

The regular meeting of the Lake Wales City Commission was held on September 2, 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 Fire Chief Jerry Brown.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Jack Van Sickle; John Paul Rogers; 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 Manry made a motion to approve the minutes of the August 20, 2008 regular meeting and the August 20, 2008 budget workshop meeting. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 5. PROCLAMATION: Constitution Week, September 17-23, 2008; Curtis D. Ammons, Jr. Recognition Week

Mayor Wheeler read a proclamation proclaiming September 17 - 23, 2008 as "Constitution Week."

Mayor Wheeler read a proclamation proclaiming September 1 – 6, 2008 as "Curtis D. Ammons, Jr. Recognition Week." The proclamation was accepted by Curtis D. Ammons, Jr.

AGENDA ITEM 6. Ordinance 2008-27, Limits on Concurrent Appointments to Boards – 2nd Reading & Public Hearing

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

[begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

RECOMMENDATION

Staff recommends adoption of Ordinance 2008-27 on second reading, following a public hearing.

Public notice requirements have been met. The ordinance was approved on first reading on August 5, 2008. (The public hearing and 2nd reading were rescheduled from August 19 to September 2 because of Hurricane Fay.)

BACKGROUND

The Lake Wales Code (sec. 2-26) currently prohibits people who are serving on a regulatory board to serve on any other board. The proposed ordinance would allow a member of a regulatory board, such as the board of appeals, to also serve on an advisory board, such as the parks board.

Regulatory boards are those boards that enforce the City code; they include planning and zoning board, board of appeals, code enforcement, and the historic district regulatory board.

The purpose of the amendment is to allow people who wish to serve the City in more than one capacity to do so. In a small community such as Lake Wales, it is sometimes difficult to fill all positions on boards and committees. For instance, the parks board has been functioning with only four members, while the code calls for seven.

The provisions on concurrent appointments (sec. 2-26) were last amended in 2006 by Ordinance 2006-19. Prior to the 2006 amendment, the code allowed a person to serve concurrently on two boards (whether regulatory or non-regulatory) except for the pension board.

OTHER OPTIONS

1. Make no changes to the ordinance.
2. Allow concurrent appointments to more than one regulatory board. Staff does not recommend this option because it could lead to domination of regulatory boards by only a few people.

FISCAL IMPACT

None identified.

[end agenda memo]

Ms. Delmar read Ordinance 2008-27 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, TO ALLOW A PERSON SERVING ON A REGULATORY BOARD TO CONCURRENTLY SERVE ON A NON-REGULATORY BOARD; 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 2008-27 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 7. Ordinance 2008-28, Membership to Board of Appeals and Planning & Zoning Board – 2nd Reading & Public Hearing

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

[begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

RECOMMENDATION

Staff recommends adoption of Ordinance 2008-28 following a public hearing.

The public notice requirements have been met. The ordinance was approved on first reading on August 5, 2008. (The public hearing and 2nd reading were rescheduled from August 19 to September 2 because of Hurricane Fay.)

BACKGROUND

The proposed amendment reduces the number of members on the board of appeals from seven to five and eliminates the requirement for alternate members. It also removes language prohibiting members from serving concurrently on other boards.

Sylvia Rogers, current chairman of the board of appeals, supports the changes in the requirements for the board.

The primary purpose of the amendment is to relieve problems in maintaining a full complement of members of the board of appeals and attaining a quorum at meetings. Currently, the code requires seven regular members and two alternates, a total of nine members for the board. Filling all positions is difficult in a small community, and attaining a quorum of the board of appeals has sometimes been difficult, especially in the summer months.

Prior to the 2005 amendments to the zoning regulations, there were only five members making up the board of appeals. Staff does not have any record of why the number was raised to seven, but it may have been to match the number of members on the planning board.

The ordinance also eliminates the requirement for alternate members. Currently, the alternate positions on the board are not filled. In February of this year, Ordinance 2008-04 eliminated the requirement for alternate members for the planning and zoning board, and staff recommends the same for the board of appeals for the same reasons. There are problems with the use of alternate members, among them the fact that alternates have to be called in at the last minute if a regular board member has not given advanced notice of an absence. It is also very difficult to keep alternates up to date on board business, since they do not attend meetings regularly.

Finally, the ordinance eliminates the prohibition for members of the planning board and appeals board to serve on other boards. Limits on concurrent membership on boards are under chapter 2 "Administration" section 26, "Boards, committees, commissions," and should be kept in one section of the code.

An amendment proposed to sec. 2-26 under separate ordinance (Ord. 2008-27) would allow a member of a regulatory board, such as the board of appeals, to serve concurrently on a non-regulatory board, but would prohibit a person from serving concurrently on two regulatory boards.

OTHER OPTIONS

Make no changes to the ordinance.

FISCAL IMPACT

None identified.

[end agenda memo]

Ms. Delmar read Ordinance 2008-28 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 II. ADMINISTRATION AND PROCEDURES, DIVISION 1. ADMINISTERING OFFICIALS AND BOARDS, BY ELIMINATING THE PROVISION PROHIBITING BOARD OF APPEALS AND PLANNING BOARD MEMBERS FROM SERVING ON OTHER CITY BOARDS; REDUCING THE NUMBER OF MEMBERS ON THE BOARD OF APPEALS FROM SEVEN TO FIVE; ELIMINATING THE REQUIREMENT FOR ALTERNATE MEMBERS ON THE BOARD OF APPEALS; 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 2008-28 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 8. Ordinance 2008-29, Core Improvement Area - Impact Fee Exemption – 2nd Reading & Public Hearing

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

[begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

RECOMMENDATION

Staff recommends adoption of Ordinance 2008-29 ratifying an agreement between Polk County and the City of Lake Wales providing for exemption of the payment of impact fees in the "Core Improvement Area."

A public hearing is required. Public notice requirements have been met. The ordinance was approved on first reading on August 5, 2008. (The public hearing was re-scheduled from August 19 to September 2 because of Hurricane Fay.)

BACKGROUND

Construction, expansion, and alteration of structures within the "Core Improvement Area" are exempt from impact fees except those for sewer and water pursuant to City Commission action on June 19, 2007 and an agreement between Lake Wales and Polk County executed on November 20, 2007.

Although the agreement authorized the exemptions to be effective immediately, it requires the City to ratify the exemption through the adoption of an ordinance amending City code. Ordinance 2008-29 amends the pertinent sections of Chapter 23, *Zoning, Land Use and Development Regulation* accordingly.

The Core Improvement Area is shown on "Attachment A" to the ordinance. It lies generally south of Florida Ave. between Miami St. and the Scenic Highway. It extends southward to SR 60 from US Highway 27 and First St. and to Emerald Ave. east of First St.

Specifically, the ordinance provides for the following:

Section 1. Core Improvement Area overlay district definition

(Amends **Sec. 23-401. District classifications, d. Overlay districts**)

Adds "Core Improvement Area" to the list of overlay districts in the zoning regulations.

Section 2. Core Improvement Area Map

(Amends **Sec. 23-402. Maps**)

Adds a map of the "Core Improvement Area" to the zoning regulations. The map is adopted by reference and is shown on "Attachment A" of the ordinance.

Section 3. Exemption of impact fees in Core Improvement Area

(Amends **Sec. 23-767. Exemptions**)

Reorganizes subsections f, g, and h. to group provisions for exemptions in special areas of the city.

Notes regarding impact fee exemptions in special districts:

- The regulations already provide for certain impact fee exemptions in the Community Redevelopment Area and in National Register Historic Districts.
- The exemptions in the Core Improvement Area are added.
- All three areas for exemption are grouped under subsection f. "Special districts."
- The instructions for applying for the exemption are moved from subsection g to the beginning of the section.
- For the National Register exemption, the agency responsible for determining whether construction is "consistent with the goals of historic preservation" is changed from the historic preservation board to the historic district regulatory board.

OTHER OPTIONS

The ordinance is required under the terms of the agreement with Polk County.

FISCAL IMPACT

None. The exemption has already been approved through the interlocal agreement.

[end agenda memo]

Ms. Delmar read Ordinance 2008-29 by title only.

AN ORDINANCE AMENDING CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, LAKE WALES CODE OF ORDINANCES, BY ESTABLISHING A CORE IMPROVEMENT AREA; ALLOWING AN EXEMPTION OF IMPACT FEES, WITH THE EXCEPTION OF WATER AND SEWER UTILITY IMPACT FEES, ON ALL CONSTRUCTION, ALTERATION OR EXPANSION OF ANY STRUCTURE WITHIN THE CORE IMPROVEMENT AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Van Sickle made a motion to adopt Ordinance 2008-29 after second reading and public hearing. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 9. Ordinance 2008-30, Revision to Chapter 5, Alcoholic Beverages – 2nd Reading & Public Hearing

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

[begin agenda memo, prepared by Harold Gallup, Economic Development Director]

RECOMMENDATION

The Staff recommends that the City Commission take the following action adopt Ordinance 2008-30, amending Chapter 5 of the Lake Wales Code of Ordinances and more particularly, Section 5-4 (b), 5-4(c) and 5-5(a), to allow the Sale of Alcohol on Sunday and consumption of alcohol on public property, sidewalks or designated areas adjacent to and part of the service area of restaurants and in areas established and approved by the City Commission, and for special events approved by the City Commission."

BACKGROUND

At its meeting on August 20, 2008, the City Commission approved Ordinance 2008-30 after first reading. Currently it is illegal for a business to serve or allow individuals to consume an alcoholic beverage in a café setting or an area outside the defined wall area of a restaurant or in areas approved for outdoor dining that are partly or entirely on public property. Additionally, organizations like Main Street are unable to host events and activities with the option to serve alcoholic beverages as is done in neighboring cities where patrons can walk around the event, be it an art event, bike fest, or Friday Night Live. These types of events are critical to attracting people to downtown, generating revenue for the event and creating additional revenue opportunities for the businesses.

Lastly, as we are getting newer and larger hotels in the city to accommodate tourists, business travelers, regional meetings, and conventions. There are now different demands for services in our community. As many of the events or visitors arrive on the weekend they are looking to be able to entertain at their hotel. These are our "New Guests" in the city but they are forced to travel to a neighboring city, e.g. Winter Haven, to purchase any form of alcohol for in room or home consumption on a Sunday.

The expansion and diversification of our community and economy requires us to expand our services to them. The dollars, both sales tax and product sales, not spent in Lake Wales due to these limitations are "Lost Dollars" and you will never hear our neighboring cities complain about our loss to their gain. Ordinance 2008-30 is proposed to address these conditions.

FISCAL IMPACT

None. This ordinance is expected to have a positive economic impact by encouraging business activity in the City.

OTHER ALTERNATIVES

Keep the Status Quo on the activity and services allowed in Lake Wales.

[end agenda memo]

Ms. Delmar read Ordinance 2008-30 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, OF THE LAKE WALES CODE OF ORDINANCES TO PROVIDE FOR SUNDAY SALES OF ALCOHOLIC BEVERAGES; TO PROVIDE, UNDER CERTAIN CONDITIONS, FOR OUTDOOR SALES OF ALCOHOLIC BEVERAGES ON PUBLIC OPEN SPACE IN CONJUNCTION WITH RESTAURANT OPERATIONS; TO PROVIDE, UNDER CERTAIN CONDITIONS, FOR CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH SPECIAL EVENTS; REPEALING ANY ORDINANCE OR PART THEREOF IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Rev. Joseph Edwards, Lighthouse Baptist Church of Lake Wales, spoke in opposition of the proposed ordinance. He said that he has been in the ministry for the past seven years and has seen the affects of alcohol and how it destroys lives. He has never seen a community get better by increasing the sale of alcohol.

Mel Percy, citizen, spoke in favor of the proposed ordinance. He said that he believed people have a right to drink alcohol. It's not proper to be a drunk, but being able to drink on the sidewalk doesn't make someone any drunker than drinking inside of a facility.

Pastor Mahlon Smith, First Babtist Church, read some passages of scripture from the Bible to explain why he opposed the ordinance. He asked the Commission if the ordinance would promote justice, promote the common good, and ensure the upholding of the highest end. Pastor Smith said that the City is encouraging the passage of this ordinance in hopes of bringing in more revenue. He said that for every tax dollar spent in America today, \$8.00 is needed to take care of any damages or consequences brought about by alcohol. Seven out of ten crimes in America involve alcohol. He said that each church in America saves cities over \$140,000. So, when considering that there are over 50 churches in this City, it adds up.

Sharon Becker, 403 E. Central Avenue, spoke in favor of the proposed ordinance. She said that it is silly that you can't buy a bottle of wine in Lake Wales on Sunday when you can in Lakeland and Winter Haven.

David McLean, county resident and real estate business owner in Lake Wales, spoke in opposition of the proposed ordinance. He said that in his experience as a realtor, people look for a community that is safe, clean, and one that provides something different. He said that as a former firefighter for 22 years he has seen a lot of alcohol related tragedies. Safety is more important than people drinking at functions. The quality of life in this town and to its citizens is more important than the almighty dollar.

Lisa Pederson, President of Lake Wales Main Street, said that the Lake Wales Main Street would like to see this ordinance passed because it would increase the attendance at some of their events. She said that it is hard to raise money for projects, so the passing of this ordinance would help increase the revenue from those events. This ordinance would be a good revenue source for Main Street to draw more people to town and to expose more people to the wonderful qualities that exist in Lake Wales.

Justin Middleton, Manager of Publix Super Market in Lake Wales, said that Publix supports the proposed ordinance. This ordinance would be good for Lake Wales and would benefit the businesses, Main Street, and the community.

Curt Koch, owner of Arcade Coffee in downtown Lake Wales, said that at the last minute today, he walked around the downtown area getting signatures from businesses and merchants in favor of this amendment.

Frank Josh, resident, commented that the evil doesn't come in a bottle. The evil that is in the bottle is not really there. Evil comes from the people who consume it. He commented that if Christ had thought it was such an evil thing, he would have turned wine into water rather than water into wine.

CLOSED PUBLIC HEARING

Commissioner Rogers said that he has mixed emotions about the proposed ordinance and is still trying to figure out which way he will vote.

Commissioner Howell said that when listening to some of the comments it sounded as though all of the people in Lake Wales are alcoholics. She said that she does not look at it that way. It is just another way that the City is trying to make Lake Wales a better place.

Commissioner Van Sickle said that this ordinance would allow people to have that casual drop by company on a Sunday. He does not think that this ordinance would change the number of people who are drinking on the streets.

Commissioner Manry said that she felt that this is a matter of personal choice. A person can make up their mind whether or not it is wrong for them to drink. That is their choice. So, if they believe that it is wrong for them to drink then it is wrong for them to drink. By the same token, those who believe differently have the right to believe that way. Therefore, the ordinance should be passed.

Mayor Wheeler said that he probably has a little more personal stake in this ordinance being that his older brother died from alcohol. It would not have made any difference to his brother because he would have bought it somewhere and consumed it.

Commissioner Van Sickle made a motion to adopt Ordinance 2008-30 after second reading and public hearing. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 4-1.

AGENDA ITEM 10. Ordinance 2008-31, Correction: Ordinance 2008-11, Historic District Regulatory Ordinance – 1st Reading

Agenda Item 10 was removed from the agenda.

AGENDA ITEM 11. Ordinance 2008-32, Donation of Surplus Vehicles – 1st Reading

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

[begin agenda memo, prepared by Bonnie Hodge, Purchasing Agent]

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2008-32 authorizing the City of Lake Wales to donate surplus vehicles to social agencies.

BACKGROUND

At the August 5, 2008 City Commission meeting, Mr. Otte reported to the Commission that staff had suggested holding out temporarily from the auction, two vehicles to offer to social agencies that serve City residents such as the Lake Wales Care Center and the Green & Gold Foundation.

The Commission directed staff to amend the Purchasing Ordinance to allow for vehicles that no longer have a useful function to the City to be donated to social agencies. The agency would donate the vehicles to City residents who qualify and live within the City limits.

OTHER OPTIONS

Not to donate surplus vehicles to social agencies.

FISCAL IMPACT

Surplus vehicles normally are sold for \$300.00 to \$600.00 depending on the condition.

[end agenda memo]

Ms. Delmar read Ordinance 2008-32 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, BY PROVIDING ADDITIONAL PROCEDURES FOR DISPOSAL OF SURPLUS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Manry made a motion to approve Ordinance 2008-32 after first reading. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 12. Resolution 2008-14, Final Fire Assessment Resolution – Public Hearing

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

[begin agenda memo, prepared by Judith H. Delmar, Asst. City Manager]

RECOMMENDATION

It is recommended that the City Commission adopt Final Assessment Resolution 2008-14 providing for Fire Protection Assessments for fiscal year beginning October 1, 2008.

BACKGROUND

Final Assessment Resolution 2008-14 is presented as the final step in the process to adopt a fire protection assessment program for fiscal year 2008-2009.

Resolution 2008-14 establishes the final fire assessment rates, approves the final assessment roll, and authorizes certification of the final assessment roll.

The assessment rates are proposed as follows:

Property Category	Assessment Rate
Residential	
Single Family/Duplex	Per dwelling unit \$68.68
Multi-family/Mobile Home Park	Per dwelling unit \$52.72
Property Category	Assessment Rate
Nonresidential	
Commercial	Per EBU* \$88.13
Industrial/Warehouse	Per EBU* \$108.08
Institutional	Per Acre** \$35.40
Vacant/Agricultural	Per acre** \$87.56

* 1.0 Equivalent Benefit Unit (EBU) = 1,000 building square feet. Minimum charge of 1 EBU per building. Maximum charge of 44 EBUs per building. Maximum charge per commercial building is \$3,877.72. Maximum charge per industrial building is \$4,755.52.

** Maximum of 20 Acres per Institutional or Vacant/Agricultural parcel. Maximum charge per Institutional parcel is \$708.00. Maximum charge per Vacant/Agricultural parcel is \$1,751.20.

The resolution also authorizes an exemption for irrigated, managed citrus groves as such groves present a *de minimis* fire hazard due to the extremely low flammability of live citrus trees and the absence of other flammable structures and fire hazards on such parcels. A citrus grove that contains a structure will be assessed, as will any citrus groves that are not actively managed with operating irrigation systems and live citrus trees.

If the Final Assessment Resolution is adopted, the final assessment roll, with any corrections approved by the City Manager prior to certification of the roll, will be forwarded to the Polk County Tax Collector, and the assessment will be included on the 2008 tax bill for all non-governmental parcels. Governmental parcels will be billed separately by the City in accordance with Ordinance 2008-26.

DISCUSSION

Our town stands today at a fork in the road. On one side is a budget with a millage rate of 7.3277, down very slightly from the current year millage rate of 7.3521. Contained in this budget is an additional \$103,464 in the General Fund that the Commission has not discussed. This additional money becomes available if the fire assessment is not adopted because the following items will be deleted from the General Fund expenditure budget: \$57,906 for payment of exempted citrus grove assessments; \$7,300 for payment of non-paying government and school assessments; \$30,000 to cover the contingency that errors exist in the database or that contiguous parcels are combined; \$8,258 to pay the General Fund portion of assessments on city-owned property. With these expenditures deleted, the surplus revenues could be used to restore the part-time positions or to reduce the millage rate to 7.1688 mills. This would certainly help soften the blow of the poor economic conditions that we find ourselves in today.

However, against the backdrop of history, the 7.3277 millage rate and budget represents "city business as usual". In the last 13 years the city's millage rate has been on a roller coaster ride— from 8.67 in the '94-95 fiscal year down to 7.65 in 00-01, the year that fund balance in the General Fund was dangerously low, to a high of 9.44 for two years, and then gradually dropping to the present 7.3521. It's time to take a step back and analyze our situation.

Let's begin with some comparisons to other local governments. We are in competition with other local governments to keep the businesses we have and to attract new businesses. One of the first questions asked by business owners looking at a new area is the millage rate. In looking around the county, our competition stacks up today as follows:

1. Mulberry	7.8358
2. Lake Wales	7.3521
3. Highland Park	7.3161
4. Frostproof	7.1395
5. Dundee	7.0000
6. Unincorporated Polk County	6.8665
7. Haines City	6.8185
8. Eagle Lake	6.7614
9. Polk City	6.8065
10. Lake Alfred	6.5800
11. Winter Haven	5.8644
12. Lake Hamilton	5.5766
13. Davenport	4.6911
14. Auburndale	3.3317
15. Lakeland	3.2296
16. Bartow	3.1161
17. Fort Meade	2.7959
18. Hillcrest Heights	0.3306

In review, we know that the three cities in our county with municipal electric distribution systems (Lakeland, Bartow, and Fort Meade) have a fiscal advantage, since they enjoy profits from their electric system operations; and Hillcrest Heights and Highland Park provide very few services. The other cities have basically (with some exceptions) the same mix of services that we do; but it makes it more difficult to compete when you have the second highest millage rate on the list. (Note: The city information was provided by the Florida League of Cities. The statewide average millage rate is 4.18 for the 412 cities reporting.)

For a more detailed comparison, there are two other cities in our county that have similar populations to ours. Like us, they do not have the benefit of revenues from a city electric operation. A fundamental comparison of population, taxable value, and millage rates is insightful:

City	2007 Population Estimate	Taxable Value	Current Millage Rate	State Ranking among 412 cities
Auburndale	13,883	1,103,650,897	3.3317	232 nd highest
Haines City	18,748	1,204,809,305	6.8185	37 th highest
Lake Wales	13,039	848,687,715	7.3521	22 nd highest

In comparison to the two neighboring cities most like us, those cities have higher taxable values and lower millage rates. Auburndale also has a more extensive user fee structure than we do. Our goal should be to raise our taxable value, lower our millage rate, and install user fees wherever possible—such as a stormwater utility, private fire hydrant fees, utility plan review fees, code enforcement fines for water theft, etc. These can further reduce our millage rate and enhance our ability to compete for new business.

New business attraction involves more than lowering the tax rate. It is a multi-faceted effort, and the City Commission has taken many steps in this direction already—including the creation of the Longleaf Business Park, the designation of the CRA and the core improvement area, the adoption of the revised land development code, and the on-going efforts to upgrade and expand our utility system—and these efforts have produced some positive results. The City's tax base has grown 169 % since 2000, but our mix of residential, commercial, and industrial needs work.

Costs have also gone up, and while the focus on services (other than recreation) have reasonably kept pace, maintenance of infrastructure and the building of reserves have not. The building of reserves in the General Fund has been a particular emphasis because the drawdown that occurred in the 2000-01 fiscal year has not yet been restored to the level recommended by the auditors.

The City's experience during this time is similar to the county as a whole, as documented in the PolkVision's "Vision Document." Issued four years ago, the report notes that our county as a whole has a low tax base which has resulted in an infrastructure gap and service gap. These gaps are being addressed in part by voter approved tax referendums; but building the tax base is the preferred method of keeping pace. The City has experienced similar gaps, and its response has been somewhat similar to the county.

But the City Commission has also adopted a Strategic Plan that recognizes and includes Economic Development as one of its Foundation Statements. Economic Development is desirable for a number of reasons, and in this context it helps to "right-size" our tax base. Our mix of residential, commercial, and industrial needs to add more industrial and non-residential properties. Economic development, attracting the right kind of businesses, is the key.

The millage rate of an area is probably the initial indicator and a frequently asked question when business owners inquire about the feasibility of an area to re-locate. At the last meeting, Chamber of Commerce Director Betty Wojick said that probably the single most important thing that the City Commission could do to improve our chances for economic development is to significantly lower our property tax rate. The fire assessment gives us a valuable opportunity to significantly reduce our millage rate and strengthen our economic development efforts.

There are other reasons for adopting the fire assessment rate schedule, some of which have already been discussed:

- It's been said that the definition of a fair tax is one that somebody else pays. The fire assessment is not a tax but a fee based on the cost that our fire department incurs to provide fire suppression service to that type of property. It is more equitable than taxes charged on, presumably, one's ability to pay with no relation to the service received. Most citizens, for this reason, are against taxes—the alternative is a cost-based fee. City staff has noted that one reason for the City of Auburndale's low millage rate is a more extensive fee structure;
- In asking our auditor about the approach to recommending the fire assessment rate schedule, he said that approval of the rate schedule would help diversify the City's revenue stream, which is a positive step;
- The assessment is a revenue stream that is not subject to occasional efforts of the state legislature to tinker with the method of taxing property. The impulse to tinker is strong, because, as noted above, citizens generically dislike property taxes. To isolate an essential city service from this uncertainty is a good thing;
- A Florida League of Cities' representative said that another positive feature of the fire assessment is that, unless exempted, "everybody pays something." Without the fire assessment, many properties receive this essential service for free while other taxpayers pay for it;
- We will not hear from the taxpayers who will receive a reduction in their tax bill. We are more likely to hear from those who protest being charged, and we will have to determine if their arguments have merit—a task associated with any major change.
- We will also not hear from businesses who wish to locate in our area, but because of our high millage rate, choose to locate just outside the city. In this way they can take advantage of our favorable location, draw from our labor pool, and take advantage of city amenities without having to pay the much higher city taxes. To avoid this, city leadership needs to do everything possible to lower the millage rate.

Adopting the fire assessment rates will signal to business interests that the City is serious about economic development. Rather than standing out with the second highest millage rate of 17 cities in the county, adoption of the fire assessment rates will allow us to drop to tenth from the top. Currently, 15 cities have millage rates lower than ours; adoption of the fire assessment rate will allow us to drop to a position where only 7 cities are below us.

Taking this step to significantly lower the millage is not without potential problems, as the consultant has already noted. The norm is to take two years to resolve database errors and other problems that occur when implementing a new assessment program. But the result—to step out beyond a “business as usual” approach and take a major step in lowering the millage rate with all of the benefits that lower rate provides—is worth it.

The 5.7157 millage and budget, the companion piece to the fire assessment rate schedule, meet the requirements that the City Commission prescribed at last Wednesday’s workshop: it holds the millage at the original reduced rate of 5.7157, restores the training, equipment, and overtime in the fire department, provides the Historic Society of Lake Wales funding for a half-time position, provides a 1% raise for all employees, exempts maintained, working groves from the assessment and provides a cushion if governments and schools do not pay their assessment. In order to do this, it also increases the dividend from the utility fund to the General Fund by \$11,262 from \$828,000 to \$839,262. The budget goals have been met.

It was also stated at last Wednesday’s meeting that the adoption of the fire assessment enabling legislation did not mandate that a rate schedule be adopted. The “business as usual” millage rate option could be adopted, and the fire assessment proposal could be studied for another year¼ which would mean that in these worst of economic times, as we and every other local government in our area are competing to get attention from business interests, we suffer at least another year of the second highest millage rate in the county and 22nd highest out of more than 400 cities in the entire state.

Adopting the fire assessment rate schedule is a bold step, and a major change—for the better. It lowers our millage rate and instantly puts us in a more competitive position for economic development, which is a crucial activity. It is also more equitable than property taxes, diversifies our revenues, and provides a reliable revenue stream for one of our most important services. Staff recommends the adoption of Resolution 2008-14, adopting the fire assessment rate schedule and authorizing the certification of the final assessment roll.

OTHER OPTIONS

Continue to rely on ad valorem taxes to fund fire protection services, equipment and programs.

FISCAL IMPACT

The Fire Protection Assessment will generate approximately \$1.09 million in revenue, allowing the City the ability to reduce its millage rate by 1.612 mills.

[end agenda memo]

Ms. Delmar read Resolution 2008-14 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WALES, FLORIDA; AFFIRMING AND AMENDING THE INITIAL ASSESSMENT RESOLUTION NO. 2008-12; IMPOSING FIRE PROTECTION ASSESSMENTS ON ASSESSED PROPERTY WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

James Kimbrel, 1026 Highview Drive, asked why the City was exempting orange groves. Mr. Otte said that it was because staff could not think of a time when orange trees in a working, well-maintained grove ever caught on fire even when there was a fire next to it. Mr. Kimbrel asked if orange groves would be exempt if there was a structure on the property. Mr. Otte said that would be looked at differently. Mr. Kimbrel asked if churches would be required to pay the fire assessment fee. Mr. Otte said yes.

Lewis Kern, 1024 Columbia Avenue, said that the notice he got in the mail said that failure to pay assessments would cause a tax certificate to be issued against the property which may result in loss of title. Susan Schoettle-Gumm, attorney for Willdan Financial Services, said that when using the tax collection method for the collection of special assessments, the collection mechanism is the same as levying a tax. That is one of the benefits to local governments in placing assessments on the tax bill. It simplifies enforcement and collection.

Pam Price, Polk County School Board, said that while the City is facing budget cuts because of Amendment 1, the School Board is also facing the same type of issues. Therefore, the School Board would like to object to the assessment to their schools in the Lake Wales area. She read a copy of a letter that was sent to the City Manager from Polk County School Board Attorney West Bridges saying that the School Board of Polk County does not consent to the imposition of any such assessment against property owned by the School Board.

Ben Crosby, landowner in the Long Leaf Business Park, spoke in opposition of the proposed fire assessment. He said that whether the City calls it a tax or a fee it would still impact his tenant in the Longleaf Business Park who is already struggling. Tenants are struggling to stay in the business park. While the City is facing cut backs, so is his business and the tenants that operate the restaurants and clothing stores in Lake Wales. They are all fighting and being forced to lower their cost of doing business. Lake Wales should consider doing the same thing before enacting higher costs on the rest of the people. He said that he has heard talk of increased development, but raising the cost of business reduces the development that the City is anticipating. There are cities in this county that are suffering partly because of the impact fees and the higher assessments imposed by the county in the last few years. This makes it very difficult on everybody. He said that his tenant would look at the tax and the fire assessment fee as one cost of doing business, which currently accounts for 26% of the income that he makes on his property, which is not very encouraging. Lake Wales was talking about being competitive with Auburndale and Haines City, but those cities are near I-4. They have a higher advantage over Lake Wales, and higher income levels per capita than Lake Wales. If the City anticipates getting people to come to Lake Wales as opposed to them going near I-4, it would have to be lower in cost and not competitive. This might seem like a cheap tax to the City, but it is not. It is expensive, which is discouraging investment. Mr. Crosby suggested that the City walk around the Eagle Ridge Mall and look at the tenants that are leaving that property. He said that it is all due in great degree of the high cost of doing business.

Joe Settle, 960 Campbell Avenue, spoke in opposition of the proposed fire assessment fee. He said that he is a 100% service disabled veteran. He pays no taxes and he does not have to pay for a license plate or a fishing license. So, this would be an added burden to him and to the other 100% disabled veterans who served their country for 20 years.

Sharon Becker, 403 E. Central Avenue, urged the Commission to vote against the fire assessment fee. She said that when it was first discussed it was said that everyone would pay. Now, the first group crying to City Hall are being told that they could be exempt. How many more would not have to pay? Furthermore, the citizens have no guarantee that the fire assessment fee would not be increased next year.

Rev. Livingston, New Harvest Worship Center, spoke in opposition of the fire assessment. He said that to him, this is a tax. It is a tax against the church, and he arises against putting this 100% burden on the churches. Rev. Livingston said that a few months ago, his church annexed its new property out on CR-17B next to the new soccer field. They plan to build a new sanctuary in the near future. He said that if he had known that his church was going to be assessed the fire fee he would have assessed things differently. He urged the City not to tax the churches.

Ken Adair, 3731 Red Oak Court, said that the fuel bill of his tenant, Fedex, recently increased from \$11,000 a month to \$28,000 a month. This fire assessment would impose another burden on everyone just like the higher fuel prices. He said that the City's tax base must be increasing due to all the new development that is going on, and he asked if the City was using that money wisely. Mr. Otte said yes.

Wynette Kimbrel, 1026 Highview Drive, spoke in opposition of the fire assessment fee. She said that she does not see how the City is going to collect a million dollars if everyone would not be required to pay their share. Grove land should not be exempt. Mr. Otte said that he is recommending that a working, well-maintained irrigated orange grove be exempt because in his experience he hasn't seen an orange grove that meets that definition burn.

Leroy Smith, 524 Lemon Street, spoke in opposition of the fire assessment. He commented that if the system is not broken, don't fix it. Currently, the City's fire tax system is not broken. He said that he owns non-exempt property valued at less than \$25,000 and the City is proposing to charge him \$68.00 for a fire assessment fee. According to the constitution, failure to pay that assessment would cause a person to lose his property. Mr. Otte said that there is a problem. The City's millage rate is too high in relation to the other cities in our area. He said that these cities are the City's direct competition for economic development. Mr. Smith said that when he said the City's fire system is not broken, he meant that the City has enough money coming in to take care of our fire problem. So, why change it? This tax imposes a burden on poor people that have property valued at less than \$25,000, which is their home. Mr. Otte said that people could apply for the lifeline rate. Mr. Smith said that the citizens should not have to do that. The City should leave it like it is.

Robert Kelly, 1149 Cephia Street, said that the City has been talking about reducing its millage rate in hopes of attracting businesses. He said that if the City truly wanted to reduce its millage rate, it would look at combining its fire services with Polk County. This could result in a savings of \$800,000 a year.

Fire Chief Jerry Brown said that if the fire services were combined, the \$148.00 fire assessment fee that Polk County charges would be charged to City residents. So, instead of paying a \$68.68 fire assessment fee proposed by the City, citizens would be paying a \$148.00 fire assessment fee imposed by Polk County. He commented that it would not be beneficial for the City to give its services to Polk County.

David Smith, Babson Park, said that if the City can exempt orange groves, then why not find some way to exempt churches.

Francesco Gioscia, 278 Chalet Estates Street, said that sometimes \$68.68 does not sound like much to some of us, it could be a devastating number to the elderly and the poor.

Jack Neal, 435 E. Central Avenue, said that when the City started this it was said that everybody would pay a fair fee. Now, the City is given an exemption. The City should give everybody an exemption.

Audrey Robinson, county resident, said that she owns a duplex on B Street and she does not always have tenants. She said that she is a senior citizen who is not working. So, she does not think that this fire assessment is fair.

Jeanne Jackson, 424 E. Park Avenue, said that she is a new resident, and that she thought Lake Wales would be a lovely place to come to. Business people are a lot more sophisticated than perhaps we think they are. They look at the millage rate thinking that is going to be their taxes. So, when they step into a situation and look at all these fees for services, they feel that they have been lied to. It's like a "bait and switch" situation. Is this the attitude that we want businesses to have?

Charlie Fairchild, 719 Hillside Avenue, said that he would like to encourage the Commissioners that if they are going to consider the fire assessment fee that they be inclusive of everybody that's constitutionally and permissible to tax including churches and all other municipal buildings that it possibly can. Let's be fair because everybody receives fire services. So, everybody should pay for that service.

Ruth Dampier, 1154 S. Lake Shore Blvd., said that she has listened to everybody's comments and is yet to hear one positive word about it. So, since the Commissioners are representing the citizens, she would hope that they vote no to the fire assessment fee.

Manuel Crespo, 850 Wildabon Avenue, said that when the City first started talking about imposing a fire assessment fee, everybody was told that everyone would have to pay. Now, there are exemptions. The citizens can no longer trust the City because they have been told many things that were wrong. He said that he strongly believed that the City should shelve this thing called the "Fire Assessment Fee," study it, and then come back with something that is equitable for everybody.

CLOSED PUBLIC HEARING

Commissioner Rogers commented that the City's Fire Department is a fine organization that is run very well. However, he is still opposed to the fire assessment fee. He believes that the City can get along without it.

Commissioner Van Sickle said that he was originally for the fire assessment because he was under the impression that everybody would share a part of it. He said that staff must have looked at all the fires that have occurred on vacant property and how much it cost to put out those fires to come up with \$87.00 per acre. That number includes groves, pastureland, and property located on the west side of Hwy. 27 where alfalfa is irrigated. Now, because we are saying that groves do not burn, we are exempting them, which is not very equitable.

Commissioner Manry said that this is just a very distressing time. She is in favor of reducing the millage rate, which she has said all along. For some reason some people have not been able to make the leap to understand that the introduction of the fire fee is how we can reduce the millage rate. Tomorrow, we will start talking about the budget and whether it is to be with the fire fee or not with the fire fee. And, without the fire fee our millage rate will be the second highest millage rate in Polk County. But, based on what everyone feels in this room people would rather pay higher taxes and not pay the fire fee. She said that personally, she does not see where that makes any sense. Commissioner Manry said that she is distressed and disappointed, and she feels that the City got a very poor report from its consultant. If the City had known what this whole report was going to be, it would have approached things differently. She said that she would like to vote for the fire assessment because she would really like to vote for lower taxes. The City's goal is to get its millage rate down. But, it is an uphill battle that we are probably not going to win. Mr. Otte had said that if the fire fee does not get passed this year, it would probably never be passed. Commissioner Manry said that is a major disappointment to her because she really looked forward to voting for lower taxes. Now that the City has an opportunity to lower its millage rate by a sizable amount, populists are saying that they would rather keep things the way they are.

Mayor Wheeler said it seems that this assessment needs a little massaging. It is not something the City should do until it thoroughly reviews the ordinance and the exceptions.

Commissioner Van Sickle made a motion to adopt Resolution 2008-14. The motion was seconded by Commissioner Rogers.

ROLL CALL:

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

The motion failed 4-1.

AGENDA ITEM 13. Resolution 2008-15, Rehabilitation of Runway 6-24 Medium Intensity Taxiway Lights (MITL) System (Design Only) – Hoyle, Tanner & Associates, Inc., Master Agreement Task Order #10

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

[begin agenda memo, prepared by Teresa Allen, Public Services Director]

RECOMMENDATION

Staff recommends that the City Commission approve Resolution 2008-15, Master Agreement and Task Order #10 with Hoyle, Tanner & Associates, Inc. for the design only to rehabilitate the Medium Intensity Taxiway Lights (MITL) System on runway 6-24.

BACKGROUND

On May 27, 2008 the City received notification of an allocation of \$92,796.00 from the Federal Aviation Administration (FAA). The Commission at its regularly scheduled meeting on June 17, 2008 accepted the grant agreement. This grant is specific for the rehabilitation of the medium intensity taxiway lights system at the Lake Wales Municipal Airport.

FISCAL IMPACT

Funding is as follows:

FAA	\$ 92,796.00
City	2,422.00 (funds will be available in 08/09 City budget)
State	2,422.00

Project total: \$97,680.00

OTHER OPTIONS

The City has accepted the grant agreement for this project from FAA

[end agenda memo]

Ms. Delmar read Resolution 2008-15 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY FLORIDA, AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AND TASK ORDER FOR PROFESSIONAL SERVICES PERTAINING TO THE ENGINEERING DESIGN TO REHABILITATE RUNWAY 6-24 MEDIUM INTENSITY TAXIWAY LIGHTS (MITL) SYSTEM WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Commissioner Manry made a motion to adopt Resolution 2008-15. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 14. Resolution 2008-16, Correction: Resolution 2008-10, Lake Wales Municipal Airport Extension of Runway 6-24 (Design Only) – Hoyle, Tanner & Associates, Inc., Master Agreement Task Order #9

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

[begin agenda memo, prepared by Teresa Allen, Public Services Director]

RECOMMENDATION

Staff recommends approval of Resolution 2008-16, correcting Resolution 2008-10-Lake Wales Municipal Airport Extension of Runway 06-24 (design only), Master Agreement Task Order #9.

BACKGROUND

At its regular July 1, 2008 meeting the City Commission approved Resolution 2008-10, Master Agreement Task Order #9 authorizing Hoyle, Tanner & Associates, Inc. to conduct professional services pertaining to the Engineering Design for the Lake Wales Municipal Airport Runway 06-24 extension at a cost of \$370,000.00.

Unfortunately the resolution reflected the incorrect cost for the professional services.

Resolution 2008-16 corrects this error. It reflects the correct cost of \$397,000.00 for the professional services. All other provisions of the resolution remain the same.

The OTTED grant (Office of Tourism, Trade and Economic Development) of \$3 million dollars was obtained by Senator J.D. Alexander in 2006 and is to be used exclusively for all cost associated with the Runway 06-24 extension project (surveys, land acquisition, environmental assessment, and design). City staff will be applying for additional funding for the runway extension through the Senator's office this session.

The grant is a 100% reimbursement grant. Reimbursement can be requested as the City pays expenses for the project, the City does not have to wait for the project to be completed before receiving reimbursement. Funding for surveys, land acquisition, environmental assessment and design is in the current fiscal year 07/08 airport runway extension project budget of \$3 million dollars.

Task Order #9 (design phase) for the 06/24 extension is expected to be completed by January 29, 2009 (see project schedule).

To date the projects are as follows:

	Cost	Reimbursement to date
<i>Environmental Assessment</i>	\$ 170,170.00	\$ 151,460.00
Land (60 acres)	1,575,000.00	1,575,000.00
<i>Title police</i>	6,762.50	6,762.50
<i>Sellers attorney</i>	4,275.00	4,275.00
<i>Survey</i>	1,500.00	1,500.00
<i>Design</i>	397,000.00	0.00

Total project cost to date: \$2,154,707.50

Total reimbursement to date: \$1,738,997.50

FISCAL IMPACT

The \$397,000.00 for task order #9 is in the current fiscal year 07/08 airport runway extension project budget.

[end agenda memo]

Ms. Delmar read Resolution 2008-16 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY FLORIDA, AUTHORIZING THE EXECUTION OF MASTER AGREEMENT TASK ORDER #9 FOR PROFESSIONAL SERVICES PERTAINING TO THE ENGINEERING DESIGN EXTENSION OF RUNWAY 06-24 FOR THE LAKE WALES MUNICIPAL AIRPORT.

Commissioner Howell made a motion to adopt Resolution 2008-16. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 15. Key Issues: Evaluation and Appraisal Report (EAR)– Public Hearing & Scoping Meeting

Mr. Otte reported on Agenda Item 15. The full staff memo from Margaret Swanson, Director of Planning and Development, is incorporated into the minutes.

[begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

RECOMMENDATION

Staff recommends approval, following public comment, of key issues to serve as a basis for the Evaluation and Appraisal Report (EAR) on the Comprehensive Plan.

Notice requirements have been met for a public hearing. (The public hearing was rescheduled from August 19 to September 2 because of Hurricane Fay.)

The Planning and Zoning Board held public hearings on June 24 and July 22, 2008 to develop a list of key issues for the EAR and voted unanimously to recommend five key issues:

Issue 1: Ensuring that growth is timed and coordinated with the expansion of urban services and that new development pays for the services provided to it.

Issue 2: Providing transportation options to meet residents' needs.

Issue 3: Improving economic conditions for City residents.

Issue 4: Protection of natural resources.

Issue 5: Maintaining and enhancing Lake Wales' "livability" and appeal.

BACKGROUND

Requirement/Purpose of EAR

Per the Growth Management Act (Ch. 163), each community is required to prepare an Evaluation and Appraisal Report (EAR) on the Comprehensive Plan every 7 years. The EAR evaluates how successful

the comprehensive plan has been in addressing local issues and sets forth amendments that are needed to update the plan.

The deadline for adoption of Lake Wales' EAR is September 2009. The Planning and Zoning Board has established a schedule to meet the deadline. The amendments called for in the EAR must be adopted by the local government within 18 months of the EAR's adoption.

Key Issues

The first step in preparing an EAR is to define a list of key issues currently facing the community. The EAR will focus primarily on those issues. Per state guidelines, key issues are meant to focus on concerns related to future growth and development.

The list will also provide the basis for a letter of understanding with the state's Department of Community Affairs for the evaluation and update of the Comprehensive Plan.

Attached is a list of the recommended key issues with bullets summarizing focus areas discussed at the planning board hearings.

The list of major issues adopted by Polk County is attached for your information. The City's EAR must be consistent with the County's, which has been adopted.

PUBLIC COMMENT

Several people gave the planning board input on the key issues at the planning board's public hearing in June. Comments were primarily aimed at strategies rather than the list of proposed issues. There was no public comment at the July public hearing. A number of forms designed for public comment were also submitted. The minutes of the planning board meetings and a compilation of public comments received are available should you wish to review them.

SCOPING MEETING

The hearing will also serve as the "scoping" meeting, required for the purpose of soliciting input on key issues from other agencies and adjacent municipalities.

The public notice, planning board recommendation, and a letter inviting input on the key issues were sent to the following:

- Polk County Planning, Natural Resources, and Growth Management Departments,
- Polk Transportation Planning Organization
- Polk County School Board*
- FL Dept. of Community Affairs
- FL Dept. of Environmental Protection
- FL Dept. of Transportation
- Central Florida Development Council
- City of Winter Haven
- Town of Dundee

*Larry Helton of the School Board submitted a response regarding issue #1:

"Please include schools as part of the services needed for new development. We have asked the developers that contacted the School Board to consider co-location for schools and recreation. Impact fees alone will not pay for schools or additions needed to support growth."

OTHER OPTIONS

Modify the list of issues based upon public comment and Commission discussion.

FISCAL IMPACT

None identified.

[end agenda memo]

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Manry commended the Planning & Zoning Board and the Planning and Development office for the five key issues. She said that they are extremely well worded.

Commissioner Howell made a motion to approve the five key issues to serve as a basis for the Evaluation and Appraisal Report (EAR) on the Comprehensive Plan. The motion was seconded by Commissioner Manry.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 16. Award of Bid: Health, Dental, and Vision Insurance Coverage

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

[begin agenda memo, prepared by Sandra Davis, Human Resources Director]

RECOMMENDATION

Staff recommends that the City Commission take the following action:

3. Award the Bid for Health Insurance to Cigna (City pays 100% for employee)
4. Dental Insurance to Guardian (employee paid)
5. Vision insurance to Advantica Eye Care (employee paid)
6. Authorize the City Manager to execute all applicable contract documents.

BACKGROUND

In an effort to control insurance costs and continue to offer City employees competitive insurance benefits, the City posted a Request for Proposals for Health, Dental, Vision and Life Insurance coverage. Health insurance premiums have been rapidly increasing over the last few years. Factors fueling the increases are more hospital admissions, higher charges for hospital care, an aging workforce, increased use of prescription drugs, an increase in the number of claims and an increase in expensive claims. In spite of the health insurance market, we have been able to reduce cost for FY 08'09 due to a reduction in the City's claims over the last two years.

In accordance with Section 2-417 Procurement of Commodities or Contractual Services of the City Code of Ordinances and Section 112.08 Florida Statutes, staff solicited written proposals from insurance

companies. In addition, notices were mailed to insurance providers, posted in local newspapers, posted on the City's Web-site, on notice boards at the administration building, Library and Community Center.

The Bid opening was held on Monday, August 18, 2008 at 10:00 a.m. in Commission Chambers. We received a total of six bids in response to our request for proposals. Bids included levels of insurance coverage, i.e. amount of deductibles, associated out of pocket expenses and physician co-payments, etc. Great-West Healthcare declined to bid on health insurance coverage. We evaluated the proposals received based on health, dental and vision benefits providing the most economical costs to the City and its employees. The results of the health insurance bids tabulated are as follows:

Company	FUNDING	BID AMOUNT
United Healthcare	Fully Funded	\$1,334,770
Blue Cross Blue Shield	Fully Funded	\$1,171,206
Public Risk Management	Fully Funded	\$1,213,935
Aetna	Fully Funded	\$1,394,270
Florida League of Cities	Fully Funded	\$1,388,875
Cigna	Fully Funded	\$1,153,150

Employees will continue to pay 100% of the premium for dental and vision coverage. The proposed employee rate for medical insurance is \$489.75 and the family rate is 503.00. This represents a -13% reduction in the current rate.

FISCAL IMPACT

Awarding the bid to Cigna will result in a -13% reduction in cost to the city compared to the adopted 07'08 budget. The costs for City paid medical insurance premiums are in FY 08'09 proposed budget.

OTHER OPTIONS

Don't approve any of the recommendations.

[end agenda memo]

Mr. Otte said that the coverages are not identical but similar. Human Resources Director Sandra Davis said that the differences are in the maximum out-of-pockets and co-pays. This insurance will cost the employees and the City less.

Commissioner Manry asked how many employees are on the City's insurance and how many of them carry family insurance. Ms. Davis said that all of the employees are covered except for the two that waived the coverage, and 19 out of 165 employees carry family insurance.

Commissioner Manry made a motion to award the Bid for Health Insurance to Cigna (City pays 100% for employee); award the bid for dental insurance to Guardian (employee paid); award the bid for vision insurance to Advantica Eye Care (employee paid); and to authorize the City Manager to execute all applicable contract documents. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 17. Appointments to Historic District Regulatory Board

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

[begin agenda memo, prepared by Margaret Swanson, Director of Planning & Development]

RECOMMENDATION

Staff recommends the following appointments to the Historic District Regulatory Board:

Robert Delmar 1-year term	Curt Koch 1-year term
Shirley Curtis-Ference 1-year term	Gerald R. Benedict 2-year term
Shelly Hooten Windham 3-year term	

BACKGROUND

The Historic District Regulatory Board was established in May by Ordinance 2008-11. The ordinance calls for a 5-member board with 3-year terms. Initial terms are to be staggered. Staff requests that appointments be made to constitute the board.

Following appointments, an organizational meeting will be scheduled so that the board will be ready to hear applications for certificates of appropriateness for work in the downtown historic district.

City code requires that prospective members for regulatory boards be interviewed by staff and the chairman of the board. In the absence of a chairman, applicants were interviewed by Kathy Bangle, Assistant Planner, and Margaret Swanson, Director of Planning and Development. Seven applications were received for the five board positions. (Applications are attached.) The two other applicants were Mark Bennett and Ed Pilkington. All applicants were interviewed except Ed Pilkington, who was unable to make his appointment.

The ordinance requires that at least 50% of the board's members either reside or own property in the City. This requirement is met.

All applicants expressed strong interest in serving on the board and in the future of the downtown. Expertise of proposed board members includes building design and construction, three-dimensional design, and architecture/interior design.

Although all of the applicants were found to be suitable for appointment, the recommended applicants were able to give firm commitments to attend the meetings that will be required to educate board members and hear cases. In addition, there is a high probability that Mr. Pilkington will have clients for work in the downtown and would have to recuse himself from hearing those cases.

FISCAL IMPACT

None identified.

OTHER OPTIONS

The Commission may choose to modify the proposed roster or choose different terms for members.

[end agenda memo]

Commissioner Howell made a motion to approve the following appointments to the Historic District Regulatory Board as recommended by Margaret Swanson, Director of Planning and Development:

Robert Delmar 1-year term	Curt Koch 1-year term
Shirley Curtis-Ference 1-year term	Gerald R. Benedict 2-year term

Shelly Hooten Windham 3-year term

The motion was seconded by Commissioner Manry.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 18. Contractual Services for Preparation of CDBG Application

Mr. Otte reported that Agenda Item 18 will be discussed at a CRA meeting following tomorrow night's 6:00 p.m. Special City Commission meeting.

AGENDA ITEM 19. Contract Renewal: Fellowship Dining at James P. Austin Community Center

Mr. Otte reported that he learned today that this item did not need to come before the Commission because Fellowship Dining already has an existing lease with the City.

COMMUNICATIONS & PETITIONS

CITY COMMISSION TRACKING REPORT

Grants for Operating a Municipal Swimming Pool: Mr. Otte reported that staff would provide a report at the next Commission meeting.

City Property that could be Sold or Leased: Mr. Otte reported that staff would provide a report at the next Commission meeting.

PUBLIC COMMENTS

David Smith, Babson Park, said that the fire assessment was a hard issue as well as the sale of alcohol on Sundays. He said that when the City starts touching on sensitive issues like that it needs to take a little more time and listen to what people have to say. There were people who were upset about the sale of alcohol ordinance that did not get a chance to speak.

Linda Kimbrough, 307 Florida Avenue, said that she once sat where the Commissioners are sitting tonight. She said that people elect Commissioners they can trust. So, Commissioners have to stick by whatever they say. To change course in the middle of the stream to make exceptions for certain people cause people not to trust the Commission. She said she did not believe that the fire assessment was thoroughly thought out. It needs a little more research and a lot more thought put into it. Ms. Kimbrough said that there are probably things that the City doesn't understand about the fire assessment. Maybe the City could bring it back again next year after it irons out all the wrinkles.

Roger Carson, 5th Street, commented that the contractor did a very nice job paving the streets. He asked what was going to be done about the potholes that are all over the City. He named locations of 5th Street, the intersection of Johnson Avenue and South 5th Street, and the intersection of Bullard Avenue and 5th Street. Mr. Otte said that staff would take care of it.

Leroy Smith, 524 Lemon Street, said that he appreciated Commissioner Manry saying that she wanted to lower the tax rate. But, to exempt those who can afford to pay the fire assessment is not fair because

there are people with houses valued at less than \$25,000 that can't afford to pay. It's not fair to take from one pocket and put it in another.

COMMISSION COMMENT

Commissioner Howell asked if it was against the law to park across sidewalks. She said that at the end of Central Avenue someone has been parking a truck across a sidewalk and nothing has been done about it. If the City wants to save sidewalks, it needs to stop people from parking across them. She asked who should a person call about it. Mr. Otte said to call the Police Department. Commissioner Howell asked if the Police Department would give citations or just pass by and look. Mr. Otte said they should issue tickets.

Commissioner Manry said she wanted everybody to understand that her vote for the fire fee was only to lower taxes. She said that she supported the citizens paying less money.

Commissioner Howell said that the fire assessment was a good idea. It just needed more work to get people to accept it.


Mayor Wheeler said that everyone worked very long and hard on this effort. The Commission has enacted the enabling legislation that is now on the City's books. He said that what the Commission voted for tonight was not to assess a fire fee and not to go forward with it. So, between now and next year, the City may be able to do enough massaging to make it more encouraging to everyone. As it was presented to us didn't sound like it was a very popular notion. Staff needs to go back and look at it again. Mayor Wheeler said that the passage of the alcohol ordinance tonight was historic because it has been an argument for many years.

There being no further business the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk