

The meeting of the Lake Wales City Commission was held on August 2, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

Dr. Jim Moyer gave the invocation.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Terrye Y. Howell; Robin Gibson; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: None. Commissioner Perez arrived at the meeting 6:19 p.m.

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

5. MAYOR

6. PRESENTATION/REPORT

Agenda Item 6.I. Presentation: Citrus Connection Transportation System, Update on Routes And Services – Executive Director Tom Phillips & Director of Government Affairs Erin Killebrew

Agenda Item 6.II. Presentation: U.S. Air Force Auxiliary, Civil Air Patrol Cadet Program – Presentation by Capt. Anthony P. Pitman, CAP, Squad Commander, Winter Haven Airport

7. COMMUNICATIONS AND PETITIONS

Robert Connors, secretary of the Lake Wales Museum Association, gave an update on the progress made at the Depot Museum. He introduced the newest director on the board and introduced a group of students from the Lake Wales High School who approached them at their most recent board meeting regarding the possibility of restoring the Caboose at the Depot Museum. They commenced a fund raising drive and looking for sponsors and donors to help raise the money needed for that project which will cost about \$7,500 in materials. The new director on the board told about the activities going on to restore the caboose and what other groups are assisting. Mr. Connors said a fund is set up within the Lake Wales Museum Association account earmarked for the caboose project and that they have \$200,000 budget laid out for all the other things they need to do too such as educational programs and landscaping projects. From that fund, they will match the first \$1,000 raised for the caboose project. He said the caboose is a great tourist attraction for Lake Wales and they hope to have meetings at the Depot Museum in the future.

The Commission commended the Lake Wales Museum Association and Monica Drake-Pierce for what they are doing at the Depot Museum. Deputy Mayor Thornhill said he would donate \$500 right now if his fellow Commissioners each donated \$100 toward the restoration of the caboose and if they all do that, he would donate an additional \$500. The City Manager said they can give the money to the City Clerk and she would make sure the museum association got the money. Mr. Connors said to make checks out to "Lake Wales Museum Association, Inc."

Travis Wathen, resident and City employee, said he applied for appointment on a City board and was told that because he is an employee he is not eligible to serve. He has a youth association in Lake Wales where he coaches basketball etc. and has a tournament that will be held at the end of this month, nothing like it in Florida held before. He asked that the City make a way for City employees to serve on its committees

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without there being a conflict of interest. Mr. Fields said we would look into it and that revisions are being made to allow other people to serve.

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: July 13, 2016, Budget Workshop

Agenda Item 8.I. Approval of Minutes: July 19, 2016, Regular Meeting

Agenda Item 8.III. Award Master Consulting Agreement for Professional Engineering Services and Approval of Task Order #1 and Task Order #2

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding a contract for professional engineering services and Task Order #1 & #2, related to the Lake Wales Municipal Airport Runway 6-24 rehabilitation and extension project.

RECOMMENDATION

Staff recommends that the City Commission take the following action(s):

1. Award the bid for professional engineering services to a firm for the rehabilitation and extension of runway 6-24 at the Lake Wales Municipal Airport.
2. Approve Task Order #1: Runway 6-24 Rehabilitation in the amount of \$139,200.00
3. Approve Task Order #2: Runway 6-24 Extension in the amount of \$242,950.00

BACKGROUND

Hoyle, Tanner & Associates, Inc. currently has an agreement with the City for professional engineering services related to the airfield improvements project for the Lake Wales Municipal Airport. These services included the design and construction phase to rehabilitate Airport Road, rehabilitate and realign taxiway A, runway 6-24 safety improvement and the design update for the environmental assessment, mitigation, permitting, and related activities necessary to bid the runway 6-24 rehabilitation and extension project.

Although Hoyle, Tanner & Associates, Inc. has provided the for mentioned services for the airfield improvements project, to meet the requirements of Florida Statute 287.055 Section 4(a) (b), both state that for projects in excess of two million dollars, the city is required to go out for competitive bidding. The statute also requires that there be a minimum of three firms bid in order for the bid to be considered a competitive selection.

On April 25, 2015 the City of Lake Wales advertised an Invitation to Bid that the City was seeking proposals for qualified professional engineering services related to the Lake Wales Municipal Airport Runway 6-24 rehabilitation and extension.

A mandatory pre-bid meeting was held on July 10, 2016 at 10:00 a.m. and bids were opened on Wednesday, May 25, 2016 at 2:00 p.m.

Hoyle, Tanner & Associates, Inc. was the only company that submitted a proposal for these services therefore, the city was required re-advertise.

FISCAL IMPACT

This project will be funded in the FY 16/17 budget

OPTIONS

The City Commission has accepted grant funding from FDOT and FAA for this project.

[End Agenda Memo]

Agenda Item 8.IV. Award Dickerson Florida the Construction Contract for the Rehabilitation and Extension of Runway 06-24 at the Lake Wales Municipal Airport

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding Dickerson Florida, Inc. the construction contract for \$3,793,429.05 for the rehabilitation and extension of runway 06-24 at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Award Dickerson Florida, Inc. the construction contract for the rehabilitation and extension of runway 06-24 at the Lake Wales Municipal Airport in the amount of \$3,793,429.05 (Schedule A: \$2,604,776.45 to extend, mark and light runway 06-24 and taxiway alpha; Schedule B: \$1,138,652.60 to rehabilitate runway 06-24; and Schedule C: \$50,000.00 for portable runway closure markers).

BACKGROUND

In November 2015 the city approved task order #17 with Hoyle, Tanner and Associates for professional services to perform environmental assessment, mitigation, permitting, design updates and related activities necessary to bid the Runway 06-24 rehabilitation and extension project at the Lake Wales Municipal Airport.

On Monday, April 18, 2016 notice was given that the City of Lake Wales was seeking a qualified contractor to extend, mark, and light runway 06-24 and taxiway alpha and rehabilitate runway 06-24 at the Lake Wales Municipal Airport. A mandatory pre-bid meeting was held on April 27, 2016 and bids were opened on Tuesday, May 16, 2016.

Bids were as follows:

Dickerson Florida, Inc.	\$3,793,429.05
O-A-K Florida, Inc.	\$4,693,937.62
Ranger Construction	\$4,085,883.71

FISCAL IMPACT

Funding is as follows:

Schedule A: \$2,604,776.45

FAA: \$0

FDOT: 80%, \$2,083,821.16

City: 20%, \$520,955.29

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Schedule B: \$1,138,652.60

FAA: 90%, \$1,024,787.34 FDOT: 5%, \$56,932.63 City: 5%, \$56,932.63

Schedule C: \$50,000.00

FAA: 90%, \$45,000.00 FDOT: 5%, \$2,500.00 City: 5%, \$2,500.00

OPTIONS

The Commission has already accepted the grant from the Florida Department of Transportation for environmental assessment, mitigation, permitting, design updates and related activities necessary to bid the runway 06-24 rehabilitation and extension project.

[End Agenda Memo]

Agenda Item 8.V. Agreement Renewal with the BoCC Fleet Management Division for City Vehicle and Equipment Maintenance Services

[Begin Agenda Memo]

SYNOPSIS

Staff is requesting Commission approval to renew our existing maintenance agreement with the BoCC for an additional twelve-month period.

RECOMMENDATION

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

1. Approve the agreement to extend the existing contract for an additional twelve month period
2. Authorize the City Manager to execute the agreement on behalf of the City

BACKGROUND

In August of 2009, the City entered into an agreement with the Polk County Board of County Commissioners for fleet maintenance services. Per the agreement, BoCC's Fleet Management Division provides maintenance services on all City-owned vehicles and equipment at the City's fleet facility located on Crystal Avenue. The initial term of the agreement was for a twelve month period with the option to renew annually upon mutual agreement between the City and the BoCC. The agreement has been renewed each consecutive fiscal year since the initial agreement in 2009.

Under the terms of the agreement, Polk County Fleet Management provides:

- Preventative and breakdown maintenance on all City-owned vehicles and equipment
- Management of accident and abuse related repairs in conjunction with City management
- Tire maintenance, replacement and repair
- Parts and Lubricants
- 24 hours/day service and breakdown support
- Maintenance reporting
- Access to and service from Polk County Fleet's entire network of maintenance facilities
- City Fire Apparatus maintenance by EVT certified technicians

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The Polk County Fleet Management Division provides the City with a fixed-rate fee schedule for maintenance services prior to the beginning of each fiscal year. These fees are based on historical equipment repair costs incurred by Polk County Fleet Management throughout the previous year.

Prior to the agreement with Polk County Fleet Management, the City operated its own Fleet Maintenance Department. A twelve year summary of the City's total fleet maintenance costs are outlined below:

Fiscal Year Actual (Pre-County Contract)	Salaries	M&R Vehicles	Operating Supplies Vehicles	M&R Vehicles Refurbishment	Fleet Operating Budget	Total
2004/2005	137,477	72,127	4,537	0	20,179	234,320
2005/2006	110,969	155,834	30,848	4	21,703	319,358
2006/2007	100,978	168,051	38,952	5,932	27,379	341,292
2007/2008	131,822	185,353	49,251	5,665	143,894	515,985
2008/2009	152,472	186,492	46,052	7,440	35,735	428,191
5 Year Average	126,744	153,571	33,928	3,808	49,778	367,829
Fiscal Year Actual (Post-County Contract)		M&R Fleet Contract	Operating Supplies Vehicles/M&R Fleet Non-Contract	M&R Vehicles Refurbishment	Fleet Operating Budget	Total
2009/2010	N/A	308,076	10,860	7,792	41,270	367,998
2010/2011	N/A	210,577	30,974	2,669	19,893	264,113
2011/2012	N/A	250,391	16,255	200	13,393	280,329
2012/2013	N/A	272,083	33,605	0	15,198	320,886
2013/2014	N/A	289,656	22,000	0	15,387	329,069
2014/2015	N/A	283,252	19,900	0	15,941	319,093
2015/2016	N/A	295,050	22,300	0	14,165	331,515
2016/2017	N/A	324,851	22,300	0	17,083	364,234
8 Year Average	N/A	279,242	22,274	1,333	19,053	321,902

Staff solicited a proposal from Vector Fleet Management, a private-sector company that provides a similar service to Polk County Fleet Management, for cost comparison purposes. Their proposal was \$554,380 annually.

OTHER OPTIONS

The City Commission may choose not to enter into this agreement and 1) direct staff to develop a request for proposal for fleet maintenance services or 2) direct staff to assume the responsibility of our own fleet maintenance services.

FISCAL IMPACT

The annual maintenance fee for FY2016/17 is \$324,851.

[End Agenda Memo]

Agenda Item 8.VI. Write-off Uncollectible Receivable Accounts

[Begin Agenda Memo]

SYNOPSIS

The City Commission is asked to authorize the write-off of uncollectible accounts receivables totaling \$48,297.26 for utility and solid waste services.

RECOMMENDATION

It is recommended that City Commission authorize the Finance Director to write-off a total of \$48,297.26 in 280 uncollectible accounts receivables for utility and solid waste services for the period of 10/01/14 through 9/30/15.

BACKGROUND

The Utilities Fund and General Fund list accounts receivable as an asset. These amounts are the total unpaid billing of utility and waste disposal services. These Funds also list an offsetting account called Allowance for Uncollectible Accounts, which is an estimate of uncollectible accounts based upon accounts receivable balances past 90 days old. The Allowance for Uncollectible Accounts is adjusted annually by an offsetting adjustment to bad debt expense. If the write-off is approved, each account's balance will be adjusted off and each account will be coded as a write-off. Applications for new service are checked against our current database. If the applicant has a coded write-off account in our system, the applicant must pay the old debt before new service is activated.

Open accounts prior to October 1, 2015 have been sent to Penn Credit, the collection agency for the City. Penn Credit will continue to attempt collection efforts relating to these accounts.

FISCAL IMPACT

Accounts receivables will be reduced by \$48,297.26 but this will have no impact on the City's bottom line because the amount has been accruing in the Allowance for Uncollectible Accounts.

[End Agenda Memo]

Agenda Item 8.VII. Florida's Natural Growers Foundation Grant

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[Begin Agenda Memo]

SYNOPSIS

This is a grant application to the Florida's Natural Growers Foundation for \$1,500. The grant requires no match.

STAFF RECOMMENDATION

Staff recommends that the City Commission approve a grant application to the Florida's Natural Growers Foundation for money that will be allocated to developing a museum suitcase program. Museum suitcases are travelling exhibits that can be used off-site at schools and educators to support learning.

BACKGROUND

The Florida's Natural Growers Foundation provides organizations serving the Central Florida Citrus area an opportunity to apply for funding each year that supports education.

If our application is accepted, the grant money will be used to develop the necessary components of the museum suitcase. This includes objects, photographs, and documents; lesson plans and activities; and a teacher's manual. The Lake Wales Museum & Cultural Center will develop four museum suitcase themes:

- Early Lake Wales and Pioneering Families
- Pre-history Lake Wales
- Turpentine, Citrus, and Cattle in Lake Wales
- The Railroad comes to Lake Wales

There is no fiscal impact from this grant; there are no matching funds required.

OTHER OPTIONS

Do not apply for this grant

FISCAL IMPACT

See the Fiscal Impact Statement included in the agenda packet.

[End Agenda Memo]

Agenda Item 8.VIII. ICMAtv Video Agreement

[Begin Agenda Memo]

SYNOPSIS

The City of Lake Wales has been selected to be featured in a program on small cities that will be shown at the ICMA conference in September. This agreement with ICMA TV for \$17,500 is for the production of the video that will be shown at the conference. The cost will be split with the Chamber of Commerce / EDC.

RECOMMENDATION

Staff recommends that the City Commission approve the agreement.

BACKGROUND

The City of Lake Wales has been selected to be one of several small cities featured as a great example of "livability" at the annual ICMA Conference in September. This involves the production of a 5-6 minute video about Lake Wales. This program would air as part of the official ICMAtv Annual Conference programming and the video can be used afterwards for our own purposes.

The production of the video will result in 10 hours of footage, which can be used by the city for other purposes such as videos on economic development and tourism.

OTHER OPTIONS

Do not approve the agreement.

FISCAL IMPACT

Total cost is \$17,500. The Chamber / EDC has agreed to pay half the cost. The fiscal impact to the City would be \$8,750.

[End Agenda Memo]

Commissioner Gibson said he is concerned because one of the contracts on the Consent Agenda for approval was not given to the Commission until tonight. Mr. Fields explained the reason for the delay, which was due to the FAA procurement process mandated by the State. Teresa Allen, Assistant Public/Services Director said the deadline for providing the contract to FAA is tomorrow.

Deputy Mayor Thornhill made a motion to approve the Consent Agenda with the changes as noted for Agenda Item 8.II, awarding of the master consulting agreement for professional engineering services and approval of Task Order #1 and Task Order #2. Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

9. OLD BUSINESS

Agenda Item 9.I. Ordinance 2016-09, FY15'16 Budget Amendment #3 – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the third amendment of FY 15'16 Budget that was adopted on September 15, 2016, modified on February 16, 2016 Ordinance 2016-03, modified on April 16, 2016 Ordinance 2016-05.

RECOMMENDATION

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It is recommended that the City Commission approve Ordinance 2016-09 after second reading and public hearing.

The City Commission approved first reading of the ordinance on July 19, 2016. The advertisement requirement for second reading and public reading has been met.

BACKGROUND

Ordinance 2015-09 estimating revenues and appropriating funds for Fiscal Year 2015-16 was adopted by the City Commission September 15, 2015, modified February 16, 2016 by ordinance 2016-03, April 16, 2016 by ordinance 2016-05.

We are presenting Ordinance 2016-09 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

OTHER OPTIONS

This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT

The fiscal impact is shown in Exhibit A and Exhibit B of Ordinance 2016-09.

[End Agenda Memo]

Finance Director Dorothy Ecklund reviewed Agenda Item 9.I.

City Clerk Clara VanBlargan read Ordinance 2016-09 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2015-09 AS AMENDED BY ORDINANCE 2016-03 AND ORDINANCE 2016-05 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2015-2016 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Gibson made a motion to adopt Ordinance 2016-09 after second reading and public hearing. Commissioner Howell seconded the motion.

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By Roll Call Vote:

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

The motion carried 5-0.

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2016-10, Amendment to Airport Authority Board Ordinance 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider amending Ordinance 2016-10, the Airport Authority ordinance.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-10 after first reading.

BACKGROUND

On September 29, 2005, the City Commission adopted Ordinance 2005-44 creating the Lake Wales Airport Authority. Since its adoption the City Commission has made modifications as follows:

- Ordinance 2005-48; December 6, 2005, expanded membership from five members to seven members
- Ordinance 2006-10; April 4, 2006, expanded membership requirement to include a City Commissioner as a non-voting member. Commissioner Pete Perez currently serves as that member.
- Ordinance 2007-07; March 20, 2007, added duties of oversight of airport operations, and the provision of input and advice to the City Manager in his capacity of Airport Manager

The Airport Authority meets monthly and at times the quorum requirement becomes an issue due to the lack of members or attendance on the Board. Ordinance 2005-44 that created the Airport Authority requires that at least four voting members be qualified electors of the City of Lake Wales but does not specify a requirement for the other members. Therefore, those members are appointed in accordance with the membership requirement in Chapter 2, Section 2-26(1)(a), which limits persons serving on City boards, commissions and committees to persons who are residents of the City of Lake Wales or owners of property located in the City of Lake Wales or persons having a business tax receipt issued from the City of Lake Wales.

Although, the Airport Authority currently does not have vacancies it has encountered problems in the past with vacancies being filled in a timely manner due to the lack of applications received. The Board recently voted to recommend that the Commission expand its membership requirement to allow persons to serve on

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the Airport Authority that have general aviation experience and who are airport tenants regardless of where they live, inside or outside the City limits. Ordinance 2016-10 was prepared for that purpose and to also incorporate in the ordinance the membership requirement set forth in Chapter 2, Section 2-26(1)(a) of the Lake Wales Code of Ordinances.

In accordance with the authority granted by Sec. 4.04 of the City Charter, the Airport Authority Ordinance designated the City Manager as airport manager with the input and advice of the Airport Authority. However, for purposes of administration of the day to day operation of the airport and the enforcement of FAA rules the Airport Authority Ordinance allows a fixed base operator to be designated as airport manager. The City of Lake Wales no longer has a fixed base operator and the City Manager recently hired employee Alexander Vacha to take over the operations at the airport and designated him to be the airport manager. Adoption of Ordinance 2016-10 makes that change to the Airport Authority Ordinance and to Section 3-26 in the City's Code.

In accordance with 3.06 of the City Charter, it is the Mayor's duty to make appointments to the various citizen advisory and regulatory boards, commissions, committees and authorities. Approval of Ordinance 2016-10 makes that change in the Airport Authority Ordinance.

FISCAL IMPACT

No fiscal impact for this action.

OPTIONS

The City Commission can choose not to approve Ordinance 2016-10 or it can modify the recommended changes made in the ordinance.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-10 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING ORDINANCE 2005-44 KNOWN AS THE "LAKE WALES AIRPORT AUTHORITY" ORDINANCE AS AMENDED BY ORDINANCE 2005-48, ORDINANCE 2006-10 AND ORDINANCE 2007-07; EXPANDING MEMBERSHIP REQUIREMENTS; ALLOWING FOR AN AIRPORT MANAGER DESIGNEE; ALLOWING FOR FILLING AUTHORITY VACANCIES IN COMPLIANCE WITH THE CITY CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 10.I.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-10 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

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Commissioner Gibson "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Agenda Item 10.II. Ordinance 2016–13 Annexation, 16905 US Highway 27 1st Reading

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2016-13 proposes the annexation of approximately 2.3 acres located at 16905 US Highway 27 and contiguous to the incorporated City limits.

RECOMMENDATION

Staff recommends approval on first reading of Ordinance 2016-13, providing for the annexation of approximately 2.3 acres located at 16905 US Highway 27.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. No public hearing is required for the first reading of an annexation ordinance. Upon approval of first reading, a public hearing will be advertised for the next regular City Commission meeting.

BACKGROUND

Barbara Douglas, Jeremy Herndon, and Luther Judah, Jr, owners are requesting annexation into the corporate city limits of Lake Wales.

An ordinance assigning Zoning and Future Land Use Map designation is presented later on the agenda for Commission consideration.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its south boundary to unimproved property and to the west across US 27 to Longleaf Business Park.

Surrounding land uses:

North: County – A/RR Agricultural/Rural Residential

South: City – BPC Business Park Center

East: County – RS Residential Suburban

West: City – BPC Business Park Center

OTHER OPTIONS

Decline to annex the property.

FISCAL IMPACT

The annexation will add to the City's tax roll.

[End Agenda Memo]

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City Clerk Clara VanBlargan read Ordinance 2016-13 by title only:

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.3 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangle reviewed Agenda Item 10.II.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

[End staff agenda memo]

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-13 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.III. Ordinance D201603, CPA/Zoning, 16905 US Highway 27 - 1st Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The proposed amendment will designate land use and zoning for approximately 2.3 acres of property located at 16905 US Highway 27.

RECOMMENDATION

Staff recommends that the City Commission approve, following a public hearing, a first reading of Ordinance D2016-03.

Notice requirements for a public hearing have been met.

The Planning and Zoning Board held a public hearing on July 26, 2016 and voted unanimously to recommend a change in land use designation on the subject property from Polk County Future Land Use designation A/RR Agricultural/Rural Residential to City of Lake Wales Future Land Use designation of BPC Business Park Center.

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BACKGROUND

The ordinance proposes land use designation changes for approximately 2.3 acres of property located at 16905 US Highway 27 and owned by Barbara Douglas, et als. The property was annexed into the city by Ordinance 2016-13.

See Attachment A to the ordinance for location and land use designations.

Surrounding land use designations:

- North: County – A/RR Agricultural/Rural Residential
- South: City – BPC Business Park Center
- East: County – RS Residential Suburban
- West: City – BPC Business Park Center

Proposed development impact:

The owner intends to connect to city sewer when it becomes available. Property is already on city water.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance D2016-03 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE THE LAND USE DESIGNATION ON 2.3 ACRES OF LAND LOCATED ON US HIGHWAY 27 FROM POLK COUNTY DESIGNATION A/RR AGRICULTURAL/RURAL RESIDENTIAL TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION BPC BUSINESS PARK CENTER AND ZONING DESIGNATION BP BUSINESS PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.III. Mr. Fields said we are seeing a lot of interest south of Hwy. 27 and south of SR 60. One of the big advantages we have in that we have wastewater service running down that way. At some point we will have a water line there and then we will get even more interest from property owners wanting to develop their property. Our policy is that in order to get water and sewer they have to annex into the City.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

[End staff agenda memo]

Commissioner Gibson made a motion to approve Ordinance D2016-13 after first reading and public hearing. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

- Commissioner Gibson "YES"
- Commissioner Howell "YES"

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

The motion carried 5-0.

Agenda Item 10.IV. Appointments: Board of Zoning Adjustment and Appeals (BOA) / Library Board

[Begin Agenda Memo]

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.

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) – The board consists of five (5) members. Members must be residents. (3 year term)

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

Current Members: James Boterf, resident	10/04/11 – 07/01/17, 2
Harold Weigand, resident	06/20/06 – 07/01/17, 4-Final
Sue Marino, resident	02/02/16 – 07/01/19, P+1
Vacant, resident	- 07/01/19
Vacant, resident	- 07/01/19

Applying for Appointment: Ralph William Eberherhard, resident, term expiring 07/01/19

The Director of Planning & Development and the Board Chairman recommended the appointment of Ralph William Eberherhard.

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber

[The meeting time can be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;
3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;
4. Perform any other duties which are lawfully assigned to it by the city commission.

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- 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: 1 vacancy (non-resident living in the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners

Current Meeting Schedule: 2nd Wednesday @ 11:00 a.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members:

Glenda Morgan, outside	08/06/96 – 07/01/16, 4-Final
Donna Geils, resident	12/02/14 – 07/01/17, 1
Michalkiewicz, Brystal, resident	08/04/15 - 07/01/21, P+1
Jacque Hawkins, resident	06/21/16 - 07/01/18, 1
Margaret Swanson, resident	06/21/16 – 07/01/19, 1

Applying for Appointment: Jolene Kay Lake, outside, term expiring 07/01/2021
Glenda Morgan, outside, term expiring 07/01/2021

There is one vacancy on the Library Board and two applicants have applied to fill that vacancy, both of whom meet the membership requirement. Both are a resident of the unincorporated Greater Lake Wales area having a Lake Wales address.

Glenda Morgan has been a member of the Library Board since August 6, 1996. She served three consecutive five-year terms and was appointed to an additional five-year term that term expired on July 1, 2016. Ms. Morgan has applied for a fifth five-year term. The Library Board is not a regulatory board.

Sec. 2-26. Boards, commissions and committees organized under the code.

(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 (½) 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.

OPTIONS

None

FISCAL IMPACT

These are volunteer boards

[End staff agenda memo]

The Mayor appointed Ralph William Eberherhard to serve as a member to the Board of Zoning Adjustment and Appeals for a term expiring on 07/01/2019. Commissioner Howell made a motion consenting to the appointment made by the Mayor and Deputy Mayor Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

The Mayor explained that there are two people applying for appointment to the Library Board and one of them has served three consecutive terms. He then read the City ordinance governing qualifications and term limits. He said the ordinance limits the number of consecutive terms to three and since Ms. Glenda Morgan just completed three consecutive terms she is not eligible to serve an additional term. Until the ordinance is changed indicating how long a person has to sit off a board after serving three consecutive terms he cannot appoint a person that served three consecutive terms. The Mayor commended Ms. Morgan for her many years of service and urged that she re-apply as soon as there is another vacancy on the Library Board.

The Mayor appointed Jolene Kay Lake to serve on the Library Board as the non-resident member living in the unincorporated Greater Lake Wales having a Lake Wales address for a term expiring on 07/01/2021. The Commission consented to the appointment made by the Mayor.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

City Manager Kenneth Fields commented the following:

- There was an article in the EDC newsletter this week about the Lake Wales Municipal Airport and the great things that are happen there.
- The Central Florida Health Care got their CEO today and so they are ready for business.
- The route 27 corridor is becoming a hot development corridor. We are getting a lot of interest for retail along there in that area. He is looking forward to next year when we start developing a plan for the downtown to draw more interest for retail there.

Agenda Item 11.II. City Commission Meeting Calendar

Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. City Boards Meeting Schedule

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

12. CITY COMMISSION COMMENTS

Commissioner Perez apologized for his late arrival to the meeting.

Commissioner Gibson said we have 20 boards, some of them are inactive, and some have vacancies and suggested streamlining the boards, commissions, committees, and authorities and consolidating those that serve a purpose and eliminating those that do not. It saves staff time in preparing for meetings because sometimes enough people do not show up to have a meeting. This will be a lot of work but this is where City administration and citizens work together. This organization serves in a leadership capacity for the larger community so we need to change the membership requirements in the ordinances to allow people living outside the community to serve and not only those inside the City limits because there is a lot of talent in the larger community. We can err toward community membership based on qualification and commitment. The membership requirements and rules need redoing for us to function properly. Commissioner Gibson distributed a list to the Commission that consisted of over 200 names that he said were the most admired and respected people in the community according to a survey he conducted in 2014 and in 2016 and that they are qualified to serve on a City board, commission, committee, or authority. The more participation the stronger we become.

Commissioner Howell said it is a good idea to have a list. The Mayor said the list is a good list, we might find qualified people from that list, and probably some of them have never been asked to serve due to the membership requirements set forth in the ordinances. Commissioner Gibson said we are not limited to the list for we already have good qualified people serving on the boards. The Mayor said we could probably use a list to help fill vacancies. He said we are already in the process of reaching out to the different communities around us trying to get them to annex which is one step in the right direction even if we cannot convince them to annex. Annexing will allow those people to vote in the City and help elect what

City Commission Meeting
August 2, 2016

Commissioners they would like sitting on the board so we need to look at different avenues in making that happen.

Mr. Fields said he applauds the idea of a comprehensive review of all the committees and changes do not happen overnight. Deputy Mayor Thornhill said the Commission discussed this issue in the past and one of the recommendations was to combine the Board of Adjustment and Appeals and Code Enforcement Board and another recommendation was to eliminate the Drug and Prostitution board. Ms. Bangley said after this meeting she only has one vacancy on the Board of Adjustment and Appeals because someone was just appointed to serve on that board. Within the last year, we opened up the membership of the Planning Board to allow three non-city residents to serve on the board who owned property within the City limits instead of just one. Some of the boards may sound by title that you can put them together because of the activity and what they are charged with but they may not actually fit together. State Statutes say who can sit on some of them as far as resident requirements are concerned and the board of adjustment and appeals is one of those boards. You must be a City resident to sit on that board and so she does not believe it is a change at this level. The Code Enforcement Board has done an incredible job but there is the option of going to a magistrate to eliminate trying to appoint people to serve on that board. However, that board has never had a membership problem.

Mr. Fields said we could revisit the membership requirements where we can and come back in the fall with a comprehensive list of what we can do and some recommendations to either consolidate or eliminate some of the boards. There is a possibility that the recreation commission and the bicycle board can be consolidated.

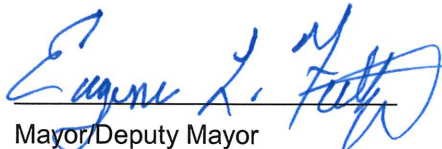
Commissioner Howell said it would be great if the people already serving on the boards will encourage other people to serve on them.

Deputy Mayor Thornhill said he is excited to read in the newspaper about the good things happening in Lake Wales like at the hotel and the Depot Museum and getting feedback from other cities about it.

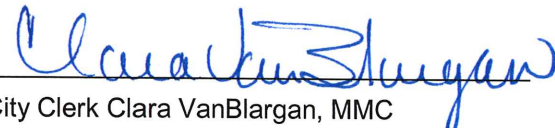
13. MAYOR COMMENTS

The Mayor read a card from the TKD School of Excellence summer camp kids thanking the City for making their tour here at City Hall an excellent one for they dearly enjoyed themselves. He said there were a number of department heads that helped make that happen along with the City Clerk who put it all together and giving them snacks and the tour around City Hall. The Mayor thanked the school for the card. He also showed a card from Ms. Lynn Pertain, who took summer kids on a tour at the fire department, police department, and at City hall thanking everyone for the work they do to make them happy.

The meeting was adjourned at 7:39 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC