

The regular meeting of the Lake Wales City Commission was held on June 16, 2009 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

The invocation was given by Dr. Jim Moyer, Warner University.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Lee A. Wheeler, III; Jonathan Thornhill; John Paul Rogers; Mayor L. Jack Van Sickle.

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 Wheeler made a motion to approve the minutes of the May 14, 2009 workshop meeting and the May 19, 2009 regular meeting. The motion was seconded by Commissioner Howell.

By voice vote:

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

The motion carried 5-0

COMMUNICATIONS AND PETITION

Mayor Van Sickle asked Mr. Galloway if he knew if the Florida Legislature passed the act or statute requiring Communications and Petitions to be at the front of meetings. Mr. Galloway said that he does not recall that being adopted.

CONSENT AGENDA

Agenda Item 6. Lake Wales Municipal Airport Tree Clearing

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Hoyle, Tanner and Associates conducted an Environmental Assessment for the runway 06-24 extension project during which a representative from the Southwest Florida Water Management District determined that trees around the ponds must be removed and maintained so the area won't be considered jurisdictional wetlands. Da Costa Enterprises, Inc. can perform the tree removal for \$24,846.26.

RECOMMENDATION

Staff recommends that the City Commission contract with Da Costa Enterprises, Inc. to perform tree clearing at the Lake Wales Municipal Airport in the amount of \$24,846.26.

BACKGROUND

In May 2007, the City Commission approved Resolution 2007-13, Master Agreement Task Order #8 with Hoyle, Tanner and Associates to conduct an Environmental Assessment for the Lake Wales Municipal Airport runway 06-24 extension project.

During the environmental assessment, a representative from the Southwest Florida Water Management District (SWFWMD) evaluated two man-made ponds north of Runway 06-24. During that review, the representative noted that while the two ponds were not currently considered jurisdictional wetlands, the vegetation could change in a relatively short amount of time if not properly maintained. The SWFWMD representative then suggested that the City remove the trees from the top of the bank to the bottom of the slope around the ponds, especially along the south side of the ponds.

The plan to extend Runway 06-24 also includes extending taxiway A through the south half of the two man-made ponds in order to tie into the new runway at the proper separation between the runway and taxiway centerlines. Therefore, it is critical that these areas be maintained. Otherwise, if portions of the man-made ponds were claimed as jurisdictional wetlands, the project to extend Runway 06-24 (including taxiway A) would require mitigation of any impacts to the wetlands areas. This would significantly increase the cost associated with the required airport improvement project.

Quotes for the tree removal are as follows:

Da Costa Enterprises, Inc.	\$24,846.26
Martin Paving	28,500.00
Ferreira Construction Co.	67,192.16

FISCAL IMPACT

Funds for the clearing of the trees are part of the budget for the Runway 06/24 extension project approved in the FY08'09 airport budget.

OTHER OPTIONS

None. The tree removal is a requirement of the runway extension project to avoid the area being considered jurisdictional wetlands. If tree removal is not undertaken by the City soon, other issues may surface that could incur mitigation costs or cancel the runway project.

[End agenda memo]

Agenda Item 7. Award of Contract: Utility Bill and Local Business Tax Printing, Inserting and Mailing Services

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Dorothy Pendergrass, Finance Director]

SYNOPSIS

Staff is seeking approval of a contract with TC Specialties Co. for utility bill and tax bill printing, inserting and mailing services.

RECOMMENDATION

It is recommended that City Commission take the following actions:

1. Authorize the City Manager to execute an agreement with TC Specialties Co., for outsourcing the printing and mailing of utility and tax bills beginning with the first billing cycle of fiscal year 2009-2010.
2. Authorize the City Manager to provide written notice of termination to Infosend, Inc. at least 60 days prior to September 30, 2009 (i.e., no later than August 1).

BACKGROUND

On January 8, 2004, the City contracted with Infosend, Inc. to outsourcing utility bill printing and mailing services. Outsourcing the billing process reduced cost and improved efficiency in connection with the City of Lake Wales finance and utility billing operations.

The contract was effective through September 30, 2007 but provides for automatic annual renewal unless either party, at least 60 days prior to September 30th, gives written notice of termination via certified mail.

On May 13, 2009, staff advertised a request for proposals to provide utility bill and local business tax bill printing, inserting and mailing services. Proposals were opened on June 8, 2009 and were received from the following vendors.

- TC Specialties, Co.
- Infosend, Inc.
- Price Enterprises
- Pinnacle Data System
- Mdvantage Code Corporation
- American Solutions for Business
- National Data Services (NDS)

A bid results worksheet was prepared by the Finance Director for the nine bid proposals received. All vendors had extensive experience, resources and customer base.

Proposals were also analyzed based on price. The top three lowest vendors were:

<u>Vendor</u>	<u>Billing Cost Per Item*</u>
• TC Specialties Co.	0.098
• Infosend, Inc.	0.112
• Price Enterprises	0.119

*Billing cost per item includes: 1) cost per form, 2) cost per initial duplexed 1-color printed page, 3) outgoing envelope and 4) return envelope.

FISCAL IMPACT

The estimated annual cost for one year of service with TC Specialties, Co. is \$9,014 which represents a savings of \$3,335 in comparison to the City's current vendor.

[End agenda memo]

Agenda Item 8. Special Event Permit – 4th of July Festival

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jennifer Nanek, Grants Administrator/Administrative Assistant]

SYNOPSIS

Staff is seeking approval of a Special Event Permit to hold the annual 4th of July Festival on the shores of Lake Wailes.

RECOMMENDATION

Staff recommends approval of permit for the 4th of July Festival. The event will be held on Saturday July 4th from 2pm –9pm.

BACKGROUND

The 4th of July Festival will include music and games from Parties by Robert. There will be food and craft vendors, and the Bloodmobile from MidFlorida Medical Services will be there. Staff is in the process of arranging additional attractions and events. The festival will end at 9pm with the fireworks from Melrose South Pyrotechnics.

OTHER OPTIONS

Do not approve the event permit.

FISCAL IMPACT

Fireworks will cost \$10,000; this expenditure is included in the FY08'09 adopted budget and was approved by the City Commission on June 2. Other expenses (Parties by Robert, Portolets) will total \$1,000.

[End agenda memo]

Mayor Van Sickle asked to discuss Agenda Item 6, Lake Wales Municipal Airport Tree Clearing. Mr. Otte read the synopsis.

Mayor Van Sickle said according to the proposal amounts, there seems to be a discrepancy. He asked if all the bidders received the same information. Mr. Torrance explained that Hoyle, Tanner and Associates conducted the bidding process and that all the City wanted to do is have the trees removed and hauled off. He said that he could ask for a copy of the bid packet. Mr. Otte said we could add that to a future agenda packet.

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

By voice vote:

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

The motion carried 5-0

OLD BUSINESS

NEW BUSINESS

Agenda Item 9. Ordinance 2009-18, Annual Update – Capital Improvements Element – 1st Reading

Mr. Otte read the synopsis for Agenda Item 9. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The ordinance incorporates the 5-Year Schedule of Capital Improvements into the Capital Improvements Element of the Comprehensive Plan as required by the Growth Management Act. Capital improvements projects that must be included in the plan are those necessary to maintain adopted level of service standards for potable water, sanitary sewer, drainage, recreation, transportation, and schools. The ordinance also updates policies related to concurrency management and developer dedications.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2009-18 on first reading.

A public hearing is not required for first reading. Unlike other amendments to the plan, the update of the Capital Improvements Element (CIE) can be adopted without prior review by the Department of Community Affairs.

BACKGROUND

The state's 2005 amendments to the Growth Management Act require an annual update of the schedule of capital improvements in the Comprehensive Plan beginning in 2008. The proposed amendment to the Capital Improvements Element updates the lists of capital projects needed to maintain adopted level of service standards and incorporates them into a 5-Year Schedule of Capital Improvements as an appendix to the element.

Under the Growth Management Act amendments, the first annual update was due in December 2008. The City delayed adoption of the amendment so that adequate and updated information could be obtained on utility projects. Updates of the utilities and other sections of the Comprehensive Plan are also needed so that they support the capital improvements projects in the schedule.

Updating these sections is a major undertaking that is best done as part of the revision of the Comprehensive Plan due by March 2011. The City is now in the process of preparing an EAR – Evaluation and Appraisal Report required by the Department of Community Affairs to determine what comprehensive plan revisions are needed. The EAR will be brought forward for City Commission approval this summer.

The Department of Community Affairs has advised us that we should submit the CIE as soon as possible and that deficiencies can be corrected with the next annual update. Until the CIE is adopted, no other comprehensive plan amendments, such as land use designation changes for annexed property will be processed.

The attached "Support Document – 2009 Update to Schedule of Capital Improvements" provides background on the projects in the schedule. Following is an explanation of the amendments included in the ordinance:

**SECTION 1: AMENDMENTS TO GOALS, OBJECTIVES & POLICIES
CAPITAL IMPROVEMENTS ELEMENT**

Objective 1 and Policy 1.01 – State that the required annual update of the schedule of capital improvements is adopted as an appendix to the element.

Policies 1.05 and 1.06 – Adopt (by reference) state and county capital improvement plans for transportation and schools, as required by the state.

Policy 2.01 – Changes in the level of service standards for utilities are recommended by the City's consultants. However, staff recommends that the changes be discussed as part of the process of updating the Comprehensive Plan. No changes are proposed to this policy at this time.

Policy 2.02 – Updates policy to show that City has adopted concurrency regulations.

Objective 3 – Corrects an error in Ord. 2008-03 (School Concurrency). The 2008 ordinance inserted a new "objective 3," but did not remove the old language.

Policy 3.02 – Updates the policy to show that City has adopted developer dedication provisions in the land development regulations.

Policy 3.06 – Corrects duplication of numbering.

SECTION 2: 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

This section incorporates a schedule of capital improvements into the element. See attached "Support Document – 2009 Update to Schedule of Capital Improvements" for background on projects.

FISCAL IMPACT

The amendment has no direct fiscal impact. It documents fiscal planning for capital projects.

OTHER OPTIONS

Delay adoption of the amendments to allow for updates of other elements of the Comprehensive Plan to fully document the need for the capital projects. No Comprehensive Plan amendments for land use changes will be processed by the state DCA until the Capital Improvements Element is updated to include the 5-Year Schedule.

[End agenda memo]

Ms. Delmar read Ordinance 2009-18 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN BY UPDATING POLICIES ON CONCURRENCY MANAGEMENT, ADOPTING BY REFERENCE THE POLK COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION IMPROVEMENT PROGRAMS AND POLK SCHOOL FACILITIES WORK PROGRAM; UPDATING THE LAKE WALES SCHEDULE OF CAPITAL IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Otte said there are a number of expenditures listed in the memo starting with the next fiscal year. He said this does commit the City to budget for these projects.

Commissioner Howell made a motion to adopt Ordinance 2009-18 after first reading. The motion was seconded by Commissioner Rogers.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"

Commissioner Wheeler "YES"
Mayor Van Sickle "YES"

The motion carried 5-0.

Agenda Item 10. Mayfair Phase 12 PDP and Preliminary Subdivision, east side of Hwy 27 at Hunt Brothers Road – Public Hearing

Mr. Otte read the synopsis for Agenda Item 10. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Requested is approval of a preliminary PDP and subdivision plan for Phase 12 of Mayfair, a mixed-use development located northeast of the intersection of Hunt Brothers Road and US Highway 27. Phase 12 is a 268-lot single-family subdivision with a neo-traditional layout on 74 acres. Waivers are requested for reductions in lot size and other dimensional requirements. The application also includes an update to the master plan for the 350-acre development, which proposes a total of 1022 dwelling units, a town center, a central park, and 8 commercial out-parcels.

RECOMMENDATION

Approval with conditions of the revised Master Plan for "Mayfair" and preliminary PDP/subdivision plan approval with conditions for phase 12.

The Planning and Zoning Board held a public hearing on the Mayfair PDP on May 26, 2009 and recommended approval with conditions, as attached.

Notice requirements for a public hearing have been met.

BACKGROUND

Dave Schmitt Engineering Inc., representing Mayfair Development of Lake Wales, LLLP, requests approval of an update of the master plan for "Mayfair" and approval of a preliminary PDP/subdivision plan for Phase 12.

Phase 12 is a single-family, neo-traditional subdivision with 268 lots, typically 40'x120' with rear alley access. There are no changes in the layout of the master plan except in Phase 12. However, some changes are recommended to the conditions of approval pertaining to the master plan, mostly dealing with phase and roadway construction sequence.

The master (conceptual) plan shows the overall project. Each residential phase must be approved separately as a preliminary planned development project (PDP). Plans for commercial out-parcels also require administrative or planning and zoning board approval, depending upon their complexity.

Master plan:

Mayfair is a mixed use development on approximately 350 acres located on the east side of U.S. Highway 27 South, across from Longleaf Business Park. State Road 60 is less than a half-mile to the north. The land, formerly called the Cooperative Fruit property, was sold to the developer, Feltrim Development, N. A. An agreement between the City and Feltrim provides the basis for development of the property.

The master (conceptual) plan shows 14 phases, including a town center, 1022 residential units, and 8 commercial out-parcels.

An updated master plan was approved for Mayfair on May 20, 2008, along with preliminary PDP plans for phases 8, 9, and 11 and revisions to 6 and 7. A number of waivers were granted, and conditions were attached to the approval of the master plan and each preliminary PDP plan.

Preliminary PDP plans have been approved for several residential phases, the central park, the northern portion of the town center, and out-parcels for a hotel and restaurant. PDP plans for a total of 552 residential units have been approved to date, 383 of which are single-family lots, approximately 8400 square feet in size.

Approved phases:

- 1 Owens Road entrance
- 2 North portion of town center with commercial, 48 town homes and 43 apartments.
- 3 Central park with clubhouse
- 6 Single family 73 lots
- 7 Single family 92 lots
- 8 Single family 144 lots
- 9 Single family 74 lots
- 11 Townhouses 78 units
- 14N Hotel parcel, restaurant parcel, and third parcel with no layout

Phases that have not yet been submitted for approval are:

- 10 Residential condominiums 150+/- units
- 4 Commercial – northeast corner of US 27 and Hunt Brothers
- 5 Commercial – southeast corner of US 27 and Hunt Brothers
- 13 South portion of town center – mixed commercial and 50+/- apartments
- 14S Commercial area near south town center

Status of development:

Site development (construction) plans are under review for all phases that have approved PDP plans (as listed above). No site development permits have been issued to date, although the permit for phase 1 (Owens Road entrance) has been ready to issue for some time, pending a FDOT permit for the intersection at US 27.

The site:

The majority of the property is on the north side of Hunt Brothers Road. One commercial parcel (Phase 5) is located south of Hunt Brothers Road. To the west are U.S. Highway 27 and Miami St., and to the east is First Street. Russell Ave. runs along the north. Existing roadways within the property are Owens and Ray Martin Roads.

The property is for the most part abandoned citrus grove with some stands of oaks and other mature trees. There are several ponds and wetlands within the property. To the east are Lake Belle and Tractor Lake. The City's new soccer park, located on the north side of Hunt Brothers Road was part of the Cooperative Fruit property.

Phase 12 plan:

Phase 12 is a single-family neighborhood with 268 lots on approximately 74 acres. It is located to the south of Owens Rd., the main entrance to the development, and to the west of Tractor Lake. There will be several entrances to the neighborhood from Owens Rd. There will also be an entrance from Hunt Brothers Rd.

The neo-traditional layout differs greatly from the other single-family phases. The look of the streets will be similar to that of the older neighborhoods in Lake Wales, such as the so-called "Olmsted" neighborhood, where there are trees in wide grassy areas between the curb and sidewalk, and vehicle access is primarily from the alleys to the rear. In phase 12, streets will be tree lined, and there will be sidewalks on both sides of the road. All driveways and garages will have rear alley access.

The phase is the most compact of the single-family phases, at approximately 3.6 units per acre. The lots are typically 40'x 120' with a minimum lot size of 4800 sq. ft. and an average lot size of 5629 sq. ft. The overall density of Mayfair is, however, well within the allowable density range.

Reductions in lot size can be approved in a PDP only if there is public open space commensurate with the reduction. The large central park, neighborhood parks, linear parks, bike/pedestrian paths, and landscaped buffers provide adequate open space to meet this requirement according to figures provided by the applicant.

There will be two neighborhood parks in the center of the development, one 0.8 acre and the other 2 acres. A mini-park will be located at the roundabout for the entrance road from Hunt Brothers Rd. The neighborhood will also have a roadway and bike/pedestrian connection to the soccer park, although there will be no vehicular connection with Hunt Brothers Road through the park.

All retention areas will be buffered with landscaping. A retention area and landscaped buffers will shield the neighborhood from US Highway 27.

In a change from the original master plan, lots have been removed from the Tractor Lake shoreline and a linear park and retention area have been added. The lots were relocated and a retention pond was reduced in size to accommodate the change.

The majority of the phase 12 is old grove. However, there is an area of significant oak trees located in the southeast corner. The proposed layout will require removal of a large number of trees resulting in a significant replacement requirement. Staff has worked with DSE to improve the layout and has discussed some options for mitigating the replacement requirement. These details will be finalized through administrative approval at the site development stage.

Staff comments:

Staff supports the neo-traditional design of Phase 12 as in keeping with the layouts of older Lake Wales neighborhoods. The uninterrupted sidewalks along tree lined streets will be attractive in the tight-knit neighborhood. The location of neighborhood parks and landscaped buffers provide additional greenery to relieve the density of the neighborhood.

The applicant worked closely with staff and the Planning Board to ensure that the waivers from dimensional requirements (lot size, lot width, driveway lengths, etc.) will not compromise functionality.

Several issues were discussed by the Planning and Zoning Board and modifications of previous conditions of approval are recommended to address them. These revised conditions of approval include a revised construction schedule, revised timing of roadway construction, and items to facilitate the reduction in lot size requested for phase 12.

OTHER OPTIONS

City Commission may choose to modify the conditions recommended by the Planning Board and staff.

FISCAL IMPACT

The development will add to the City's tax base.

[End agenda memo]

Ms. Swanson reviewed Agenda Item 10.

Judy Stewart, Manager of Planning for Dave Schmitt Engineering Inc., provided a PowerPoint presentation showing the highlights of the Mayfair project. She said that the Planning staff supports the neo-traditional design of Phase 12 as in keeping with the layouts of older Lake Wales neighborhoods,

which is the overall desire of the project. Ms. Stewart said that Margaret Swanson, Planning Director, used her own neighborhood as an example that was used in terms of the setbacks, street design, streetscape, and the landscaping in hopes of blending in with the existing developments within the City of Lake Wales. She said that they are trying to encourage non-vehicular traffic within this neighborhood and all of the Mayfair development. Ms. Stewart said they have a very expensive pedestrian and bicycle plan that has been reviewed by the Planning staff and brought before the Planning & Zoning Board. The project will include alleyways, boulevards, and narrow streets: to encourage walking and bicycling within the front of the neighborhoods, designated parking will be in the rear of the neighborhoods. She said they are hoping that the overall design of the project will keep trips off of US 27 and other roadways as well because the development will have its own village center that will provide the shopping and banking needs of the residents. Ms. Stewart said the clear vision is to provide connectivity, density, sustainability, and a quality of life. She said for the record, the overall count of dwelling units is 1,024 and not 1,022.

Mayor Van Sickle, using Lake Ashton as an example, said narrow streets impose problems. Cars parked in narrow streets cause other vehicles difficulty when going around them. He suggested the use of golf carts in the community. Ms. Swanson said there really is not a reduction in the pavement width. The width of the pavement will be 24 feet to the curb. The width of the alleys was reduced somewhat because some of the alleys that they saw in other developments were 20 feet wide, which is too wide. Mayor Van Sickle said he has a cousin in Tallahassee that lives in a similar community where parking is in the back off the alleys, but visitors could also park in the front of the houses. Ms. Swanson said there is a possibility of having parking in the front, but it could become a problem. Ms. Stewart said that the way the houses are structured, it would probably be easier for visitors to park in the rear.

Commissioner Wheeler said that over the years staff has devoted a tremendous amount of time to this project. He asked if this development ever lacks the financial ability to pull this off and it has to be put up for sale, could the master plan become portable or would we have to start all over from the beginning. Ms. Stewart said there would be a possibility of starting over. She said at the current moment, it is not her client's intention to flip this project, but instead to develop it. Ms. Swanson said if the plan changes, then they would have to start over.

Commissioner Thornhill asked who would be responsible for maintaining the roadways and alleys. Ms. Stewart said the CDD and the individual Homeowners Association. Mr. Otte said that the Commission approved the community as a Community Development District (CDD).

Commissioner Rogers said that the Mayfair people owe the City a lot of money and he would like them to pay up. Ms. Stewart said she would pass that information along.

Mayor Van Sickle said that although this is a CDD community, it does have several things in it for the public such as a 24-acre City Central Park.

OPENED PUBLIC HEARING

Ruth Dampier, 1154 S. Lakeshore Blvd., said this project sounds like it would be a great thing if developed.

CLOSED PUBLIC HEARING

Commissioner Wheeler made a motion to approve with conditions of the revised Master Plan for "Mayfair" and preliminary PDP/subdivision plan approval with conditions for phase 12. The motion was seconded by Commissioner Rogers.

ROLL CALL:

Commissioner Wheeler	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"YES"

Commissioner Thornhill "YES"
Mayor Van Sickle "YES"

The motion carried 5-0.

Agenda Item 11. Extension of Time – Approval of Preliminary PDP for Villa Ridge Townhomes – North side of Burns Avenue

Mr. Otte read the synopsis for Agenda Item 11. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The owner of Villa Ridge Townhomes is requesting a third one-year extension of time on the preliminary planned development project plan approval.

RECOMMENDATION

Approve a one-year extension of time on the preliminary planned development project (PDP) plan approval for Villa Ridge Townhomes, as shown on the plan entitled Villa Ridge Townhomes, dated 6/7/06.

At its May 26, 2009, the Planning and Zoning Board voted unanimously to recommend approval of a one-year extension of time for the Villa Ridge Townhomes PDP approval.

Request: Gregory Bell, owner, has requested a third one-year extension on the referenced project, originally approved by the City Commission June 20, 2006 and extended for one-year on June 17, 2008. Preliminary plan approvals expire one year from the date of approval unless a site development permit or building permit application has been submitted. Mr. Bell stated that the real estate market conditions have not changed since last year; therefore they were not able to proceed with the development of their project.

The Planning Board recommends approval, based upon the fact that conditions have not significantly changed since the approval. There have been no significant changes in the ordinances pertaining to the type of development proposed or in the conditions in the neighborhood. Mr. Bell has stated his intention to move forward with the project in the coming year.

A reduced copy of the plan and the conditions of approval are attached for your information. Any change in the plan or conditions would require public hearings for an amendment of the preliminary PDP approval. No changes have been proposed or recommended.

OTHER OPTIONS

Decline to extend the approval. If Mr. Bell wishes to proceed with the project, a new PDP plan approval would be required.

[End agenda memo]

Mayor Van Sickle asked if the request is being made due to the difficult economy, the owner cannot afford to do the project right now. Ms. Swanson said that is correct.

Commissioner Thornhill made a motion to approve a one-year extension of time on the preliminary planned development project (PDP) plan approval for Villa Ridge Townhomes, as shown on the plan entitled Villa Ridge Townhomes, dated 6/7/06. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

Agenda Item 12. Appointments: Boards, Commissions, & Committees

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

[Begin agenda memo, prepared by Clara VanBlargan, City Clerk]

SYNOPSIS

The appointments will fill vacancies that occur annually on various city boards, commissions and committees.

RECOMMENDATION

It is recommended that the City Commission make appointments as it deems appropriate.

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc. The City Commission is asked to make appointments to fill vacancies as it is deems appropriate.

Airport Authority Board– Members are appointed by the City Commission. The Board consists of seven (7) members. At least four (4) members must be qualified electors of the City, and one member is a City Commissioner, who is a non-voting member. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Three (3) vacancies:	terms expire 07/01/12
Applying for appointment:	Robert Gregory Gibson, resident
Applying for re-appointment:	Jack Neal, resident John Phillip Weikert, resident

Vacancies are due to the expiring terms of Jack Neal, John Phillip Weikert, and Steven Reddick. Mr. Reddick did not wish to be re-appointed.

Commissioner Rogers said that the Airport Authority Board reviewed the three applications and recommended appointment.

Commissioner Howell made a motion to appoint Robert Gregory Gibson to serve as a member to the Airport Authority Board for a term to expire on 07/01/12, and to re-appoint Jack Neal and John Phillip Weikert to serve as members to the Airport Authority Board for a term to expire on 07/01/12. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 5-0.

Bicycle/Pedestrian Advisory Commission – Members are appointed by the City Commission. The Bicycle/Pedestrian Advisory Commission consists of seven (7) regular members and three (3) alternate members. At least five (5) regular members and two (2) alternate members must reside within the City limits. Members who are not City residents, must reside within the City's utilities service area in a residence served by the City's utilities system. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Two (2) regular vacancies: Terms expire 07/01/12

One (1) alternate vacancy: Term expires 07/01/12

Applying for appointment: None

Applying for re-appointment: None

Current vacancies are due to the expiring terms of J. Davis Connor and Mike Carter.

Mr. Otte said there are no applicants at this time. He encouraged citizens to apply and said that applications are available in the City Clerk's office.

Board of Zoning Adjustments and Appeals – Members are appointed by the City Commission. The board consists of five (5) members. Members must be residents. (3 year term)

An interview process is necessary for new applicants only.

Two (2) regular vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for re-appointment: Sylvia Rogers, resident
Jeffrey P. Salvin, resident
Roderick T. Parker, Sr.

Vacancies are due to the expiring terms of Jeffery P. Salvin and Roderick T. Parker. Sylvia Rogers recently resigned from the Board after serving six years on the BOA Board due to illness. Ms. Rogers wishes to be re-appointed to the Board.

Mr. Otte said there was a fourth applicant who applied for appointment to the BOA Board, but also applied for appointment to the Historic District Regulatory Board. Due to the confusion as to which board the applicant would like to serve on, staff recommended postponing appointments to both boards until the next meeting.

Depot Advisory Commission – Members are appointed by the City Commission. The Depot Advisory Commission consists of ten (10) members. At least six (6) members must reside in the City, and no more than four (4) members may reside outside the City. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Three (3) vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for Re-appointment: Jack Neal, resident

Vacancies are due to the expiring terms of Jack Neal and Linda C. Johnson.

Commissioner Wheeler made a motion to re-appoint Jack Neal to serve as a member to the Depot Advisory Commission for a term to expire on 07/01/12. The motion was seconded by Commissioner Howell.

By voice vote:

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

The motion carried 5-0.

Drug & Prostitution-Related Nuisance Abatement Board – Members are appointed by the City Commission. The board consists of seven (7) members. Members must be residents. (3-year term)

An interview process is necessary for new applicants only.

Five (5) vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for re-appointment: None.

Current vacancies are due to the expiring terms of Kevin Kory, Frank H. Jones, Monica Trail, and Robert Quam, Jr.

Mr. Otte said there are no applicants at this time. He encouraged citizens to apply and said that applications are available in the City Clerk's office.

Historic District Regulatory Board – Members are appointed by the City Commission. The board consists of five (5) members, of which 50% of the members shall reside or own property within the City. Initial terms are staggered. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

An interview process is necessary for new applicants only.

Three (3) regular vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for re-appointment: Robert F. Delmar, non-resident
Shirley Curtis-Ference, resident
Curt Koch, resident

Vacancies are due to the expiring terms of Robert F. Delmar, Shirley Curtis-Ference, and Curt Koch.

Mr. Otte said that staff recommended postponing appointments to the Historic District Regulatory Board until the next meeting.

Historic Preservation Board – Members are appointed by the Mayor and confirmed by the City Commission. The Board consists of nine regular members. At least four (4) members must be residents of the City. Up to four (4) members may be non-residents but must own property within the City limits or hold an occupational license issued by the City. One member shall be a member of the City Commission. Up to four ex-officio members who are not residents and do not meet the other requirements of section 2-26 of the Code of Ordinances may also be appointed to serve on the Board provided they meet the professional qualifications requirement of paragraph (c) of Ordinance 2003-06. Appointments shall be for three years or until their successors are qualified and appointed. The Commissioner member shall be appointed for the duration of his or her term on the City Commission. Ex-officio members shall be appointed for three years. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Six (6) vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for re-appointment: None.

Vacancies are due to the expiring terms of Asunta Fleming, Barbara Else, Mimi Hardman, Linda Johnson, Mark Parlier, and Elisa Pedersen.

Mr. Otte said there are no applicants at this time. He encouraged citizens to apply and said that applications are available in the City Clerk's office.

Housing Authority – Members are appointed by the Mayor and confirmed by the City Commission. The Housing Authority consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

This member appointed does not need to be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority.

There is no interview process requirement for applicants applying for appointment to this board.

Two (2) expiring terms: terms expire 07/01/13

Applying for appointment: Janice M. Snell, resident
Michael E. Williams, resident

Applying for re-appointment: Booker T. Young, resident
Rebecca WynKoop-Seymour, non-resident, owns property in City

A vacancy is due to the expiring term of Booker T. Young and Rebecca WynKoop-Seymour.

Mayor Van Sickle reported that five applicants applied for appointment to the Housing Authority Board, but one application was received after the deadline. He said that after reviewing the other four

applications and calling references asking for opinions, comments etc., he would like to re-appoint Booker T. Young to serve as a member to the Housing Authority Board for a term to expire on 07/01/13, and to appoint Michael E. Williams to serve as a member to the Housing Authority Board for a term to expire on 07/01/13. Commissioner Rogers made a motion confirming the appointments made by the Mayor. The motion was seconded by Commissioner Thornhill.

By voice vote:

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

The motion carried 3-2.

Lakes Advisory Commission - Members are appointed by the Mayor and confirmed by the City Commission. The Lakes Advisory Commission consists of seven (7) members. At least six (6) members must reside in the City, and no more than one (1) member may reside outside the City. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Two (2) vacancies: terms expire 07/01/12
One (1) vacancy: term expires 07/01/11

Applying for appointment: None.

Applying for re-appointment: Floyd A. Johnson, Jr., resident

Vacancies are due to the expiring terms of Floyd A. Johnson, Jr. and Ira (Andy) Anderson, and the resignation of John P. Caraway.

Mayor Van Sickle re-appointed Floyd A. Johnson, Jr. to serve as a member to the Lakes Advisory Commission for a term to expire on 07/01/12. Commissioner Wheeler made a motion confirming the appointment made by the Mayor. The motion was seconded by Commissioner Howell.

By voice vote:

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

The motion carried 5-0.

Library Board - Members are appointed by the City Commission. The Board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid occupational license issued by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

There is no interview process requirement for applicants applying for appointment to this board.

One (1) vacancy term expires 07/01/14

Applying for appointment: None.

Applying for re-appointment: Beverly J. Lamar, resident

A vacancy is due to the expiring term of Beverly J. Lamar.

Commissioner Wheeler made a motion to re-appoint Beverly J. Lamar to serve as a member to the Library Board for a term to expire on 07/01/14. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 5-0.

Parks and Community Appearance Advisory Board - Members are appointed by the Mayor and confirmed by the City Commission. The Board consists of seven (7) members. A majority of the members shall reside or own property within the city limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. Members are appointed for terms of three (3) years, except that the initial terms of the members shall be staggered so as to provide two (2) vacancies at the end of each year. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Two (2) vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for re-appointment: Charles J. Fairchild, resident
Marshall Whidden, non-resident; business tax; owns property in LW

Vacancies are due to the expiring terms of Charles J. Fairchild and Marshall Whidden.

Mayor Van Sickle re-appointed Charles J. Fairchild and Marshall Whidden to serve as members to the Parks and Community Appearance Advisory Board for a term to expire on 07/01/12. Commissioner Wheeler made a motion confirming the appointments made by the Mayor. The motion was seconded by Commissioner Howell.

By voice vote:

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

The motion carried 5-0.

Planning & Zoning Board – Members are appointed by the City Commission. The Board consists of seven (7) members. Members must reside in the city, own property in the city or hold a valid occupational license issued by the city. (3-year term)

An interview process is necessary for new applicants only.

Two (2) vacancies: terms expire 07/01/12

Applying for appointment: None.

Applying for re-appointment: Joanne "Jo" M. Fuller, resident
Christopher Lutton, resident

Vacancies are due to the expiring terms of Joanne "Jo" M. Fuller and Christopher Lutton.

Commissioner Rogers made a motion to re-appoint Joanne "Jo" M. Fuller and Christopher Lutton to serve as members to the Planning & Zoning Board. The motion was seconded by Commissioner Thornhill.

By voice vote:

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

The motion carried 5-0.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for some boards to obtain a quorum.

[End agenda memo]

Agenda Item 13. Discussion of Financial Statements for May 31, 2009, Fiscal Year to Date

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

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

SYNOPSIS

The financial statements report revenues received and expenditures made since 10/1/2008. At the end of May we have completed 66.7% of the fiscal year; both revenues and expenditures are running behind target.

The unaudited financial statements for the City of Lake Wales for the Period Ending May 31, 2009 are presented to the City Commission for review. At the end of May, the City is 66.7% into the fiscal year. Seventeen of twenty-six payrolls (65.4%) have been expensed through May 31. Revenue and expenditure budgets have been adjusted to reflect both Budget Amendment #1 and #2.

SUMMARY

The following chart gives a brief summary of overall operating revenue and expenditure performance as of May 31, 2009. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis:

Fund	Budgeted	Actual at 5/31	Target at 5/31	Actual at 5/31 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues ¹	\$10,959,493	\$8,130,629	\$8,281,780	(\$151,151)	-1.4%
Expenditures ³	\$10,763,769	\$6,780,248	\$7,175,846	(\$395,598)	-3.7%
Special Revenue					
Revenues ¹	\$6,323,629	\$3,887,144	\$5,563,747	(\$1,676,603)	-26.5%
Expenditures ³	\$4,408,938	\$2,514,887	\$2,939,292	(\$424,405)	-9.6%
Debt Service					
Revenues ³	\$2,392,495	\$1,577,261	\$1,594,997	(\$17,736)	-0.7%
Expenditures ²	\$2,436,478	\$1,773,151	\$1,773,151	\$0	+0.0%
Utilities					
Revenues ¹	\$6,850,140	\$4,315,916	\$4,409,466	(\$93,550)	-1.4%
Expenditures ³	\$6,913,450	\$3,795,351	\$4,608,967	(\$813,616)	-11.8%
Airport					
Revenues ³	\$101,403	\$53,869	\$67,602	(\$13,733)	-13.5%
Expenditures ³	\$101,403	\$76,783	\$67,602	\$9,181	+9.1%

¹ Revenue target = prior year performance at same point in fiscal year

² Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

³ Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of May we are 8/12 or 66.7% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, operating revenues in relation to budget are about where we would expect them to be at the end of six months. There are a few potential problem areas that we are watching.

Revenue estimates in the General Fund and Transportation Fund were revised downwards with Budget Amendment #1 and #2, and analysis of the financials at 5/31/09 is in relation to the amended budgets. These two funds are affected by shortfalls in the state budget which necessitated reduction of revenues shared with the cities (sales taxes and gas taxes). We will be monitoring the State's website for additional reductions in revenue projections as the fiscal year progresses. It is likely that additional downward revisions will be necessary before the end of the current fiscal year.

Building permits and other development fees are running far behind target. By the end of May 2008, we had received \$367,130 from these sources (\$256,001 for building permits; \$111,129 for development permits). At the end of May 2009, we had only received a total of \$112,240 (\$99,586 for building permits; \$12,654 for development permits). This is less than one-third the revenue from these sources than was received in the prior year.

Water and sewer revenues at the end of May 2009 were \$59,596 behind where they were in May 2008 (water, -\$100,112; sewer, +\$40,516). If we use 66.7% of the fiscal year as the target level, however, water revenues were \$237,486 under target and sewer revenues were \$10,385 over target. This is a

combined shortfall of \$227,101 compared to budget. Fortunately, operating expenditures are also running behind target at the end of May. Excluding project costs funded by CRA bond proceeds, Utility Fund expenditures were 11.8% or \$813,616 below the target level.

Operating expenditures in the General Fund are running 3.7% below target (-\$395,598), and operating expenditures in the other Funds are running behind target levels with the exception of the Airport Fund which is ahead of target (+\$9,181). Spending has been limited wherever possible because it is anticipated that expenditure budgets will have to be reduced if revenues continue to fall short of budgeted levels.

The City has not borrowed any money from the Pool/Tax Anticipation Investment Account. The balance at the end of the last fiscal year and the current balance are as follows:

	9/30/08	5/31/09	Difference
Pool/Tax Anticipation Investment Account	\$1,037,852	\$1,040,582	\$2,730

On the face of it, the City's overall cash position at the end of May 2009 declined significantly from the cash position at the end of May 2008 (-\$2,052,725). In order to make a valid comparison, however, the following adjustments must be made:

	5/31/08	5/31/09	Difference
Total Cash & Investments	6,832,020	4,779,295	(2,052,725)
Due to Other Governments	(370,273)	(59,845)	
Insurance Proceeds & Other Airport Cash	(947,013)		
Deferred Revenues*	(463,224)	(410,773)	
Customer Utility Deposits**	(509,123)		
Cash & Investments Net of Adjustments	4,542,387	4,308,677	(233,710)

* reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc), at which time revenue will be recognized

** customer utility deposits were reclassified from cash to restricted assets at 9/30/08

After excluding cash that has been collected on behalf of other governments, unexpended Airport insurance proceeds, deferred revenues, and customer utility deposits, the City's overall cash position at the end of May 2009 was \$233,710 lower than at the end of May 2008.

In comparison to the cash position at April 30, 2009 of \$5,107,618, the May position shows a decline of \$798,941. This reduction was partly the result of the fact that \$424,571 in CRA operating revenues were used to advance the costs related to bond-funded projects. CRA bond proceeds will be drawn down in June to reimburse operating revenues. Much of the remainder of the cash draw-down is due to the timing of ad valorem tax receipts; i.e., tax revenues are received for the most part in December and January, but will fund operating costs through the end of the fiscal year.

[End agenda memo]

Mayor Van Sickle asked how the City came up with the projected target for revenues in the General Fund. Ms. Delmar said that in the General Fund we compare to where we were last year in time in terms of percent of the total revenues received at the end of the year. General Fund revenues received through the end of May as a percent of what we have received for the entire year, is our target for this year.

CITY MANAGER'S REPORT

Adult Daycare Facility: Harold Gallup, Economic Development Director, reported that the project is moving forward, it is on schedule, and at this time funding is in place.

Mayor Van Sickle asked about the status of the landscaping project for the new memorial site located in front of the Municipal Administration building. Mr. Torrance said landscaping work began last Friday, and that he would follow up on the project in the morning to find out the status of completion.

COMMUNICATIONS AND PETITION

Jean Scott, 306 Townsend Avenue, asked about a possible roof leak in the northeast corner inside the entrance of the Municipal Administration building. She said there have been leaks in the building before and that the roof is supposed to be new. Mr. Otte said that he did not know anything about the leak but he would look into it.

Ruth Dampier, 1154 S. Lakeshore Blvd., asked if any flowers would be planted around the new memorial site located in front of the Municipal Administration building. Mayor Van Sickle said yes, as part of the landscaping project just discussed.

CITY COMMISSION COMMENT

Commissioner Howell thanked the Police Department for addressing the little problems around town before they grew into bigger problems.

Commissioner Rogers said the reason he brought up the issue of Mayfair owing the City money is because they need to pay up. He is hoping to embarrass them into paying instead of having to handle it through court because the City needs the money for its budget. Mr. Galloway said last week he was finally able to make contact with the attorney for Mayfair. The attorney said that she would talk to her client to see if the issue can be resolved. Mr. Galloway said if he does not hear back from the attorney very soon, he will be forced to proceed with the action to secure that money.

Commissioner Wheeler asked about the reward cards that Florida Refuse promised to give out to the best recyclers in town. He has not heard anything from them regarding that. Dorothy Pendergrass, Finance Director, said she has been working with Florida Refuse. A promotion will start the last week in June. Five residents will be selected each week to receive a \$20 gift card for a five-week period. The 25 residents selected will receive a door hanger with a congratulatory letter signed by the Mayor letting them know that they can pick up the \$20 gift certificate from the cashiers office at the Municipal Administration building. A very nice sign saying "Go Green to Make Green" will be placed in their yard to acknowledge their effort. Commissioner Wheeler said although the gift cards are a year late, they are better late than never. He asked the status of the commercial recycling effort. Ms. Pendergrass said she would follow up on that. Mr. Otte said he would add that to the tracking report.

Commissioner Thornhill said he received complaints from residents saying that soccer players at Kiwanis Park harassed them. He asked if the City rents that field out on the weekends. Mr. Otte said the City does rent the field out, but a group shows up on Sunday afternoons to play soccer without reserving the field. Commissioner Thornhill asked if there is a way to find out if the group reserves the field. Mr. Otte said he would check on that, but he does not think the group is reserving the field. They just show up and play.

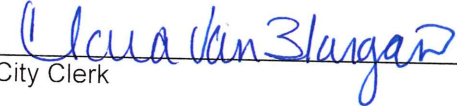
Mayor Van Sickle said on Monday a resident complained that they have been on the waiting list for a tote from Florida Refuse for four months. Mayor Van Sickle said he personally checked into that and the City has them on the list as having a tote. He said there have been other residents complaining of the same thing and the City had them listed as receiving a tote. Apparently, Florida Refuse is delivering totes to the wrong resident. Commissioner Wheeler said he received an extra brown tote that he did not request. Mr. Otte said the procedure could be changed to verify with the resident when Florida Refuse says it was delivered.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk

