

A workshop meeting of the Lake Wales City Commission was held on May 17, 2016 in the Commission Chambers at the Municipal Administration Building at approximately 5:30 p.m. Mayor Eugene Fultz called the meeting to order.

COMMISSIONERS PRESENT: Pete Perez; Robin Gibson; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Terrye Y. Howell

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

1. ROLL CALL

2. DISCUSSION ITEMS

Agenda Item 2.I. Workshop – May 17, 2016

[Begin Agenda Memo]

Planning staff would like the opportunity to discuss with and get direction from City Commission the following items:

- Unmanned recycling collection containers
- Food Trucks
- Parking on the grass in residential zoning districts

[End Agenda Memo Provided at the Meeting]

Planning & Development Director Kathy Bagley said she needed direction from the Commission on each of the discussion items.

UNMANNED RECYCLING COLLECTION CONTAINERS

Ms. Bangley said in October 2015, staff was asked to look into donation bins within the City limits. At that time there were thirty-one bins counted through a windshield survey. Since that time that number has increased. It is unclear whether all of the owners are non-profit organizations. It is also currently undetermined whether they all have permission from the property owner of the property on which they are situated. She said that staff's first recommendation is that donations bins be prohibited within the City limits. The City is blessed with a very strong non-profit presence through the Care Center and supporting local businesses seem appropriate to staff. If the Commission chooses to ban the bins, staff will notify in writing the entity indicated on each bin giving them sixty days to remove them. After the sixty days, the City will then have them removed at the owner's expense.

Ms. Bangley said if the Commission is not in favor of an out-right ban staff makes the following recommendations:

1. Amend Sec. 23-542 Accessory Structures to include donation bins
2. Limit bins to a maximum of one per site/parcel
3. Annual registration/permit
4. Restrict to non-profit organizations only – Require proof of 501(c)(3)
5. Require ownership to be prominently displayed on the bin

6. Require proof of property owner permission
7. Prohibit in required parking spaces, rights-of-way, drive aisles, required landscape buffers, pedestrian areas and sight triangles

Ms. Bangley said the banning of the bins could be achieved through the passage of a resolution since they do not currently appear in our Code of Ordinances. An ordinance incorporating them into the land development regulations would be required if the Commission prefers option two.

Mayor Fultz said it looks like we are a welfare town because of all the boxes sitting around and they must be limited. It looks like we are collecting stuff to give to our citizens and we don't know where it is going. The Care Center is a great organization and they do a great work but if there are other organizations out there that are a 501(c)(3) that can benefit from those boxes we should give them the opportunity to do that. The regulations that Ms. Bangley read is the proper way to go with it.

Ms. Bangley said for clarity, the accessory structure rules that are already on the books prohibit them from being on a vacant lot and at a business that is non-operational. She said one of Commissioner Howell's concerns when talking to her yesterday is them being on unattended property and she had assured Commissioner Howell that in case we did permit them that what's already on the books accessory structure wise applies along with the additional criteria that she just read. The Mayor said many of the donation bins around town are on unattended property and that is something that should be corrected immediately to get them out of there. If we go with regulating them we will begin to see legal boxes out there.

Deputy Mayor Thornhill said some of the boxes are just dumping grounds for old clothes, shoes, and furniture and some people think anything can be dumped in them. Some of the bins do not show ownership. Ms. Bangley said that is why we want the property owner's agreement and participation so we have somebody who is accountable for how the site looks not just the bin operator but the property owner as well. We want to be able to have a clear registration so that when we have a situation where it is a buildup we would know whom to call, not only the property owner but also the bin owner to make them aware. Deputy Mayor Thornhill said bin owners should want people to know who they are.

Mr. Fields said staff's recommendation is to ban them all because they become dumping grounds and if there is no alternative then he would see the need for a way for people to dispose of clothing, shoes and other things of that nature. The reality is that we do have the Care Center and he has never heard of them saying they had too many donations and turned anything away. So we do have an alternative here in the City not that we should favor the Care Center over any other but they provide that service already to our citizens. They are accountable, responsible, and are in a position to do it. If we do require a license and permit, they will be accountable and we will then have to follow up with the owners and stay on top of it with Code Enforcement etc. Mr. Fields said he could understand that we want to keep a level playing field for all non-profits but the rationale behind the original recommendation was to get rid of the nuisance that we have. It is not as if we are going to take away the way for people to can get rid of things. An organization is willing to take it.

The Mayor said we do not want to be spending extra money trying to regulate those things when we really do not need them. Ms. Bangley said it would take quite a bit of staff time to get a registration program up and running, and to monitor and follow up on that. It is not extraordinary but it will take staff time and it is not programmed in that way right now. Ms. Bangley said since October 2015 the estimated number of recycling bins has increased to about 40 or 50.

Commissioner Gibson said the item we are talking about serves to either increase or decrease property values. When the property values are going up people have a higher regard to that as a place to live because property reflect that and it also increases our tax base. He heard on NPR about two weeks ago that all of this stuff surprisingly has value just as a rag or an old t-shirt because they can be recycled and sold so that is the incentive for putting the bins all over the place. The Care Center's stuff is in the store, they take anything you bring in there, and they are successful in converting it to value so he would be for the

outright ban because it is the best thing in enhancing property values, the tax base, and getting recyclables into responsible hands.

Commissioner Perez said he is in favor of banning all the bins in the City.

Mr. Fields said under the circumstances, given Commissioner Howell's absence we will come forward with two resolutions, one for an outright ban. Ms. Bangley said the resolution can be for the outright ban but an ordinance would put them in. She could draft both and present them for Commission action.

Deputy Mayor Thornhill said he is in favor of getting rid of them because it looks like dumping grounds.

Mr. Fields said the consensus seems to be an out-right ban so we will come back with a resolution for that.

FOOD TRUCKS

Ms. Bangley said that currently the demand to allow Food Trucks in the City is minimal. Staff has spoken to two vendors over the last six months and they were made aware of our vendor list for special events, which seemed to satisfy their inquiries. The Land Development Regulations allow for outdoor sales at business locations through the special exception use permit process. An individual food truck could partner with a bricks and mortar business location to be in the City limits. Rural King, Lowe's and Home Depot already have vendor areas designated. She said at this time staff is not in favor of expanding our regulations.

Ms. Bangley said a few years ago the Sunoco at the end of Central Avenue had an area approved for a certain amount of time so we do have a way currently for them to come in and go through a process and be here. We do not have a high demand outside our special event programs that go on so at this time staff is not in favor of expanding our regulations in any way. If we get more phone calls or something changes within the City Commissioner Howell mentioned to her yesterday that robust recreation programs going on where we will have recreational activities going on a regular basis providing some areas for food trucks to participate in that type of situation we could certainly look at it at that time. However, staff's recommendation right now is to leave it as it is.

Deputy Mayor said one of the big things now is that battle of food trucks. Ms. Bangley said that will be similar to the barbeque event we had down at the lake so if somebody approached us about that sort of thing that would be allowed as part of a special event that we would certainly support.

Mr. Fields said we would start looking at that. There are companies that will organize that which is much like the barbeque event. We can see if we can get one of those going down at the lake, which is a great setting and ideal spot for potentially having something like that. If we do get more organized, recreational things going on we could invite a food truck occasionally.

Commissioner Gibson suggested keeping it like it is and the Mayor said that seems to be the consensus.

Jennifer Weeks, person in the audience, introduced her husband Domitric Weeks and said she had come to speak on the food truck discussion because they have a food truck. She said she had contacted the City many times but no one has been able to tell her what the rules and regulations are for the City of Lake Wales other than them needing permission from the owner of the business on where they plan to set up or in the area of where they plan to set up. Ms. Weeks said they do many activities around the City and attend more activities doing business outside of Lake Wales than they do here. Most people have their rules, no issues, no problems, and when asked are able to give an answer. She has not seen many food trucks in the City other than them parked every day in the same place. In other cities in Polk County, they are able to go around the City during lunchtime and not just in a designated area. She asked what the rules and regulations are for Lake Wales.

Ms. Bangley explained that the rules and regulations currently stipulate that you have to be associated with a bricks and mortar business and that is where the location comes in. That is not to say you could not be associated with two or three bricks and mortar businesses and that you are in one place on Monday, Tuesday and Thursday and in another place on Wednesday and Friday with owner permission. Ms. Weeks asked if there is a certain period for them to do business because they have issues with that because they are licensed and they have everything told to have. Ms. Bangley explained that when going through the special exception process to establish a location that is when the times are set up. It would not be any more restricted if you were a bricks and mortar business so depending on the location it is permissible to stay open until 10:00 p.m. or so at night. Ms. Bangley said she cannot speak for the Board that does the approving but staff would recommend within reason similar hours as a bricks and mortar facility. Ms. Weeks asked if she could stay open as long as the bricks and mortar business and Ms. Bangley said yes. Ms. Weeks said she asked that because of problems, they encountered with police officers telling her to close down her business after a certain time and Ms. Bangley said they could not do that. Ms. Weeks asked why it would it also depended on the area because a business is a business and to be a part of the barbeque event that took place here you had to be a part of the association and pay a fee. So, why would she want to pay a fee to participate in a onetime event? The City Manager said that was the sponsoring organization and Ms. Bangley said that is not the case when we do events like the Arts Show or our other special events where vendors come and participate.

The City Manager asked Ms. Weeks to get with Ms. Bangley so she can walk her through the process of getting a special exception use permit. He said that under the current ordinance she would be allowed to set up with multiple businesses if so desired and with permission from all those businesses, the details can be worked out. Ms. Bangley explained that once somebody goes through the process she makes sure that all City departments that might have a question are aware of the approvals that need granting. Ms. Bangley provided her contact information to Ms. Weeks and said we would work through all the different opportunities and that it is possible to tweak some places in our Code. She said she would bring that back to the Commission with a recommendation. Ms. Weeks asked about setting up on a vacant lot if she got permission from the property owner or on a lot that she owns. Ms. Bangley said the current Code does not allow setting up on a vacant lot within the City limits.

PARKING ON THE GRASS IN RESIDENTIAL ZONING DISTRICTS

Ms. Bangley distributed a visual diagram to the Commission showing various residential parking configurations. She said that staff is recommending that an amendment to the Land Development Regulations be considered pertaining to residential parking. The current regulation states that all vehicles shall be parked in approved parking areas and shall not be parked in unpaved areas except in the rear yards of single-family houses or duplexes. Historically, families had one or two cars and most driveway configurations could accommodate parking on a paved surface. Today, many families have several drivers and vehicles. Providing acceptable grass parking scenarios in residential areas seem to be a need to keep up with the times. She said the diagram shows possible scenarios for discussion. There are four presentable options for what would be okay if we decided to say that somebody could park two vehicles in their driveway and a couple other scenarios off the driveway. The others show what would be considered violations in accordance with current Code.

The Mayor asked Ms. Bangley if this would be for permanent parking for visitors at a residence. Ms. Bangley said this is usually a permanent parking scenario. Many families have more than two drivers and in a lot of our older neighborhoods the driveways are one car width wide. So with one, two, or four drivers in a family you run out of paved surface very quickly. People are trying to park in their yards and in most cases in a very organized fashion but the Code states that anything not on the pavement can be violated. We have HOAs that are quite militant about this although it will not solve a problem in a HOA but it is not an issue for her to deal with. We found that in the older neighborhoods with single car driveways they have a garage that is used for storage instead of parking the car. Instead of telling people that they have to extend their

driveway, etc. providing an organized way in whatever scenario we felt is comfortable would be better. The idea is to have stabilized surface. It is not really something that everybody is going to have so sometimes requiring a permanent solution to a temporary problem is overkill. She gave an example of somebody only needing a four-car driveway for a short period until their teenage drivers are no longer home.

Deputy Mayor Thornhill said this affects him because he has a neighbor that continually calls on him because they have four vehicles and a driveway that is only a space and a half wide so his daughter has to park on the yard but in a nice way. He has been told there is no provision for it. Ms. Bangley said that unless the street allows for street parking then there would be some option but not many of the residential streets are built wide enough for street parking so that would be almost most desirable than that. Deputy Mayor Thornhill said one of his biggest pet peeves is people parking in the street because it could cause dangerous situations.

Ms. Bangley said the diagram is only suggestions that she got from the Kissimmee Land Development Regulation to use as a one-page discussion tool and then explained the layout of the diagram.

Commissioner Perez asked about a temporary gathering situation and Ms. Bangley explained that if it is a temporary situation for a party, etc. that is not something that would be regulated. This is for a regular occurrence.

Ms. Bangley said the diagram is only examples so what she would like to know is if the Commission is amenable to two cars in the driveway and one on the side because she is not sure what the feeling is crossing property in a vehicle. They are legal in the backyard but we do not want everybody driving in their backyard every day because of either tire tracks or other situations, so we are trying to find a pattern that we will feel amenable to.

Commissioner Gibson said he is tempted to use the street as much as possible but he understands that some of the streets are too narrow. They are not too narrow to have one car parked and one car pass. He asked if there was a way to allow parking on some curbs and not the others so we would have a way for somebody to pass. Ms. Bangley said we could amend the traffic map to reflect street parking in anywhere in the City that they wanted to. It is a little more complicated and cumbersome than this type of diagram and she does not control the traffic map. Commissioner Gibson said that is public property and it is paved so he does not know any practical way to regulate it as much as possible. Mr. Fields said we could look at the traffic map to see if we could say parking on the odd side of the street only or on the even side. Commissioner Thornhill said that some people have driveways but park on the street instead which causes issues and endangers people by doing so. The Mayor said he has seen in communities where it is okay to park on a certain side of the street even if they have guests because it allows people to be able to pass through there but that was in communities with no heavy traffic coming through there and in other communities that would be difficult to do. Ms. Bangley said it sort of depends on where you are on the way to.

The City Attorney said the Code of Ordinances already provide for parking on the street as long as there could still be flow so that would have to be tweaked if allowing it on a certain side of the street. Ms. Bangley said there are Code areas she would have to check. Commissioner Gibson suggested having clearly marked curbs such as painting them red to make it obvious what side of the street to park on. Ms. Bangley said the diagram is specifically designed for residential locations. The Mayor said many residences do not have curbing.

The Mayor asked if this is something that we could look at and come back with. Ms. Bangley said this was brought forward to give the Commission something to look at and ponder and that she was not looking for any sort of decision tonight. Mr. Fields said Ms. Bangley would like us to look at this in combination with

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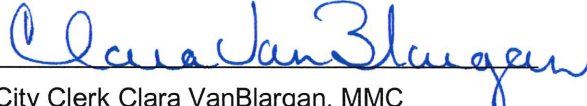
some kind of regulation for street parking. Ms. Bangley said she would find out how the street parking regulations currently reads.

3. COMMUNICATIONS AND PETITIONS

The meeting was adjourned at 6:07.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargen, MMC

