

The meeting of the Lake Wales City Commission was held on January 17, 2017 in the Commission Chambers at the Municipal Administration Building. Mayor Eugene Fultz called the meeting to order at approximately 6:02 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

Dr. James Moyer gave the invocation.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Robin Gibson; Terrye Y. Howell; 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.

5. MAYOR

Agenda Item 5.I. Proclamation: Lake Wales School Choice Week

The Mayor did not read the proclamation proclaiming Lake Wales School Choice Week since no was present to accept it. He said the proclamation would be mailed instead.

6. PRESENTATION/REPORT

Agenda Item 6.I. EDC Update by Kevin Kieft, President/CEO, Lake Wales Area Chamber of Commerce and Economic Development Council

Kevin Kieft, President/CEO, Lake Wales Area Chamber of Commerce and Economic Development Council gave an EDC update.

7. COMMUNICATIONS AND PETITIONS

There were no comments made by the public.

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: January 3, 2017, Regular Meeting

Agenda Item 8.II. Special Event Application: Jewel of the Ridge Jazz Festival April 1-2, 2017

[Begin Agenda Memo]

SYNOPSIS

This Special Event Application is for the Jewel of the Ridge Jazz Festival hosted by the Polk State College Arts Center on April 1-2, 2017 in Lake Wailes Park.

RECOMMENDATION

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

1. Approve the special event permit application for the Jewel of the Ridge Jazz Festival to take place on Saturday April 1, from 11am -9pm and Sunday April 2, from 11am -6pm with set up to begin Friday March 31 at 8:00am
2. Approve alcohol sales within a designated area as shown on the map.

BACKGROUND

The Polk State College Lake Wales Arts Center has applied for a special event permit to hold a Jazz festival on Saturday & Sunday April 1-2, 2017. The set-up will begin at 8:00am on Friday March 31st and the event will take place Saturday April 1st from 1:00pm – 7:30pm and Sunday April 2nd, from 12am -5pm.

The sponsors request permission to establish a designated area to serve and consume alcohol.

The PSC Lake Wales Arts Center will utilize services of off-duty officers from the Lake Wales Police Department during the entire event. This will be paid by the sponsors.

OTHER OPTIONS

Do not approve the special event application.

FISCAL IMPACT

This was budgeted for FY 2016-17 at \$558 with the sponsor paying 25% at approximately \$140.

[End Agenda Memo]

Agenda Item 8.III. Task Order #1 and Task Order #2 with Hoyle, Tanner and Associates, Inc.

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approving Task Order #1 and Task Order #2, with Hoyle, Tanner and Associates, Inc. for the engineering design to rehabilitate Taxiway Alpha and to relocate and extend Taxiway Bravo at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Approve Task Order #1 (\$164,270.00) and Task Order #2 (\$80,000.00), with Hoyle, Tanner and Associates, Inc. for the engineering design to rehabilitate Taxiway Alpha and to relocate and extend Taxiway Bravo at the Lake Wales Municipal Airport.

BACKGROUND

At its regular scheduled commission meeting on November 15, 2016, the City Commission adopted Resolution 2016-23, authorizing the execution of an agreement with the Florida Department of Transportation for their funding share to relocate and extend Taxiway Bravo at the Lake Wales Municipal Airport in the amount of \$71,135.00.

Task Order #1 (FAA/City): Taxiway Alpha East: Rehabilitate Taxiway Alpha East from Runway 17-35 to Runway 24, to include taxiway edge and centerline striping.

Taxiway Bravo North: Design a new parallel taxiway for Runway 17-35 from Runway 17 to Taxiway Alpha and design a new lighting circuit and LED Medium Intensity Taxiway lights (MITL's), to include taxiway edge and centerline striping.

Task Order #2 (FDOT/City): Taxiway Bravo South: Design a new parallel taxiway for runway 17-35 from taxiway Alpha to Runway 35 and design a new lighting circuit and LED Medium Intensity Taxiway Lights (MITL's), to include taxiway edge and centerline striping.

The project total for engineering design is \$244,270.00.

FISCAL IMPACT

City: \$23,135.00
FDOT: \$71,135.00
FAA: \$150,000.00

OTHER OPTIONS

The Commission has already accepted the grant from the Florida Department of Transportation for this project.

[End Agenda Memo]

Agenda Item 8.IV. Lease Agreement with Mears Motor Leasing/The Bancorp

[Begin Agenda Memo]

SYNOPSIS

Staff is requesting Commission approval to lease-purchase ten (10) vehicles for various City departments through our master lease agreement with Mears Motor Leasing/The Bancorp.

RECOMMENDATION

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

1. Approve the sixty (60) month lease-purchase of the vehicles listed on the attached Schedule A's from Mears Motor Leasing/The Bancorp.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.
3. Classify the obsolete equipment listed on the Disposal Schedule as surplus.
4. Authorize staff to dispose of the surplus equipment.

BACKGROUND

The City Commission approved funds for the vehicle leases within the FY2017 adopted budget. The proposed new vehicles are as follows:

1. Quantity one (1) Ford F150 crew cab pickup truck for the Parks Department
2. Quantity one (1) Ford Escape SUV for Airport Operations
3. Quantity two (2) Ford Escape SUV's for the Permits and Inspections Department
4. Quantity one (1) Ford F150 regular cab pickup truck for Code Enforcement
5. Quantity one (1) Ford Transit 8-passenger van for Cemetery Operations
6. Quantity two (2) Ford Transit Connect vans for the I.T. Department
7. Quantity one (1) Ford F250 crew cab pickup truck for the Streets Department
8. Quantity one (1) Peterbilt dump truck for the Streets Department

Six of the new vehicles will be replacing:

1. Quantity two (2) 2001 GMC Jimmy SUV's
2. Quantity one (1) 2002 Ford Explorer SUV
3. Quantity one (1) 1997 Chevy Astro van
4. Quantity one (1) 1997 Ford F350 pickup truck
5. Quantity one (1) 1996 GMC Kodiak dump truck

Four of the new vehicles are not replacements, but are additional vehicles needed due to increased staffing levels over the past 12 months or due to a shortage of vehicles that existed within a department.

Staff recommends the lease-purchase of these vehicles for the following reasons:

- If these new vehicles were purchased outright under the State of Florida Contract the total purchase price would be \$346,231. Under the Mears Motor Leasing agreements these vehicles can be financed at an annual cost of \$76,275. An outright purchase would result in a current-year decrease in cash flow of \$346,231 compared to \$76,275.
- If these vehicles are replaced, the annual maintenance cost assessed by Polk County Fleet Management will be reduced by \$10,727.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. If the City decided to use financing options, this lease-purchase option would result in the lowest financing cost over the life of the lease.

All of the vehicles will be purchased under State of Florida Contracts. Purchases made from State of Florida Contracts are exempted from the competitive sealed bid requirement outlined in our Purchasing Ordinance, Sec. 2-418, which allows the City to capitalize on the State's economy of scale and reduces the timeline of acquisition.

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function or purpose.

The surplus vehicles will be sold at public auction or to the highest bidder after the solicitation of sealed bids.

OTHER OPTIONS

1. An outright purchase would result in a current year decrease of cash flow of \$346,231.
2. Retain the existing vehicles

FISCAL IMPACT

If the City Commission approves the vehicle lease agreements, the City is committed to yearly lease payments totaling \$76,275. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the individual departments would suffer the loss of the vehicles.

[End Agenda Memo]

Agenda Item 8.V. Digital Copier Lease with Ricoh USA, Inc.

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider entering into a lease agreement with Ricoh USA, Inc. for a digital multifunction copier.

RECOMMENDATION

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

1. Approve the 48-month lease with Ricoh, USA, Inc. for one digital multifunction copier.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND

The lease on the existing copying machine in the Finance Department has expired.

Ricoh USA, Inc. is the City's current copying machine vendor. The proposed lease is based on the University of South Florida's competitively bid contract (#1972-40/ITN9G-13). Section 2-404 of the City Code exempts the City from competitive bid requirements when piggybacking another public entity's previously competitively bid pricing. Utilizing the piggyback option will allow the City to capitalize on USF's economy of scale.

OTHER OPTIONS

The Commission may elect not approve the lease with Ricoh USA, Inc. at this time.

FISCAL IMPACT

The annual lease cost of the Ricoh USA, Inc. equipment is \$1,555.08.

[End Agenda Memo]

END CONSENT AGENDA

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

By Voice Vote:

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

The motion carried 5-0.

9. OLD BUSINESS

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2017-01, Amending Chapter 18 Streets, Sidewalks, and Other Public Places – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2017-01 amends Chapter 18 Streets, Sidewalks, and Other Public Places regarding Newsracks within the city limits of Lake Wales.

RECOMMENDATION

Approve Ordinance 2017-01 after first reading. A public hearing is not required for the first reading of this ordinance.

BACKGROUND

Staff was directed to prepare a new and more comprehensive ordinance regarding Newsrack's in the city of Lake Wales.

The ordinance provides for the amendment of the section numbers reserved in Article III Sidewalks, repeals the existing regulations so that they can be incorporated into the new ordinance in a manner that provides consistency and clarity.

The ordinance establishes the Park and Stuart Avenue corridor for city provided newsracks; provides for the controlled placement of newsracks elsewhere in the city; provides standards; provides for permitting to include application fee; provides for removal and violation procedures.

The implementation of these regulations will be the responsibility of the Department of Planning and Development Services.

FISCAL IMPACT

The City has already purchased newsracks for installation in the designated area.

OTHER OPTIONS

Commission could recommend changes to the proposed regulations.

[End Agenda Memo]

City Clerk Clara VanBalgan read Ordinance 2017-01 by title only:

(Amendments to Chapter 18 Streets, Sidewalks, and Other Public Places)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES; AMENDING RESERVED SECTIONS IN ARTICLE III SIDEWALKS, AMENDING ARTICLE IV

PLACEMENT OF NEWSRACKS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE:

Kathy Bangley, Planning & Development Director, reviewed Agenda Item 10.I. She said the ordinance creates the Park and Stuart Avenue corridor and the only newsracks allowed in that corridor would be those supplied by the City. There will be a registration provision for people to use them. Racks would still be allowed in other portions of the community that meet the rules and regulations as they were before but not to impede pedestrian traffic, etc.

Commissioner Gibson said this was personal to him because it impacted tax base and it is important to property values. He said he told the City Attorney today about a Coral Gables case that he thought was practically significant because it was a Florida case, Federal Court, and Florida Law. Their ordinance was more stringent than the one being proposed. He said we have to make sure that the regulating and policing of our newsracks will not be a financial strain on us. The people benefiting from the newsracks should cover all of our costs associated with doing this. From reading the Coral Gables case and other court cases, he learned that there is no distinction between news and commerce, commercial free speech, and the free speech associated with news worthy items. He said in front of his office on Sunday morning was a publication box that he had not seen before containing Central Florida Homes and More Real Estate Magazines. Because no one had asked permission to put the box there he emailed the company and told them about the ordinance the City was proposing, where they could get a copy, and invited them to come to the meeting. He said the proposed ordinance does not mention anything about advertising and the magazines in the box contained only ads.

Ms. Bangley said her understanding was that the criteria were to assist staff. There are a finite number of boxes to be provided by the City to be issued on a first come first serve bases and the criteria was for staff to assist in that event and not to prohibit the advertising only type publication from being in there.

Commissioner Gibson asked how many bins would be put out and Public/Support Services Director James Slaton said the City purchased three, twelve bin modular racks, which is 36 bins. Ms. Bangley said the limited number of bins is not stated in the ordinance and Commissioner Gibson said people would question that. Mr. Fields said if we get requests for more than 36 then we would probably need to increase the number of racks. If the limited number were in legislation then it would take a legislative action to change that number. The ordinance said priorities and not limits.

Commissioner Gibson asked if the permitting fees were adequate to cover our costs including the purchase of the clusters and Ms. Bangley said she could not speak to the purchase of what we spent. Mr. Fields said the racks are not cheap and we cannot recover capital costs with permitting fees. All you can recover with permitting fees is the cost of processing permits, which would be minor in this case. It would probably be more of an administrative burden but would be worth whatever we charge for it.

The City Attorney said the three criteria that are included in the ordinance came from the current Coral Gables ordinance so he would assume that was not challenged.

Mr. Fields said we are supplying the boxes so we do not have to worry about the size, shape, color, etc. Ms. Bangley said we are providing the bins in the downtown corridor and it does not dictate the size, color, etc. Commissioner Gibson said the box in front of his office is on public property and Ms. Bangley said she realizes that and it is in that corridor. Mr. Fields said he would have Code Enforcement look at it.

Commissioner Gibson said in terms of the aesthetics of the community and the impact that has on property value is the key to this.

The Mayor asked how many boxes were scattered in the downtown area now. Ms. Bangley said she did not know and Ms. Slaton said last summer the number was in the 60 range and some of which were duplicates, which is why he felt more comfortable with the ones the City got. Commissioner Gibson said he likes the clusters but not necessarily the fact that we are paying for them so he is curious as to what that is costing the City.

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 2017-01 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. Ordinance 2017-02, Dissolving Various Inactive Boards, Committees & Commissions – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider dissolving inactive boards, committees, and commissions that are no longer necessary and have no sunset provision to keep them in existence.

RECOMMENDATION

The recommendation is for the City Commission to approve Ordinance 2017-02 after first reading.

BACKGROUND

A comprehensive report on inactive boards, committees, and commissions was presented to the City Commission on January 3, 2017 for discussion. The City Manager provided an overview on each of them and explained why they were no longer necessary and there was no sunset provision to keep them in existence. There are other boards and community programs that serve the same purpose as some of them. Following the discussion, the City Commission agreed that the inactive boards, committees, and commissions needed to be dissolved.

Ordinance 2017-02 was prepared to dissolve the following inactive boards, commissions, and committees as discussed on January 3, 2017:

Chapter 2, Administration, Article II, Boards, Committees & Commissions

- Division 6, Open House Board
- Division 8, Parks and Community Appearance Advisory Board
- Division 9, Parking Authority
- Division 11, Lakes Advisory Commission
- Division 12, Historic Preservation Board
- Division 13, Fire and Building Code Administration Board
- Division 14, Enterprise Zone Development Agency
- Division 15, Bicycle/Pedestrian Advisory Commission

Chapter 2, Administration, Article V, Financial Administration, Division 1, Investment of Public Funds

- Section 2-502, Delegation of Authority; Establishment of Investment Committee

Chapter 2, Administration, Article VII, Program Administration

- Division 1 – Aware Program

Chapter 15, Miscellaneous Offences

- Section 15-10, Drug and Prostitution-related Nuisance Abatement

OTHER OPTION

The City Commission could choose not to dissolve all of the inactive boards, commissions, and committees and modify ordinances creating some of them to allow more people to apply for appointment, etc.

FISCAL IMPACT

The only cost involved in dissolving the inactive boards, committees, and commissions and removing them from the City of Lake Wales Code of Ordinances is the cost in codifying Ordinance 2017-02.

[End Agenda Memo]

City Clerk Clara VanBalgan read Ordinance 2017-02 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMITTEES, AND COMMISSIONS BY ELIMINATING DIVISION 6, OPEN HOUSE BOARD; DIVISION 8, PARKS AND COMMUNITY APPEARANCE ADVISORY BOARD; DIVISION 9, PARKING AUTHORITY; DIVISION 11, LAKES ADVISORY COMMISSION; DIVISION 12, HISTORIC PRESERVATION BOARD; DIVISION 13, FIRE AND BUILDING CODE ADMINISTRATION BOARD; DIVISION 14, ENTERPRISE ZONE DEVELOPMENT AGENCY; DIVISION 15, BICYCLE/PEDESTRIAN ADVISORY COMMISSION; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCIAL ADMINISTRATION, DIVISION 1, INVESTMENT OF PUBLIC FUNDS, BY ELIMINATING SECTION 2-502, DELEGATION OF AUTHORITY, ESTABLISHMENT OF INVESTMENT COMMITTEE; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, PROGRAM ADMINISTRATION, BY ELIMINATING DIVISION 1, AWARE PROGRAM; AND AMENDING CHAPTER 15, MISCELLANEOUS OFFENSES BY ELIMINATING SECTION 15-10, DRUG AND PROSTITUTION-RELATED NUISANCE ABATEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 10.II. He said this ordinance implements the recommendation of the Commission at its last Commission meeting to eliminate the inactive and obsolete boards. This ordinance is a cleanup in getting them out of the code by eliminating them.

Commissioner Gibson said all the functions that these boards may or may not have performed would be consolidated in the remaining ones so he hoped that we can visit them one at a time and give them some

serious thought. Mr. Fields explained that a report is usually given at least once a month by one of the active boards and we will be doing that again.

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 2017-02 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 2017-03, Amending Ordinance 2010-27, CRA Citizen Advisory Committee Ordinance – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2017-03 amends Ordinance 2010-27 which also modifies Section 2-73 of the Lake Wales Code of Ordinances, changing the membership criteria for the CRA Citizen Advisory Committee.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2017-03 after first reading.

BACKGROUND

On November 16, 2010, the City Commission adopted Ordinance 2010-27, establishing a five member CRA Citizen Advisory Committee. Each Commissioner was required to nominate a person that resided, owned property, or operated a business within the voting district represented by the commissioner provided the property, residence, or business of the nominee were within the boundaries of the CRA. When Ordinance 2010-27 was adopted, all four of the City Commission districts contained an area within the boundaries of the CRA so filling vacancies was no problem.

A Charter Amendment approved by the voters in 2011 effective with the 2013 Municipal Election changed the Commission Districts and the way City Government was conducted. The four City Commission districts, composed of the geographical areas included in Polk County, Florida, voting precinct numbers 19, 122, 27, and 28, changed to four geographical City Commission districts containing population equal as feasible. Because the new Commission District 27 does not contain an area within the CRA boundaries, it is impossible to appoint a qualified person to represent that district. Therefore, it is necessary to change the formation of the membership requirements in Ordinance 2010-27, the CRA Citizen Advisory Committee ordinance to allow the appointment of a fifth member to serve on the CRA Citizen Advisory Committee and to allow the representation of all City Commission members.

If the membership requirements for the CRA Citizen Advisory Committee are changed to conform to that set forth F.S. Section 163.356 (3) (b), it will be possible for five qualified citizens to be appointed to serve on the Committee and allow representation of all Commission members. Citizens would not have to reside or operate a business within the boundaries of the CRA but instead reside or operate a business within the territorial boundaries of the City. Current members serving on the Committee meets the revised membership requirements set forth in Ordinance 2017-03. Section 163.356 (3) (b), F.S., states that any person may be appointed as commissioner to the Community Redevelopment Agency if he or she resides or is engaged in business. This means owning a business, practicing a profession, or performing a service for compensation or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the City. According to AGO 90-19, an area of operation is defined to mean "for a municipality, the area within the corporate limits of the municipality." In contrast, a "community redevelopment area" is defined to mean "a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of a low or moderate income, including the elderly, or a combination thereof which the governing body designates as appropriate for community redevelopment." The area of operation for a municipal redevelopment agency is within the territorial boundaries of the municipality itself, although the community redevelopment area may represent a smaller area within the municipality. Section 163.356 (3) (b), F.S., supra, does not require that the appointed members of the agency reside or engage in business within the community redevelopment area but "within the area of operation of the agency, which shall be coterminous with the area of operation of the.....municipality...."

Current members:

Seat 1 – At-large	Charlene Bennett (05/03/16-07/01/18)	306 Townsend Avenue
Seat 2 – District 19	Mark Bennett (04/21/15-07/01/18)	1106 Voncile Street
Seat 3 – District 122	Narvell Peterson (12/07/10-07/01/17)	415 E. Street
Seat 4 – District 27	Vacant (7/1/17)	
Seat 5 – District 28	Christopher Lutton (5/17/16–07/01/18)	437 S. 9 th Street

A 2011 Charter Amendment approved by the voters effective with the 2013 City Election made it the Mayor's duty to make appointments to the various citizen advisory and regulatory boards, commissions, committees, and authorities. Ordinance 2017-03 makes that change to the CRA Citizen Advisory Committee ordinance.

FISCAL IMPACT

No fiscal impact for this action.

OPTIONS

The City Commission can approve Ordinance 2017-03 as is or approve it with modifications.

[End Agenda Memo]

City Clerk Clara VanBalgan read Ordinance 2017-03 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMITTEES, AND COMMISSIONS, DIVISION IV, COMMUNITY REDEVELOPMENT AGENCY BOARD, SECTION 2-73, CRA CITIZEN ADVISORY COMMITTEE, BY AMENDING ORDINANCE 2010-27, ESTABLISHING CRA CITIZEN ADVISORY COMMITTEE; CHANGING THE MEMBERSHIP REQUIREMENTS; CHANGING DISTRICT SEATS IN COMPLIANCE WITH THE CITY CHARTER; AND ALLOWING FOR FILLING AUTHORITY VACANCIES IN COMPLIANCE WITH THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 10.III.

Commissioner Perez asked if this ordinance would introduce a new area of legality relative to residence and Mr. Fields explained why it does not open up anything new or different. The City Attorney said the language published in red in the proposed ordinance tracks specifically the statute that governs the CRA.

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 2017-03 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.IV. Resolution 2017-01, Railroad Reimbursement Agreement Grade Crossing Traffic Control Devices with the Florida Department of Transportation and Florida Midland Railroad

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approving Resolution 2017-01, an agreement with FDOT and Florida Midland Railroad to upgrade the Airport Road railroad crossing.

RECOMMENDATION

1. Approve Resolution 2017-01, authorizing an agreement between the City of Lake Wales and the Florida Department of Transportation and Florida Midland Railroad for the Railroad Reimbursement Grade Crossing Traffic Control Devices upgrade for the Airport Road railroad crossing.
2. Authorize the Mayor to execute the agreement.

BACKGROUND

In August 2015, the Florida Department of Transportation notified the city that they would be upgrading the railroad crossing at Airport Road from a Class I crossing to a Class IV crossing. The upgrade will include new flashing lights and gates, new shelter with motion detection and meter service and any other railroad work deemed necessary for the project. All cost associated with the upgrade will be borne by FDOT.

After the upgrade the city's annual maintenance responsibility will remain at 50% and will go from \$1,128.00 annually to \$2,260.00 annually.

Resolution 2017-01 authorizes the mayor to execute the agreement on behalf of the city.

FISCAL IMPACT

The increase is reflected in the current fiscal year 16/17 budget for the railroad crossing program.

OTHER OPTIONS

The City already has an agreement with FDOT and Florida Midland Railroad for the annual maintenance of the airport road crossing.

[End Agenda Memo]

City Clerk Clara VanBalgan read Resolution 2017-01 by title only:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND FLORIDA MIDLAND RAILROAD FOR RAILROAD REIMBURSEMENT AND FOR THE INSTALLATION AND MAINTENANCE OF CERTAIN GRADE CROSSING TRAFFIC CONTROL DEVICES ON AIRPORT ROAD, FINANCIAL PROJECT NUMBER: 43875815701, CROSSING NUMBER: 625424-K.

Teresa Allen, Assistant Public/Support Services Director, reviewed Agenda Item 10.IV. She said the City already has an agreement with FDOT and Florida Midland Railroad for the safety crossing at different railroad crossings and occasionally they do some upgrades. As a part of the agreement, we share in the upgrades. For this upgrade, they are going from a Class 1 crossing to a Class 4 crossing. After the upgrade, the city's annual maintenance responsibility will remain at 50% and will go from \$1,128.00 annually to \$2,260.00 annually. Ms. Allen explained that a Class 1 is just the railroad crossing and the lights and with the Class 4, there will be a gate and flashing lights. The upgrade will be a safer setup, which is the purpose of the program. With the increasing traffic on SR 60 and Airport Road, they decided to upgrade to a Class 4. Mr. Fields explained that the amount of traffic at the airport is also increasing.

Commissioner Gibson said years ago, he tried a number of cases against the railroad for crossing accidents and they are horrible. It is not a fair match, there are few survivors, and we do not want any of that. Ms. Allen explained that the share depended on the class upgrading and in this case, it is a 50/50 share of the annual maintenance. Commissioner Gibson asked if the railroad paid for anything and Ms. Allen said not really and Mr. Fields explained that the railroads were here first and the laws favored them the most in that respect.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to approve Resolution 2017-01. 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.V. Appointments – Polk County Joint Airport Zoning Board (JAZB)

[Begin Agenda Memo]

SYNOPSIS

This appointment is for a staff member and a non-voting Airport Manager to serve as a City representative on the Polk County JAZB.

RECOMMENDATION

It is recommended that the Mayor appoint the Planning & Development Director to serve as a voting member to the Polk County Joint Airport Zoning Board (JAZB) and the Airport Manager to serve as the non-voting member. Individual members serve until their successors are appointed. It is recommended that the appointments be for positions and not named individuals.

The current voting Commission member is Deputy Mayor Thornhill. A Commission member serves for the duration of his or her term as Commissioner or until they no longer wish to serve. Deputy Mayor Thornhill could request that the Mayor appoint another Commission member to serve instead.

Members to the JAZB are required to file a Statement of Financial Interests with the Polk County Supervisor of Elections Office.

BACKGROUND

The City of Lake Wales is a member of the Polk County Joint Airport Zoning Board (JAZB) as established by City of Lake Wales Resolution 78-12 in accordance with Florida Statutes, Chapter 333, Section 06. As representatives to the Board, the City of Lake Wales is required to appoint two voting members (one Commission member and one staff member) and a non-voting member who is the Airport Manager. This appointment is for a voting staff member who is the Planning & Development Director and a non-voting Airport Manager.

- Current voting Commission member – Commissioner Thornhill
- Former voting staff member - Planning & Development Director Margaret Swanson
- Current alternate member - Robert Kelly, citizen

The Polk Transportation Planning Organization (TPO) serves as the technical staff to the Joint Airport Zoning Board (JAZB) and oversees the Polk County Airport Zoning Regulations. The TPO is requesting that the City Commission make the appointments as deemed appropriate at this time.

OPTIONS

None. The appointments are made in accordance with City of Lake Wales' Resolution 78-12.

FISCAL IMPACT

None

[Begin Agenda Memo]

Deputy Mayor Thornhill said since Commissioner Perez serves as the liaison to the Airport Authority Board it might make sense for him to serve as the Commission member to this Board. The Mayor asked Commissioner Perez if he would like to serve on the Board and Commissioner Perez said yes.

The Mayor appointed the Planning & Development Director to serve as a voting member to the Polk County Joint Airport Zoning Board (JAZB), the Airport Manager to serve as the non-voting member, and Commissioner Perez to serve as the Commission member. The Commission unanimously consented in favor of the Mayors appointments.

Ms. Bangley said the next meeting of the Board is on Monday, January 30 from 9:00 a.m. to 12:00 p.m. at the Bartow Airport.

11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

The City Manager commented on the following:

- Ongoing activities at the airport
- EDC update given by Kevin Kieft earlier in the meeting
- Medical marijuana dispensaries: Mr. Fields said a model ordinance would be coming to the Commission regulating dispensaries for medical marijuana and one of the reasons for doing so is that we are the only City that has a licensee for medical marijuana within its boundaries. They want to have an administrative headquarters here as well as a dispensary. We had a great discussion from the Planning Board last week and got a lot of ideas from them, Ms. Bangley has talked to other planning directors in the county generating ideas and he has talked with other city managers in the county generating ideas so we think we can come forward with a model ordinance rather quickly. This will generate good paying jobs. Mr. Fields explained dispensaries and said that in the State of Florida the only people who can open a dispensary are one of the seven existing licensees from the State.

Mr. Fields distributed his performance evaluation to the Commission and asked that they turn it in by the date specified on it.

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

Commissioner Gibson said he has been very interested in the Community Redevelopment Agency and he was distressed at the 2011 contraction of the boundaries and the loss that the City suffered because of losing that tax increment. Research show that we might be grandfathered in because the creation of our CRA preceded the county's enactment of its home rule ordinance. According to some inquiries made to the county and the Board of County Commissioners, there would be some resistance to voluntarily giving that up, which is understandable. Although he said he was going to look into it he does not want to be at odds with the county so he will not be doing anything more about it.

Deputy Mayor Thornhill said if we get all the hotels Kevin Kieft mentioned we would not have enough restaurants to accommodate them. Mr. Kieft addressed the comment and explained how the model used for restaurants and hotels were entirely different which is why the focus is more on hotels than restaurants.

13. MAYOR COMMENTS

The meeting was adjourned at 7:12 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC

