

The regular meeting of the Lake Wales City Commission was held on March 18, 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; 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 29, 2008 special meeting and the March 4, 2008 regular meeting. 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.

MAYOR

Agenda Item 5. Support Address by Gary B. Headley for Police Chief Herbert Gillis and His Staff Regarding Recent Incident at Headley Insurance

Gary B. Headley, on behalf of his son Scott J. Headley, addressed the Commission regarding the recent incident that occurred at Headley Insurance and thanked the Police Department and Fire Department for their professionalism in handling the incident. He commented that the City is blessed to have such caring leadership.

Mayor Wheeler extended heartfelt condolences to Mr. Headley and his staff, and especially for the families of the victims.

Agenda Item 6. PROCLAMATION: Water Conservation Month, April 2008

Mayor Wheeler read a proclamation proclaiming April 2008 as "Water Conservation Month."

CITY MANAGER

Agenda Item 7. Ordinance 2008-09, Amending Chapter 2 & Chapter 16, Pension Board Trustees' Term Limits – 2nd Reading & Public Hearing

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission approve Ordinance 2008-09 after second reading and public hearing. 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]

Ms. Delmar 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 PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2008-09 after second reading and public hearing. The motion was seconded by Commissioner Scott.

ROLL CALL:

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

The motion carried 5-0.

Mr. Otte reported that it had been requested that Agenda Item 13 be discussed before Agenda Item 8.

Agenda Item 13. Discussion of Financial Statements for February 29, 2008, Fiscal Year to Date

Mr. Otte reported on Agenda Item 13. 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 February 29, 2008 are presented to the City Commission for review. At the end of February, the City is 41.7% into the fiscal year. Eleven of twenty-six payrolls (42.3%) have been expensed through February 29. Budget comparisons are based on the FY07'08 budget as amended by Ordinance 2008-02.

SUMMARY

The following chart gives a brief summary of revenue and expenditure performance as of February 29, 2008:

Fund	Revenues and Sources		Expenditures and Other uses	
	Percent of Budget	Comparison to Target	Percent of Budget	Comparison to Target
General Fund	52.6%	+10.9%	39.9%	-1.8%
Special Revenue Funds	73.2%	+31.5%	9.6%	-32.1%
Debt Service Fund	41.0%	-0.7%	71.6%	+29.9%
Capital Projects Fund	18.0%	-23.7%	116.0%	+74.3%
Airport Fund	3.3%	-38.4%	17.4%	-24.3%
Utility System Fund	14.6%	-27.1%	16.0%	-25.7%

General Fund revenues are currently 52.6% of budget due primarily to the fact that the General Fund received 74.8% of budgeted ad valorem tax revenues through February 29. Although \$268,991 was received during February, receipt of ad valorem revenues has begun to slow down as expected. Through the end of February, the City received 40.1% of franchise fees, 39.4% of utility taxes, 43.5% of communications services taxes, 41.3% of state-shared revenues, and 38.0% of sales tax revenues. General Fund expenditures were at 39.9% or 1.8% below the 41.7% target level.

Revenues in the Special Revenue Funds were 73.2% of budget, reflecting the receipt of \$9.5 million in CRA Bond proceeds. In addition, both city and county tax increment revenues have been fully recorded. The Library Fund received 76.0% of its budgeted revenues, and the Transportation Fund received 41.7% of gas tax revenues. Library Fund expenditures were at 34.5% of budget and Transportation Fund expenditures were at 7.0%. The CDBG grant fund recorded 47.1% of budgeted expenditures. There was minimal activity in the other Special Revenue Funds through the end of February.

Debt Service Fund expenditures are significantly higher than budget (+29.9%) 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 18.0% of budgeted revenue and 116.0% 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 February 29. Most of the expense incurred in this fund is related to construction of the Soccer/Multi-purpose field (\$220,628). Budget amendment #2 will revise the budget for the Capital Projects Fund to reflect the carry-forward of the Soccer Field project from FY06'07.

Airport Fund revenues were at 3.3% of budget and expenditures were at 17.4% . Most of the revenues budgeted in this fund for FY07'08 are grant-related and fund major capital projects which have not been completed at the end of February.

The Utility Fund received 41.6% of budgeted revenues through February 29, this number includes impact fees and miscellaneous revenues as well as charges for services. Revenues from water charges were at 40.3% of budget (-46,815), and revenues from sewer charges were at 40.8% (-26,117) at 2/29/08. Overall revenues and other financing sources in the Utilities Fund were at 14.6%. Revenues and SRF loan proceeds related to the wastewater treatment plant expansion and southside force main projects will not be recorded until actual expense is incurred. Expenditures in the operating departments were at 39.5% of budget. Total Utilities Fund expenditures and other uses were at 16.0%.

The City's overall cash position at the end of February 2008 improved over the cash position at the end of February 2007 (+\$465,983). In order to make a valid comparison, however, adjustments must be made to both years as follows:

	2/28/07	2/29/08	Difference
Total Cash & Investments	7,864,354	8,330,337	+ 465,983
Due to Other Governments	(306,953)	(134,052)	
Insurance Proceeds & Other Airport Cash	(2,099,174)	(761,778)	
Deferred Revenues*	(678,685)	(543,450)	
Sale of Coop Fruit Prop (Net of Expenditures)	(1,104,437)	(1,091,488)	
Cash & Investments Net of Adjustments	3,675,105	5,799,569	+ 2,124,464

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

After excluding cash that has been collected on behalf of other governments, unexpended Airport insurance proceeds, deferred revenues and sale of the Cooperative Fruit Property, the City's overall cash position at the end of February 2008 was significantly better than at the end of February 2007. In relation to the cash position at January 31, 2008, the February position shows a reduction of \$438,386.

The City's accounts payable at 2/29 increased by \$492,650 from \$597,965 at 2/28/07 to \$1,090,615 at 2/29/08. The City's accounts receivable at 2/29 declined by \$403,525 from \$1,733,589 at 2/28/07 to \$1,330,064 at 2/29/08.

Items of Current Concern

Sylvia Edwards, Finance Director, completed a trend analysis of receipts through 2/29/08 for the Finance Committee meeting on March 11, 2008 (Chart 1). This analysis projects shortfalls in relation to budget for several major General Fund revenues at the end of the fiscal year. If current trends continue, General Fund revenues will be approximately \$118,600 under budget at 9/30/08. If current trends in water and sewer revenues continue, there will be an approximate shortage of \$175,000 in the Utility System Fund which will necessitate reducing the enterprise fund contribution to the General Fund. In combination, these revenue problems will result in a \$294,000 General Fund shortfall in relation to budget.

A similar analysis of expenditures through 2/29/08 indicates that spending on payroll and operating expense will be less than budgeted (Chart 2). If current trends continue, General Fund expenditures are projected to be approximately \$246,000 under budget at 9/30/08.

Summarizing the information in Chart 1 and Chart 2 indicates a slight surplus of revenues over expenditures at the end of the fiscal year:

General Fund Revenue Budget	11,528,664
Projected General Fund revenue shortfall	(118,588)
Projected shortfall in Utility Fund contribution to General Fund	(175,034)
Projected General Fund revenues at 9/30/08	11,235,042
General Fund Expenditure Budget	11,448,493
Projected General Fund expense under budget	(246,111)
Projected General Fund expenditures at 9/30/08	11,202,382
Projected Revenues over (under) Expenditures @ 9/30/08	<u>32,660</u>

Although a slight revenue surplus is currently projected, it must be noted that this projection assumes that current revenue and expenditure trends will continue. If the revenue shortfall deepens or expenditures accelerate (either or both), there will be no revenue surplus at 9/30/08 and fund balance will be drawn down accordingly. The audit of FYE 9/30/07 is in progress, and preliminary records indicate a beginning fund balance in this fiscal year of \$876,741— a figure that is below the 9/30/03 fund balance of \$923,572.

As strongly recommended by the City's auditors, it has been our goal to increase the General Fund balance to 15-20% of the total operating budget for the purpose of responding to emergencies, covering payroll and other expenditures during the early part of the fiscal year before ad valorem revenues are received, and paying costs of grant-funded projects prior to reimbursement from grant sources. In terms of the adopted FY07'08 budget, this would require a minimum General Fund balance of \$1.7 million.

Finance Committee Recommendations

The immediate issue before the Finance Committee on March 12 was whether or not to recommend reinstatement of a position at the Depot Museum which is funded through March 31. It was the consensus of the committee to defer a recommendation on this matter until after the March financial statements are completed and Budget Amendment #2 is prepared. These items will be presented to the City Commission at the second meeting in April. We will continue to fund the position until that time.

In view of the projected revenue shortfalls, however, it will be necessary to curtail spending in order to preserve fund balance. To this end, it is the Finance Committee's recommendation to impose a hiring freeze and delay any capital equipment purchases that have not yet been made. Where public safety staffing levels are below required minimum levels, the hiring freeze may be waived at the discretion of the City Manager.

[end memo]

Mr. Otte reported that the Finance Committee had also discussed the position of Curator at the Museum and recommended waiting a few weeks until vacancies could be filled in-house. This may open a position that the Curator, Sarah Johanson, could transfer to, which would avoid a layoff.

Commission Scott said that she had thought the Curator position would end on March 31 and asked if we were creating a position for Ms. Johanson. Mr. Otte answered that we are not making a new position but there might be a vacant position to which Ms. Johanson could transfer. Commissioner Scott asked if it would be a position that Ms. Johanson would be qualified to fill and Mr. Otte said it would be. He explained that an opening in the Utility Department could be filled with someone from Planning

Department, leaving open a position in the Planning Department. Commissioner Scott asked if the person in the Planning Department would be qualified to take the Utilities position. Mr. Otte said the position was a clerical position and the person would be qualified.

Mayor Wheeler commented that the Finance Committee would be addressing the issue again at its next meeting, at which time he was sure there would be more up-to-date information. Mr. Otte said that they were waiting to see what happens with the vacant position.

Commission Van Sickle said that the reason he wanted this issue discussed early on is because staff needs to start making some very tough decisions on spending money. If we are lucky, the shortfall will not be greater than what it is today, but we may just end the year without any revenue if we continue spending money not budgeted. He said he could understand waiting a couple of weeks if that would help Ms. Johanson get a position within the City, but after that, the Commission may need to make some very hard decisions that may not be popular.

Mayor Wheeler thanked Mr. Otte and staff for holding down expenses to meet this unexpected revenue shortfall. Mr. Otte said it was a team effort and that Ms. Delmar and Finance Director Sylvia Edwards had been in the forefront.

Agenda Item 8. Acceptance of Greenways & Trails Grant for \$200,000 – Extension of LW Rails-to-Trails from Kiwanis Park Going East – City Match \$133,000 from Recreational Impact Fees

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

[begin memo]

RECOMMENDATION

Approval of the standard agency contract to accept the trail grant and build the trail from Kiwanis Park going east.

BACKGROUND

In March 2007, the City Commission authorized staff to apply for a grant through the Office of Greenways and Trails to construct the next section of the trail, from Kiwanis Park going east. The trail must be built according to FDOT specifications. City staff has already discussed this project with APAC staff, and it may be possible under an existing contract to hire APAC to do the work. APAC has stated that if hired they will not be using a vibratory compactor.

The contract must be returned in the near future to the Office of Greenways and Trails. Staff is checking on several questions and anticipates having answers by the time of the Commission meeting:

1. The grant does not commit the City to extending the trail to Buck More Road, but are there enough project funds to do so?
2. May project funds be expended for a fence on the north side of the trail in the Lake Bonnie area?

OPTIONS

Do not approve the contract.

FISCAL IMPACT

The funding for this project is as follows:

Grant funds \$200,000

City Match	<u>\$133,000</u>	(recreation impact fees available for this project)
Total	\$333,000	

[end memo]

Mr. Otte said, in answer to question #1, that an APAC representative was expected to give staff an answer in writing, but the verbal answer of the representative was that he thought there was enough money. The contract does not bind us to extending the trail all the way. The answer to Question # 2 is, "yes." The section of the trail that passes Lake Bonnie is known as the four-wheelers' riding area. Nearby residents fear that if a hard-surface trail is built in that section, it will turn into a drag strip for 4-wheelers. Therefore, it was recommended that a fence be built, and because it is considered an accessory to the trail, we could use grant funds. The real question is whether or not there will be enough money left to build the fence, as staff has not received a written estimate from APAC yet. A very rough estimate of the fence, obtained from previous fencing bids and determining the length of fencing by using aerial maps, is about \$10,000 for over 3,000 feet of fencing.

Commissioner Manry asked if the fence would be installed by City staff or contractors. Mr. Otte said that it would be done by contractors.

Mayor Wheeler asked if the owner of the property was aware of the four-wheeler problem. Mr. Otte said he was aware and that the Police Department contacted the owner, who authorized the Police Department to remove anyone riding there. Mayor Wheeler said that by the owner letting them continue, he was in essence approving the activity, which could not be allowed to continue. He suggested pressing upon the owner that the trail was not a racetrack. Mr. Otte said that the Police Department recently contacted the owner about putting up "No Trespassing Signs." Signs had been placed there in the past but at the last Staff Meeting he was told that the signs were no longer there. It is an ongoing problem.

Mr. Otte asked the City Attorney to explain how the referendum would affect this item on the agenda. Mr. Galloway explained that there was a referendum in 2005, which came about by an initiative and caused the adoption of Ordinance 2005-07. This ordinance authorizes, among other things, the City Manager to take all actions consistent with the resolution that supports the trail without further vote, approval, ratification, or official action of the City Commission. That does not include the ability to spend additional monies. It authorizes grant applications and ministerial acts but the expenditure of contemplated, recreation impact fees would have to be approved by the City Commission.

Mayor Wheeler asked if the grant contract had been approved. Mr. Otte answered no, that this was what the Commission was considering for approval. He said that the grant we applied for in 2004 was awarded and we need Commission approval to accept it.

Commissioner Van Sickle said that his concern is that there is very little money left in the Recreation Impact Fee Fund. With the turn down of the market, it will be a long time before more revenue comes into the recreation department. He said that we should be letting that fund build up so we can do something for the people living in the north part of the City who do not have parks to enjoy. He advised against draining that account completely.

Commissioner Manry said she thought we had already authorized the spending of the Recreation Impact Fees for this grant. Mr. Otte said that in March 2007 the Commission authorized the submission of a grant application that used this money as a match. He said that the grant was submitted, awarded, and now we have to accept the grant by contract. Because by City Charter he is not authorized to sign contracts, it is a Commission decision.

Commissioner Manry asked for an update on the Recreational Impact Fee Fund. Ms. Delmar reported that we have \$133,000 set aside for this purpose, \$100,000 set aside for the match on the Soccer Field, and \$132,000 in non-pledged impact fees. Commissioner Manry asked if we already received these impact fees, excluding the Impact Fee we will get for Shoppes on the Ridge Phase II. Ms. Delmar said that Shoppes on the Ridge does not contribute to parks impact fees. Mr. Otte said that it was because it is not a residential development.

Commissioner Howell asked if the matching funds had been budgeted. Ms. Delmar explained that it is in the 5-Year CIP as the City's match on this grant. Commissioner Manry said that it was in the FY-07'08 budget to come out of Impact Fees for that and for the soccer field, leaving a balance of \$132,000. Mr. Galloway said that if it has been previously approved, then probably Ordinance 2005-07 is still applicable. What is left is ministerial and the City Manager would need Commission approval to sign the contract at this stage.

Commissioner Van Sickle made a motion to approve the standard agency contract to accept the trail grant and build the trail from Kiwanis Park going east. The motion was seconded by Commissioner Manry.

ROLL CALL:

Commissioner Van Sickle	"NO"
Commissioner Manry	"YES"
Commissioner Scott	"NO"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 3-2.

Agenda Item 9. Brookshire Off-Site Piping Settlement Agreement

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

[begin memo]

RECOMMENDATION

Approval of the attached settlement agreement with an additional provision at the option of the City of paying the settlement amount of \$80,000 with impact fees.

BACKGROUND

The attached agreement is my best effort to resolve a long-standing dispute that was created by a city staff member who acted independently and made representations that did not reflect city policy. He no longer works for the City.

Kensington Lakeside, LLC is the division of Feltrim Developments that developed the Brookshire subdivision at Scenic Highway and Lake Mabel Loop road. The plat approved for this subdivision contains 85 lots. There are presently 28 homes in this subdivision that have paid \$157,927 in total water and wastewater impact fees. There are 57 vacant lots that will each pay at least \$5,807 each in water and sewer impact fees (today's fee amount).

The City code (Section 23-770) provides for developers to be credited for up to one third of the water and sewer impact fees paid when building permits are issued, in return for "upsizing" water and sewer lines to serve other customers. The developer has submitted a letter from his engineer of record indicating that he has paid \$264,948.50 to install off-site water and sewer lines (included in attachment 1). This cost included an extra expense of \$40,112 for re-routing the line as requested by then city staff.

This should have been a straight-forward credit of impact fees collected per the code; however, there were several complicating factors:

- There is evidence that city staff members (who are no longer with the city) told the developer that he was going to be completely reimbursed for this expense (please see attachments 2 and 3).

The developer was understandably upset when later told that this amount would be reduced. At that time the developer was told that he was only eligible for one-third per city code, assuming that the lines would in fact serve other customers; and

- There are conflicting opinions over whether the lines were over-sized in terms of the requirements to serve the Brookshire subdivision. Again, there is evidence that the same previous city staff members agreed to the line sizes (with the approval of the plans for the installation of the lines). There is no doubt that the lines that were installed will serve some additional future customers who will locate near the subdivision as those lots develop; however, City engineer Gerry Hartman has given an opinion that the cost of the lines installed to serve the additional customers was worth an amount on the order of \$65,000.

City staff has discussed this situation for several years with the developer. Both the City and the developer during this period changed staff members handling this matter. In reviewing the situation, the City Attorney has pointed out that the city code would not cover the situation in which the developer sells the development to a builder, as the impact fee credits would not come back to him.

The attached settlement agreement represents my belief and recommendation that this is the best course of action for the City as it settles this matter completely and avoids any possibility of the City having to pay the entire cost of the lines as the developer says he was led to believe (with some evidence, provided in the attachment) by a previous City staff member. It also follows at least the concept of a one-third payment contained in the city code, albeit the one third is applied here to the cost of the off site lines. After reaching a conceptual agreement with the principal of Feltrim, the settlement agreement was drawn up by the City Attorney and slightly modified by Feltrim's attorney.

Note: while the ordinance does not authorize 100% reimbursement through impact fee credits, the City had approved one other agreement with such an arrangement in the past: Lake Ashton.

OPTIONS

Change the agreement; do nothing; or pay some other amount. The first two options risk the developer taking the city to court to try to recover the entire amount.

FISCAL IMPACT

The developer has agreed to a reimbursement of \$80,000, which is \$8,316.16 less than a full one-third of the cost of the off-site water and sewer lines. Rather than take that amount from the impact fees already paid in this development, the developer has agreed to take this back from the amount the firm has already paid into the escrow account to pay for the 6 acres at Mayfair that are the subject of remediation activity. (The closing documents for that transaction will have to be modified to indicate that use of the funds.)

City staff wants the option of simply paying out the \$80,000 in impact fees, which are available in cash at this time.

[end memo]

Mr. Otte said that the Brookshire water and sewer lines were installed by the developer, who was led to believe that he would be reimbursed 100% through City impact fees. That belief is contrary to the City's Code, which allows the repayment of oversized water and sewer lines up to 1/3 of the impact fees paid. However, there was a case approved by the City Commission before this time for Lake Ashton where, contrary to City Code, impact fee credits were used to pay back 100% of the water and sewer line costs. This issue has been going on for several years. An opinion of the City engineer was sought, who felt that the lines were worth around \$65,000. However, \$80,000 of this represents about \$8,300 less than a 1/3 of the cost of the off-site water and sewer lines, which is not quite what the Code says, but that is the figure we arrived at as the settlement.

Mr. Otte said that he distributed to the Commissioners a letter from Larry Szrom that was about a year old, and a 2004 email that Mr. Szrom delivered to the City about the same time, that spoke of giving the full payment for the lines. Mr. Otte announced that Mr. Szrom was present to answer questions.

Mr. Galloway added that the agreement, as it exists, would not require payment from impact fees. It would require CRA approval because the escrow money actually belongs to the CRA because it was from the sale of the former Cooperative Fruit Property to Mayfair. But, if it is coming directly from impact fees then we don't need to have the separate approval from the CRA for the development agreement.

Mr. Otte said that if staff wishes to pay the \$80,000 out of the non-impact fees account, he has an agreement requesting approval by the CRA.

Mr. Otte recommended that the City Commission approve the Settlement Agreement with the amendment allowing City staff to pay the \$80,000 out of impact fees. Mr. Galloway said that he sent an email to Feltrim's attorney on Saturday requesting him to make two revisions, allowing for the impact fee payment, and saying that whoever signs the agreement is authorized to bind whichever entities are involved.

Commissioner Manry made a motion to approve the Brookshire off-site settlement agreement with an additional provision at the option of the City of paying the settlement amount of \$80,000 with impact fees. 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 10. Outdoor Seating on Public Property, Market Place – Curt and Terry Koch

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

[begin memo]

RECOMMENDATION

Staff recommends approval for six (6) tables to be located on public property in the "Market Place" downtown as shown on the plan (Dated: 2/28/08).

The Planning and Zoning Board considered this request at their February 26th meeting as required by code (sec. 23-535). The Board forwards this to City Commission with a recommendation for approval.

BACKGROUND

Curt and Terry Koch, owners of the Arcade Coffee and Sandwich Shoppe, requested permission to increase the outdoor seating at their new location at 20 N. Market Street. Previously this location was operated as Sandy's Café and had five tables located in the Market Place. This request expands the outdoor seating to six tables (see site drawing).

Since the tables are located in City right-of-way, City Commission approval is required.

Outdoor cafes are encouraged in the downtown, provided they are not detrimental to the general public's use of the City's property. The plan submitted with the request shows the tables located in the area

outside of the establishment's entrance. Their placement does not interfere with pedestrian traffic in the Market Place or between the Market Place and the café's entrance.

The applicant has provided proof of insurance showing the City as an additional insured. The owners have executed an Indemnification Agreement drafted by the City Attorney.

FISCAL IMPACT

None

OTHER OPTIONS

Commission may choose to deny the request or modify the number of tables allowed.

[end memo]

Mr. Otte said that the former restaurant at that location had five tables and this request was for six tables.

Commissioner Manry made a motion approve six (6) tables to be located on public property in the "Market Place" downtown as shown on the plan (Dated: 2/28/08). The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"NO"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 4-1.

Agenda Item 11. Request for a "Due Diligence Period" with NAIRealvest for Development of Residual Real Estate at the City of Lake Wales Airport

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission make and authorize the following action: "The City Commission authorizes the City Manager to execute an Agreement for a Due Diligence Period of Six (6) months at no cost for development of conceptual plans for development of potentially available lands on the airport and in conjunction with the property of others for a larger Master Planned Business / Industrial Complex that will take advantage of rail / air / and Highway 60 assets. It is understood that any and all surveys, plans, studies, engineering and planning documents, and all other collateral documents are transferred to the City of Lake Wales for their use if no development concepts materialize from these efforts."

BACKGROUND

Over the last several years there have been preliminary discussions with various larger development operations for development along Highway 60 and in the immediate area of the Airport. Annexations have occurred and larger tracts of property have been placed on the market. The ability to work with the private sector in conjunction with their master planning will enable the City to capitalize private market synergy

that will be created by the movement of the "Inland Port Concept" for larger industrialization in this part of the City and surrounding areas not presently in the City of Lake Wales.

This is a long-term effort and results will be over a period of time ranging from 2 years to 10 years or longer. The City and NAIRealvest has had a number of meetings to discuss the Highway 60 West Corridor and have recognized the benefit of working together to facilitate development that requires the undertaking of private enterprise with government as a facilitator. Please see the letter of February 05, 2008 from the City's Department of Economic Development to Mr. George Livingston, NAIRealvest and the letter dated January 22, 2008 from NAIRealvest to the City's Department of Economic Development.

The ability to generate "Conceptual Plans" that are engineering-based will provide for active planning by the City's various departments and the Airport Authority for the overall development of this very important corridor for the future development of the City's industrial and business commercial base.

This item has been reviewed by the Airport Authority at a Special Meeting with the consensus being that their final recommendations be based on the work that is produced over the next six months; and that the Airport Authority does not recommend the sale of any part of the real estate that comprises the Airport. Furthermore, the Airport Authority wants this project to move forward within a cooperative spirit of development. The concern of any additional debt to the City was also expressed by a member of the Authority with respect to dealing with a developer. There was not a formal vote due to one member of the authority abstaining from voting due to a working relationship with NAIRealvest and this provided for a lack of a quorum of the Authority.

CURRENT FISCAL IMPACT

There is no fiscal impact from this specific action.

OTHER ALTERNATIVES

Take no action and wait to see what development may make its way to the airport.

[end memo]

Commissioner Van Sickle made a motion to approve the agreement. Commissioner Scott seconded the motion, but the motion was withdrawn to allow for Commission discussion as requested by Commissioner Manry.

Commissioner Manry asked for assurance that there was no City money involved. Mr. Otte explained that there was no consideration for the Due Diligence Period. He said that he and Economic Development Director Harold Gallup were optimistic because they see the SR60 west corridor as a future commercial and industrial area for the City. Mr. Otte said that we like to compare ourselves to Haines City and Auburndale because they are similar to us in many ways. In that comparison, Lake Wales falls short in the amount of tax base that we have for commercial and industrial property. So, we are seeking to "right size our tax base". In addition, we would be creating conditions for existing businesses to expand, bringing new business to Lake Wales. If the City has a viable economy, our children will be able to find jobs here instead of having to go elsewhere, and we will have a sustainable community rather than a bedroom community. Polk Vision is striving to have all Polk County communities as sustainable.

Mr. Gallup explained that this has been an "OPM' (other people's money) project for a while. All the studies, conceptual plans, and designs will be done by private initiative. Staff will be a participant in the entire process and will be seeking to develop larger land masses in connection with the airport without calling it an industrial node. It would not be an overnight project but will take a considerable amount of time and effort to get to various stages. It will involve professionals, City staff, and the Airport Authority. The burden of making this development plan will fall to the proposed developer. The City will be able to maximize its assets over the next 10 to 15 years. If it unfolds properly, we might expect 10 to 11 million square feet in this particular area in conjunction with major development tying in to the CSX project. The

whole area along SR 60, both the north and south side, will be part of a major industrial complex. Mr. Gallup pointed to the areas under study on a PowerPoint slide. He said that all that area may not necessarily be developed. Some may be collateral development, support development etc. We are extending the runway, which will maximize the ability of corporate aircraft to land. With a secondary, expansion package deal, we will be able to put a cargo plane on the deck, offload, fuel it, and put it back in the air. That ties together with our long-range plan. The master plan includes details on roads, sewer, water, and other infrastructure that is required for a large-scale development. The conceptual plans when undertaken will give the City the tools it needs for the long-term SR 60 development plan.

Commissioner Manry asked if this document would commit the City to accepting the plan. Mr. Gallup answered that we were just gathering information so that we could evaluate the impact and potential. In about six months, when we have a plan that can be agreed on, it will be brought back to the Commission for approval.

Commissioner Manry asked if the reason was so they could use our material as well. Mr. Gallup said that we would provide them available information. A developer would not want to spend the types or quantities of money required for it to be evaluated. So, this guarantees the developer that we would be working with them. It also involves possible annexations and other legal actions that will become a major development.

Commissioner Manry said that what we are promising is that we will not accept any other type of proposal for six months. Mr. Gallup said that if we did, we would be in breach of contract.

Mr. Otte asked Mr. Galloway if, at the end of six months, the developer and someone else both come with a project plan, could we consider both plans at the same time. Mr. Galloway said that you could, after the six-month period expired, unless there was something in the document of which he was not aware. The purpose of this was to allow the developer some protection and to facilitate a working relationship that would go forward beyond six months.

Commissioner Scott asked how much longer the runway needed to be to accommodate the larger planes that the developer might want to bring in. Mr. Gallup explained that the runway was in the process of being extending to about 5,200 lineal feet, though it is well known among prospective developers that we would like to extend it to about 5,800 to 6,000 lineal feet. We have had some dialogues primarily from Senator Alexander's office for a second runway extension. However, with the initial runway, we will be able to accommodate almost any size corporate jet. Mr. Gallup pointed out the area on the PowerPoint slide where the runway would be extended. Mr. Otte said that the current runway is about 4,000 lineal feet.

Commissioner Van Sickle made a motion to authorize the City Manager to execute an agreement for a Due Diligence Period of six (6) months at no cost for development of conceptual plans for development of potentially available lands on the airport and in conjunction with the property of others for a larger Master Planned Business/Industrial Complex that will take advantage of rail/air and Highway 60 assets. It is understood that any and all surveys, plans, studies, engineering and planning documents, and all other collateral documents are transferred to the City of Lake Wales for their use if no development concepts materialize from these efforts. 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 12. Appointment: Citizens Advisory Committee (CAC) Appointment – Robert Dioguardi

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

[begin memo]

RECOMMENDATION

The Polk Transportation Planning Organization (TPO) recommended that the City Commission appoint Robert Dioguardi to serve as a member to the TPO Citizens Advisory Committee (CAC).

BACKGROUND

The Polk Transportation Planning Organization (TPO) maintains a Citizens Advisory Committee (CAC) to advise the TPO Board on transportation issues, and the City of Lake Wales is apportioned one (1) representative on this committee. Robert Dioguardi has applied to serve as that member.

Under the TPO Bylaws, CAC applicants must be endorsed by a vote of the City Commission for the jurisdiction they will represent. Subsequent to this endorsement, CAC applicants are approved for membership by the TPO Board. The TPO Board is requesting that the City Commission appoint Robert Dioguardi to serve as a member to the Citizens Advisory Committee (CAC) to represent the City of Lake Wales on transportation related issues.

FISCAL IMPACT

None.

OTHER OPTIONS

Do not appoint Robert Dioguardi to the Citizens Advisory Committee (CAC) and ask that the TPO seek other applicants.

[end memo]

Commissioner Manry made a motion to appoint Robert Dioguardi to serve as a member to the TPO Citizens Advisory Committee (CAC). 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.

ADDENDUM

Agenda Item 13a. First List of Streets to be Resurfaced

Mr. Otte reported on Agenda Item 13a. 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 first of several lists' of streets to be resurfaced along with pricing & quantity of material for each individual street. The process of grouping the streets for commission approval rather than a blanket memo is to insure commission involvement and to allow for flexibility and in the decision making process.
2. Authorize the City Manager to execute the appropriate documents on the city's behalf.

BACKGROUND

On February 5, 2008, the City Commission approved the "piggybacking" of a City of Winter Haven asphalt pricing contract with APAC Southeast, for the resurfacing and repairs of various streets within the City.

OTHER OPTIONS

Reject the proposal and give staff direction.

FISCAL IMPACT

CRA BOND, \$595,242.70

[end memo]

[begin streets resurfacing project list #1]

STREETS RESURFACING PROJECT LIST

March 10, 2008

List #1

NE Sector	LOCATION	COST
Sherwood	ALL	71,303.76
Blackwood	ALL	58,129.56
Old Scenic	JA Wiltshire to Florida Avenue	86,947.28

NW SECTOR	LOCATION	COST
Jackson	E Street to G Street	29,587.60
Booker	ALL	21,037.70
E St.	Wiltshire to Florida	84,810.96
D St.	Wiltshire to Florida	61,861.20
Miami	Wiltshire to RxR	27,230.90
C St.	Florida to Dorsett	62,032.50
Carver Dr	ALL	32,713.00
Crescent Cir.	ALL	11,007.86
Lincoln Ave.	E Street to G St. & RR to 17	<u>48,580.38</u>

TOTAL: \$595,242.70

[end street resurfacing project list #1]

Commissioner Van Sickle asked for the criteria that was used in selecting these streets. Mr. Otte said the streets were selected from a compact area, for example, the northwest area. Mr. Torrance explained that they tried to avoid moving in and out of neighborhoods so we could keep mobilization cost down from contractors not having to move their equipment.

Commissioner Van Sickle commented that he disagreed with going section by section. His concern was that some streets needing the most repair work might end up being in the last district. Mr. Torrance said that he took the Commission's list to the contractor, then gave him a revised list, with some streets removed, and tabulated the cost again based on the numbers of streets to be re-paved. All the streets that were listed for resurfacing will be resurfaced, though we are not sure about those being pieced.

Commissioner Manry asked if the list they received was the entire list to be resurfaced. Mr. Torrance said no. This was just the starting point. They are trying to do this about the same time as the resurfacing of Burns Avenue so that the intersections would be done at the same time.

Commissioner Van Sickle asked if the initial dollar figure that we got from the contractor was within our budget. Mr. Torrance said yes.

Mr. Otte pointed out that, to him, the streets listed in the northeast section were the worst streets in the northeast and among the worst in town. That section of old Scenic Highway was bad as well. Commissioner Van Sickle said that he was concerned that some of the streets on that list do not have as much traffic on them on a daily basis as some of the other streets that are not on the list. Mr. Torrance said that was his concern as well. We do have sections like on First Street that have potential water line construction that we don't want to start until the water lines are fixed. Otherwise, we would have to tear up some brand new streets.

Commissioner Scott said that, with Spring Break coming up, it would be nice to be able to do Second Street and Polk Avenue in front of Polk Avenue School. Mr. Torrance asked for some flexibility from the Commission because the list had already been changed two or three times.

Mr. Otte said that he would like to amend this list and ask Mr. Torrance to ask the contractor about doing the work around Polk Avenue School while they were on spring break. There would be disruption enough on that main street and it would be great to do it while school was out as there would be less traffic.

Commissioner Howell asked how long it would take to do the streets on the list. Mr. Torrance said that based on the linear footage and total tonnage, the contractor said he could do the list in about 2-1/2 weeks if there were no setbacks. He added that he hoped to bring another street list to the next Commission meeting.

Commissioner Manry asked if Sherwood and Blackwood Drive had to be redesigned. Mr. Torrance said he was not sure. The contractor did the coring of the road to find out what they were dealing with. The piggyback contract did not provide for redesigning so, they had to go a little bit further into the base of the road and remove some of the substandard material that was below the asphalt. Those two streets were actually failing on the north end where staff has had to continually do repairs. We found that the sub-base was holding in the moisture, which penetrated the top half. We even did a ride-a-round with the gentleman from Lake Ashton who had 50 years experience. He agreed with what was in the contract so, we felt like we were on track. Mr. Otte said that he would like to get that individual back when APAC does Sherwood and Blackwood just to have another person review that work because the stabilized sub-grade work is going to be very important. Mr. Torrance said that Mr. Smuck said he was willing to come back again during the process.

Commissioner Scott thanked Commissioner Van Sickle for suggesting Mr. Smuck. Commissioner Van Sickle commented that Mr. Smuck is 83 years old, very active, and when he sets his mind to something, he will do it.

Commissioner Manry made a motion to approve the first of several lists of streets to be resurfaced along with pricing and quantity of material for each individual street with the addition of Polk Avenue to be done during Spring Break and authorize the City Manager to execute the appropriate documents on the City's behalf. 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.

Mr. Otte said that it had been requested that Consent Agenda Item 15 be pulled for separate discussion. So, that would leave Agenda Items 14 & 16 for the Consent Agenda.

CONSENT AGENDA

Agenda Item 14. Award of Bid to Whidden Design Studios: Landscape Architect for Hwy. 27 North Beautification Project

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

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission authorize the City Manager to select Whidden Design Studios as the landscape architect and enter into a contract to design the plans and oversee the project for the US 27 highway landscape installation in the amount of \$25,000.00.

BACKGROUND

In April 2006, the City entered into a Joint Participation Agreement with the Florida Department of Transportation for highway landscaping installation and maintenance for US 27 from Towerview Boulevard to north of SR 540.

The project was delayed due to continued restoration work from the 2004 Hurricanes and the US 27 widening in this area. The City's restoration of its facilities is substantially complete and the widening of US 27 in this area is complete, the project can proceed. The initial step is the selection of the Landscape Architect.

Staff prepared a Request for Proposals for Landscape Architect for a complete conceptual design of landscape development improvements within the unpaved areas on the right-of-way of US Highway 27, from South of Towerview Boulevard to north of SR 540. Prospective bidders were to provide a cost for landscape design services related to complete conceptual design, assistance with the preparation of the invitation to bid for the installation of the landscaping, assistance with the preparation of the contract plans, technical specifications and project estimates on the project. A mandatory pre-bid conference was scheduled for Tuesday, January 15, 2008 and was attended by ten (10) prospective bidders.

Bids were opened on Wednesday, January 30, 2008. Staff received bids from GAI Consultants, Bellomo Herbert, Whidden Design Studio, JCR Consulting, Willson-Miller, Land Design Innovations, Glatting-Jackson, Genesis Group and Calvin, Giordano & Associates, Inc.

Staff reviewed all of the proposals and found that all of the firms have experience in the type of work needed and appear capable of providing the requested services. However, several did not include a cost for the design and construction supervision, and others quoted prices in excess of what staff felt reasonable for services. After careful evaluation, staff concluded that Whidden Design Studio should be awarded the contract as the lowest responsive bidder.

OTHER OPTIONS

None, the City entered into an agreement for this project.

FISCAL IMPACT

This project is funded in the current fiscal year budget.

[end memo]

Agenda Item 16. SWFWMD Cooperative Funding Agreement, Implementation of BMPs at Twin Lakes

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

[begin memo]

RECOMMENDATION

It was recommended that the City Commission:

1. Approve the Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and the City of Lake Wales regarding the implementation of BMPs at Twin Lakes
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

At the November 27, 2006 City Commission meeting, it was approved for the City to enter into a joint agreement with the Southwest Florida Water Management District for the Lake Wales Watershed Management Program. The Watershed Management Program is designed to identify deficiencies and recommend corrective measures in the current drainage systems while providing for additional and/or alternative measures to ensure more controlled run-off. The Twin Lakes drainage area has been determined to be the one of greatest immediate concern for the City.

This project is to perform the Implementation of Best Management Practices (BMPs) for the Twin Lakes Storm Drainage Improvement Project. The project will consist of design and construction of a 23-cfs pumping station and force main from Twin Lakes to Lake Altamaha for subsequent discharge to Peace Creek through the existing 48-inch diameter out-fall. A channel pipe connection will be constructed between the east and west lakes so they can be controlled and pumped from a single location on the westerly edge of the two lakes. Per agreement, the District will reimburse the City 50% of all eligible expenses relating to the design and construction. The total projected cost of the Project is \$600,000 with SWFWMD reimbursing the City \$300,000 upon completion.

This will be a multi-year-funded project to perform the Implementation of Best Management Practices element of SWFWMD's Watershed Management Program for the Twin Lakes Watershed. Implementation of BMPs will include the following tasks, design, development of construction documents, construction permitting, land acquisition, bidding and contractor selection, construction of the BMPs and construction engineering and inspection. The water shed covers an area of 0.6 square miles and is located in the City. The goal of this improvement is to minimize flooding in the residential areas surrounding Twin Lakes.

OPTIONS

Do not enter into an agreement with SWFWMD and have the City absorb 100% of the costs of the Twin Lakes BMPs implementation.

FISCAL IMPACT

\$300,000 for the design engineering of this project is included in the FY-07'08 budget (\$150,000 SWFWMD & \$150,000 City). The balance of \$150,000 of City matching funds will be programmed in next year.

[end memo]

END CONSENT AGENDA

Commissioner Manry made a motion to approve the Consent Agenda Items 14 & 16. 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.

Agenda Item 15. Winter Haven Piggyback Contract with Rodger McCoy Development, Inc., General Contractor

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. Approve the piggy back of a City of Winter Haven pricing contract with General Contractor Rodger McCoy Development, Inc.
2. Authorize the City Manager to execute the appropriate documents on the city's behalf.

BACKGROUND

In 2007, the City applied for and received a FRDAP grant in the amount of \$50,000.00 to rehab the city's boat ramp at Lake Wailes lake. By approving this piggyback contract it will allow us to move forward on this much needed project expeditiously. After speaking with Winter Haven staff it was found that Rodger McCoy Development has ample experience in the area of boat ramp construction and ramp rehab and have been very pleased with his work.

This action is to approve a general contract. There is no cost associated with this action. The City is not committed to any expenditures until a specific project is approved. The work on the Lake Wailes boat ramp will be brought to the Commission as a separate item

The City of Winter Haven selected Roger McCoy Development from 6 bidders and has extended the contract at the stated price to cover this fiscal year. (Note #1 was rejected by the City of Winter Haven for not having the proper license required for the work to be done.)

OTHER OPTIONS

- 1) Prepare bid documents for the bidding process.
- 2) Seek out another government contract for a piggyback.

FISCAL IMPACT

None.

[end memo]

Mr. Otte pointed out that on Page 2, Tabulation of Bids, it showed Bidder #1 as the lowest bidder, but that bidder #1 had been rejected by the City of Winter Haven for not having the proper license required to do this type of work.

Commissioner Van Sickle said that he was the one who asked for this item to be pulled and discussed separately because he had several concerns about the past history of some of the contractors the City has gotten involved with. He said that he did not notice before that the lowest bidder had been rejected because it was not noted on the Tabulation of Bids page.

Commissioner Van Sickle made a motion to approve the piggyback of a City of Winter Haven pricing contract with General Contractor Rodger McCoy Development, Inc. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

COMMUNICATIONS AND PETITION

Agenda Item 17. CITY COMMISSION TRACKING REPORT

Mr. Otte reported on the City Commission Tracking Report.

Resurfacing of Burns Avenue: Mr. Otte said that this project was well under way. Mayor Wheeler asked how far the project would extend. Mr. Otte said that it would go to Buck Moore Road.

Adult Day Care Funding: Mr. Otte said that he got a call from county staff saying that there was some hope for the Adult Day Care Center funding. Mr. Otte commented that though we have not been promised any funds, things are looking better for the funding. He asked everyone to call the County Commissioners and encourage them to facilitate that funding.

PUBLIC COMMENT

William Hardman, 300 S. Lake Shore Blvd., asked if there was any consideration given to paving alleys. Mr. Otte said not for paving, but for putting down milling.

Mary and Robert Svizeny, 736 Highland Crest Loop, said that Saturday morning she had needed to speak to someone at the Police Station because of an emergency but the doors were locked and the telephone in a case outside the Police Station had a padlock on it. She flagged down an off-duty police

officer riding through the parking lot and he used his cell phone to call someone for her, but there was no one in the building. Mayor Wheeler asked Ms. Syizeny what time that was on Saturday morning and she said that it was about 9:30 a.m. Police Chief Herbert Gillis said that the telephone outside is not supposed to be padlocked. He explained that after normal business hours and on weekends, there is no staff at the Police Department so the doors are locked for security reasons. He said he would personally check after the meeting because it should not be locked.

Noel Phetteplace, 436 E. Central Avenue and chairman of the Bicycle/Pedestrian Advisory Commission (BPAC), said that the main function of BPAC is to help make Lake Wales a more bicycle/pedestrian friendly community. He said he understood that they are only an "Advisory Commission," but since the creation of the Board, they have struggled trying to figure out "who" they actually advise as very seldom do any administrative employee attend the meetings.

Mayor Wheeler commented that usually the advisory committees are supposed to advise the City Commission. Mr. Phetteplace said that BPAC discussed last week about periodically coming before the Commission to talk of their concerns. He said that one of their concerns for over a year has been for the average resident that needs to get to work on foot because he cannot afford to put gas in his vehicle. The Committee feels that his needs are just as important as putting more runways at the airport, building a new high-class development, or re-paving roads.

Mr. Phetteplace expressed a need for other items: (1) painting the cross walks to help identify them as a place where a pedestrian might cross safely, such as the intersection of Sunset & Lake Shore and Cephia & Lake Shore; (2) curb ramps for the handicapped residents under certain circumstances. (3) sidewalks at Spook Hill Elementary School using grants; and (3) street lighting. In many areas around downtown and in residential areas it is totally dark. Mr. Phetteplace said that he did not think that streetlights have been upgraded in those areas in years. He said that the committee is only talking about basic needs for citizens.

Mr. Otte said that staff will contact Mr. Phetteplace and go over his list.

Sharon Becker, 403 E. Central Avenue and member of the Bicycle/Pedestrian Advisory Commission (BPAC), asked about sidewalks that were promised to citizens two years ago. She said they were told that the sidewalks would come out of this fiscal CRA budget. Ms. Becker commented that she has not giving up on sidewalks, though she was told that the list was cut down to two sidewalks.

Ms. Delmar responded that the list had not been cut back. All of the sidewalks on the list are funded by the CRA bond. Mr. Otte said that the CRA Bond has \$164,850.00 that is being used for sidewalks. Mr. Torrance explained that the only sidewalk that is ready right now is the one for the Library. The other sidewalks require some planning by the new Parks & Community Appearance Advisory Board as far as parking etc. They are just waiting for direction from that core group to tell staff which direction to take.

Ms. Becker said that since BPAC was the one that asked for the sidewalks, they are the ones most interested in it. She asked how the BPAC could provide input on the issue. Mr. Otte said that there should be a joint meeting between the two committees within the next month. Mr. Torrance asked Ms. Becker to meet with him this week or next week to plan a joint meeting.

David Smith, Babson Park, asked who appoints the members to those two committees. Mayor Wheeler said that they are appointed by the City Commission. Mr. Smith said that with all the concerns mentioned, he did not hear any concerns for the northwest area. He said that in his 65 years he has not seen a crosswalk in the northwest and that if grant money is obtained for them, it should be spread to that area also.

Commissioner Manry said that was what Kimbrough & Associates was trying to do. Mr. Smith said that they are only working on Lincoln Avenue. He was talking about things like sidewalks and crosswalks and a connection to the trail so people do not have to walk in the road to get to places.

William Hardman, 300 S. Lake Shore Blvd., commented that he has been before the Commission trying to get something done to protect the name, "Crown Jewell of the Ridge." Mayor Wheeler said that he recalled Mr. Hardman coming before them with that issue and asked if anything had been done about it. Mr. Galloway said that he would check on it.

Betty Hill, 4256 Ashton Club Drive, displayed a picture of the world record parachute jump at the airport in 2007. She said that Lake Wales was in seven trade magazines around the world.

COMMISSION COMMENT

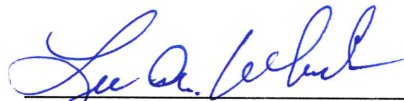
Commissioner Howell commented that we have always needed more restaurants in Lake Wales and asked that someone make sure that Mr. Gallup stays on top of it.

Commissioner Howell said that she was a trustee board member to the Charter School Board. She asked if they knew how long the tenure was, one year, two years, etc., and if it should rotate to give other Commissioners an opportunity to serve. She did not want anyone to think she had ownership of the position. She said that she was also the Commissioner liaison to the Housing Authority Board and asked if anyone would like to fill that position. Although she was happy serving, she said she would like to allow her fellow Commissioners the opportunity to serve.

Mayor Wheeler asked if one of the Commissioners would like to serve on either of the boards and no one volunteered. He told Commissioner Howell that she could continue to serve. Commissioner Howell said that the Commission needed to discuss a procedure for Commissioners to serve on those boards and that she needed to let the Charter School know a term limit. Mayor Wheeler advised Commissioner Howell to inform the charter School that the Commission admires the way she is doing the job and it had no reason to appoint someone else.

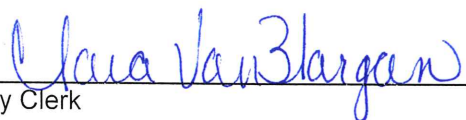
Mayor Wheeler announced that a CRA meeting will be held immediately following this meeting.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk