CITY COMMISSION
REGULAR MEETING
OFFICIAL AGENDA
October 4, 2016
6:00 p.m.

Municipal Administration Building
Commission Chambers
201 W. Central Avenue
Lake Wales, FL 33853

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. ROLL CALL

5. MAYOR

5.I. PROCLAMATION: Fire Prevention Week; October 9 - 13, 2016

Documents:

FIRE PREVENTION WEEK.PDF

5.II. PROCLAMATION: Alpha Delta Kappa Week; October 12 - 18, 2016

Documents:

ALPHA DELTA KAPPA WEEK.PDF

5.III. PROCLAMATION: Florida Government Week; October 16 - 22, 2016

Documents:

FLORIDA CITY GOVERNMENT WEEK.PDF

5.IV. PROCLAMATION: Red Ribbon Week; October 23 - 31, 2016

Documents:

RED RIBBON WEEK.PDF

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS
   Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and whether your address resides inside or outside City limits. Please limit your discussions to five (5) minutes.

8. CONSENT AGENDA
   Any member of the public can ask the City Commission to pull a consent item for

separate discussion and vote that they would like to make comment on.

8.I. APPROVAL OF MINUTES: September 20, 2016, Regular Meeting

Documents:

2016-09-20REG.PDF

8.II. Lease Agreement – Christmas Decorations

The City Commission will consider entering into a lease agreement with Clark Sales Display, Inc. for Christmas decorations and a 17-foot panel tree with red and gold premier bows.

Documents:

MEMO-CHRISTMAS DECORATIONS 2016 AGENDA MEMO.PDF
CHRISTMAS TREE PROPOSAL.PDF
LIGHT POLE DECORATIONS.PDF

8.III. 3rd Annual Orange Blossom Revue; Dec 2-3, 2016

Approval of this request will allow the Noon Rotary Club to hold its third annual "Orange Blossom BBQ" event in Lake Wailes Park on Friday, December 2 and Saturday, December 3, 2016, allow a designated area for wine and craft beer sales, and allow the set up to begin on Thursday, December 1, 2016.

Documents:

AGENDA MEMO NOON ROTARY ORANGE BLOSSOM BBQ.PDF
OBR 2016 LW SPECIAL EVENT PERMIT APPLICATION -3.PDF
OBR MAP 2016 DRAFT.PDF

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Ordinance 2016-19, Amendment To Chapter 23 Zoning, Land Use And Development Regulations, Article VI Resource Protection Standards, Division 1, Development In Flood Prone Areas – 1st Reading

The adoption of Ordinance 2016-19 repeals and replaces Chapter 23, Article VI, Division 1, Development in Flood Prone Areas.

Documents:

MEMO - ORD2016-19, LW FLOODPLAIN MANAGEMENT ORDINANCE.PDF
ORD2016-19 LW FLOODPLAIN MANAGEMENT ORDINANCE (2).PDF

10.II. Appointment: Recreation Commission

Documents:

MEMO-BOARD APPOINTMENT.PDF
FITZGERALD-RECREATION.PDF

11. CITY MANAGER

11.I. Tracking Report

Documents:

TRACKING REPORT.PDF

11.II. Social Media Tracking Report

Documents:

SOCIAL MEDIA TRACKING.PDF

11.III. City Commission Meeting Calendar

Documents:

COMMISSION MEETING SCHEDULE, 10-04-16.PDF

11.IV. Other Meetings & Events Calendar

Documents:

OTHER MEETING AND EVENT CALENDAR.PDF

11.V. Information: Boards, Commissions, Committees

Documents:

DESCRIPTIONS 10-4-16.PDF
BOARD VACANCIES.PDF
BOARD APPLICATION.PDF
CITY CODE, SEC. 2-26.PDF

12. CITY COMMISSION COMMENTS

13. MAYOR COMMENTS

(The staff memos are incorporated into the official record)
Minutes of the City Commission meeting can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

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

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

PROCLAMATION

WHEREAS, the City of Lake Wales is committed to ensuring the safety and security of all those living in and visiting Lake Wales; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,650 people in the United States in 2015, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 365,500 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, in one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, Lake Wales' residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Lake Wales' residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

WHEREAS, Lake Wales residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Lake Wales first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

NOW, THEREFORE, I, Eugene Fultz, by virtue of the authority vested in me as Mayor of the City of Lake Wales, in the State of Florida, do hereby proclaim **October 9 – 13, 2016** throughout Lake Wales as

Fire Prevention Week

and I urge all the people of Lake Wales to test their smoke alarms at least every month by pushing the test button, and to support the many public safety activities and efforts of Lake Wales' fire and emergency services during Fire Prevention Week 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lake Wales, Florida to be affixed this October 4, 2016.

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Mayor Eugene Fultz

PROCLAMATION

WHEREAS, Wilma Ruman (Aug. 30, 1927-Aug. 2, 2016) dedicated her life to the education of children, the curriculum of physical education, the leadership of education in the community, and the advancement of teachers and students by teaching at Lake Wales Junior High School later named McLaughlin Middle School, substituting in classrooms after retirement, designing the curriculum for the Physical Education Program at the University of Akron, and teaching all levels of physical education in Ohio; and

WHEREAS, Ms. Ruman joined Alpha Eta, the local chapter of Alpha Delta Kappa International in 1969; and

WHEREAS, Alpha Delta Kappa is an international honorary organization of women educators which is devoted primarily to the recognition, support of women educators for their commitment to educational excellence, for personal and professional growth and for collectively channeling their energies toward the good of their schools, communities, the teaching profession, altruism, and world understanding; and

WHEREAS, Ms. Ruman served in leadership roles at the local, state, and regional levels of Alpha Delta Kappa developing bonds with fellow sisters throughout Florida and the United States; and

WHEREAS, Ms. Ruman entertained others using one liners known as "Ruminations" at state, regional, and international Alpha Delta Kappa conventions; and

WHEREAS, Ms. Ruman uplifted and led others at the Lutheran Church in Lake Wales, volunteered at the Lake Wales Public Library, and supported the Lake Wales Care Center;

NOW, THEREFORE, I, Eugene Fultz, by virtue of the authority vested in me as Mayor of the City of Lake Wales, in the State of Florida, do hereby honor the devotions of Wilma Ruman and proclaim **October 12 – 18, 2016** as

ALPHA DELTA KAPPA WEEK

throughout Lake Wales, Florida and encourage all citizens to recognize the significant impact that Ms. Ruman and all educators have on the students that they teach.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lake Wales, Florida to be affixed this October 4, 2016.

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Mayor Eugene Fultz

PROCLAMATION

WHEREAS, October 16-22, 2016 has been declared Florida City Government Week; and

WHEREAS, Florida City Government Week is a special time to recognize the important role played by city government in our lives; and

WHEREAS, Florida City Government Week is a time to spread the word to all citizens of Florida that they are an integral part of the government that is closest to the people; and

WHEREAS, City Government Week is part of an ongoing effort sponsored by the Florida League of Cities to raise public awareness about the services that cities perform and to educate the public on how city government works; and

WHEREAS, cities provide a higher level of service than most governments, and yet, many residents are unaware of how city services impact their lives,

NOW, THEREFORE, I, Eugene Fultz, by virtue of the authority vested in me as Mayor of the City of Lake Wales, in the State of Florida, do hereby proclaim October 16-22, 2016 as

Florida City Government Week

and encourage interested citizens to participate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lake Wales, Florida to be affixed this October 4, 2016.

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Mayor/Deputy Mayor

PROCLAMATION

WHEREAS, Alcohol and drug abuse in this Nation have reached epidemic stages; and; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, The National Red Ribbon Campaign offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during Red Ribbon Week, October 23-31; and

WHEREAS, business, Government, parents, law enforcement, media, medical institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, the community of Lake Wales further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW, THEREFORE, BE IT RESOLVED, I, Eugene Fultz, by virtue of the authority vested in me as Mayor of the City of Lake Wales, in the State of Florida, do hereby proclaim October 23-31, as

RED RIBBON WEEK

and encourages its citizens to participate in drug prevention education activities, not only during Red Ribbon Week, but all year long, making a visible statement that we are strongly committed to a drug-free community in the City of Lake Wales.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lake Wales, Florida to be affixed this October 4, 2016.

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Mayor Eugene Fultz

The meeting of the Lake Wales City Commission was held on September 20, 2016 in the Commission Chambers at the Municipal Administration Building. Mayor Eugene Fultz called the meeting to order at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

Dr. James Moyer gave the invocation.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Terrye Y. Howell; Robin Gibson; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Jonathan Thornhill, Deputy Mayor

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

5. MAYOR

Agenda Item 5.I. PROCLAMATION: Constitution Week; September 17-23, 2016

The Mayor read a proclamation proclaiming September 17-23, 2016 as "Constitution Week." Earlene Head with the Regent Lake Wales Chapter Daughters of the American Revolution accepted the proclamation on behalf of the organization.

6. PRESENTATION/REPORT

Agenda Item 6.I. ACMA Promotional Video

City Manager Kenneth Fields showed a five-minute promotional video on Lake Wales. He said the Commission recently approved the video being done through International City Managers Association (ICMA) and it will be shown at next week's ICMA convention. They did a great job capturing Lake Wales. Approximately 6,000 city managers across the United States will be attending that event. It will be on their YouTube channel and on our Website, and the EDC will use it as a promotional video. We are the owners of the video and the additional footage that was not included in the final video. Therefore, we can reedit or whatever else we would like to do with it.

Commissioner Howell said she wished that Spook Hill Elementary School, Roosevelt, and McLaughlin Middle School could have been included in the video because those are great schools as well.

7. COMMUNICATIONS AND PETITIONS

Victor Martinez, resident and representing the Lake Wales Bombers, said they took over the Northwest Complex about four years ago and told about a lot of the positive things going on there including an afterschool program to capture some of the kids from the community especially from the northwest community. This program helps with homework etc. They partner with different cities and continue to grow. Next summer they will be representing 2017 Team USA and were chosen to be the City host for that event. This year, they partnered with a national organization to allow the kids to move forward in the collegiate level so they get seen by different colleges. On October 22, they have the first showcase of 17 schools coming into their complex to see the boys play. The fields are in use every day of the week and completely booked through half of next year by different organizations and three academies in Orlando out of this area. The Bombers have a judiciary duty to keep up the fields, which they have been doing.

DRAFT

Commissioner Howell asked if the event on October 22 and the afterschool tutoring were for girls and boys and Mr. Martinez said yes, ages 9 through 14.

A resident [name was not clear on the meeting tape], representing Team Independence, said they need a home place to play baseball. They have been talking to James Slaton over a month and a half now and no one has gotten back to them. They made contacts with multiple fields and they are too busy to get back with them. There are other teams in Lake Wales that have no place to play and a resolution is needed to be made to make everything fair instead of just one organization given the right to a certain field.

The Mayor responded that James Slaton is working on that issue and he had said today that he has something in mind so when he is ready to sit down at the table he will make contact to make that solution known. He does not want to jump in the middle of that so he will stay out of it and let James Slaton do his job. Mr. Fields said something should be scheduled by the end of this week to work out a solution the best we can to accommodate everyone. The resident said Mr. Slaton had told him over a month ago that their organization would have a place to play.

Commissioner Perez asked the resident how many teams he had and he said four. There are other teams in Lake Wales besides them that are looking for a place to play. The Lake Wales Little League has accommodated them when they could but as far as other fields go, there has been no response, which is not an ethical way of doing business. They are the only one in Lake Wales that do not charge a $275 fee to play on a collegiate level etc. It should not take two months to figure out where they fit in.

Nichole [last name?], non-resident, said she brings her 11 year old and 14 year old children to Lake Wales to play with the Bombers and they love it. She said when deciding to merge some of the fields to do it in a manner to protect the health and welfare of some of the children.

8. PUBLIC HEARINGS

Agenda Item 8.I. **Ordinance 2016-16, Adoption of FY'2016-17 Millage Rate – 2nd Reading & Public Hearing**
Ordinance 2016-17, Adoption of FY'2016-17 Budget – 2nd Reading & Public Hearing

[Begin Agenda Memo, which is also the Agenda Memo for Agenda Item 8.II]

SYNOPSIS

The Commissioners will consider adopting a millage rate of 7.3273 mills for Fiscal Year 2016-2017. The Commissioners will also consider adopting the proposed operating budget.

RECOMMENDATION

After second reading and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2016-16, adopting a millage rate of 7.3273 mills for FY2016-2017;

2. Approve Ordinance 2016-17, adopting an operating budget for FY2016-2017.

BACKGROUND

In accordance with Florida Statutes and the City Charter, Ordinances 2016-16 and 2016-17 are presented for second reading and public hearing. Ordinance 2015-08 establishes the millage rate for FY16'17, and

DRAFT

Ordinance 2016-17 adopts the proposed FY16'17 budget. These ordinances must have separate public hearings and must be voted upon individually.

The proposed FY16'17 budget document includes the revenue and expenditure details for the General Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund, and Airport Fund.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter, which requires that the budget provide a complete financial plan of municipal funds and activities. Estimated current year ending fund balances have been considered and are included in the budget.

PROPERTY TAX

On July 19, 2016, the City Commission adopted an Interim Millage Rate, equal to the roll-back rate, of 7.3273. The proposed budget was balanced on the 7.3273 millage rate per $1,000 of taxable valuation. This should assist in the City's economic development efforts.

BUDGETARY CHANGES IN GENERAL FUND "REVENUE SOURCES & TRANSFERS IN" FOR FY16'17 COMPARED TO FY15'16:

General Fund revenues in FY16'17 ($11,500,691 + 1,168,500 – 478,267 vehicle leases = 12,190,924) are projected to be $352,429 greater than budgeted in FY15'16 ($11,293,936 + 1,157,500 – 612,941 vehicle leases = 11,838,495).

An expected increase of $352,429 is mainly due to the following items:

- Increase in ad valorem tax of $91,793 due to new construction
- Increase in sales and use taxes of $82,000 due to increase economy
- Increase in special assessments of $98,361 due to code enforcement liens and fire assessments
- Decrease in intergovernmental revenues of $63,528 due to reduction in grants
- Increase in charges for services of $175,805 mainly due to $83,605 management fees for water/sewer, $88,000 garbage fees.
- Decrease in miscellaneous revenue of $23,887 mainly due to expiration of the orange grove land lease.

BUDGETARY CHANGES IN GENERAL FUND "OPERATING EXPENDITURES" FOR FY16'17 COMPARED TO FY15'16:

General Fund "operating" expenditures in FY16'17 are projected to be $12,016,606, which is $944,486 greater than budgeted in FY15'16 $11,072,120.

Significant changes in "operating" expenditures include the following items:

- Net increase in personnel costs of $455,344 mainly due to increase of five (5) positions within the General Fund (Appendix-20) and a 1.5% COLA ($106,620, which is included within the $455,344 total). Two proposed additional Police Officer positions will not be filled if the City does not receive the requested C.O.P.S. grant.

- Net increases in operating cost for police department of $53,298, fire department of $48,367, general government services of $171,653, CRA services of $174,000 and library services of $41,281.

FUND BALANCE

DRAFT

The City's auditors, for several years, have strongly recommended that the General Fund have an unreserved fund balance equal to 15% to 20% of the total operating costs. The City's General Fund has realized unreserved fund balances equal to:

Fiscal Year	Unreserved Fund Balance
07'08	17.88%
08'09	24.13%
09'10	29.51%
10'11	21.97%
11'12	14.94%
12'13	10.15%
13'14	9.44%
14'15	20.00%

In terms of the proposed FY16'17 budget, a general fund emergency sinking account balance of $1.8 million to $2.4 million would be required to remain within the 15% to 20% margins. Within the proposed budget for FY 2016'17, management has recommended an appropriation of $150,000 for increasing the general fund emergency sinking account. Additional funds can be set aside if there are significant unanticipated increases in revenue collections or expenditures are significantly below budget.

SUMMARY OF ALL FUNDS

General Fund	$13,994,191
Special Revenue Funds	3,900,801
Debt Service Fund	2,682,847
Capital Projects Fund	545,000
Cemetery (LWMG)	209,578
Utility System Fund	25,029,436
Airport Fund	4,898,501
TOTAL	51,260,354

The expenditure total of $45,876,864 is comprised of operating costs in the amount of $23,847,109 and capital outlay in the amount of $22,029,755. Transfers in the amount of $1,949,465 bring total expenditures plus transfers to $47,826,329.

Capital expenditures include utility system improvements are budgeted as follows:

General Fund	$959,567

DRAFT

Special Revenue Funds	734,960
Capital Projects Fund	132,963
Utility System Fund	15,868,636
Airport Fund	4,333,629
TOTAL	$22,029,755

Note: Capital expenditures proposed for FY15'16 are itemized in "Schedule C" within the budget document.

BUDGET HIGHLIGHTS

A summary of the important aspects of the proposed FY16'17 budget document is provided as follows:

1. A 1.5% Cost of Living Adjustment (COLA) is budgeted for employees this year ($106,620 General Fund, $8,707 Library, $1,175 Airport, and $21,884 Utility System = $138,386).

2. The net effect of five (5) employee position has been added. In FY16'17 total personnel includes 182.50 positions compared to 177.50 during FY15'16

CONCLUSION

The proposed FY16'17 Budget continues responds to prolonged cut-backs over the last several years. During the recession, from 2007 through 2014, most departments had reached their lower limit in operating cuts and could not make any additional reductions without seriously compromising the quality of service to the public. As the local economy has improved during 2015 and 2016 the City's has been able to provide a higher level of service to the community.

There is no question that the City's financial resources were severely strained during the recession. The City continues to deal with the lingering impact of delayed infrastructure maintenance, rebuilding the emergency reserves, and economic growth within our City. However, recent trends in both new commercial and residential development, including the reuse of formerly vacant existing buildings indicates that the City's tax base is once again beginning to grow and that recent economic development efforts are paying off. It is expected that the 2017'18 Fiscal Year the City will see even greater growth in the ad valorem tax base and the expansion of city services will lead to additional voluntary annexations into the city.

As our community continues to realize growth and expansion an opportunity for some or all of the following will be possible 1) repayment to the general fund emergency sinking account, 2) funding of recurring operating expenditures, 3) a capital reserve replacement fund, 4) funding for capital items which require immediate replacement, 5) funding available for economic growth opportunities and 6) a possible reduction in the millage rate.

[End Agenda Memo]

Mayor Fultz announced the following information into the record:

1. The name of the Taxing Authority is the City of Lake Wales.
2. The rolled-back rate is 7.3273.
3. The millage rate to be levied is 7.3273, which is the rolled-back rate.

City Clerk Clara VanBlargan read Ordinance 2016-16 by title only.

DRAFT

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, FOR FISCAL YEAR 2016-17; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Fields reviewed Agenda Item 8.I. He said the roll-back rate and this is a budget that continues the progress made over the last couple of years and the millage rate that has been lowered substantially over the last two or three years. This budget improves public safety; provides for additional staffing; continues the initiatives made in Code Enforcement and demolition; and it provides additional funding to redo the CRA Plan and address the issue of how do we get downtown by providing funding from the CRA Budget to meet those needs. This is a budget the Commission can be proud of which continues the progress to make Lake Wales a better place to live.

The Mayor said by lowering the millage rate we open us up to more economic development and more completive to draw more businesses in because taxes are less they have to pay

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2016-16, adopting the City of Lake Wales millage rate of 7.3273, which is the rolled-back rate, after second reading and public hearing. Commissioner Perez seconded the motion.

By Roll Call Vote:

Commissioner Howell	“YES”
Commissioner Perez	"YES"
Commissioner Gibson	“YES”
Mayor Fultz	“YES”

The motion carried 4-0; 6:34 p.m.

Agenda Item 8.II. Ordinance 2016-17, Adoption of FY’2016-17 Budget – 2nd Reading & Public Hearing

[The Staff memo for Agenda Item 8.I is also for Agenda Item 8.II]

City Clerk Clara VanBlargan read Ordinance 2016-17 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY, AND ALL NECESSARY AND ORDINARY EXPENSES OF SAID CITY FOR THE 2016-17 FISCAL YEAR, APPROPRIATING ALL FUNDS TO BE RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES & BALANCES FOR SAID FISCAL YEAR, AND THE REPEALING OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 8.II

OPENED PUBLIC HEARING

DRAFT

Charlene Bennett, resident and representing the Main Street Board and Design Committee, said Main Street is the originator of the park greenway area down along the railroad track. They started meeting with James Slaton last June and have continued to meeting with him every month on a number of topics dealing with various concerns about downtown. He has been terrific to work with, very responsive, and very helpful. The biggest project has been the idea of the greenway. They want something that would be cohesive in connecting certain parts of downtown primarily Park Avenue and Stuart Avenue with a resting place, the Depot, and the Library. The idea is to have a meandering walkway from the Depot to the Library with increased landscaping, shade trees, picnic tables, and a pavilion to have small performances and people could sit around with blankets etc. At some point, the Depot Museum decided they wanted to do the part of it from the Depot to Central Avenue and asked them to stick with Central Avenue to Crystal, which is what they did. Mr. Slaton later expanded that into a bigger project that might eventually go around Crystal Avenue. She asked if it would be the CRA Board or the CRA Citizen Advisory Committee that would oversee details and what happens next since it is in the budget so they will know who to connect with so their interest continues to be heard and what they are proposing is still in the picture.

Mr. Fields said it will first go through the CRA Citizen Advisory Committee and then to the City Commission sitting as the CRA Board of Directors. James Slaton and Kathy Bangley will be coordinating that. The design phase will involve planning and James Slaton will be involved in the parks implementation side of it. We have to hire some architects and start developing some plans so we can put things out to bid. The architect will get input from the existing downtown group, CRA Citizen Advisory Committee, and the CRA Board to come up with the final architectural plans that the Commission will review before going out to bid. The project has expanded but it will not happen all at once or overnight.

The Mayor complemented Ms. Bennett for the first phase of the project they came up with and Ms. Bennett thanked the Commission for that budget item.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2016-17 after second reading and public hearing. Commissioner Gibson seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0; 6:41 p.m.

Agenda Item 8.III. Ordinance 2016-18, Five-Year Capital Improvement Plan, FY'2016/17 – FY'2020/21 – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2016/17 through 2020/21.

RECOMMENDATION

It is recommended that the City Commission approve after second reading and public hearing Ordinance

DRAFT

2016-18 adopting the Five-Year Capital Improvement Plan for fiscal years 2016/17 through 2020/21.

BACKGROUND

In accordance with section 6.05 of the City Charter, Ordinance 2016-18 adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY2016/17 through FY2020/21. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY16'17 operating budget, as are appropriation of funding sources necessary to implement Year 1 of the plan.

The 5-Year CIP document includes all capital facility and infrastructure improvements which staff believes should be undertaken during the next five years and supporting information to explain the necessity for the improvements. In addition, the CIP includes all capital equipment proposed for acquisition during this period. Cost estimates, method of funding and time schedule for the proposed improvements and equipment acquisitions are identified in the document.

The proposed 5-Year CIP totals $54,065,012 and includes $200,000 in land acquisition, $3,924,265 in building improvements/acquisitions, $45,461,384 in infrastructure and recreation improvements, $3,592,963 in equipment acquisition, and $886,400 in other capital outlay. Schedule "C," within the 5-year CIP, provides a detail listing of each asset type.

Improvements and equipment needs for the next 5 years were submitted by department heads with a justification of necessity and a recommended time schedule for completion or acquisition. These requests were prioritized by the City Manager in view of the available funding resources and urgency of need.

FISCAL IMPACT

Funding of the CIP will be accomplished through utilization of existing cash surpluses and current year operating revenues, future grants, private contributions, leases/debt service issuances, and impact fees. Growth related improvements will be funded by impact fees.

Costs of all capital improvements and equipment acquisitions are distributed over 5 years as follows:

Year 1 - FY2016/17	22,029,755
Year 2 - FY2017/18	11,820,149
Year 3 - FY2018/19	6,267,660
Year 4 - FY2019/20	8,327,796
Year 5 - FY2020/21	5,619,652
5 Year Total	54,065,012

All items scheduled for Year 1 are included in the proposed FY16'17 operating budget presented to the City Commission for consideration.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-18 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING,

DRAFT

APPROVING, ACCEPTING AND ADOPTING A 5-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2016/17 THROUGH 2020/21; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Fields reviewed Agenda Item 8.III and reminded the Commission that in order to get the budget balanced we had to move some of the projects into future years or downsize some of them. There is money in the capital improvement budget for improvements at the northwest complex. We are planning and hopefully as the tax dollars grow, we can do more of the projects but we are starting to improve the infrastructure and the quality of life for our residents.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2016-18 after second reading and public hearing. Commissioner Gibson seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

9. CONSENT AGENDA

Agenda Item 9.I. Approval of Minutes: September 7, 2016, Regular Meeting

Agenda Item 9.II. Approval of Minutes: September 13, 2016, Special Meeting

Agenda Item 9.III. Special Event Application: Homecoming Parade, October 13, 2016
[Begin Agenda Memo]

SYNOPSIS

This is a contract with TC Delivers for utility printing, inserting and mailing services.

RECOMMENDATION

It is recommended that City Commission authorize the City Manager to execute an agreement with TC Delivers. Contract initial term shall be from October 1, 2016 to September 30, 2019, plus two additional one-year renewals.

BACKGROUND

Outsourcing the billing process provides cost avoidance and efficiency in connection with the City of Lake Wales finance and utility departments. The City sent out an RFP for utility bill printing and mailing services. Proposals were received from the following vendors:

DRAFT

	Vendor	Location	3 - Year Cost Estimate	Average Monthly Cost
1	Arista	Duluth, GA	29,985.45	832.93
2	Cathedral Corporation	Orlando, FL	43,615.20	1,211.53
3	Pride Enterprises	Brandon, FL	23,170.59	643.63
4	TC Delivery	Orlando, FL	26,332.68	731.46

All Vendors had extensive experience, resources, and customer base.

FISCAL IMPACT

The estimated annual cost with TC Delivers is $8,777.56.

[End Agenda Memo]

Agenda Item 9.IV. Award bid for the purchase of Wetland Mitigation Credits

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider awarding the bid for the purchase of 3.93 wetland Mitigation Credits from the Boran Ranch Mitigation Bank through EIP Credit Company, LLC Mitigation Bank Coordinator to offset wetland impacts for the Runway 6-24 Extension project at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission take the following action:

1. Approve the purchase agreement for 3.93 Wetland Mitigation Bank Credits from the Peace River and Boran Ranch Mitigation Bank through EIP Credit Company, LLC Mitigation Bank Coordinator in the amount of $550,200.00.

2. Authorize the mayor to execute the agreement on behalf of the city.

BACKGROUND

In November 2015, the City Commission adopted Resolution 2015-20 a Joint Participation Agreement with the Federal Department of Transportation (FDOT) to provide funding to update the environmental assessment, mitigation, permitting, design update, and related activities necessary to bid the runway 6-24 rehabilitation and extension project.

On August 19, 2016, the City of Lake Wales advertised an Invitation to Bid that the City was requesting bids for the purchase of up to 5.0 non-forested mitigation credits at a cost of $140,000.00 per credit to offset wetland impacts associated with the Runway 6-24 Extension project in the Southwest Florida Water Management District (SWFWMD).

Bids were opened on Tuesday, September 6, 2016 at 2:00 p.m.

DRAFT

Staff received one proposal: EIP Credit Company, LLC (Peace River and Boran Ranch Mitigation Bank).

Mitigation credits have to be purchased from a mitigation bank within the basin that the project impacts. EIP Credit Company is the only mitigation bank in the Peace River Basin.

FISCAL IMPACT

Funded in the current 15/16 budget

OTHER OPTIONS

The City has already accepted funding from FDOT for the rehabilitation and extension project.

[End Agenda Memo]

Agenda Item 9.V. **The City Commission will consider the approval of the vendor selection of Gill's Heating & Cooling, Inc. for HVAC repair and replacement services.**

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider the approval of the vendor selection of Gill's Heating & Cooling, Inc. for HVAC repair and replacement services.

RECOMMENDATION

Staff recommends that the City Commission take the following action:

1. Approve the contract with Gill's Heating & Cooling, Inc.; and

2. Authorize the City Manager to execute the contract on behalf of the city.

BACKGROUND

On August 22, 2016, the City of Lake Wales advertised an Invitation to Bid that the City was seeking a qualified vendor to repair existing HVAC units and replace units in all City buildings when needed.

A non-mandatory pre-bid meeting was held on Monday, August 29, 2016 at 10:00 a.m. and bids were opened on Wednesday, September 7, 2016 at 2:00 p.m.

The agreement will be for the term beginning October 1, 2016 through September 30, 2019 with the option to re-new for two (2) additional one year terms upon the mutual agreement by both parties.

Staff received two proposals: Gill's Heating & Cooling, Inc. and Climate Control Mech Services, Inc. Gill's hourly rate for services, response time, location and experience made them the vendor of choice for this agreement.

FISCAL IMPACT

Funded in the FY 16/17 budget

DRAFT

OTHER OPTION

Do not award agreement

[End Agenda Memo]

Agenda Item 9.VI. Force Main Cleaning

[Begin Agenda Memo]

SYNOPSIS

The commission will consider accepting the quote of $66,860.00 for the force main cleaning services for the area of Lake Mable Loop to Highway 27 and Lake Ashton to the Sam P Robinson Waste Water Treatment Plant from Professional Piping Services based on pricing from and annual contract.

RECOMMENDATION

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

1. Approve the quote from Professional Piping Services for the Force Main Cleaning in the amount of $66,860.00.

BACKGROUND

The Eagle Ridge Mall Force main requires annual cleaning due to the distance this line must travel to reach the wastewater treatment plant and the low flow conditions that exist due to the lack of development in this area. The line that will be cleaned is the portion of the force main which includes Lake Mable down Chalet Suzanne Rd to Highway 27 and from Lake Ashton to Highway 27. Both lines will come together at this junction. The cleaning will continue on Highway 27 until it reaches the end of the line at the Sam P Robinson Waste Water Treatment. Sediment such as sand, plastics and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. The method proposed for the cleaning of these sections of force main is called the progressive poly pig procedure.

Staff is seeking commission approval to accept the price quote submitted by Professional Piping Services in the amount of $66,860.00 for the necessary cleaning of the force main.

FISCAL IMPACT

$65,000 was budgeted in the Wastewater Division's FY15'16 M&R Lines and Mains operating budget for this purpose.

OTHER OPTIONS

None. Without this required annual cleaning, the force main would become plugged and become inoperable. This in turn would cut off the sewer service for the subdivisions being serviced by this forcemain.

[End Agenda Memo]

Agenda Item 9.VII. Florida Spectrum Environmental Services, Inc for Laboratory Services Annual Contract

[Begin Agenda Memo]

DRAFT

SYNOPSIS

Staff requests commission approval to piggy back the Collier County annual contract with Florida Spectrum Environmental Services, Inc for Laboratory Services which expires on May 12, 2018.

STAFF RECOMMENDATION

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

1. Approve the Piggy Back contract with Florida Spectrum Environmental Services, Inc.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this service.

BACKGROUND

The City of Lake Wales' Water and Wastewater Divisions are required by the Environmental Protection Agency and the Florida Department of Environmental Regulation to routinely monitor and sample the water and solid residuals throughout the various stages of their respective treatment processes. The majority of these samples must be submitted to a laboratory certified by the State of Florida for analysis and reporting purposes to ensure that proper treatment is taking place and that compliance parameters are being met.

Staff is recommending the City Commission approve entering into a piggyback annual contract for these services. The contract staff is piggy backing is a contract by Collier County. Collier County went out for competitive bids, to which there were three responsive bidders. Collier County ultimately chose Florida Spectrum Environmental Services, Inc. Florida Spectrum Environmental Services is the current provider of all laboratory services for the City and staff is satisfied with the labs performance.

OPTIONS

None. This testing is a requirement per the Department of Environmental Protection.

FISCAL IMPACT

Both water and waste water have need to use lab services. Both divisions have budgeted monies in its respective budgets to cover the cost of testing in the FY16'17 budget year.

[End Agenda Memo]

Agenda Item 9.VIII. 41st Annual Pioneer Days Celebration and Road Closure

[Begin Agenda Memo]

SYNOPSIS

Approval of this request will allow the Pioneer Days Celebration to take place on October 28, 2016 - October 30, 2016 in Lake Wailes Park, allow vendors to set up RV's in the park, and allow for the temporary street closings for the Antique Car Parade.

RECOMMENDATION

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

DRAFT

1. Approve the special event permit application for the 41st Annual Pioneer Days Celebration, which includes the Lake Wailes Revival, to be held October 28, 2016 to October 30, 2016

2. Approve the temporary road closing as specified in this memorandum for the Antique Car Parade on October 29, 2016 from 11:00 a.m. to 1:30 p.m.

3. Approve the request for RV's and tents to be set up by vendors in Lake Wailes Park throughout the three-day event subject to the conditions specified by staff.

BACKGROUND

The City of Lake Wales submitted a Special Event Permit Application for the 41st Annual Pioneer Days celebration to be held from October 28, 2016 through October 30, 2016 at Lake Wailes Park. Pioneer Days includes a variety of vendors, demonstrators, attractions, and entertainers.

As part of Pioneer Days, the annual Lake Wales Revival will take place beginning Friday, October 28, 2016 and continue through Sunday, October 30, 2016 in Lake Wailes Park. Some of the set-up will begin on Thursday, October 27, 2016 at approximately noon. The event time for each day is from 7:00 p.m. to 9:00 p.m. with clean up and securing of equipment each night between 9:00 p.m. and 10:00 p.m.

Another part of Pioneer Days will include the launch of the new audio walking tours. This event will include tours of downtown beginning at the Depot Museum throughout the day on Saturday.

This application also includes a request for vendors to set up RV's and tents in Lake Wailes Park throughout the three-day event. Vendors would like to stay on site for security reasons and protection of their property. Per Sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit. Staff recommends that approval specify the following conditions:

- The RV's will arrive no earlier than 8 a.m. Thursday, October 27, 2016 and must depart no later than 9 p.m. on Sunday, October 30, 2016 allowing ample time for take down and clean up.
- The RV's, vehicles, and tents will be set up in areas as designated by the City.
- No parking of vehicles will be allowed off pavement except in areas approved and designated by the City.
- No vehicles shall be parked or driven within 15 feet of the trunk of any trees within the park. Event personnel will install tape or temporary fencing to protect the trees.
- No vehicles shall drive or park on the bike path or cross the bike path.
- Vendors approved to set up inside the "horseshoe drive" across from the basketball courts, shall maintain a 15-foot distance from tree trunks.

The event will also include the Antique Car Parade on Saturday, October 29, 2016 from 11:00 a.m. to 1:30 p.m. and require approval of the temporary closing of several streets. The requested temporary street closings will involve the following:

> From Seminole and Scenic Highway south on Scenic Highway to Park Avenue; east on Park Avenue; travel on the "Horseshoe Drive" in the park until reaching Lakeshore Blvd.; and end in Lake Wailes Park.

On Friday, October 28, 2016, vendors and participants will be setting up in Lake Wailes Park beginning at 10:00 a.m. The main event will commence on Saturday, October 29, 2016 with the Pioneer Hour at 10:00 a.m. and will continue throughout the day with events and activities until 5:00 p.m. Sunday's activities will begin at 11:00 a.m. and will wrap up at 4:00 p.m.

DRAFT

OTHER OPTIONS

Do not approve the Special Event Permit Application for the Pioneer Days Celebration, Lake Wales Revival or the request for the road closures.

FISCAL IMPACT

In-Kind services for this event provided by the City will be approximately $4,508.

[End Agenda Memo]

Agenda Item 9.IX. Grant Application of Tourist Development Council funds for Pioneer Days

[Begin Agenda Memo]

SYNOPSIS

A Grant Award Agreement with Polk County Sports Marketing to accept a grant of $2,223 for Pioneer Days Advertising. This grant requires a 1 to 1 Match of which 75% may be documented in- kind services or products. The agreement must be returned September 22, 2016.

RECOMMENDATION

Staff recommends that the Commission approve of the Grant agreement with Polk County Sports Marketing to accept $2,223 in grant funds to help promote Pioneer Days and authorize the City Manager to sign the agreement.

BACKGROUND

The City of Lake Wales applied for this grant in March and was awarded $2,223 to help with out-of-county advertising for Pioneer Days. The goal of these grants is to increase awareness of and participation in the quality and diversity of arts culture and heritage programs in Polk County, generate incremental overnight stays in Polk County as well as other incremental economic activity in addition to overnight stays.

OTHER OPTIONS

Do not accept the grant.

FISCAL IMPACT

A 1 to 1 match is required of which 75% may be documented in- kind services or products. The maximum impact would be $2,223. Total cost would be $4,446 for Pioneer Days Advertising.

[End Agenda Memo]

Agenda Item 9.X. Mountain Lake Community Service grant

[Begin Agenda Memo]

SYNOPSIS

DRAFT

This is a grant application to the Mountain Lake Community Service grant for $3,500. The grant requires no match.

STAFF RECOMMENDATION

Staff recommends that the City Commission approve a grant application to the Mountain Lake Community Service grant for money that will be allocated to developing a Notable People ID program at the Museum. The IDs will act very much like boarding passes at the Titanic Museum in Tennessee; the Notable People ID cards at the museum will highlight pioneers to the area.

BACKGROUND

The Mountain Lake Community Service grant provides organizations serving the Lake Wales area an opportunity to apply for funding each year that supports education.

If our application is accepted, the grant money will be used to develop the necessary components of the Notable People ID program. This includes graphic design, content design, printing, and labor.

There is no fiscal impact from this grant; there are no matching funds required.

OTHER OPTIONS

Do not apply for this grant

FISCAL IMPACT

See attached statement.

[End Agenda Memo]

Commissioner Howell made a motion to approve the Consent Agenda. Commissioner Gibson seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

10. OLD BUSINESS

11. NEW BUSINESS

Agenda Item 11.1. Resolution 2016-20, State Revolving Funds Loan Application for SR 60 West Utilities Expansion

[Begin Agenda Memo]

SYNOPSIS

DRAFT

Approval of Resolution 2016-20 authorizes staff to submit and for the Mayor to sign the loan application for the SR 60 West Utilities Expansion to extend the sewer lines to the airport and to the end of the service area on SR 60 W.

STAFF RECOMMENDATION

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

1. Adopt Resolution 2016-20

2. Authorize city staff to submit and the Mayor to sign an application for the construction loan funding from the state revolving loan fund in an amount currently estimated to be $3,765,412 which includes the base loan amount of $3,698,112 plus estimated capitalized interest of $67,300.

BACKGROUND

The state revolving loan fund provides loans for local government utility projects. The City's SR 60 West Utilities Expansion for the sewer line installation is an eligible project. The City has the opportunity to apply for a low interest loan through the State Revolving Fund for making these necessary improvements.

OTHER OPTIONS

Staff could be directed to go out on the open market for financing which would result in a higher interest rate than what is being offered by the Florida Department of Environmental Protection.

FISCAL IMPACT

Estimated debt service for the loan amount of $3,765,412 (base loan $3,698,112 plus estimated capitalized interest of $67,300) would be $238,970 annually over a twenty year repayment period.

[End Agenda Memo]

City Clerk Clara VanBlargan read Resolution 2016-20 by title only:

A RESOLUTION OF CITY OF LAKE WALES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Sarah Kirkland, Utilities Director, reviewed Agenda Item 11.I. She said this is for the funding for the waste water portion of the SR 60 utilities expansion project which will take the waste water facilities to the airport and then along SR 60 to the end of the service area.

Commissioner Howell made a motion to adopt Resolution 2016-20. Commissioner Perez seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"
Commissioner Perez "YES"

DRAFT

Commissioner Gibson "YES"
Mayor Fultz "YES"

The motion carried 4-0.

12. CITY MANAGER

Agenda Item 12.I. Pay for Performance Plan

Mr. Fields reviewed the Pay for Performance Plan and said the Commission early on recommended having some type of pay for performance plan for City employees and HR has developed that program. This will be in addition to the cost of living increases as mentioned in the first budget hearing which the Commission approved in the budget: a 1% to be paid on October 1 and 1% to be paid on April 1. In addition to that, when non-bargaining employees come due for their annual evaluation they will be eligible to receive a 0% to 3% pay for performance increase depending on the economic circumstances and at his discretion. This is a way of recognizing employees for doing something over and above expectation on a regular basis. There is also an option to reward employees a 0% to 3% one-time bonus or a salary adjustment for doing something extraordinary on a one-time basis or for a short period such as recommending something that would save the City a significant amount of money or affect how the City operates. HR did a good job in coming up with guidance. He will tell the directors that as great as the employees are not every one of them are perfect so he doesn't want to see everybody recommended for the 3% increase so he will be evaluating directors on their ability to evaluate their employees fairly and consistently.

The Mayor said this is something discussed early on and everybody thought it was a great idea.

Commissioner Howell said she had said at that time it was not a great idea and she still thinks the same. The Mayor asked if she was equating that to the pay for performance in the school systems. Commission Howell said yes and to the human factor of the pay for performance. Every City employee should be doing a great job and their given the COLA for that so she does not see giving them a pay for performance increase as well. The Mayor said if somebody comes up with a money saving proposition to save the City money then that person deserves recognition. Commissioner Howell explained that the pay for performance increase would not be fair. It is not possible for some employees to get extra money because they are shut up in a box and some employees are able to get the increase because their job has room for expansion to allow them to do more than what is already assigned to them. It is also the human factor of it when a supervisor favors an employee more. The Mayor said the documentation would be the proof. Mr. Fields said evaluations are done in writing and he will be tracking every evaluation and rate the rater. He said if an employee feels that they have not been treated fairly they are allowed to come to the podium and tell the Commission that and he recognizes that right. If the system does not work, it can be looked at and adjusted. Commissioner Howell said some employees know how to fluff things. They do all the extra things and do not do their own job as well as they could.

Commissioner Perez said we have to trust our supervisors and directors and if they cannot be trusted, they should not be doing that job and the City Manager should evaluate them and get rid of them. Supervisors and directors have the authority and discretion to recommend an employee for a particular pay for performance. If someone is responsible for cutting the grass and see that the machine being used is not adequate for the job, and recommend something better to his or her supervisor then that person should get the increase. He does not mean to only identify the problem but identify a solution that might be workable. Every major corporation that he is aware of has this kind of process and it is an excellent opportunity for us to join the 21st Century and provide employees the opportunity to be paid for performance that is beyond what is expected of them.

Commissioner Gibson said the important thing is to ensure productivity and employee morale. When we do something like this, we are taking a risk on both sides. When everybody is paid the same and some of them

DRAFT

are much more productive and better than others this obviously hurts morale, which eventually cuts into productivity. If it is administered unfairly and whoever is passed over will not be happy and will use the word "politics." Guidance is the key word and it is important to have some objective criteria to provide that. We should come to an evaluation point in about six months and evaluate productivity and moral. If employee morale is going down because of this kind of discretion that is being used by superiors over them in a very important area of salary then we need to scrap it.

Commissioner Perez said he agreed with keeping up with morale but he does not see how this would indicate that. There is always going to be someone complaining and that person should bring it to a higher court and demonstrate that they are in fact eligible for a pay increase or complain about the person to the right authority instead of moaning and groaning in the workplace about what is going on relative to morale. Morale is largely based on supervisors or administrators ability to work with their people. Employees in turn should be able to go to their supervisors and let them know when they are not doing their job and come to the Commission if that is the case.

Mr. Fields said the key is documentation and evaluations are written documentation. The supervisors are responsible for highlighting exactly why employees are being rated the way they are in a variety of areas based on their job description. Not only does that provide backup to the documentation it provides a rationale if an employee wants to appeal what was written about them if they feel it is not true. Therefore, it is a risk, and hopefully over the next year, the morale will stay high and the employees will appreciate the fact that if they do put forth extra effort this is a way of recognizing it. Employees know who the top people are, who puts out, and who does not. He wants every employee to be great and feel like they are the top person there. That will not always be the case. Feedback is important, an evaluation lets people know where they do a good job and where they can do better, and then next year if they worked on that they could get that extra kick over and above the COLA.

Commissioner Howell asked if a supervisor were not doing this fair would there be a consequence. If they already know who the go-getters and the slackers are why haven't they done anything to bring those slackers up and put them on some kind of plan so they would have a goal to reach. Mr. Fields said he would evaluate the supervisors and directors on how well they evaluate their employees.

Commissioner Perez said 70% to 80% of employees meet expectations, which is expected. However, there is a group of people that exceed expectations and those are the people we look at and then there is a group of people that far exceeds expectations and those are the people that are going to be promotable and we have to make sure that there are opportunities for that. One of the problems with a city this small is that there are limited opportunities for promotion so that is why some of employees get jobs elsewhere for higher pay.

Mayor Fultz said he appreciates all the conversations we have had on this but we are not going to change anyone's mindset as to where we stand right now by continuing to discuss it. Commissioner Perez said if the Commission had something else to say under the Commission portion of the meeting then they should have that opportunity to do so and the Mayor said he does not want to sit there hearing the same thing repeatedly.

The Mayor asked if the Commission was to vote on this item and Mr. Fields said it is only for informational purposes. The procedural guidelines are already in place.

Commissioner Gibson said the City Manager is responsible for the administration of the personnel and he is only keeping us informed.

Mr. Fields said he would be out of town beginning this Sunday to the end of next week attending the ICMA conference. He said the first Monday in October there would be a food truck rally at the Lake Wailes Park from 5:00 p.m. – 9:00 p.m.

DRAFT

The Mayor said there is a Broad Band Committee that has been meeting throughout Polk County for a while now. He has not been able to make any of the meetings but they do need a designated person from Lake Wales on that Committee. The Mayor of Lakeland, Howard Wiggs, runs that meeting and that will be one of the discussions at the Mayors Roundtable meeting tomorrow. Mayor Wiggs asked if one of the Commissioners would like to serve on that Committee as a representative to the City because we are behind everybody when it comes to broadband in our City. The Commissioners were not interested in serving. Commissioner Gibson asked if it had to be a Commissioner and the Mayor said Mayor Wiggs specifically asked for an elected official. The City Manager asked the Mayor if there could be citizen representatives serving on the Committee. Commissioner Gibson said he knew of two outstanding people in town that would make a wonderful contribution to that but they are not on the City Commission. It helps if there is someone on the Committee that is also qualified for he has a hard time with an iPhone. The Mayor said he would find out tomorrow and get back with the Commission.

City Attorney Albert Galloway, Jr. said he would be having a medical procedure that would preclude him from attending the first meeting in October. Tom Drage is an attorney that has been working with the City as special counsel for certain utility projects, he served in the Florida Legislature before, he was County Attorney in Orange County, he knows the business and is willing to sit in for him at the first meeting in October.

Agenda Item 12.II. **City Commission Tracking Report**

Agenda Item 12.III. **Social Media Report**

Agenda Item 12.IV. **City Commission Meeting Calendar**

Agenda Item 12.V. **Other Meetings & Events Calendar**

Agenda Item 12.VI. **Information: Boards, Commissions, and Committees**

13. CITY COMMISSION COMMENTS

14. MAYOR COMMENTS

The meeting was adjourned at 7:20 p.m.

_____
Mayor/Deputy Mayor

ATTEST:

_____
City Clerk Clara VanBlargan, MMC

DRAFT

MEMORADUM

September 27, 2016

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Teresa Allen, Assistant Public/Support Services Director

SUBJECT: Lease Agreement – Christmas Decorations

SYNOPSIS

The City Commission will consider entering into a lease agreement with Clark Sales Display, Inc. for Christmas decorations and a 17-foot panel tree with red and gold premier bows.

RECOMMENDATIONS

Staff recommends that the City Commission approve the following action:

1. Approve a lease agreement with Clark Sales Display, Inc. for Christmas decorations $12,180.00 for and a 17-foot panel tree with red and gold premier bows for $3,500.00.

2. Authorize the City Manager to execute the contract on behalf of the city.

BACKGROUND

The City has been utilizing a continued lease option for Christmas decorations with Clark Sales Display, Inc. since 1999. The current lease ended December 2015.

Clark Sales Display, Inc. and Display Sales are the only companies that responded to the request for a quote for Christmas decorations. Display sales informed us that they do not lease Christmas decorations they only sell them. The proposal from Clark Sales Display, Inc. includes installation, removal, maintenance and storage.

The agreement will be for the term beginning October 1, 2016 through September 30, 2019 with the option to re-new for two (2) additional one year terms upon mutual agreement by both parties.

OPTIONS

Do not approve the agreement

FISCAL IMPACT

Funded in fiscal year 16’17 budget

ATTACHMENTS
Clark Sales Display, Inc. lease proposal.

CLARK SALES DISPLAY, INC.

POST OFFICE BOX 1007
TAVARES, FLORIDA 32778
1-800-962-7937/ 352-343-5899 / FAX: 352-343-0194
WWW.CLARKSCHRISTMAS.COM

PROPOSAL

SALES ~ LEASE ~ INSTALLATION

TERESA ALLEN
LAKE WALES, CITY OF
P O B 1320
201 WEST CENTRAL AVE
LAKE WALES, FL 33859-1320
Phone: 863-678-4182

JOB NAME / LOCATION
TERESA ALLEN
LAKE WALES, CITY OF
P O B 1320
201 WEST CENTRAL AVE
LAKE WALES, FL 33859-1320

Questions? call ANNE-MARIE

Quote Expires on: 9/2/2016

Quote Number: 160122 CITY OF LAKE WALES
Date 8/23/2016

Qty	REF.	Description	Price	Extend
1	1-YEAR	THE LEASE, INSTALLATION, REMOVAL, AND STORAGE OF THE FOLLOWING HOLIDAY DECORATIONS FOR 2016.	$0.00	$0.00
1	SSPT-14	17' PANEL TREE INCLUDING THE STAR, WITH C-7 MULTICOLORED LED LIGHTS, ORNAMENTATION, AND 18" RED WITH GOLD TRIM PREMIER BOWS.	$3,500.00	$3,500.00
1	INFO	DECORATIONS WILL BE INSTALLED IN NOVEMBER, AND REMOVED TO OUR STORAGE FACILITY IN JANUARY. WE DON'T DO MID SEASON SERVICE UNLESS DANGEROUS CONDITIONS APPLY AND THEY WILL BE CORRECTED AS SOON AS POSSIBLE. WE ARE IN THE DISPLAY BUSINESS ONLY, AND DO NOT DO ANY ELECTRICAL WORK OTHER THAN PLUGGING INTO EXISTING OUTLETS.	$0.00	$0.00
1	PAYMENT	PAYMENT TO BE MADE AS FOLLOWS: ALL LEASE CONTRACTS ARE BILLED IN OCTOBER OR NOVEMBER OF EACH YEAR; NET 30 DAYS		
1		*****WE WILL NEED THE EXACT LOCATION OF WHERE THE TREE IS TO BE INSTALLED AND IT MUST BE LEVEL GROUND AND BE ACCESSIBLE TO A BUCKET TRUCK******		
			TAX	
			TOTAL ANNUAL LEASE	$3,500.00

Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and are herby accepted. You are authorized to do the work as specified. Payment will be made as outlined above, it is acknowledged and agreed that by signing this proposal a contract will thereafter exist between the parties the terms of which contract will be those described in this proposal

Signature: _____

Signature: _____

Name: _____ *Title:* _____

ALL MATERIALS IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN A PROFESSIONAL MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATION INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKES ARE FULLY COVERED BY WORKER'S COMPENSATION INSURANCE.

CLARK SALES DISPLAY, INC.

POST OFFICE BOX 1007
TAVARES, FLORIDA 32778
1-800-962-7937/ 352-343-5899 / FAX: 352-343-0194
WWW.CLARKSCHRISTMAS.COM

PROPOSAL

SALES ~ LEASE ~ INSTALLATION

TERESA ALLEN
LAKE WALES, CITY OF
P O B 1320
201 WEST CENTRAL AVE
LAKE WALES, FL 33859-1320
Phone: 863-678-4182

JOB NAME / LOCATION
TERESA ALLEN
LAKE WALES, CITY OF
P O B 1320
201 WEST CENTRAL AVE
LAKE WALES, FL 33859-1320

Questions? call ANNE-MARIE

Quote Expires on: 9/2/2016

Quote Number: 160121 LAKE WALES
Date 8/23/2016

Qty	REF.	Description	Price	Extend
1	1-YEAR	THE LEASE, INSTALLATION, REMOVAL, AND STORAGE OF THE FOLLOWING HOLIDAY DECORATIONS FOR 2016 HOLIDAY SEASON.	$0.00	$0.00
84	POLE MOUNT	2013 SELECTION FOR THE DECORATIONS FOR THE LIGHT POLES ARE: (30) SILHOUETTE DIAMOND WITH BELL (22) SILHOUETTE CANDLE WITH POINSETTIA (32) SILHOUETTE STAR SPRAYS	$145.00	$12,180.00
1	INFO	DECORATIONS WILL BE INSTALLED IN NOVEMBER, AND REMOVED TO OUR STORAGE FACILITY IN JANUARY. WE DON'T DO MID SEASON SERVICE UNLESS DANGEROUS CONDITIONS APPLY AND THEY WILL BE CORRECTED AS SOON AS POSSIBLE. WE ARE IN THE DISPLAY BUSINESS ONLY, AND DO NOT DO ANY ELECTRICAL WORK OTHER THAN PLUGGING INTO EXISTING OUTLETS.	$0.00	$0.00
1	CANCEL	CANCELLATION CLAUSE: THIS CONTRACT MAY BE CANCELLED BY EITHER PARTY UPON A 30 DAY WRITTEN NOTICE. WRITTEN NOTICE MUST BE DONE PRIOR TO SEPT. 1 OF ANY YEAR.	$0.00	$0.00
1	PAYMENT	PAYMENT TO BE MADE AS FOLLOWS: ALL LEASE CONTRACTS ARE BILLED IN OCTOBER OR NOVEMBER OF EACH YEAR; NET 30 DAYS		
			TAX	
			TOTAL ANNUAL LEASE	$12,180.00

Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and are herby accepted. You are authorized to do the work as specified. Payment will be made as outlined above, it is acknowledged and agreed that by signing this proposal a contract will thereafter exist between the parties the terms of which contract will be those described in this proposal

Signature: _____

Signature: _____

Name: _____ *Title:* _____

ALL MATERIALS IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN A PROFESSIONAL MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATION INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKES ARE FULLY COVERED BY WORKER'S COMPENSATION INSURANCE.

MEMORANDUM

September 27, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Jennifer Nanek, Assistant to the City Manager

SUBJECT: Noon Rotary Club of Lake Wales "Orange Blossom BBQ," December 2-3 2016 Special Event Permit Application

SYNOPSIS: Approval of this request will allow the Noon Rotary Club to hold its third annual "Orange Blossom BBQ" event in Lake Wailes Park on Friday, December 2 and Saturday, December 3, 2016, allow a designated area for wine and craft beer sales, and allow the set up to begin on Thursday, December 1, 2016

RECOMMENDATION

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

1. Approve the Special Event Permit Application from the Noon Rotary Club to hold an "Orange Blossom BBQ" in Lake Wailes Park December 2 and 3, 2016 with set up beginning on Thursday, December 1, 2016

2. Approve the hours as follows:

    - Thursday, December 1, 2016 - Begin set up at 8:00 a.m.
    - Friday, December 2, 2016 – The event will be open to the public at 4:00 p.m. and end at 10:30 p.m.
    - Saturday, December 3, 2016 - The hours will be 11:00 a.m.–9:00p.m.
    - Sunday December 4th and Monday December 5th - Clean up and removal of tents and booths will take place

3. Approve the request from the noon Rotary to have wine and craft beer sales and consumption in an enclosed designed area in the Park on both Friday and Saturday.

4. Approve the request for RV's and campers to set up in the areas approved and designated by City staff on Friday.

BACKGROUND

The Lake Wales Noon Rotary Club submitted a Special Event Permit Application to hold its third annual "Orange Blossom BBQ" in Lake Wailes Park. This event features the Florida BBQ Association's sanctioned barbeque competition, the Florida Tastemakers Marketplace with a gathering of artists and vendors from across the state, kid's tents, and live music. There will also be a designated area for wine and craft beer sales and consumption.

The event has been approved by staff with the following stipulations:

- The RV's and/or campers will be parked in the designated area only.
- The designated parking area for the public must be clearly identified on site.
- No vehicles shall be parked within 15 feet of the trunk of any trees within the park. No vehicles shall drive or park on the bike path or cross the bike path

- The Rotary Club is responsible for ensuring that the vendors and artists bringing in RV's and campers adhere to the conditions for parking.
- Sanitary facilities and dumpsters are the responsibility of the sponsor. A separate dumpster will be required for disposal of ash by the vendors.
- Tent permits are required in advance by the sponsor and can be obtained from the City's Planning Department so that inspections can be completed by the Fire Marshall during set up times.
- The alcohol permit application must be completed by the sponsor and submitted to the Planning Department for review and approval before submitting to the Department of Alcohol Beverage & Tobacco. Once the final permit is obtained, a copy must be provided to the City no later than November 28, 2016.
- The required Certificate of Liability Insurance with an alcohol insurance rider has been received by the City.
- In-Kind Services will be provided by the City's Field Operations Divisions for clean up services on Saturday and Sunday and costs associated with these services will be paid by the sponsor at 25%. Off-duty officers from the Lake Wales Police Department will be hired by the sponsor for security purposes.

OTHER OPTIONS

Do not approve the event

FISCAL IMPACT

This BBQ event is part of the FY16/17 special events budget. In-Kind services will cost the City approximately $1,414 with the sponsor paying 25% of the cost or $353. Off-duty officers from the Lake Wales Police Department will be hired for security and will be paid by the sponsor.

ATTACHMENTS
Special Event Permit Application
Agreement to assume Financial Responsibility
Site Map

SPECIAL EVENT APPLICATION

City of Lake Wales
201 W. Central Ave.
Lake Wales, FL 33853
863-678-4182x270

Applicant Information:

Organization Name: Rotary Club of Lake Wales

Is this organization classified a 501c3 status by the IRS? yes [x] no [ ]
(if so, please provide a copy of the determination letter)

Address: Lake Wales Rotary Club C/O Sal Tropea Phone: 863-676-7981

P.O. Box 406

Lake Wales, FL 33859-0406

Event Contact Information:

Name: (First & Last): Reid Hardman

Mailing Address: P.O. Box 406

City, ST, ZIP: Lake Wales, FL 33859-0406

Phone#: 863-676-8996 Email: jreidy@yahoo.com

Event Information:

Name of Event: Orange Blossom Revue

Please note: All events requesting a street closure must have approval from the City Commission.

[x] Festival - an organized public gathering in a park or downtown e.g. Art Show

[ ] Organized Competitive Event - a planned race, walk, tournament or other contest

[ ] Parade/Walk - a public or private march, run, walk or parade of any kind.

[ ] Circus or Carnival

[ ] Other_____

Event Description: Barbecue Competition, Makers Market & Music Festival

Event Start Date: 12-2-16 Time: 5pm Event End Date: 12-3-16 Time: 10:30pm

Set up Date: 12-1-16 Time: 8am Take Down Date: 12-4-16 Time: 8am

☐ Gated/Ticketed ☒ Open to the Public ☐ Private Other:_____

Location of Event:

☒ Lake Wailes Park ☐ Downtown Market Place ☐ Kiwanis Park

☐ Stuart Park ☐ Crystal Lake Park ☐ Other_____

Site Plan Requirements:

Please attach a clear and legible site plan/map with the following indicated:

1. Depiction of the area (streets, park, etc) where the event will be held.
2. The overall event area such as parking and requested street closures.
3. The location and dimensions of all physical equipment being placed; such as stages, vendors, booths, tents, barricades, restrooms, dumpsters, etc.
4. Disabled parking and handicapped access clearly defined.
5. Location of temporary alcohol sales where both sales & consumption will occur. (Sale or consumption of alcohol requires additional permitting from the state and hiring of at least 2 off-duty police officers)

Event Components:

- ☒ Alcohol - (Special Permit Required)*
- ☒ Portolets
- ☒ Sales/Distribution/Display
- ☒ Food Distribution/Sales
- ☒ Use of electric outlets
- ☒ Use of water spigots
- ☐ Live animals
- ☐ Temporary Structures
- ☐ DJ
- ☒ Amplified Sound
- ☒ Stage
- ☐ Inflatables (bounce houses)
- ☒ Concerts/Live Music
- ☐ Installation of additional outlets
- ☒ Tents (permit required for tents larger than 30x30)
- ☐ Boat Racing
- ☒ On-Site Cooking
- ☐ Amusement rides

☒ Other_____

alcohol sales will occur throughout the event borders

*Events involving the sale and consumption of alcohol must have a designated area where the sale and consumption of alcohol will take place. Sponsor must get an additional permit from the State Division of Alcoholic Beverages and Tobacco and requires the presence of a police detail.

Other Information:

Will City Streets be closed? ☐ yes ☒ no Requires Commission Approval

Please list all affected streets: _____

_____

Will any alleys, parking lots or other public places be closed? ☐ yes ☒ no

Please describe: _____

_____

Will State Roads be closed? (SR 17) ☐ yes ☒ no Requires FDOT Permit

Please describe State Roads to be closed: _____

_____

Will you need additional trash receptacles from the City? ☒ yes ☐ no

Will you need clean-up assistance from the City throughout the event? ☒ yes ☐ no

Note: For unbudgeted events the organization must reimburse the City 100% of costs for use of Public Services and Police Department.

Any other requested assistance from the City? General venue prep including mowing, electrical and water check, road barricades, street sweeping, etc. Request cleanup help at 8am Saturday

Any additional information: The attached 2015 event map represents basic anticipated design. As planning progresses, we may reconfigure or expand the design within the Park for the purposes of ingress/egress, parking, safety, traffic flow, etc.

Insurance Requirements:

Liability Insurance is required for all special events involving City property and must name the City of Lake Wales as an additional insured. For events requesting the sale or consumption of alcohol, liability insurance in the amount of $1,000,000.00 is required. All proof of insurance must be submitted to the City of Lake Wales a week before the event. Failure to provide acceptable insurance will result in the cancellation of the event.

Agreement to Assume Financial Responsibility for Injury or Damage

The Sponsor (hereinafter referred to as "the permittee"), shall indemnify, defend, and hold harmless the City of Lake Wales (hereinafter referred to as "the City"), and all of its elected or appointed officials, officers, agents, and employees from any claim, loss, damage, cost, change, or expense arising out of any acts, actions, neglect, or omission by the Permittee, its agent, employees, or subcontractors during the performance of the permitted event, whether direct or indirect, and whether to any person or property to which the City or said parties may be subject, except that neither the Permittee nor any of its agents, employees, or subcontractors will be liable under the agreement for damages arising out of the injury or damage to persons directly caused or resulting SOLELY from the negligence of the City or any of its elected or appointed officials, officers, agents, or employees.

Permittee's obligation to indemnify, defend and pay for the defense or at the City's option, to participate and associate with the City in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be initiated by the City's notice of claim for indemnification to Permittee. Permittee's inability to evaluate liability or its evaluation of liability shall not excuse Permittee's duty to defend and indemnify within seven days after such notice by the City is provided by Certified Mail. Only an adjudication or judgment after highest appeal is exhausted specifically finding the City SOLELY negligent shall excuse performance of this provision by Permittee. Permittee shall pay all costs and fees related to this obligation and its enforcement by the City. City's failure to notify Permittee of a claim shall not release the Permittee of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the City from and against any and all loss, damage, cost, and expense arising in any manner on account of the exercise or attempted exercise by said Permittee of the aforesaid rights and privileges.

During the event, the Permittee shall observe all safety regulations of the City, and the Permitee shall take measures to ensure the safety of the public.

By signing this application, it represents the information provided to be true and correct and signifies a binding agreement to comply with the rules and regulations of the City of Lake Wales. Should the City grant approval and a permit be issued, it is further agreed the Permittee will comply with any other requirements provided by Federal, State, and Local Law.

By execution hereof, the undersigned affirms that he or she is vested with full right and authority to bind the Permittee to the terms of this Agreement.

In case of non-compliance with the City's requirements in effect as of the approved date of the permit resulting from this Agreement, said permit is void.

Jennifer J. Nanek Digitally signed by Jennifer J. Nanek DN: cn=Jennifer J. Nanek, o, ou=City of Lake Wales, email=jnanek@cityoflakewales.com, c=US Date: 2016.09.23 14:58:53 -04'00' _____ _____

Signature of Sponsor or Authorized Representative of Sponsor Date

Jennifer Nanek

Printed Name

State of Florida
County of Polk

The forgoing instrument was acknowledged before me this _____ day of _____, 20_____ by

_____.

_____
Signature of Notary Public-State of Florida

_____
Name of Notary Typed, Printed, or Stamped

(NOTARY SEAL)

Personally Known_____ OR Produced Identification_____

Type of Identification Produced: _____

GRAPHIC SCALE
0 25 50 100
SCALE: 1 inch = 50 ft.
E. SESSOMS AVE.
N 5TH ST.
BBQ COMPETITOR & RV PARKING
ORANGE AVE.
E. PARK AVE.
E. CENTRAL AVE.
N. WALES DR.
N. LAKESHORE BLVD.
PARKING
EVENT LIMITS
PAVED BIKE PATH
ICE
CROQUET COURT
NORTH ENTRANCE
FIRST AID
HANDICAP & V.I.P. PARKING SPACES
RESTROOMS
JUDGES TENT
FLORIDA TASTEMAKERS MARKET PLACE
PRO
ROTARY DRINKS
DUMPSTERS
DRINKS
VIP & ENTERTAINMENT TENT
STAGE
SIGN
BACKYARD
SOUTH ENTRANCE
LAKE WAILES

MEMORANDUM

September 12, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Cliff Smith, Building Official

RE: Ordinance 2016-19, Amendment to Chapter 23 Zoning, Land Use and Development Regulations, Article VI Resource Protection Standards, Division 1, Development in Flood Prone Areas – 1st Reading

SYNOPSIS: The adoption of Ordinance 2016-19 repeals and replaces Chapter 23, Article VI, Division 1, Development in Flood Prone Areas.

RECOMMENDATION

It is recommended that the City Commission approve after first reading.

BACKGROUND

In accordance with F.S., Chapter 166, the Legislature of the State of Florida authorized local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The City of Lake Wales accepted participation in the National Flood Insurance Program on March 16, 1988.

The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Lake Wales that may be subject to periodic inundation and could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. This could adversely affect the public health, safety, and general welfare of those living in the City of Lake Wales.

To better protect the public health, safety, and general welfare of the citizens of the City of Lake Wales, it necessary to repeal the current language in the Lake Wales Code of Ordinances regarding flood prone areas and replace it with language compatible to the Florida Building Code. This will establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas.

FISCAL IMPACT

The fiscal impact of implementing this ordinance is the cost of a public hearing advertisement.

OTHER OPTIONS

If the City Commission chooses not to adopt Ordinance 2016-19 the City is at risk of being removed from the National Flood Insurance Program. This means the citizens would not be able to purchase flood insurance and would not be eligible for post disaster relief.

ATTACHMENTS
Ordinance 2016-19

ORDINANCE 2016-19

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING THE CITY OF LAKE WALES CODE OF ORDINANCES BY REPEALING CHAPTER 23 ZONING, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VI RESOURCE PROTECTION STANDARDS, DIVISION 1 DEVELOPMENT IN FLOOD PRONE AREAS TO ADOPT A NEW DIVISION 1 DEVELOPMENT IN FLOOD PRONE AREAS; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO FORMAT AMENDMENTS TO THE FLORIDA BUILDING CODE, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ARTICLE VI. RESOURCE PROTECTION STANDARDS

Division 1. Development in Flood Prone Areas

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Lake Wales and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Lake Wales was accepted for participation in the National Flood Insurance Program on March 16, 1988 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the City Commission previously adopted requirements to increase the minimum elevation of buildings and to limit partitioning of enclosed areas below elevated dwellings and to limit access to enclosed areas for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code.*

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Lake Wales that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces Chapter 23, Article VI, Division 1 Development in Flood Prone Areas with the following:

§ 23-601. GENERAL

a. Title. These regulations shall be known as the *Floodplain Management Ordinance* of City of Lake Wales, hereinafter referred to as "this Division."

b. Scope. The provisions of this Division shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

c. Intent. The purposes of this Division and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

d. Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code.*

e. Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

f. Disclaimer of Liability. This ordinance shall not create liability on the part of the City of Lake Wales or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

§ 23-602. APPLICABILITY

a. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

b. Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the City of Lake Wales, as established in section 23-602(c).

c. Basis for establishing flood hazard areas. The Flood Insurance Study for Polk County, Florida and Incorporated Areas**,** and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department, Municipal Administration Building.

d. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 23-605 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this Division and, as applicable, the requirements of the *Florida Building Code*.
(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

e. Other laws. The provisions of this Division shall not be deemed to nullify any provisions of local, state or federal law.

f. Abrogation and greater restrictions. This Division supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this Division and any other ordinance, the more restrictive shall govern. This Division shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Division.

g. Interpretation. In the interpretation and application of this Division, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 23-603. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

a. Designation. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

b. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Division. The Floodplain Administrator shall have the authority to render interpretations of this Division consistent with the intent and purpose of this Division and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Division without the granting of a variance pursuant to section 23-607.

c. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Division;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this Division is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Division.

d. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this Division is required.

e. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to section 23-607.

f. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Division.

g. Inspections. The Floodplain Administrator shall make the required inspections as specified in section 23-606 for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

h. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 23-603(d);

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this Division and the *Florida Building Code* to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Lake Wales are modified.

i. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Division and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this Division; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Division and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Building Department, Municipal Administration Building.

§ 23-604. PERMITS

a. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Division, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Division and all other applicable codes and regulations has been satisfied.

b. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this Division for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

c. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this Division:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

d. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in section 23-605.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the Floodplain Administrator.

e. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this Division shall not be construed to be a permit for, or approval of, any violation of this Division, the *Florida Building Codes*, or any other Division of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

f. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

g. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Division or any other ordinance, regulation or requirement of this community.

h. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Southwest Florida Water Management District; section 373.036, F.S.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

(4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(5) Federal permits and approvals.

§ 23-605. SITE PLANS AND CONSTRUCTION DOCUMENTS

a. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this Division shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with section 23-605(b)2 or (b)3.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with section 23-605(b)1.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Division but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Division.

b. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain

and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

(4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

c. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 23-605(d) and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, no encroachment, including fill material and structures, shall be located within a distance of the stream bank equal to two (2) times the width of the stream (measured at top of bank) or twenty (20) feet each side from the top of bank, whichever is greater, unless hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in

section 23-605(d).

d. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 23-606. INSPECTIONS

a. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

b. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Division and the conditions of issued floodplain development permits or approvals.

c. Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this Division and the conditions of issued floodplain development permits or approvals.

d. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator**:**

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 23-605(b)3.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

e. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 23-606(d).

f. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Division and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain

Administrator.

§ 23-607. VARIANCES AND APPEALS

a. General. The board of appeals, pursuant to section 23-244, shall hear and decide on requests for appeals and requests for variances from the strict application of this Division. Pursuant to section 553.73(5), F.S., the board of appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

b. Appeals. The board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Division. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

c. Limitations on authority to grant variances. The board of appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 23-607(g), the conditions of issuance set forth in section 23-607(h), and the comments and recommendations of the Floodplain Administrator and the Building Official. The board of appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Division.

d. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 23-605(c).

e. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

f. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Division, provided the variance meets the requirements of section 23-607(d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

g. Considerations for issuance of variances. In reviewing requests for variances, the board of appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this Division, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

h. Conditions for issuance of variances. Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Division or the required elevation standards;

(2) Determination by the board of appeals that:

(a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the

variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

§ 23-608. VIOLATIONS

a. Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this Division that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Division, shall be deemed a violation of this Division. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Division or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

b. Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this Division and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

c. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

§ 23-609. DEFINITIONS

a. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Division, have the meanings shown in this section.

b. Terms defined in the *Florida Building Code*. Where terms are not defined in this Division and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

c. Terms not defined. Where terms are not defined in this Division or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

d. Definitions.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision

of this Division.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the “1-percent-annual chance flood.”

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see “Basement (for flood loads)”.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and **existing structure.** Any buildings and structures for which the “start of construction” commenced before March 16, 1988. [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,

and either final site grading or the pouring of concrete pads) is completed before March 16, 1988.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this Division (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Division.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that

must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

***Florida Building Code*.** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood

Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or “park trailer.” [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Division, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this Division and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after March 16, 1988 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 16, 1988.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and

which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this Division, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this Division or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

§ 23-610. BUILDINGS AND STRUCTURES

a. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to section 23-604(c), buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of section 23-616.

b. Limitation on lots created after October 1, 2008. One- and two-family dwellings shall not be permitted on lots that lie entirely with a special flood hazard area unless the lot was created prior to October 1, 2008.

§ 23-611. SUBDIVISIONS

a. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

b. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 23-602(b)1; and

(3) Compliance with the site improvement and utilities requirements of section 23-612.

§ 23-612. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

a. Minimum requirements. All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

b. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

c. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

d. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 23-605(c)1 demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

e. Limitations on placement of fill. Subject to the limitations of this Division, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

§ 23-613. MANUFACTURED HOMES

a. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Division. Installation of manufactured homes shall not be permitted in floodways.

b. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this Division. Foundations for manufactured homes subject to section 23-612(f) are

permitted to be reinforced piers or other foundation elements of at least equivalent strength.

c. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

d. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with section 23-613(e) or (f), as applicable.

e. General elevation requirement. Unless subject to the requirements of section 23-612(f), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

f. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to section 23-612(e), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or

(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

g. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

h. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

§ 23-614. RECREATIONAL VEHICLES AND PARK TRAILERS

a Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-

disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

b. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in section 23-614(a) for temporary placement shall meet the requirements of section 23-613 for manufactured homes.

§ 23-615. TANKS

a. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

b. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of section 23-615(c) shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

c. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

d. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

§ 23-616. OTHER DEVELOPMENT

a. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Division or the *Florida Building Code*, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of section 23-612(d) if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or

meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

b. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 23-612(d).

c. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 23-612(d).

d. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 23-612(d). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 23-605(c)3.

SECTION 3. Chapter 7 Buildings and Building Regulations, Article II Building Standards, is amended to include the following *Florida Building Code, Residential* technical amendments.

§ 7-31. Residential code – Technical amendments.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet ~~2 feet (610 mm)~~ if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawlspace) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

   Remainder unchanged

SECTION 4. FISCAL IMPACT STATEMENT.
In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. APPLICABILITY.
For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Lake Wales. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance**.**

SECTION 6. INCLUSION INTO THE CODE OF ORDINANCES.
It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Lake Wales Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. SEVERABILITY.
If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 8. EFFECTIVE DATE.
This ordinance shall take effect on December 22, 2016 upon its passage and adoption.

CERTIFIED AS TO PASSAGE this _____ day of _____, 2016.

CITY OF LAKE WALES, FLORIDA

_____

Mayor, City of Lake Wales, Polk County, FL

ATTEST:

_____

City Clerk Clara VanBlargan, MMC

Approved as to form and legality:

_____

Albert C. Galloway, Jr., City Attorney

MEMORANDUM

September 27, 2016

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Clara VanBlargan, City Clerk, MMC

RE: Appointment – Recreation Commission

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.

Recreation Commission (City Code Sec. 2-161) – The recreation commission consist of thirteen (13) members from community organizations providing a recreation program for the community and three (3) citizen members representing the citizens at large. A quorum shall consist of six (6) members. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 citizen vacancies

Current Meeting Schedule: - 3rd Monday; 12:00 p.m., City Manager's Conference Room
A quorum consist of six (7) members.

Applying for Appointment: Kris T. Fitzgerald, citizen, term expiring 07/01/18

Current Members:	Keri Hunt, citizen	11/01/11 - 07/01/17, 2
	Vacant	– 07/01/18
	Vacant	– 07/01/18
	Eileen Farchmin, Webber Internt'l University	09/19/11 - 07/01/17, 2
	Robbie Shields, Lake Wales Soccer Club	09/19/11 - 07/01/17, 2
	Patty McKeeman, Lake Wales Pram Fleet	09/19/11 - 07/01/17, 2
	Deborah Rheiner/Linda Kimbrough, PAL	09/19/11 - 07/01/17, 2
	Helen Petersen, Green & Gold Foundation	09/19/11 - 07/01/17, 2
	Norm Rainey, Tennis Program	09/19/11 - 07/01/17, 2
	John Abel, YMCA/Softball	09/19/11 - 07/01/17, 2
	Clark Heter, YMCA	10/17/11 - 07/01/17, 2
	Mimi Hardman, Historic Lake Wales Society	09/19/11 - 07/01/17, 2
	Curt, Boys & Girls Club	09/19/11 - 07/01/17, 2

OPTIONS

None

FISCAL IMPACT

These are volunteer boards

ATTACHMENTS
Application

APPLICATION FOR APPOINTMENT TO CITY BOARD, COMMISSION OR COMMITTEE

City of Lake Wales, City Clerk's Office, P.O. Box 1320, Lake Wales, FL 33859-1320

Board/Commission/Committee: Recreation Committee

Applying for:

- [ ] reappointment
- [x] new appointment

	Yes Full-time	Yes Part-time	No
City Resident?	[x]	[ ]	[ ]
Registered Voter?	[x] Yes, Florida	[ ] Yes, Other	[ ] No

	Yes	No
City Business Tax?	[x]	[ ]
Own Property in City?	[ ]	[ ]

Name: Kris T. Fitzgerald	
Home Address: 116 Brookshire Drive	Home Phone: 863-241-2785
Business Address: 435 South 11th Street	Business Phone: 863-241-2785
Employer: The Vanguard School / FCS	Occupation/Type of Business: Counselor - LMHC

If applicant is not a city resident or does not pay business tax to city, please provide physical address of property owned within the city limits.

Special knowledge or experience applicable to function of board/commission/committee:
Resident of Lake Wales, military veteran, Counselor working with youth, Lic. mental Health counselor, holds MA & MBA.

Other community involvement:
- Red Cross
- Rotary member

Fla. Statute 760.80 requires the City of Lake Wales to maintain and report the following information:

Race/Ethnicity
- African-American [x]
- Asian-American [ ]
- Hispanic-American [ ]
- Native-American [ ]
- Caucasian [ ]

Gender
Male [ ] Female [x]

Physically Disabled?
Yes [ ] No [x]

I understand that I may be required to complete a Financial Disclosure Form in accordance with the requirements of Florida Law for every year during which I serve as an appointee. I further understand that refusal to file a required Financial Disclosure will result in my removal from the board/commission/committee to which I have been appointed.

KS
applicant initials

Have you ever been convicted of a felony? [ ] Yes
If yes, please explain on separate paper and attach to application. [x] No

applicant signature: [signature]

date: 9/16/2010

List 3 references who reside in the city:

name	phone
Kivanna Shipman	863-676-8783
Brenda Watkins	863-241-[illegible]55
Candi Mandonas	863-589-2178

Contact City Clerk's Office to schedule appointment with board chairman and board support staff.

If the applicant is not appointed at the next City Commission meeting scheduled for the purpose of making appointments, this application will be retained on file for 6 months.

e-mail: Kris.fitzgeraldlmhc@gmail.com

CITY OF LAKE WALES PROJECT TRACKING LIST 2016-2017

PROJECT NAME	BUDGET	COMMISSION APPROVAL	SCHEDULED COMPLETION	CURRENT STATUS	STATUS UPDATED
AIRPORT					
Runway Extension	$5,300,000 - $4,300,000	Yes - Construction Contract 8/2/16		Contract for Professional Engineering Services awarded to Hoyle Tanner and construction contract awarded to Dickerson Florida on August 2nd. Awaiting word on FAA funding. Construction will begin in March. The city commission accepted grant funding from FAA for their funding share of the project on Tuesday, September 13, 2016.	9/27/2016
RECREATION					
New park signage in all City parks	$13,000		9/30/2016	Kiwanis Sign installed. This project complete.	9/26/2016
SEWER SYSTEM					
C Street Project	$6,695,751	yes -11/3/2015 phase 2 Grant Application on Feb 16, 2016		Grant application approved by commission on 2/16 and submitted April 25. DEO Site visit was on June 23rd. Will be notified if awarded grant. Construction of current phase is ongoing.	9/27/2016
Relocation of Water/Sewer Lines on HWY 27 near Vanguard	$300,000	10/20/2015	9/30/2017	Permit has been approved. Starting construction in a few weeks	9/27/2016
Other items approved or discussed at Commission Meetings					
Resurfacing of Parking Lot for Gym & Little Theater	$69,400	8/16/2016	9/30/2016	This project is complete as of 9/23	9/27/2016

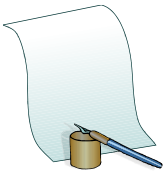
Live Streaming of Commission meetings	$7,000		10/31/2016	The contract has been executed and the hardware components have been ordered. The project should be completed by 10/31.	9/27/2016
Library Statistics (August)				Total Circulation Books-by-Mail: 65,685 Total Circulation BookMobile: 8,779 Total In-house circulation: 253,834 Total new borrowers: 1631 Total attendance at programs: 14,246 Computer users: 50,776 People Counter: 147,483	9/27/2016
Lake Wales Museum and Cultural Central				In the month of August the Museum had: • 212 visitors • Of the 59 people who signed the guest register - 35% were from Lake Wales - 66% were from outside Lake Wales - The farthest visitor was from the UK The Museum will host the following upcoming events: - Pets and Friends Day (in collaboration with the SPCA) Saturday, September 24 from 11am -2pm -Walking Tour Launch, Saturday, October 29th, 9am to 5pm -39 Mile Yard Sale, Saturday, November 5, 8am to 2pm	9/27/2016
COMPLETED PROJECTS					

SOCIAL MEDIA TRACKING REPORT			SINCE September 20, 2016 (Social media is now being archived)	
Name	**Likes/Followers**	**Change**	**Top Posts**	**Comments**
	3,660	+16	Photos of an osprey on the osprey nest pole, 18 reactions **315** people	
			Shared photo of Baseball Bombers Showcase event , 2 likes, with a reach of 4,283	
			Shared photos of completed parking lot at gym/Little Theater 6 likes, 1 share with a reach of **296** people.	
			Shared photo of Mayor w/ Earline Head from DAR accepting proclamation for Constitution week, 5 likes with a reach of **4,219**	
Twitter	881	+8	Top Media Tweet - Mayor @g_fultz proclaims Sept 17-23 as Constitution Week Earline Head, Regent of the DAR, accepted the proclamation. pic.twitter.com/nGqOKB2Wju 2 likes **160** Impressions	
(Commission meetings are Live tweeted)				

SOCIAL MEDIA TRACKING REPORT			SINCE September 20, 2016 (Social media is now being archived)	
Name	**Likes/Followers**	**Change**	**Top Posts**	**Comments**
			Top Tweet - Shared One Tank Trip: Bok Tower Gardens fox13news.com/news/local-new… 1 reply, 1 retweet, 1 like **291** Impressions	
			Top Mention - Visit Central FL @VisitCentralFL Sep 12 A family blogger explores the beauty and fun of @BokTower after its largest expansion in 87 years! @CityofLakeWales twitter.com/laughwithusblo… 2 retweets, 7 likes	
Instagram	257	+8	Photo of completed parking lot at Kirkland gym / Little Theater 5 likes	
LinkedIn	8	0	Posted link for volunteer positions - 6 impressions	

Approximate Seating Capacity:

- Commission Chamber **110**
- Employee Break Room **30**
- CM Conference Room **10**



CITY COMMISSION MEETING CALENDAR

[Regular City Commission meetings are held at 6:00 p.m. on the first and third Tuesday of each month in the Commission Chambers. Workshops & Special meetings to be scheduled accordingly. Meeting dates & times are subject to Change.]

City Commission Meetings – October 2016

Tues, October 4, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, October 18, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – November 2016

Tues, November 1, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, November 15, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – December 2016

Tues, December 6, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, December 20, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – January 2017

Tues, January 3, 2017	Regular	6:00 p.m.	Commission Chambers
Tues, January 17, 2017	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – February 2017

Tues, February 7, 2017	Regular	6:00 p.m.	Commission Chambers
Tues, February 21, 2017	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – March 2017

Tues, March 7, 2017	Regular	6:00 p.m.	Commission Chambers
Tues, March 21, 2017	Regular	6:00 p.m.	Commission Chambers

For City Commission meeting information please contact the City Clerk, 863-678-4182, ext. 228 or cvanblargan@cityoflakewales.com.

City Commission Agenda Packets for workshop and regular meetings are generally posted on the City's website by 12:00 p.m., the Wednesday before the scheduled meeting.

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

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.
Appeals concerning decisions on issues requiring a public hearing:

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

OTHER MEETINGS & EVENTS

DATE	TIME	TITLE	DESCRIPTION	LOCATION	Event/Location Map; Agendas
Regular BOCC Meetings & Hearings	9am reg. meetings & 1:30pm public hearings	Polk County Board of County Commissioners Meetings	Regular BOCC meetings & public hearings are usually held Monthly; 1st & 3rd Tuesdays	Neil Combee Administration Bldg., 330 West Church Street, Bartow	Public Hearing / Work Session List (Note: Check Website Daily for Updates) Information: 863-534-6090) http://www.polk-county.net
Thursday October 13th	5:00pm	Homecoming Parade		Central Avenue	
Saturday October 15th	7:30am	Flight for the Cure	Breast Cancer Awareness 5K walk/Run	LW Airport	
Wed, October 19th	2pm	Polk Regional Water Coop Board Meeting		Lake Myrtle Complex, 905 Lake Myrtle Park Rd, Auburndale 33823	
Saturday October 22nd	9am - 11am	Jogging for Jackie 5K	5K run/walk	Starts at Kiwanis Park	
Monday, October 24th	3:30pm	LW Charter Schools Board of Trustees Meeting		Dale R. Fair Babson Park Elementary	
October 28-30, 2016	Sat. 9-5, Sun 11-4	Pioneer Days	Vendors, Car Parade, Carriage Tour	Lake Wailes Park	
November 5th	8am - 2pm	Scenic HWY yard Sale	Yard Sale at LW Museum	Lake Wales Museum	
November 4-5, 2016	Friday 6pm Saturday 7am & 5:30pm	Quivering Quads Races Sponsored by the Rotary Club of Lake Wales	4 races over 24 hours	Kiwanis Park & Lake Wailes Park. Includes Rails to Trails & Lake Wailes Trail	
November 5, 2016	Saturday 9:30 am - 1:00 pm	Homecoming Football Game Event	Includes tailgating and games	Lake Wailes Park	
November 11, 2016	1:00pm - 2:00pm	Veterans Day parade		Central Ave to Lake Wailes Park	
November 24th, 2016	8:00am - 9:00am	Turkey Trot 5K	5K fundraiser for YMCA	Downtown, Lake Wailes Park, and various city streets	

December 2nd - 3rd, 2016	6pm -10pm Friday; 10am - 10pm Saturday	Orange Blossom Revue	BBQ Competition Sponsored by the Rotary Club of Lake Wales	Lake Wailes Park
December 6, 2016	5:30pm	Tree Lighting Ceremony		City Administration Building
December 9th, 2016	4-8:30pm	Make it Magical	Downtown Holiday Event	Downtown Lake Wales Stuart, Park, Marketplace
December 10th, 2016	6:00pm - 8:00pm	Christmas Parade		Central Avenue
Wed, December 21st	2pm	Polk Regional Water Coop Board Meeting		Lake Myrtle Complex, 905 Lake Myrtle Park Rd, Auburndale 33823

RESIDENT REQUIREMENTS, CURRENT MEMBERS & VACANCIES
CITY BOARDS, COMMISSIONS, COMMITTEES

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).

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least four (4) voting members must be qualified electors of the City (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Current Members:	Charles Keniston, resident	03/06/12 - 07/01/18, 2
	Katherine Rogers, resident, chairman	09/18/12 - 07/01/18, 2
	Ryan Michalkiewicz, resident	06/21/16 - 07/01/19, 1
	Charles N. Clegg, resident	07/19/16 - 07/01/19, 1
	Eric Farewell, resident	08/18/15 - 07/01/18, 1
	Dale Marks, resident	06/17/08 - 07/01/17, 3
	Travis Burns, resident	07/19/16 - 07/01/17, P
	Commissioner Perez, non-voting member	05/19/15 - 05/02/17, 1

Airport Manager (City Code Sec. 2-41(f)(5)) – Alexander Vacha, employee, City Manager appointed

Meetings (City Code Sec. 2-41(r)) - The Lake Wales Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

Current Meeting Schedule: - 1st Monday @ 5:30 PM; Commission Chamber

Duties/Powers (City Code Sec. 2-41(f)) - The Lake Wales Airport Authority exercises its powers and jurisdiction over the property known as the Lake Wales Airport and properties in addition to the Lake Wales Airport so long as they are exercised pursuant to contract with other governmental entities for the operation and supervision of other airports, airfields, and related facilities. The Lake Wales Airport Authority, subject to approval by the Lake Wales City Commission, is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure
3. To maintain an office at such place or places as may be designated by the City of Lake Wales.
4. To sue and be sued in its own name, plead, and be impleaded.
5. To provide oversight of airport operations for the purpose of input and advice to the city manager in his capacity as Airport Manager.
6. To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport which may be located on the property of the authority. Nothing in Ordinance 2007-07 shall exempt the Lake Wales Airport Authority from the provisions of chapter 333, Florida Statutes.
7. To issue bonds of the authority, as hereinafter provided, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.
8. To issue refunding bonds of the authority as hereinafter provided.
9. To fix and revise from time to time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by any airport facilities or tenant.

10. To acquire in the name of the authority by gift, purchase, or the exercise of the right of eminent domain, in accordance with the laws of the state which may be applicable to the exercise of such powers by municipalities, any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, or operation of any airport facilities, and to hold and dispose of all real and personal property under its control.
11. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Ordinance, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants, and attorneys, and such employees and agents as may, in the judgment of the authority, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Ordinance.
12. To accept grants or money or materials or property of any kind for any airport or other facilities from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.
13. To issue revenue certificates of the authority as hereinafter provided.
14. To do all acts and things necessary or convenient to carry out the powers granted by this Ordinance.
15. To contract with other governmental entities to operate airports, airfields, and other related facilities and services, including providing all personnel, tools, equipment, supervision, and other materials and services required therefore.

Bicycle/Pedestrian Advisory Commission (City Code Sec. 2-199) – The commission consists of seven (7) regular members and three (3) alternate members. The city manager, planning and development director, and police chief or their respective designees serves as ex officio members. At least five (5) regular members and two (2) alternate members must reside within the City limits. Members who are not City residents must reside within the City's utilities service area in a residence served by the City's utilities system, receiving either water or sewer service. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 5 regular vacancies, 3 alternate vacancies

Current Members:	Lorraine McIntosh, resident	06/15/10 – 07/01/19, 3
	Roberto Maldonado, resident	07/17/12 – 07/01/17, 2
	Vacant,	– 07/01/19
	Vacant,	- 07/01/19
	Vacant,	- 07/01/17
	Vacant,	- 07/01/18
	Vacant,	- 07/01/18
	Vacant, Alternate	– 07/01/17
	Vacant, Alternate	– 07/01/18
	Vacant, Alternate	– 07/01/18

Meetings (City Code Sec. 2-199.2) - The commission shall meet at regular intervals, but in any event at least once each quarter. Meetings shall be called by the chairperson. The mayor and the city manager shall have the authority to call special meetings of the commission.

Current Meeting Schedule: 1st Thursday @ 5:30 PM; Commission Chamber [Inactive Board]

Duties (City Code Sec. 2-199.3) – The Commission shall:

1. Make recommendations regarding implementation of roadway and transportation improvements as it pertains to bicycle and pedestrian needs;
2. Promote safe and convenient enjoyment of the city's bicycle/pedestrian facilities through safety/educational programs and activities, community events and clinics, and other activities as necessary;

3. Promote communication and exchange of ideas and concerns among users of the city's bicycle/pedestrian facilities, city staff and the city commission;
4. Make reports and recommendations to the city commission and city staff with respect to the development and management of bicycle/pedestrian facilities;
5. Receive public input pertaining to bicycle and pedestrian transportation and infrastructure issues;
6. Make recommendations regarding the allocation of funds for capital expenditures relating to bicycle and pedestrian transportation;
7. Assist the planning & development department and the planning board in the preparation and adoption of an up-to-date bicycle/pedestrian facilities master plan;
8. Assist in the design of the Lake Wales Trailway and provide a public forum for citizens to participate in the planning effort for the trail;
9. Help ensure that the Lake Wales Trail (around Lake Wailes) continues to serve the needs of the many citizens who use it;
10. Suggest changes in the land development regulations that ensure that we become a city that welcomes walking and bicycling;
11. Have such other duties and responsibilities granted by the mayor and city commission consistent with the bicycle and pedestrian needs of the city.

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) – The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 Vacancy

Current Members:	James Boterf, resident	10/04/11 – 07/01/17, 2
	Harold Weigand, resident	06/20/06 – 07/01/17, 4-Final
	Sue Marino, resident	02/02/16 – 07/01/19, P+1
	Ralph W. Eberhard, resident	08/02/16 - 07/01/19, 1
	Vacant, resident	- 07/01/19

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber
[The meeting time can be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;
3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;
4. Perform any other duties which are lawfully assigned to it by the city commission.

Citizens & Police Community Relations Advisory Committee (Resolution 2012-03) – The committee consists of three (3) members with a quorum requirement of two (2) members. One (1) member shall be an active Lake Wales police officer appointed by the Police Chief and two (2) members must be residents serving no more than two consecutive terms. (2-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 1 vacancy

Current Members:	***Vacant***, resident	– 07/01/19
	Curtis Gibson, resident	05/03/16 – 07/01/18, 1
	Joseph VanBlarcom, police officer	05/03/11 – 07/01/17, 3

Meetings – Regular meetings shall be held monthly in the Municipal Administration Building or other locations as deemed appropriate by the committee.

Current Meeting Schedule: 3rd Thursday @ 6:00 PM; City Hall Lunch Room

Duties - The Committee shall:

1. Provide a forum for citizens to express their opinions about police procedures, and to receive informal information from the police department regarding police procedures;
2. Provide a forum for citizens and the police department to openly and respectfully discuss issues of concern with the hope that concerns can be positively resolved;
3. Provide a forum for citizens and the police department to engage in a dialogue that will be positive and productive and that will continue to foster a climate of trust and mutual respect.

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor and a realtor. Members must be residents. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies, resident

Current Members:	Melissa Konkol, resident	01/19/10 – 07/01/18, 3
	Wilena Vreeland, resident	10/04/11 – 07/01/18, P+2
	Murray Zacharia, resident	06/18/13 – 07/01/19, 2
	Vacant, resident	– 07/01/19
	Jean Kincaid Scott, resident	06/17/08 – 07/01/17, 3
	Curtis Gibson, resident	05/03/16 - 07/01/18, 1
	Vacant, resident	– 07/01/18

Current Meeting Schedule: 2nd Monday @ 5:00 PM; Commission Chamber

Powers (City Code Sec. 2-57) - The Code Enforcement Board imposes administrative fines and other noncriminal penalties to enforce city health and sanitation, local business tax receipt, fire, building, zoning and sign ordinances when it finds that a pending or repeated violation continues to exist.

In accordance with F.S. 162.08, The Code Enforcement Board has the power to:

1. Adopt rules for the conduct of its hearings.
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.
3. Subpoena evidence to its hearings.
4. Take testimony under oath.
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Community Redevelopment Agency (CRA) Board – The city commission serves as the CRA board. However, the CRA and City Commission are entirely two separate entities. The CRA Board is created in accordance with F.S. ch. 163, part III for the purpose of implementing the community redevelopment plan for the expanded community redevelopment area approved by Resolution 99-6 of the city commission.

Governing body as CRA Board of Commissioners (City Code Sec. 2-72):

1. The city commission serves as the CRA Board and exercises all rights, powers, duties, privileges, and immunities vested in a community redevelopment agency by Chapter 163, Part III, Florida Statutes, as it may be amended from time to time;
2. In its capacity as CRA board, the commission constitutes the head of a legal entity that is separate, distinct and independent from the city commission as governing body of the City of Lake Wales.
3. The CRA board meets annually to designate a chairperson and vice-chairperson from among its members.
4. The CRA board meets as necessary to conduct the business and exercise the powers of the agency.
5. A majority of the members of the CRA Board shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the CRA Board upon the vote of a majority of the members present.

Current Members: City Commission

CRA Citizen Advisory Committee (City Code Sec. 2-73) – The committee consists of five (5) members. Sec. 2-73 (c), Nomination and Appointment: Each commissioner shall nominate a person who resides, owns property or operates a business within the voting district represented by the commissioner provided that the property, residence or business of the nominee is within the boundaries of the CRA, **except that the two citizen members appointed in accordance with Ordinance 2009-17 shall be afforded the opportunity to serve as appointees from their respective districts.** The nomination shall be confirmed by majority vote of the city commission. (2 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancies (Seat 4, District 27)

Current Members:	Mark Bennett, chair (Seat 2 – District 19)	04/21/15 – 07/01/19, 2
	Narvell Peterson, vice-chair (Seat 3–District 122)	12/07/10 – 07/01/17, P+3-Final
	Christopher Lutton (Seat 5 – District 28)	05/03/16 - 07/01/18, 1
	Jean Kincaid Scott (Seat 1 – At Large)	05/03/16 - 07/01/19
	Vacant (Seat 4 – District 27)	– 07/01/18

Meetings (City Code Sec. 2-73) - The CRA citizen advisory committee shall meet at the call of the chairman of the CRA board or upon the request of city staff but shall meet no less than once each year.

Current Meeting Schedule: 2nd Thursday @ 3:30 PM; Commission Chamber

Duties (City Code Sec. 2-73) – The CRA Citizen Advisory Committee shall provide advice and recommendations as needed to implement the CRA plan adopted by the City Commission. The Committee assist the CRA board in implementing redevelopment activities within the redevelopment area and to provide advice and recommendations to the CRA board on redevelopment matters as necessary.

Drug & Prostitution-Related Nuisance Abatement Board (City Code Sec. 15-10) – The board consists of seven (7) members. Members must be residents. (3-year term)

- An interview process is necessary for new applicants only.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 7 residents

Current Members: None / Inactive Board

Vacant, resident	– 12/01/15
Vacant, resident	– 12/01/15
Vacant, resident	– 12/01/15
Vacant, resident	– 12/01/15

Vacant, resident – 12/01/15
Vacant, resident – 12/01/16
Vacant, resident – 12/01/16

Meetings (City Code Sec. 15-10(g)) – The members of the drug and prostitution-related nuisance abatement board shall meet annually and elect a chair, who shall be a voting member, from among the members of the board. The presence of four (4) shall constitute a quorum.

Current Meeting Schedule: Inactive Board

Powers (City Code Sec. 15-10) - Adopt rules for the conduct of its hearings and establish procedures; issue orders having the force of law consistent with authority contained herein; and take testimony under oath.

Enterprise Zone Development Agency (City Code Sec. 2-194; Sec. 2-191, F.S 290.001 – 290.016 (2001)

The Agency consists of eight (8) commissioners with a quorum requirement of five (5) members, and at minimum; six (6) commissioners must be residents of the City of Lake Wales. The commissioner seats shall be designated as seat #1 through #8 respectively. Each agency commissioner shall be appointed to a specific designated seat by majority vote of the city commission. A certificate of appointment or reappointment of any commissioner shall be filed immediately with the city clerk (3 year term)

The city commission shall appoint one (1) representative from each of the following groups: (One (1) individual may represent more than one (1) of the groups.) (3-year term)

a. The local Chamber of Commerce;
b. A local financial or insurance entity;
c. The businesses operating within the area;
d. The residents residing within the area;
e. A non-profit community-based organization operating within the area;
f. The local private industry council;
g. The local police department;
h. The local code enforcement agency.

- An interview process is necessary for new applicants only.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 8 vacancies (Seats 1–8)

Current Members: None / Inactive Board

Vacant, (Seat 1) – 12/01/15
Vacant, (Seat 2) – 12/01/15
Vacant, (Seat 3) – 12/01/18
Vacant, (Seat 4) – 12/01/18
Vacant, (Seat 5) – 12/01/17
Vacant, (Seat 6) – 12/01/16
Vacant, (Seat 7) – 12/01/16
Vacant, (Seat 8) – 12/01/16

(City Code Sec. 2-194(3,4),
(3). The city commission may, by majority vote, remove a commissioner for inefficiency, neglect of duty, or misconduct in office, providing the commissioner has been given a copy of written charges at least ten (10) days prior to a hearing in which the commissioner is given an opportunity to be heard on said charges in person or by counsel.

(4) A seat on the agency shall be deemed vacant when a member has more than three (3) consecutive absences or five (5) absences within a calendar year, or because of death, resignation, removal, or completion of the term by any commissioner. A seat vacated prior to the expiration of its term shall be filled for its unexpired term by majority vote of the city commission.

Meetings (City Code Sec. 2-195(c):

a. A majority of the appointed commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action taken by the agency shall be upon a vote of a majority of the commissioners present.
b. The city commission, by majority vote, shall designate a chairperson and vice chairperson of the agency, and the chair and vice chair shall serve in such capacity for one (1) year. The chair and vice chair may succeed themselves.
c. In addition to the foregoing, the agency shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of the article. Meetings shall be held at the call of the chairperson and at such other times as a majority of the commissioners may determine. All meetings shall be open to the public. The agency shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed with the city clerk for the agency.

Current Meeting Schedule: Inactive Board

Powers & Responsibilities (City Code Sec. 2-196):

The agency may only exercise those powers and responsibilities expressly granted to it by the city commission and/or state law. Absent from such an express grant, the city commission hereby reserves all other powers and duties including, but not limited to those powers delegated to the city commission under the Act. The agency shall have the following powers and responsibilities:

1. To assist in the development and implementation of the strategic plan for the area (*A Strategic plan shall mean the enterprise zone development plan adopted by the city commission in accordance with the Act*);
2. To oversee and monitor the implementation of the strategic plan. The agency shall make quarterly reports to the city commission evaluating the progress in implementing the strategic plan;
3. To identify and recommend to the city commission ways to remove regulatory barriers; and
4. To identify to the city commission the financial needs of, and local resources or assistance available to, eligible businesses in the area.

Expenditure of Funds (City Code Sec. 2-197):

The expenditure of funds by the agency shall comply with the following requirements:

1. The agency shall have no authority to obligate or expend any funds, including grant funds, without the authorization of the city commission.
2. The agency shall perform its functions and responsibilities within the resources made available by the city, and shall not exceed its budget approved by the city.
3. The agency shall not incur any expense, debt, or obligation to be paid by the city, unless such expense, debt, or obligation is previously authorized by the city commission.
4. The agency commissioners shall not receive any compensation for service, but are entitled to payment of necessary and reasonable expenses incurred in the discharge of their duties if said expenses comply with the agency's approved budget.

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.

- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Current Members:	Lawrence (Larry) Bossarte, business owner	11/01/11 – 07/01/17, 2
	Diane Armington, owns property in the City	03/15/11 – 07/01/19, 3
	Leah Bartholomay, resident	05/06/14 – 07/01/18, P+1
	Erika B. Schindler, business owner	10/06/15 - 07/01/18, 1
	Christopher Lutton	06/21/16 - 07/01/18

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

Historic Preservation Board (City Code Sec. 2-182) – (inactive) The board consists of nine regular members. At least four (4) members must be residents of the City. Up to four (4) members may be non-residents but must own property within the City limits or hold an occupational license issued by the City as required by sec 2-26). One member shall be a member of the City Commission. Up to four ex-officio members who are not residents and do not meet the other requirements of section 2-26 may also serve on the Board provided they meet the professional qualifications requirement of paragraph (c) of sec. 2-182. Appointments shall be for three years or until their successors are qualified and appointed. The Commissioner member shall be appointed for the duration of his or her term on the City Commission. Ex-officio members shall be appointed for three years. (3 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 9 vacancies

Current Members: None

Meetings (City Code Sec. 2-185(a)) – The board shall hold regular meetings, but no less than four (4) times per year.

Current Meeting Schedule: Inactive Board

Powers & duties (City Code Sec. 2-185) - Make recommendations on applications for nomination to National Register of Historic Places; conduct ongoing survey and inventory of historic buildings, areas and sites in the city; make recommendations to city commission on potential landmark sites in the city.

Reporting (City Code Sec. 2-185(b)) – The board shall, on a bi-annual basis, make a written report to the city commission on its activities.

Housing Authority (F.S. 421.04) – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Primary Duties: Manage and control the city's low-rent housing units.

Current Meeting Schedule: 3rd Wednesday @ 6:00 PM; Housing Authority

Current Members:	Janice Snell, resident	04/17/12 – 07/01/18, 2
	Eddye Rivers, resident	07/01/08 – 07/01/20, 3-F
	Wanda Lawson, resident	06/18/13 – 07/01/17, 1
	Mellissa Montgomery, resident of housing project	06/21/11 – 07/01/17, 2
	Helen Walters, resident	11/04/14 – 07/01/18, 1
	Albert Kirkland, Jr., Ex-officio	n/a
	Commissioner Jonathan Thornhill, City Liaison	06/04/13 – 05/02/17

Lakes Advisory Commission (City Code Sec. 2-171; 2-172) - The commission consists of seven (7) members. City Manager or his designee serves as an ex officio member. At least six (6) members must reside in the City. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 6 residents; 1 non-resident with city utilities

Meetings (City Code Sec. 2-173) - The Board shall meet at regular intervals, but in any event at least once each quarter. Meetings are called by the chairman. Special meetings are called by the Mayor.

Current Meeting Schedule: Inactive Board

Duties (Sec. 2-174) - Advise the City Commission on matters involving the restoration, preservation or maintenance of lakes and waterways found within the city; To seek and solicit and make applications for any grants or funds offered by any entity, public or private, if such funds could be used by the city in the preservation, restoration and maintenance of the lakes and waterways found in the city. Any decision to accept offered funds or grants shall remain within the city commission.

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are **not** required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Current Meeting Schedule: 2nd Wednesday @ 11:00 a.m.; Lake Wales Library

Primary Duties: 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.

Current Members:	Jolene K. Lake, outside	08/06/96 – 07/01/21, 1
	Donna Geils, resident	12/02/14 – 07/01/17, 1
	Michalkiewicz, Brystal, resident	08/04/15 - 07/01/21, P+1
	Jacquie Hawkins, resident	06/21/16 - 07/01/18, 1
	Margaret Swanson, resident	06/21/16 – 07/01/19, 1

Parks and Community Appearance Advisory Board (City Code Sec. 2-131) - The board consists of seven (7) members. A majority of the members shall reside or own property within the City limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 6 vacancies

Meetings (2-133) – The Board shall meet at regular meetings at least six (6) times per year.

Current Meeting Schedule: - 4th Monday @ 5:00 PM; Commission Chamber
[INACTIVE BOARD – The Parks Board is not currently meeting]

Current Members:	Jean Kincaid Scott, resident	09/16/08 – 07/01/17, 3-Final
	Vacant	– 07/01/16
	Vacant	– 07/01/16
	Vacant	– 07/01/17
	Vacant	– 07/01/18
	Vacant	– 07/01/18
	Vacant	– 07/01/19

Duties (Sec. 2-134) - The parks and community appearance advisory board shall, in coordination with the planning board and other boards, committees and civic groups of the city, prepare plans and make recommendations to the city manager and city commission regarding the following matters:

1. *Lake Wailes Park System.* Maintaining and upgrading the park around Lake Wailes and nearby parks including adjacent athletic facilities, Crystal Lake Park, North Lake Wailes Park, and Lake Alta.

2. *Neighborhood park system.* Maintaining and expanding the neighborhood park system to provide neighborhood and mini parks to all existing neighborhoods within the city in compliance with the policies of the comprehensive plan; establishing guidelines for developers regarding neighborhood and mini parks required in new developments.

3. *Community parks.* Maintaining and upgrading existing community parks and facilities; developing new community parks and facilities to serve the expanding population of the city in compliance with the policies of the comprehensive plan; budgeting recreation impact fees in compliance with city ordinances and policies; securing grants and other funding to provide such facilities.

4. *Streets and city entrances.* Upgrading the appearance of city streets through landscaping, signage control and other measures; creating attractive entrances to the city through landscaping and signage; providing consistent and attractive signage to guide visitors to landmarks, parks, civic buildings, and other features throughout the city.

5. *Maintenance programs.* Systems for regular maintenance of parks, streetscapes, and entrances, including facilities, landscaping, and signage to ensure high quality appearance; regulations for use of parks.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least four (4) members must reside in the City and three (3) members 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: none

Current Members:	Joanne Fuller, resident	09/19/06 – 07/01/18, 4-Final
	Mark Bennett, resident	05/07/13 – 07/01/18, 2
	Charlene Bennett, resident	02/16/10 – 07/01/19, 3
	Sharon Allen, resident	07/01/04 – 07/01/17, P+4-Final
	Warren Turner, resident	07/21/15 – 07/01/17, 1
	John Gravel, property owner	05/06/14 – 07/01/19, 2
	Mathew Cain, own real property in city	03/15/16 – 07/01/19, P+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.

a. 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.
b. 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.
c. 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

Recreation Commission (City Code Sec. 2-161) – The recreation commission consist of thirteen (13) members from community organizations providing a recreation program for the community and three (3) citizen members representing the citizens at large. A quorum shall consist of six (6) members. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 2 citizen vacancies

Current Meeting Schedule: - 3rd Monday; 12:00 p.m., City Manager's Conference Room
A quorum shall consist of six (7) members.

Current Members:	Keri Hunt, citizen	11/01/11 - 07/01/17, 2
	Vacant	– 07/01/18
	Vacant	– 07/01/18
	Eileen Farchmin, Webber Internt'l University	09/19/11 - 07/01/17, 2
	Robbie Shields, Lake Wales Soccer Club	09/19/11 - 07/01/17, 2
	Patty McKeeman, Lake Wales Pram Fleet	09/19/11 - 07/01/17, 2
	Deborah Rheiner/Linda Kimbrough, PAL	09/19/11 - 07/01/17, 2
	Helen Petersen, Green & Gold Foundation	09/19/11 - 07/01/17, 2
	Norm Rainey, Tennis Program	09/19/11 - 07/01/17, 2
	John Abel, YMCA/Softball	09/19/11 - 07/01/17, 2
	Clark Heter, YMCA	10/17/11 - 07/01/17, 2
	Mimi Hardman, Historic Lake Wales Society	09/19/11 - 07/01/17, 2
	Curt, Boys & Girls Club	09/19/11 - 07/01/17, 2

Membership (City Code Sec. 2-161):

Each community organization named in this paragraph shall be entitled to a seat on the recreation commission and shall appoint one (1) delegate who shall serve for a term of three (3) years. A citizen member shall serve no more than three (3) consecutive terms.

(1) Green and Gold Foundation
(2) Historic Lake Wales Society
(3) Lake Wales Boys and Girls Club
(4) Lake Wales Charter Schools
(5) Lake Wales Little League
(6) Lake Wales PAL
(7) Lake Wales Pram Fleet
(8) Lake Wales Public Library
(9) Lake Wales Soccer Club
(10) Lake Wales YMCA
(11) Polk County School Board
(12) Steelers Football and Cheerleading
(13) Webber International University

A Community organization that is formed for the purpose of providing a recreation program for the youth of the community shall be entitled to one (1) delegate on the recreation commission provided that a majority of the existing members vote to expand the commission to include a delegate from said organization. (3-year term)

Powers (City Code Sec. 2-161) - The recreation commission shall have the power to adopt by-laws, set meeting times and dates, and decide other matters of procedure.

Duties (City Code Sec. 2-162):

(a) During budget cycles when the city funds a municipal recreation program that includes a recreation director, the recreation commission shall:
  (1) In coordination with public school officials, all local church organizations, all local service organizations and all local civic clubs, assist in any manner possible the recreation director in matters of public relations between all organizations and the general public.
  (2) Aid and assist the recreational director in the carrying out of all of the director's powers and duties.

(b) During budget cycles when the city is unable to fund a municipal recreation program that includes a recreation director, the recreation commission shall:
    (1) Serve as a steering committee to:
        a. Coordinate publication of and participation in recreation programs currently run by various parent, church, or other community organizations;
        b. Identify recreation needs that are not currently being met; and
        c. Facilitate development of programs by various parent, church, or other community organizations to meet those unmet needs.
    (2) Serve as liaison between the various parent, church, and other community organizations that provide recreation programs and city staff for the maintenance and improvement of the city's recreation facilities.
    (3) Make recommendations to city staff for recreation improvements to be included in the city's capital improvement plan.
    (4) Make recommendations to city staff for program funding assistance to be included in the city's operating budget.

(c) The recreation commission shall also have the duty to review rules and regulations for use of recreation facilities and make recommendations to the city commission for approval or disapproval of said rules.

PENSION BOARDS

Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, 5th Seat Trustee

Current Members:	***Vacant***, 5th Seat	- 09/30/19,
	Glen Gest, resident	01/04/07 - 09/30/18, 3
	James (Jerry) Brown, resident	03/18/14 - 09/30/18, 1
	Joe Jenkins, Fire Chief	10/01/98 - 09/30/18, 4
	Christopher Whidden, Firefighter	09/15/14 - 09/30/18, 1

Meetings (City Code Sec. 16-163,(O)) – The board shall hold meetings, at least quarterly, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Powers and duties (City Code Sec. 16-163 (I)) – The powers, duties and responsibilities of the board shall include the power and duty to:

(1) Construe the provisions of the system and determine all questions arising thereunder;
(2) Determine all questions relating to eligibility and participation;
(3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
(4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
(5) Distribute to members at regular intervals information concerning the system;
(6) Receive and process all applications for participation and benefits;
(7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
(8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;

(9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city;
(10) Enforce the terms of the plan and the rules and regulations it adopts;
(11) Direct the crediting and distribution of the trust;
(12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
(13) Furnish the city with information which the city may require for tax or other purposes;
(14) Engage the services of an investment manager or managers (as defined in § 3(38)) of the act, each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
(15) Establish and maintain a funding standard account and to make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
(16) Perform such other duties as are specified in this document; and
(17) Appoint an administrator of the system if deemed appropriate by the board.

General Employees' Retirement Board (City Code Sec. 16-43) – The board consists of five (5) trustees. Two (2) members must be employees of the plan elected by a majority of the actively employed members of the retirement system, two (2) members must be a resident of the City, own property in the City or have a business tax issued from the City of Lake Wales, and one member is a voting Mayor and/or City Commissioner. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: none

Current Members:	Linda Kimbrough, resident	06/17/08 - 04/01/19, 3
	Violeta Salud, resident	04/01/04 - 04/01/20, 5
	Sarah Kirkland, general employee	01//05/10 - 04/01/19, 3
	James Slaton, general employee	04/26/12 - 04/01/20, 1
	Commissioner Jonathan Thornhill, voting member	03/18/14 - 05/07/17, 1

Meetings (City Code Sec. 16-43(O)) – The board of trustees may hold meetings, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 8:30 a.m.; City Manager's conference room

Powers & Duties (City Code Sec. 16-43 (I)): The powers, duties and responsibilities of the board of trustees shall include the power and duty to:

(1) Construe the provisions of the system and determine all questions arising thereunder;
(2) Determine all questions relating to eligibility and participation;
(3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
(4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
(5) Distribute to members at regular intervals information concerning the system;
(6) Receive and process all applications for participation and benefits;
(7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
(8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;
(9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city.
(10) Enforce the terms of the plan and the rules and regulations it adopts;

(11) Direct the crediting and distribution of the trust;
(12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
(13) Furnish the city with information which the city may require for tax or other purposes;
(14) Engage the services of an investment manager or managers (as defined in act section 3(38)), each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
(15) Establish and maintain a funding standard account and make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
(16) Perform such other duties as are specified in this document.

Police Officers' Retirement Board (City Code Sec. 16-233) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth trustee member is chosen by a majority of the previous four members and as a ministerial duty, such person is appointed by the City Commission. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Current Members:	Joe Elrod, 5th Trustee	02/03/15 - 09/30/19
	Robert Plummer, resident	11/17/15 - 09/30/18
	Anthony Elrod, resident	04/01/14 - 09/30/18
	Joseph VanBlarcom, police officer	09/16/14 - 09/30/18
	William Raebig, police officer	05/05/14 - 09/30/18

Meetings (City Code Sec. 16-233 (O)) – The board shall hold meetings, at least quarterly, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Powers & Duties (City Code Sec. 16-233 (I)) - The powers, duties and responsibilities of the board shall include the power and duty to:

(1) Construe the provisions of the system and determine all questions arising thereunder;
(2) Determine all questions relating to eligibility and participation;
(3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
(4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
(5) Distribute to members at regular intervals information concerning the system;
(6) Receive and process all applications for participation and benefits;
(7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
(8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;
(9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city;
(10) Enforce the terms of the plan and the rules and regulations it adopts;
(11) Direct the crediting and distribution of the trust;
(12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
(13) Furnish the city with information which the city may require for tax or other purposes;

(14) Engage the services of an investment manager or managers (as defined in § 3(38)) of the act, each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
(15) Establish and maintain a funding standard account and to make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
(16) Perform such other duties as are specified in this document; and
(17) Appoint an administrator of the system if deemed appropriate by the board.

TITLE	MEMBERS	VACANCIES	QUORUM
Airport Authority Board	7	0	4
Board of Zoning Adjustment & Appeals	5	1	3
Citizens & Police Community Relations Advisory Committee	3	1	2
Code Enforcement Board	7	2	4
CRA Citizen Advisory Committee	5	1	3
Historic District Regulatory Board	5	0	3
Housing Authority Board	5	0	3
Library Board	5	0	3
Planning & Zoning Board	7	0	4
Recreation Commission	13	2	6
Firefighters' Retirement Board	5	1	3
General Employees' Retirement Board	5	0	3
Police Officers' Retirement Board	5	0	3
TOTAL	**77**	**8**	

INACTIVE BOARDS:

Bicycle/Pedestrian Advisory Commission
Investment Committee
Drug & Prostitution-Related Nuisance Abatement Board
Enterprise Zone Development Agency
Fire & Building Code Administration Board
Historic Preservation Board
Lakes Advisory Commission
Parks & Community Appearance Advisory Board

APPLICATION FOR APPOINTMENT TO CITY BOARD, COMMISSION OR COMMITTEE

City of Lake Wales, City Clerk's Office, P.O. Box 1320, Lake Wales, FL 33859-1320

Board/Commission/Committee _____

Applying for:

☐ reappointment

☐ new appointment

	Yes Full-time	Yes Part-time	No
City Resident?	☐	☐	☐
Registered Voter?	☐ Yes, Florida	☐ Yes, Other	☐ No

	Yes	No
City Business Tax?	☐	☐
Own Property in City?	☐	☐

Name	
Home Address	Home Phone
Business Address	Business Phone
Employer	Occupation/Type of Business

If applicant is not a city resident or does not pay business tax to city, please provide physical address of property owned within the city limits.

Special knowledge or experience applicable to function of board/commission/committee

Other community involvement

Fla. Statute 760.80 requires the City of Lake Wales to maintain and report the following information:

Race/Ethnicity

African-American ☐

Asian-American ☐

Hispanic-American ☐

Native-American ☐

Caucasian ☐

Gender

Male ☐ Female ☐

Physically Disabled?

Yes ☐ No ☐

I understand that I may be required to complete a Financial Disclosure Form in accordance with the requirements of Florida Law for every year during which I serve as an appointee. I further understand that refusal to file a required Financial Disclosure will result in my removal from the board/commission/committee to which I have been appointed.

_____ applicant initials

Have you ever been convicted of a felony? ☐ Yes ☐ No

If yes, please explain on separate paper and attach to application.

applicant signature

date

List 3 references who reside in the city:

name	phone
name	phone
name	phone

Contact City Clerk's Office to schedule appointment with board chairman and board support staff.

If the applicant is not appointed at the next City Commission meeting scheduled for the purpose of making appointments, this application will be retained on file for 6 months.

e-mail _____

Division 1. Generally

§ 2-26. Boards, commissions and committees organized under the code.

Several boards, commissions and committees have been organized pursuant to various provisions of the Code. The following general regulations apply to all of these boards, commissions or committees:

(1) *Residency.*

(a) Unless the ordinance creating a board, commission or committee provides otherwise or as provided in the following paragraph (b), membership on these boards, commissions and committees shall be limited to persons who are residents of the City of Lake Wales or owners of property located in the City of Lake Wales or persons having a business tax receipt issued from the City of Lake Wales.

(b) The Lake Wales Library Board consists of five (5) members appointed by the city commission. Four (4) members shall be appointed as provided in paragraph (a) above. One (1) member may be a resident of the unincorporated Greater Lake Wales area or a resident of the City of Lake Wales provided that the Lake Wales Public Library is a member of the Polk County Library Cooperative and receives operating funds from the Polk County Board of County Commissioners. For the purposes of this paragraph, the term "resident of the unincorporated Greater Lake Wales area" shall mean "any resident outside of the City of Lake Wales having a Lake Wales mailing address."

(2) *Voter registration.* Membership on boards, commissions and committees shall be limited to persons who are legally registered to vote.

(3) *Limit on consecutive terms.*

(a) 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.

(b) 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.

(4) *Limit on concurrent appointments.* No person shall serve on more than two (2) boards, commissions or committees at the same time with the following exceptions:

A. No person shall serve on more than one (1) pension board.

B. No person shall serve on more than one (1) regulatory board.

(5) *Appointment to regulatory boards.* All applicants seeking appointment to a regulatory board such as planning and zoning board, zoning board of appeals, code enforcement board, nuisance abatement board, and the like, shall be interviewed by the board chairman and the head of the department providing staff support to the particular board 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. Said interviews shall be open to the public. Following the interviews, the board chairman and department head shall provide the city commission with their recommendations for appointment.

(6) *Applications for appointment.* The city manager may, in his/her sole discretion, 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, committee or commission.

(7) *Nepotism.* Members of the immediate family of elected officials shall not be appointed to serve on a board, commission or committee. Members of the immediate family of a municipal officer shall not be appointed to serve on a board, commission or committee which relates to the area of responsibility of that municipal officer. Board, commission or committee members shall be required to resign if a member of the immediate family becomes an elected official or municipal officer with duties relating to business conducted by that board, commission or committee. Such members appointed before July 1, 1989, shall be permitted to serve until the expiration of their current term.

(8) *Attendance.* Absence from three (3) consecutive meetings of a board, commission or committee shall operate automatically to vacate the seat of that member, unless such absence is excused by that board, commission or committee by motion duly passed and recorded in the official minutes.

(9) *Sunset provision.* Inactive boards, commissions and committees may be discontinued by the city commission provided there is no statutory requirement that such board, commission or committee exists. Boards, commissions and committees shall be declared inactive if no meeting is called or no official business is conducted at least once in a twelve (12) month period.

(Code 1962, § 1-10; Ord. No. 89-14, § 1, 6-20-89; Ord. No. 2002-27, § 1, 10-15-02; Ord. No. 2004-20, § 1, 8-3-04; Ord. No. 2005-16, § 1, 5-3-05; Ord. No. 2006-19, § 1, 5-16-06; Ord. No. 2006-47, § 3, 12-5-06; Ord. No. 2008-07, § 1, 2-19-08; Ord. No. 2008-09, § 1, 3-18-08; Ord. No. 2008-27, § 1, 9-2-08; Ord. No. 2009-11, § 1, 5-5-09)