

The regular meeting of the Lake Wales City Commission was held on January 17, 2012 at 6:00 p.m. in Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter following the Invocation and Pledge of Allegiance.

#### **INVOCATION**

The invocation was given by Dr. Moyer.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Jonathan Thornhill; John Paul Rogers; Betty Wojcik, Terrye Y. Howell; Michael S. Carter, Mayor

**COMMISSIONERS ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Terry Leary, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk;

[Meetings are recorded but not transcribed verbatim]

#### **MAYOR**

**Agenda Item 5. Presentation: Master City Clerk Certification to Lake Wales' City Clerk Clara VanBlargan**

City Clerk Clara VanBlargan was presented a plaque by the City Manager of Frostproof on behalf the Florida Association of City Clerks for achieving her Master Municipal Clerk Certification from the International Institute of Municipal Clerks and the Florida Association of City Clerks, a certification that only 12% of its 10,000 plus members have achieved.

Mayor Carter said they were all very proud of Ms. VanBlargan's achievement.

#### **CONSENT AGENDA**

Mayor Carter pulled Agenda Item 7 for separate discussion and vote.

**Agenda Item 6. Envisors, Inc. Engineering Task Authorization #12-01 Mountain Lake Cut-off Road Utility Relocations**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

Staff requests commission to give approval to enter into an engineering contract with Envisors Inc to perform engineering services related to the relocation of utilities in the Department of Transportation right-of-way at the intersection of Mountain Lake Cut-off Road and SR 17.

#### **RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

1. Accept the attached proposal for a minimum amount of \$15,000 not to exceed \$17,500 to perform engineering services associated with this project.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

The Department of Transportation (DOT) is proposing to install a traffic signal and widen the road at the Mountain Lake Cut-Off Road and Scenic Highway intersection. As a result of this construction, city staff is faced with the task of relocating its water main further to the rear of the right-of-way. When staff reviewed the phase one set of plans DOT was notified of the location of the City's water main in the area and the potential conflicts that may occur during construction.

City staff received notification that DOT awarded the project to its contractor on December 12, 2011. It is now time to proceed to the next step which would involve the submission of plans and permit applications to the various agencies for permitting. Once the permits are received, city staff will then place the project out to bid. Staff is requesting that the commission accept the attached proposal and authorize the City Manager to execute the appropriate documents on the City's behalf.

## **OPTION**

None. The utilities have to be relocated to avoid being in conflict with the work that DOT has proposed to perform at the location.

## **FISCAL IMPACT**

\$150,000.00 has been placed in the Capital Improvement Budget for year 2011-2012 for the relocation of the water main.

[End agenda memo]

## **Agenda Item 8. Municipal Election Administration Agreement with Polk County Supervisor of Elections**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

## **SYNOPSIS**

The approval of the Election Administration Agreement will allow the Supervisor of Elections to provide for the administration of the City's 2012 Election at no cost to the City.

## **RECOMMENDATION**

Staff recommends that the City Commission approve the Municipal Election Administration Agreement with the Polk County Supervisor of Elections for the administration of the City's Election to be held on Tuesday, April 3, 2012.

## **BACKGROUND**

Pursuant to the commitment of Lori Edwards, Polk County Supervisor of Elections, to assist cities holding their elections on Municipal Election Day, it is necessary to authorize the Mayor to execute the "Municipal Election Administration Agreement" with the Polk County Supervisor of Elections for the administration of

the City Election on April 3, 2012. This agreement stipulates the administrative duties that will be performed by the Elections Office and by the City.

## OPTIONS

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

## FISCAL IMPACT

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

[End agenda memo]

Commissioner Thornhill made a motion to approve the Consent Agenda excluding Item 7. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

## Agenda Item 7.           MXU Transmitter Purchase

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

## SYNOPSIS

Purchase 250 additional MXU transmitters for installation on approximately 500 meters, at a cost of \$37,500.00, to be added to the FlexNet Meter Reading System.

## RECOMMENDATION

It is recommended that the City Commission:

1. Approve the expenditure of \$37,500.00 for the purchase of an additional 250 MXU transmitters.

## BACKGROUND

For several years City staff members have discussed with vendors the possibility of switching to an automatic meter reader system. Over the past few years water meter company representatives encouraged City staff to switch the entire system at once, which would require a great expense up front. To help the City implement the new system, they brought in financing companies and laid out plans for us to borrow about \$1 million to retro-fit the system. City staff rejected that plan. In its place, City staff

developed a different plan – one that the company representatives criticized as not being the industry standard - for implementing this new technology. The City plan has several steps:

- 1) Requiring all water meters installed for new buildings be “touch read” ready;
- 2) Replacing worn-out meters with radio read meters; and gradually, over a number of years, retro-fitting existing meters to “touch read” ready;
- 3) When an area is ready for “radio read”, changing each meter from touch read to radio read is a simple procedure that takes very little time per meter.

The current budget has funds allocated for the implementation of these water meter improvements. In addition, these improvements were noted when the City Commission changed the pricing for the installation of water meters referenced in Ordinance 2007-06.

The City has been requiring new developments to purchase the touch read meters as noted in step one. Step two is underway, with the replacement of old meters in the system, as change outs occur throughout the city. Step three was the conversion from touch read to radio read of all of the meters in Lake Ashton, Carlsberg, Dinner Lake, and Brookshire.

The City Commission at its April 4, 2008 commission meeting approved the purchase of the FlexNet Meter Reading system. City staff has installed approximately 1300 MXU's since the start of the project. These 1300 MXU's has the capability to service up to 2600 meters. Currently there are 2600 meters being billed on the radio read system. City staff is now ready to purchase 250 additional MXU transmitters for installation by the utilities field personnel. These 250 transmitters have the potential to service an additional 500 meters resulting in approximately 34% of the meters on the FlexNet system.

Sensus Metering Systems is considered a sole source in this situation in that they are the original manufacturer of the meters and software and they use HD Supply Waterworks, LTD, as their sole subcontractor.

#### **OPTION**

Abandonment of the implementation of the system would miss the opportunity to maximize the efficiency of the system as planned.

#### **FISCAL IMPACT**

The current budget has funds budgeted for this program in the Water Operations budget, for meter change outs and retro-fitting existing meters. The original budgeted amount was \$140,000. There is currently \$110,595.00 remaining in this budget line item.

[End agenda memo]

Mayor Carter said he was concerned with the lack of information given to them such as delivery charges and the amount of sales tax. Utilities Project Administrator Sarah Kirkland said the transmitters cost from \$150 to \$155 each, and there will be no sales tax or shipping fees. Mayor Carter asked the following questions:

- Mayor Carter asked how staff knew that the quoted price was the best price the City could get. He said that HD Supply Waterworks is the parent company and there are many distributors, each one determining their own charges. Ms. Kirkland said that was the current price.
- Mayor Carter asked if it went out for bid and Ms. Kirkland said they did not have to go out to bid because HD Supply Waterworks is their sole source and the only supplier as close as Orlando. The City buys its meters and transmitters from them and also the FlexNet Systems.

- Mayor Carter said the City would not deal directly with HD Supply Waterworks but rather with its distributors. Ms. Kirkland said when they place their inventory order they do deal directly with HD Supply Waterworks.
- Mayor Carter asked that from now on this type of information be included in the memo.

Commissioner Thornhill made a motion to approve Agenda Item 7. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **Agenda Item 9. Ordinance 2012-02, Shooting Ranges, Indoors – 1<sup>st</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

Ordinance 2012-02 provides for indoor shooting ranges in the I-1, I-2, LCI, BP and C-3 zoning districts.

#### **RECOMMENDATION**

Staff recommends approval after first reading and public hearing of Ordinance 2012-02 establishing shooting ranges, indoor as a permitted use in the I-1 Industrial Park, I-2 Industrial In-fill, LCI Limited Commercial Industrial, BP Business Park, and C-3 Highway Commercial zoning districts.

At its regular meeting on November 29, 2011 the Planning and Zoning Board voted to forward a favorable recommendation to City Commission for the approval of Ordinance 2012-02.

#### **BACKGROUND**

The subject of shooting ranges within the City of Lake Wales has been under discussion for the past couple of years. Several public hearings have been held on the topic.

The Development Review Committee (DRC) and the Planning Board both recommended that indoor ranges are the type that would be appropriate within the corporate city limits. Outdoor ranges were also discussed and the consensus was that they would be appropriate in an agricultural zoning district. The city does not have an agricultural zoning district.

Staff has defined *shooting ranges, indoor* as an indoor facility where firearms are discharged at targets and is fully enclosed building of masonry construction that is sound proof. The zoning districts that are

recommended are those that allow for the most intense uses and have established regulatory provisions that will insure that a shooting range will not negatively impact existing surrounding businesses or future businesses in the area.

## **FISCAL IMPACT**

The city will benefit through tax revenue if a business of this type locates here.

## **OPTIONS**

Commission may choose not approve Ordinance 2012-02 and shooting ranges will remain as a prohibited use in the city. Commission may also choose to amend which zoning districts are appropriate.

[End agenda memo]

Ms. VanBlargan read Ordinance 2012-02 by Title only

### **AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; DEFINING SHOOTING RANGE, INDOOR; ALLOWING "INDOOR SHOOTING RANGE" AS A PERMITTED USE IN THE I-1 INDUSTRIAL PARK, I-2 INDUSTRIAL IN-FILL, LCI LIMITED COMMERCIAL-INDUSTRIAL, BP BUSINESS PARK, AND C-3 HIGHWAY COMMERCIAL ZONING DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Rogers said he thought the Commission should approach this item with caution so they do not run afoul of the new state laws concerning shooting ranges. City Attorney Chuck Galloway said the most recent legislation did not affect the ability of municipalities to zone shooting ranges.

Commissioner Howell asked if this ordinance would allow shooting ranges in many areas of Lake Wales, in a few areas, or just one or two. Planning and Zoning Director Margaret Swanson said it would permit shooting ranges in the following areas:

- The C-3 zoning district around the mall from Lowe's to Wendy's; on the south side of SR 60 from 11<sup>th</sup> Street to WalMart along with some areas on the north side; and at the intersection of US 27 and SR 60
- The I-2 zoning district in the older commercial and industrial areas along Scenic Highway north of downtown Lake Wales
- The I-1 zoning district in the airport area and some areas along Scenic Highway
- The LCI zoning district in some areas along US 27 and along Scenic Highway
- The BP zoning district in the Longleaf Business Park and a few empty parcels on the southern part of US 27

Commissioner Wojcik said she was okay with the ordinance as long as only indoor shooting ranges are approved.

Mayor Carter wanted to make sure the ordinance only approved totally enclosed shooting ranges that had roofs and Ms. Swanson confirmed that it would require it to be a concrete building with a roof.

Mayor Carter asked for the definition of firearms. City Attorney Chuck Galloway said that types of firearms would not be included in this ordinance because this only covers the zoning. The Mayor asked the following questions:

- Mayor Carter asked if Commission approval would be allowing any type of firearm. Mr. Galloway said that would depend on what the company or individual chooses to install and how much money they are willing to invest. He said he was sure a range could be created that would accept more than 22 pistols or rifles if built to military standards. But a company would not allow a gun of

a higher caliber to be used on a backstop that was not built to handle it because they would be throwing money down a hole.

- Mayor Carter asked if this ordinance was a blank check, without parameters, and any fire power could be brought to Lake Wales as long as the building was able to hold it. Mr. Galloway said he did not believe fire power parameters could be legally set because of the legislation that was just passed. He said that the size weapon would be determined by how much someone was willing to invest and the return they will get from that investment. He said, for example, that a building capable of accommodating 30 caliber rifles would require a significantly higher investment than for a 22 rifle.
- Mayor Carter asked if it would be up to the owner to make sure that a higher power fire arm was not used in their facility, or could the city have control over that. Mr. Galloway said he didn't believe, under the new legislation, the city could control that either. But he reminded them that this particular ordinance only covered the zoning issue.

Commissioner Howell asked if the type of fire power they planned to use would be included in their building plans when they try to get their building permit and if they would be held to what they stated. Ms. Swanson said they are requiring a concrete block building but the type of fire power would not come under the zoning regulations. The building official would be reviewing the standards based on the purpose of the building. Mayor Carter asked if City staff would have that information and know what type of building would be needed for different caliber guns. Ms. Swanson said she could not answer that question. Commissioner Rogers said he was sure the insurance company would make sure the building met the needed National Rifle Association specifications.

Commissioner Rogers asked the city attorney if he should be recused from voting on this ordinance because having shooting ranges in town would benefit his business selling guns. Mr. Galloway said he did not need to recuse himself because there would be no direct gain.

Mayor Carter asked if it would be in violation of state legislation if they did not vote for shooting ranges in Lake Wales. Mr. Galloway said it would not be an issue because this was only for zoning, which was not restricted in the new legislation. Ms. Swanson said whether to allow indoor shooting ranges was completely up to the Commission.

Because the Police Department has an indoor shooting range, City Manager Terry Leary asked the Police Chief to shed some light on the kinds of weapons a building could accommodate.

Police Chief Chris Velasquez said he believed if someone was putting that much money into building an indoor shooting range, it would be done right, with reinforced concrete. The most important element in the building would be the backstop, which would have to be obtained through a distributor. And the owner would certainly be told by them what level gun could be used for each type of backstop. Allowing someone to shoot a higher caliber gun than the backstop's limitation would open them up to great liability and would tear up the building at great cost to repair, so he was sure they would ensure that the proper equipment was being used. But, the present ordinance covers only where this type facility would be allowed, if allowed at all. The development, design and implementations of them would be a whole different set of standards.

Mayor Carter said by passing this ordinance, a door will be opened without them knowing what will be built there because it would allow any type of gun from a 22 caliber weapon to a bazooka, which he did not feel totally comfortable with. Commissioner Rogers assured him that very stringent EPA standards would have to be met. He said his experience has been that most ranges are built for small caliber hand guns and the owner will know they are liable if a bullet should get out and strike someone. He estimated that it would cost roughly \$200,000 to build a range similar to that of the Lake Wales Police Department.

Commissioner Wojcik said that in addition to our City building codes, there are state and federal regulations and standards that would have to be met. Commissioner Rogers added insurance

requirements to the list. Commissioner Wojcik said that the zoning issue is one thing. The rest will be regulated by local, state and federal requirements and though a concern is valid, she believed the regulations would take care of it.

### **OPENED PUBLIC HEARING**

There were no public comments.

### **CLOSED PUBLIC HEARING**

Commissioner Thornhill made a motion to approve Ordinance 2012-02 after first reading and public hearing. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

### **Agenda Item 10. Ordinance 2010-03, Development Impact Fee Study and Schedule – 1<sup>st</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

Impact fees must be updated periodically to reflect the most current and local data used as a basis for the fees. The "Development Impact Fee" study completed by Clarion Associates in December recommends significant reductions in most impact fees. Passage of the ordinance will adopt the impact fee study including the fee changes. Recommended reductions in fees will be effective immediately. Recommended increases in some fees will be effective April 9, following notification requirements of state law. Impact fees are charged by the city to cover the capital costs of providing water, wastewater, fire/emergency, police, library, and parks services to new development.

### **RECOMMENDATION**

Staff recommends approval of Ordinance 2012-03 upon first reading. A public hearing is not required for a first reading, but a hearing was advertised to provide public notice of changes in the fees.

### **BACKGROUND**

Ordinance 2012-03 adopts the impact fee study prepared by Clarion Associates including a new fee schedule, reducing the vast majority of impact fees based upon the City's current capital improvements plan and costs for providing facilities to serve new development. Fees for a single-family house are proposed for a reduction of \$1,460 (\$8,730 per unit to \$7,270) and for multi-family, a reduction of \$2,664 (\$7,147 per unit to \$4,483).



Reductions in fees will be enacted immediately upon passage of the ordinance per the schedule at the end of the ordinance. Recommended increases proposed for a few categories will take effect in April in order to comply with the state's 90-day notice requirement for fee increases. The increases all involve Fire/EMS fees, notably those for assisted living facilities, proposed for a \$91 increase per bed in the north service area and \$72 in the south service area.

The impact fee study was presented to the City Commission by Dwayne Guthrie with Clarion Associates at a workshop on October 4, 2011. The final study, dated December 26, 2011, has the same proposed fee schedule as the September 29 draft presented at the workshop. Some editorial changes have been made in the text, but, essentially, the report is unchanged. No questions or comments have been received from the Commission or the public since the draft was presented.

The contract with Clarion Associates has been fulfilled. If the Commission would like Mr. Guthrie to be present at the second reading/public hearing to answer questions, an additional fee would be charged. In the alternative, questions could be given to staff prior to second reading so that answers can be provided at the hearing.

**Specific changes proposed in the ordinance:**

Section 1 – Adds the intent to comply with state statute 163.31801 requiring impact fees to be based on the “most recent and localized data.”

Section 2 – Adopts the impact fee study update by Clarion Associates and the revised impact fee schedule.

Section 3 – On the advice of the consultant, this section removes the percentage limit on impact fee credit for a land donation by a developer. The existing ordinance allows only 1/3 of the value of the land to be credited. Please keep in mind that no credit can be granted on an impact fee without City Commission approval.

Section 4 – Removes and incorrect reference to wastewater services in the police impact fee section of the code.

Section 5 – Corrects a cross-reference in the library services section.

Section 6 - Updates the reference to the impact fee schedule (no longer referred to as “Schedule B.”)

Section 7 - Updates reference to “Schedule B” and removes outdated language pertaining to prior agreements with developers on impact fees. The City currently has no agreements with provisions locking developments into prior impact fee schedules. A reference is also added noting that an impact fee is due upon a change of use of a property. The fee is charged per section 23-768 of the code if the new use has a higher impact than the previous use.

Section 8 – The minimum time period for reviewing impact fees is increased from two years to five years. The “industry standard” is five years. However, significant changes in factors pertaining to the impact fee calculations would trigger an adjustment sooner than five years. For instance, if the City made changes to the Capital Improvements Program which would justify a decrease or an increase in impact fees, the adjustment must be made as soon as feasible rather than waiting for the five-year review.

Section 9 – Severability clause (standard language for this type of ordinance).

Section 10 – Effective dates. The proposed decreases in impact fees, shown on the first schedule, are to be effective immediately upon passage of the ordinance. Proposed increases, shown on the second schedule, will become effective April 9, ninety days after the first advertisement of the ordinance, as

required under state statute. Both schedules are based upon Figure 2A of the impact fee study as adopted in Section 2.

## FISCAL IMPACT

The proposed changes in impact fees will reduce revenue to the City for paying for capital facilities to provide for new growth. The new fees reflect the City's costs based upon current and local conditions. Maintaining current fees is not justified by the study.

## OPTIONS

Ordinarily, the second reading would be scheduled for the next Commission meeting, February 7. If more time is needed for questions, the hearing could be continued to a later meeting for further discussion of the proposed ordinance. However, recommended reductions in impact fees will not be available to applicants until the ordinance is adopted.

[End agenda memo]

Ms. VanBlargan read Resolution 2010-03 by title only.

**AN ORDINANCE AMENDING ARTICLE VII, DIVISION 4, PUBLIC FACILITIES IMPACT FEES OF CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, LAKE WALES CODE OF ORDINANCES, BY ADOPTING THE 2011 STUDY ENTITLED "DEVELOPMENT IMPACT FEES, CITY OF LAKE WALES, FLORIDA"; AMENDING THE SCHEDULE OF IMPACT FEES TO BE ASSESSED FOR THE CAPITAL COSTS OF PROVIDING POTABLE WATER, SANITARY SEWER, POLICE, FIRE/RESCUE, PARKS, AND LIBRARY SERVICES; ADDING THE INTENT TO MEET THE REQUIREMENTS OF THE FLORIDA IMPACT FEE ACT; ELIMINATING THE LIMITATION ON IMPACT FEE CREDITS FOR DONATION OF LAND; AMENDING PROVISIONS FOR UPDATING IMPACT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Thornhill said the purpose of the study was to give them answers to questions, which they have, and that hopefully this ordinance will make an impact.

Mayor Carter asked how Lake Wales lines up with other cities. Planning and Development Director Margaret Swanson gave them the following analysis but said she could get more information for second reading if requested.

- The Lake Wales current impact fees for single family dwellings are presently the highest compared to the six cities contacted (Auburndale, Bartow, Davenport, Haines City, and Winter Haven) but it will drop slightly to 2<sup>nd</sup> highest under the proposed impact fees;
- For office buildings we are presently 4<sup>th</sup> out of the six but would drop down to 5<sup>th</sup>;
- For restaurants we are presently 5<sup>th</sup> and would stay there though the fees would be reduced by \$10,000.

Mayor Carter said the additional information might be helpful to them if she could provide it.

Mayor Carter asked who establishes when impact fees have to be updated. Ms. Swanson explained that State law requires them to use the most recent and localized data. Unless there is a big change in capital programs or other factors that might impact the fees, you can update them every five years as long as the fees are kept current. State law requires a 90-day public notice for any increase in impact fees. Although most of the impact fees are proposed for decreases; there are a few that are increasing. The schedule has to be changed in two stages with the increases going into effect April 9:

- Those fees being reduced can be implemented right after passage at second reading;
- Those fees being increased require a 90-day notice by State requirement.

Ms. Swanson explained that this ordinance was advertised to meet the public notice requirement, and if the public hearing is continued, staff will not need to re-advertise. The hearing was continued to the February 7<sup>th</sup> City Commission meeting.

**OPENED PUBLIC HEARING**

There were no comments from the public.

**CLOSED PUBLIC HEARING**

Commissioner Thornhill made a motion to adopt Ordinance 2012-03 after first reading. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 11      Adoption of Resolution 2012-02, C Street Project Facilities Plan**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Staff is requesting that the City Commission adopt Resolution 2012-02 C Street Project Facilities Plan.

**RECOMMENDATION**

1. It is recommended that the City Commission adopt Resolution 2012-02 Adoption of the C Street Project Facilities Plan.

**BACKGROUND**

The C Street Project Facilities Plan has been prepared in support of the City of Lake Wales's proposed Lift Station No. 16 Service Area Sewer Replacement Project in accordance with the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) planning document requirements set forth in Chapter 62-503.700(2) F.A.C. The proposed wastewater collection system improvements described herein consist of the replacement of the Lift Station No. 16 service area sanitary sewer system including replacement of the Lift Station No. 16 wet well.

As a result of recent sewer system back-ups and historical operation and maintenance difficulties experienced by City staff, the City of Lake Wales commissioned an engineering study conducted by Envisors (EVI) in 2010 to evaluate the suspected substandard sanitary sewer system contributing to Lift Station No. 16, which is located near the center of the City's utility service area. EVI's engineering study determined that the sewer system for this defined area is substandard due to substandard pipe slopes, pipe materials, and pipe cover. It is also suspected that a significant amount of inflow and infiltration (I/I) is also occurring throughout the system due to the substandard pipe materials and deteriorating manholes.

Therefore staff is seeking approval of the adoption of Resolution 2012-02 Adoption of the C Street Project Facilities Plan.

## OPTIONS

None. The adoption of the Facilities Plan by resolution is crucial, as it is one of the requirements imposed by the Department of Environmental Protection to have a complete packet to be considered for State Revolving Funds.

## FISCAL IMPACT

None.

[End agenda memo]

Ms. VanBlargan read Resolution 2012-02 by title only.

## A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES APPROVING AND ADOPTING THE C STREET PROJECT FACILITIES PLAN

Utilities Project Administrator Sarah Kirkland reviewed Agenda Item 11.

For clarification, Mayor Carter asked for the definition of inflow and infiltration and when the pipes needed to be replaced. Ms. Kirkland explained that inflow and infiltration is when water is able to seep in and stated that if it is able to seep in the pipes, it can therefore seep out.

Commissioner Rogers said he was glad they were moving ahead with the C Street project after a slow start. He commented that the sewer system in that location was installed in the 1920's and they didn't work very well then.

## PUBLIC COMMENT

There were no public comments.

Commissioner Howell made a motion to appoint adopt Resolution 2012. The motion was seconded by Commissioner Thornhill.

By roll call Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

## CITY MANAGER'S REPORT

- City Commission Tracking Report: There was no report by the City Manager.

Mayor Carter asked for an explanation of the bid that was cancelled and will be reopened. Utilities Projects Administrator Sarah Kirkland explained that they had been getting questions about the specifications and types of materials being used so they pulled it for clarification purposes.

**COMMUNICATIONS AND PETITIONS**

Mr. David Smith, NAACP President for Lake Wales, commended City staff for the beautiful decorations during the Christmas holidays.

**CITY COMMISSION COMMENTS**

Commissioner Wojcik asked if the process of getting easements for the C Street project have begun. City Attorney Chuck Galloway said they were in the acquisition stage and were examining title evidence. Ms. Kimbrough is in the process of visiting each resident, trying to clarify who the owners of the properties are and without her help the City would be way behind as an extensive numbers of the recorded title owners are deceased. He said they will first find owners that will grant easements by agreement. Once they determine those that won't, usually because they will not accept the property appraiser's assessment based on square footage of the property, those the city contracted to do the eminent domain work will begin the process.

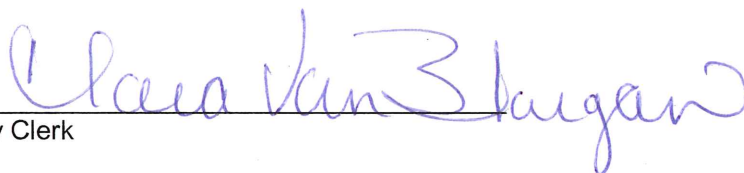
Commissioner Wojcik asked for a timeframe but Mr. Galloway said he could not give one. They would like to have it finished by the August deadline for the CDBG grant application but that will depend on how quickly it goes through the court system, though eminent domain cases are usually given priority.

Mayor Carter asked if anything unanticipated has turned up. Mr. Galloway said there wasn't because he had anticipated that there would be significant amounts of ownership questions and that there would be those who don't accept the property appraiser's assessment .

There being no further business, the meeting was adjourned at 6:37 p.m.

  
\_\_\_\_\_  
Mayor/Commissioner

ATTEST:

  
\_\_\_\_\_  
City Clerk