

The regular meeting of the Lake Wales City Commission was held on March 4, 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 Rev. Walter Nelson, First Assembly of God Church.

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; Clara VanBlargan, City Clerk.

CITY REPRESENTATIVES ABSENT: Judith Delmar, Asst. City Manager.

Agenda Item 4. APPROVAL OF MINUTES

Commissioner Manry made a motion to approve the minutes of the February 19, 2008 regular meeting. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

MAYOR

Agenda Item 5. PROCLAMATION: Children's Week and Child Abuse Prevention Month

Mayor Wheeler read a proclamation proclaiming March 30, 2008 through April 6, 2008 as "Children's Week" and April 2008 as "Child Abuse Prevention Month."

CITY MANAGER

Agenda Item 6. Ordinance 2008-08, Affordable Housing Impact Fee Exemption, Amendment to Zoning, Land Use and Development Regulations – 2nd Reading & Public Hearing

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

[begin memo]

RECOMMENDATION

Staff recommended adoption of Ordinance 2008-08 on second reading following a public hearing.

The notice requirements for a public hearing have been met.

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 certain 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 infill 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 infill 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. Infill 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 no changes to the impact fee exemption for affordable infill housing.

FISCAL IMPACT

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

[end memo]

Mr. Otte 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.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Manry made a motion to adopt Ordinance 2008-08 after second reading and public hearing. 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 7. Ordinance 2008-09, Amending Chapter 2 & Chapter 16, Pension Board Trustees' Term Limits – 1st Reading

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission approve Ordinance 2008-09 on first reading. This ordinance eliminates term limits for elected or appointed trustees on a board established for the purpose of administering an employee retirement plan.

BACKGROUND

The Firefighters' Pension Board and the Municipal Police Officers' Pension Board have requested that pension board trustees be exempted from term limits. Currently, the City of Lake Wales Code, Section 2-26(3), limits board members to three (3) consecutive terms. The City's Attorney, Mr. Albert C. Galloway, Jr., is in agreement with the request received from the Pension Boards' Attorney, Mr. Kenneth R. Harrison, Sr.

There is frequent difficulty in obtaining qualified persons to accept the responsibility and liability associated with serving as a trustee on pension boards. In addition, the pension boards invest in the trustees' continuing education and certification process.

After reviewing the request, staff concluded that it would be practical to also exclude term limits for the General Employees' Pension Board.

OTHER OPTIONS

Make no change.

FISCAL IMPACT

No fiscal impact, if the ordinance is adopted. The pension plans may experience savings related to trustees' certification and education costs.

[end memo]

Mr. Otte read Ordinance 2008-09 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTION 2-26(3), SECTION 16-43(b), SECTION 16-163(a) AND SECTION 16-233(a) OF THE LAKES WALES CODE, TO PROVIDE THAT THE TRUSTEES OF THE GENERAL EMPLOYEES' PENSION PLAN AND TRUST, THE FIREFIGHTERS' PENSION PLAN AND TRUST AND THE MUNICIPAL POLICE OFFICERS' PENSION PLAN AND TRUST MAY SERVE WITHOUT LIMITATION; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED TO PUBLIC COMMENTS

There were no comments made by the public.

CLOSED TO PUBLIC COMMENTS

Commissioner Howell made a motion to approve Ordinance 2008-09 after first reading. 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 8. Resolution 2008-05, Lake Wales Retirement Center Conduit Bond Financing

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission adopt Resolution 2008-05.

Resolution 2008-05, City of Lake Wales Retirement Facility Revenue Bonds, Series 2008; authorizes issuance of bonds in one or more series in the principal amount of not to exceed \$35,000,000 for the principal purpose of financing and refinancing costs related to the acquisition, construction and equipping of senior care facilities owned or to be owned by Water's Edge of Lake Wales, LLC. The resolution authorizes a delegated negotiated sale of the bonds; authorizes the use of a limited offering memorandum in connection with the bond sale; authorizes the bond purchase agreement, indenture of trust, the Series 2008 bonds, loan agreement and all other related instruments including a tax compliance agreement and appointment of Wells Fargo Bank, National Association as bond trustee.

BACKGROUND

BOND ISSUE

In 2007, Water's Edge of Lake Wales, LLC, a Florida not-for-profit corporation (the "Borrower"), applied to the City of Lake Wales to issue certain tax-exempt revenue bonds in one or more series and in an initial aggregate principal amount not to exceed \$35,000,000 (the "Series 2008 Bonds").

After holding the required published public hearing on November 28, 2007, the City Commission approved Resolution 2007-18 providing for the preliminary approval of the bond issue.

The Series 2008 Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the City, Polk County, the State of Florida or any political subdivision or agency. The bonds shall be payable solely from the revenues pledged in the loan and/or financing agreement entered into by and between the City and the Borrower prior to or contemporaneously with the issuance of the Series 2008 Bonds.

Adoption of the resolution shall not be construed as an approval of any necessary rezoning applications or for any other regulatory permits relating to the Project.

The City's adoption of the resolution shall not be construed to:

- a) Attest to the Borrower's ability to repay the indebtedness represented by the Series 2008 Bonds;
- b) A recommendation to prospective purchasers of the Series 2008 Bonds to purchase the same; or

- c) Have waived any right of the City or stopping the City from asserting any rights or responsibilities it may have in that regard.

Section 3(F)(2) Findings of Resolution 2008-05 states "Taking into consideration representations made to the City by the Borrower and based on other criteria established by the **Act**, as of the date hereof, the Borrower is financially responsible and fully capable and willing to fulfill its obligations under the Loan Agreement, and any other agreements to be made in connection with the issuance of the Series 2008 Bonds, and the use of the Series 2008 Bond proceeds for the 2008 Project, including the obligation to make loan payments or other payments due under the Loan Agreement, or the Bond Indenture in an amount sufficient in the aggregate to pay all of the principal of, interest and redemption premium, if any, on the Series 2008 Bonds, in the amounts and at the times required." This finding is required and is based on the Market and Financial Feasibility Study, (see Appendix B of Exhibit A). "**Act**" refers to the Constitution and laws of the State of Florida.

Indemnification

The borrower agrees to indemnify and hold harmless the City of Lake Wales. This is included in the Bond Purchase Agreement, Section 12, and the Loan Agreement, Section 7.5.

Project

The principal purpose of the bond issue is the financing and refinancing of all or a portion of the costs of acquiring, constructing and equipping of senior care facilities including, but not limited to:

- 22 single story duplex villas;
- A 3-story building containing 63 independent living apartments;
- A two-story building containing 30 assisted living units;
- 16 memory support (dementia assisted living units);
- 6 respite/rehabilitation assisted living units;
- A two-story, approximately 21,000 square foot Community Center; and
- Related common areas.

The proposed facility will be constructed on approximately 39 acres that are located west of First Street, South of Twin Lake, North of Grove Street and adjacent to the existing Publix shopping center.

OTHER OPTIONS

After receiving the Commissioners' commitment through the adoption of Resolution 2007-18, Water's Edge of Lake Wales, LLC's investors proceeded to move forward with the bond issue and project plans.

FISCAL IMPACT

The Borrower will pay the bond's issuance costs including the City of Lake Wales' City Attorney and Special Counsel fees and expenses. As previously stated the bond issue does not constitute an indebtedness or pledge of the general credit or taxing power of the City.

The facility will impact services provided by the City (Fire, Police, Streets, Parks, Library, Water, and Sewer).

[end memo]

Mr. Otte read Resolution 2008-05 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES PROVIDING FOR THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$35,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF LAKE WALES RETIREMENT FACILITY REVENUE BONDS (WATER'S EDGE OF LAKE WALES, LLC PROJECT),

SERIES 2008 TO BE ISSUED IN ONE OR MORE SERIES FOR THE PRINCIPAL PURPOSE OF FINANCING AND REFINANCING COSTS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SENIOR CARE FACILITIES OWNED OR TO BE OWNED BY WATER'S EDGE OF LAKE WALES, LLC; AUTHORIZING A DELEGATED NEGOTIATED SALE OF SUCH SERIES 2008 BONDS; AUTHORIZING THE USE OF A LIMITED OFFERING MEMORANDUM IN CONNECTION WITH SUCH SALE; PROVIDING CERTAIN TERMS AND DETAILS OF SAID SERIES 2008 BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN INDENTURE OF TRUST, THE SERIES 2008 BONDS, A LOAN AGREEMENT AND ALL OTHER RELATED INSTRUMENTS INCLUDING, WITHOUT LIMITATION, A TAX COMPLIANCE AGREEMENT; APPOINTING WELLS FARGO BANK, NATIONAL ASSOCIATION AS BOND TRUSTEE; MAKING CERTAIN COVENANTS, AGREEMENTS AND FINDINGS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS RESOLUTION.

Mayor Wheeler asked Jack Bowersox, the borrower's representative for Water's Edge of Lake Wales, LLC, to come forward to address any questions by the Commission.

Mr. Otte asked if part of the project would be tax exempt and part of it taxable. Mr. Bowersox said that he would anticipate making payments in lieu of taxes and he would like to negotiate those services that the project does receive. Mr. Otte asked if the entire project would be tax exempt. Mr. Bowersox said yes, it would be considered all one entity.

Mayor Wheeler said that Christopher Traber, Bond Counsel from Nabors; Giblin & Nickerson, P.A. was also present for any questioning.

Commissioner Scott commented that this is a wonderful project. She said that every time she visits her aunt in Winter Park Towers she feels at home because there are so many people from Lake Wales there. She thought it would be great when people could stay here in Lake Wales because they would have more visitors.

Mr. Bowersox reported that they have already received 91 telephone calls from the 1-800 numbers they published in the newspapers from people asking to be put on the waiting list for selecting a unit.

Commissioner Scott made a motion to adopt Resolution 2008-05. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

Mayor Wheeler thanked Mr. Bowersox and his group for a project that had been long in coming. He commented that he could remember the project starting back in the 1990's.

Agenda Item 9. Grove Avenue Extension to 11th Street and Property Exchange to Provide Necessary Right-of-Way to Accomplish the Project

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

[begin memo]

RECOMMENDATION

Approve the exchange of real property with Lake Wales, Ltd., the entity which owns the property necessary for completion of Grove Avenue from Minnesota Street through to 11th Street and authorize the Mayor to execute the Warranty Deed which is partial consideration for the grant of an easement over which the roadway will be constructed.

BACKGROUND

The developer of the Whispering Ridge subdivision entered into a Utility Agreement with the City of Lake Wales concerning the development of Whispering Ridge. Among other things, the Agreement requires the developer to extend Grove Avenue after acquisition of the necessary right-of-way by the City. Southland Property Management, Inc., the manager of the apartment complex owned by Lake Wales, Ltd., has cooperated with the City to arrange a property exchange to facilitate the road extension. Lake Wales, Ltd., was required to acquire approval of the exchange from the United States Department of Agriculture, Rural development, which holds a mortgage on the property to be provided as an easement. The approval has been acquired and the exchange requires approval of the City Commission. The easement has been forwarded to the two (2) Managers of Lake Wales, Ltd., for execution and it is to be recorded with the Deed and the Partial Release instrument.

FISCAL IMPACT

\$98.00 payable to the Clerk of Courts for recording the instruments, plus the cost of constructing a fence which will act as a buffer along the southerly boundary of the Lake Wales, Ltd. property, and which is partial consideration for the transfer.

[end memo]

Commissioner Scott asked how the City came to own that little block of land that we are giving up to facilitate the road extension. Mr. Galloway said that he did not remember how the City came to be vested with that area, but it was his understanding that that it had been dedicated at some point. The City can convey due title to it in exchange for this 30-ft. easement. We already have the southerly 30 feet from the developers of the Whispering Ridge Subdivision. This would give us the 60 feet of right-of-way needed to complete that roadway.

Commissioner Manry made a motion to approve the exchange of real property with Lake Wales, Ltd., the entity which owns the property necessary for completion of Grove Avenue from Minnesota Street to 11th Street, and to authorize the Mayor to execute the Warranty Deed, which is partial consideration for the grant of an easement over which the roadway will be constructed. 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 10. Purchase of Fire Truck

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

[begin memo]

RECOMMENDATION

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

1. Approve the net expenditure of \$232,911 for the purchase of a 2009 1500 GPM Intruder 2 Pumper from Ferrara Fire Apparatus, Inc., 27855 James Chapel Road, Holden, LA 70744. The purchase price is based on the Florida Fire Chiefs' Association Contract 07-07-0828, Specification #14.
2. Approve the trade in of the 1995 Ferrara pumper.

BACKGROUND

The sub-station on Thompson Nursery Road opened in May of 2005 in an effort to provide emergency service to areas of the City north of Mt. Lake Cut-off Road. Funding was not available for the purchase of a pumper at that time. The 1995 Ferrara pumper that was assigned from the main station for temporary use has over 85,000 highway miles on the odometer and is in need of replacement.

Currently, funds in the amount of \$214,882 are available in the Northern Fire Impact Fee account. Additional fire impact fee deposits and approximately \$9,000 in interest earnings are anticipated prior to the FY 2008-09 payment date in January 2009.

Ferrara has offered a \$30,000 trade in for the 1995 Ferrara pumper reducing cash requirements for the new pumper from \$262,911 to \$232,911.

OTHER OPTIONS

1. Purchase from one of the other vendors listed on the state contract
2. Do not purchase the pumper at this time.

FISCAL IMPACT

This will be a FY-2008/09 expenditure. This expenditure will be included in the 2008-09 proposed budget and 5-Year Capital Improvement Plan. The \$232,911 will be paid from the Northern Fire Impact Fee Account in FY 2008-09.

Currently, the account balance is \$214,882. The account will accumulate additional fire impact fees and interest earnings over the next ten months. If the account balance is not sufficient to cover the payment in January 2009, the General Fund will supplement the payment. As impact fee funds become available the General Fund will be reimbursed.

[end memo]

Commissioner Manry asked what the northern fire impact fee was. Mr. Otte explained that when staff did the impact fee update, it separated the City, north and south, in terms of impact fees, the boundary line of which is Mt. Lake Cut-off Road. The reason the fire impact fee in the north is slightly higher is because there are more start-up requirements such as the building of the new fire station.

Commissioner Van Sickle asked if this was a fee when building a new house. Mr. Otte answered yes. Commissioner Van Sickle commented that he lives in the northern section and he did not realize that he was paying more. He asked if, with the turndown of new sales even on the north side, we would have a problem raising enough impact fees to reimburse the money coming out of the General Fund. Mr. Otte said that the fire impact fees generated would reimburse the General Fund. Commissioner Van Sickle asked if there was a real issue with that because we might not get that money back from fire impact fees. Mr. Otte said that the only option would be not to buy the truck now, though we need the truck now. This is the first time in many years that we are able to pay cash for a fire truck.

Fire Chief Jerry Brown explained to the Commission the City's need for the new fire truck. He said that we have some recently approved commercial projects underway in the north section that we have not received fire impact fees from yet and are expecting about \$20,000 from that area. Commissioner Van Sickle asked if the same impact fees were going to pay for the new proposed firehouse. Chief Brown said that it was and that it would be a couple of years before it would be built. The City purchased a single-wide mobile home in September 2007 to use as a temporary facility with the anticipations that we would have to wait at least a couple of years before building a permanent facility. We have a verbal promise for property not yet deeded to the City, so we cannot spend any money, even for architectural fees or design, until we own it. With the slowdown in housing, it will not take place any time soon. Mr. Otte said there was a written agreement that they will deed the property once it is platted, but they have not come in requesting the plat. Commissioner Van Sickle said that he is aware of that, but his sole concern is with the land. When the Commission voted for the firehouse it was going to cost a half million dollars to build it. Realistically, it would cost much more to build even a basic one. Chief Brown agreed and said that we would have to look at that for a capital improvement project.

Commissioner Manry said that at this point we are only concerned about the purchase of a fire truck. She asked if the City had received any fire impact fees for Shoppes on the Ridge II, and for the shopping center across the street from that. Chief Brown said not as of the balance on that agenda memo. Mayor Wheeler said that it is a guaranteed \$20,000. Commissioner Van Sickle commented that he was all for the new firehouse because the Fire Department is normally out at Lake Ashton on a daily basis. It is a senior community so there are many people who need medical help. Chief Brown said that they are fairly comfortable right now at the temporary location, but they do want something permanent. Logistically speaking, they are closer to Lake Ashton than they actually will be when the permanent facility is built.

Mayor Wheeler said that fire trucks use a lot of fuel and asked what the mileage would be on the new truck. Chief Brown said he did not have the answer to that. However, he can say that fire trucks are not fuel-efficient. The odometer on the fire truck tabulates about 5 miles going to the incident. Then the truck sits out in front of the house running for about 15 minutes, or an hour, or possibly half the evening depending on the problem there. This is not a very good indication of fuel economy.

Mr. Otte asked Kathy Bangley, Assistant Planning Director, to review progress on the northern commercial developments. Ms. Bangley explained that the building plans for two of the parcels for Willow Brooks Square are being reviewed. The impact fee will be paid when they pull those building permits. At Shoppes on the Ridge Phase II, the gas station plans are fully approved, and the hotel is under review and will be ready soon. A.G. Armstrong had told the Planning Department that they plan to bring all that retail out of the ground, which was part of their agreement with Kohls because Kohls would not build without anything beside it. As soon as those building permits are pulled the impact fees are payable at that time.

Commissioner Van Sickle asked Ms. Bangley about the status of Ashton Shoppes and Peace Creek Promenade. Ms. Bangley said that Peace Creek Promenade is moving forward in a phasing scenario, as they want to break it into pieces. Ashton Shoppes have come back for a redraw. Staff met with them and they have indicated that it would be about five months before they are ready to move forward. Commissioner Van Sickle asked about the real estate office in that area. Ms. Bangley said that what appears to be a vacant lot just north of the current real estate office was bought by Mr. Carter who owns the Century 21. His plans have been approved, but because of the downturn in the market, he is postponing building on it.

Commissioner Manry said that she knew that a Walgreen Pharmacy was planned for Willow Brook. She asked what the other store would be. Ms. Bangley said there would be a small retail center and possibility a convenience store. She said that they just received a package for a Racetrack gas station to be built next to the Flea Market across from the Home Depot. This parcel will be annexed into the City because the County told them that they would have to get utility service through the City. We will probably end up with about three gas stations in the area: a Gate Petroleum in Shoppes on the Ridge on the northbound side; a Racetrack on the southbound side; and possibly a convenience store with a gas station going in at

Willow Brook. Commissioner Manry commented that one of those should be converted into a restaurant. Mayor Wheeler agreed.

Commissioner Scott said that she wondered why the fire truck was not bought in Florida and that Fire Chief Jerry Brown provided her with a good answer and asked Chief Brown to explain the reason to the Commission. Chief Brown explained that one reason was because they were purchasing the fire truck from the same manufacturer, who is allowing \$30,000 on trade-in. The other reason is that we purchased our last fire truck from them and we have received very good service. He commented that being loyal to the same manufacturer goes a long way in regards to service and warranty work. We will have a good relationship with them as long as they are on the state contract and can provide what we need within our budget. This manufacturer has mobile service vehicles in the area, so getting service would not be a problem. Also, the County purchases fire trucks from them along with other vehicles.

Commissioner Howell made a motion to approve the net expenditure of \$232,911 for the purchase of a 2009 1500 GPM Intruder 2 Pumper from Ferrara Fire Apparatus, Inc., 27855 James Chapel Road, Holden, LA 70744, and approve the trade of the 1995 Ferrara Pumper. 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 11. Oakley Settlement

Mr. Otte reported that Agenda Item 11 had been removed from the Agenda and that we will work to get it on the next City Commission agenda.

Agenda Item 12. Strategic Plan Update

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

[begin memo]

BACKGROUND

At the February 2 meeting City staff presented an update of the City Strategic Plan. The City Commission requested the following additions:

1. That a comprehensive energy policy be incorporated; and
2. That the plan emphasizes the need for jobs and schools. These facilities need to be provided in Lake Wales so that people moving in do not have to leave town for jobs; and to ensure that we have proper school facilities.

Pursuant to the above, City staff recommends the following additions:

- 1) In the "Strategies for Action" of the "proactive caretakers of the environment" section, the following addition:

- By October 30, 2008, the City Commission will be presented with a comprehensive energy policy developed by City staff and recommended for adoption. The policy shall include the active encouragement of energy efficient devices and facilities, the conservation of natural resources, and the weatherization of buildings. The use of solar energy or other alternative energy forms (wind, or combination systems) will be of particular interest.
- 2) In the “key indicators” of the “proactive caretakers of the environment” section, the following addition:
- Facilitate the implementation of the “commercial green program” and the “residential green program” as offered by Progress Energy. (Note: City staff has already begun this process with the recently completed Hampton Inn and Suites.)
 - Explore the feasibility of City Hall to become a “green friendly” building as an example to the development community.
- 3) In the “key indicators” of the “vibrant economy” section, the following addition:
- The number of new jobs as compared to the number of new dwelling units that are not located in retirement communities.
- 4) In the “Strategies for Action” of the “vibrant economy” section, the following addition:
- Facilitate a competitive business environment within our labor market area.
- 5) In the “additional services to enhance recreational, cultural, and educational opportunities section”, the following addition:
- Work with school officials in both the Charter System and the County System to ensure that the City is in compliance with school concurrency regulations and the inter-local agreement.
 - Work with school officials to encourage improved scores in the basic occupational skill sets of writing, math, science, and communications.

OPTIONS

Modify or do not adopt these additions.

FISCAL IMPACT

The preparation of the energy policy will require City staff time, but no material hard cash expenditure is anticipated.

[end memo]

Mr. Otte said that the four occupational skills were noted nationally as needing improvement. Anything the City can do to facilitate improvements would be included in this objective.

Commissioner Van Sickle said, in regards to the “green programs,” that there are two electric companies in town. He asked if the City was going to contact the other electric company to see if they could talk them into doing that area also. Mr. Otte answered yes. Commissioner Van Sickle said that many people in Lake Ashton already have solar panels for their swimming pools. He commented that he is very familiar with hot water solar heat as he had it about 15 years ago. He said he would appreciate it if someone could come to Lake Ashton to help with the “green program”. Mr. Otte said that we could add that to the objectives.

Commissioner Manry made a motion to include the conditions. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

CONSENT AGENDA

Agenda Item 13. Appointment of Election Officials

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

[begin revised memo]

This agenda memo replaces the one that was included in the Commission agenda packet provided to the Commissioners on Friday, February 29. Since then, the Supervisor of Elections office has requested that an alternate member be included on the list for approval by the City Commission. The alternate member will receive the training needed for Election Day, but will only be called to work if needed.

RECOMMENDATION

It was recommended that the City Commission appoint the persons listed to serve as poll-workers for the City Election to be held on April 1, 2008.

BACKGROUND

On February 3, 2004, the City Commission approved the consolidation of 7 polling locations into 1 polling location in the Municipal Administration Building for City elections only.

It is necessary that the City Commission appoint inspectors and a clerk of election to keep the polling places open from 7:00 a.m. to 7:00 p.m. for the City Election to be held on Tuesday, April 1, 2008. The Supervisor of Elections Office recommends that we use a minimum of 6 Book Inspectors, and an alternate member.

The following registered voters have indicated they are available to serve as poll-workers:

Alice Columbo – Precinct Clerk
Gary Wiesing - Deputy
Barbara Kwasny - Voter Information Specialist
Kenny Anderson, Ballot Box Operator
Doris Coyer, Audio Book Inspector
Betty Martin, Book Inspector
Gail French, Book Inspector
Sharon Becker, Book Inspector
LaFerne L. Ramsing, Book Inspector
Nancy Mathewson, Book Inspector
Eula Robinette, Book Inspector
Linda Higginbotham, Alternate

OTHER OPTIONS

None. These persons have all received the required training from the County Election Supervisor's Office. They are also required to be trained for the City Election prior to the April 1 Municipal Election.

FISCAL IMPACT

The estimated cost to pay these poll-workers is \$2,100.00, which has been budgeted. This amount includes payment for an alternate person if called to work. If not called to work, the alternate will only be paid for receiving the necessary poll-worker training.

[end revised memo]

Agenda Item 14. Generator Upgrade for High School

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 take the following action:

1. Accept the proposal of \$126,981.00 by Ring Power Corporation, St. Augustine, FL. To purchase a 600K generator with transfer switch to operate High School Water Treatment Plant. Piggyback from JEA (Jacksonville Electric Authority) contract.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to the upgrade of this major component of the City's water treatment system.

BACKGROUND

The City has presently a generator that operates about 30% of the equipment at this plant. FDEP requires that all Water Treatment Plants must have auxiliary power source to operate the facility at any given time main power is interrupted.

We have design drawings on hand for the Caterpillar Brand, plus we have the option of piggybacking from the JEA (Jacksonville Electric Authority) contract.

OPTIONS

None. FDEP Chapter 62-555 requires that all Water Treatment Plants must have a stationary back up power generator capable of operating at least half of the plant capacity on any emergency.

FISCAL IMPACT

We budgeted monies to cover the design, purchase, and installation of this unit on the 2007/2008 Capital Improvements Budget.

[end memo]

Agenda Item 15. Painting of Market Street Water Plant

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission take the following action:

1. Accept the bid of \$18,363.00 and award the contract to West Florida Maintenance, Inc. for the painting of the Market Street Water Plant. Contractor requires 15% of the total cost for mobilization up front.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf.

BACKGROUND

The City of Lake Wales has completed the bidding phase for the painting of the Market Street Water Treatment Plant. The Invitation to bid was advertised with nine sealed bids received and opened on February 5, 2008. The bids were subsequently reviewed by the Purchasing Agent (Bonnie Hodge) and the Water Department. City staff was concerned with the amount of the bid, as it is substantially lower than the other bids. The low bidder also supplied a list of references. City staff was able to reach three organizations that the firm had previously done work for, and they gave good reports. In addition, the bid documents specify the facilities to be painted, how the surface is to be prepared, and the type of paint to use. The company representative also mentioned that this is a "between job" for them and verified that the bid amount is correct.

The items to be addressed by the award of this bid are as follows: The painting of the Pump station, control room, generator room, chlorine storage, chlorine room and well house # 2 on the eastside of Market St., well house #4 by the old streets barn, just north of Sessoms Ave., well house # 1 just south of Sessoms Ave, the Ground Storage Tank # 2, and all above ground piping and floors at each building.

The primary purpose for painting these buildings is to revitalize the appearance of our Water Treatment Plant and to meet the FDEP regulation Chapter 62-555 as it relates to house keeping.

OPTIONS

The City Commission may choose to deny the award of bid to West Florida Maintenance, Inc.

FISCAL IMPACT

Monies were budgeted in the M&R Treatment Plants Operating budget 2007/2008 exceeding the low bid amount.

[end memo]

Mr. Otte pointed out that on Page 3 you can see that the recommended low bidder was very much lower. This contract had specific specifications so everyone bid on the same paint as well as the same type of preparation of the service. As the bid was so much lower, staff called the lowest bidder to ask if it was indeed the correct figure and was told that it was.

Commissioner Manry asked if we knew if there was a reference or had anybody else ever heard of them before. Mr. Otte said that we got a list of references of which staff was able to reach three of the organizations that the firm had done work for previously and all were satisfied.

Commissioner Scott asked if the City would have somebody overseeing the project to make sure that they are using what they say. Jose Perez, Water Superintendent, responded that he would be overseeing the project. He said that he did some checking on the company and had invited them to come back and make sure that what they had proposed was what they had looked at. So, they did confirm that it was

correct. We also invited them to do a walk-through at each plant and we invited a representative from Sherman Williams to be present to make sure that they all understood what kind of paint we needed for the plant. Everything was confirmed.

Commissioner Scott asked if the new generator going in at the high school water plant would be able to control everything up there rather than the one that is being taken away. Mr. Perez said the old generator that was installed when the water plant was built in the early 1980's, is only functioning at 30% capacity. DEP requires that we at least have half of the capacity of the plant under all the sources of power, which in this case is the generator. The new generator would operate the plant at full capacity.

Commissioner Scott asked for confirmation that when the plant is without electricity, the new generator will make sure that Lake Ashton does have water. Mr. Perez confirmed that whenever we lose power, Lake Ashton will have water. Mr. Otte said that our interconnect with Winter Haven will also help in this situation.

END CONSENT AGENDA

Commissioner Manry made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

COMMUNICATIONS AND PETITION

Agenda Item 16. CITY COMMISSION TRACKING REPORT

Mr. Otte reported on the City Commission Tracking Report.

Police Department Generator: Mr. Otte said that Central Florida Electric began installation work today on the Police Department generator.

Railroad Bridge Signage: Mr. Otte said that one item that was not on the tracking report was the signage around the railroad bridge. He said that Margaret Swanson, Planning Director, is following up on that. She is working with FDOT to suggest some signage to keep tractor trailers from turning east on Polk Avenue to go under the bridge, and from turning off SR60 westbound to end up in that same spot.

Code Enforcement Tour: Mr. Otte said that yesterday he also took a Code Enforcement tour with Ruth Dampier.

Skateboard Meeting: Mr. Otte announced that tomorrow evening at 5:00 p.m. in the Commission Chambers there will be a meeting for skate board enthusiast to review the catalogues we have on skate board equipment. He said that staff will show slides before the meeting of the slab that was poured for the Skate Park in Kiwanis Park. The skate board park is in progress.

1919 School Open House: Mr. Otte invited everyone to attend an Open House on Saturday, March 8 at 10:00 a.m. and on Tuesday, March 11 at 4:00 p.m. for the 1919 school open house that Dr. Gabe Stodom is hosting. A representative of the architect, a representative of the contractor, and a representative of the

City will be there to discuss the design, construction, and financing of the project. Dr. Stodom will discuss the vision for the project.

PUBLIC COMMENT

Wes Rogers, 500 E. Bullard Avenue, commented that on several occasions over the past two years, he presented his views to the Commission regarding the state of our economy and how it can effect our town's financial position. The response had been one of stony silence at best, and with total rejection at worst. But, things have reached the point where the warning signs can no longer, in his opinion, be ignored. He said for the first time, the possibility of small bank failures is possible in the financial markets. The experts are concerned about recession. Our capital markets are unstable and are on a downward trend, plunging over 300 points last Friday alone. The dollar is at an all-time-low against every major currency. The global credit picture has now affected our credit markets to the point where any borrowing gets difficult. The most optimistic hopes of recovery would be within the next two years and even then, it would not be possible to fix the recovery gauge until we can see where the bottom is. This directly affects our revenue sources. Outsourcing markets are in a free fall. The foreclosure rate continues to grow at an unprecedented pace. New construction in Polk County is the lowest since 1994. Existing homes sales are at its lowest since 1999. He said that some of the Commissioners were still claiming to be faithful to their campaign promises of lowering taxes, yet continually fail because of the milage rate decrease, Lake Wales is enjoying revenue increases considerably greater than past years because of reappraisals of taxable property, which, of course, means larger tax bites on residents. He told the Commissioners that they could not continue down the path they are taking, nor could they ask the citizens to pay for their misadventures by such misleading tax increases as the fire fee proposal.

Mayor Wheeler asked Mr. Rogers if he had any statistics on foreclosure rates in Lake Wales. Mr. Rogers said not in Lake Wales only in Polk County. But, he could get them.

Commissioner Van Sickle commented that there has been six foreclosures in Lake Ashton. Mr. Rogers mentioned that home sales are listed in the Sunday's edition of the Ledger, and now they also list foreclosures, consisting of several pages.

Mayor Wheeler said that there had been an interesting discussion on the public radio station regarding the devaluations of condominiums along the coast and they are seeing a decrease of 30% in selling prices. Mr. Rogers commented that it is his personal opinion that we are in a recession despite what the president says. People are all deeply in debt, carry great amounts on their credit cards, have mortgages in some cases greater than the value of the homes, and have kids in college.

Mayor Wheeler commented that interestingly enough the Legislature is mulling over a bill that would mandate the cities to set aside an economic emergency reserve on which they would be expected to live. Where that bill is, he does not know, but the Legislature is starting to recognize that there is a serious problem.

Commissioner Manry said that the Legislature is also facing the huge amount of decrease in what they plan to give to the schools.

Christopher Lutton, 437 S. 9th Street, said that, in regards to the painting contract, there is a way that contractors could directly purchase materials through the City for a tax saving. The positive side of that is the City would not get an unexpected lien and you can control what materials are actually getting delivered. In this case, you would only be saving about \$400.00, but it is a savings. Mr. Otte said that we have done that on large projects.

COMMISSION COMMENT

Commissioner Howell asked Jerry Torrence if he had fixed all the lights on the list she provided him. He said that some of the lights were replaced, and some, like on Tillman Avenue, he had asked for an estimate to be submitted. Mr. Otte asked Mr. Torrence if he had reviewed the streets to be re-surfaced

with the man from Lake Ashton recommended by Commissioner Van Sickle. Mr. Torrance said that he did a ride-a-round with the man and discussed pretty much what the Commission had discussed during its ride-a-round. Some of what he said agreed with the City as far as water intrusion being a problem and some of the areas slated for milling and resurfacing. He had pointed out that there was really nothing wrong with some streets so, we might get by with just sealing them. There was only one street, which was Currin between Grove and Russell where the street was inverted. The man had pointed out a few things that were very informative.

Commissioner Howell asked when the contractor would be starting. Mr. Torrance said that he is hoping to bring the first list to the Commission at its next meeting and once that is done, the contractor will start the next day. But, he added, we do not want to get them in until we can get our numbers organized. We still have to prioritize our streets so that they fit our numbers. There may be some streets we want to do that we are not going to be able to do. He will get the information to the Commission so that the Commissioners can make that decision.

Commissioner Manry asked if we would be piggybacking on the Winter Haven contract and Mr. Torrance said yes.

Commissioner Howell asked about the resurfacing of Burns Avenue. Mr. Torrance said that the County started moving their equipment in on Monday. So, they will be resurfacing soon.

Commissioner Manry asked what the difference was between the job on Burns Avenue and the improvements scheduled for 2014 on Buck Moore Road and Chalet Suzanne Road. Mr. Torrance said that he was not sure. Mr. Otte said that the County will be slightly widening Buck Moore Road. Ms. Swanson said that she does not know about Buck Moore Road, but Chalet Suzanne Road will be widened. Mr. Otte said that when the City Commission as a whole attended the County Commission meeting and brought pressure there, they had dropped Chalet Suzanne from the list completely and it had been on the list for years. The County said it did not have enough money but they agreed to put it in the project design phase of the Thompson Nursery Road study. So, it is being planned and it has been surveyed, but they are not going to do anything about it until much later in the process so it will not be the same timeframe as Thompson Nursery Road. Commissioner Van Sickle said that there is actually two dates for Thompson Nursery Road. The section from CR-653 east is a later phase that will be in 2014. They will be constructing a four-lane with medians and 6-ft. sidewalks on either side of that road. Part of that road is a bike path. The other section will start earlier and that will tie into CR-540 over in Winter Haven. It will be a major project and that is also the one that will be passing over railroad tracks.

Mayor Wheeler reported that he received a citizen communication concerning a light pole that went down during the hurricanes at the intersection of Stuart Avenue and Scenic Highway and was never replaced. The citizen who brought this to our attention offered to pay for its replacement. Mr. Torrance said that he had spoken with the gentleman, Ed Ferking, last week and we do not have any of the poles. Mr. Torrance called and got the quotes and he will order some poles. Normally, this is something that is done through a local electrician, like Rossi Electric, but now we are going to purchase the poles and all its components to keep on hand for future problems. Mayor Wheeler asked when this pole would be replaced and Mr. Torrance said by the end of the month. He said a couple of areas need pole replacements. Staff did not want to go through the expense of purchasing many poles to be replaced now because they hope they will be replaced by some type of grant in the near future. Commissioner Manry asked what had been done about the poles that used to be on Lincoln Avenue. Mr. Torrance said an electrician was sent to make sure there were no live wires and to remove other obstacles. We are in a kind of holding pattern until we find out what is going to be happening with those lights. Commissioner Scott asked if the pole stubs had been removed from Lincoln and E Street because a woman had tripped over one of them. Mr. Torrance said that they had been removed.

Mr. Torrance reported that the sidewalk on Marietta from SR60 to Grove Avenue was completed by Whispering Ridge development. Mr. Otte said that it was in the Commission approved agreement that Whispering Ridge put that sidewalk in.

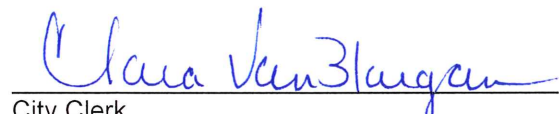
Mayor Wheeler asked what the price range was for homes in Whispering Ridge. Ms. Bangley said that she was not sure but she did know that it was not much under \$200,000. Since December, the developers have pulled 23 single-family residential permits. Staff had a telephone call from their superintendent who plans to pull five more within the next month. Mayor Wheeler asked what they were doing that the others were not. Ms. Bangley said that she thinks that the original 23 were people who had purchased lots at the early stages. So, there was a group waiting for the plat to be finalized. She added that they would see more realistic levels in the future, maybe two or three a month, if they were lucky. Commissioner Manry said if you are just driving by you would not notice all those houses back there, but it is amazing when you drive through.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk