

The regular meeting of the Lake Wales City Commission was held on January 15, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Vice-Mayor Kathy Manry.

#### **INVOCATION**

The invocation was given by Lt. Burney Hayes.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Jack Van Sickle; Terrye Y. Howell; Jean K. Scott; Kathy Manry, Vice-Mayor.

**COMMISSIONERS ABSENT:** Lee A. Wheeler, III, Mayor.

**CITY REPRESENTATIVES PRESENT:** Anthony G. Otte, City Manager; Brian Haas, Frostproof City Attorney; Judith Delmar, Asst. City Manager; Clara VanBlargan, City Clerk.

**CITY REPRESENTATIVES ABSENT:** Albert C. Galloway, Jr.

Mr. Otte reported that Mr. Galloway was absent due to a death in his family. He introduced Frostproof City Attorney Brian Haas, who was filling in for Mr. Galloway.

#### **Agenda Item 4. APPROVAL OF MINUTES**

Commissioner Howell made a motion to approve the minutes of the December 18, 2007 workshop meeting, the December 18, 2007 regular meeting, and the January 2, 2008 regular meeting. The motion was seconded by Commissioner Scott.

#### **ROLL CALL:**

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

#### **MAYOR**

#### **CITY MANAGER**

#### **Agenda Item 5. COVER MEMO – 1<sup>ST</sup> ROUND 2008 – FLUM AMENDMENTS AND ANNEXATIONS**

Mr. Otte reported on Agenda Item 5. The full staff memo is incorporated into the minutes.

[begin memo]

#### **RECOMMENDATION**

This memorandum provides general information for the first round of comprehensive plan amendments and annexations of 2008. The ordinances were originally intended to constitute the second round of comprehensive plan amendments in 2007.

Five properties, totaling 282 acres are proposed for incorporation into the City and for changes in land use designation. All of the properties are owned by Hunt Brothers Inc. Separate memos on each ordinance are provided.

The land use designations proposed for the properties are as recommended by the Planning and Zoning Board. A public hearing and action are required for each ordinance.

The ordinances were approved on first reading in September of 2007 and transmitted to the state Department of Community Affairs (DCA) for review. The Dec. 2 report from DCA raised a number of questions regarding the provision of services, including utilities and transportation. Although not included in the report itself, recommendations were also made by the Department of Environmental Protection concerning groundwater and wetlands, and by the Division of Historical Resources concerning archaeological resources. The state's report, the "Objections, Recommendations, and Comments" report (ORC) is included in your packet. Upon review of the comments, it was determined that there was insufficient time to respond to the agency's comments and adopt the ordinances in the short time left in 2007.

Following a meeting with City staff and his consultants, Ellis Hunt, Jr. requested that the adoption of the ordinances for the five Hunt Bros. properties proceed. His consultants, Fragala and Associates, and attorney, Corby Myers, have committed to preparing additional information to address the issues raised in the ORC report.

Although the state favors resolution of issues prior to adoption of land use amendments, their objections can be addressed after adoption, and the City has the option of adopting the ordinances at this time, as stated in the cover letter to the ORC report. However, the ordinances will not become effective until such time as the state finds the amendments in compliance.

A land use amendment for the 767-acre PPI, REDI property was also included in the transmission and state report. The property is located northeast of the intersection of Masterpiece Rd. and the Scenic Highway. After review of the state's report, the owners discussed options with staff. Gary Rosen, partner in PPI, REDI, decided to put the annexation and land use amendment on hold to concentrate on a proposed plan for expansion of public services into the area. Staff is working with area property owners to initiate the planning effort.

Upon adoption of the land use ordinances for the Hunt Brothers properties, they will be sent to the state, and staff anticipates meetings with the Department of Community Affairs in the coming months to discuss the objections raised in their ORC report and the City's responses, based upon additional information to be provided by the applicant.

The ordinances summarized below are recommended for adoption following public hearings.

### **Summary of Ordinances**

<b>Ord. #s Annex/CPA</b>	<b>Property</b>	<b>Acres</b>	<b>Location/ Proposed Use</b>	<b>Existing/Proposed Land Use Designation</b>
2007-48 D2007-09	Packing Plant (Hunt Bros.)	172	Hunt Bros. Rd. Ind. park & Res.	County RS Lake Wales: IND/I-1 109 ac. BPC/BP 24 ac. LDR/R-1A 39 ac.

2007-49 D2007-10	U.S. 27 S (Hunt Bros.)	34	U.S. Hwy 27 S Business Park	County A/RR & RS Lake Wales: BPC/BP
2007-50 D2007-11	SR 60 E (Hunt Bros.)	46	State Rd. 60 E Commercial	County RS Lake Wales CAC/C-3
2007-51 D2007-12	Grant Rd. (Hunt Bros.)	10	Grant Rd. Single-family	County RS Lake Wales LDR/R-1A
2007-52 D2007-13	Buck Moore Rd. (Hunt Bros.)	20	Buck Moore Rd. Single-family	County RS Lake Wales LDR/R-1A

**TOTAL: 282 Acres**

**Key to Land Use Classifications (FLUM/Zoning):**

IND – Industrial / I-1 Industrial Park	RS – Residential Suburban
CAC – Community Activity Center / C-3 Highway Commercial	A/RR – Agricultural/Rural Residential
BPC – Business Park Center / BP Business Park	
LDR – Low Density Residential / R-1A Residential	

**Geographic areas:** See maps included with each ordinance (Attachment A) for locations.

Three of the five Hunt Brothers' properties are located south of SR 60. The Grant Rd. and Buck Moore Rd. pieces are on the Buck Moore Rd. corridor just north of SR 60. All of the Hunt Brothers Inc. parcels are in active areas of annexation and are logical extensions of the City limits.

**Proposed development:**

A total of 69 acres are proposed for residential development, including the 10-acre Grant Rd. and 20-acre Buck Moore Rd. properties and the 39 acres in the northeast portion of the packing plant property. These properties are essentially infill parcels in developing residential areas. Recommended land use designations are LDR-Low Density Residential (future land use map), allowing up to 3 dwelling units per gross acre, and R-1A Residential zoning, requiring a 12,000 square-foot minimum lot size. Under a planned development project (PDP) approval, smaller lots and various housing types may be approved with commensurate increase in required open space and recreation land.

The 46-acre parcel on State Rd. 60 is proposed for commercial development. This will be an expansion of the commercial area along the south side of SR 60 east of Walmart. The packing plant site on Hunt Bros. Rd. is proposed for industrial expansion (109 acres) and business park development (24 acres) on the north side of the railroad. Also proposed for business park development is the 34-acre site on US 27 S.

**Existing land use designations:**

The Hunt Brothers properties are all designated as RS-Residential Suburban on the Polk County Future Land Use Map except for the US 27 property, part of which is designated A/RR-Agricultural/Rural Residential.

**Summary of impacts of proposed development:**

- *Potable water: Total projected maximum demand 78,890 gallons per day*  
 Level of service standard: 122 gallons/person/day

<u>Property</u>	<u>Projected Maximum Potable Water Demand (GPD)</u>
Hunt Packing Plant	
Industrial/Business	12,155
Residential	35,136

Hunt US 27 S (business park)	3,093
Hunt SR 60 E (commercial)	3,375
Hunt Grant Rd. (residential)	7,564
Hunt Buck Moore (residential)	17,568

The City's potable water system has a current permit for 3.8 million gallons per day. An application for an increase to 4.5 million gallons per day is pending to serve needs in the near future.

The current demand is approximately 3.04 mgd. Approximately 0.604 mgd has been committed to approved developments. The Utility Capacity Queue Ordinance (see explanation in wastewater section) applies to potable water system capacity as well as wastewater treatment plant capacity.

In the queue for future service, there are developments with a total demand of 0.45 mgd and agreements with two other developments for approximately 0.2 mgd.

- *Wastewater: Total projected maximum flow 64,631 gallons per day*  
 Level of service standard: 100 gallons/person/day

<u>Property</u>	<u>Maximum project flow (gpd)</u>
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Hunt Packing Plant	
Industrial	9,930
Residential	28,800
Hunt US 27 (Business park)	2,535
Hunt SR 60 E (commercial)	2,766
Hunt Grant Rd. (residential)	6,200
Hunt Buck Moore Rd. (residential)	14,400

The City has embarked on a program of expanding its wastewater treatment capacity to serve proposed development. Currently, the wastewater plant is treating approximately 1.2 mgd (million gallons per day) and has a permitted capacity of 1.9 mgd. Committed and reserved capacity total approximately 0.5, leaving 0.2 mgd available for reservations.

A re-rating proposed for the existing plant will make available an additional 100,000 gallons per day (0.1 mgd) within two years. Expansion of the wastewater treatment plant to 3.0 mgd in 0.6 mgd increments is in the engineering phase. The City has approved a capital facilities plan with \$24 million slated for wastewater treatment plant expansion and improvements.

The Utility Capacity Queue Ordinance passed in 2007 established a system for developments to become eligible for reservations of capacity. The system requires payment of utility impact fees to reserve capacity in the system. Through the queue system, the City has a mechanism to determine the demand for utility capacity and to plan for expanding services accordingly.

A position in the queue requires a signed agreement from the developer and a payment equivalent to 10% of the utility impact fees for the number of units to be queued. Plans for proposed development are not processed without a queue agreement.

At such time as the City has capacity or anticipates it will have capacity in the near future, a reservation offer is made to developers in the order of their queued positions. Per the queue ordinance, those developers must execute a utility services agreement within 30 days of the offer in order to be eligible for reservations of capacity.

A reservation is made through a utility services agreement with a minimum payment of 50% of the projected utility impact fees and a bond for the remaining fees for those units being reserved. No site development permit for construction of project infrastructure will be issued without a valid utility services agreement unless the type of development is specifically exempted.



Those developers who do not execute an agreement within 30 days of being offered capacity will have abandoned their capacity reservation offers and their queue agreements will be terminated.

- *Schools- Total projected new students – 90 students*  
 Based upon Polk County School Board student generation rates

<u>Property</u>	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>	<u>Total</u>
Hunt packing plant - Residential	23	12	17	52
Hunt Grant Rd.	5	3	4	12
Hunt Buck Moore	12	6	8	26

School concurrency review will be required for new developments beginning March 1, 2008. New developments will not be approved unless there is adequate capacity in the schools to serve projected students or capacity will be available to serve the development through the construction of new facilities.

The City is working with the County school board to identify sites for future school construction.

- *Parks and Recreation – Community Parks (residential only)*  
 Total projected demand approximately 1 acre of community park

<u>Property</u>	<u>Projected demand at LOS 2 acres/1,000 population (acres)</u>
Hunt packing plant - Residential	0.6
Hunt Grant Rd.	0.12
Hunt Buck Moore	0.24

The City currently has an excess of community park acreage to meet the level of service standards for the population. The Lake Wailes community parks (approximately 150 acres) are less than a mile from the Grant Rd. and Buck Moore Rd. properties. A new multi-purpose community park, just being completed on Hunt Brothers Rd., will serve proposed residential development at the packing plant property.

Recreation impact fees are collected for the purpose of developing community parks. Neighborhood parks are required in every new residential development.

- *Transportation*

All of the properties have direct access to an arterial or major collector roadway with the exception of the Grant Rd. (10 acres) property, which is located on a local road approximately 0.1 mile east of Buck Moore Rd., a major collector road, and 0.2 mile north of SR 60, an arterial highway.

The packing plant property, proposed for industrial, business park, and residential development, will require a master plan for transportation. With access to CR17-B (Hunt Brothers Rd.), the industrial development will have good access to US 17 (Scenic Highway) and U. S. Highway 27 to the west and SR 60 to the north. Roadway improvements and extensions will be necessary to serve the proposed business park and residential developments which lie northeast of the railroad.

**Addressing ORC Report issues:**

Additional information will be required to demonstrate that the amendments to the Future Land Use Map are consistent with the City's Comprehensive Plan. As stated, the Hunt Brothers' planning and legal consultants will be providing such information to prepare for discussions with the Department of Community Affairs following adoption of the ordinances.

The areas to be addressed, based upon the Objections, Recommendations, and Comments Report from the Department of Community Affairs are summarized below.

A. Transportation – re: packing plant, SR 60, and US 27 S properties

- Traffic data and impact analysis
- Need for roadway improvements or alternatives to maintain level of service standards
- Coordination of improvement plan with Comprehensive Plan elements, and state/county roadway plans.
- Demonstration of consistency with provisions of City Comprehensive Plan.

B. Public facilities - re: all properties

- Assumptions used for potable water demand projections
- Committed and available potable water capacity to serve parcels
- Impact of demand and need for potable water, sanitary sewer, solid waste, and park/recreation facilities improvements.
- Coordination with Comprehensive Plan elements.

C. Potable water – U.S. 27 S (business park) property

- Projections and capacity availability
- Need for water supply improvements or other planning alternatives to maintain level of service standard
- Coordination with Comprehensive Plan elements and regional water supply plan

D. Urban sprawl – PPI REDI property

The amendment for this property is not recommended for adoption at this time; therefore, the objections regarding urban sprawl, which pertain to this property, will not be addressed at this time.

Letter from the Department of Environmental Protection

All of the sites are located in groundwater recharge areas where storm water runoff is a concern. Recommendations on limiting impervious surface, clustering buildings, use of xeric landscaping techniques, buffering sensitive areas, and design techniques for storm water treatment systems were recommended. Wetland areas on the US 27 S property were recommended for conservation designation.

Letter from the Division of Historic Resources

Precautions were recommended to ensure that potential archaeological sites on the packing plant property are protected during development.

**OTHER OPTIONS**

Decline to approve the land use changes. A decision on adoption of the ordinances must be made within 60 days of the ORC report (by February 1). If not adopted at this time, the proposed changes would need to repeat the first reading, transmission, and review by the state to move forward.

[end memo]

Commissioner Van Sickle expressed his concern about the number of gallons of water per day that will be needed, leaving almost zero in reserve. The City has applied for an increase in capacity to serve future development. Mr. Otte explained that, based on the Commission's direction, the utility capacity queue ordinance set up a system for developers to pay for expansion of utilities rather than the tax payers. Margaret Swanson added that there is no commitment of capacity until a development plan is approved and impact fees are committed by the developer. Commissioner Van Sickle said that if the City was not signing up to give services in the near term, why not delay adoption to respond to the state's concerns. Mr. Otte said that he would not recommend stopping the flow of annexations and comprehensive plan amendments. Obtaining approval for the capacity increase from the regulatory agency is a lengthy process. The Southwest Water Management District told staff over a year ago that our per capita water

use was favorable and that we already had in place the ordinances for conservation. So, everything is in place to continue through the process.

Vice-Mayor Manry said that this was not being pushed through by the City, but by the landowner.

Augustine Fragala Jr., Vice President of Powell, Fragala & Associates, Inc. and authorized agent for G. Ellis Hunt Jr., President, Hunt Brothers Inc., owner of the property, explained that they have done extensive analysis for the properties in trying to determine what the best uses of the properties are and working with City staff to come up with the appropriate land use categories. When these applications are submitted to the Department of Community Affairs the service needs are projected for maximum development of the property, which is never actually achieved. If all of the work that has been done so far is set aside, the applicant would have to start again at square one. In developing the responses to the Department of Community Affairs their experience has been that the applicant needs to show participation in a reasonable financial plan for provisions of those utilities. The City is under no obligation to sell bonds or make improvements as a result of adopting these comprehensive plan amendments. He said that they have been continually working on this and have had initial discussions with City staff almost 17 months ago and on the programs for each of these particular parcels for the past year. They feel very strongly that to set aside all that cost and expense, and good effort and involvement from the City and start over would be a financial burden for them to bear. Approval by the Commission would allow them to go forward and continue in the process without any obligations from the City. He added that SWFWMD and the City would have to come to an agreement on what amount of growth and increased water usage is reasonable.

Ms. Swanson added that the City code has concurrency requirements ensuring that the services needed for a development are in place or committed to be in place prior to development plan approval.

**Agenda Item 6. Ordinance 2007-48, Annexation: Hunt Brothers Packing Plant Property, Hunt Brothers Road - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 6. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval, following a second reading and public hearing, of Ordinance 2007-48, providing for the annexation of approximately 172 acres on Hunt Brothers Road.

Notice requirements for a public hearing have been met. A first reading of the ordinance was approved on September 18, 2007. A Planning and Zoning Board recommendation is not required for an annexation.

**BACKGROUND**

The annexation is requested by Augustine Fragala Jr., Vice President of Powell, Fragala & Associates, Inc. and authorized agent for G. Ellis Hunt Jr., President, Hunt Brothers Inc., owner of the property.

The 172-acre property is comprised of 11 parcels between 11<sup>th</sup> St. S and Tangelo St. at the point where Hunt Brothers Rd. turns from east-west to north-south. The Florida Midland Railroad runs through the property in a northwest/southeast direction (See Attachment A to the ordinance for location.)

Ninety-five percent of the property is used for active citrus production at this time. A citrus packing plant is located on approximately 9 acres at the turns in Hunt Brothers Rd.

The property is contiguous with the municipal boundary of Lake Wales along a portion of the railroad. To the north, along 11<sup>th</sup> Street, are a number of proposed residential developments, including Whispering Ridge.

Abutting properties:

- North – Proposed residential development (City) and citrus groves (County)
- West – 11<sup>th</sup> St. S., groves, and vacant property (County)
- South – groves (County) and golf course (Highland Park incorporated area)
- East – Tangelo St. and citrus groves (County)

The ordinance for land use designations for the property is being processed concurrently (Ordinance D2007-09). Information regarding provision of public services is included in the staff report on the land use, designation change.

**OTHER OPTIONS**

Decline annexation of the property.

**FISCAL IMPACT**

The property has a current just market value of just under \$3 million.

[end memo]

Ms. Delmar read Ordinance 2007-48 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 172 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

Jack Neil, 135 E. Central Avenue, said that the City could not afford to keep annexing because it is going further and further into debt. Mr. Otte responded that he heard a story where residents of a City said they wanted no more annexations. Years later, after the county had approved developments all around the City, the residents were not happy with the result. He said conceptually the question is, "Does the City want the ability to influence and direct the growth at our boundary today or do we want it to happen without our input?" He said that he wanted to insure that developments adhere to City standards. Ms. Swanson added that only 30 acres of the property were for residential development and the remainder was for non-residential development. Vice-Mayor Manry said that one of the worse problems we have in Lake Wales is the unhealthy ratio of commercial to residential.

Wes Rogers, 500 E. Bullard Avenue, agreed with Jack Neal that the City should turn down the annexations because the City cannot afford to provide utility services to them.

CLOSED PUBLIC HEARING

Commissioner Scott said that Hunt Brothers is one of the City's long-standing industries and should be welcomed into the City. Commissioner Van Sickle said he is on record saying that this city does not have a commercial tax base, which is what we should be going for. At this time, he is more in favor of annexing commercial property than residential.

Commissioner Scott made a motion to adopt Ordinance 2007-48 after second reading and public hearing. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 7. Ordinance D2007-09, CPA/Zoning: Hunt Brothers Packing Plant Property, Hunt Brothers Road - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 7. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended that the City Commission approve Ordinance D2007-09 after second reading and public hearing. Proposed land use designations are those recommended by the Planning and Zoning Board.

Notice requirements for a public hearing have been met.

**BACKGROUND**

The property is located on Hunt Brothers Rd. east of 11<sup>th</sup> Street and north of Highland Park. The property includes the existing Hunt Brothers packing plant located on an 8-acre site at the turn in Hunt Brothers Rd. Running northwest/southeast through the property is the Florida Midland Railroad. (See map - Attachment A to the ordinance.)

The proposed amendment was approved on first reading in September 2007 and transmitted to the state for review. (See cover memo for additional information.)

The Department of Community Affairs reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, chapter 163, Part II, Florida Statutes, and the adopted City of Lake Wales Comprehensive Plan. In the "Objections, Recommendations, and Comments Report" dated December 2, 2007, issues were raised regarding transportation and public facilities to serve development proposed on the packing plant property. After consultation with the owner and the owner's planning and legal consultants, staff recommends proceeding with the adoption. The applicant will be providing additional information to address state comments subsequent to the adoption.

The current land use designation on the property is Polk County RS-Residential Suburban. The following land use designations are proposed:

- 109 acres southwest of the railroad: IND-Industrial (FLUM)  
I-1 Industrial Park (Zoning Map)
- 24 acres northeast of the railroad: BPC-Business Park Center (FLUM)  
BP Business Park (Zoning Map)
- 39 acres northeast of the railroad: LDR-Low Density Residential (FLUM)

## R-1A Residential (Zoning Map)

Currently, the property is predominantly agricultural (citrus) and is well-drained land, suitable for development.

Ordinance 2007-48 annexing the property is being processed concurrently.

### Proposed development:

A master-planned industrial park and multi-modal activity center with railroad access is proposed on 109 acres adjacent to the existing packing plant. Northeast of the railroad, a 24-acre business park is proposed. A residential development of approximately 120 units is proposed on the 39.5-acre site in the northeast corner of the property. Build-out is anticipated to take 10-12 years.

### Surrounding land uses and land use designations:

- North – vacant residential (City – LDR/R-1B) and agricultural (County – RS)
- East – agricultural and single-family (170 lots) residential (County – RS)
- South – golf course (City of Highland Park) and agricultural (County – RS)
- West – agricultural and one church (County – RS)

Site access: The proposed IND area has direct access to CR 17-B, which connects to the arterial highways SR 60 (1 mile north), US Hwy 27 (2 miles west), and SR 17/Alt. 27 (1 mile west). Secondary access to SR 60 is available via Hunt Brothers Rd. northward 1 mile.

- Florida Midland Railroad – active rail line along NE border and running through portion of property. Railroad will serve proposed industrial facility expansion.
- Hunt Brothers Rd. – runs through property. Connects with SR 60 approx. 1 mile north. Becomes CR17-B to the west.
- 11<sup>th</sup> Street (CR17-B) – borders property on the west. Connects with SR 60 approx. 1 mile north and with US Hwy 27 approx. 2 miles west.
- Lilly Street – runs east-west between Hunt Brothers Rd. and Tangelo. A 40-acre parcel north of Lilly between these two streets is proposed for residential development (LDR).

### ***Land use recommendation:***

The applicant requested an IND-Industrial Future Land Use Map (FLUM) designation on 133 acres of the property and LDR-Low Density Residential on 39 acres. The designation of 24 acres northeast of the railroad as BPC-Business Park was recommended by the Planning and Zoning Board. The BPC designation does not allow some of the "heavier" uses permitted under the IND designation and will serve as a transitional zone between the residential to the north and the industrial to the south.

The recommended zoning designations are consistent with the proposed FLUM designations. The I-1 Industrial Park and BP-Business Park zoning designations discourage piecemeal development and encourage planned business parks.

Planned development project (PDP) approval will be required for master planning development of the property. This process will ensure that the development is well planned in terms of site access, buffering of adjacent residential lands, consolidated entrances, coordinated signage, and public services.

R-1A residential zoning is recommended for the 39-acre residential property. The district requires a minimum lot size of 12,000 square feet. Under the planned development project (PDP) process, smaller lot sizes may be approved with a commensurate increase in common open space.

Impacts of proposed development: The property is well located for industrial/business park development because of its railroad access and proximity to two major highways (US 27 and SR 60) via a County highway (CR 17-B).

Land use concerns are:

- *Impacts of industrial uses on adjacent lands with existing and proposed residential development.* This concern has been partially addressed by the recommendation to designate 24 acres northeast of the railroad as BPC- Business Park Center rather than the requested IND-Industrial. The BPC area will act as a transitional zone between the industrial and residential uses. Along the northwest segment of the railroad, where proposed residential uses will be directly northeast of the line, buffering will be required under the planned development project process. To be effective, the buffering will need to be on the residential side of the railroad.
- *Provision of sewer and water service.* Projected demand on potable water and wastewater systems are summarized below. The City has a plan for stepped expansion of its wastewater treatment system and for increasing potable water permit levels. (See cover memo for additional information.) The property's development over the next decade will be timed to coincide expansion of these systems, as required under concurrency regulations. If uses entailing process water are included in the industrial area, some pre-treatment may be required of the applicant for discharge to the City's wastewater system.
- *Condition of Hunt Brothers Road north of the existing packing plant.* Currently, the roadways northeast of the site are not suitable for industrial/business access and may require upgrade for residential development. CR 17-B, however, which provides access to both SR 60 and US Highway 27, is in good condition and has adequate capacity for the proposed uses.

*Potable water: Total 47,251 GPD*

- Estimated volume of potable water usage (industrial/business uses)  
 $132.5 \text{ acres} \times 0.75 \text{ FAR} = 99.3 \text{ acres}$   
 $99.3 \text{ acres} \times 122 \text{ GPD} = 12,115 \text{ GPD}$
- Estimated volume of potable water usage (residential uses)  
 $2.4 \text{ persons} \times 120 \text{ DU} = 288 \text{ people}$   
 $288 \text{ people} \times 122 \text{ GPCD} = 35,136 \text{ GPD}$

*Wastewater: Total 38,730 GPD*

- Estimated volume of wastewater flow (industrial/business uses)  
 $132.5 \text{ acres} \times 0.75 \text{ FAR} = 99.3 \text{ acres}$   
 $99.3 \text{ acres} \times 100 \text{ GPD} = 9,930 \text{ GPD}$
- Estimated volume of wastewater flow (residential uses)  
 $2.4 \text{ persons} \times 120 \text{ DU} = 288 \text{ people}$   
 $288 \text{ people} \times 100 \text{ GPCD} = 28,800 \text{ GPD}$

*Transportation:*

CR 17-B will provide the main roadway access for the industrial/business complex. The roadway has a level of service standard of "D" and is currently functioning at level of service "C."

No deficiencies are projected within a 5-year period according to Polk County's Transportation Organization (TPO). Improvements will be required on roadways to the northeast of the site to access the proposed residential development and provide secondary access to the industrial park. The roadway conditions and needs will be assessed during planned development review.

*Schools: Total 52 new students projected.*

Estimated student generation (based upon Polk County student generation rates):

Elementary	$120 \text{ DU} \times 0.194 = 23 \text{ students}$
Middle	$120 \text{ DU} \times 0.097 = 12 \text{ students}$
High School	$120 \text{ DU} \times 0.138 = 17 \text{ students}$

For schools serving the area, projected enrollment exceeds capacity. Capacity and enrollment figures follow:

School	Permanent Operational Capacity	Projected Enrollment
Hillcrest Elementary	535	605
McLaughlin Middle	883	900
Lake Wales High	1350	1400

*Parks and recreation: Std. community parks @ 2 acres per 1,000 population*

Development of the residential portion of the property (39 acres) will increase the demand for community parks by approximately 0.6 acres. The nearest community park to the site is the new Lake Wales Soccer/Multi-Purpose Complex on Hunt Brothers Road, approximately 2 miles west of the proposed residential site.

#### **OTHER OPTIONS**

Decline to adopt the amendments at this time.

[end memo]

Ms. Delmar read Ordinance D2007-09 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 172 ACRES OF LAND, LOCATED ON HUNT BROTHERS ROAD EAST OF 11<sup>TH</sup> STREET, FROM POLK COUNTY FUTURE LAND USE DESIGNATION RS-RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATIONS IND-INDUSTRIAL, BPC-BUSINESS PARK CENTER, AND LDR-LOW DENSITY RESIDENTIAL AND TO LAKE WALES ZONING DESIGNATIONS I-1 INDUSTRIAL PARK, BP-BUSINESS PARK AND R-1A RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance D2007-09 after second reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 8. Ordinance 2007-49, Annexation: Hunt Brothers Property – East Side of US Hwy. 27 South - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 8. The full staff memo is incorporated into the minutes.



[begin memo]

## **RECOMMENDATION**

Staff recommended approval, following a second reading and public hearing, of Ordinance 2007-49, providing for the annexation of approximately 34 acres on the east and west sides of US Highway 27 South.

Notice requirements for a public hearing have been met. A first reading of the ordinance was approved on September 18, 2007. A Planning and Zoning Board recommendation is not required for an annexation.

## **BACKGROUND**

The annexation is requested by Augustine Fragala Jr., Vice President of Powell, Fragala & Associates, Inc. and authorized agent for G. Ellis Hunt Jr., President, Hunt Brothers Inc., owner of the property.

The 34-acre property is comprised of two parcels straddling US Highway 27 South, about 0.7 miles south of State Road 60 and just north of Longleaf Business Park. (See Attachment A to the ordinance for location.)

The property is currently in active citrus production. A business park is proposed.

The grove is contiguous with the municipal boundary of Lake Wales on the north (partial), east and south. Abutting properties are as follows:

- North – Existing commercial/industrial (County) and conservation land (City)
- West – Vacant property (County)
- South – Vacant property and Longleaf Business Park (City); existing residential and commercial (County)
- East – Proposed mixed-use development, Mayfair (City)

The ordinance on land use designations for the property is being processed concurrently (Ordinance D2007-10). Information regarding provision of public services is included in the staff report on the land use designation change.

## **OTHER OPTIONS**

Decline annexation of the property.

## **FISCAL IMPACT**

The property has a current just market value of \$92,150.

[end memo]

Ms. Delmar read Ordinance 2007-49 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 34 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2007-49 after second reading and public hearing. The motion was seconded by Commissioner Scott.

#### ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

#### **Agenda Item 9. Ordinance D2007-10, CPA/Zoning: U.S. Highway 27 Property, Hunt Brothers, Inc., U.S. Hwy. 27 South - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 9. The full staff memo is incorporated into the minutes.

[begin memo]

#### **RECOMMENDATION**

Staff recommended that the City Commission approve Ordinance D2007-10 after second reading and public hearing. The proposed land use designation is as requested by the applicant and recommended by the Planning and Zoning Board.

Notice requirements for a public hearing have been met.

#### **BACKGROUND**

The 34-acre property is located on the east and west sides of U.S. Highway 27 0.7 miles south of SR 60. It is east of Miami St. and north of Owens Rd. Just south is Longleaf Business Park. (See map – Attachment A to ordinance.) The parcel on the west side of the highway is approximately 21.5 acres, and, on the east side, 12.3 acres.

The proposed amendment was approved on first reading in September 2007 and transmitted to the state for review. (See cover memo for additional information.)

The Department of Community Affairs reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, chapter 163, Part II, Florida Statutes, and the adopted City of Lake Wales Comprehensive Plan. In the "Objections, Recommendations, and Comments Report" dated December 2, 2007, issues were raised regarding transportation and public facilities to serve the development proposed on the property. The Department of Environmental Protection also raised concerns about protection of wetlands on this site.

After consultation with the owner and the owner's planning and legal consultants, staff recommends proceeding with the adoption. The applicant will be providing additional information to address state comments subsequent to the adoption.

Currently, the property is in active citrus production. There are 12 acres of jurisdictional wetlands in the northern portion of the site. About 5 acres in the northeast portion of the site is within the 100-year FEMA flood plain. Net developable property is approximately 21 acres.

Ordinance 2007-49 annexing the property is being processed concurrently.

Proposed development: business park, similar to nearby Longleaf Business Park.

Surrounding land uses and land use designations:

- North – Existing commercial/industrial (County – LCC-Limited Commercial Corridor) and conservation land (City – CONS-Conservation)
- West – Vacant property (County – A/RR – Agricultural/Rural Residential)
- South – Vacant property and Longleaf Business Park (City – BPC/BP – Business Park Center); existing residential and commercial (County – RS – Residential Suburban and CE – Commercial enclave)
- East – Proposed mixed-use development, Mayfair (City MDR/R-1A)

Site access:

The property is well situated for business park development, fronting on US Highway 27, a 4-lane divided Principal Arterial running north-south, and being less than a mile south of SR 60, a major east-west state arterial.

***Land use recommendation:***

The BPC – Business Park Center Future Land Use Map (FLUM) designation was requested by the applicant and recommended by the Planning and Zoning Board. The BP – Business Park zoning classification is consistent with the FLUM designation. The option of designating the wetlands as CON – Conservation or wetlands overlay district will be explored with the applicant's consultants and discussed with the Department of Community Affairs.

Impacts of proposed development:

The property is well suited for business park development. It is located on a principal arterial running north-south (US 27) and is less than a mile from a principal arterial running east-west (SR60). It is in an area designated by the city for business park development. It is just north of the city's Longleaf Business Park. On the east side of US 27 is a proposed mixed-use development (Mayfair) which will include commercial support for business park developments. A hotel, restaurants, convenience store with gas, and a town center are proposed within Mayfair.

The property is between commercial nodes designated on the FLUM as revised in 2005. The BPC designation is appropriate for such areas.

*Potable water: Total 3,093 GPD*

Estimated volume of potable water usage (industrial/business uses)

$$33.8 \text{ acres} \times 0.75 \text{ FAR} = 25.35 \text{ acres}$$

$$25.35 \text{ acres} \times 122 \text{ GPD} = 3,093 \text{ GPD}$$

*Wastewater: Total 2,535 GPD*

Estimated volume of wastewater flow (industrial/business uses)

$$33.8 \text{ acres} \times 0.75 \text{ FAR} = 25.35 \text{ acres}$$

$$25.35 \text{ acres} \times 100 \text{ GPD} = 2,535 \text{ GPD}$$

*Transportation:* The site has direct access to US 27, a 4-lane divided Principal Arterial, as classified by the Polk County Transportation Planning Organization (TPO). The highway is functioning at level of service "B" and has a level of service standard of "C." The TPO projects no capacity problems within a 5-year period.

## **OTHER OPTIONS**

Decline to adopt the amendments at this time.

[end memo]

Ms. Delmar read Ordinance D2007-10 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 34 ACRES OF LAND, LOCATED ON THE EAST AND WEST SIDES OF U.S. HIGHWAY 27, FROM POLK COUNTY FUTURE LAND USE DESIGNATIONS RS-RESIDENTIAL SUBURBAN AND A/RR-AGRICULTURAL/RURAL RESIDENTIAL TO LAKE WALES FUTURE LAND USE DESIGNATION BPC-BUSINESS PARK CENTER AND ZONING DESIGNATION BP-BUSINESS PARK; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance D2007-10 after second reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 10. Ordinance 2007-50, Annexation: Hunt Brothers Property – South Side of SR60 E. - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 10. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval, following a second reading and public hearing, of Ordinance 2007-50, providing for the annexation of approximately 46 acres on the south side of State Road 60E.

Notice requirements for a public hearing have been met. A first reading of the ordinance was approved on September 18, 2007. A Planning and Zoning Board recommendation is not required for an annexation.

**BACKGROUND**

The annexation is requested by Augustine Fragala Jr., Vice President of Powell, Fragala & Associates, Inc. and authorized agent for G. Ellis Hunt Jr., President, Hunt Brothers Inc., owner of the property.

The 46-acre property is comprised of three parcels located east of Tangelo Street. Two parcels of approximately 18 acres each front on SR 60 and are bisected by Lewis Griffin Rd. The third parcel, just

under 10 acres, is south of the others at the northeast corner of Lewis Griffin and Grove Rd. (See Attachment A to the ordinance for location.)

The property is currently in citrus production. Proposed is commercial development.

The property is contiguous with the municipal boundary of Lake Wales on the north (partial), west, and south (partial).

Abutting properties are as follows:

- North – SR 60 - Existing commercial/industrial (City and County); vacant land proposed for self-storage (City)
- West – Tangelo St. - Existing commercial (City)
- South – Existing commercial, self-storage (City), groves and vacant property (County)
- East – Existing residential, Golf View (County)

The ordinance on land use designations is being processed concurrently (Ordinance D2007-11). Information regarding provision of public services is included in the staff report on the land use designation change.

#### **OTHER OPTIONS**

Decline annexation of the property.

#### **FISCAL IMPACT**

The property has a current just market value of \$198,890.

[end memo]

Ms. Delmar read Ordinance 2007-50 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 46 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

There were no comments made by the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Scott asked if their plans were to remove the citrus grove and develop it or if they were planning for it to remain a citrus grove. Mr. Fragala answered that the Hunt Brothers are in the citrus business and there are no plans in the immediate future to develop the property. However, this is a valuable parcel on SR60. Development of the property is at least 2.5 to 3 years away.

Commissioner Scott made a motion to adopt Ordinance 2007-50 after second reading and public hearing. The motion was seconded by Commissioner Howell.

#### **ROLL CALL:**

Commissioner Scott                      "YES"

Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 11. Ordinance D2007-11, CPA/Zoning: SR 60 E Property, Hunt Brothers, Inc. – SR 60 E of Tangelo - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 11. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended that the City Commission approve Ordinance D2007-11 after second reading and public hearing. Proposed land use designations are those recommended by the Planning and Zoning Board.

Notice requirements for a public hearing have been met.

**BACKGROUND**

The 46-acre property is located on the south side of SR 60 east of Tangelo Street (Walmart). (See map – Attachment A to ordinance.)

The proposed amendment was approved on first reading in September 2007 and transmitted to the state for review. (See cover memo for additional information.) Ordinance 2007-50 annexing the property is being processed concurrently.

The Department of Community Affairs reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, chapter 163, Part II, Florida Statutes, and the adopted City of Lake Wales Comprehensive Plan. In the "Objections, Recommendations, and Comments Report" dated December 2, 2007, issues were raised regarding transportation and public facilities to serve development proposed on the property. After consultation with the owner and the owner's planning and legal consultants, staff recommends proceeding with the adoption. The applicant will be providing additional information to address state comments subsequent to the adoption.

The property is currently in active citrus production. It is immediately east of one of the City's major commercial nodes (CACs), running along SR 60 from 11<sup>th</sup> Street eastward.

Proposed development: commercial plaza

Surrounding land uses and land use designations:

- North – SR 60E, Commercial, vacant, agricultural (City-CAC; County-LCC-Limited Commercial Corridor and RS-Residential/Suburban)
- West – Commercial (City-CAC and BPC-Business Park Center)
- South – Vacant and agricultural (County- RS-Residential Suburban)
- East – Single-family residential (County LCC-Limited Commercial Corridor and RS-Residential Suburban)

Site access: The site has direct access to State Rd. 60E, a 4-lane principal arterial, and major east-west corridor. It also has access to local roads. To the west is Tangelo St. and to the west is Highland Dr. Bisecting the parcel in a north-south direction is Lewis Griffin Rd.

**Land use recommendation:** The land use recommendations of a Future Land Use Map (FLUM) designation of CAC- Community Activity Center and zoning map designation of C-3 Highway Commercial are as requested by the applicant and recommended by the Planning and Zoning Board. The recommended C-3 zoning designation is consistent with the CAC-Community Activity Center FLUM designation. The commercial parcels along the portion of SR 60 west of the site are also CAC/C-3. These designations allow a wide range of commercial uses.

The land is well suited for commercial development. It is located east of a CAC-Community Activity Center, one of the three major highway commercial nodes in the city. There is existing commercial and a proposed mini-storage business on the north side of the highway across from the site. To the east on both sides of the highway are established residential areas (Lake Wales Country Club and Golf View) that will act as a logical east boundary to the commercial zone.

Currently, there is demand for vacant commercial land in the vicinity as evidenced by inquiries to the city. Although there is vacant commercial space within plazas in the area, there are very few parcels that remain vacant within this CAC. Demand is expected to increase dramatically with residential development proposed in the sector. There are a number of residential developments underway and proposed to the southwest along the 11<sup>th</sup> St. corridor and to the north in the Buck Moore/Masterpiece Gardens Rd. area that will increase demand for commercial businesses. Over 1,000 residential units are proposed within one mile of SR 60 in this area, and over 1,000 acres have been annexed for residential development within 2 miles of the site.

Impacts of proposed development:

The land use change will add 46 acres to the approximately 150-acre CAC that lies within the City limits. (Approximately 20 acres of additional commercially zoned land lies in the County's jurisdiction close by.) In addition, there are adjacent areas totaling approximately 80 acres designated for professional and business park use. Although the proposed change is a substantial increase (over 25% increase in commercial area), it is justified as stated above.

*Potable water: Total 3,375 GPD*

- Estimated volume of potable water usage (industrial/business uses)  
46.1 acres x 0.60 FAR = 27.66 acres  
27.66 acres x 122 GPD = 3,375 GPD

*Wastewater: Total 2,766 GPD*

- Estimated volume of wastewater flow (industrial/business uses)  
46.1 acres x 0.60 FAR = 27.66 acres  
27.66 acres x 100 GPD = 2,766 GPD

*Transportation:*

The property has approximately 800 feet of frontage along SR 60, a 4-lane divided Principal Arterial, as classified by the Polk County Transportation Planning Organization (TPO). The roadway has a current level of service of "B" and an adopted level of service standard of "C."

**OTHER OPTIONS**

Decline to adopt the amendments at this time.

[end memo]

Ms. Delmar read Ordinance D2007-11 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE**

**DESIGNATIONS ON 46 ACRES OF LAND, LOCATED ON THE SOUTH SIDE OF STATE ROAD 60 EAST, FROM POLK COUNTY FUTURE LAND USE DESIGNATION RS-RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATION CAC-COMMUNITY ACTIVITY CENTER AND ZONING DESIGNATION C-3 HIGHWAY COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance D2007-11 after second reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"NO"
Vice-Mayor Manry	"YES"

The motion carried 3-1.

**Agenda Item 12. Ordinance 2007-51, Annexation: Hunt Brothers Property, N Side of Grant Road – 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 12. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval, following a second reading and public hearing, of Ordinance 2007-51, providing for the annexation of approximately 10 acres on the north side of Grant Road.

Notice requirements for a public hearing have been met. A first reading of the ordinance was approved on September 18, 2007. A Planning and Zoning Board recommendation is not required for an annexation.

**BACKGROUND**

The annexation is requested by Augustine Fragala Jr., Vice President of Powell, Fragala & Associates, Inc. and authorized agent for G. Ellis Hunt Jr., President, Hunt Brothers Inc., owner of the property.

The 10-acre property is located on the north side of Grant Rd. 0.1 mile east of Buck Moore Rd. It is about 0.2 miles north of SR 60. (See Attachment A to the ordinance for location.)

The property is currently in citrus production. Residential development is proposed.

The grove is contiguous with the municipal boundary of Lake Wales on the north, west, and partially on the south. Abutting properties are as follows:

- North – Proposed single-family subdivision, Sunset Pointe, Phase 2 (City)
- West – Existing single-family subdivision, Sunset Pointe, Phase 1 (City)
- South – Existing mobile home park, Chalet Manor (County) and vacant (City)



- East – Existing single-family subdivisions (County)

The ordinance on land use designations for the property is being processed concurrently (Ordinance D2007-12). Information regarding provision of public services is included in the staff report on the land use designation change.

#### **OTHER OPTIONS**

Decline annexation of the property.

#### **FISCAL IMPACT**

The property has a current just market value of \$47,000.

[end memo]

Ms. Delmar read Ordinance 2007-51 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 10 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

There were no comments made by the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Scott commented that this property is a citrus grove and she does not believe that the Hunt Brothers are anxious to stop citrus production and develop the properties being annexed. Mr. Fragala explained that one of the principal reasons for bringing the packing plant property into the city and all the other property that surrounds it, is that the county considers it to be a non-conforming use and so the Hunts are very reluctant to make improvements to it, modernize, etc. They want to continue using that facility.

Commissioner Scott made a motion to adopt Ordinance 2007-51 after second reading and public hearing. The motion was seconded by Commissioner Howell.

#### **ROLL CALL:**

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Van Sickle	"NO"
Vice-Mayor Manry	"YES"

The motion carried 3-1.

#### **Agenda Item 13. Ordinance D2007-12, CPA/Zoning: Grant Road Property, Hunt Brothers, Inc., Grant Road E of Buck Moore Road – 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 13. The full staff memo is incorporated into the minutes.

[begin memo]

## RECOMMENDATION

Staff recommended that the City Commission approve Ordinance D2007-12 after second reading and public hearing. Proposed land use designations are those recommended by the Planning and Zoning Board.

Notice requirements for a public hearing have been met.

## BACKGROUND

The property is located on the north side of Grant Rd. approximately 0.1 mile east of Buck Moore Rd. See map – Attachment A to ordinance. Ordinance 2007-51 annexing the property is being processed concurrently.

The proposed amendment was approved on first reading in September 2007 and transmitted to the state for review. (See cover memo for additional information.)

The Department of Community Affairs has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, chapter 163, Part II, Florida Statutes, and the adopted City of Lake Wales Comprehensive Plan. In the "Objections, Recommendations, and Comments Report" dated December 2, 2007, issues were raised regarding transportation and public facilities to serve development proposed on the property. After consultation with the owner and the owner's planning and legal consultants, staff recommends proceeding with the adoption. The applicant will be providing additional information to address state comments subsequent to the adoption.

Proposed development: Proposed is a 26-unit single-family subdivision.

Surrounding land use and land use designations:

- North – Sunset Pointe ph. 2 - single-family subdivision currently under construction (City LDR/R-1B)
- West – Existing single-family development (County RS)
- South – Existing mobile home park (County – RS0 and citrus grove (proposed single-family residential) (City – MDR-Medium Density Residential)
- West – Existing single-family development (City LDR/R-1B)

Site access: The property's frontage is on Grant Rd., a local county road. To the west is Buck Moore Rd., designated as County Rd. 17-B, and a major collector road under the City's classification system. Upgrade of Grant Rd. to Buck Moore Rd. will be required for development of more than 10 units on the property.

### ***Land use recommendation:***

The applicant has requested LDR-Low Density Future Land Use designation, supported by the planning board. The City's LDR-Low Density Residential FLUM classification is the equivalent of the current classification of the property, County RS-Residential Suburban, allowing up to 3 units per acre with public services.

Recommended is R-1A residential zoning, consistent with the LDR designation. It requires a minimum lot size of 12,000 square feet. Smaller lot sizes may be approved under a planned development project with a commensurate increase in public open space.

### Impacts of proposed development

The property is well suited for residential development and is compatible with surrounding land uses. Issues relating to development of the property are:

- *Roadway access* Grant Road will require upgrade to support residential development on the property.
- *Schools* Area schools have capacity issues. A new elementary school is being proposed for the area, and the City is working with the School Board on procuring a site.
- *Sewer and water* The developer will be required to participate in the City's "queue" system to become eligible for potable water and sewer service. Incremental expansion of these systems is in process.

*Potable water: Total 7,564 GPD*

2.4 persons x 26 DU = 62 people

62 people x 122 GPCD = 7,564 GPD

*Wastewater: Total 6,200 GPD*

2.4 persons x 26 DU = 62 people

62 people x 100 GPCD = 6,200 GPD

*Schools: Total 12 additional students*

Estimated student generation (based upon Polk County student generation rates):

Elementary 26 DU x 0.194 = 5 students

Middle 26 DU x 0.097 = 3 students

High School 26 DU x 0.138 = 4 students

For schools serving the area, projected enrollment exceeds capacity. Capacity and enrollment figures follow:

<u>School</u>	<u>Permanent Operational Capacity</u>	<u>Projected Enrollment</u>
Hillcrest Elementary	535	605
McLaughlin Middle	883	900
Lake Wales High	1350	1400

*Transportation:*

The site is on a local road needing upgrade for residential development. It is only 0.1 mile east of Buck Moore Rd. (CR 17-B), an urban collector providing access to SR 60, 0.2 mile to the south. The property is very close to the commercial and professional facilities along SR 60 and public transportation is available at the highway.

*Parks and recreation: Std. community parks @ 2 acres per 1,000 population*

Development of the residential portion of the property (10 acres) will increase the demand for community parks by approximately 0.12 acres.

The nearest community parks to the site are the Lake Wailes Park and bike-path system, less than a mile to the east, and the new Lake Wales Soccer/Multi-Purpose Complex on Hunt Brothers Road, approximately 2.5 miles southwest.

## **OTHER OPTIONS**

Decline to adopt the amendment at this time.

[end memo]

Ms. Delmar read Ordinance D2007-12 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 10.8 ACRES OF LAND, LOCATED ON GRANT ROAD EAST OF BUCK MOORE**

**ROAD, FROM POLK COUNTY FUTURE LAND USE DESIGNATION RS-RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATION LDR-LOW DENSITY RESIDENTIAL AND ZONING DESIGNATION R-1A RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Van Sickle asked if the annexation is approved and the zoning designation is changed would the tax on the property change. Mr. Otte said no. Ms Delmar said that the property probably has a Greenbelt exemption. Mr. Otte concurred but added that a Greenbelt exemption goes with the use and not with the zoning.

Vice-Mayor Manry asked if under the County RS classification, a developer could build three units per acre on this property. Ms. Swanson said they could if they had utility services. In order to get City water and sewer, properties must be annexed into the City. She said that there are constraints on developing this property because of the poor roadway access. The roadway must be upgraded for approval of a development with more than 10 units. Vice-Mayor Manry said that in essence, there is no change from the County's zoning.

Commissioner Scott made a motion to adopt Ordinance D2007-12 after second reading and public hearing. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Van Sickle	"NO"
Vice-Mayor Manry	"YES"

The motion carried 3-1.

**Agenda Item 14. Ordinance 2007-52, Annexation: Hunt Brothers Property – West Side of Buck Moore Road - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 14. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval, following a second reading and public hearing, of Ordinance 2007-52, providing for the annexation of approximately 20 acres on the west side of Buck Moore Road.

Notice requirements for a public hearing have been met. A first reading of the ordinance was approved on September 18, 2007. A Planning and Zoning Board recommendation is not required for an annexation.

**BACKGROUND**

The annexation is requested by Augustine Fragala Jr., Vice President of Powell, Fragala & Associates, Inc. and authorized agent for G. Ellis Hunt Jr., President, Hunt Brothers Inc., owner of the property.

The 20-acre property is located on the west side of Buck Moore Rd. south of Sunset Drive and approximately 0.2 miles north of SR 60. (See Attachment A to the ordinance for location.)

The property is currently in citrus production. Proposed is single-family residential development.

The grove is contiguous with the municipal boundary of Lake Wales on the east, west and south. Abutting properties are as follows:

- North – Vacant land (County)
- West – Existing single-family development (City)
- South – Existing retirement community, 1,000 Roses (City)
- East – Existing single-family subdivision, Sunset Pointe ph. 1 (City)

The ordinance for land use designations is being processed concurrently. Information regarding provision of public services is included in the staff report on the land use designation change for the property (Ordinance D2007-13).

#### **OTHER OPTIONS**

Decline annexation of the property.

#### **FISCAL IMPACT**

The property has a current just market value of \$25,610.

[end memo]

Ms. Delmar read Ordinance 2007-52 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 20 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

There were no comments made by the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to adopt Ordinance 2007-52 after second reading and public hearing. The motion was seconded by Commissioner Scott.

#### **ROLL CALL:**

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"NO"
Vice-Mayor Manry	"YES"

The motion carried 3-1.

**Agenda Item 15. Ordinance D2007-13, CPA/Zoning: Buck Moore Road Property, Hunt Brothers, Inc., W Side of Buck Moore Road - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 15. The full staff memo is incorporated into the minutes.

[begin memo]

## RECOMMENDATION

Staff recommended that the City Commission approve Ordinance D2007-13 after second reading and public hearing. Proposed land use designations are those recommended by the Planning and Zoning Board.

Notice requirements for a public hearing have been met.

## BACKGROUND

The property is on the west side of Buck Moore Rd. south of Sunset Drive. It is currently in active citrus production. (See map – Attachment A to the ordinance.) Ordinance 2007-52 annexing the property is being processed concurrently.

The proposed amendment was approved on first reading in September 2007 and transmitted to the state for review. (See cover memo for additional information.)

The Department of Community Affairs reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, chapter 163, Part II, Florida Statutes, and the adopted City of Lake Wales Comprehensive Plan. In the "Objections, Recommendations, and Comments Report" dated December 2, 2007, issues were raised regarding transportation and public facilities to serve development proposed on the property. After consultation with the owner and the owner's planning and legal consultants, staff recommends proceeding with the adoption. The applicant will be providing additional information to address state comments subsequent to the adoption.

Proposed development: 60-lot single-family subdivision.

Surrounding land use and land use designations:

- North – Vacant property (County RS)
- East – Buck Moore Rd. and single-family development (City LDR/R-1B)
- South – Duplex development (MDR/R-2)
- West – Single-family development (MDR/R-1B)

Site access: The site has access from Buck Moore Rd. (CR17-B), a 2-lane, undivided roadway. It is classified by the city as a major collector road. There is also a small amount of frontage on 13<sup>th</sup> St. on the southwest corner of the property. Along the west property line there is a 25-ft. right-of-way. The site is about 0.2 mile north of SR 60E.

**Land use recommendation:** The LDR-Low Density Future Land Use Map (FLUM) designation was requested by the applicant and recommended by the Planning and Zoning Board. The City's LDR-Low Density Residential FLUM classification is the equivalent of the current classification of the property, County RS-Residential Suburban, allowing up to 3 units per acre with public services.

Recommended is R-1A residential zoning, consistent with the LDR designation. It requires a minimum lot size of 12,000 square feet. Smaller lot sizes may be approved under a planned development project with a commensurate increase in public open space.

Impacts of proposed development

The property is well suited for residential development and is compatible with surrounding land uses. Issues relating to development of the property are:

- *Roadway access* The property has direct access to Buck Moore Rd. (CR 17-B). There is vacant property to the north that is likely to be proposed for residential development in the near future. A combined entrance for development of the two parcels is desirable. A secondary access is also required for a subdivision over 50 units. Frontage on 13<sup>th</sup> Street provides an opportunity for a secondary entrance. The City's zoning ordinance encourages "through" streets and continuation of a grid pattern rather than closed-circuit developments.
- *Schools* Area schools have capacity issues. A new elementary school is being proposed for the area, and the City is working with the School Board on procuring a site.
- *Sewer and water* The developer will be required to participate in the City's "queue" system to become eligible for potable water and sewer service. Incremental expansion of these systems is in process.

*Potable water: Total 17,568 GPD*  
 2.4 persons x 60 DU = 144 people  
 144 people x 122 GPCD = 17,568 GPD

*Wastewater: Total 14,400 GPD*  
 2.4 persons x 60 DU = 144 people  
 144 people x 100 GPCD = 14,400 GPD

*Schools: Total 26 additional students*  
 Estimated student generation (based upon Polk County student generation rates):  
 Elementary 60 DU x 0.194 = 12 students  
 Middle 60 DU x 0.097 = 6 students  
 High School 60 DU x 0.138 = 8 students

For schools serving the area, projected enrollment exceeds capacity. Capacity and enrollment figures follow:

School	Permanent Operational Capacity	Projected Enrollment
Hillcrest Elementary	535	605
McLaughlin Middle	883	900
Lake Wales High	1350	1400

*Transportation:*  
 The property has direct access to Buck Moore Rd. (CR 17-B), a 2- lane undivided urban collector, as classified by the Polk County Transportation Planning Organization (TPO). The roadway has a level of service of "D" and a level of service standard of "D."

*Parks and recreation: Std. community parks @ 2 acres per 1,000 population*  
 Development of the residential portion of the property (20 acres) will increase the demand for community parks by approximately 0.24 acres.

The nearest community parks to the site are the Lake Wailes Park and bike-path system, about a half-mile to the east, and the new Lake Wales Soccer/Multi-Purpose Complex on Hunt Brothers Road, approximately 2.0 miles southwest.

**OTHER OPTIONS**

Decline to approve the amendment at this time.

[end memo]

Ms. Delmar read Ordinance D2007-13 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 20 ACRES OF LAND, LOCATED ON THE EAST SIDE OF BUCK MOORE ROAD, FROM POLK COUNTY FUTURE LAND USE DESIGNATION RS-RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATION LDR-LOW DENSITY RESIDENTIAL AND ZONING DESIGNATION R-1A RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Vice-Mayor Manry said this happens to be an area she has focused a lot of her attention on since she has been on the Commission. If it does become developed for residential use, she would hope that Mr. Fragala encourages the developer to make it a high-end development so that area will be an attractive part of the community. She said she would be keeping a close watch on that property because it has potential for something interesting to be developed there.

Commissioner Howell made a motion to adopt Ordinance D2007-13 after second reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"NO"
Vice-Mayor Manry	"YES"

The motion carried 3-1.

**Agenda Item 16. Ordinance 2008-01, Vacation of Unnamed Street – City Garage Property @ Market Street & Crystal Avenue - 2<sup>nd</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 16. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended adoption of Ordinance 2008-01 on second reading following a public hearing.

A first reading of the ordinance was approved by the City Commission at the January 2, 2008 meeting. The public notice requirements have been met for a public hearing for adoption of the ordinance.

**BACKGROUND**

The ordinance proposes the vacation of the portion of an unnamed street that runs through the City garage property northwest of the intersection of Market Street and Crystal Ave. The "street" is essentially



an alley. The segment to be vacated is the easterly 195 feet, as shown on "Attachment A" to the ordinance.

Jerry Torrance, Streets Director, has requested the vacation to make the area available for the City's exclusive use. There is currently no private use of the segment proposed for vacation.

An easement for utility lines along the street will be retained by the City.

The unnamed street runs east-west from First Street to Market Street. The west 198 feet (approximately) will remain open. Three private properties abut the portion of the unnamed street not proposed for vacation, but have primary access from First Street and Crystal Ave.

#### **OTHER OPTIONS**

Continue to use the alley for City purposes without vacation.

#### **FISCAL IMPACT**

The vacation will not have any fiscal impact.

[end memo]

Ms. Delmar read Ordinance 2008-01 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING, AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC, EXCEPT FOR PUBLIC UTILITY PURPOSES AS SET FORTH HEREIN, IN AND TO A PORTION OF AN UNNAMED STREET AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

There were no comments made by the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to adopt Ordinance 2008-01 after second reading and public hearing. The motion was seconded by Commissioner Scott.

#### **ROLL CALL:**

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

#### **Agenda Item 17. Ordinance 2008-02, FY07'08 Budget Amendment #1 – 1<sup>st</sup> Reading**

Mr. Otte reported on Agenda Item 17. The full staff memo is incorporated into the minutes.

[begin memo]

#### **RECOMMENDATION**

It was recommended that the City Commission approve Ordinance 2008-02 after first reading.

**BACKGROUND**

Ordinance 2007-40 estimating revenues and appropriating funds for Fiscal Year 2006-07 was adopted by the City Commission on September 18, 2007. We are presenting for first reading an amendment of Ordinance 2007-40 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment. This budget amendment is based on financial reports for the accounting period ending on 12/31/07. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	159,531
Special Revenue Funds	24,167
Debt Service Fund	0
Capital Projects Fund	0
Utility System Fund	0
Total Increase(Reduction) of Revenues & Balances Fwd	183,698
Appropriated Expenditures & Reserves	
General Fund	159,216
Special Revenue Funds	24,167
Debt Service Fund	0
Capital Projects Fund	63,352
Utility System Fund	8,620
Reserves	(71,657)
Total Increase (Reduction) of Appropriated Expenditures & Reserves	183,698

The proposed budget amendment increases the City's total budgeted expenditures by \$255,355 and reduces reserves by \$71,657, for a net increase in appropriated expenditures and reserves of \$183,698 (from \$67,360,476 to \$67,544,174).

A primary purpose of this amendment is to appropriate additional revenues to be received as a result of the revised fire services contract with Polk County. The contract revision increases the fee paid by the County from a budgeted \$97,000 for FY07'08 to \$240,569 (+143,569). This additional revenue allows the Fire Department to address a staffing deficiency related to the opening of Station #2 on Thompson Nursery Rd. by adding one firefighter per shift (a total of three firefighters).

Fire Department payroll and other expenditures adjusted by this amendment are:

Fire Department – increasing salaries and benefits to add 3 new firefighter positions	115,713
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Fire Department – increasing operating supplies budget to purchase gear for new firefighters	8,550
Fire Department - adding scholarship for Unity in Community firefighter candidate	500
Fire Department – increasing cell phone allowances for command personnel	1,824
Fire Department - reducing telecommunications budget to eliminate cell phones	(1,824)
Police Department – increasing payroll for dispatcher salaries and benefits paid in October	53,831
Police Department – increasing payroll for purchase of 1 year in County retirement plan for dispatchers	14,000
Police Department – reducing budget for PCSO communications contract services to cover October dispatchers payroll and purchase into retirement plan	(67,831)
City Clerk – reappropriating funds encumbered but not expended in FY06'07 for re-codification	16,100
Cemetery Division – reducing budget for equipment purchase	(1,493)
Recreation Facilities Division - reducing budget for equipment purchase	(4,797)
Parks Division – increasing budget for purchase of mowers	6,290
Cemetery Division – correcting an erroneous allocation from Support Services	4,038
Interfund Transfer – transferring funds to Transportation Fund to fund sediment removal project not completed in FY06'07	14,315
Storm water Division – appropriating funds transferred from General Fund for Lake Wailes sediment removal project not completed in FY06'07	14,315
Police Forfeiture Fund – increasing budget for MOTOMESH Wireless Video Camera System	9,852
Capital Projects Fund – transferring Police impact fees to Forfeiture Fund for MOTOMESH	9,852
Capital Projects Fund – appropriating Parks impact fees for acquisition of land adjacent to Austin Center/Mobley Park	53,500
Water Division – increasing equipment budget	1,000
Wastewater Division – reducing equipment budget (transferring appropriation to Water Div)	(1,000)
Wastewater Division – reducing appropriation for contract services	(2,195)
Wastewater Division – reallocating funds for capital outlay, SCADA system	2,195
Utilities Admin – reducing appropriation for professional engineering services	(780)
Utilities Admin – reallocating funds for capital outlay, locator tools	780
Utilities Customer Service – increasing overtime budget to fund after hours phone duty	8,620

Total Expenditure Amendment	255,355
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Expenditures listed above will be offset by the following appropriation of funding sources:

FY06'07 encumbered funds not expended	16,100
Unappropriated Balances Forward	16,372
Increased fee for FY07'08 fire services to Polk County	143,569
Insurance proceeds received in FY07'08	15,962
Parks & Recreation Impact Fees	53,500
Police Impact Fees	9,852
Total Revenues/Balances Forward offsetting Amended Expenditures	255,355

**OTHER OPTIONS**

Most of the budget amendment is not optional. Much of the amendment incorporates items into the adopted budget that have been approved by the City Commission since October 1 or reappropriates funds that were approved but not expended in FY06'07 because projects were incomplete at 9/30/07.

Appropriation of the additional revenue for the fire services contract with Polk County could be modified by the Commission (i.e, expenditures reduced, deferred, or eliminated); however, the addition of Station #2 on Thompson Nursery Rd. Ohas created staffing deficiencies in the fire department that are unacceptable from a safety standpoint. This additional contract revenue provides the resources necessary to fund three additional firefighters in FY07'08. The staffing deficiency will not be eliminated, but it will be greatly improved.

**FISCAL IMPACT**

See Exhibit A and Exhibit B attached to Ordinance 2008-02.

[end memo]

Ms. Delmar read Ordinance 2008-02 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2007-40 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2007-2008 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES, SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell made a motion to adopt Ordinance 2008-02 after first reading. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 18. Ordinance 2008-03, CPA/School Concurrency, Public School Facilities Element & Related Amendments to the Comprehensive Plan - 1<sup>st</sup> Reading & Public Hearing**

Mr. Otte reported on Agenda Item 18. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval and transmittal to the Department of Community Affairs after first reading and public hearing.

At a special meeting held January 9, 2008 the Planning and Zoning Board unanimously voted to recommend approval of the Public School Facilities Element and related amendments to the Comprehensive Plan.

Public notice requirements have been met to hold a public hearing.

**BACKGROUND**

The proposed amendments are required under the 2005 amendments to Chapter 163 of Florida Statutes in order to require coordination between the School Boards and the local governments on school facilities planning. An Interlocal agreement between Lake Wales and the School Board, approved by the City Commission January 2, 2008 requires cooperation among all of the Polk County jurisdictions on school planning. Most importantly, the amendments require "concurrency," the assurance that developments are not approved unless school facilities are in place or will be in place when needed to serve the development.

All jurisdictions in Polk County are required to have school concurrency regulations in place by March 1, 2008. Polk County has adopted its comprehensive plan amendments, and all of the incorporated areas are in the process of adopting theirs. Upon approval of a first reading of the ordinance, the amendments will be transmitted to the state's Department of Community Affairs for review. The amendments will be brought back to Commission for adoption upon receipt of State comments.

Meanwhile, adoption of amendments to the *Zoning, Land Use and Development Regulations* is recommended for compliance with the March 1 deadline. An ordinance will be prepared for City Commission adoption in February. The amendment will entail addition of the level of service standards for public school facilities and add school facilities as one of the services requiring concurrency review prior to the approval of residential developments.

Specifically, the new legislation requires that each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and adopt related policies in its Capital Improvements and Intergovernmental Coordination Elements. The PSFE must address school level service; school utilization; school proximity and compatibility with residential development; availability of public infrastructure; co-location opportunities; and financial feasibility. The intent of the legislation is to encourage counties, municipalities, and school boards throughout the state to work together to achieve concurrency.

The City of Lake Wales worked with the Polk County School Board, Polk County Government, and the other non-exempt cities in the Polk County School District to prepare the draft amendments to ensure all local government comprehensive plan elements within the county are consistent with each other.

While the City will retain the authority to make land use decisions, the School Board will determine if schools have adequate capacity for proposed residential projects that must meet school standards in order to be eligible to proceed to final development approval. At the time of residential development plan review the City will need to coordinate with the School Board to ensure adequate school capacity exists at the elementary, middle, and high school levels.

School concurrency and mitigation must be financially feasible to proceed with development. Where residential growth outstrips the School Board's ability to construct sufficient school facilities for new students, school facility mitigation agreements will begin to play a greater role in the City's concurrency review process. Mitigation may entail donation of school sites or other means of fast-forwarding the expansion or construction of facilities. "Proportionate share" provisions will be incorporated into the zoning regulations to regulate the mitigation process. These provisions will be very similar to transportation proportionate share regulations adopted previously.

A site selection process was established in the Interlocal Agreement for School Facilities Planning outlining criteria for the selection of a school site. All applicable cities in the Polk county School District have the opportunity to submit a candidate site for selection when the need for a new school sites occurs.

#### **OTHER OPTIONS**

School concurrency amendments are mandated by state law. Although minor changes could be made to the text, the documents must remain consistent with the adopted Polk County amendments.

#### **FISCAL IMPACT**

Additional staff time will be expended to implement the provisions of the amendments.

[end memo]

Ms. Delmar read Ordinance 2008-03 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO ADD A PUBLIC SCHOOL FACILITIES ELEMENT AND TO AMEND THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS TO ADDRESS SCHOOL FACILITIES PLANNING; REQUIRING COORDINATION WITH POLK COUNTY, THE POLK COUNTY SCHOOL BOARD, LAKE WALES CHARTER SCHOOL BOARD, AND ALL OTHER MUNICIPALITIES IN THE COUNTY ON SCHOOL FACILITY PLANNING AND CAPITAL PROGRAMMING; ENCOURAGING PUBLIC/PRIVATE PARTNERSHIPS TO ENHANCE EDUCATIONAL AND ECONOMIC GROWTH OPPORTUNITIES; ADOPTING LEVEL OF SERVICE STANDARDS FOR SCHOOL FACILITIES; REQUIRING SCHOOL FACILITIES CONCURRENCY REVIEW FOR RESIDENTIAL DEVELOPMENTS AND ADHERENCE TO ADOPTED LEVEL OF SERVICE STANDARDS; ALLOWING MITIGATION AS A METHOD FOR MEETING CONCURRENCY REQUIREMENTS; ENCOURAGING CO-LOCATION OF SCHOOLS AND OTHER PUBLIC FACILITIES; REQUIRING THE IMPLEMENTATION OF THE "INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING"; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

There were no comments made by the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to approve Ordinance 2008-03 after first reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 19. Waters Edge of Lake Wales Retirement Center, Preliminary PDP Plan – Public Hearing**

Mr. Otte reported on Agenda Item 19. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended approval with conditions of a planned development project (PDP) plan (dated December 20, 2007) for a retirement center, "Water's Edge of Lake Wales."

The Planning Board held a public hearing on the request on December 20, 2007 and voted to recommend approval with conditions.

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

**BACKGROUND**

The proposed planned development project includes a retirement center building with wings ranging from one to three stories in height. The center includes 52 units of assisted living and 63 independent living apartments (east wing). In addition, 22 duplex units are proposed for independent living.

Waivers are recommended to allow a primary access from a local street (Grove Ave.) and a reduction in the distance required from the entrance to the first interior intersection. A waiver of the requirement for construction of an exterior sidewalk north of the First Street entrance is also recommended. It is also recommended that a waiver of the requirement for masonry construction of the wall proposed along Grove Ave. and First Street be granted subject to administrative approval of a buffer plan.

**Site:** The site is located on the northwest corner of First Street and Grove Avenue and includes a portion of Twin Lakes. The site has a total of 39.02 acres, approximately 36.66 of which is upland (non-floodplain).

The property is vacant. There are some existing trees on site meeting the requirements of the city's tree preservation and replacement ordinance. A tree survey and replacement ratio will be required during site development review.

**Floodplain:** Portions of the property are within the 100-year flood plain. According to the FEMA map the Twin Lakes have an elevation of 128 feet.

**Buildings:** All proposed buildings meet building setback requirements.

**Access:** The applicant is proposing the main entrance be located on Grove Avenue with a secondary entrance on First Street.

Code does not allow access from a local street for a development of this size (sec. 23-303.3). Primary access is proposed from Grove Avenue, a local street. The location of the primary entrance from Grove Ave. allows the retirement center building to be recessed from exterior streets and avoids traffic being routed through the duplex portion of the project. On the downside, it increases traffic on Grove Avenue.

Another waiver involves the entrance. The distance from the exterior road to the first intersection within the development is required to be 150 feet, approximately 80 feet is proposed at both entrances. The 80-foot distance is workable for a project of this size.

**Site circulation:** Vehicle circulation on site is adequate. An unpaved access drive for fire/emergency vehicles is proposed around the south and west sides of the building. The access will be stabilized to accommodate the weight of such vehicles, but will have the appearance of grass. Delineation of the access through landscaping is suggested.

A pedestrian circulation system is proposed, including a recreational pathway with rest stops around the site. Staff recommends that this pathway be increased to 8 feet in width and be constructed of concrete to provide better conditions for mobility aids.

A waiver of the exterior sidewalk requirement north of the First St. entrance is requested because of the narrowness of the area between First St. and the lake and because a cross-walk to the shopping plaza is best located at an intersection rather than mid-block.

**Parking:** The number of parking spaces provided exceeds the code requirement. Some members of the Planning and Zoning Board were concerned about the distance of the parking from the independent living apartments. Parking is located a significant distance from any entrance into the building and the handicap parking is at minimum 120 feet from the main entrance. The Board voted to request an alternative parking layout showing spaces on the northeast side of the building for City Commission consideration. However, a plan has not been submitted to date.

**Water and Sewer:** Calculation has not been provided by the applicant to date. Figures will be available at the meeting.

**Buffers and landscaping:** A decorative wall is proposed for the perimeter of the property. Delineation of the emergency access through landscaping is required. Landscaping plans should be reviewed prior to site development permit issuance.

**Staff comments:**

The Development Review Committee has worked for over a year with the applicant on plans for the retirement center. Issues with emergency access and the density and intensity of the project have been resolved, and staff supports the proposal with some minor changes.

The proposal meets the minimum standards for residential PDPs (sec. 23-443) and substantially addresses the design guidelines for residential planned development projects (sec. 23-444).

Waivers requested are not excessive. Location of the primary entrance from Grove Ave. will increase traffic on Grove Ave. but the waiver must be weighed against the advantages to the project layout. Staff supports a waiver of payment to the sidewalk replacement fund in view of the extensive pedestrian system within the project.

**Suggested conditions of approval**

1. Waivers as follows:

- Primary access is allowed from Grove Ave. (sec. 23-303.3)
- The distance from the entrances to the first interior intersection shall be at least 80 feet. (sec. 23-303.4.a.1)



- The requirement for construction of an exterior sidewalk is waived north of the First St. entrance provided a crosswalk is installed to provide connection from the First St. project entrance to the sidewalk on the east side of First St. (sec. 23-303.9, Ord. 2007-33) A waiver of the requirement for payment to the sidewalk replacement fund is also granted.
  - The exterior wall may be of materials other than masonry, subject to Planning Board approval of materials and buffer design. (sec. 23-524.c.1, Ord. 2007-33)
2. Grove Ave. shall be paved to local street standards from its terminus to the western boundary of the property. The sidewalk to be constructed along Grove Ave. shall also extend to the western boundary of the property. Sufficient right-of-way for the extension shall be granted to the City prior to site development permit issuance.
  3. Tree survey and replacement ratio to be required prior to site development permit issuance.
  4. The walking path around the perimeter of the site shall be 8-foot wide concrete.
  5. A landscaping plan for the site is required for review and approval of the Planning and Zoning Board prior to issuance of a site development permit. Landscaping to delineate the unpaved emergency vehicle access way shall be included, as well as the exterior fence and buffer.
  6. (Staff recommendation) The exterior sidewalk along Grove Ave. and First Street shall be relocated to avoid conflict with the south-side force main, currently being installed, and the existing water line.

[end memo]

#### OPENED PUBLIC HEARING

Jack Bowersox, Life Wellness Community Development Company, developer of the Waters Edge project and Florida Christian Homes, presented an update on the project. He commended City staff and said it was a community effort. He stated that he was opposed to two of the conditions. First, he felt that the walking trail around the perimeter of the project should be asphalt instead of concrete because concrete is one of the worst surfaces to have for a walking trail. Vice-Mayor Manry asked Ms. Swanson what she thought about using asphalt and she said she preferred concrete because asphalt was difficult to walk on. Commissioner Scott said that asphalt had a tendency to get very hot and she would prefer the concrete. Mr. Bowersox said that the sidewalks within the community would be concrete, and that they were only talking about the walking trail. Commissioner Van Sickle said that he has back problems and walking on concrete to him was worse than asphalt.

Mr. Bowersox said his second concern was about the parking changes. Ms. Swanson said that the parking lots were too far away for some residents and having golf carts available for residents to use might solve the problem. Mr. Bowersox said that they will have covered handicapped parking, a covered drop-off area, and valet parking for anyone coming to special events and to take residents from the parking area to their apartments. He said where the parking lots are located on their plan it makes it easier for construction as well as security, and would not block the view of the lake. He believes the plan is adequate.

Commissioner Scott said that this was a project that Lake Wales' residents have wanted and needed for many years. She asked how many stories the apartments would be that will be located near the lake. Mr. Bowersox said that those apartments would be three-story. Commissioner Scott asked if the residents that live far from the parking lot would be allowed to have golf carts for use and he said they would.

Vice-Mayor Manry asked if the people in the outlying parcels have meals in the main building and Mr. Bowersox said only if they want to.

Mr. Bowersox explained the various buildings and where parking for them would be located. He said that the residents did not have to park too far away, but visitors would park further away. Commissioner Howell said that she was concerned that the visitors would have to park too far away. Ms. Swanson said the Planning & Zoning Board had been concerned for residents living in the independent apartments because they would have to walk a considerable distance. These people would have to carry groceries etc. from the parking area to their apartments. Ms. Swanson said the Planning & Zoning Board would like a better layout so people would not have to walk so far.

Commissioner Van Sickle said that he is a resident of Lake Ashton and there is a parking problem there whenever the Club House sponsors an event because everyone has golf carts parked everywhere. He suggested that if this was to be a golf-cart community, they might consider having golf-cart parking lots in locations where activities would be provided for them. He also questioned the reduced buffer at the entrance with the landscaped area and a fence instead of masonry, and explained that at Lake Ashton they may change the fence to a masonry wall to block out the noise coming from Thompson Nursery Road. Ms. Swanson said that even though the masonry wall requirement had been waived, the plans would have to be approved by the Planning & Zoning Board, and there would not be a large amount of traffic in the area so the noise level would not be an issue there. Mr. Bowersox said they were planning to landscape the area so it will be nice to look at, with a metal or picket type fence that you could see through. Vice-Mayor Manry said that she thought masonry walls were unattractive and felt that a fence would be more inviting.

Commissioner Scott said that at Winter Park Towers they have a shuttle-bus to take their residents to town for doctor appointments, shopping etc. Mr. Bowersox said they would also be providing that service.

Commissioner Van Sickle asked why we were changing proposals for the walls from masonry to something else. Ms. Swanson said that the applicant wants to do something else. It is a requirement in our new ordinance that if you are going to have a fence around the development like this, then it would have to be masonry.

Vice-Mayor Manry asked if there was anything that would keep residents from making the entrance on First Street the primary entrance. Mr. Bowersox said there would be a gated area. Commissioner Scott asked if the crosswalk would be located at that gated area and he said it would be.

Vice-Mayor Manry asked Ms. Swanson how she felt about the 5 ft. asphalt walkway. Ms. Swanson answered that she believed that concrete would be better because it is very difficult to walk on asphalt.

Dick Chandley said that he had a great deal of confidence in the people who designed this facility. They have worked with a lot of people over the years. He has seen about 20 different designs for this facility. These people have a great deal of experience in concrete and asphalt. He said that highly qualified people with a lot of experience recommended using the asphalt. This project was a joint effort between the local people and this company and that they would provide adequate parking. He said that if the City Commission approves the plan with the two exceptions they would make sure that the concerns of the Commission were addressed. Commissioner Scott commented that she thought that the concrete sidewalks would be much nicer. Mr. Bowersox said that there will be concrete sidewalks within the community and they are only talking about the walking trail being concrete. Commissioner Van Sickle said that because of his back problems he is unable to walk on concrete.

Horace Hernden, 1736 S. Highland Park Drive, said that he has been a resident of Lake Wales for 82 years and he has been working to get a retirement center in Lake Wales for the past 12 years. He commented that he and his wife planned on being one of the first residents at Waters Edge and that he hoped that the project would go through. He feels that it will be an asset to the future of Lake Wales.

#### CLOSED PUBLIC HEARING

Commissioner Scott commented that she was all for the project.

Commissioner Van Sickle commented that this is a great idea and a good plan as long as they provided a good internal transportation system for the people.

Vice-Mayor Manry commented that she had no problem with either of the waivers. She felt that people who would be walking on that exterior trail would probably be people who like to walk and are able to do so. Her main concern was that it would not be a good business practice for the Commission to say that, because we know that these people are very good people, they will have a shuttle service without anything in writing. She asked if they could provide a letter stating as such.

Ms. Swanson said that we could ask for a plan to be submitted with the site development application stating what they are committing to do, but that it would be hard to make that enforceable by the City. Vice-Mayor Manry asked if the Planning & Zoning Board had any suggestions for a different parking design than this one. Ms. Swanson said the Planning & Zoning Board asked for a plan to be drawn up so that the City Commission could see it. The Board was reluctant to delay the project and table it so they could look at other layouts. The suggestion of the Planning & Zoning Board was the one that Mr. Bowersox objected to because it would block the water view.

Vice-Mayor Manry said it appeared to her that only 6 units would have their view blocked by the parking lot. Her suggestion would be that when they bring in their site development plan, the Commission would review the new parking design, and their plan for shuttle service, at that time. That way the public could be notified via the newspapers. She added that she could not imagine an 85-year old person having to walk that far with groceries.

Mr. Bowersox said that the key to a successful project was the satisfaction of its residents. He said that they would provide the services needed to the best of their ability. They are also concerned that, with parking lots scattered about, it would be difficult to provide necessary security. He said they had spoken with the Police Department about participating in their surveillance program and they planned on covering the parking area with cameras, which would be harder to do if they were scattered about. He said they would definitely address the shuttle program.

Vice-Mayor Manry commented that she frequently visits Savannah Court and she rarely sees a lot of cars in that parking lot.

Mr. Grundy, a supporter of the Waters Edge of Lake Wales Retirement Center, said that he would be happy to have the local retirement people send the City a letter stating that they would provide transportation for anyone who needed it from the parking areas so that they could go forward with the project. Vice-Mayor Manry said that the Commission would be going forward with the project, but it would be helpful if the letter was sent.

Steve Wilson, 365 N. Crooked Lake Drive, said that most of the people want to be residents on the first floor and the marketability of that lake view is one of the draws. He said that residents with shopping purchases could park in front of their units temporarily to unload them, and that between either the valet service, shuttle service, or golf-cart usage, whichever they chose to use, their needs would be met.

Commissioner Howell made a motion to approve the preliminary PDP Plan for the Waters Edge, Lake Wales Retirement Center with the correction of the asphalt, 5 ft. walking path, with the submitted letter stating that the parking issue would be addressed, and with all other conditions, after a public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"

Vice-Mayor Manry

"YES"

The motion carried 4-0.

**Agenda Item 20. Disposal of Forfeiture Proceeds by Trading Vehicles with Fields - Houston Cadillac, Buick, Pontiac and GMC, Inc.**

Mr. Otte reported on Agenda Item 20. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

It was recommended the City Commission approve the disposal of forfeiture proceeds by trading vehicles with Fields – Huston Cadillac, Buick, Pontiac and GMC, Incorporated.

**BACKGROUND**

The Florida Contraband Forfeiture Act authorizes law enforcement agencies to seize and forfeit contraband, personal property and real property used in violation of specific offenses. In 2007, the Lake Wales Police Department forfeited the following motor vehicles:

Vehicle	VIN	Mileage
2003 Honda Element	5J6YH18533L005191	119,910
1998 Chevrolet Malibu	1G1ND52T4W6243890	110,844
1998 Pontiac Grand Prix	1G2WP5219WF269066	203,352
1997 Pontiac Grand Prix	1G2WJ52K1VF216080	175,485

Motor vehicles forfeited by the Lake Wales Police Department are used for undercover investigations and operations.

The listed vehicles are in poor condition or are known by local offenders. Accordingly, the Police Department requests to trade the listed vehicles with Fields – Huston Cadillac, Buick, Pontiac and GMC, Incorporated in exchange for a vehicle in excellent condition.

As the vehicle from Fields – Huston Cadillac, Buick, Pontiac and GMC, Incorporated will be used in undercover investigations and operations, identifying information is exempt from release in accordance with Chapter 119, Florida Statutes.

**OPTIONS**

The City Commission may vote not to approve to trade vehicles with Fields – Huston Cadillac, Buick, Pontiac and GMC, Incorporated.

**FISCAL IMPACTS**

The value of the listed vehicles is equal to the value of the vehicle from Fields – Huston Cadillac, Buick, Pontiac and GMC, Incorporated.

Operating and maintenance costs may decrease as the number of fleet vehicles in poor condition will be reduced.

[end memo]

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

**CLOSED TO PUBLIC COMMENT**

Commissioner Scott made a motion to approve the disposal of forfeiture proceeds by trading vehicles with Fields – Huston Cadillac, Buick, Pontiac and GMC, Incorporated. The motion was seconded by Commissioner Howell.

**ROLL CALL:**

Commissioner Scott	“YES”
Commissioner Howell	“YES”
Commissioner Van Sickle	“YES”
Vice-Mayor Manry	“YES”

The motion carried 4-0.

**Agenda Item 21. Modification of the Official Traffic Map – Establishing the Intersection of E Street & Washington Avenue as a Four-Way Stop Intersection**

Mr. Otte reported on Agenda Item 21. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

Staff recommended the Mayor and the City Commission modify the Official Traffic Map in the following manner:

1. Establish the intersection of E Street and Washington Avenue as a four-way stop intersection.
2. Place and display official traffic control devices and roadway markings as required.

**BACKGROUND**

The recommendation listed was developed in partnership with the National Association for the Advancement of Colored People to improve traffic safety along the listed public highways, roads and streets.

When a safety concern is identified, the Police Department will conduct a study using both quantitative and qualitative data sources. For the intersection of E Street and Washington Avenue, quantitative data collected in a 7 day period recorded a volume of 17,666 vehicles with a mean speed average of 22 miles per hour.

Qualitative data sources include a site review and neighborhood survey. The site review identified a significant dip in the roadway and that the alignment of Washington Avenue is offset. A neighborhood survey off all residences located along E Street and Washington Avenue resulted in 3 responses supporting the establishment of E Street and Washington Avenue as a four-way stop intersection. No opposition to the change was made.

All of the locations contained in this proposal are within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that “Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads.” Attorney General Robert Butterworth confirmed this provision in Advisory Legal Opinion 2001-06 issued on February 12, 2001. As such the City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

## OTHER OPTIONS

The Commission may choose not to make any changes to the Official Traffic Map.

## FISCAL IMPACT

None. Funding was included in the Streets Division operating budget for this purpose and the required signage is in inventory.

[end memo]

## OPENED TO PUBLIC COMMENT

There were no comments made by the public.

## CLOSED TO PUBLIC COMMENT

Commissioner Van Sickle made a motion to modify the Official Traffic Map to establish the intersection of E Street and Washington Avenue as a four-way stop intersection, and to place and display official traffic control devices and roadway markings as required. The motion was seconded by Commissioner Howell.

## ROLL CALL:

Commissioner Van Sickle	"YES"
Commissioner Howell	"YES"
Commissioner Scott	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

## Agenda Item 22. Purchase of Property: 316 W. Sessoms Avenue

Mr. Otte reported on Agenda Item 22. The full staff memo is incorporated into the minutes.

[begin memo]

## RECOMMENDATION

It was recommended that the City Commission authorize the expenditure of \$16,000 in recreation impact fees for the purchase of property located at 316 W. Sessoms Avenue.

## BACKGROUND

The James P. Austin Community Center and Mobley Park facilities are located on 6.84 acres of land acquired by the City in the 1980's. On December 18, 2007 the City Commission approved the purchase of .1842 acres of property located at 515 Dr. Martin Luther King Jr Blvd. With this purchase, the entire block west of Dr. Martin Luther King Blvd. between Mobley Street on the north and Sessoms Avenue on the south is owned by the City with the exception of three lots that are still owned by private individuals.

In order to provide for future expansion of these recreation facilities and the increased need for parking, it will be necessary to acquire the three privately owned lots. Linda Kimbrough, our Community Redevelopment Director, has obtained a contract on behalf of the City for the purchase of the vacant lot located at 316 W. Sessoms Avenue. This property is 1842 acres in size.

Although originally asking \$25,000, the owner has agreed to sell the property to the City for \$16,000. The assessed value of the property is \$5,470. Some realtors believe that the assessed value of a property represents approximately 85% of its market value. If this assumption is valid, a property assessed at \$5,470 would have a market value of \$6,435. While the estimated market value is less than the price asked by the owner, this property is necessary for expansion of community center parking.

### FISCAL IMPACT

At 11/30/07, the City had an unpledged balance of \$101,203.35 in the Parks & Recreation Impact Fee Account. Expenditure of this balance has been made as follows:

Balance in account @ 11/30/07	101,203.35
Purchase of 515 Dr. Martin Luther King Jr. Blvd	<u>-37,500.00</u>
Balance @ 11/30/07 after expenditure is accounted for	63,703.35

### OTHER OPTIONS

Do not purchase this property at this time.

[end memo]

### OPENED TO PUBLIC COMMENT

There were no comments made by the public.

### CLOSED TO PUBLIC COMMENT

Vice-Mayor Manry asked if, because we need the property, we were paying more than what the property was worth. Commissioner Scott asked if we needed the property that bad. Mr. Otte and Commissioner Van Sickle commented that they thought it was a good purchase.

Commissioner Van Sickle made a motion to authorize the expenditure of \$16,000 in recreation impact fees for the purchase of property located at 316 W. Sessoms Avenue. The motion was seconded by Commissioner Scott.

### ROLL CALL:

Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

### Agenda Item 23. Pioneer Agreement with Pack Rat Mini Storage, Inc. to Procure Sewer Service from the City of Lake Wales

Mr. Otte reported on Agenda Item 23. The full staff memo is incorporated into the minutes.

[begin memo]

### RECOMMENDATION

It was recommended that the City Commission:

1. Approve the Pioneer Agreement with Pack Rat Mini Storage, Inc.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in the finalization of this agreement.

## **BACKGROUND**

In the fall of 2003, Sean Murphy, developer and owner of Pack Rat Mini Storage currently located at 601 Tangelo Road, in order to procure sewer service from the City of Lake Wales, agreed to extend the 8" gravity sewer line from the southeast corner of the Wal-Mart Super Center on Tangelo Road to a point north of his business to allow for not only his service but also for future customers east along SR 60. In exchange, the City would reimburse him for the over-sizing from the 4" that he required to the 8" that was constructed. This was to be done through the waiver of initial sewer impact fees and the payment impact fees of future third party users of the sewer line until full reimbursement was achieved. This agreement was never formalized although the initial impact fees were waived. The sewer main has been in service since October of 2004 and the agreement needs to be on record prior to any future development in the area. The balance owed of \$33,060.60 is the cost of construction minus the impact fees and the cost of what a 4" service of equal distance would have been.

## **OPTIONS**

Do not approve the agreement.

## **FISCAL IMPACT**

None at this time.

[end memo]

Commissioner Van Sickle asked how the City got into the position of having something put in by a private citizen without having a written agreement. Mr. Otte said that the private citizen was comfortable with having a verbal agreement, but now feels that he needs a written agreement. Commissioner Van Sickle said actions such as this were the ones that would come back to haunt us, and if there were other such agreements, the City needed to take care of them as quickly as possible. Mr. Otte said that he was not personally aware of any others but he could ask staff to report back. Ms. Delmar assured the Commission that there were no others.

Commissioner Scott made a motion to approve the Pioneer Agreement with Pack Rat Mini Storage, Inc. and to authorize the City Manager to execute the appropriate documents, on the City's behalf, in the finalization of this agreement. The motion was seconded by Commissioner Howell.

## **ROLL CALL:**

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 24. Lake Wales Kiwanis Foundation Boat Race for Kids, Activities, and Beer Tent**



Mr. Otte reported on Agenda Item 24. The full staff memo is incorporated into the minutes.

[begin memo]

### **RECOMMENDATION**

It was recommended that the City Commission approve the Lake Wales Kiwanis Foundation Boat Races, activities, and beer tent to be held at Lake Wailes Park on Friday, April 4, 2008 from 12:00 p.m. to 6:00 p.m.; Saturday, April 5, 2008 from 9:00 a.m. to 6:00 p.m.; for boat races and activities without the beer tent on Sunday, April 6, 2008 from 12:00 p.m. to 4:00 p.m., and to authorize the City Manager to sign the permit.

### **BACKGROUND**

Staff received a Special Event Permit Application from Norman F. Kuehn requesting the use of Lake Wailes Park for a runabout and hydroplane boat race to be held from April 4, 2008 to April 6, 2008. In addition to the boat racing, they are requesting approval of a beer tent to be set up at Lake Wailes Park and controlled by event volunteers. The tent will be completely fenced in with volunteers stationed at each of two entrances throughout the day to insure no underage patrons are admitted and no open containers leave the beer tent area. No alcohol will be served to any patron who appears to be impaired and they will close the beer garden at the first sign of any trouble.

There were no problems last year with the beer tent though there was a problem with cars being allowed to park everywhere and drive on the bicycle trail. The event sponsor will submit a parking plan to assure that no cars will be allowed on the bicycle trail.

The City had concerns last year that noise from the large boats on Easter Sunday might cause problems, but no complaints had been registered. This year they will have the same size boats as last year but the event will not be on or near Easter.

The organizers will provide the City with proof of insurance listing the City as co-insured for this event once the Commission has approved the event, so they do not have to pay for insurance before knowing that the event was approved.

The Lakes Advisory Board met on January 8<sup>th</sup> and recommended approval. See the attached memo from Chairman Reid Harman.

### **OTHER OPTIONS**

Do not approve the event.

### **FISCAL IMPACT**

Electricity used by some of the vendors.

[end memo]

### **OPENED TO PUBLIC COMMENT**

There were no comments made by the public.

### **CLOSED TO PUBLIC COMMENT**

Mr. Otte said that he had been told that this was the same activity that was done last year for the Lion's

Club. However, what was confusing to him was that this event was the third in about three or four years. The first year was Andy Anderson's group, which involved a different type of boat than the one held last year with the Lion's Club. The Lion's Club boats are the same type of boats that are going to be used for this event. These boats are somewhat noisier than the ones used the first year; yet, there were no complaints about the noise last year.

Vice-Mayor Manry commented that this is a wonderful event for Barney's dream and she supports anything that will move this project along. Commissioner Van Sickle commented that he found it very unique that Barney's dream was also providing a beer tent.

Commissioner Howell made a motion to approve the Lake Wales Kiwanis Foundation Boat Races, activities, and beer tent to be held at Lake Wailes Park on Friday, April 4, 2008 from 12:00 p.m. to 6:00 p.m.; Saturday, April 5, 2008 from 9:00 a.m. to 6:00 p.m.; for boat races and activities without the beer tent on Sunday, April 6, 2008 from 12:00 p.m. to 4:00 p.m., and to authorize the City Manager to sign the permit. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

**Agenda Item 25. Discussion of Financial Statements for December 31, 2007, Fiscal Year to Date**

Mr. Otte reported on Agenda Item 25. The full staff memo is incorporated into the minutes.

[begin memo]

The unaudited financial statements for the City of Lake Wales for the Period Ending December 31, 2007 are presented to the City Commission for review. At the end of December, the City is 25% into the fiscal year. Six of twenty-six payrolls (23.1%) have been expensed through December 31.

**SUMMARY**

The following chart gives a brief summary of overall revenue and expenditure performance as of December 31, 2007:

Fund	Revenues and Sources		Expenditures and Other uses	
	Percent of Budget	Comparison to Target	Percent of Budget	Comparison to Target
General Fund	36.6%	+11.6%	22.2%	-2.8%
Special Revenue Funds	69.7%	+44.7%	5.6%	-19.4%
Debt Service Fund	24.2%	-0.8%	63.2%	+38.2%
Capital Projects Fund	8.8%	-16.2%	2.8%	-22.2%

Airport	0.4%	-24.6%	10.8%	-14.2%
Utility System Fund	7.3%	-17.7%	5.9%	-19.1%

General Fund revenues were 36.6% of budget at December 31, a significant increase over November 30 when revenues were 15.% of budget. This is due primarily to the fact that the General Fund received 57.1% of budgeted ad valorem tax revenues through December 31. Another large portion of these taxes will be received by January 31, after which receipt of ad valorem revenues will begin to slow down. Through the end of December, the City received 25.1% of franchise fees, 23.0% of utility taxes, 25.6% of communications services taxes, 24.9% of state-shared revenues, and 22.6% of sales tax revenues. General Fund expenditures were 2.8% below the 25% target level.

Revenues in the Special Revenue Funds were 69.7% of budget, reflecting the recording of \$9.5 million CRA Bond proceeds. In addition, both city and county tax increment revenues were fully recorded at the end of December. The Library Fund received 38.4% of its budgeted revenues, and the Transportation Fund received 25.3% of gas tax revenues. Library Fund expenditures were at 19.2% of budget and Transportation Fund expenditures were at 3.4%. The CDBG grant fund recorded 38.7% of budgeted expenditures. There was minimal activity in the other Special Revenue Funds through the end of December.

The Capital Projects Fund reflects receipt of 8.8% of budgeted revenue and 2.8% of budgeted expenditures. Two projects funded by FRDAP grants and one project funded by impact fees are budgeted in the Capital Projects Fund this year, and little expense was recorded for these projects through December 31.

Debt Service Fund expenditures are significantly higher than budget (+38.2%) as a result of the fact that \$852,975 in principal and interest payments for the Series 97 Bond and the SunTrust 2003 note were paid on October 1. These October 1 payments were made from the bond sinking fund accounts that were funded during FY06'07 and represent 55.2% of the total expenditures budgeted for the Debt Service Fund in FY07'08.

Airport Fund revenues were at 0.4% of budget and expenditures were at 10.8% . Most of the revenues budgeted in this fund for FY07'08 are grant-related and fund major capital projects which have not shown significant progress through December.

Revenues from water charges were at 23.9% of budget (-37,541), and revenues from sewer charges were at 24.0% (-29,056) at 12/31/07. Overall revenues and other financing sources in the Utilities Fund were at 7.3%. Revenues and SRF loan proceeds related to the wastewater treatment plant expansion and southside force main projects will not be recorded until actual expense is incurred. Expenditures in the operating departments were at 21.3% of budget. Total Utilities Fund expenditures and other uses were at 5.9%.

The City's overall cash position at the end of December 2007 has declined somewhat from the cash position at the end of December 2006 (-\$1,474,274). In order to make a valid comparison, however, adjustments must be made to both years as follows:

	12/31/06	12/31/07	Difference
Total Cash & Investments	11,190,269	9,715,995	(1,474,274)
Due to Other Governments	(319,266)	(243,493)	
Insurance Proceeds (Airport)	(2,357,455)	(1,261,758)	
Deferred Revenues*	(605,467)	(508,079)	

Sale of Coop Fruit Prop (Net of Expenditures)	(2,659,757)	(887,196)	
Cash & Investments Net of Adjustments	5,248,324	6,815,469	+1,567,145

\*\*reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc)

After excluding cash that has been collected on behalf of other governments, unexpended Airport insurance proceeds, deferred revenues and sale of the Cooperative Fruit Property, the City's overall cash position at the end of December 2007 was significantly better than at the end of December 2006.

In relation to the cash position at November 30, 2007 of \$2,671,027, the December position shows an improvement of \$3,673,696. This improvement was possible because the City received \$3,530,417 in ad valorem revenues in December as well as \$1,244, 694 in County tax increment revenues. In addition, \$313,063 in grant funds were received in December to reimburse the City for cash advanced to cover expenditures related to grant-funded projects.

The amount due to the City from other government agencies was \$1,258,818 more at the end of December 2007 than it was at the end of December 2006 (primarily historic grant reimbursements and other grant reimbursements). The City's accounts payable at 12/31 increased by \$98,265 from \$793,115 at 12/31/06 to \$891,380 at 12/31/07. The City's accounts receivable at 12/31 decreased by \$493,705 from \$1,977,495 at 12/31/06 to \$1,483,790 at 12/31/07.

Mr. Otte said that he does have a report on the unspent revenue for last year's League of Cities event that we hosted and he will put a copy in each of the Commissioner's mail box.

[end memo]

**CONSENT AGENDA**

**Agenda Item 26. Contract with PBS&J for Engineering Services for the Lake Wales Southwest Water Management District O&M Certification Project**

Mr. Otte reported on Agenda Item 26. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

It was recommended that the City Commission:

1. Accept the proposal of \$2080.00 and award the contract to PBS & J for engineering services as provided in accordance with the Master Consulting Agreement #6-79 between Polk County and PBS & J approved on May 24, 2006 and authorized by the City of Lake Wales Commission at it's November 6, 2006 commission meeting.
2. Authorize the City Manager to execute the agreement on the City's behalf.

**BACKGROUND**

The City of Lake Wales has received notification from the Southwest Florida Water Management District that some of its storm-water management projects are scheduled or overdue for an engineering inspection and certification that the systems are operating and have been maintained in proper compliance with the original permit authorization. The City has requested for PBS & J to assist its staff in

the performance of the inspections and certifications for a total of five projects that were due in 2007 and will be due in 2008.

PBS & J will provide miscellaneous engineering services to assist the City with the storm-water management inspections and certifications as requested in accordance with the terms of the Master Consulting Agreement #06-79 between Polk County Board of County Commissioners and PBS & J approved on May 24, 2006. Engineering work performed shall include but not limited to the following tasks as authorized by the City in writing and not to exceed the stated contract amount. PBS & J will perform site inspections to all five sites and prepare the required certification forms to be submitted to SWFWMD.

#### **OPTIONS**

None. This requirement is part of the City of Lake Wales NPDES/MS4 requirement.

#### **FISCAL IMPACT**

Funds available in the 07'-08' storm-water operations budget.

[end memo]

#### **Agenda Item 27. Request for Outdoor Seating and Indemnification Agreement to Allow Six (6) Tables outside in the Market Place**

Mr. Otte reported that Agenda Item 27 had been postponed and will be brought back to the Commission at its February 5 meeting. This item first needs to go before the Planning & Zoning Board for a reservation.

#### **Agenda Item 28. Purchase of HP Computer Network Servers from CDW-Government**

Mr. Otte reported on Agenda Item 28. The full staff memo is incorporated into the minutes.

[begin memo]

#### **RECOMMENDATION**

It was recommended the City Commission approve the purchase of HP computer network servers from CDW-Government for \$25,831.

#### **BACKGROUND**

Since 1999, the Lake Wales Police Department has operated 3 computer workstations that were adapted as network servers. These improvised workstations cannot meet the connectivity or data warehousing requirements of the Police Department. The servers fail regularly and require sustained maintenance by the IS Department. As a result, crucial criminal justice information is subject to corruption or loss.

If approved, the Police Department will purchase 3 HP computer network serves to operate the access control, electronic mail, Internet, records management and mobile data applications.

#### **OPTIONS**

The City Commission may vote not to approve the purchase of the HP computer network servers.

#### **FISCAL IMPACTS**

An expenditure of \$25,831 will be required to purchase the HP computer network servers from CDW-Government. Pricing for the HP computer network servers was obtained through a U.S. General Services Administration (GSA) contract and State of Florida contract 250-000-03-1.

Funding for replacement computer network servers was not included in the Fiscal Year 2007/2008 Operating Budget. Accordingly, the following accounts will be reduced to provide funding to purchase the computer network servers:

Account and Description	Reduction
100-452-391 Operating Supplies – Vehicle Safety	-5,000
100-352-600 Operating Supplies – Uniforms	-1,000
200-346-321 Maintenance and Repair – Speed Measuring Devices	-1,000
200-352-600 Operating Supplies – Uniforms	-5,000
200-352-050 Operating Supplies – Equipment	-3,000
200-452-293 Operating Supplies – Software	-1,000
200-452-393 Operating Supplies – Other IS	-1,000
200-452-291 Operating Supplies – Fuel	-10,000
Total	27,000

[end memo]

**Agenda Item 29. Purchase of a 2008 Ford F-150 4x4 from Weikert Ford**

Mr. Otte reported on Agenda Item 29. The full staff memo is incorporated into the minutes.

[begin memo]

**RECOMMENDATION**

It was recommended the City Commission approve the purchase of a 2008 Ford F-150 4X4 from Weikert Ford, Incorporated for \$24,886.

**BACKGROUND**

Recent commercial development in and around the Eagle Ridge Mall has demonstrated the Police Department requires a four wheel drive vehicle to conduct preventative patrol at construction sites. While construction site theft is not uncommon, the recent trend in copper theft is unprecedented. Offenders are targeting construction sites to remove appliances, wiring and other products. Entire buildings have had wiring removed. Lightweight air conditioning units and related components are easily stolen to collect copper. Copper theft results in great monetary losses for construction companies and rising construction costs for developers.

Roadways to commercial construction sites are often unimproved. Mud and sand can limit where patrol cars operate. As a result, preventative patrol is reduced and the probability of theft increases. A four-wheel drive vehicle will improve access to construction sites, increase preventative patrol and decrease the probability of theft.

**OPTIONS**

The City Commission may vote not to approve the purchase of a 2008 Ford F-150 4X4 from Weikert Ford, Incorporated.

## **FISCAL IMPACTS**

An expenditure of \$24,886 will be required to purchase a 2008 Ford F-150 4X4 from Weikert Ford, Incorporated. Pricing for a 2008 Ford F-150 4X4 was obtained through the Long Term Vehicle Purchase Program between the Polk County Board of County Commissioners and Weikert Ford, Incorporated.

The Police Department proposes to use funds deposited in the Police Services Impact Fee Trust Account to purchase a 2008 Ford F-150 4X4.

Section 23-427, Code of Ordinances of the City of Lake Wales, provides the monies deposited into the Police Services Impact Fee Trust Account shall be used solely for the purpose of constructing or improving the City's police services. Specifically, monies are authorized for the acquisition of vehicles utilized in providing police service and the apparatus or equipment necessary to provide such service.

[end memo]

## **END CONSENT AGENDA**

Commissioner Howell made a motion to approve the Consent Agenda excluding Agenda Item 27. The motion was seconded by Commissioner Scott.

### ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Vice-Mayor Manry	"YES"

The motion carried 4-0.

## **COMMUNICATIONS AND PETITION**

### **Agenda Item 30. CITY COMMISSION TRACKING REPORT**

Mr. Otte and Commissioner Van Sickle provided an update to the City Commission Tracking Report.

Item 3. Tree to be trimmed on Sharp Street: The tree has been trimmed.

Item 6. Street lights at Spook Hill: The lights have been installed.

Item 7. Cleanup of Twin Lakes Park: Mr. Otte said that City staff and the Weekend Workers did a fabulous job cleaning up the park.

Item 11. Stop signs needed on at E Street and Washington Avenue: The Commission took care of this item tonight by approving the modification of the Official traffic map.

Item 13. Sidewalk on Sunset from Lake Shore to Yarnell: Commissioners will be looking at this area during the City Commission Ride-Around Tour on January 26.

Item 17. Status of Police Generator: Police Department staff is taking care of this item.

Item 18. Stop Light at Mountain Lake Cut-off Rd. & Scenic Hwy; and Scenic Highway pothole: Commissioner Van Sickle reported that, as the City's representative to the TPO, he had conversations with TPO representatives who are in the process of looking for matching State dollars to upgrade Mountain Lake Cut-off Road. The TPO has also made itself available to the State and whenever the

Police Chief has a meeting on the topic, representatives will attend, along with state representative, so everyone connected to it will be in the room at the same time to discuss it. The stoplight is expected to be installed in 2011.

Jean Wilson, Florida Refuse, provided an update on the recently implemented Pilot Program and addressed questions made from the Commission. She said she received very few complaints, most of which were due to miscommunication, which they are addressing. Other complaints were due to overflow garbage and the garbage lid being left open after being emptied. She said that they do run an extra truck to pick up any overflow garbage but if a resident has a consistent overflow problem then the City is contacted to suggest to the customer that they need to purchase an additional tote for a cost of \$64.20. She agreed that at times the lid remained open after emptying it, but if it rained it would be easy enough to turn the can upside down to drain it, as there are no drain holes at the bottom. She said that the Commission had been concerned about diapers being left in cans for a week and she said she had been surprised that there were no complaints. Those she spoke to said they double bagged them and it was fine. There had been complaints about people leaving the containers out at the road instead of setting them behind their houses or in garages but she said if the City made an ordinance against it and charged a fine, as Haines City did, the problem would go away. Vice-Mayor Manry said she heard it was \$25.00 for the first offense and \$50.00 after that. Ms. Wilson said that, as the Commission requested, a survey went out to all the residents in the program, and they set up a raffle to encourage participation. The surveys have to be in by the end of January and they may have the compilation of data ready to report to the Commission by the end of February. She said that people she talked with said that they loved the service.

Commissioner Howell reported the complaints that were directed to her, which included: excess Christmas garbage not picked up; the lid of the can being left open; garbage sticking out of the top not picked up; the bad smell; and one day a week pickup. Ms. Wilson said that they run extra trucks on holidays and what isn't picked up is supposed to be picked up during the next week.

Kathy Williams, 2054 Bel Ombre Circle, complained that during the Christmas holiday, overflow garbage in her neighborhood had not been picked up until January 2. Ms. Wilson asked for her address so that she could take care of the problem.

#### COMMUNICATIONS AND PETITIONS

Sharon Becker, 403 E. Central Avenue, a member of the Bicycle/Pedestrian Advisory Commission, said the Board wanted the sidewalks put in that were promised to them last year. Ms. Delmar said that this project was included with the bond projects and would start soon. Ms. Becker, on behalf of the Senior Center, said that the Senior Center would only be able to stay open until June, if they do very well with fundraising from Mardi Gras, but would have to close for lack of funding after that. She explained that the City's grants and aids that had been cut due to tax reform cut-backs was money needed for the organization to stay open. She added that the Mayor had said that there was a possibility that some funds might become available once they were able to ascertain the property tax revenue, and if at all possible they would like to be considered for this. She mentioned that the Lake Wales Senior Center was the only volunteer run Senior Center in the State. Other Centers are staffed by the Cities.

Bruce and Anna Upchurch, 716 Highland Crest, wondered why people do not recycle here. In New Jersey, where they used to live, they were fined if they did not. Vice-Mayor Manry said that she was always impressed with the recycling containers she sees out at the curb, and the Mayor brags that we have the highest recycling rate in Polk County. The problem must be that people do not recycle enough in the State of Florida compared to New Jersey. Jean Wilson, Florida Refuse, said that Lake Wales rivals Haines City, yet Haines City has double the population. The U.S. Government Accountability Office conducted a study to encourage recycling and one of the suggestions was to bring back bottle recycling for cash. She said the smaller towns opted out of recycling because everyone is charged whether they recycle or not. She added the County started an incentive program and if residents "got caught" recycling they were given a gift certificate and had a sign put in their yard. This doubled participation. Vice-Mayor



Manry suggested Mr. and Mrs. Upchurch volunteer for Keep Polk County Beautiful because of their passion for this topic.

#### COMMISSION COMMENTS

Commissioner Howell commented on several projects and new commercial businesses and restaurants that have been finished, providing more jobs and money for the City. She wanted the effort to continue so that there are jobs available for all the people scheduled to fill all the new houses being constructed.

Commissioner Van Sickle asked if we were waiting for an outstanding grant and Mr. Otte said we were waiting to hear about the grant to continue the trail to Buck Moore Rd. The State is processing it, looking at environmental reports, and the City should hear something soon.

Vice-Mayor Manry spoke about Amendment #1 and the Primary Election on January 29th. At Rotary she had asked the Supervisor of Elections Lori Edwards to explain the Primary. Ms. Edwards explained that the Democratic Party penalized Florida for moving the Primary Election up and that we would have no democratic delegates representing Florida. But, she had added that it may be illegal for that penalty to stand. Vice-Mayor Manry encouraged the public to attend one of the two Town Meetings being held to discuss this and Amendment #1: on January 23 at the Lake Wales High School, and on January 24 at the Lake Wales Arts Center, both at 6:00 p.m. She said that residents had told her they were not going to vote because their vote was meaningless. Vice-Mayor Manry said every vote counted and encouraged everyone to vote.

Mr. Otte said that he and other City employees had attended the Polk County Town Meeting on this topic at the Lake Wales High School on January 19 and found that they cancelled the meeting. He invited all the people who showed up for that meeting to come to one of the Town Meetings.

There being no further business, the meeting was adjourned.



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Mayor/Commissioner

ATTEST:

  
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City Clerk