

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

INVOCATION

Dr. James 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:

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk

City Attorney Albert C. Galloway, Jr. was not present at the meeting.

5. MAYOR

Agenda Item 5.I. Certificate of Appreciation: Lake Wales Family Restaurant

The Mayor presented an Appreciation Plaque to Lake Wales Family Restaurant for their dedication and generosity serving free meals on Thanksgiving Day for the past three years, which has enabled families and friends to enjoy a great meal and conversation.

6. PRESENTATION/REPORT

Fire Marshal Simpson gave a PowerPoint presentation on Christmas Decoration Safety.

7. COMMUNICATIONS AND PETITIONS

There were no comments made by the public.

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: November 15, 2016, Regular Meeting

Agenda Item 8.II. State Of Florida Department of Environmental Protection Division of Water Restoration Assistance Grant Agreement Pursuant To Line Item 1600A of the FY 16-17 General Appropriations Act

[Begin Agenda Memo]

SYNOPSIS

Acceptance and approval for the signing of the Grant Appropriations agreements for the SR 60 Western Expansion Project

RECOMMENDATION

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

1. Authorize the Mayor to execute the appropriate documents on the City's behalf in regards to these agreements.

BACKGROUND

The State of Florida Department of Environmental Protection Division of Water Restoration Assistance Grant General Appropriations Act provides financial assistance for local projects that are deemed eligible. The State Road (SR) 60 Western Expansion project was deemed eligible to receive \$250,000.00 in state grant funding. Staff is recommending that the commission authorized the signing of the agreement by the Mayor.

OPTIONS

Not go forward with the approval for the signing of the grant agreement at this time leaves the City with a \$250,000.00 short fall in funding for the project. In addition, these grant funds do not have to be paid back and like any other funding source staff could find for this portion of the project.

FISCAL IMPACT

Funding for a portion of this project is through the State of Florida Department of Environmental Protection Division of Water Restoration Assistance Grant General Appropriations Act in the amount of \$250,000.00.

[End Agenda Memo]

Agenda Item 8.III. State Revolving Fund Loan Program Agreements for the SR 60 Western Expansion Project

[Begin Agenda Memo]

SYNOPSIS

Acceptance and approval for the signing of the State Revolving Fund Loan Program agreements for the SR 60 Western Expansion Project

RECOMMENDATION

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

1. Authorize the Mayor to execute the appropriate documents, on the City's behalf in regards to these agreements.

BACKGROUND

The state revolving loan fund provides loans for local government utility projects. The City's SR 60 Western Utilities Expansion for the water and sewer line installation is an eligible project. The City has applied and been approved for a low interest loan through the State Revolving Fund for making these necessary improvements. Staff is recommending that the commission authorized the signing of the agreements by the Mayor.

OPTIONS

Not go forward with the approval for the signing of both contracts at this time, which would delay the start of construction and other means of financing would need to be acquired.

FISCAL IMPACT

Funding for this project is through the State Revolving Fund Loan program and a Legislative Appropriations Grant in the following amounts:

Clean Water Funding	\$3,247,515.00
Drinking Water Funding	\$2,132,834.00

[End Agenda Memo]

Agenda Item 8.IV. Professional Water Storage Tank Maintenance

[Begin Agenda Memo]

SYNOPSIS

Staff is seeking commission approval of the annual agreement with Tank Rehab, LLC for maintenance of the City's four elevated storage tanks.

RECOMMENDATION

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

1. Approve the agreement with Tank Rehab, LLC for maintenance of the City's four elevated storage tanks.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

In August 2003, the Florida Department of Environmental Protection instituted more stringent regulations regarding the maintenance of water storage tanks. These regulations require annual inspections of the tanks to insure protection of the water source from contamination and identify any structural problems that may need repair. The regulations also require that, at least once every five years, the tanks be cleaned on the inside and outside and that all work on the tanks is performed by a contractor under the responsible charge of a professional engineer licensed by the State of Florida.

OTHER OPTION

None. This is a required service by the Department of Environmental Protection

FISCAL IMPACT

\$100,000.00 has been placed in the Water Division M&R budget for fiscal year 16'-17'.

[End Agenda Memo]

Agenda Item 8.V. Award Master Continuing Consulting Agreements for Professional Engineering and Planning Services

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding contracts for professional engineering and planning services related to the Lake Wales Municipal Airport.

RECOMMENDATION

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

1. Award the contract for professional engineering services to Hoyle, Tanner & Associates, Inc. for projects related to the Lake Wales Municipal Airport.
2. Award the contract for professional planning services to Hoyle, Tanner & Associates, Inc. for projects related to the Lake Wales Municipal Airport.
3. Authorize the City Manager to execute the contracts on behalf of the City.

BACKGROUND

On April 25, 2016, the City of Lake Wales advertised the following Requests for Qualifications for the Lake Wales Municipal Airport:

- RFQ# 16-409, The City is seeking an engineering firm to provide continuing services related to construction projects, including but not limited to, design, bidding, testing, permit application, environmental compliance, construction management, inspection and project closeout.
- RFQ# 16-410, The City is seeking a planning firm to provide continuing services related to aviation planning projects, including but not limited to, on-call planning services, permit applications, environmental compliance, master planning and environmental assessments.

The RFQ's were opened publicly on Tuesday, May 25, 2016 at 2:00 p.m. and three proposals each for both engineering and planning services were received.

Hoyle, Tanner & Associates, Gale Associates and Volt Air submitted qualifications for professional engineering services.

Hoyle, Tanner & Associates, Gale Associates and Avcon submitted qualifications for professional planning services.

After independent evaluations of each firm's qualifications were conducted by City staff members, the firms were ranked as follows:

RFQ 16-409 Airport Engineering Services

Firm	Rank
Hoyle, Tanner & Associates, Inc.	1st
Gale Associates, Inc.	2nd
Volt Air Consulting Engineers	3rd

RFQ 16-410 Airport Planning Services

Firm	Rank
Hoyle, Tanner & Associates, Inc.	1st
Avcon, Inc.	2nd
Gale Associates, Inc.	3rd

The Requests for Qualifications were advertised and evaluated in accordance with §287.055, Florida Statutes, (the Consultants Competitive Negotiation Act).

The agreements will each be for a period of five (5) years.

FISCAL IMPACT

Projects will be budgeted annually as outlined in the airport master plan and the City's capital improvement budget for the airport.

OTHER OPTIONS

The City Commission may elect to award one or both of the contracts to another proposer.

The City Commission may choose not to award the contracts to any of the proposers and direct staff to advertise a new RFQ.

[End Agenda Memo]

Agenda Item 8.VI. Task Order #1 – Hoyle, Tanner & Associates, Inc.

[Begin Agenda Memo]

SYNOPSIS

Task Order #1 will authorize Hoyle, Tanner & Associates, Inc. to begin the professional engineering services related to the design and construction of the proposed downtown trail and the rehabilitation of the public parking lot at the intersection of Central Ave. and Scenic Hwy.

RECOMMENDATION

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

1. Approve Task Order #1 with Hoyle, Tanner & Associates, Inc.
2. Authorize an expenditure not to exceed \$48,000

BACKGROUND

Funds in the amount \$252,963 were appropriated in the FY 2017 adopted budget for the design and construction of Phase 1 of the proposed new trail along the Scenic Hwy. corridor in downtown Lake Wales. Additionally, \$77,960 were appropriated in the FY 2017 adopted budget for the rehabilitation and beautification of the public parking lot at the intersection of Central Ave. and Scenic Hwy. The two projects were approved separately in the budget, however, the actual design and construction of each will occur in tandem as they are components of the same overall project.

Phase 1 of the new trail will be constructed in the green space adjacent to the railroad track along Scenic Hwy., beginning at the Central Ave./Scenic Hwy. parking lot and ending at Crystal Ave., incorporating the green space west of the Lake Wales Public Library.

Elements of the proposed trail include 1300 linear feet of concrete trail, benches, lighting, landscaping, historical monuments and a pavilion/gazebo structure.

Elements of the proposed parking lot rehabilitation include resurfacing, striping and landscaping.

The detailed scope of services provided by Hoyle, Tanner & Associates, Inc. under Task Order #1 is outlined in EXHIBIT A of the attached Task Order.

The City has an existing contract with Hoyle, Tanner & Associates, Inc. for Professional Engineering and Related Services. Their firm was selected in accordance with F.S. 287.055, the Consultants Competitive Negotiation Act (RFQ# 15-392).

Hoyle, Tanner & Associates' fee of \$48,000 is within the project budget for professional services.

OTHER OPTIONS

1. The City Commission may direct staff to select another of the City's contracted engineering firms
2. The City Commission may choose to defer these projects

FISCAL IMPACT

The fees proposed by Hoyle, Tanner & Associates, Inc. for professional services are \$48,000. A total of \$330,923 are appropriated for the two projects, of which \$120,000 are parks impact fees. The remainder will be funded through CRA revenues.

[End Agenda Memo]

Agenda Item 8.VII. Special Event Application: Dr. M. L. King Jr. Day Celebration January 12-16, 2017

[Begin Agenda Memo]

SYNOPSIS

Approval of the special event permit application will allow the Annual Dr. Martin Luther King Jr. Celebration to take place between Thursday, January 12, 2017 and Monday, January 16, 2017 and allow the temporary street closings for the parade on January 16, 2017.

RECOMMENDATION

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

- Approve the special event permit application for the Dr. Martin Luther King Jr. Celebration to be held between Thursday January 12, 2017 and Monday, January 16, 2017.
- Approve the temporary street closings for the Dr. Martin Luther King Jr. Celebration and Parade to be held Monday, January 16, 2017. The parade will begin at 3:30 p.m. The time frame requested for the street closings for the parade is from 2:30 p.m. to 5:00 p.m. and for after parade activities on Lincoln Avenue from approximately 4:30 p.m. to 8:00 p.m. The streets involved will be Dr. Martin Luther King Jr. Boulevard, Dr. J.A. Wiltshire Avenue, E Street, Lincoln Avenue, A Street, First Street and Park Avenue.
- Approve the temporary closing of the city parking lots on Lincoln Avenue for vendors and/or parking.
- Approve the request for the use of the James P. Austin Community Center at no cost on the following dates:
Thursday, January 12, 2017 for the International Pot Luck Dinner, Friday, January 13, 2017 for the Oratorical Contest and Talent Show, Saturday, January 14, 2017 for the MLK Health Fair, Monday, January 16, 2017 for the Legacy Breakfast and MLK Program prior to the parade.

BACKGROUND

Mr. Narvell Peterson, President of the Dr. Martin Luther King Jr. Scholarship Fund of Lake Wales Inc. submitted a Special Event Permit application for the Annual Dr. Martin Luther King Jr. Celebration and Parade to take place beginning on Thursday January 12, 2017 and ending on January 16, 2017.

The celebration will include the following activities:

Thursday, January 12, 2017, 6:00 pm - International Pot Luck Dinner at the Austin Center

Friday, January 13, 2017, 6:30 pm - Oratorical Contest at the Austin Center

Saturday, January 14, 2017, 9:00 am - Unity Walk from Kiwanis Park to Stuart Park

Saturday, January 14, 2017, 10:00 am - Health Fair, Austin Center

Monday, January 16, 2017 - Legacy Breakfast, MLK Program – Austin Center

Monday, January 16, 2017 - MLK Parade, Pre-parade & after parade activities on Lincoln Avenue

The special event permit application includes a request for the temporary closing of the following streets on Monday, January 16, 2017 for the Parade:

Parade will line up at the Austin Center by 2:30 p.m. and will begin at 3:30 p.m. on Dr. Martin Luther King Jr. Boulevard, travel north to Dr. J.A. Wilshire Avenue, turning left and continuing to E Street, turning right on E Street and continuing to Lincoln Avenue, traveling on Lincoln Avenue to A Street, turning right on A Street and continuing to Dr. J.A. Wilshire Avenue. The parade will then turn left and continue to First Street and continuing on First Street until Park Avenue, turning west on Park Avenue continuing until Dr. Martin Luther King Jr. Boulevard. At this point the parade will turn right on Dr. Martin Luther King Jr. Boulevard and continue to the Austin Center where the parade ends.

After the parade the celebration will continue with food and craft vendors, music and entertainment along Lincoln Avenue and in the city parking lots along Lincoln Avenue. The activities are to conclude at approximately 8:00 p.m. The Dr. Martin Luther King Jr. Committee will be responsible for requiring the vendors to close promptly at 8:00 p.m. The committee will also be responsible for site set up, sanitary facilities and assisting with clean up after the event concludes.

The Lake Wales Police Department and VOICE will be assisting with pedestrian traffic and vehicular traffic control for the parade, prior to the parade and for after parade activities. The Streets Division will be assisting with the street closings, setting out trash containers, trash clean up during the parade and the normal trash clean up on Tuesday.

OTHER OPTIONS

Do not approve this event and road closings.

FISCAL IMPACT

In-kind services for the City were budgeted for FY16/17 in the amount of \$7,087. The MLK Scholarship Fund of Lake Wales Inc. is responsible for 25% or \$1,772. The fees for the James P. Austin Community Center would be waived providing that the City Commission approve this request.

[End Agenda Memo]

Agenda Item 8.VIII. Special Event Application: Mardi Gras Celebration & Parade February 24-25, 2017

[Begin Agenda Memo]

SYNOPSIS

Approval of the Special Event Permit Application for the Lake Wales Mardi Gras Celebration, Parade and 5K Run on Friday and Saturday, February 24-25, 2017.

RECOMMENDATION

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

- Approve the Special Event Permit application for the 2017 Lake Wales Mardi Gras Celebration to take place on Friday evening, February 24, 2017 and on Saturday, February 25, 2017.
- Approve the temporary closing of the Marketplace parking lot beginning on Wednesday, February 22, 2017 at 5:00 p.m. for the set up of the tent, the sanitary facilities and dumpster on Thursday morning. The parking lot would remain closed until the tent, dumpster and sanitary facilities are removed on Monday, February 27, 2017.
- Approve the request for the temporary closings on Friday, February 24 and on Saturday, February 25, 2017 of the following: the Marketplace, S. Market Street between Central Avenue and Stuart Avenue and N. Market Street between Park Avenue and Orange Avenue and the two City lots on East Stuart Avenue. Market Street from Central Avenue to Stuart Avenue and from Park Avenue to the alley South of Orange will be closed on Thursday February 23 beginning at 5:00 p.m. to allow for set-up of vendors on Friday morning. The two parking lots on Stuart Avenue will be closed on Friday evening at 5:00 p.m. to allow for the set-up of children's activities on Saturday morning.
- Approve the request for the temporary closing of Central Avenue from First Street to Second Street beginning at 10:00 a.m. - 3:00 p.m. on Saturday February 25, 2017 for a performance at Polk State College JD Alexander Center.
- Approve the Mardi Gras 5K Run to be held on Friday evening, February 24, 2017 from 6:00 p.m. to 7:00 p.m. and approve the temporary closing of Park Avenue from N. Market Street to Lakeshore Boulevard for the event.
- Approve the temporary street closings on Saturday, February 25, 2017 between the hours of 2:00 p.m. and 5:00 p.m. for the Mardi Gras parade.
Central Avenue from Dr. Martin Luther King Jr. Blvd. to SR17 (Scenic Hwy), SR17 from Central Avenue to Stuart Avenue, East Stuart Avenue from SR17 to North First Street, North First Street to Park Avenue, East on Park Avenue from North First Street to Third Street.

BACKGROUND

Mr. Joshua Curchy, President of the Lake Wales Mardi Gras has submitted a Special Event Permit Application for the 2017 Lake Wales Mardi Gras Celebration, Parade and 5K Run to be held Friday, February 24, 2017 and Saturday, February 25, 2017. This application includes a request to hold a 5K Run on Friday evening from 6:00 p.m. to 7:00 p.m. and for the temporary closing of several streets and city parking lots in the downtown area.

Activities for the 2017 Lake Wales Mardi Gras are proposed as follows:

1. Friday evening, February 24, 2017, 6:00 p.m. to 12:00 a.m. - food vendors along S. Market Street and N. Market Street, a beer garden and musical entertainment in the Marketplace parking lot. The beer garden will be enclosed within the white fencing belonging to the City. Set up of the tent, dumpster and sanitary facilities would begin on Thursday, February 23, 2017 at 7:00 a.m. with the fence installation on Friday.
2. Friday evening, February 24, 2017, 6:00 p.m. to 7:00 p.m. – 5K Run beginning at the Clock on Park Avenue traveling east on Park Avenue to Lakeshore Boulevard, crossing Lakeshore to the Bike Path, traveling south on the bike path 1.55 miles and heading back the same route to the

Marketplace where awards will be presented under the tent.

3. Saturday, February 25, 2017 - the activities will continue in the downtown area beginning at 10:00 a.m. with craft vendors in the Marketplace, food vendors on S. Market Street and a portion of N. Market Street. Kids' activities will be set up on the two city parking lots on East Stuart at SR17. Musical entertainment will continue in the Marketplace parking lot beginning around noon in addition to the beer garden. These activities will conclude at 11:00 p.m.
4. Saturday, February 25, 2017 - the Mardi Gras Parade will begin at 3:00 p.m. which will start on the east side of the City Administration Building and make its way through the downtown area concluding at Park Avenue and Third Street at approximately 5:00 p.m.

The parade route involves the following streets:

Central Avenue from Dr. Martin Luther King Jr. Blvd. to SR17 (Scenic Hwy), SR17 from Central Avenue to Stuart Avenue, East Stuart Avenue from SR17 to North First Street, North First Street to Park Avenue, East on Park Avenue from North First Street to Third Street.

The Police Department, VOICE and the Streets Department will coordinate control of vehicular and pedestrian traffic for the parade. The Streets Department will handle all street closings. Trash barrels with bags will be placed along the parade route and in the areas of the pre-parade and after parade activities in the Marketplace. Sanitary facilities, dumpsters, site set up, tent permits, certificates of liability insurance, FDOT road closing permits and the alcohol beverage permit from the Department of Alcohol Beverage & Tobacco will be the responsibility of the Lake Wales Mardi Gras Executive Committee. Off duty officers will be scheduled for the street crossings for the 5K Run and these costs will be paid by the Lake Wales Mardi Gras.

The 2017 event will end an hour later on Friday and Saturday night than previous years as was done in 2016. The Mardi Gras Committee has agreed to cover 50% of the extra staff time as opposed to the standard 25%.

OTHER OPTIONS

Do not approve the two day event, 5K Run or street and parking lot closings.

FISCAL IMPACT

In-Kind services from the City were budgeted in the FY2016/2017 budget in the amount of \$6,484. The Lake Wales Mardi Gras Committee is responsible for 25% or \$1621. The additional 2 hours will cost the city approximately \$1150 and the Lake Wales Mardi Gras Committee will be responsible for 50% of this. Any off duty officers requested will be paid at 100% by the sponsor.

[End Agenda Memo]

END CONSENT AGENDA

Deputy Mayor Thornhill made a motion to approve the Consent Agenda. 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 2016-14, Firefighters' Pension Plan Amendment – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the creation of a Defined Contribution Component ("Share Plan") to the Firefighters' Pension Plan to comply with Ch. 175.351(6) that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2016-14 on second reading and public hearing.

BACKGROUND

Senate Bill 172 substantially amended Florida Statute Chapter 175 which governs the municipal and special district firefighter pension plans operating under these chapters. SB 172 requires that each plan sponsor must create a share plan/supplemental defined contribution plan.

The Firefighters' Pension Board asked staff to bring forward Ordinance 2016-14 for adoption. The proposed amendment will establish a Defined Contribution Component ("Share Plan") to comply with Ch. 175-351(6) that was passed by the Florida Legislature.

The Defined Contribution Component shall consist of an individual Share Plan Account for each member of the Plan, including DROP participants. The Share Plan Accounts shall be funded solely by premium tax revenues as follows: Effective October 1, 2016, fifty percent (50%) of the excess premium tax revenues received by the City shall be allocated to the members' Share Plan Account as provided for by the Ordinance, and the remaining fifty percent (50%) of the excess premium tax revenues received by the City shall be used at the discretion of the City toward current year benefits (either Defined Benefit or Defined Contribution), as an immediate reduction of Unfunded Actuarial Liability ("UAL") balance.

OTHER OPTIONS

Do not approve the amendment

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2016-14 will have no impact on the assumptions used in determining the funding requirements of the Defined Contribution Component ("Share Plan").

Note: Because the plan has no Excess State Monies (premium tax revenues) as of October 1, 2015 the valuation report will be unaffected. In Fiscal year 2016, the Plan received \$134,241.37 in State Monies. The 2012/2013 amount was \$132,794.51. Therefore, the initial allocation to the Share Plan as of 9/30/2016 is \$723.42 which will be divided equally among 30 firefighters. (approximately \$24.00 per firefighter) The remaining \$133,517.94 will be used to offset the City's contribution requirement.

[End Agenda Memo]

City Clerk Clara VanBlargan read **Ordinance 2016-14** by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III OF THE LAKES WALES CODE, PROVIDING FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR THE FIREFIGHTERS' PENSION PLAN AND TRUST; PROVIDING RULES FOR ADMINISTERING THE SUPPLEMENTAL RETIREMENT BENEFIT, INCLUDING CONTRIBUTIONS, EARNINGS, VESTING, AND DISTRIBUTIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Human Resources Director Sandra Davis reviewed Agenda Item 9.I.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to adopt Ordinance 2016-14 after second reading and public hearing. 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 9.II. Ordinance 2016-15, Police Officers' Pension Plan Amendment – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the creation of a Defined Contribution Component ("Share Plan") to the Police Officers' Pension Plan to comply with Ch. 185 that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2016-15 on second reading and public hearing.

BACKGROUND

Senate Bill 172 substantially amended Florida Statute Chapter 185 which governs the municipal and special district police officer pension plans operating under these chapters. SB 172 requires that each plan sponsor must create a share plan defined contribution plan.

The Police Officers' Pension Board asked staff to bring forward Ordinance 2016-15 for adoption. The proposed amendment will establish a Defined Contribution Component ("Share Plan") to comply with Ch. 185 that was passed by the Florida Legislature.

The Defined Contribution Component shall consist of an individual Share Plan Account for each member of the Plan, including DROP participants. The Share Plan Accounts shall be funded solely by excess premium tax revenues as follows: Effective October 1, 2016, fifty percent (50%) of the excess premium tax revenues received by the City shall be allocated to the members' Share Plan Account as provided for by the Ordinance, and the remaining fifty percent (50%) of the excess premium tax revenues received by the City shall be used at the discretion of the City toward current year benefits (either Defined Benefit or Defined Contribution), as an immediate reduction of Unfunded Actuarial Liability ("UAL") balance.

OTHER OPTIONS

Do not approve the amendment

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2016-15 will have no impact on the assumptions used in determining the funding requirements of the Defined Contribution Component ("Share Plan").

Note: Because the plan has no Excess State Monies (premium tax revenues) as of October 1, 2015, the valuation report will be unaffected. In Fiscal year 2016, the Plan received \$108,125.24 in State Monies. The 2012/2013 amount was \$96,158.75. Therefore, the initial allocation to the Share Plan as of 9/30/2016 is \$5,983.25 which will be divided equally among 46 Police Officers. (approximately \$130.00 per Police Officer) The remaining \$102,141.99 will be used to offset the City's contribution requirement.

[End Agenda Memo]

City Clerk Clara VanBlargan read **Ordinance 2016-15** by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE IV OF THE LAKES WALES CODE, PROVIDING FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR THE POLICE OFFICERS' PENSION PLAN AND TRUST FUND; PROVIDING RULES FOR ADMINISTERING THE SUPPLEMENTAL RETIREMENT BENEFIT, INCLUDING CONTRIBUTIONS, EARNINGS, VESTING, AND DISTRIBUTIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to adopt Ordinance 2016-15 after second reading and public hearing. 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 9.III. Ordinance 2016-21, Amendments to Zoning, Land Use and Development Regulations - 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

A few areas of the zoning regulations (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments to address issues that have arisen and provide better clarification and intent of the code.

RECOMMENDATION

Staff recommends the approval of Ordinance 2016-21 after second reading and public hearing.

Public notice requirements have been met.

BACKGROUND

City Commission approved after first reading on November 15, 2016.

The Planning and Zoning Board held a regular meeting on October 25, 2016 and voted to recommend various amendments to the Zoning, Land Use and Development Regulations as set forth in the proposed ordinance.

Following are explanations of the proposed revisions.

1. Vacation of public rights-of-way

Recommendation: change from an ordinance to a resolution the action required by Commission to enact the vacation. The City Attorney concurs with this recommendation.

Sec. 23-221.2 Review and approval.

c. City commission.

2. *Right-of-way or other dedicated property.* The city commission shall determine in light of the planning board's recommendation and public comments whether the vacation is in the public interest. If a positive determination is made, the city commission may enact a ~~ordinance~~ resolution vacating the requested right-of-way or property and reverting said right-of-way or property to all adjacent owners in equal portions.

2. Site Plans / Land subdivision / PDPs

Recommendation: increase the initial approval time from one-year to two-years and specifying extensions may be granted in one-year increments. This is in response to the time it is taking for developer's to secure financing. There have been changes in what financial institutions require.

Sec. 23-222.7 Time limit on approval. The approval of the preliminary site plan shall expire ~~one year~~ two years from the date of approval unless an application for a site development permit has been received or a building permit for a principal building has been issued. An extension of time may be applied for (~~and granted in one-year increments~~) by the developer by submitting a letter of request to the administrative official and the required fee. (See Table 23-242.) The request for time extension may be approved by the administrative official or the planning board in accordance with the manner in which the original approval was granted.

Sec. 23-223.3.c. City commission action. After receiving the recommendation of the planning board, the city commission shall approve, approve with stated conditions or stipulations, or deny with specific reference to the requirements of this chapter.

1. *Concurrency.* A preliminary subdivision plat shall not be approved unless the concurrency requirements of this chapter have been met. (See section 23-704.4.c.)
2. *Time limit on approval.* Approval of the preliminary subdivision plat shall be valid for ~~one~~ two years. An extension of time may be applied for (and granted in one-year increments) by the developer by submitting a letter of request to the city commission through the administrative official and a fee per section 23-242.

Sec. 23-224.4 Time limit on PDP plan approval. The preliminary PDP plan approval shall be valid for ~~one (1)-year~~ two (2) years, and at the end of the ~~year~~ that time, the approval shall expire, along with the reservation of capacity in city utilities, unless a complete application for site development permit has been submitted. One-year extensions may be granted by the city commission upon the recommendation of the planning board, provided the extension is requested prior to the expiration of the plan approval.

3. **Fences and Hedges**

Recommendation: add the wording "from the property line along" to clarify the positioning of a fence along an alley.

- b. *Dimensional requirements.* Fences and hedges shall be located a minimum of 3 feet from the property line along an alley. Otherwise, they are not subject to setback requirements and may be located anywhere within the property lines, provided the height limitations set forth in Table 23-524 are met.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

None.

[End Agenda Memo]

City Clerk Clara VanBlargan read **Ordinance 2016-21** by title only:

(Zoning amendment – Chapter 23 Zoning, Land Use and Development Regulation)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATION AS IT PERTAINS TO SITE PLANS; VACATION OF PUBLIC RIGHTS-OF-WAY; FENCES AND HEDGES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 9.III.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to adopt Ordinance 2016-21 after second reading and public hearing. 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.

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2016-22, Chapter 14 Licenses and Business Regulations – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2016-22 proposes to establish rules and regulations for charitable donation bins within the city limits of Lake Wales.

RECOMMENDATION

Approval of Ordinance 2016-22 after first reading. A public hearing is not required for the first reading of this ordinance.

BACKGROUND

In June 2016, staff brought forward Resolution 2016-14 – Unmanned donation boxes at the request of City Commission. At that time there was a proliferation of boxes throughout the City causing an eyesore in many cases. The intent was to ban unmanned donation facilities in favor of manned facilities. However, after adoption of Resolution 2016-14 the City was made aware that several courts had ruled that donation boxes fall under the protection of freedom of speech when the solicitation is for a non-profit charitable organization.

This ordinance will establish criteria for registration, location, size and structural restrictions for placement of donation bins within the city limits of Lake Wales.

FISCAL IMPACT

There is no direct fiscal impact on the City. The Department of Planning and Development Services will assume responsibility for implementation of these regulations.

OTHER OPTIONS

Repeal Resolution 2016-14 and allow boxes without regulation.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-22 by title only:

(Amendment of Chapter 14 – Licenses and Business Regulations)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 14, LICENSES AND BUSINESS REGULATIONS AS IT PERTAINS TO

CHARITABLE DONATION BINS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.I. She said the ordinance establishes criteria for registration, location, size, and structural restrictions for placement of donation bins within the City limits of Lake Wales and explained the responsibility of the property owner and the bin owner.

Commissioner Perez asked if there was a condition in the ordinance stating how often the owner would have to empty out the bin and Ms. Bangley said it would have to be serviced and emptied as needed but no less than once every seven days. They will have a 24-hour call scenario in their registration as well.

Commissioner Gibson asked if there was a provision in the ordinance for failure to comply and to what extent the City would have to remove the bin. Ms. Bangley said it would fall under Code Enforcement at that point and she then read the penalties and violations stated in the ordinance.

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 2016-22 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.II. Preliminary Subdivision Plat: Sunset Place, Single-Family Residential, SE Corner of Buck Moore Road and Sunset Drive - Public Hearing

[Begin Agenda Memo]

RECOMMENDATION

Approval of preliminary subdivision plat for a 14-lot single family residential subdivision.

Public notice requirements have been met.

At its regular meeting on October 25, 2016 the Planning and Zoning Board voted to recommend approval of the preliminary subdivision plat for Sunset Place prepared by: Pickett Engineering, dated October 05 2016.

BACKGROUND

Request: Pickett Engineering, agent for LM Properties of Polk County, Inc., owner, is requesting approval for the preliminary subdivision plat for a single-family residential subdivision consisting of 14 lots. The property is 4.8 acres in size and located on the southeast corner of Buck Moore Road and Sunset Drive, west of

Sunset Pointe phase 2.

Land use designation on the property is RO – Residential Office with PF – Professional zoning designation. Previously the owner was proposing office use for this property. Single-family residential is a permitted use in the zoning district. The proposed lots meet or exceed the required lot size. The minimum proposed lot size is 9,375 square feet.

The Planning Board supports a waiver of Section 23-310.b *Recreation area requirement*. The requirement is to provide one-quarter acre of park area for every 400 units with a minimum size of 1,000 square feet. Justification was based on this development only having 14 units.

Roadway/Access: The property will be served by a new road built to “local” road standards with a “T” turn around to accommodate emergency vehicles.

Buffers: A 20’ landscape buffer area with a masonry wall to the rear is proposed. The buffer area will include a 5’ sidewalk along Buck Moore Road and make the connection to existing sidewalk along Sunset Drive.

Development impacts:

- Traffic - 110 trips per day
- Water - 4,099.2 gpcd Sewer
- 3,360 gpcd

OTHER OPTIONS

Subdivision of property is a right, provided the plan meets city requirements.

[End Agenda Memo]

Planning & Development Director Kathy Bangle reviewed Agenda Item 10.II. She said this particular piece is exterior to the Sunset Subdivision that already exists; the original plan was to make it office space or a different type of use. It is zoned residential office, professional. Single-family residential is a permitted use in that zoning district. The developer, which is the same developer developing Sunset Point decided that it is probably a good business decision to move forward with making this residential. They also own Dinner Lake Shores and are building there. Following approval of the preliminary subdivision plat by the Commission, it will move into site development. Once that is done the final plat will come back before the Commission to be approved and then it will be recorded so buildable lots could be sold.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to approve the Preliminary Subdivision Plat for a 14-lot single-family residential subdivision after public hearing. 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.

Agenda Item 10.III. Service Agreement – Lakeland Area Mass Transit District

[Begin Agenda Memo]

SYNOPSIS

The approval of the Service Agreement authorizes a \$5,433.00 payment for transit service in the City of Lake Wales for the full term of the Agreement beginning October 1, 2016 through October 1, 2017.

RECOMMENDATION

It is recommended that the City Commission approve the Service Agreement between the City of Lake Wales and Lakeland Area Mass Transit District for a term beginning October 1, 2016 through October 1, 2017 for the continued public transit services in the City of Lake Wales and the annual payment of \$5,433.00.

BACKGROUND

Since August 2009, the Lake Wales City Commission approved an annual Interlocal Agreement with the Polk County Board of County Commissioners for transit bus service for a "Fair Share" contribution of up to \$5,433 each year. The agreement will no longer be with Polk County because this service is now provided by Lakeland Area Mass Transit District and at the same annual cost.

Public transit in Polk County is provided by the Lakeland Area Mass Transit District, operating as Citrus Connection, which includes all public transportation within the County including Winter Haven Area Transit, rural routes servicing Bartow, Fort Meade and Frostproof, as well as all paratransit service. For years, public transit was made up as three agencies operating independently of each other, creating some challenges for riders who want to utilize the transit system throughout the County. Those services including personnel and assets are together working to bring a top quality transit system under one simplified banner, Citrus Connection to all citizens.

Citrus Connection operates in accordance with Title VI of Civil Rights Act of 1964 and related statutes.

OTHER OPTIONS

The City Commission has an option of not approving the Service Agreement with Lakeland Area Mass Transit District and the \$5,433 annual payment. However, if not approved, it could impact the citizens of Lake Wales who rely on transit services in the area for their transportation needs.

FISCAL IMPACT

The fiscal impact is up to \$5,433 and is included in the FY-16'17 budget.

[End Agenda Memo]

The Mayor reviewed Agenda Item 10.III. He said since Lakeland Area Mass Transit District has taken over they have added at least two stops so we are getting more service now for the same amount of money. It is a quality service and heavily used.

Deputy Mayor Thornhill made a motion to approve the Service Agreement between the City of Lake Wales and Lakeland Area Mass Transit District for a term beginning October 1, 2016 through October 1, 2017 for the continued public transit services in the City of Lake Wales, and to approve the annual payment of \$5,433.00. 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.

The Mayor explained that if the 1-cent sales tax proposed for transportation had passed last year it would have given us the ridership that we needed and it would have been a constant service with pickups that are more frequent and in more areas around the City. Since that did not pass, they had to do cutbacks, layoff people, and combine services. They are hoping to put together another campaign and be a little more specific with the public as to what the need is and how that need would benefit the County before they put it out there again.

11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

The City Manager reported the following:

- The development right outside the entrance to Bok Tower is now active again and Adams Homes will be doing a groundbreaking there next week. It is a 20-lot property that is inside the City limits of Lake Wales and it is shovel-ready to build on. That will be additional quality housing here in the City of Lake Wales.
- We have had some discussions with the State Main Street Office and the local Main Street organization. Today the Main Street Office put on a training program at Bok Tower for the people interested in forming a Main Street organization. The attendees were from Lake Wales and from across the State. The upgrade of our existing Main Street organization is moving forward very nicely. They are in the process of reconstituting their board and coming into compliance with State regulations and the National Main Street Organization. The requirement is that they be formally recognized as a Main Street organization again. They are in the process of looking for an executive director and he is working on a term sheet to solidify an agreement between the City and the Main Street organization when they are ready, and probably after the first of the year, he will be moving forward with that. The timing of that is very good because about the same time he will be bringing to the Commission a contract with a consultant to help with the rewrite of our CRA Plan, which will be a major component to the revitalization of our downtown. After the first of the year we should be ready to come up with plans and involve the whole community to see what needs to be done in the downtown to help revitalize it in that respect.
- He will be going out of town Friday afternoon and will not be back until Monday afternoon. It is his partner's birthday. He can be reached by cellphone if necessary.

Commissioner Gibson asked the schedule for a consultant to rewrite the CRA Plan. Mr. Fields said we have an RFP out. It will be about 45 days before we start getting responses to that which will be about the middle of January and we will form a selection committee to rank them and bring a recommendation to the Commission. The Commission will have the opportunity to see all the proposals that come in. The plan is to get somebody on board and start the process of soliciting public input for the rewrite of the CRA Plan by the end of January or the beginning of February. By then we hope to have the Main Street organization up and going, and moving forward.

Commissioner Gibson asked whom the selection committee would be composed of and Mr. Fields said employees and staff. They will take that to the CRA Citizen Advisory Committee and then to the City Commission.

Commissioner Gibson asked if the sale of Longleaf had been concluded and Mr. Fields said yes, the cash is in the bank in a separate CRA account. When we do the first budget amendment, that money will probably be set aside for future projects. No allocation has been made for any of that money. As we come up with plans for downtown and the entire CRA area, that money could help jumpstart a lot of those efforts and we would not have to worry about any future tax increment money. Since it is one-time money, we can use it for one-time projects. Commissioner Gibson said he would like to be involved in any part of that where the involvement of a City Commissioner is appropriate. Mr. Fields said it is appropriate for one Commissioner to attend an advisory committee meeting and a Commissioner could meet one-on-one with him or staff.

Agenda Item 11.II. Social Media Report

Agenda Item 11.III. City Commission Meeting Calendar

Agenda Item 11.IV. Other Meetings & Events Calendar

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

12. CITY COMMISSION COMMENTS

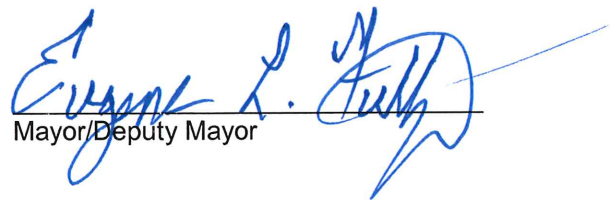
13. MAYOR COMMENTS

The Mayor said he was happy to have our third Christmas Tree Lighting Ceremony tonight and he was glad people showed up for that event. The Hillcrest Elementary School kids did a wonderful job at performing. He said the Menorah Lighting Ceremony would be held on December 29 and invited everyone to attend that event.

Commissioner Perez commented on the recent Food Truck event and said he enjoyed it, the place was jammed, and everyone was having a great time.

The Mayor said the Food Truck event and the Orange Blossom Revue were great events and that everyone seemed to be pleased. Jennifer Nanek said the Food Truck event organizer put in a request to change their event from the first Monday to the second Wednesday of the month, which will start in January. The portion about the alcohol will be brought back to the Commission.

The meeting was adjourned at 6: 41 p.m.



Mayor/Deputy Mayor

ATTEST:



City Clerk Clara VanBlargen, MMC

