

The meeting of the Lake Wales City Commission was held on August 5, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Fultz at 6:13 p.m. following the invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Howell; Betty Wojcik; Jonathan Thornhill; Christopher Lutton; 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

None

ANNUAL REPORT

No Report

COMMUNICATIONS AND PETITIONS

Nicholas Smith, 1001 Tower Blvd., said the Bill of Sale transferring the train cars to the City appears bogus as it was not witnessed, notarized, and unilaterally executed by the City Attorney without input by the City Commission or the public. He requested proof that the \$10 was actually paid. He requested a motion to sell the items back to the Historic Lake Wales Society and said that the Society will pay all fees. The train cars are not useful to the City or the Depot Museum and if sold, the profits will allow the museum to continue operating. If the Society dissolves the assets, they will be sold.

John Collette, Dinner Lake Loop, expressed concerns about the possible Family Dollar that may be constructed on Chalet Suzanne Road where the Chalet Suzanne property is. He commented that this was not a good spot and recommended a City park there instead as the City discussed the need for a park in that area. He suggested they should use one of the abandoned buildings in town for the store. There is not enough access that won't block traffic. He expressed concern about possible fatalities.

Kenneth Fields, City Manager, gave an update on the possible Family Dollar project. He said they will not allow Family Dollar to connect to the City utility line. So they are looking into a well and septic tank. Mr. Fields said this is not an appropriate place for this development. He requested that the Commission authorize him and the City Attorney to explore ways to prevent this from happening.

Mayor Fultz explained that he spoke with Eric Hinshaw, owner of the Chalet Suzanne, who explained that there are a lot of debts to pay off and this sale of property will satisfy some of those obligations. He sympathized with their situation. Mr. Hinshaw said that he was open to other possible buyers.

Commissioner Wojcik said that she would like to see the City Manager and City Attorney explore what options the City has and bring them back to the Commission. Commissioner Thornhill made a motion to this effect. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Thornhill "YES"
Commissioner Howell "YES"
Commissioner Wojcik "YES"
Deputy Mayor Lutton "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Deputy Mayor Lutton said as a former member of the Planning and Zoning Board, this is a bad plan, but the Government cannot stop bad decisions. Mayor Fultz said that the corner would be better but the Chalet doesn't own that property. Commissioner Lutton said the County should have told us about this.

Kathy Bangle, Assistant Director of Planning and Development, confirmed that we were not notified about it, they heard about it elsewhere. She said she discussed the matter with the County who said this is a permitted use. She described her concern about the lack of a deceleration lane among others. Local citizens will not be notified so she contacted the Homeowner's Associations at Dinner Lake and Carlsburg so they would know.

Kenneth Fields, City Manager, said that he reached out to Eric Hinshaw to discuss possibilities for that property.

Tom Dufresne, 4299 Dinner Lake Drive, said he lives right at the entrance of the community and would hear the noise from the Family Dollar. He expressed concerns about property values and safety for drivers and residents. This is not the best place for the Family Dollar store.

CONSENT AGENDA

**Agenda Item 5. APPROVAL OF MINUTES: July 15, 2014, Workshop Meeting
July 15, 2014, Regular Meeting**

Agenda Item 6. Contract Bid Award for Phase 1 Construction of New Lake Wales Cemetery

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding L. Cobb Construction, Inc. the contract for the construction of Phase I of the new Lake Wales Cemetery.

RECOMMENDATION

Staff recommends that the City Commission take the following action:

1. Award the bid for the construction of Phase I of the new Lake Wales Cemetery to L. Cobb Construction, Inc. for \$563,516.81.

BACKGROUND

In July 2013, the City Commission approved the Master Consulting Agreement #12-348 with Metzger & Williard, Inc. for the engineering design of 20 acres and construction assistance of the first 5 acres for the new Lake Wales Cemetery.

On June 26, 2014 the City of Lake Wales advertised an Invitation to Bid that the City was seeking proposals from qualified contractors to construct Phase I of the City of Lake Wales Cemetery.

A non-mandatory pre-bid meeting was held on July 10, 2014 at 10:00 a.m. and bids were opened on Thursday, July 24, 2014 at 2:00 p.m.

Award of bid was based on low bid and the ability of the company to perform the work as outlined in the scope of work.

Bids were received as follows:

L. Cobb Construction, Inc.	\$563,516.81
Henkelman Construction, Inc.	\$752,700.00
SEMCO Construction, Inc.	\$780,395.00
Pillar Construction Group, LLC	\$834,000.00

FISCAL IMPACT

This project will be funded by debt issuance.

OTHER OPTIONS

The City Commission has directed staff to move forward with this project.

[End Agenda Memo]

Agenda Item 7. Lake Wales High School Homecoming Parade 2014 Special Event and Road Closings

[Begin Agenda Memo]

SYNOPSIS

Approval of the special event permit application and the request for street closings will allow the Lake Wales High School Homecoming Parade to be held on Thursday, October 2, 2014.

RECOMMENDATION

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

- Approve the special event permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, October 2, 2014 from 4:00 pm to 6:00 pm.
- Approve the request for the road closing of First Street from SR60 to Central Avenue, Central Avenue from First Street to Lakeshore Boulevard, and from Lakeshore Boulevard to North Wales Drive at Legion Field
- Approve the closing of Orange Avenue and North 5th Street to Sessoms Avenue

BACKGROUND

Ms. Donna Dunson, Principal of the Lake Wales High School submitted a special event permit application for the Homecoming Parade to be held on Thursday, October 2, 2014 between the hours of 4:00 pm and 6:00 pm. Parade line up begins at 4:00 p.m. in the parking lot of Polk Avenue Elementary School and on south First Street with the parade starting at 5:00 p.m. The requested temporary street closings will involve the following streets;

First Street from State Road 60 to Polk Avenue, north to Central Avenue, east on Central Avenue crossing SR 17 and continuing to Lakeshore Blvd., north on Lakeshore Blvd. to North Wales Drive, Orange Avenue to N 5th Street, N 5th Street to Sessoms Avenue

The crossing of Scenic Hwy (SR 17) requires a road closing permit from the Florida Department of Transportation. This permit request has been submitted to the FDOT office in Bartow. All Departments have reviewed the application and have approved the event. Lake Wales Police Department and VOICE will be available to provide escort for the parade and for traffic control. The Streets Department will be providing assistance with the barricades for the street closings and will take care of normal street cleaning on Friday. The school has provided the required proof of liability insurance.

OTHER OPTIONS

Do not approve the request for the Homecoming Parade and the road closings for the event.

FISCAL IMPACT

In-kind service from the City is estimated to be \$1,308.00 for FY2014/2015. Lake Wales High School is responsible for 25% of the total cost or \$327.00.

[End Agenda Memo]

Deputy Mayor Lutton said there is a 30% difference than the next bid and is concerned when there is such a difference. He recommended some value engineering with the types of posts, the irrigation, windows, and other items. Kenneth Fields, City Manager, agreed and welcomed Deputy Mayor Lutton's suggestions. He said once the contract is approved they will look at some of those areas. Commissioner Thornhill concurred in that he noticed some of those cost differences as well. Mr. Fields said that those areas will be looked at.

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

By Voice Vote:

Deputy Mayor Lutton	"YES"
Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

OLD BUSINESS

[Begin Agenda Memo]

Agenda Item 8.

ORDINANCE 2014-07, Zoning Map Amendment - Equinox of Florida LLC Property, North of Chalet Suzanne Road – 2nd Reading & Public Hearing

SYNOPSIS

A change in the zoning classification from R-1B Single-family to R-3 Multi-family is proposed for 20 acres of property north of Chalet Suzanne Rd. and east of US 27. An apartment complex is proposed on the property by the owner, Equinox of Florida LLC.

RECOMMENDATION

A first reading and public hearing was held on the ordinance at the July 15th City Commission and the ordinance was approved for second reading.

A public hearing is required. Advertising requirements have been met.

BACKGROUND

An apartment complex is proposed for the 20-acre property, located north of Chalet Suzanne Rd. and east of US 27. The zoning change from R-1B Single-family to R-3 Multi-family, initiated by staff, will facilitate the development of apartments on the property.

The proposed R-3 zoning is consistent with the Comprehensive Plan's Future Land Use Map and related policies. About 8 acres of the property is designated as RAC-Regional Activity Center, the City's most intense commercial classification, where multi-family development is encouraged. The remaining 12 acres is designated MDR-Medium Density Residential. (See Attachment A.) Multi-family residential development is appropriate on the entire parcel because of its close proximity to a major commercial area and an arterial highway, US Highway 27.

The allowable density will not be increased by the zoning change. Density is governed by the Future Land Use Map, which in this case allows up to 12 units per acre on the RAC portion of the property and 6 units per acre on the area designated MDR-Medium Density Residential.

The developer proposes to submit a PDP (Planned Development Project) for approval in the fall. A 20-acre wetland parcel to the east, also owned by Equinox, is proposed as open space for transfer of density to the apartment parcel. (See attached Aerial Photo.) If the transfer is approved by City Commission under the PDP process, a conservation restriction and/or rezoning to Conservation will be recommended for the open space parcel.

The site presently has no roadway access. The developer will be required to construct a road from Chalet Suzanne Rd. to the project entrance. In the gap between the two 20-acre parcels, there is an easement granted to the developer from the property owner Star Lake Inc. for this purpose. The road will continue north in the future as the remainder of the Star Lake Inc. property is developed.

The R-1B zoning was assigned as an interim designation, until a master plan could be developed for the acreage east of Shoppes on the Ridge and Home Depot, all at one time owned by Star Lake Inc. However, no master plan was ever submitted for review.

OTHER OPTIONS

The City Commission could decline to approve the change in zoning designation. Apartments on the property could still be approved through the PDP process, but with the open space ratios required in a single-family district, it would be difficult to achieve the full allowable density.

FISCAL IMPACT

Processing the zoning change is the only fiscal impact on the City.

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE 2014-07** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP ESTABLISHED UNDER THE LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, TO CHANGE THE ZONING DESIGNATION OF 20 ACRES LOCATED NORTHWARD OF CHALET SUZANNE ROAD AND EASTWARD OF U.S. HIGHWAY 27 FROM R-1B SINGLE-FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2014-07** after second reading and public hearing. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Deputy Mayor Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

NEW BUSINESS

Agenda Item 9. Appointment – Planning & Zoning Board

[Begin Agenda Memo]

SYNOPSIS

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc.

RECOMMENDATION

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

The Mayor is asked to make the appointment as deemed appropriate.

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc.

Lake Wales Code of Ordinances Sec. 2-26 (3). Limit on Consecutive Terms:

1. Except as provided in paragraph (b) below, no person shall serve more than three (3) consecutive terms on a single board, commission or committee except that a person appointed to a partial term that is less than one-half (½) of the normal term for that particular board, commission or committee shall be permitted to serve three (3) consecutive terms in addition to the partial term. Members appointed before July 1, 1989, may be permitted to serve three (3) additional consecutive terms. This limit on consecutive terms may be waived for members of regulatory boards (i.e., planning and zoning board, board of appeals, code enforcement, etc.) with the recommendation of the city manager where, in the sole discretion of the city manager, special circumstances exist which warrant the appointment of a particular member to an additional term.
2. There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least six (6) members must reside in the City and one (1) member must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 resident; 07/01/16

Current Members: Joanne Fuller, resident 09/19/06 – 07/01/15, 3-Final
Mark Bennett, resident 05/07/13 – 07/01/15, 1
Charlene Bennett, resident 02/16/10 – 07/01/16, 2
Sharon Allen, resident 07/01/04 – 07/01/17, P+4-Final
Lloyd (Jack) Van Sickle, resident 06/21/11 – 07/01/17, 2
John Gravel, property owner 05/06/14 – 07/01/16, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its **membership** one (1) member to serve as chairman and one (1) to serve as vice-chairman.

1. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.
2. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.
3. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;

2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. To perform any other duties which are lawfully assigned to it by the city commission

Applying for appointment: Robby Bryant, resident

Planning and Zoning Board Chairman Charlene Bennett and Assistant Planning & Development Director Kathy Bangley interviewed Robby Bryant, and recommended appointment to the Board.

Robby Bryant currently serves as a member to the CRA Citizens Advisory Committee. Mr. Bryant is eligible to serve on both boards.

Applying for reappointment: None

Recommendation: The recommendation is for the Mayor to appoint Robby Bryant to serve on the Planning & Zoning Board for a term expiring on 07/01/15, and for the City Commission to consent to the appointment made by the Mayor.

OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for the boards to obtain a quorum until vacancies are filled.

FISCAL IMPACT

None. These are volunteer citizen boards.

[End Agenda Memo]

Mayor Fultz noted a correction, that the expiration of the term is July 1, 2016 and not 2015.

Mayor Fultz appointed Robby Bryant to a term on the Planning and Zoning Board to expire July 1, 2016.

Commissioner Thornhill made a motion to consent to the appointment. Commissioner Howell seconded the motion.

By Voice Vote:

By Voice Vote:

Commissioner Thornhill "YES"
Commissioner Howell "YES"
Deputy Mayor Lutton "YES"
Commissioner Wojcik "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Deputy Mayor Lutton asked if Mr. Bryant needed to step down from the CRA Citizens Advisory Committee. City Clerk Clara VanBlargan said no because the CRA Citizens Advisory Committee is only an advisory board.

CITY MANAGER

Agenda Item 10. City Commission Tracking Report:

Kenneth Fields, City Manager, reported that the Lake Wailes Trail project will begin shortly. The C Street project continues to move forward. Mr. Fields noted that they have gotten many positive comments on the upgrades to City Parks.

Agenda Item 11. City Commission Calendar

Mr. Fields reminded everyone that the Tuesday, September 2 City Commission meeting was changed to Wednesday, September 3 due to a TRIM requirement.

Agenda Item 12. Annual Reporting – Boards, Commissions, and Committees

None

CITY COMMISSION COMMENTS

Commissioner Wojcik asked if the CIP will be discussed again since changes need to be made. Mr. Fields said updated copies of the CIP will be provided to the City Commission before the first budget hearing on September 3, at which time it can be reviewed and modified again.

Commissioner Howell said she was happy with the minor improvements to the James P. Austin Community Center. Mayor Fultz agreed with the baby step improvements.

Commissioner Howell asked about the street name change to Washington Avenue. Mr. Fields said City staff is awaiting a response from the County.

Commissioner Thornhill asked if he can make a motion about the train cars. City Attorney, Albert C. Galloway, Jr, said that he will review the Bill of Sale to be sure it is valid, which he is pretty sure it is. It does not require notarization; he did not execute it and clarified the statement in the document Mr. Smith distributed that said the items can be given to a local government. He will review the documents and get back to the Commission.

CITY MANAGER COMMENTS

Kenneth Fields, City Manager, reported that he and the Mayor will be gone next week for a Florida League of Cities Conference.

MAYOR COMMENTS

Mayor Fultz thanked all the volunteer groups that have helped improve our parks and facilities in recent weeks.

The meeting was adjourned at 7:56 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk