

The regular meeting of the Lake Wales City Commission was held on February 19, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Lee A. Wheeler, III.

INVOCATION

The invocation was given by Dolly Pelletier, Main Street Director.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Jack Van Sickle; Terrye Y. Howell; Jean K. Scott; Kathy Manry; Lee A. Wheeler, III, Mayor.

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Anthony G. Otte, City Manager; Albert C. Galloway, Jr., City Attorney; Judith Delmar, Asst. City Manager; Clara VanBlargan, City Clerk.

Agenda Item 4. APPROVAL OF MINUTES

Commissioner Howell made a motion to approve the minutes of the February 5, 2008 regular meeting. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

MAYOR

Mayor Wheeler requested that Agenda Item 31 be pulled from the Consent Agenda and be presented immediately after Agenda Item 5 so the press could get the information needed in a timely fashion.

Agenda Item 5. Pal Award Presentation

On behalf of the Police Athletic/Activities League (PAL), Lt. Burney Hayes presented the City Manager and Police Chief Herbert Gillis with a token of appreciation for their support of PAL and the children that the organization helps. Mr. Otte thanked all the coaches that participate in PAL. He said he was also grateful for the countless hours that parents and volunteers spend on these programs.

Agenda Item 31. TV Show Road Closing

Mr. Otte reported on Agenda Item 31. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

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

Approve the temporary closing of Park Avenue between Scenic Highway and Market Street from 3:00 a.m. to 9:30 a.m. on Friday, February 22, 2008.

BACKGROUND

A request has been submitted for the temporary closing of Park Avenue between Scenic Highway and Market Street from 3:00 a.m. to 9:30 a.m. on Friday, February 22, 2008 for the filming of the TV show, Hometown Edition, being broadcast live from downtown Lake Wales from 5:00 a.m. to 9:00 a.m. by Fox 13 News. As soon as the City receives the Special Event Application, it will be available for review in the City Clerk's office.

OTHER OPTIONS

Not to approve this event.

FISCAL IMPACT

For the setup of cones and employee salary from 5:00 a.m. to 9:30 a.m. will be approximately \$250.00.

[end memo]

Mr. Otte said City staff asked the requesting agency to sign a Hold Harmless Agreement, but the TV station said this was no different than doing a news-type event, so they would not sign. Mr. Otte said he and the Human Resources Director talked about it and he still would like to approve the event because it would be unlikely that the news station would be the cause of an injury. Mr. Galloway agreed that it would be better to approve the road closing because if anything should happen, the City at least would have taken every effort to protect the public. Commissioner Manry said that she thought it was fabulous that Channel 13 Fox News chose Lake Wales as the first hometown to showcase in 2008. She thanked everyone who had a part in all the background work that went into making it happen. She explained that Channel 13 Fox News had already taped areas around town like the Lake Wales Art Center and the Historic Bok Sanctuary.

Betty Wojick, Lake Wales Chamber of Commerce, said that Channel 13 Fox News wanted to encourage residents and business owners to join them early to chat with the crew, on-air personnel, and maybe even be interviewed on the air. They will be featuring four restaurants, the High School band will play, and it would be nice if a lot of people showed up.

Commissioner Howell made a motion to approve the closing of Park Avenue between Scenic Highway and Market Street between 5:00 a.m. and 9:30 a.m. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

CITY MANAGER

Agenda Item 6. Progress Report – Parks & Community Appearance Advisory Board

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

[begin memo]

RECOMMENDATION

No action is requested at this time.

BACKGROUND

A progress report on the Parks and Community Appearance Advisory Board's work will be made by the Chairman, Julie Seay. The board was established in April 2007 to address the need for upgrading city parks, streetscapes, and entrances. It re-established a board that had been inactive.

Currently, the other members of the board are: Heidi Gravel, Woody Dupuis, and Marshall Whidden. Teresa Allen, Public Services Director, and Margaret Swanson, Director of Planning and Development are ex-officio members, and Nancy Furland is liaison to the Lakes Advisory Commission. There are three vacancies.

The charge to the board in Ordinance 2007-10 is to make recommendations for:

- LAKE WAILES PARK SYSTEM - maintaining and upgrading the park around Lake Wailes and nearby parks including adjacent athletic facilities, Crystal Lake Park, North Lake Wailes Park, and Lake Alta;
- NEIGHBORHOOD PARK SYSTEM - maintaining and expanding the neighborhood park system to provide neighborhood and mini parks to all existing neighborhoods within the city in compliance with the policies of the comprehensive plan; establishing guidelines for developers regarding neighborhood and mini parks required in new developments;
- COMMUNITY PARKS – maintaining and upgrading existing community parks and facilities; developing new community parks and facilities to serve the expanding population of the city in compliance with the policies of the comprehensive plan; budgeting recreation impact fees in compliance with city ordinances and policies; securing grants and other funding to provide such facilities;
- STREETS AND CITY ENTRANCES – upgrading the appearance of city streets through landscaping, signage control and other measures; creating attractive entrances to the city through landscaping and signage; providing consistent and attractive signage to guide visitors to landmarks, parks, civic buildings, and other features throughout the city;
- MAINTENANCE PROGRAMS – systems for regular maintenance of parks, streetscapes, and entrances, including facilities, landscaping, and signage to ensure high quality appearance; regulations for use of parks.

The Lake Wailes park has been the focus of discussion to date. There is a pressing need for upgrading the park, which is the centerpiece of the City and its park system.

The members have worked very well together and have arrived at consensus on a general approach to issues. There is strong agreement that a coordinated, organized program is needed for management and maintenance of the City's parks.

An analysis of issues in the Lake Wailes Park has been completed, and recommendations for projects are being developed. Improvements to the layout of Kiwanis Park and plans for expansion of parking have been drafted with the expertise of landscape architect Marshall Whidden and will be circulated for comment from key stakeholders and the public. The plans include the addition of the skateboard park and the Barney's Dream playground.

Other projects that are moving forward are the tree planting between the Cephia St. trail head parking lot and Tower Boulevard and the improvements to the boat-ramp. In coordination with the Lakes Advisory

Commission, recommendations for parking improvements are being developed for the athletic complex, and improvements to the parking at the boat-ramp will also be discussed.

A grant application for parking improvements will be recommended this spring, and other funding sources are being explored.

[end memo]

[begin summary of activities]

SUMMARY OF ACTIVITIES

Parks & Community Appearance Advisory Board
Progress Report to City Commission - February 19, 2008

Analysis/Recommendations for LAKE WAILES PARK – GENERAL

Lake Wailes Park – centerpiece of City and its park system.

Pressing need for upgrading the park's condition.

Recommendations will complement the findings of the Lake Wailes Management Plan of 2002.

Coordinating with other entities and organizations involved with the park system.

Now working on plan for improvements to Crystal Lake Park

General recommendations for Lake Wailes Park

- Organized, coordinated approach to management of the park around Lake Wailes and connected parks.
- Passive recreation primarily around lake; active uses at athletic complex and Kiwanis
- Improvements to layout at Kiwanis Park
- Low-maintenance landscaping (primarily trees, grass, and shrubs) with limited focal points with more elaborate treatment.
- Management of multiple uses: biking, walking, picnicking, bird watching, fishing, special events
- Increase parking in key areas – trail head, Kiwanis Park, boat ramp, athletic fields
- Reduce hazardous conditions with parking/pedestrians along Lakeshore at athletic fields
- Install landscaping and other barriers to keep vehicles off of bike/pedestrian path and park's grassy areas.
- Comprehensive maintenance plan for park.
- Enhance habitat in conjunction with efforts of Lakes Advisory Committee.

Proposals in development:

- Expansion plan for trail head (Cephia St.) parking lot
- Kiwanis Park (north side of Lakeshore) revised layout to expand parking, add skate park and Barney's Dream playground, improve Little League practice field layout, connect rail trail to Lake Wailes trail.
- Define parking areas around the Pram Fleet building to reduce hazardous conditions at athletic events.
- After boat ramp project is complete, develop plan for parking improvements at ramp
- Tree inventory of LW park system – location, type, size, condition, recommendations – with computer map and database. Request for quotes has been sent to arborists. (Funds to be requested from tree replacement fund)

Underway:

- Tree planting grant – trail head to Tower Blvd. (Urban Forestry Grant). Matching funds from tree replacement fund.
- Skate park grant – to be located at Kiwanis Park west of soccer field
- Boat ramp improvements grant – plans are being finalized

Proposed funding sources:

- Grants - application for FRDAP for parking lot expansions at Kiwanis and trail head May 2008; other sources being explored.
- Tree replacement fund – inventory and tree planting grant matching funds
- Sidewalk replacement fund

- Home Depot/Lowe's both have programs to assist with public projects
- Impact fees – community park improvements (cannot be used for neighborhood parks)

[end summary of activities]

Julie Seay, Parks and Community Appearance Board Chairman, listed the board members and gave a report on what the Board has been working on. Commissioner Van Sickle noted that the growth of the City was extending to the north and that, as far as he knew, there were no parks in the northern area, even though there are two large subdivisions there. He asked if there were plans for new parks in that area. Ms. Seay said that they were working on that and explained the challenges involved in securing land with the high cost of real estate. Commissioner Scott asked about their plans for Walker Park at Twin Lakes as it was not on the list of parks. Ms. Seay said they were prioritizing the needs as funds become available, they hoped to improve all the parks in the system. Mayor Wheeler explained that a Comprehensive Tree Inventory was the first step in a Carbon Training Program and explained its significance.

Agenda Item 7. Ordinance 2008-04, LDR Glitch Amendment – 2ND Reading & Public Hearing

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

[begin memo]

RECOMMENDATION

Adoption of Ordinance 2008-04 on second reading following a public hearing.

The notice requirements for a public hearing have been met.

BACKGROUND

A first reading of the ordinance was approved on February 5, 2008. The ordinance includes a number of amendments to the *Zoning, Land Use and Development Regulations* (Chapter 23 of the Lake Wales Code of Ordinances) to streamline and fine tune the code, which underwent a major revision in 2005.

Most of the amendments are recommended by the Planning and Zoning Board, and some are recommended by staff as noted.

Following are explanations of the proposed amendments. Numbering corresponds to the section numbers in the ordinance.

SECTION 1: Planning and Zoning Board, alternate members

(Sec. 23-205.2.a. and c. Planning Board – composition of planning board and terms of members)

This amendment eliminates the requirement for alternate members on the planning board. The reason for the recommended change is that use of alternates is logistically difficult, and there has been no real need to call the alternates into play except for strict compliance with the ordinance. The Planning and Zoning Board did not have any appointed alternate members until two were appointed in 2007 with the appointment of a regular member. No issues had arisen because absenteeism is low and there is no quorum problem unless four out of the seven members are absent. In the last two years, there have been no meetings with three absences, and there has been perfect attendance at a third of the regular meetings. No meeting has been cancelled in the past five years because of a lack of quorum. The ordinance calls for the alternates to serve in place of any absent regular member. Compliance with this provision is difficult, since members might notify staff that they cannot attend until very close to the meeting time, leaving no opportunity to bring an alternate up to speed on the agenda items.

(Recommended unanimously by the Planning and Zoning Board 12-20-07)

SECTION 2. Approval process for multiple principal buildings

(Sec. 23-224. Planned development project (PDP) subsection 224.1 *Applicability*)

This amendment eliminates the requirement for PDP approval for a development solely because multiple principal buildings are proposed. These types of developments will now be reviewed by the Planning & Zoning Board unless more than one out-parcel is proposed or waivers are requested that extend beyond the powers of that board. The requirement for PDP approval for multi-family developments with over 12 units remains and is reworded. A related amendment (Sec. 23-802) expands the definition of "out-parcel" to include leased parcels. Sec. 23-301.2.a. "General regulations for structures" is also revised to summarize the requirements for approval of developments with multiple principal buildings on a lot.
(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 3. PDP amendment process

(Sec. 23-224 Planned development project (PDP) approval process)

Requirements are proposed for amending planned development projects, based upon the magnitude of requested changes to the approved plan. Amendments to approved PDPs can range from very minor changes to complete revisions. Currently, there are no criteria for what types of changes must go through the complete PDP review/approval process, and there is no review process for minor amendments. This new section of the PDP regulations will allow administrative approval of minor changes, planning board review of mid-range changes, and planning board recommendation/city commission approval of major changes. The administrative official and planning board are empowered to "bump" the amendment to the next level of review if there are issues that warrant it.

(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 4. Revocation of unused variances

(Sec. 23-244. Appeals and variances sub. 23.244.2. *Variance, e. Conditions and safeguards*)

The amendment prevents variances in developing subdivisions from expiring before the lot is sold and a house can be built. The amendment is prompted by the Brookshire development, which was granted a number of variances on rear-yard setbacks along the Scenic Highway because of a slope/drainage issue. The development is active, and with the amendment, the variances will not expire while it remains active.

(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 5. Regulations on multiple buildings on a lot

(Sec. 23-301.2 "General regulations for structures" subsec. a "Number of structures per lot")

This amendment essentially cross-references changes made to sec. 23-224 (Sec. 2 of this ordinance) regarding multiple buildings on a lot.

(Recommended by staff)

SECTION 6. Prohibition of structures in utility easements

(Sec. 23-301.2 "General regulations for structures")

Obstructions in utility easements are prohibited under sec. 21-5 of the Code of Ordinances. This amendment will add a specific prohibition to the land use portion of the code.

(Recommended by staff)

SECTION 7. Correction of cross-reference, Table 23-303C

(Table 23-303C "Right-of-Way Dedication Requirements")

An error in a cross-reference to definitions of street categories is corrected with this amendment.

(Recommended by staff)

SECTION 8. Adjustments to parking space requirements

(Table 23-306B "Minimum Automobile Off-Street Parking Space Requirements")

Adjustments to the parking ratios are recommended to correct problems that have come to light.

- Add requirement for 1 space per 3 seats in *cultural facilities* with seats.
- Adjust requirements for *restaurants* to base on number of seats rather than square footage and add a minimum number of spaces for drive-up or take-out services.
- For *health services* require 3 spaces per "practitioner" as well as "doctor." Require the 3 spaces for "full-time equivalent" for offices where several practitioners share space on a part-time basis.
- Add "Lodgings with restaurant" under "Lodgings." This change is to correct a problem that arose with codification of this table; the proof copy of the codified table left a blank space that was not labeled.

(Recommended by staff)

SECTION 9. Small retail in LCI-Limited Commercial Industrial zoning district

(Table 23-421 Permitted and Special Exception Uses)

The amendment will allow small retail businesses, up to 1500 sq. ft. in area, to be allowed by special exception use permit in the LCI district. The change is in response to complaints from property owners that the uses allowed in the LCI district are too restrictive. Amendments in 2007 added several uses to those allowed in LCI, including cultural facilities, athletic and music schools, personal services, funeral homes, and medical offices.

The LCI-Limited Commercial Industrial zoning district was created with the 2005 revisions to the *Zoning, Land Use and Development Regulations* as part of the effort to avoid strip commercial development along the City's major roadways. The LCI designation, along with other non-commercial designations, is intended for lands located between commercial nodes, along highways. (Designated commercial nodes include the Eagle Ridge Mall area, the Commercial area at SR 60 and US 27, and SR 60 east of 11th St.)

The planning board recommends restricting the size of retail in LCI to ensure that high-traffic uses are not introduced to the district.

(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 10. Minimum floor area for single-family on in-fill lot

(Table 23-422A "Dimensional and Area Standards – Residential Districts" footnote #2 for "Minimum Floor Area")

This amendment recommended by staff allows administrative approval of reduced floor area for new houses on in-fill lots if a smaller house is in keeping with the neighborhood. The amendment would allow the administrative official to approve construction of a house with a living floor area as small as 80% of the required area, the extent of the reduction to be based upon information on the size of existing houses in the neighborhood.

The amendment also adds "garage" to the area not included in the minimum floor area. The dimensional change is prompted by inquiries from owners who have in-fill lots in older neighborhoods where a house meeting current square footage requirements would be out of character. In-fill lots are vacant lots in established neighborhoods. They may be platted lots that have been vacant since the subdivision was approved or they may have had a house on them at one time. Many of these lots are undersized. Existing provisions allow administrative reductions in setbacks on in-fill lots if consistent with the neighborhood.

Please note that the floor area requirements were increased at the request of City Commission under the 2005 code revision as part of an effort to encourage higher quality developments. The table below shows current and former floor area requirements and the maximum reduction allowed under this amendment.

Zoning	Min. floor area required in sq. ft.		Floor area with max. reduction (80% of current requirement)
	Current	Former	
R-1A	1500	1200	1200
R-1B	1500	1000	1200
R-1C	1200	950	1000
R-1D (affordable)	1000	850	800
R-2	1000	1000	800
R-3	1000	950	800

(Staff recommendation)

SECTION 11. Correct footnote reference error

(Table 23-422A "Dimensional and Area Standards – Residential Districts")

This change eliminates a footnote reference that is incorrect.

(Recommended by staff)

SECTION 12. Exclusion of wetlands from minimum lot area

(Table 23-422A "Dimensional and Area Standards-Residential Districts")

This amendment, recommended by staff, will exclude wetlands and open water from the area counted toward the minimum lot size for residential development. Although this has not been an issue to date, there is nothing in the ordinance to prohibit the creation of minimum sized lots that extend into wetlands or bodies of water. The amendment will not prohibit wetlands or water being part of a lot, provided the upland area of the lot meets the minimum area requirement.

The provision is intended to prevent new subdivisions from maximizing the number of lots by extending minimum-sized lots into wet areas. The provision would not apply to existing legally created lots.
(Staff recommendation)

SECTION 13. Setbacks for carports – correction

(Table 23-522 "Accessory Structures Residential Properties," "Detached carports or garages")

The code requires that detached garages meet the setbacks for principal buildings (10' side, 20' rear) rather than the 5-foot setback allowed for sheds. Inadvertently, the same restriction was not applied to detached carports. This amendment corrects the discrepancy.

(Recommended by staff)

SECTION 14. Sandwich board signs, downtown and Lincoln Ave.

(Sec. 23-545.6. b. Sandwich board signs)

The amendment will remove the section allowing sandwich board signs in the downtown and on Lincoln Ave. There have been numerous issues with the provisions, with little compliance with requirements for the types or locations of these signs. In the downtown, there has been a proliferation of so-called "snipe" signs, small plastic signs with wire prongs, placed in the shrubbery or any feasible place. This has resulted in a haphazard, cluttered appearance, and numerous complaints have been filed. The consensus of the Main Street Board is that portable signs are not appropriate.

Snipe signs and sandwich boards have also spread outside of the designated areas. Enforcement efforts have met with complaints about the unfairness of allowing the signs in some areas but not in other areas close by. Enforcement of the regulations for placement and removal during non-business hours is virtually impossible.

Attracting attention to downtown businesses must be accomplished by other means than by allowing a hodge-podge of portable signs. The recently installed "Way-finding" signs are a major step in promoting the downtown. The proposed creation of a downtown historic business district will provide the opportunity for input on appropriate types of signs from the Historic District Regulatory Board.

Currently, businesses in the C-1 districts (downtown and Lincoln Ave.) are allowed to have wall signs, window signs, and "right-angle" signs (those that project over and perpendicular to the sidewalk). "Right-angle" signs are geared specifically for downtown type areas with pedestrian traffic. Buildings with multiple tenants are allowed to have a "business complex" sign stating the name of the building and listing tenants. Ground signs are allowed only under special circumstances.

(Recommended unanimously by Planning and Zoning Board, 12-20-07)

SECTION 15. Definitions

(Sec. 23-802. "Definitions")

The definition of "out-parcel" is modified to include leased buildings as well as lots that are sold separately.

OTHER OPTIONS

Modification to provisions can be made in response to public comment or City Commission's preferences.

FISCAL IMPACT

No direct fiscal impact is anticipated.

[end memo]

Ms. Delmar read Ordinance 2008-04 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS BY ELIMINATING THE REQUIREMENT FOR ALTERNATE MEMBERS ON THE PLANNING BOARD; ADDING A PROCESS FOR AMENDMENTS TO PLANNED DEVELOPMENT PROJECT PLANS; REVISING THE APPROVAL PROCESS FOR MULTIPLE BUILDINGS ON A LOT; REMOVING THE PROVISION FOR THE EXPIRATION OF VARIANCES IN ACTIVE SUBDIVISIONS; ADJUSTING PARKING SPACE REQUIREMENTS FOR VARIOUS LAND USES; ALLOWING ADMINISTRATIVE REDUCTION OF MINIMUM FLOOR AREA FOR HOUSES ON IN-FILL LOTS; PROHIBITING WETLAND AREAS TO BE COUNTED TOWARD MINIMUM LOT SIZE REQUIREMENT; ALLOWING SMALL RETAIL USES BY SPECIAL PERMIT IN THE LCI-LIMITED COMMERCIAL INDUSTRIAL DISTRICTS; ELIMINATING THE PROVISION ALLOWING SANDWICH BOARD SIGNS; AND MAKING MISCELLANEOUS CORRECTIONS, CLARIFICATIONS, AND ADJUSTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Robert Connors, a downtown merchant, said that a group of merchants in the downtown Historic District had organized a petition drive in opposition to the banning of sandwich-board signs. He presented a number of signatures that had been collected in only a few hours before the City Commission meeting. He said that the downtown businesses were struggling and because it would be easy for tourists driving downtown to miss many of the businesses, sandwich-board signs were an important "attention-getter" to get people out of their cars. He said that sandwich-board signs have been used for at least 150 years, they are traditional, and complementary to the neighborhood. He asked the Commission to consider setting some minimum standards while allowing the signs, as these signs are essential to the survival of the downtown businesses. Mr. Connors said he understood the need for control over snipe signs, but he thought other signs should be permitted as long as certain standards were met. There should be a list of specific, minimum standards, such as that the signs be attractive, well-maintained, and placed directly in front of the business. There could be height and other type standards that would give a semblance of continuity to the downtown area. Commissioner Howell agreed.

Commissioner Scott suggested tabling Section 14 until the Commission could hear from the Main Street organization. Mayor Wheeler said that he had objected to that part of the ordinance on freedom of speech grounds and that he could see where that part of the ordinance could cause a problem with the businesses.

Planning Director Margaret Swanson said that Section 14 was generated by the Main Street Director. She explained that most of the sandwich board signs downtown are illegal and do not meet the sign requirement. Ms. Swanson agreed that sandwich-board type signs were needed downtown, but there needed to be some control because they have gotten way out of wack.

Mr. Otte said that if it was the wish of the Commission, Section 14 could be taken out of the ordinance and they could vote on the rest. He said staff could meet with the signers of the petition and perhaps when the new Historic Board gets in place this would be a good topic for them. Mayor Wheeler said he was sympathetic to the downtown merchants because he knew they were suffering and would be suffering more with the economic downturn.

Commissioner Van Sickle asked if there currently was a downtown regulation for signs and he was told there was. Mr. Otte said that snipe signs were not allowed, but sandwich board signs were allowed in the sign ordinance. Commissioner Van Sickle said that if this section in the ordinance was created because people would not observe the existing law, then we need to just enforce the existing law. Mr. Otte said that was staffs concern as well, but staff was also sensitive to struggling businesses.

Commissioner Howell asked about Section 13, setbacks for carports. She asked if the passing of this section would apply to people who already pulled permits. Ms. Swanson said it would not effect anyone with an existing permit. Commissioner Howell wanted Section 13 pulled to make sure. Mayor Wheeler

said they would pull both Section 13 and 14 and bring Section 13 back at another time, rework Section 14, and vote on the rest.

CLOSED PUBLIC HEARING

Commissioner Manry made a motion to adopt Ordinance 2008-04, with the exception of Sections 13 and 14, after second reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 8. Ordinance 2008-05, School Concurrency – 2nd Reading & Public Hearing

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

[begin memo]

RECOMMENDATION

Adoption of Ordinance 2008-05 following a second reading and public hearing.

A first reading of the ordinance was approved on February 5, 2008.

The Planning and Zoning Board held a public hearing on January 9, 2008 on state requirements for public school concurrency and voted to recommend amendments to both the Comprehensive Plan and *Zoning, Land Use and Development Regulations* to meet those requirements.

BACKGROUND

The 2005 amendments to state law (Chapter 163 Growth Management Act) require that school concurrency requirements be implemented beginning March 1, 2008. "Concurrency" is the assurance that developments are not approved unless school facilities are in place or will be in place when needed to serve them.

Ordinance 2008-05 modifies the concurrency management and related provisions of the *Zoning, Land Use and Development Regulations* (Chapter 23 of the Code of Ordinances) to meet the state requirements. The Charter School Board has been kept informed about the City's actions to comply with the state requirements.

The school concurrency provisions in the ordinance are consistent with the recently approved Interlocal Agreement on public school facilities. They are also consistent with the proposed Public School Facilities element of the Comprehensive Plan, which was approved on first reading on January 15 by the City Commission and transmitted to the state for review. Although the state's review of the comprehensive plan amendment has not been completed, and the amendment cannot be adopted at this time, the March 1 deadline for institution of school concurrency requirements will be met through adoption of the regulations in Ordinance 2008-05.

The school concurrency policies and regulations were developed through joint meetings of planners from Polk County, the Polk County School Board, and cities within Polk County.

Because of time constraints to implement the provisions simultaneously with all other Polk County jurisdictions, the specific amendments proposed to the zoning regulations could not be presented for planning board review. However, the board voted to recommend that the requirements for school concurrency as set forth in the proposed Comprehensive Plan amendment be incorporated into the zoning code.

The ordinance adds "public schools" to the list of facilities requiring a finding of concurrency prior to approval of development. The process for concurrency review, already in place in the zoning regulations, is modified to reflect the provisions of the Interlocal Agreement and the policies of the proposed Public School Facilities element.

Also addressed in the ordinance:

- Information required of applicants for residential development approvals
- Level of Service Standards for public schools
- Method of determining public school concurrency
- Provisions for mitigation in cases where school concurrency requirements are not met

The proposed ordinance meets the minimum requirements for school concurrency. There may be a need for fine tuning the ordinance in the coming months for a couple of reasons. School concurrency requirements are somewhat more complex than those for other facilities. Consistency with the regulations of other Polk County jurisdictions is complicated by the fact that each city has different processes for approval of developments. In addition, Lake Wales has a number of conversion charter schools and a proposed start-up charter school that are treated differently than main-stream schools in regard to the assignment of students to schools.

As the provisions are utilized, ways to improve the review process may come to light. Additional provisions may be necessary for coordination with the Charter School Board. Comments from the state's Department of Community Affairs upon their review of the proposed Public School Facilities element may also necessitate some revision to the zoning regulations.

OTHER OPTIONS

Because of the March 1 deadline for school concurrency implementation and the need to have consistency with the Interlocal Agreement and the provisions of other Polk County jurisdictions, there is little leeway to alter the ordinance.

FISCAL IMPACT

School concurrency review will require additional staff time.

[end memo]

Ms. Delmar read Ordinance 2008-05 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE ZONING, LAND USE AND DEVELOPMENT REGULATIONS, CHAPTER 23 OF THE CODE OF ORDINANCES, ARTICLE VII. IMPACTS OF DEVELOPMENT ON PUBLIC FACILITIES; REQUIRING PUBLIC SCHOOL CONCURRENCY FOR RESIDENTIAL DEVELOPMENT APPROVALS; ESTABLISHING LEVEL OF SERVICE STANDARDS FOR PUBLIC SCHOOLS; PROVIDING FOR MITIGATION ALTERNATIVES WHERE ADOPTED LEVEL OF SERVICE STANDARDS CANNOT BE MET; 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 2008-05 after second reading & public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 9. Ordinance 2008-06, Amending Chapter 6, General Employees' Pension Plan – 2nd Reading & Public Hearing

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

[begin memo]

RECOMMENDATION

The General Employees' Pension Board and staff recommend that the City Commission approve Ordinance 2008-06 after second reading and Public Hearing.

BACKGROUND

The General Employees Pension Board is requesting two amendments to the Pension Plan. The first amendment is in response to the Florida Division of Retirement's request to clarify the actuarial methodology used for purchasing services when opting back into the plan. The second amendment, at the Pension Board's request, will allow DROP participants flexibility with regard to their DROP investment options.

Section 16-42(d)(2) – Actuarial Methodology Clarification

On December 19, 2006 the City Commission approved Ordinance 2006-50 providing former members who opted out in 1999 the opportunity to rejoin the plan. The Division of Retirement has requested clarification of the methodology used for purchasing services when opting back into the plan.

In order to satisfy the Division of Retirement's request, the following sentence needs to be inserted at the end of Section 16-42(d)(2): The member shall be required to pay the actuarial cost of the prior service for any service purchased utilizing the same methodology as described in subsection (c)(2) above.

The methodology described in subsection (c)(2) is the same method that was utilized in the 1999 opt-out election.

Section 16-46(j) – DROP (Deferred Retirement Option Plan) Election

The General Employees Pension Board's Trustees have requested that the General Employees DROP participants be permitted the same flexibility with regard to DROP investment options as provided under the City's police officers and firefighters pension plans.

Once an employee enters the DROP Plan the amount of the monthly pension which would otherwise be paid is maintained in a special DROP account in the name of the employee within the fund and is segregated from other trust assets on a bookkeeping basis. The employee may elect to receive interest based on the 91 T-Bill

interest rate compounded quarterly; or may elect to share in the investment gains and losses for the quarter at the same rate of the return earned by the total trust fund. Currently, in the general employees' plan this election is irrevocable.

Police officers and firefighters DROP participants may elect to change his or her election on a quarterly basis during DROP participation. The election change must be in writing and must be made at least thirty (30) days prior to the beginning of a calendar quarter and shall be effective on the first day of the calendar quarter immediately following such notice of election.

Under the proposed amendment, general employee DROP participants may revise their election bi-annually. The election must be in writing at least thirty (30) days prior to the end of the December and June quarters.

OTHER OPTIONS

The Division of Retirement's request is mandatory. Four employees opted back into the plan.

Leave the DROP election as irrevocable. Allow the election to be made on a quarterly basis.

FISCAL IMPACT

There is no additional fiscal impact for clarifying the actuarial methodology. The original fiscal impact for the employees' opt in election for fiscal year 2007-08 was \$37,106 and was included in the adopted budget for 2007-08. The City's required contribution increased from \$193,029 to \$230,135. Note: Due to favorable actuarial experiences the City's required contribution for fiscal year 2008-09 will drop to \$195,820. (Per General Employees' Pension Plan's October 1, 2007 Annual Actuarial Report)

The permission to allow changes to the DROP earnings election will have no fiscal impact on the plan.

[end memo]

Ms. Delmar read Ordinance 2008-06 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; AMENDING SECTION 16-42(d)(2) TO CLARIFY THE ACTUARIAL METHODOLOGY USED FOR PURCHASING SERVICES WHEN OPTING BACK INTO THE PLAN; AMENDING SECTION 16-46(j) TO PERMIT DROP PARTICIPANTS TO PROSPECTIVELY CHANGE THEIR DROP INVESTMENT OPTION ON A BI-ANNUAL BASIS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Otte said that there was no fiscal impact for this item.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Scott made a motion to adopt Ordinance 2008-06 after second reading and public hearing. The motion was seconded by Commissioner Manry.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"

Commissioner Howell
Mayor Wheeler

"YES"
"YES"

The motion carried 5-0.

Agenda Item 10. Ordinance 2008-07, Modification of the Requirements for Membership on the Lake Wales Library Board – 2nd Reading & Public Hearing

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

[begin memo]

RECOMMENDATION

It was the recommendation of staff and the Lake Wales Library Board that the City Commission adopt Ordinance 2008-07 as presented, after second reading and public hearing.

BACKGROUND

The Lake Wales Public Library and its board of directors (i.e., the Library Board) were created by Chapter 57-1488, Laws of Florida Special Acts of 1957, and ratified by city voters in a referendum held that year.

Since its inception, the Lake Wales Library Board has served as a policy-making board for the library. This board is unique in its function, serving in a supervisory capacity over the Library Director and the operation of the Lake Wales Public Library.

In 1996, the Lake Wales Public Library, through an interlocal agreement executed by the Lake Wales City Commission, became a member of the Polk County Library Cooperative. While maintaining autonomy as our municipal public library, membership in PCLC allows the Lake Wales Public Library Board to accept funds from the Polk County Board of County Commissioners to serve residents of unincorporated Polk County.

Section 2-26 of the City Code establishes general residency requirements for members of the various city boards and committees. Unless the ordinance creating a particular board provides otherwise, membership on city boards is limited to persons who are residents of the city, owners of property in the city, or persons who hold a business tax receipt issued by the city. Because the special act creating the Library Board did not stipulate the residency requirements of its members, the general provisions of section 2-26 have applied.

In recognition of its expanded service base as a member of the PCLC, the Lake Wales Library Board voted in January 2008 to allow residents of the unincorporated Greater Lake Wales area to apply for one seat on this board, thereby giving them representation. Either a city property owner or a resident of unincorporated Greater Lake Wales may apply to serve in this single board seat. The final approval of applicants will be the responsibility of the Lake Wales City Commission.

Due to the nature of its creation by Special Act of the Legislature and voter referendum, there is not an ordinance that can be modified to establish residency requirements for the board members. It is possible, however, to modify Section 2-26 to accommodate the Library Board's request.

As a result of discussion at the February 5 City Commission meeting, the Lake Wales Library Board was asked to recommend a definition of "Greater Lake Wales area." At their meeting on February 7, the Library Board recommended that, for the purpose of membership on this board, "residents of the unincorporated Greater Lake Wales area" should mean "all residents outside of the City of Lake Wales having a Lake Wales mailing address."

Ordinance 2008-07 has been revised to reflect the Library Board's recommendation and is presented for second reading and public hearing.

If approved by the Lake Wales City Commission, Ordinance 2008-07 will modify the qualifications for board membership on the Lake Wales Library Board. With this modification, there will be no more than one Library Board member from unincorporated Greater Lake Wales.

OTHER OPTIONS

Membership on the Lake Wales Library Board will remain open only to persons who are city residents, city property owners, or holders of a business tax receipt issued by the City.

Definition of the term "resident of the unincorporated Greater Lake Wales area" may be modified by the City Commission.

FISCAL IMPACT

None

[end memo]

Ms. Delmar read Ordinance 2008-07 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, BY MODIFYING THE REQUIREMENT FOR MEMBERSHIP ON THE LAKE WALES LIBRARY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Scott made a motion to adopt Ordinance 2008-07 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 11. Ordinance 2008-08, Affordable Housing Impact Fee Exemption, Amendment to Zoning, Land Use and Development Regulations – 1st Reading

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

[begin memo]

RECOMMENDATION

Approval of Ordinance 2008-08 on first reading.

BACKGROUND

Amendments are proposed to tighten up the eligibility requirements for city impact fee exemptions for affordable housing and to extend the exemption to duplexes as well as single-family houses. Including duplexes is consistent with customary zoning practice of granting single-family and duplex units rights beyond those granted to other land uses. An example in Lake Wales' code is the right to expand a non-conforming single-family or duplex use without special exception permit approval.

Currently, the code allows the city manager to grant an exemption of impact fees for a new single-family house on an in-fill lot, that is, a lot in an established neighborhood anywhere in the City. To qualify, the applicant proposing to build the house must agree to restrict the rent or mortgage payment to an amount that is affordable for low-income households.

The current provisions, revised in 2002, were patterned after Polk County's ordinance; much of the language is identical. In 2007, Polk County made several amendments. The proposed changes to our code are geared in part to regain consistency with Polk County's requirements for exemptions. However, one major difference will remain: Lake Wales limits affordable housing exemptions to in-fill lots, where Polk County does not.

Since Lake Wales does not have a housing staff, keeping our requirements for affordability and income eligibility as close to the County's as possible is advantageous in administering the program.

Please note that the Lake Wales "core improvement area," recently approved by Polk County, provides a blanket impact fee exemption except for City sewer and water impact fees. A map of the core improvement area is attached for your information. In-fill affordable housing will be eligible for exemption from all impact fees including sewer and water fees, regardless of whether it is in the core area.

Specifically, the following changes are proposed:

1. The **definition of "affordable housing"** (Sec. 23-761) is changed to match the County's definition, which is based upon a formula for "affordability" rather than a schedule that requires annual updating. Use of the schedule will be eliminated; eligibility will be based on median income figures generated annually by the Department of Housing and Urban Development.
2. Impact fee exemptions are extended to "**duplex**" units in addition to single-family units. (Sec. 23-771.a.)
3. References to "public facilities impact construction" are changed to "unit(s)" or "dwelling units" for the purposes of this section to simplify the language. The section being amended does not concern the construction of facilities other than dwelling units. (Sec. 23-771)
4. Language regarding **government programs** is amended to coincide with Polk County's requirement. (Sec. 23-771.b.5.)
5. A **copy of the exemption from Polk County** will be required, if applicable. Please note that if the unit is in the core improvement area, the applicant will not need to apply to Polk County for an exemption. (Sec. 23-771.b.6.)
6. A requirement is added that the evidence must be provided that **the unit will be rented or sold to a low-income household**. (Sec. 23-771.b.7.) Although our ordinance requires that the owner agrees to rental and mortgage payment limits, it does not currently require that the unit be rented or sold to low-income households. The word "evidence" is not defined, but the language is identical to the Polk County language, and procedures for application and approval will be patterned after those of the County.
7. A specific reference to the **rental/monthly mortgage payment limits** is added to the section on eligibility. (Sec. 23.771.d.) Polk County's ordinance does not contain a specific reference, but relies upon the definition of "affordable housing."

8. A requirement for **annual verification of compliance** is added for rental units. (Sec. 23-771.d.) A deed restriction ensures compliance with limits on sale price. Polk County puts a lien on the house for the compliance period.
9. A statement is added that **impact fees must be paid if there is a violation** of the requirements within 7 years of the issuance of the building permit. (Sec. 23-771.d. last sentence)
10. Language eliminating **“mobile home”** from eligibility is deleted. The reference is unnecessary because a building permit cannot be issued for a unit unless it meets the building code requirements for a manufactured home. No distinction is allowed under the law between a conventional single-family dwelling unit and a manufactured home.

OTHER OPTIONS

Make not changes to the impact fee exemption for affordable in-fill housing.

FISCAL IMPACT

No impact fees will be received from duplex units meeting the requirements for an exemption.

[end memo]

Ms. Delmar read Ordinance 2008-08 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VII, DIVISION 4 “PUBLIC FACILITIES IMPACT FEES” BY REVISING THE DEFINITION OF “AFFORDABLE HOUSING”; EXTENDING THE AFFORDABLE HOUSING IMPACT FEE EXEMPTION TO DUPLEXES ON IN-FILL LOTS; REVISING THE MONTHLY PAYMENT LIMIT FOR AN AFFORDABLE UNIT; ADDING A COMPLIANCE REPORTING REQUIREMENT; REQUIRING IMPACT FEE PAYMENT FOR NON-COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell asked about Item #8 of the ordinance, Annual Verification of Compliance, and asked what would happen if someone was not in compliance. Planning Director Margaret Swanson said they would have to pay back the impact fees that had been exempted, which applies for seven years. Commissioner Scott asked if they had seven years to comply. Ms. Swanson said that they have to comply for at least seven years or else they have to reimburse the impact fees. Mr. Otte said that duplexes used to be in the ordinance, but when the ordinance was updated, he had recommended removing duplexes. A developer was the one who brought it to his attention and he said he saw no problem with putting duplexes back in. Ms. Swanson added that it is required that they report each year to show that they are in compliance through a notarized affidavit. If they neglect to do that, refuse to do it, or can't prove that they are in compliance, then they have to pay the impact fees that had been waived. Mr. Otte said that the County has the same procedure and Ms. Swanson said that the County goes out to check their SHIP Program participants. The City does not have the staff to do that so we require the yearly report. Commissioner Manry asked what the SHIP Program was and Mr. Otte explained.

Commissioner Manry made a motion to approve Ordinance 2008-08 after first reading. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	“YES”
Commissioner Van Sickle	“YES”
Commissioner Scott	“YES”
Commissioner Howell	“YES”
Mayor Wheeler	“YES”

The motion carried 5-0.

Agenda Item 12. Resolution 2008-03, Adoption of Development Standards

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

[begin memo]

RECOMMENDATION

It was recommended that the City Commission pass Resolution 2008-03 approving and adopting the updated development standards, details and specifications.

BACKGROUND

At its June 5, 2007 meeting, the City Commission authorized a contract with PBS&J to update the City's existing water and wastewater standard details and specifications and to create reclaimed water details and specifications and electrical instrumentation details. These various utilities standards, together with roadway standards (adopting by reference FDOT roadway standards), are collectively referred to as "development standards."

These are technical updates that make adjustments for new technologies, improved products and other advances in the construction industry that have occurred in the ten years since the current standards and specifications were adopted. New requirements by regulatory agencies are also incorporated.

One of the more significant changes requires that developers provide emergency power capability at lift stations that are classified as re-pump stations (i.e., a collector lift station inside a development with multiple lift stations). This means that the developer will install a properly-sized emergency generator and an automatic transfer switch, which will be activated when primary power to the lift station is lost. Without a back-up power supply, a lift station shuts down if there is a power outage during a storm, for example. Past occurrences of lift station shut-downs have resulted in sewage flowing into homes, manholes, storm drains, yards and lakes. Installation of an emergency generator with an automatic transfer switch significantly reduces the likelihood of a lift station shut-down during power outages.

Another change in the updated standards requires developers to have radio-read water meters installed in their new developments. This type of meter will transmit its reading via radio waves to a tower-mounted antenna which will transfer the data to the Finance Department for billing purposes when the proposed Flex Net Auto Read program is instituted. Staff is currently installing these electronic meters in new developments and has begun retrofitting existing subdivisions in the northern areas of the city.

The standards and specifications must be formally adopted by the City Commission in order to insure that developers will adhere to the updated requirements. Updated standards may be reviewed through the City Clerk's Office or downloaded from the City's website.

OPTIONS

Do not adopt Resolution 2008-03 and continue to meet with developers on a project-by-project basis for to update requirements in currently adopted standards.

FISCAL IMPACT

Over the past several years, the city has been installing emergency generators at lift stations to avoid problems like those experienced during the 2004 hurricanes. Depending on the size of the lift station, these generators have cost between \$28,000 and \$50,00 to install. Requiring the developer to install an emergency generator at re-pump stations in new developments will eliminate a future expense to the general public.

[end memo]

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES APPROVING AND ADOPTING UPDATED DEVELOPMENT STANDARDS, DETAILS AND SPECIFICATIONS.

Commissioner Howell said that it was her understanding that the City is going to update all new developments. Mr. Otte explained that if it was a re-pump station the developer would have to buy a generator. The developers are already buying the pumps and installing the lift stations, so this would be one more thing they would have to buy. Commissioner Scott asked if it would mess up the old lift station without the new equipment and Mr. Otte replied, no. He explained that the City, with either grant money or that of the City, had to put in generators at our own pump stations. Now, we are jumping ahead when we know developers are putting in a re-pump station and requiring them to pay for it.

Commissioner Manry made a motion to adopt Resolution 2008-03, approving and adopting the updated development standards, details and specifications. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 13. Resolution 2008-04, Supporting Key Issues of the Florida League of Cities

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

[begin memo]

RECOMMENDATION

Staff makes no recommendation.

BACKGROUND

The Florida League of Cities Board of Directors adopted an initiative to enhance the Legislature's awareness of the priority issues. To show support of these issues, the Florida League of Cities is requesting that the City Commission adopt Resolution 2008-04, which states the key issues as follows:

- Re-authorizes the affordable housing trust funds, preserves the documentary stamp fee as the trust funds' funding source and removes the legislative cap on fund distribution;
- Enhances public notice of and participation in state environmental permitting processes;
- Fully funds state growth management mandates and provides municipalities with state and local option revenue sources to meet financial feasibility requirements and infrastructure demands;
- Allows municipalities and counties to reclassify businesses, professions, and occupations and establish new rate structures for local business taxes on a periodic basis;
- Enhances municipal control over municipal employee pension plan management and funding;
- Preserves and protects property rights of mobile home owners, when mobile home parks are rezoned, but not in a manner that requires removal costs to be the responsibility of local governments;

- Broadens municipal home rule and other authority to issue tax-increment financed bonds and other forms of indebtedness without approval by referendum;
- Provides an equitable, dedicated and recurring revenue source for municipal transportation projects and opposes legislation that transfers or diverts state transportation trust fund revenues to balance the state budget;
- Prohibits the Florida Department of Transportation from eliminating, deferring, or delaying capacity improvement projects contained in the 5-year Work Plan when it negatively impacts the comprehensive plan of the local government;
- Authorizes the use of electronic traffic infraction detectors at traffic intersections; and
- Maintains or increases funding of the state Water Protection and Sustainability Trust Fund.

OPTIONS

Do not adopt Resolution 2008-04.

FISCAL IMPACT

None.

[end memo]

Ms. Delmar read Resolution 2008-04 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2008 LEGISLATIVE SESSION.

Commissioner Manry made a motion to adopt Resolution 2008-04, supporting Key Issues of the Florida League of Cities. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 14. Certification of the Official Ballot

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

[begin memo]

RECOMMENDATION

It was recommended that the City Commission certify the ballot for the Municipal Election prior to the preparation and printing.

BACKGROUND

In accordance with Chapter 8, Elections, Sec. 8-5 of the City Code of Ordinances, the City Commission is required to certify the ballot for the Municipal Election prior to preparation and printing.

Attached for review is the proposed ballot for the election of a Commissioner to Seat #5 (District 28).

This ballot will be forwarded to the Polk County Supervisor of Elections for preparation of the official ballot to be used at the polling place on April 1, 2008.

It is recommended that the City Commission approve the ballot as presented.

OPTIONS

None. In accordance with Chapter 8, Elections, Sec. 8-5 of the City Code of Ordinances, the City Commission is required to certify the ballot for the Municipal Election prior to preparation and printing.

FISCAL IMPACT

None.

[end memo]

The following is a list of Commissioner candidates who qualified for Seat 5 and named on the ballot:

Christopher C. Lutton
M. James "Jim" Reddick, Jr.
John Paul Rogers
Jean Kincaid Scott

Commissioner Manry made a motion to certify the ballot for the Municipal Election prior to the preparation and printing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 15. Canvassing of Election & L&A Testing and Selection of a Representative for L&A Testing

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

[begin memo]

RECOMMENDATION

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

1. Appoint a third member, if necessary, to the Canvassing Board. The appointee may be the City Attorney, the City Clerk or another staff person, or a citizen.
2. Appoint the City Clerk to represent the Canvassing Board at the Logic and Accuracy (L&A) testing if at least one member is unable to be present.

BACKGROUND

It is necessary that the City Commissioners appoint the Canvassing Board, which must convene for the purpose of canvassing and certifying the results of the City Commission election to be held on April 1, 2008. The Canvassing Board meeting will be held at the Election Headquarters, 250 South Broadway Avenue, Bartow, Florida. The meeting time has not yet been scheduled.

Pursuant to Section 8-26 of the City Code of Ordinances, the City Commission shall be the canvassing board for any City election. In most election years, it is possible to appoint a Canvassing Board composed of three City Commissioners who are not on the ballot for re-election or for election as mayor. If one of these three Commissioners is unable to serve on the Canvassing Board, it is necessary to appoint a third member to the Canvassing Board. The appointee may be the City Attorney, The City Clerk or another staff person, or a citizen.

At least one member of the canvassing board by state law (101.561(2), Florida Statutes) must be present at the Logic and Accuracy (L&A) testing. If all members of the canvassing board are unable to attend the L&A test, then they should appoint the City Clerk to represent the board in their absences. This test is required by law to assure that when we send the equipment out, that we make sure it is functioning properly.

The pre-election testing for the automatic ballot tabulating equipment to be used in the Lake Wales Municipal Election will be held at 3:00 p.m. on Friday, March 14, 2008 (early voting) and at 3:20 p.m. on Tuesday, March 25, 2008 at the Office of the Supervisor of Elections, 250 South Broadway Avenue, Bartow, Florida.

OPTIONS

None.

FISCAL IMPACT

None.

[end memo]

The Commission appointed Commissioner Manry and Commissioner Van Sickle as Commissioner members to the Canvassing Board and the City Clerk to be the third member.

Agenda Item 16. Rescheduling of 1st Commission Meeting in April

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

[begin memo]

RECOMMENDATION

Reschedule the first City Commission meeting in April from Tuesday, April 1 to Wednesday, April 2 so that the City Canvassing Board may canvass the election on Tuesday, April 1.

BACKGROUND

The County Elections Office will be mailing and receiving each city's absentee ballots. The City Charter requires that the canvassing board meet no later than 12:00 noon on the day following the election. As part the City's Administrative Agreement with the Supervisor of Elections, the canvassing board will meet in Bartow on April 1 at Election Headquarters, 250 South Broadway Avenue, to begin the canvass of the absentee ballots and will remain until unofficial results are documented. The meeting time has not, yet been scheduled.

This will require rescheduling the April 1 Commission meeting to Wednesday, April 2 or to Thursday, April 3. When it has been necessary in the past to reschedule regular Tuesday meetings because of a holiday or budget hearing they have been scheduled to the following Wednesday.

It is recommended that the City Commission reschedule the first City Commission meeting in April from Tuesday, April 1 to Wednesday, April 2 so that the City Canvassing Board may canvass the election on Tuesday, April 1.

OPTIONS

None.

FISCAL IMPACT

None.

[end memo]

Commissioner Howell made a motion to reschedule the first City Commission meeting in April from Tuesday, April 1 to Wednesday, April 2 so that the City Canvassing Board may canvass the election on Tuesday, April 1. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Commissioner Scott	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 17. Authorization to Proceed – School Zone Flashing Lights & Signs

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission approve the installation of the school zone flashing lights and signs at 1st Street & Polk Avenue by Montoya Electric Service, Inc. in the amount of \$10,586.00.

BACKGROUND

In accordance with our contract with FDOT, the City must provide safe school crossings at our local schools.

In 2007, Montoya Electric installed pedestrian signalization at 1st Street and Polk Avenue. Although this has somewhat improved safety in the area, speeding still remains a problem during the posted hours to reduce speed.

Installation of the flashing beacons will help drivers identify with the time for reduced speed in the area and greatly increase safety in the school zone area for our school children.

The City will utilize Polk County Contract with Montoya Electric- Bid #05-024, Traffic Signal Equipment and Highway Lighting Installation.

FISCAL IMPACT

The current 07/08 budget has \$16,000.00 for safety equipment and lighting.

OTHER OPTIONS

Do not authorize the installation of the school zone flashing lights

[end memo]

Commissioner Scott commented that the installation of the school zone flashing lights and signs was a long time in coming. Commissioner Manry asked if there would be both a flashing light and a traffic light at the intersection of Polk Avenue and First Street and Mr. Otte said it would. Mr. Torrance said it would be at the intersection on the north side and on the south side of First Street. There was a discussion as to the type of light, and the effect on other signage and lights in the area. Commissioner Howell asked if the light would be installed before the next school term and she was told it would be installed during the present school term.

Commissioner Howell made a motion to approve the installation of the school zone flashing lights and signs at First Street and Polk Avenue by Montoya Electric Service, Inc. in the amount of \$10,586.00. The motion was seconded by Commissioner Scott

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 18. George Town Square Property Damage

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

[begin memo]

During the month of March 2007 the city hired ZFI Engineering & Construction to replace a collapsed storm drain pipe and repair a head wall on south First Street at Domaris Ave. This storm drain pipe and head wall have been a repetitive problem in years past and have caused many dollars of loss to some residents in the area due to flooding. In the final phase of construction we experienced an afternoon rain that dropped a large amount of water in a relatively short amount of time, overcoming the capabilities of the pumps put in place by the contractor to divert the water, causing some flooding and property loss at George Town Square. The property owner of George Town Square has requested reimbursement in the amount of 7,600.00. Due to the past experience of this property's flooding issues, the fact that this problem has now been corrected and the fact that the project came in well under budget, it is my recommendation that this be paid from unexpended funds (\$27,105.46) on this project's budget. City staff will consult with the City Attorney regarding recovery of this amount from the contractor.

Note: The contractor's insurance has already denied the claim, stating that there was no negligence on the part of the contractor.

[end memo]

Mr. Galloway said that he did not think the City would be able to recover that amount of money from the contractor because the contractor's insurance already said there would be no coverage. He said this was characterized as a large event that exceeded the preparations that were made for it. He said he thought it was a reasonable expense because it would cost the City more to recover the money, even if we won. He said this was money being paid to the owner of the apartments, not to people renting them.

Commissioner Howell asked why the City was paying the money if it hired a contractor to repair a road that was repaired incorrectly. Mr. Otte said it was the contractor's fault, but it was the City's project. Commissioner Manry said the money would be going to the property owner, and asked if he was going to fix the damage to the apartments. Mr. Torrance said that the owner would replace the drywall and carpeting but not the personal property of renters, as they should have renter's insurance to cover that. The question was asked if the City should pay the renters if they demand reimbursement and Mr. Galloway said the City should not pay them. He added that by paying the owner, in his opinion, the City is acknowledging a liability that does not exist. The Commission asked Mr. Galloway why he did not say that before and he answered that he had not been asked that question.

Commissioner Van Sickle asked if the City is willing to pay the \$7,600 because it came under budget for the project. Mr. Otte said that was not the reason. The reason was that it was the result of a City project to stop a repetitive problem. There was a lot of rain in a short period of time and the contractor claimed it was beyond the reasonable expectation of rain. In any case, the apartment complex was flooded and the City feels responsible. Mr. Otte said that is why he is recommending payment.

Commissioner Scott asked if that was where the drainage pipe was under the water at Twin Lakes, and she was told it was. Mr. Torrance said this was not the first time Georgetown Apartments flooded. The City was not aware of the problem until it flooded the second time and the City then identified the problem. We have always thought the flooding was caused by an "act of God," too much rain all at once, but City staff realized the pipes had been the cause all along and so feels responsible for the damages. Mr. Otte added that the street was also flooded causing traffic to stop and the street to be damaged, a street with very thin asphalt. He said that the City is applying for a grant to provide a pump to keep the elevation of Twin Lakes down and allow for a staging area. This is the same as was done on the Lake Belle project. Phase 1 has been completed and we are proceeding with phase II. Ms. Delmar said they are doing the engineering for Phase II now. Mr. Torrance said that one of Nancy Furland's projects is to re-establish the natural flow of water from one lake to the other.

Mayor Wheeler put the sequence of events in order: The City had the pipe put in as part of the Southgate Drainage Project, the pipe collapsed, the place flooded, and now we are paying.

Commissioner Scott said that during a dry-spell Twin Lakes separated and there was no drainage out of the lake next to First Street. Mr. Otte said that, with a clean pipe, during a drought, it works great. However, when it starts raining and the water elevation goes up again, the water goes backward through the pipe.

Commissioner Van Sickle made a motion to reimburse the property owners of George Town Square and direct City staff to consult with the City Attorney regarding recovery of this amount from the contractor. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Manry	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 19. Roosevelt Alumni Association Parade – Temporary Street Closings

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

[begin memo]

It was recommended that the City Commission approve the temporary closing of streets included in the Roosevelt Alumni Association parade route from approximately 9:30 a.m. to approximately 12:30 p.m. (or as necessary for safety reasons) on Saturday, May 24, 2008.

BACKGROUND

Staff has received a Special Event Permit Application from the Roosevelt Alumni Association for City Commission approval of the temporary closing of the following streets for the Roosevelt Alumni Association Parade route: Dr. Martin Luther King, Jr. Blvd from the James P. Austin Community Center to Dr. J.A. Wiltshire Avenue; Dr. J.A. Wiltshire Avenue from Dr. Martin Luther King, Jr. Blvd. to A Street; A Street from Dr. J.A. Wiltshire Avenue to Lincoln Avenue; Lincoln Avenue from A Street to E Street; E Street from Lincoln Avenue to Roosevelt Academy. The street closings are requested on Saturday, May 24, 2008, from approximately 9:30 a.m. to 12:30 p.m. or as necessary if the parade runs longer than anticipated and to allow for the safe dispersal of participants. It is anticipated that the parade will begin at approximately 10:00 a.m. from the James P. Austin Community Center.

The Police Department and Public Services, along with VOICE volunteers, will coordinate control of vehicular traffic. Site cleanup will be the responsibility of the community volunteers.

OTHER OPTIONS

Not to approve this event.

FISCAL IMPACT

Based on experience with prior year events, \$1,723 has been budgeted for in-kind services provided by the City in relation to the Roosevelt Alumni Association Parade.

[end memo]

Commissioner Manry made a motion to approve the temporary closing of streets included in the Roosevelt Alumni Association parade route from approximately 9:30 a.m. to approximately 12:30 p.m., or as necessary for safety reasons, on Saturday, May 24, 2008. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 20. Discussion of Financial Statements for January 31, 2008, Fiscal Year to Date

Mr. Otte reported on Agenda Item 20. 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 January 31, 2008 are presented to the City Commission for review. At the end of January, the City is 33.3% into the fiscal year. Nine of twenty-six payrolls (34.6%) have been expensed through January 31. Budget comparisons are based on the FY07'08 budget as amended by Ordinance 2008-02.

SUMMARY

The following chart gives a brief summary of overall revenue and expenditure performance as of January 31, 2008:

Fund	Revenues and Sources		Expenditures and Other uses	
	Percent of Budget	Comparison to Target	Percent of Budget	Comparison to Target
General Fund	45.7%	+12.4%	31.8%	-1.5%
Special Revenue Funds	70.7%	+37.4%	8.0%	-25.3%
Debt Service Fund	32.6%	-0.7%	70.7%	+37.4%
Capital Projects Fund	15.1%	-18.2%	24.6%	-8.7%
Airport Fund	0.8%	-32.5%	16.8%	-16.5%
Utility System Fund	9.9%	-23.4%	12.1%	-21.2%

General Fund revenues are currently 45.7% of budget due primarily to the fact that the General Fund received 68.4% of budgeted ad valorem tax revenues through January 31. After January, receipt of ad valorem revenues will begin to slow-down. Through the end of January, the City received 32.5% of franchise fees, 30.9% of utility taxes, 34.5% of communications services taxes, 33.1% of state-shared revenues, and 30.1% of sales tax revenues. General Fund expenditures were at 31.8% or 1.5% below the 33.3% target level.

Revenues in the Special Revenue Funds were 70.7% of budget, reflecting the recording of \$9.5 million CRA Bond proceeds. In addition, both city and county tax increment revenues have been fully recorded. The Library Fund received 44.6% of its budgeted revenues, and the Transportation Fund received 34.0% of gas tax revenues. Library Fund expenditures were at 28.1% of budget and Transportation Fund expenditures were at 5.3%. The CDBG grant fund recorded 43.9% of budgeted expenditures. There was minimal activity in the other Special Revenue Funds through the end of January.

Debt Service Fund expenditures are significantly higher than budget (+37.4%) 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.

The Capital Projects Fund reflects receipt of 15.1% of budgeted revenue and 24.6% 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 January 31.

Airport Fund revenues were at 0.8% of budget and expenditures were at 16.8%. 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 January.

The Utility Fund received 33.7% of budgeted revenues through January 31, this number includes impact fees and miscellaneous revenues as well as charges for services. Revenues from water charges were at 32.5% of budget (-26,607), and revenues from sewer charges were at 32.6% (-21,162) at 1/31/08. Over-

all revenues and other financing sources in the Utilities Fund were at 9.9%. Revenues and SRF loan proceeds related to the wastewater treatment plant expansion and south-side force main projects will not be recorded until actual expense is incurred. Expenditures in the operating departments were at 30.0% of budget. Total Utilities Fund expenditures and other uses were at 12.1%

The City's overall cash position at the end of January 2008 improved over the cash position at the end of January 2007 (+\$305,275). In order to make a valid comparison, however, adjustments must be made to both years as follows:

	1/31/07	1/31/08	Difference
Total Cash & Investments	8,934,492	9,239,767	+ 305,275
Due to Other Governments	(234,118)	(312,412)	
Insurance Proceeds (Airport)	(2,366,166)	(1,068,011)	
Deferred Revenues*	(676,541)	(529,901)	
Sale of Coop Fruit Prop (Net of Expenditures)	(901,455)	(887,196)	
Cash & Investments Net of Adjustments	4,756,212	6,442,247	+ 1,686,035

**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 over-all cash position at the end of January 2008 was significantly better than at the end of January 2007. In relation to the cash position at December 31, 2007 of \$6,815,469, the January position shows a reduction of \$373,222.

The City's accounts payable at 1/31 increased by \$410,931 from \$1,290,998 at 1/31/07 to \$1,701,929 at 1/31/08. The City's accounts receivable at 1/31 declined by \$41,536 from \$1,549,875 at 1/31/07 to \$1,508,339 at 1/31/08.

[end memo]

Commissioner Van Sickle asked if the lower water usage was due to the change in utility rates, meaning that the public is conserving. Mr. Otte said it was possible but the downward trend started before the first bills with the new rates were mailed out.

Mayor Wheeler directed the Commission to Page 4 of Agenda Item 20, the Excess of Revenues Over Expenditures. He asked what the chance was of that holding up through the year and Ms. Delmar responded that the City received most of its ad velorum tax a little sooner than last year. We are at 68.4% of budget and usually start slowing down in February and March. Mayor Wheeler asked if it looked like we were collecting more than was budgeted and Ms. Delmar answered no, that we were on target.

CONSENT AGENDA

Agenda Item 21. Municipal Election Administration Agreement with Polk County Supervisor of Elections

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

[begin memo]

RECOMMENDATION

It was recommended that the City Commission authorize the Mayor to execute the Municipal Election Administration Agreement with the Polk County Supervisor of Elections for the administration of the city election on Tuesday, April 1, 2008.

BACKGROUND

Pursuant to the commitment of Lori Edwards, Polk County Supervisor of Elections, to assist cities holding their elections on Municipal Election Day, it is necessary to authorize the Mayor to execute the "Municipal Election Administration Agreement" with the Polk County Supervisor of Elections for the administration of the City election on April 1, 2008. This agreement stipulates the administrative duties that will be performed by the Elections Office and by the City as follows:

Elections Office duties, at no charge to City:

- Prepare, print and test ballots
- Train poll workers
- Provide City with list of poll workers available for hire
- Prepare and publish Sample Ballot
- Prepare poll lists, automatic tabulating equipment and other polling place supplies
- Publish notice of time and place of testing of tabulating equipment
- Conduct test of tabulating equipment
- Mail and receive absentee ballots
- Tally absentee ballots and supply canvassing board with results
- Provide staff assistance to support Canvass Board meeting, April 1, at Election Headquarters
- Incur the cost of Audio ballot recording
- The Elections Supervisor will not charge the City for any services, staff time, equipment rental or supply usage

City duties:

- Qualify candidates and provide list of qualified candidates and other ballot information to Elections office no later than 5:00 PM on the final day of qualifying
- Review and signify correctness of ballot
- Provide pronunciation guidelines of the qualified candidates to be used with the Audio Ballot for the visional impaired
- Determine amount of ballots to be printed and pay for printing costs
- Designate canvassing board
- Canvass election results and execute Certification of Election
- Canvassing board to meet at Election Headquarters on April 1 to review all absentee ballot envelopes, checking validity of voter's certificate and marking as rejected or accepted and remain until unofficial results are documented
- Arrange for use of the polling location on Election Day
- Inform the Elections office of the polling location and supply list of poll-workers
- Publish sample ballot and other notices pertaining to election with the exception of notice of testing of automatic tabulating equipment
- Certify list of addresses inside the city limits
- Pick up ballot boxes, voting booths and other large supply items from the Supervisor of Elections Warehouse in Bartow on Monday, March 31 and deliver them to polling place; return them to Bartow on Wednesday, April 2
- Compensate poll workers for training and working at polls on Election Day

OTHER OPTIONS

Do not authorize the Municipal Election Administration Agreement and do not seek assistance from the County Elections Office.

FISCAL IMPACT

If the City Commission chooses not to authorize the execution of the Municipal Election Administration Agreement with the Supervisor of Elections, the City will be responsible for any cost involved for services that would otherwise be provided in the agreement at no charge to the City.

[end memo]

Agenda Item 22. Fleet Maintenance Building Rehab

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission take the following action:

1. Approve the use of the city's construction management contract with Semco Construction, Inc. as Construction Management for the Fleet Maintenance building rehab in the amount of \$99,995.42.
2. Authorize the City Manager to execute the appropriate documents on the city's behalf.

BACKGROUND

During the 2004 hurricane season, the City Garage sustained major damage to the roof, the electrical system and the interior offices, either from water or wind or a combination of the two. While the garage had to remain functional, we made temporary repairs to the roof and to the interior offices and the electrical system. After consulting with an engineer we were advised that the building was still structurally sound, but would need some repairs to the roof and the electrical system would need to be gone through. Staff has looked at other options such as replacing the building, but has come to the conclusion that this option is much too costly based on today's construction costs. Although our facility is limited in space, staff feels that with a few modifications and improvements we will be able to operate out of this building for years to come. These funds will be used for the following:

- Replace electrical system to bring the building up to code.
- Repaint and seal the building inside & out.
- Completely remove and replace the interior office, break room and tool storage area.
- Reroof the roof area above the pit.
- Renovate the bathroom to include plumbing, new fixtures and enlargement of the room.
- Install awnings on the front and the rear of the building.
- Install awning to cover fuel pump station.
- Outfit the shop area with new lighting and ventilation system.
- Automatic transfer switch area for a future back-up generator.
- Install new A/C system.

OTHER OPTIONS

Do nothing and continue operating in substandard conditions.

FISCAL IMPACT

In the 2007/2008 adopted budget \$100,000.00 for maintenance and repair has been approved. These funds were secured from the 2004 hurricane season insurance proceeds.

[end memo]

Agenda Item 23. Engineering Services for the Market Street Plant Water System Improvements

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. Accept the proposal of \$98,215.00 and award the contract to GAI Consultants for engineering services in regard to the Market Street Plant Water System Improvements – Phase I
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to these much needed water system improvements

BACKGROUND

The City of Lake Wales Utilities Department is proposing to upgrade the Market Street Water Plant's distribution system from the downtown site to the southerly and westerly regions of the City's water service areas. This is to be done in phases. Phase I will entail upsizing the water main to a 24" line from the Market Street Water Plant running west to Wetmore Street than south to Stuart Avenue. From there a 16' main will run easterly to First St. This initial phase is being done to enhance less than desirable fire flows in the downtown areas with additional upgrades to be scheduled in future phases.

GAI Consultants are currently under contract with the City for general engineering service.

OPTIONS

None. These larger mains are needed to fulfill the current fire flow requirements of the multi-storied buildings downtown and increase system capacity to eventually improve flow in the southern and western areas of the City thus allowing for future development.

FISCAL IMPACT

Monies to cover this expense will come from the 1.2 million dollars unexpended funds from the FY '06-07 CRA Debt Service.

[end memo]

Agenda Item 24. Boyle Engineering Corporation: Task Order No. 26, Booster Pump Stations

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:

1. Accept the proposal of \$21,062.00 and award the contract to Boyle Engineering Corporation to provide engineering services during the design and construction of two booster pump stations.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to these much needed water distribution system components.

BACKGROUND

The City of Lake Wales has three water treatment plants - the Market St. plant located downtown on Sessoms Ave., the Grove Ave. plant located at East Grove. Ave. and Marietta St. and the Burns Ave. plant located just west of the Senior High School. Although the plants are interconnected, the elevations of the Grove Ave. plant and the Burns Ave. plant are from 78 to 98 feet higher, respectively, than the Market St. plant. This creates critical pressure problems at the higher points when either the Grove or Burns Ave. plants need to be taken off line for tank maintenance or during times of major operational problems due to the fact that, when these situations occur, those plants are dependent upon the Market St. plant to supply water to their service areas.

Staff proposes to install in – line booster pumps at strategic locations where the water systems interconnect so that, when needed, system pressure can be boosted in the higher elevations to provide adequate domestic and fire flow service. Section 471.003 F.S. and Chapter 62-550.520 F.A.C. dictate that alterations of a water system must be permitted and designed under the responsible charge of one or more engineers licensed in the state of Florida.

This Task Order is made pursuant to the Agreement for Professional Engineering Services between the City and Boyle Engineering Corporation originally executed on December 6, 2000 and extended for another four (4) year period on November 18, 2004 and is in compliance with City requirements, policies, procedures and State laws

OPTIONS

None. These system deficiencies must be addressed in order to safely accommodate customers along the higher areas of the Ridge.

FISCAL IMPACT

\$95,000.00 was placed in the Water Division FY '07-08 for this purpose.

[end memo]

Agenda Item 25. Market Street Ground Storage Tank #2, Repairs Following Tank Inspection

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

[begin memo]

RECOMMENDATION

It was recommended that the City Commission:

1. Accept the proposal of \$26,450.00 by Crom Engineering and Construction Services, Inc. for the repairs needed at the Ground Storage Tank #2 at the Market Street Water Plant.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to the repairs of this major component of the City Water System.

BACKGROUND

In 1981, as part of the Market Street Water Plant Improvements, "Redundancy Plan," Crom Engineering and Construction Services, Inc. (CECS) constructed a second 300,000 gallons pre-stressed, Concrete Ground, Storage Tank at the Sessoms Avenue site, to increase the plant's water treatment capacity, thus providing greater quantities of storage for fire protection. During the 27 plus years of being in service, corrosive sulfide gasses found naturally in the ground water and other problems due to aging, makes it now necessary to complete the repairs found during the dry inspection.

The repairs will consist of the following:

- a. Tank interior cleaning including pumping the sediment.
- b. Epoxy inject four large hollows in the exterior tank wall as identified in the inspection report produced by CECS.
- c. Sandblast and apply two coats of potable, water epoxy paint to the underside of the dome, the top three feet of the tank wall, the top three feet of the baffle wall, and interior pipes.
- d. Fabricate and install new stainless steel manhole cover, bolts, and gasket.
- e. Restring the fiberglass, liquid level indicator, replace float, and replace pulley boxes as needed.

CECS is considered the sole source in this situation because they are the original manufacturer of the tank, and are utilized as sub-contractors by Utility Service Co., Inc., the City's Tank Management contractors, whenever concrete tanks are to be inspected and/or repaired.

OPTIONS

None. Chapter 62-555.350 of the Florida Administrative Code dictates that all water storage tanks be thoroughly inspected every five years with subsequent corrective measures taken to place the tanks in good operating condition and ensure water quality. Additionally, postponing the repairs would only subject the City to higher costs as the price of materials and labor rises on a regular basis.

FISCAL IMPACT

Monies to cover for this repair will be taken out of the M&R Water TP Acct. #403-536-100-346-240.

[end memo]

Agenda Item 26. Chlorine System Switch Over

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 \$129,200.00 from Odyssey Manufacturing Co. Piggyback from the Polk County contract, for the Chlorination System Switch Over needed at each Water Treatment Plant.
2. Authorize the City Manager to execute the appropriate documents, on the City' behalf, in regards to the Chlorination Switch Over for each Water Treatment Plant, the major component of the City's Water System.

BACKGROUND

Since the very existence of each Water Treatment Plant, water has been treated by way of chlorine gas. Due to the close proximity to the High School, the Daycare Center at the High Point Church, Candlelight Christian Academy and the daycare school center at Minnesota Ave., and the growth and in-fill of current vacant lots, concern has been raised relating to the well being of our residents and the safely handling of these cylinders by city staff at each of the Water Treatment Plants. Our existing system is working, but all we need is a bad leak to put current residents and city staff in harms way. The conversion from gas to liquid would eliminate these concerns.

The Chlorine Switch Over will take place at the following locations:

- a. Market St. Water Treatment Plant
- b. High School. Water Treatment Plant

c. Grove Ave. Water Treatment Plant

OPTIONS

The City Commission may not approve the purchase of the Chlorination System Switch Over, from Odyssey Manufacturing Co.

FISCAL IMPACT

Monies were allocated for the three Water Treatment Plants to be switch over to liquid chlorine. Capital Improvement Plan 2007/2008 \$175,000.00

[end memo]

Agenda Item 27. Sunset Pointe Phase Two – Final Subdivision Plat, Residential Developments, South of Sunset Drive and East of Buck Moore Road

Mr. Otte reported on Agenda Item 27. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Approval of plat as submitted.

No recommendation from Planning Board or public hearing is necessary for approval of a final plat, provided the plat meets all of the requirements of state statutes and local ordinances. Approval by the City Commission is a formality.

BACKGROUND

Michael Peeples, agent for LM Properties, requested approval of the final subdivision plat for Sunset Ridge, a 76-lot single-family subdivision. The property has 29 acres and is located south of Sunset Drive and east of Buck Moore Road. Presently only 35 lots are being platted as the developer is phasing development of the subdivision.

Land use designations on the property are LDR – Low Density Residential (Future Land Use Map) and R-1B Single-family Residential (Zoning Map). The lots meet or exceed the requirement for single-family lots in the R-1B zoning district where the property is located. The typical lot size is 75' by 120' or 9,000 square feet.

The requirements for approval of the final subdivision plat are:

- Consistency with the approved preliminary plat (confirmed)
- Compliance with PDP approval for lot dimensional requirements (confirmed)
- Completion of infrastructure to city standards (completed)
- Approval of the plat and survey by the city's consulting surveyor (confirmed)

Approval of the homeowners' association documents and title opinion by the city attorney (completed)

[end memo]

Agenda Item 28. Purchase of 2008 F250 4X4 Pick-up Truck from Weikert Ford for \$21,916.89

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission take the following action:

1. Approve the purchase of a 2008 F250 4X4 pick-up truck in the amount of \$21,916.89 from Weikert Ford in Lake Wales, Florida. This is a piggyback purchase from the Polk County Vehicle Purchasing Contract.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf.

BACKGROUND

The Water Department is requesting a replacement vehicle to take the place of a 1991 Chevrolet pick-up truck.

FISCAL IMPACT

\$21,916.89 is currently in the 2008 Capital Purchases adopted budget.

OTHER OPTIONS

Continue to run operations with limited resources/vehicles.

[end memo]

Agenda Item 29. Purchase of Bobcat Compact Track Loader from Bobcat for \$47,234.00

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission take the following action:

1. Approve the purchase of a T250 Bobcat Skid Steer Loader in the amount of \$47,234.00 from Bobcat, West Fargo North Dakota. This is a piggyback purchase from the Florida Sheriff's Association Contract # 06-14-0821 & 07-15-0827.
2. Authorize the City Manager, Tony G. Otte to execute the appropriate documents on the City's behalf.

BACKGROUND

The Wastewater Department is requesting this Skid, Steer Loader to replace a 1980 Case, Skid Loader that has become inefficient and unreliable.

FISCAL IMPACT

\$47,234.00 is currently in the Capital Purchases adopted budget.

OTHER OPTIONS

Continue to run operations with limited resources/heavy equipment.

[end memo]

Agenda Item 30. Purchase of Bobcat Fat Track Excavator from Bobcat \$31,483.00

Mr. Otte reported on Agenda Item 30. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission take the following action:

1. Approve the purchase of a 430 ZHS Bobcat Fat Track Excavator in the amount of \$ 31,483.00 from Bobcat, West Fargo, North Dakota. This is a piggyback purchase from the Sheriff's Association Contract #06-14-0821 &07-15-0827.
2. Authorize the City Manager, Anthony G. Otte to execute the appropriate documents on the City's behalf.

BACKGROUND

The Water Department is requesting this Bobcat Excavator to enhance the operation and capabilities for effective and efficient work performances of its division staff team.

FISCAL IMPACT

\$31,483.00 is currently in the Capital Purchases adopted budget.

OTHER OPTIONS

Continue to run operations as they are with the same decreased capabilities.

[end memo]

Commissioner Scott asked about Consent Agenda Items 29 and 30. Since the Bobcats were coming from North Dakota, she asked if they were new and Mr. Torrance said they were.

Mayor Wheeler asked about Consent Agenda Item 28, and asked if it was necessary to get such a huge truck. Mr. Torrance explained that one of the things the City lacks is the ability to move heavy equipment around, and a four-wheel drive was needed. Most of the time staff is driving off the road on rough terrain. This truck will be a ¾ ton vehicle, which is needed to haul the required trailer. A large truck would be needed at the wastewater plant or lift station to pull heavy equipment. The rest of the City trucks are ½ ton and the weight they have to carry is too much for them. The tailgate at times is almost hitting the ground from the load.

Commissioner Van Sickle asked what the City was doing with the equipment that we are replacing. Mr. Torrance said the replacement vehicle will replace a Case Bobcat, which is in its last years. It will be moved to the Streets Department because their Bobcat has been gone for several years. We are delayed in time when repairing sidewalks because we don't have a machine small enough to rip sidewalks up. So, we are transferring that vehicle over to the Streets Department, which doesn't have the amount of use that Wastewater does have. So, we are just going to pull over the one that has been in disrepair for probably for the past three years that he knows of since he has been involved. It is still sitting there and has to go.

Commissioner Van Sickle said that typically when you have Bobcats, tractors, and things like that you have pieces of equipment that are attached on. He said that he saw a trencher and some grappling forks on the quote. He asked if we had those pieces for the other ones that we have. Mr. Torrance said they did not, which created a problem for them. That is why we try to mainstream all of our Fleet vehicles whether it be Water, Wastewater, Fire Department, Streets or Parks because when the 2004 hurricanes came

through we had no redundancy of any sort. He said that when we purchased a brand new backhoe last year, one of the specifications that he had insisted on for this backhoe was that it have a thumb because we only had one grapple truck when trying to clean up after the hurricanes. We had no redundancy. Therefore, when that truck broke down we had to stop. So, we put the specifications in for redundancy for this machine to have a thumb on it so that we could do twice the amount of work. We now have three backhoes because we have to have the redundancy. That is part of why we did this. That is why we had the trencher attachments put on to it because this City only has one trencher. If the one trencher breaks, we are out of business until we can get it repaired.

Commissioner Van Sickle asked where the 36" bucket would be used. Mr. Torrance explained that it is a 3-ft. ditch bucket. We have to have working room, so if we have to have a bigger hole, we would be using our larger machine, the backhoe. Then, if we cannot get that machine into the narrower areas we have to have this machine, which is a lot easier to load on the trailer than the backhoe.

Mr. Otte noted that a corrected memo had been provided to each Commissioner regarding the Chlorine System Switch Over, Consent Agenda Item 26. The memo in the packet said that the City would be piggybacking off of the Mulberry contract, when it should have said we would be piggybacking off of the Polk County contract.

Commissioner Manry asked for clarification on the map for Consent Agenda Item 27, Sunset Point Phase II.

Commissioner Manry made a motion to approve the Consent Agenda excluding Consent Agenda Item 31, which was approved at the beginning of the meeting. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

COMMUNICATIONS AND PETITION

Agenda Item 32. CITY COMMISSION TRACKING REPORT

Mr. Otte reported on the City Commission Tracking Report

Adult Day Care: The County has applied for a state grant. A meeting was held with the pastor and an alternative site configuration will need to be undertaken.

Stop Sign on Lake Shore: At their last meeting, the Bicycle/Pedestrian committee voted that they prefer leaving the present sign where it is, at the crosswalk on Lake Shore Blvd and Ninth Street. Police Chief Herbert Gillis recommended a "Yield to Pedestrian" sign on Lake Shore Blvd. This sign would not need Commission action because it is not a regulatory sign.

Re-paving of Burns Ave.: The County says they will repave Burns Avenue as soon as they can.

Police Department Generator: Central Florida Electric was scheduled to begin installation on February 18. Mr. Galloway is following up on our previous generator experience.

Stop light at Mountain Lake Cut-off Road and Scenic Highway: FDOT has committed \$1.5 million in Highway Safety Program funds. They are supposed to give us a conceptual design in March that can be

reviewed by property owners, Progress Energy, and the Mountain Lake Corporation who will be asked to donate property.

Property West of the Fleet Maintenance Garage: Staff if following up with the property owner to see if there is a current interest in selling the property.

PUBLIC COMMENT

Michael Peebles, agent for LM Properties, said he had not been aware until the meeting that the City was planning to change its Land Development Code. He said he was in agreement with everything in there, the generators, and digital water meters, but said his development has already been approved and is simply waiting on the utility service agreement. He spent a lot of money on engineering and he wants to make sure the code has not changed anything. Mr. Otte verified that it would not. Mr. Peebles said that he thought the resolution should read that the digital water meters should be installed by the builder instead of the developer as the builder is the one who would do that after the permit had been pulled. Ms. Delmar explained that the resolution only states that we are adopting the standards and the details are in the standards and not in the resolution. Mr. Peebles said that he only wanted that clarified. Ms. Delmar said that comment was only in the agenda memo and not in the resolution. He said that the last time he put in a generator it was about \$70,000 and he saw that the pricing that Ray Creel, Utilities Director, reported was considerably better. It would be great if the developer could work with the City to use its buying power to get a cheaper generator and reimburse the City. That way, the City would get the generator it wanted to meet its specs. Mr. Otte asked if anybody had a problem with that and the Commission said no.

John Caraway complained about the confusing 3-way stop sign under the railroad overpass at Polk Avenue and Fourth Street. He asked if the City could possibly put up some type of signage letting people know that the 3-way stop sign is there. Assistant Police Chief Christopher Velesquez said that he did not think it would be a problem to do that because it did not require a change to the Official Traffic Map. Mr. Otte said they would put up the three-way stop notification signs but would also look at the problems with trucks going through. Mr. Caraway suggested that the City change its slogan from "Jewel Ridge of the South" to "Harlem of the South" because Lake Wales, in his opinion, was going downhill and he explained why. He reported a large pile of trash by the old Daily Highlander building and the Post office, and some dead trees that needed to come down around town. He said the Little League Field needed a paint job, and the football field has some rotten chairs lying around. Mr. Otte said he would be happy to meet with Mr. Caraway after the meeting to get his entire list. Mr. Caraway asked about the Billy Allen property. Mr. Otte said the City owns the property and that Billy Allen is allowed to farm the property and make a profit for five years. Mr. Caraway wanted to know why, and Mr. Otte explained that the City got a reduced price on the property.

Ruth Dampier, 1154 South Lake Shore Blvd., commented that the Code Enforcement Officer has grown so accustomed to seeing unkept lawns, furniture, and garbage lying around, that they do not see it any longer. She said that Lake Shore Blvd. looks worse than it ever has. She said she grew up in Lake Wales and then moved back to the City in 1972. She said that Code Enforcement Officer Bill Gindlesperger told her Code Enforcement could not keep up because he did not have an assistant. Mr. Otte said that there are two Code Enforcement Officers. He added that, on a number of occasions, he has gone on tours with citizens who were interested in a particular area to be cleaned up, and that he would be happy to do that if Ms. Dampier wished. He suggested that Ms. Dampier wait after the meeting and they could talk. Mayor Wheeler said that they have had two Code Enforcement Officers for some time and, yet, the City has been expanding, so they probably were stretched a little thin.

Mr. Caraway said that, in his opinion, Bobcats were not worth the money and he told why he thought so.

COMMISSION COMMENT

Commissioner Howell commented that she was happy to see the lights at Spook Hill for it looks very nice and thanked Public Services Director Teresa Allen for seeing that it was done. She also commented favorably about Scenic Highway near Janie Howard Wilson Elementary School. She asked how the


Lifeline Program was coming along and Finance Director Sylvia Edwards said that there were 70 participants. Mr. Otte asked if notices had been posted in the locations that had been specified and Ms. Edwards said they had been. Commissioner Scott gave a synopsis of the process for applying.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk