seeking commission approval to cancel the current tank maintenance contract and authorize the cancellation by the signing of the cancellation letter by three members of the city commission.

FISCAL IMPACT

\$62,000 has been placed in the FY' 2015-2016 for the required maintenance and inspection.

OTHER OPTIONS

Chose not to cancel the current contract and not go out to bid for competitive pricing.

[End Agenda Memo]

Agenda Item 8.V. Lease Agreement with the Bancorp Bank for a new Vactor Truck

[Begin Agenda Memo]

SYNOPSIS

Staff requests commission approval to enter into a new lease agreement with The Bancorp Bank for the lease of a new vactor truck in the amount of \$6,352.25 per month. The Wastewater Department has placed \$76,227 for the new vactor lease in the FY 2015'16 operating budget to be funded by operating revenues for this purchase. Through FY 2020'21, the Wastewater Department would plan annual appropriations of \$76,227 to cover this purchase.

BACKGROUND

Due to the constant use of the vactor, it has become necessary for staff to look into the option of adding to the sewer department cleaning equipment. The current vactor being used for the wastewater department is a 2006 International. This piece of equipment has been in service for approximately 10 years and is used for sewer emergencies and storm water overflows. Staffs intent is to enter into a lease for the purchase of an additional vactor truck for use. By increasing the utilities fleet by another vactor, staff will be able to respond to multiple emergencies at once. Also if the vactor is being used to address storm water issues, it becomes unavailable to address sewer emergencies that arise. In years past when the vactor has been out of service, it has been difficult to borrow one from the Polk County Fleet due to the fact of them not having one to lend. The vactor is a vital piece of equipment to the waste department daily operations, by adding another vactor to the utilities fleet, staff is assured to always have this vital piece of equipment available for emergencies.

Staff is seeking commission approval and city manager authorization to enter into a new lease contract with The Bancorp Bank to provide a new vactor for a cost of \$6352.25 per month, providing at the end of 60 month term the City will have the option to purchase the vactor for a total of \$1.00.

OTHER OPTIONS

Wastewater Department Vehicle options:

1. A full purchase would result in a current year decrease of cash flow of \$363,016.
2. The lease purchase option with The Bancorp Bank would result in a yearly decrease in cash flow of \$76,227. The City would then have the option at the end of the fifth year to purchase the Vactor for a total price of \$1.00.

FISCAL IMPACT

The Wastewater Department has placed \$76,227 for the new vactor lease in the FY 2015'16 operating budget to be funded by operating revenues for this purchase. Through FY 2020'21, the Wastewater Department would plan annual appropriations of \$76,227 to cover this purchase.

[End Agenda Memo]

Agenda Item 8.VI. Edward Byrne Memorial State and Local Law Enforcement Assistance Grant

[Begin Agenda Memo]

SYNOPSIS

Approval of this item will allow the police department to submit for and receive grant funding to purchase items to be used in the investigation of criminal activity and traffic crashes.

RECOMMENDATION

Staff recommends that the Honorable Mayor and City Commission authorize the Police Department to apply for and accept funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

BACKGROUND

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$4,609.00 and if approved would be included in the 2015/2016 budget.

The Police Department proposes to use the JAG-D funds to purchase equipment that will aid in the investigation of criminal activity. Additionally, the department will purchase a metal detector for crime scene processing and a 20'x10' enclosure to protect crime scenes from the elements while shielding victims from public view.

Matching funds are not required to participate in this grant; however, the department will use Forfeiture Funds to supplement any additional expenses not covered with grant funding.

OTHER OPTIONS

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

FISCAL IMPACT

The Finance Department has reviewed this application and the Fiscal Impact Statement is attached.

[End Agenda Memo]

Agenda Item 8.VI. Preliminary Financial Statements for December 31, 2015

[Begin Agenda Memo]

SYNOPSIS

[End Agenda Memo]

Commissioner Howell made a motion to approve the Consent Agenda. Commissioner Lutton seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

9. OLD BUSINESS

Agenda Item 9.I Ordinance 2016-01, Amendments to Zoning, Land Use and Development Regulations – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

This ordinance addresses housekeeping issues related to Board membership, Lots and Structures, Fences and Hedges, as well as miscellaneous scrivener's errors.

RECOMMENDATION

Staff recommends the adoption of Ordinance 2016-01 after second reading and public hearing. Notice requirements have been met.

BACKGROUND

Most of the amendments are housekeeping in nature. They correct misspellings and insert words that were inadvertently left out.

Section 1 of the ordinance proposes an amendment increasing the number of planning Board members that can reside outside the city, but must own property within the city limits, from one (1) to three (3) members. The Board is made up of seven (7) members therefore the majority of the membership would still require residency. The Planning Board discussed this amendment at length and on a three (3) to one (1) vote recommended approval.

Section 2 proposes an increase in the number of principal buildings on a lot that can be approved as a major site plan from two (2) to four (4). This will streamline some of the approval process and may encourage development. The Planning Board unanimously supported this amendment.

Sections 3, 4, 5, 6, and 8 deal with scrivener's errors such as misspelling and omitted words.

Section 7 proposes to allow an administrative approval of an increase in fence height from four (4) feet up to six (6) feet in a functional side yard. This would be applicable for corner lots that by design have two front yards by regulatory definition, but one functions as a side yard.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-01 by title only:

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO PLANNING BOARD MEMBERSHIP; LOTS AND STRUCUTRES; CERTIFICATE OF APPROPRIATENESS; EXEMPTION FROM PAYMENT OF REVIEW FEES; APPEALS AND VARIANCES; TOWER AND TELECOMMUNICATIONS FACILITIES; FENCES AND HEDGES; AND CONCURRENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2016-01 after second reading and public hearing. Commissioner Lutton seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

Agenda Item 9.II. Ordinance 2016-02, Amendments to Chapter 12 – Health Sanitation, Nuisances, and Minimum Property Maintenance Standards – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

This ordinance addresses housekeeping issues such as numbering, code enforcement oversight, redundancies, clarification of responsibilities, reference to the International Property Maintenance Code, addition of sections for dead trees and conditions dangerous to children.

RECOMMENDATION

Staff recommends the adoption of Ordinance 2016-02 after second reading and public hearing. Notice requirements have been met.

BACKGROUND

In 2012 when the last amendment to Chapter 12 was initiated the numbering was not integrated as well as it could have been. This is being corrected with this amendment. The Code Enforcement Division has been made part of the Department of Planning and Development so this is reflected in the amendment.

An effort has been made to remove redundancies from the chapter and to clarify responsibilities of all parties including staff and citizenry.

Staff is recommending additional detail for dead trees as well as conditions that may pose a danger to children.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-02 by title only:

(Amendments to Chapter 12, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; RENUMBERING SECTIONS TO FIT OVERALL CODE NUMBERING SYSTEM, CLARIFYING RESPONSIBILITIES; REMOVING REDUNDANCIES; UPDATING CROSS REFERENCES WITH OTHER SECTIONS OF CODE; ADDING DEAD TREES AND PROHIBITING CONDITIONS DANGEROUS FOR CHILDREN; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2016-02 after second reading and public hearing. Commissioner Lutton seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

10. NEW BUSINESS

11. CITY MANAGER

Agenda Item 11.I City Commission Tracking Report

Mr. Fields reported the following:

- Polk Vision designated Tiffany Holden in the Police Department and Commissioner Howell as Women in Distinction.
- The City received a \$20,000 grant from the County to do demolitions on property that Code Enforcement placed liens on. That will start in about 30 days using both the County's money and what the Commission budgeted. Commissioner Lutton said he did not want the City owning anymore property through Code Enforcement.

- The City purchased land for a new cemetery and some of that land that was leased for orange grove property the Lessee did not renew the lease. The groves were not economically feasible given the current situation. The City has been taking steps to clear that grove out.
- He made interim Utilities Director Sarah Kirkland the Utilities Director effective yesterday. He said she was a great candidate in terms of operating the Utilities Department on a day-to-day basis. We might have to continue relying on consultants to do the engineering services at this time.
- He said from very fruitful discussions Betty Hill has decided to step out of the FBO operation and concentrate on her skydiving operation, which has been very successful. They are now discussing expanding that operation at the airport. He said they are in the process of negotiating a new lease for the existing building and giving a portion of that back to the City to make that a FBO office and operation. It is best to make the City the airport manager and hire someone with the experience to do that and to operate the FBO. From an economic point of view, the airport can be self-sufficient in terms of operating costs if we take over the fuel sales, the market rate for the hangars, etc. We can generate enough cash flow to employ the number of people to maintain the airport. Mr. Fields said he was going to advertise the airport manager position as soon as possible and that we could eliminate the general fund subsidy that currently goes to the airport.

Agenda Item 11.II. City Commission Tracking Report


Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

13. MAYOR COMMENTS

The meeting was adjourned at 6:35 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC