

The meeting of the Lake Wales City Commission was held on December 17, 2013 in the Commission Chambers at the Municipal Administration Building. Mayor Eugene Fultz called the meeting to order at 6:00 p.m. following the invocation and the Pledge of Allegiance.

INVOCATION

Chief Jerry Brown gave the invocation.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Michael S. Carter; Betty Wojcik; Christopher Lutton; Jonathan Thornhill; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: None

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

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

MAYOR

Mayor Fultz thanked Commissioner Wojcik for attending the Ridge League Dinner representing Lake Wales.

Mayor Fultz said that he enjoyed the recent proclamation dinner hosted by the Business, Civic, and Ministerial Association and that Sheriff Grady Judd's presentation was excellent and commended the LWPD on the reduced crime rate that was highlighted during the event.

PRESENTATIONS

Mayor Fultz and Teresa Allen, Public Services Administrator, commended Vincent Crawford, Superintendent of Parks, who received certification as a “Certified Playground Safety Inspector” from the National Recreation and Park Association.

COMMUNICATIONS AND PETITIONS

Eileen Katz, 2378 Sunset Pointe Drive, suggested setting up a pilot program where a few citizens own a few chickens. A volunteer group would oversee the program and work with the staff to be sure all is going ok. Commissioner Carter said it was a great idea. Ms. Katz explained that the program could be very beneficial and hoped we can move forward. Commissioner Thornhill requested a written proposal and recommended that Ms. Katz communicate with Kathy Bangley, so that the commission could have something to review.

Nicholas Smith, 1001 Tower Blvd, presented concerns regarding the status of the Grand Hotel and the lack of tax revenues from the property.

CONSENT AGENDA

**Agenda Item 5. Approval of Minutes: December 3, 2013, Workshop Meeting
December 3, 2013, Regular Meeting**

Agenda Item 6. Special Event Permit Application for Lake Wales Main Street “Farmer’s Market”

[Begin agenda memo]

SYNOPSIS

The approval of the Special Event Permit application will allow Main Street to continue holding the “Farmer’s Market” on the second and fourth Saturday of each month for a period of three years, and will allow the temporary closing of the Marketplace, Marketplace parking lot, alley between Park Avenue and Stuart Avenue and the temporary closing of a portion of South Market Street between Central and Stuart Avenues.

RECOMMENDATION

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

1. Approve the Special Event Permit application from Lake Wales Main Street to hold the “Farmer’s Market” on the second and fourth Saturday of each month between the hours of 9:00 a.m. and 2:00 p.m.
2. Approve the request for a three-year permit which would begin on January 11, 2014 and end on December 31, 2016.
3. Approve the temporary closing of the Marketplace, Marketplace Parking lot, alley between Stuart Avenue and Park Avenue and a portion of South Market between Central Avenue and Stuart Avenue for each event.

BACKGROUND

Mr. Larry Bossarte, President of the Lake Wales Main Street Inc. has submitted a special event permit application for Main Street to continue holding the “Farmer’s Market” in the downtown area on the second and fourth Saturday of each month between the hours of 9:00 a.m. to 2:00 p.m. This application includes a request from Main Street for a three-year permit to begin on January 11, 2014 and end on December 31, 2016.

Lake Wales Main Street is requesting the temporary closing of the Marketplace, Marketplace parking lot, alley between Stuart Avenue and Park Avenue and the closing of a portion of South Market Street between Central Avenue and Stuart Avenue. The temporary closings will allow for the set up of the vegetable and fruit vendors, food vendors, and an area for musical entertainment.

The City’s departments have reviewed the application and found no issues or concerns with recommending approval of their request. If at any time during the permit time period changes or modifications are made to the event activities, a new Special Event Permit application will be required and must be approved prior to the event being held. Main Street will be responsible for meeting all requirements for site preparation, site clean up, and vendor licensing where necessary. Sanitary facilities will be provided by the Care Center Youth Center house. The Certificate of Liability insurance will be provided as required.

OTHER OPTION

Do not approve this special event permit application, the request for a three-year permit or the temporary closings.

FISCAL IMPACT

There is no cost to the City for this event.

[End agenda memo]

Agenda Item 7. 2013 Assistance to Firefighters Grant Application

[Begin agenda memo]

SYNOPSIS

\$288,828,075 in grant funding is available in 2013 under the Department of Homeland Security's Appropriations Act. This is a 95/5 percent matching grant for \$34,985 for the purchase and installation of Extrication equipment.

RECOMMENDATION

It is recommended that the City Commission approve the Fire Department staff to submit the 2013 Assistance to Firefighters Grant Application.

BACKGROUND

The Department of Homeland Security is accepting applications for the 2013 Assistance to Firefighters Grant. The grant request is for (2) Holmatro Power Units, (1) Holmatro Hydraulic Cutting Tool, CORE Hoses, and installation.

The grant application for \$34,985 allows for a 95/5 percent match requiring \$1,750 from the General Fund if awarded. Awarding of this grant will assist the Fire Department in upgrading needed extrication equipment.

Staff will follow city purchasing procedures as spelled out by ordinance in the event we are successful in the awarding of the grant.

FISCAL IMPACT

Fiscal Impact Statement attached

[End agenda memo]

Agenda Item 8. Engineering Services for the SR60 Westerly Water and Sanitary Force Main Route Analysis

[Begin agenda memo]

SYNOPSIS

The approval is for engineering services with Kimley-Horn and Associates for the SR60 westerly water and sewer force main route analysis for \$33,883.00.

STAFF RECOMMENDATION

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

1. Approve the contract with Kimley-Horn and Associates for \$33,883.00.

2. Authorize the City Manager to execute the appropriate documents on the City's behalf in regards to this service.

BACKGROUND

In an attempt to expand the City's utilities system westward towards the limits of the City's utility service area boundary, several factors have to be considered prior to development and construction of those utilities. This contract will allow Kimley-Horn and Associates the opportunity to work with staff to determine future water and wastewater demand estimates, identify up to three possible routes (to be determined by city staff), preliminary pipe size determination, and lift station and booster station sizing and location. The installation of these mains will provide service to be utilized by potential future development and any existing customers along the route.

Staff, therefore, recommends that the City Commission approve the contract with Kimley-Horn and Associates for \$33,883.00, and authorize the City Manager to execute the appropriate documents on the City's behalf in regards to this service.

OPTIONS

Chose not to approve the contract for the route analysis and possibly miss any opportunity for the possible development of the SR60 West corridor.

FISCAL IMPACT

\$575,000.00 has been placed in the 2013-2014 Capital Improvements Budget for the facilitation of this westward expansion.

[End agenda memo]

Agenda Item 9. Preliminary Financial Statements for November 30, 2013

[Begin agenda memo]

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of November 30, 2013.

The unaudited financial statements for the City of Lake Wales for the Period Ending November 30, 2013 are presented to the City Commission for review. At the end of November 30, 2013, the City was 17% into the fiscal year.

General Fund (001), page 2:

The General Fund appears to be materially on target with revenue and expenditure expectations.

Transportation Fund (102), page 7:

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

CRA Fund (105), page 10:

The CRA fund appears to be materially on target with revenue and expenditure expectations.

Library Fund (110), page 17:

The Library Fund appears to be materially on target with revenue and expenditure expectations.

Utility System Fund (403), page 27:

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

Airport Authority (404), page 29:

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End agenda memo]

Commissioner Lutton commended the Farmers Market efforts as a start to revitalizing our downtown.

OPENED PUBLIC COMMENT ON CONSENT AGENDA

There were no comments from the public regarding the consent agenda.

CLOSED PUBLIC COMMENT ON CONSENT AGENDA

Commissioner Lutton made a motion to approve the Consent Agenda. Commissioner Wojcik seconded the motion.

By Voice Vote:

Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

OLD BUSINESS

Agenda Item 15. **ORDINANCE 2013-19 – 2nd Reading - Public Hearing Amendments to Sign Regulations - Chapter 23 Zoning**

[Begin agenda memo]

SYNOPSIS

Expanding the areas where internally lit and electronic signs are permitted and allowing small neon signs in business display windows are proposed in Ordinance 2013-19, approved on first reading on November 19. The Planning and Zoning Board recommends the amendments, based on series of public hearings held over the last several months at the request of the City Commission. Following the adoption of major changes in the sign code in June of this year, the Commission charged the Planning Board to determine what additional amendments are needed to strike "a balance between community appearance standards and business signage needs."

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2013-19 after second reading and public hearing. A first reading of the ordinance was approved by City Commission at its November 19, 2013 meeting.

At a public hearing on October 22, 2013, the Planning and Zoning Board voted to recommend amendments to the sign regulations as set forth in Ordinance 2013-19 (summarized below).

In addition, the Board recommends that the concept of way-finding signs be explored to replace the use of A-frame sidewalk signs in addressing downtown signage needs.

The Board recognizes the importance of sign regulation in improving the community's appearance and recommends that enforcement of the regulations be set as a priority with sufficient staff resources to effectively and fairly administer the program.

BACKGROUND

With the passage of extensive amendments to the sign code in June, the City Commission requested the Planning Board to gather public input to determine what additional amendments are needed to strike "a balance between community appearance standards and business signage needs."

On July 23, 2013, a public meeting was held after 470 surveys were sent to local businesses. The city received nineteen (19) responses and eight (8) people attended the meeting. Discussion of sign issues continued at public meetings held by the Planning Board on the August 27 and September 24. A final public hearing was held on October 22 for which staff sent notification to 630 business tax receipt holders. Three members of the business community attended.

The Board discussed issues raised during the City Commission's review of the sign code amendments enacted in June as well as issues raised since then. In response to public comments, allowances on three types of signs were re-evaluated:

Internally lit signs – including box type signs and channel letters
Electronic signs – computerized, digital signs
A-Frame sidewalk signs

Internally Lit Signs

The Planning Board recommends expansion of the areas where internally lit signs are allowed. Currently, they are allowed only along US 27 and commercial areas along SR 60.

The recommended expansion areas are:

- Along Central Ave. from SR 60 to Scenic Highway
- Along First Street from SR 60 to Wiltshire Ave.
- Scenic Highway except the ban should be kept between Polk Ave. and Wiltshire Ave.
- SR 60 north side between Marietta St. and 13th St. (PF-Professional District)
- SR 60 west of US 27 – Industrial districts
- Mt. Lake Cutoff Road – LCI-Limited Commercial-Industrial and I-2 Industrial Infill Districts.
- C-4 Neighborhood Commercial Districts (southwest corner of Burns and Buck Moore)

Continuation of the ban on internally lit signs in the Downtown Historic District is consistent with the recommendations of the Historic District Regulatory Board.

The Planning Board also recommends allowing non-animated neon signs not exceeding 2 sq. ft. in size in display windows of businesses, regardless of zoning district.

Electronic Signs

Based on recommendations from the Historic District Regulatory Board and the Parks and Community Appearance Advisory Board, allowing electronic signs in the downtown and along the Scenic Highway is not recommended. Allowing electronic signs along the north side of Mt. Lake Cutoff Rd. (LCI-Limited Commercial-Industrial and I-2 Industrial Infill Districts) is recommended. The south side of the road is conservation land.

A-Frame Sidewalk Signs

The Board debated at some length on issues related to A-frame sidewalk signs. The Board recommends that eventually A-frame signs be eliminated in favor of a more effective method of addressing downtown signage needs, such as way-finding signs in the public areas and more effective use of wall, canopy, awning, and projecting signs. Way-finding signs are group signs pointing out various businesses in the vicinity of the sign. The Marketplace and landscaped areas in the downtown could be used for this purpose. Until the concept of way-finding signs can be explored, the Board recommends making no changes to the regulations on A-frame sidewalk signs. However, strict enforcement of the regulations on these signs is recommended to eliminate snipe signs in the right-of-way and other illegal use of portable signs throughout the city.

This recommendation stems from numerous issues with A-frame signs, including the potential for their becoming a hazard by being knocked over or blown away, blocking the sidewalk or impeding someone's exit from a parked car, as well as the cluttered look they can create. Sidewalk widths are variable, making it feasible for one business to have an A-frame sign while another cannot. A-frame signs were intended to inform pedestrians walking along the sidewalk, but are often used to substitute for ground signs which cannot be used on downtown properties where there are no front yards. However, they are often ineffective, with small lettering and parked cars and landscaping hiding them from view.

Several people have suggested that a system of way-finding signs in the downtown should replace A-frame signs. The Planning Board agrees.

Enforcement

It was the consensus of the board to recommend to the City Commission that enforcement of the sign regulations is a priority and to request that the Commission ensure that the Code Enforcement department has adequate resources to enforce the regulations along with all of the other codes.

FISCAL IMPACT

Adoption of the amendments to the sign code will have no fiscal impact. An enforcement program may require additional staffing and expenditures.

OTHER OPTIONS

The Commission may decide to modify the amendments recommended by the Planning & Zoning Board or to decline to make further amendments.

[End agenda memo]

Clara VanBlargan, City Clerk, read **ORDINANCE 2013-19** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE SIGN REGULATIONS IN THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS BY EXPANDING THE AREAS WHERE INTERNALLY LIT AND ELECTRONIC SIGNS ARE ALLOWED; ADDING A PERMIT EXEMPTION FOR SMALL NEON SIGNS IN BUSINESS DISPLAY WINDOWS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Commissioner Carter requested a written implementation plan along with approval of ordinance. Commissioner Carter made a motion to approve the sign ordinance with the requirement of a written implementation plan.

Kenneth Fields, City Manager, reviewed history of ordinance and the past lack of effort to implement the sign ordinance. He explained plans to enforce it beginning after the holidays. Will notify businesses, and allow for temporary situations. He stated that all the signs will be treated equally and we will be consistent. Most all businesses are aware of the ordinance and plans for revisions. The notification process of the

business regarding the sign ordinance was reviewed. Mayor Fultz asked Margaret Swanson, Director of Planning and Development, how many businesses received notification. Ms. Swanson said over 400 received the notification. Commissioner Wojcik encouraged the staff to move forward to implement the ordinance as this has been in process for two years.

The motion from Commissioner Carter died for lack of a second.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Wojcik made a motion to approve Ordinance 2013-19 after the second reading and public hearing. Commissioner Lutton seconded the motion.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"NO"
Mayor Fultz	"YES"

The motion carried 4-1.

NEW BUSINESS

CITY MANAGER

Agenda Item 12. City Commission Calendar

City Manager Kenneth Fields reported that there are no changes to the calendar.

Agenda Item 13. Annual Reporting – Boards, Commissions, and Committees

City Manager Kenneth Fields reported that per commission request, the chair from each of the boards, commissions, and committees are scheduled to be at one of the meetings each month to report on their activities beginning in January.

Agenda Item 11. City Commission Tracking Report

As part of a city commission request, City Manager Kenneth Fields gave a report on his first 120 days or 4 months in office.

Mr. Fields said that some reorganization has taken place including a new staff assistant at the front desk and put Public Services and Facilities Maintenance under Support Services along with Information Services to provide more balance and oversight. Now there is a live voice answering the phone and some information is now available at the front desk, which is going well.

An important accomplishment is the settling of some lawsuits including the one regarding the airport. Expansion can now move forward both at the Airport and Utilities. There is interest to provide two private hangars at the airport, which will generate additional revenue. We have been approached by Winter Haven who is supportive of our expansion efforts as they would also be beneficial to the CSX facility. This will help with our Utilities expansion down 60.

Parks Revitalization – Mr. Fields reviewed some of the progress made in our parks including putting in new playground equipment. He reported that there is a new fountain installed today in the lake by US HWY 27 & Central Avenue, and the new gazebo at Lake Wailes will be done tomorrow. We are moving forward with the rebuilding of a basketball court on Lincoln Avenue courtesy of a private grant.

EDC – Jim Bell came a few weeks ago and gave his first report, the city has a good relationship with the EDC. An inventory of vacant commercial properties within the city has been completed and delivered to the EDC. This inventory includes zoning information, aerials, physical location and other important information for any who need it. The planning department did a good job with this.

Mr. Fields reported that he recently met with the chair of the CFDC (Central Florida Development Council) and got some ideas from him and discussed possible development opportunities in the future.

Downtown revitalization continues to be a big issue. It is a big challenge that we are continuing to work on.

We have had no hurricanes this season but he would like to address the ordinance concerning Emergency Management Functions and make changes before next season.

Utility Expansion – We are making first steps to provide utilities along HWY 60, which are necessary to allow for future development.

Mr. Fields said that it has been a good 120 days. He commended the staff for their efforts and the commission for working with him and it has been a good start.

CITY COMMISSION COMMENTS

Commissioner Carter referenced the issues concerning stray dogs along the trail from the Bicycle/Pedestrian Advisory Committee minutes. He asked if we have a good relationship with animal control. Are they doing what needs to be done to round up strays. Kenneth Fields, City Manager, responded, yes we have good relationship with them, we would like more from them if possible but they have budget constraints as well and he will look into it. Mr. Fields said that he is interested in working with the county to get more resources from them.

Commissioner Carter stated that as we cannot yet give the employees an additional 1% raise, he made a motion to give all employees a half day off on Christmas Eve and a half day off on New Year's Eve. Commissioner Wojcik seconded the motion.

By Voice Vote:

Commissioner Carter	"YES"
Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Mr. Fields thanked the City Commission and said that proper notice will be given so that the public knows that City Offices will be closed early those days and those employees who have to work will be compensated appropriately.

Commissioner Carter reviewed a report on sales tax paid by the City over the past three fiscal years, which is \$25,000 [\$26,310.12]. Mayor Fultz said he presented this concern to the legislative delegation on Monday.

Commissioner Carter reviewed a report from Deputy Chief Troy Schulze on the non-emergency response times from the Polk County dispatch: 85% of the calls are answered within 5 seconds; and 13% are answered within 10 seconds. Commissioner Carter said the percentages are too low and asked what is acceptable. He said 98% of the calls should be answered within 3 seconds or less. Commissioner Wojcik asked what the percentage is for 10 seconds or less. Commissioner Carter responded that it was 98%. Commissioner Wojcik and Mayor Fultz stated that they found the response times acceptable.

Commissioner Lutton asked when the Commission could review plans for projects for example some of the Water and sewer projects. City Manager Kenneth Fields said the preliminary phase might be the best time to get Commission input. He will bring plans for some of the upcoming projects such as the Airport and Cemetery for their review. Commissioner Wojcik agreed that it would be nice to see them. Mayor Fultz said that because he attends various events around the county he might have input from other entities when reviewing the plans. Commissioner Lutton said that since he has a construction background he would like to be able to share his experience by offering input towards these projects.

Commissioner Wojcik encouraged Mayor Fultz to share comments and ideas that he hears with the Commission. Mayor Fultz said he would bring forth positive ideas to share with the Commission.

CITY MANAGER COMMENTS

The meeting was adjourned at 6:50 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk