



**City of
Lake Wales**

201 Central Avenue W.
P. O. Box 1320
Lake Wales, FL 33859-1320
Phone (863) 678-4182
Fax (863) 678-4180

**City of Lake Wales
Workshop Meeting**

City Commission

October 12, 2010

6:00 p.m.

**City Administration Building
Commission Chambers**

1. Roll Call
2. Memorandum of Understanding – SWFWMD Maintenance of the Peace Creek Canal
3. Discussion of Citizen Advisory Boards
4. Discussion of LEGO Land Preparations

Minutes of the City Commissioner Workshop meetings can be obtained from the office of the City Clerk. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

Persons who wish to appeal any decision made by the City Commission with respect to any matter considered during this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the office of the City Clerk no later than 5:00 p.m. on the day prior to the meeting.

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CITY of LAKE WALES

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CITY GOVERNMENT

CITIZEN BOARDS, COMMISSIONS & COMMITTEES

GENERAL REGULATIONS

The following regulations apply to all persons appointed to City boards, commissions and committees (in the text below, the term "boards" applies to "boards, commissions and committees"):

- Members must be legally registered to vote.
- No one may serve more than three consecutive terms on a single board except when:
 - appointed to a partial term that is less than 1/2 of the normal term for that board
 - the city manager waives the requirement for members of regulatory boards where special circumstances warrant extending the appointment
 - when serving on a pension board
- No one may serve on more than two boards at the same time, except that:
 - no one may serve on more than one pension board
 - no one serving on a regulatory board may serve on any other board
- No member of the immediate family of a city commissioner may serve on a city board.
- No member of the immediate family of a municipal officer (city manager, city clerk or department head) may serve on a board which relates to the area of responsibility of that municipal officer.
- A member who is absent from three consecutive meetings will automatically be dismissed from the board unless the other board members have excused the absence by a motion duly passed and recorded in the official minutes.
- No board member who is present at a meeting may abstain from voting in regard to any official decision, ruling or other act taken by the membership unless that member is prohibited from voting on a measure which will financially benefit him or his employer. In such cases of voting conflict, the member must file a *Memorandum of Voting Conflict* (Form 8b) and publicly state the nature of his interest prior to the vote.
- A board member must file a *Statement of Financial Interests* for every year in which he serves on a board unless the Florida Commission on Ethics has determined that the board is solely advisory in nature.
- A member retiring from a board must provide written notice to the City Clerk.
- A member retiring from a board must return copies of city codes and other official materials to the city clerk.

RESIDENCY REQUIREMENTS

All persons appointed to serve on city boards, commissions and committees must comply with general regulations listed above. In addition, residency requirements are listed below:

- Members must reside in the city.
 - Airport Authority (at least 4 members must reside in the city)
 - Bicycle/Pedestrian Advisory Committee (at least 5 regular members and 2 alternate members must reside in the city)
 - Board of Zoning Adjustments and Appeals
 - Code Enforcement Board
 - Depot Commission (at least 6 members must reside in the city)
 - Enterprise Zone Board of Commissioners (at least 6 commissioners must reside in the city)
 - Lakes Advisory Commission (at least 6 members must reside in the city)
 - Parks & Community Appearance Advisory Board (at least 5 members must reside

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201 W. CENTRAL AVE.
LAKE WALES, FL 33853

- in the city)
- o Recreation Commission (at least 5 regular members and 3 alternate members must reside in the city)
- o Retirement Boards
- Members must reside in the city, own property in the city or hold a current business tax receipt issued by the city.
 - o Christmas Decoration Committee
 - o Historic Preservation Board (in addition, at least 4 members must reside in the city)
 - o Housing Authority (in addition, 1 member must reside in a housing project or receive a subsidy through a program administered by the Authority)
 - o Investment Committee
 - o Library Board (at least 4 members must meet these criteria; 1 member may be a resident of the unincorporated Greater Lake Wales area)
 - o Planning & Zoning Board
- Members must reside within the geographic area served.
 - o Airport Authority (no more than 3 members may reside outside the city)
 - o Bicycle/Pedestrian Advisory Committee (no more than 2 regular members and 1 alternate member may reside outside the city)
 - o Depot Commission (no more than 4 members may reside outside the city)
 - o Enterprise Zone Board of Commissioners (no more than 2 commissioners may reside outside the city)
 - o Historic Preservation Board (no more than 4 members may reside outside the city, but they must own property in the city or hold a current business tax receipt issued by the city)
 - o Lakes Advisory Commission (no more than 1 member may reside outside the city)
 - o Library Board (no more than 1 member may reside outside the city and must have a Lake Wales mailing address)
 - o Recreation Commission (no more than 2 regular members and 2 alternate members may reside outside the city)

APPLICATION PROCEDURE

The opportunity for appointment to city boards, commissions and committees occurs from time to time as resignations take place and annually as regular terms expire. Details on regular terms of office are provided on this page for each board, commission and committee. Members who seek reappointment are also required to submit new applications. Notices are published in the local newspapers when applications are sought for expiring terms or other vacancies.

Applications for appointment may be obtained at any time during the year on the [city's web site](#), by contacting the City Clerk's Office at 678-4182 ext. 228 or by inquiring in the City Clerk's Office in the Municipal Administration Building. Completed applications should be forwarded to the City Clerk.

All applicants seeking appointment to a regulatory board such as Planning & Zoning Board, Board of Appeals, Code Enforcement Board and the like, must be interviewed by the board chairman and the head of the relevant department to ensure that the applicants understand the duties and responsibilities of the board, are capable of performing such duties and responsibilities and are willing to fulfill the requirements of serving on the board.

Applications are forwarded to the City Commission for review and consideration as terms expire or other vacancies occur. The City Manager may delay the forwarding of applications to the City Commission until there are a sufficient number of applicants to fill all vacant positions on a particular board, commission or committee.

Appointments are made during the course of a regularly scheduled Commission meeting. Appointees are notified in writing by the City Clerk within a week of appointment. Applications of persons not appointed to a board, commission or committee are kept on file for 6 months for consideration if a vacancy occurs at a later date.

ORIENTATION

Specific city departments or employees are designated as supporting staff for boards, commissions and committees. Supporting staff will provide appointees with copies of city codes or other necessary materials. Prior to the first official meeting of the new appointee's term, supporting staff will arrange an appointment to discuss the duties and responsibilities of board members and to answer any questions which the new appointee might have.

MEETING LOCATION

All citizen boards, commissions and committees meet in the Municipal Administration Building at 201 W. Central Ave. with the following exceptions:

- Library Board - meets at the Library, 290 Cypress Gardens Lane
- Depot Commission - meets at the Depot Museum, 325 S. Scenic Hwy.
- Housing Authority - meets at the Housing Authority, 10 W. Sessoms Ave.

DUTIES & TERMS

Board	Primary Duties	Term	Meeting Date & Time
Airport Authority	Promote, encourage and support the continued development of the Lake Wales Airport; provide advice as needed on matters related to aviation.	3 years	1st Monday 5:30 pm
Bicycle/Pedestrian Advisory Commission	Make recommendations regarding implementation of roadway and transportation improvements as pertaining to bicycle and pedestrian needs; promote safe and convenient enjoyment of bicycle/pedestrian facilities through safety and educational programs and activities.	3 years	1st Thursday 5:30 pm
Board of Appeals	Hear and decide appeals of administrative decisions in regards to enforcing land use regulations or building codes; hear and decide appeals where the planning board has denied a special exception use permit or site plan approval; authorize variances from the zoning regulations where special conditions exist.	3 years	3rd Thursday 9:00 am
Code Enforcement Board	Impose administrative fines and other noncriminal penalties to enforce city health & sanitation, occupational licensing, fire, building, zoning and sign ordinances when it finds that a pending or repeated violation continues to exist.	3 years	2nd Monday 5:00 pm
Depot Advisory Commission	Advise the Depot Executive Director in long range planning and coordination of the Lake Wales Museum and Cultural Center.	3 years	Last Monday 12:30 pm
Historic Preservation Board	Make recommendations on applications for nomination to National Register of Historic Places; conduct survey and inventory of historic buildings, areas and sites in the city; make recommendations to city commission on potential landmark sites in the city	3 years	called at least 4 times per year
Historic District Regulatory Board	Hear and decide applications for Certificates of Appropriateness (CA) for work proposed on buildings or sites with an historic district; adopt guidelines for review and issuance of CA; make recommendations to city commission on matters relating to establishment and regulation of historic districts; make recommendations to planning board and city commission on matters relating to historic preservation and on matters regarding special permits for properties within an historic district when special permit involves issuance of a CA.	3 years	3rd Thursday 5:30 pm
			3rd

Housing Authority	Manage and control the city's low-rent housing units	4 years	Wednesday 6:30 pm
Investment Committee	Formulate alternative investment strategies and short-range directions for monitoring performance and structure of city's investment portfolio within established policies; formulate and recommend changes, if necessary, to city's investment policies.	4 years	called at least 4 times per year
Lakes Advisory Commission	Advise the City Commission on matters involving the restoration, preservation or maintenance of city lakes	3 years	2nd Tuesday 5:30 pm
Library Board	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.	5 years	1st Thursday 11:00 am
Drug & Prostitution Nuisance Abatement Board	Conducts public hearings with evidence and testimony on drug and prostitution-related complaints to determine if a public nuisance exists; may prohibit by order or seek an injunction against the continued operation or maintenance of a business or activity when a public nuisance has been found to exist	3 years	called
Parks & Community Appearance Board	In coordination with the Planning Board and other city boards and committees and civic groups, prepare plans and make recommendations to the City Manager and City Commission regarding the Lake Wales park system, neighborhood park systems, community parks, streets and city entrances, and maintenance programs	3 years	4th Monday 5:30 pm
Planning & Zoning Board	Serve as the Local Planning Agency; hear and decide on applications for special exception use permits and site plans; make recommendations on zoning amendment petitions, proposed subdivision of land, amendment of land use regulations and the city's Comprehensive Plan.	3 years	4th Tuesday 5:00 pm
Recreation Commission	Assist City in public relations relating to recreational events; assist in coordinating with school, service, church and civic organizations for the purpose of planning and promoting various city-sponsored recreational programs and events	3 years	3rd Monday 12:00 pm
Retirement Boards of Trustees	Authorize expenditures of police, firefighter, or general employee pension plan funds; invest and reinvest assets of the pension trust funds	4 years	called

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**MEMORANDUM OF UNDERSTANDING FOR THE SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT'S MAINTENANCE OF THE PEACE CREEK CANAL**

This Memorandum of Understanding (MOU) is made and entered into by and between the Southwest Florida Water Management District, a public corporation, whose mailing address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "District" and Polk County, a political subdivision of the State of Florida, whose mailing address is Post Office Box 9005, Bartow, Florida 33831; the City of Bartow, a municipal corporation of the State of Florida, whose address is 450 North Wilson Avenue, Bartow, Florida 33830; The City of Winter Haven, a municipal corporation of the State of Florida, whose mailing address is Post Office Box 2277, Winter Haven, Florida 33883; the Town of Dundee, a municipal corporation of the State of Florida whose mailing address is Post Office Box 1000, Dundee, Florida 33838; the Town of Lake Hamilton, a municipal corporation of the State of Florida, whose address is 100 Smith Avenue, Lake Hamilton, Florida 33851; and the City of Lake Wales, a municipal corporation of the State of Florida, whose mailing address is Post Office Box 1320, Lake Wales, Florida 33859, hereinafter referred to collectively or individually, as context may require, as "Local Government".

WITNESSETH

WHEREAS, the 2010 Florida Legislature approved HB 431 which abolished the Peace Creek Drainage District; and

WHEREAS, the District is authorized to enter into this MOU pursuant to Section 373.083, Florida Statutes (F.S.); and

WHEREAS, the Local Government is authorized to enter into this MOU pursuant to Chapters 163, 166 and Section 125.01, F.S.; and

WHEREAS, the District has identified its regional strategy in support of its four areas of responsibilities, flood control, water supply, water quality and natural systems protection, through its Strategic Plan and the West-Central Florida Water Restoration Action Plan; and

WHEREAS, the Peace Creek Drainage Canal (Canal), an altered and constructed conveyance system, is an important water conveyance and flood attenuation feature located in Polk County, Florida between the outfall canal of Lake Fannie and the upper Peace River and traverses multiple local government jurisdictions; and

WHEREAS, the general condition of the Canal under the authority of the Peace Creek Drainage District had historically resulted in unsatisfactory conveyance capabilities within the Canal, thereby lessening its limited flood attenuation capabilities; and

WHEREAS, the Canal runs through numerous privately-owned parcels and may be in the path of future growth and development; and

WHEREAS, the District has been performing maintenance of the Canal since 2005 by virtue of individual temporary license agreements with a portion of the land owners along the Canal; and

WHEREAS, Local Governments affected by the Canal's performance with respect to water conveyance and flood attenuation have requested that the District accept property interests along the Canal as development orders are processed and as land transitions occur for the purpose of accessing and maintaining the Canal; and

WHEREAS, the City of Winter Haven has developed the Sustainable Water Resource Management Plan, which includes a conceptual plan for restoring and protecting the water resources of the Peace Creek watershed for the benefit of water supply, lake levels, flood storage, water quality and habitat restoration through the use of comprehensive land use planning; and

WHEREAS, the District is in the process of creating a Peace Creek Canal Watershed Plan which will identify projects that will restore lost basin storage, improve water quality, provide flood protection benefits and improve natural systems to this area; and

WHEREAS, the District's Governing Board has approved an approach to acquire permanent access rights for Canal maintenance activities by obtaining voluntary conveyances of easement rights from individual property owners and through local government development orders as land transitions occur; and

WHEREAS, the approach that the District's Governing Board has approved will be most effective with the coordination of the District and Local Governments with jurisdiction along the Canal.

NOW, THEREFORE the parties, in consideration of the mutual terms, covenants and conditions set forth herein, hereby agree to the following:

1. **INCORPORATION OF RECITLES.** The forgoing recitals are incorporated herein as the factual basis for this MOU.
2. **OBLIGATIONS OF THE DISTRICT.**
 - a) The District agrees to identify lands necessary for the District to perform maintenance activities along the Canal to ensure water conveyance and flood attenuation conditions. The District further agrees to accept easements for access and maintenance over and across said lands from Local Governments at no cost to the District through local government development orders as land transitions occur; however the District is not obligated to accept easements or rights in excess of those necessary for access and maintenance.
 - b) With appropriate access and maintenance rights, the District will perform maintenance of the Canal such that the existing conditions for water conveyance and flood attenuation are preserved.

- c) The District will pursue acquisition of access and maintenance rights through voluntary conveyances from private property owners.
- d) The District will pay any transaction, recording or transfer fees, for which Local Governments would otherwise be responsible, related to the District's acquisition of access and maintenance rights.
- e) The District, through its cooperative funding program, and other programs within the District's responsibilities, will evaluate and consider matching funding with Local Governments to identify and implement projects to restore lost basin storage, improve water quality, provide flood protection benefits and improve natural systems within the watershed.
- f) If restoration projects along the canal that eliminate the need for Canal maintenance are completed and the District's Governing Board declares any property rights within such areas as surplus, the District will convey such rights to the Local Government with jurisdiction upon the request of said Local Government.

3. **OBLIGATIONS OF LOCAL GOVERNMENT.**

- a) Each Local Government will support the District's acquisition of property rights necessary for Canal access and maintenance.
- b) Each Local Government will pursue acquisition of property rights through voluntary conveyances from private property owners as it determines it is appropriate and in the best interest of the residents and citizens of Local Government.
- c) If any Local Government, at any time during the term of this MOU, is in possession of surplus property rights necessary for the District to carry out its obligations identified above, the Local Government will convey said rights to the District within a reasonable time at no cost subject to paragraph 2d above. The Local Government will retain to itself any rights deemed unnecessary by the District.
- d) Local Government will coordinate with the District to identify and implement projects to restore lost basin storage, improve water quality, provide flood protection benefits and improve natural systems to this area. They may seek District funding through the District's Cooperative Funding Program and coordination through other programs within the District's responsibilities.

4. **EFFECTIVE DATE.** This MOU will be effective when all parties have executed the MOU.

5. **TERM.** The term of this MOU will commence on the Effective Date of this MOU and continue in effect for twenty (20) years.

6. **INDEMNIFICATION.** The District and Local Government each agree to indemnify, defend and hold the other harmless, to the extent allowed under Section 768.28, F.S., from claims, loss, damage and expense arising from any negligent acts or omissions of their agents and employees related to their respective performance under this MOU. Nothing in this MOU will constitute a waiver, by either party, of the limitations of liability pursuant to Section 768.28, Florida Statutes regardless of whether any such obligations are based in tort, contract, statute, strict liability, negligence product liability or otherwise.

7. **LAW COMPLIANCE.** Local Government and District will comply with all applicable federal, state and local laws, rules, regulations and guidelines, and all applicable permit terms and conditions relative to performance under this MOU. Florida law will govern this MOU and any actions relating to said MOU shall be filed exclusively in the State and/or Federal Court with jurisdiction for Polk County, Florida.

8. **PUBLIC ACCESS TO RECORDS.** All records and documents generated or received by either party in relation to this MOU are subject to the Public Records Act in Chapter 119, F.S.

9. **ASSIGNMENT.** Any party to this MOU may not assign all or any part of its rights or responsibilities under this MOU without written approval of all parties.

10. **NOTICES.** Any and all notices, requests or other communications relating to this MOU or the performance of the parties hereto will be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefore, over night delivery or by certified mail posted prior to the expiration date for such notice, return receipt requested and first class postage prepaid. Such written notice will be addressed as follows:

To the District:
Southwest Florida Water Management District
Land Resources Department
2379 Broad Street
Brooksville, Florida 34604-6899

To Polk County:
Polk County
Parks and Natural Resources Division
Board of County Commissioners
4177 Ben Durrance Road
Bartow, Florida 33830

To the City of Bartow:
City Manager
450 North Wilson Avenue
Bartow, Florida 33830

To the City of Winter Haven:
Michael Britt, Director
Natural Resources Division
Post Office Box 2277
Winter Haven, Florida 33883-2277

With copy to (which shall not constitute notice):
Frederick J. Murphy, Jr., Esquire, City Attorney
Boswell and Dunlap, LLP
Post Office Drawer 30
Bartow, Florida 33831-0030

Memorandum of Understanding
Peace Creek Canal
SWF Parcel No. 20-696-MAIN

To the City of Lake Wales:
City Manager
Post Office Box 1320
Lake Wales, Florida 33859

To the Town of Dundee:
Town Manager
Post Office Box 1000
Dundee, Florida 33838

With copy to (which shall not constitute notice):
Frederick J. Murphy, Jr., Esquire, City Attorney
Boswell and Dunlap, LLP
Post Office Drawer 30
Bartow, Florida 33831-0030

To the Town of Lake Hamilton:
Town Manager
100 Smith Avenue
Lake Hamilton, Florida 33851

11. **ENTIRE AGREEMENT.** This MOU contains the entire agreement between the parties with respect to the maintenance of the Peace Creek Canal. There are no promises, agreements, conditions, undertakings, warranties or representations, oral, written, express or implied between the parties relating to the subject matter hereof other than as set forth herein.

12. **TERMINATION.** The District and Local Government may terminate this MOU upon thirty (30) days written notice to all parties to this MOU. Any individual Local Government may withdraw its participation in this MOU upon thirty (30) days written notice to all other parties hereof. If one or a combination of Local Governments withdraws its participation in this MOU, this MOU remains in full force and effect for all remaining parties. This MOU may also be terminated upon the written mutual consent of all parties.

The Remainder of this Page Intentionally Left Blank

Memorandum of Understanding
Peace Creek Canal
SWF Parcel No. 20-696-MAIN

IN WITNESS WHEREOF, the parties or their lawful representatives, have executed this Memorandum of Understanding on the day and year set forth next to their signatures below.

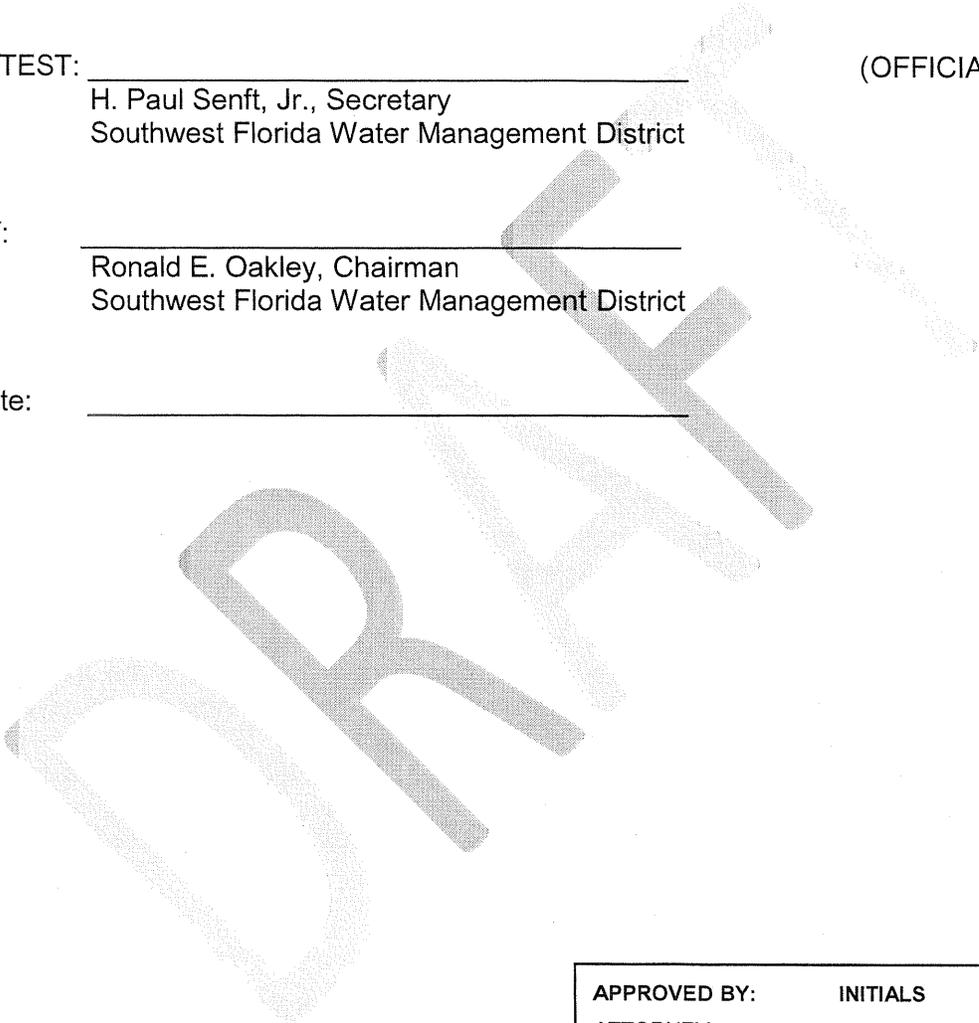
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ATTEST: _____
H. Paul Senft, Jr., Secretary
Southwest Florida Water Management District

(OFFICIAL SEAL)

BY: _____
Ronald E. Oakley, Chairman
Southwest Florida Water Management District

Date: _____



APPROVED BY:	INITIALS	DATE
ATTORNEY	_____	_____
MANAGER	_____	_____
DIRECTOR	_____	_____
DEPUTY EXEC DIR	_____	_____

Memorandum of Understanding
Peace Creek Canal
SWF Parcel No. 20-696-MAIN

LOCAL GOVERNMENT

ATTEST:
RICHARD M. WEISS, CLERK

POLK COUNTY, a Political Subdivision of
the State of Florida

By: _____
Deputy Clerk

By: _____
Chairman

Date _____

Date _____

Reviewed as to form and legal sufficiency

County Attorney's Office/Date

ATTEST:

CITY OF WINTER HAVEN, a Municipal
Corporation of the State of Florida

By: _____
City Manager

By: _____
Commissioner - Mayor

Date _____

Date _____

Reviewed as to form and legal sufficiency

Frederick J. Murphy, Jr., City Attorney/Date

Memorandum of Understanding
Peace Creek Canal
SWF Parcel No. 20-696-MAIN

ATTEST:

CITY OF BARTOW, a Municipal
Corporation of the State of Florida

By: _____
City Manager

By: _____
Mayor

Date _____

Date _____

Reviewed as to form and legal sufficiency

City Attorney's Office/Date

ATTEST:

TOWN OF DUNDEE, a Municipal
Corporation of the State of Florida

By: _____
Town Manager

By: _____
Councilman

Date _____

Date _____

Reviewed as to form and legal sufficiency

Town Attorney's Office/Date

Memorandum of Understanding
Peace Creek Canal
SWF Parcel No. 20-696-MAIN

ATTEST:

TOWN OF LAKE HAMILTON, a Municipal
Corporation of the State of Florida

By: _____
Town Manager

By: _____
Councilman

Date _____

Date _____

Reviewed as to form and legal sufficiency

Town Attorney's Office/Date

ATTEST:

CITY OF LAKE WALES, a Municipal
Corporation of the State of Florida

By: _____
Judith H. Delmar, City Manager

By: _____
L. Jack Van Sickle, Mayor

Date _____

Date _____

Reviewed as to form and legal sufficiency

Town Attorney's Office/Date

