

The regular meeting of the Lake Wales City Commission was held on February 7, 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. James Moyer.

PLEDGE OF ALLEGIANCE

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

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. Proclamation: Circle F Dude Ranch Appreciation Day, February 7, 2012

Mayor Carter declared February 7, 2012 as "Circle F Dude Ranch Day." Paul Wells was present to receive the proclamation.

Commissioner Rogers recognized city employee Murtis Smith, who passed away last week, for her years of service to the City and asked that a condolence card be sent from the City to her family.

CONSENT AGENDA

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

Agenda Item 6. Approval of Minutes: May 17, 2011, Regular Meeting – Correction
January 10, 2012, Workshop Meeting
January 10, 2012, Regular Meeting
January 17, 2012, Regular Meeting

Agenda Item 8. Purchase of 2 Martel DC3 Digital In-Car Video Systems

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider the purchase of 2 digital in-car video systems using Edward Byrne Justice Assistance Grant funds.

RECOMMENDATION

It is recommended that the City Commission approve the expenditure of grant funds to purchase 2 Martel DC3 Digital in-car video systems from Legatek for \$7,151.00.

BACKGROUND

The Lake Wales Police Department is committed to providing quality law enforcement services to our community. To accomplish this goal it is beneficial to capture information using digital in-car video systems prior to, during and after incidents. In-car video systems provide for the safety of our law enforcement officers, accountability, video evidence and protection against complaints.

If this purchase is approved, one of the in-car video systems will be installed in a police vehicle obtained through an equipment trade with the Polk County Sheriff's Office. The other system will replace an older, less reliable system currently in use in a police vehicle.

The City's Information Technology Department has obtained three quotes for this proposed purchase. LegalTek submitted a quote at \$7,151.00, Sharp Communication quoted \$7,151.00, and Martel Electronics, Inc quoted \$7,436.00. The quote from LegalTek provided the identical equipment as Sharp Communication and Martel Electronics; however, it also included an additional SDHC (memory) card which has a value of \$145.00 to \$149.00 each.

OPTIONS

The City Commission may vote not to approve this purchase.

FISCAL IMPACTS

The Police Department proposes to use funds from the Edward Byrne Justice Assistance Grant (2012-JAGD-POLK-5-C5-096) for this purchase. This grant was previously approved by the City Commission to purchase in-car Video systems.

[End agenda memo]

Commissioner Wojcik asked for clarification regarding Martel and Chief Velasquez said that Martel was the brand of in-car video system, and was also the name of one of the suppliers that placed a bid.

Agenda Item 9. Lake Wales Art Show March 23, 24 and 25, 2012 at Lake Wailes Park; Special Event Permit Application and Request for Overnight RV's

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Approval of this request will allow the 41st Annual Lake Wales Art Show to be held in Lake Wailes Park on March 24 and 25, 2012 and allow artists to set up RV's on March 23, 2012 in a designated area.

RECOMMENDATION

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

1. Approve the Special Event Permit Application for the 41st Annual Lake Wales Art Show to be held March 24th – 25th, 2012 in Lake Wailes Park between the hours of 10:00 a.m. and 5:00 p.m.
2. Approve the request for the set up of RV's by the artists on March 23, 2012 in a designated area established by the City
3. Approve the event with the conditions set forth below

BACKGROUND

Ms. Jean Donaldson, Executive Administrator for the Lake Wales Arts Council, Inc., submitted a Special Event Permit Application for the 41st Annual Lake Wales Art Show to be held March 24th and 25^h, 2012 in Lake Wailes Park between the hours of 10:00 a.m. and 5:00 p.m. The application also includes a request to allow RV's for camping overnight in Lake Wailes Park during the event. Some of the participants would like to stay on site for security reasons and protection of their property. Set up of the RV's would be on March 23, 2012 no earlier than 8:00 a.m.

Per sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit. RV's were allowed previously with the approval of the City Commission. Ms. Shelly Windham will be meeting with City staff and will continue to do so as the event date approaches to ensure that all conditions are met. Ms. Windham has advised that this year they are limiting the number of artists which will reduce the number of spaces needed in the park.

City departments have reviewed and approved the event providing that all conditions are met as follows:

- The RV's will arrive no earlier than 8 a.m. Friday, March 23rd and must depart no later than 7 p.m. on Sunday, March 25th.
- The RV's will be parked in the open area south of the southern entrance to the "Festival Area" of Lake Wailes Park and north of the Central Ave. intersection with Lakeshore Drive
- No parking of vehicles will be allowed off pavement except in the camping area as noted, in the temporary parking area across from the football field, and in the area along the horseshoe drive between the basketball courts and the retention area.
- No vehicles shall be parked or drive within 15 feet of the trunk of any trees within the park. Event personnel will install tape or temporary fencing to protect the trees.
- No vehicles shall drive or park on the bike path or cross the bike path
- Vendors and Artists approved to set up inside the "horseshoe drive" across from the basketball courts shall maintain a 15-foot distance from tree trunks. Vehicles shall be parked on the pavement only.
- Insurance documents for the event shall be submitted prior to the issuance of any tent permits and electrical hook-ups
- Sponsor is responsible for set up, site preparation and assistance with site clean up, additional trash receptacles and sanitary facilities
- Any additional cost for in-kind services from the City for clean up, parking, security, etc. not previously budgeted or requested will be paid at 100% by the Arts Council

OTHER OPTIONS

Do not approve the event or the request for RV's at this event.

FISCAL IMPACT

In-kind services provided by the City were budgeted for FY11-12 in the amount of \$108.00. The Arts Council would be responsible for 25% estimated at \$36.00. This low cost is due to the fact that Arts Council wanted to provide the majority of services to reduce their cost.

If the City were to provide clean up services for both days of the event the cost would be as follows:

Arts Council at 100% - \$938.69

Arts Council at 525% - \$234.67

City Cost at 75% - \$704.02

[End agenda memo]

Mayor Carter asked what was being done to protect the trees from cars parking close to the base. Planning and Zoning Director Margaret Swanson made the following comments:

- Staff is working on designating areas where people can park. Right now it is not clear where people are allowed to park and where they are not, and there are not enough designated areas, especially for athletic events. Ms. Swanson said it is an increasing problem around the horseshoe at Lake Wailes Park because more and more cars park there and even school buses, causing damage to the grass and trees. Once they determine where the designated areas should be, they can beef up enforcement.
- Designated areas: The city code allows parking only in designated areas but it is difficult to enforce because designated areas are not clearly marked and because there is no designated person to enforce it. Mayor Carter suggested the police department should enforce it and Ms. Swanson said it was not a high priority for them.
- Barriers: Ms. Swanson said they plan to put a guardrail at the horseshoe drive-through at Lake Wailes Park. But, there are approximately 450 trees that need attention and guardrails can't be put around all of them. Other alternatives are plantings, fencing, bumper stops, curbs, and also mulching to keep mowers from hitting against them in areas where cars do not go. Commissioner Howell suggested having interested residents contribute funds toward barriers and have "Donated by the (name) family" printed on the barrier,
- Timeframe: Mayor Carter said the City paid thousands of dollars to be advised by an arborist that we need to protect the root systems of our trees or we will lose them and yet nothing has been done. He asked for a timeframe. Ms. Swanson said they plan to put up the guardrails at Lake Wailes Park next month. When complete, cars will not be able to park on the horseshoe drive except for special events.
- Other Projects: They plan to do some tree protection and parking lot designations with this year's CIP budget. Impact fees will be used to protect trees and designate parking in Lake Wailes Park outside of the horseshoe. Funds are also budgeted for improvements in the area across from the Little League fields and at Crystal Lake Park.
- Grants: The City recently was notified of a grant opportunity for trailhead improvements so they will be working at that location. They applied for a FRDAP grant but it was not funded.

Commissioner Thornhill made a motion to approve the Consent Agenda excluding 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.

Agenda Item 7. Lease Agreement with Polk County Fleet Maintenance for Additional Vehicles

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff requests commission approval to modify the lease agreement with Polk County Fleet Maintenance for the lease of three additional vehicles with the option to purchase when the eight year lease is completed.

RECOMMENDATION

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

1. Approve the lease of three additional vehicles for the Water, Reuse, and Utilities Administration Departments from Polk County Fleet in the amount of \$4,609.54 per year. At the end of eight years the City will have the option to purchase the three vehicles for a total of \$15,000.
2. Authorize the Purchasing Department to place the old vehicles on GovDeals for disposal.
3. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The Water, Reuse, and Utilities Administration Divisions have found themselves in the position of needing to replace vehicles that have come to the end of their useful life, vehicles that are not fuel efficient, or a vehicle that was approved for a new position.

The vehicle for the Water Division was approved as part of the equipment needed when the Backflow Technician position and ordinance was brought before the Commission on September 5, 2011. The vehicle for the Reuse Department is a 1996 Bronco that has come to the end of its useful life. It is constantly down for repair and not fuel efficient. By replacing this vehicle, staff expects to see a reduction in maintenance and fuel expenditures.

The vehicle for the Utilities Administration Division is to replace a vehicle that currently receives 15 mpg. The Department would like to trade this for a vehicle with better gas mileage in an attempt to reduce fuel expenditures. This vehicle was acquired as a result of an interdepartmental transfer. Staff had originally planned for the replacement of these vehicles in the 5-yr CIP schedule. Due to the economic state of the city, staff had to keep putting off the replacement of these vehicles until such time funds would allow or a better alternative was present. Staff sees leasing as the better low cost alternative than having a large lump sum expenditure.

Staff is seeking commission approval to enter into an amended contract with Polk County Board of Commissioners – Fleet Management Division to provide the following three vehicles for a cost of \$4,609.54 per year, providing at the end of eight years the City will have the option to purchase the three vehicles for a total of \$15,000. Staff is also asking the Commission to approve the disposal of the old vehicles being replaced.

OTHER OPTIONS

Water Department Vehicle options:

1. A full purchase would result in a current year decrease of cash flow of \$16, 451.57 for the backflow technician vehicle.
2. The lease purchase option with Polk County would result in a yearly decrease in cash flow of \$1,503.02. The City would then have the option in the eighth year to purchase the vehicle for a total price of \$5,000.00. Net cash flow over the life of the lease would be \$17,024.16.
3. The backflow technician would continue to use the Chief Water Operator vehicle, which would further impede on the day to day operations of the plant operators.

As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost but the greatest single annual cash flow decrease. If the City decided to use financing

tions, the Polk lease purchase option would result in the lowest financing cost over the life of the lease. The interest costs of the Polk lease purchase option is \$572.59.

Reuse Department Vehicle options:

1. A full purchase would result in a current year decrease of cash flow of \$16,591.
2. The lease purchase option with Polk County would result in a yearly decrease in cash flow of \$1,603.50. The City would then have the option in the eighth year to purchase the vehicle for a total price of \$5,000.00. Net cash flow over the life of the lease would be \$17,828.00.
3. Retain the existing reuse department vehicle which is old and to the point of being unsafe to drive.

As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost but the greatest single annual cash flow decrease. If the City decided to use financing options, the Polk lease purchase option would result in the lowest financing cost over the life of the lease. The interest costs of the Polk lease purchase option is \$610.89.

Utilities Administration Vehicle Option

1. A full purchase would result in a current year decrease of cash flow of \$16,451.57.
2. The lease purchase option with Polk County would result in a yearly decrease in cash flow of \$1,503.02. The City would then have the option in the eighth year to purchase the vehicle for a total price of \$5,000.00. Net cash flow over the life of the lease would be \$17,024.16.
3. Retain the existing utilities administration department vehicle and continue to deal with the problem of fuel efficiency.

As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost but the greatest single annual cash flow decrease. If the City decided to use financing options, the Polk lease purchase option would result in the lowest financing cost over the life of the lease. The interest costs of the Polk lease purchase option is \$572.59.

FISCAL IMPACT

The Water Department has placed \$7,328 for vehicle leases in the FY 2011'12 operating budget to be funded by operating revenues for this purchase.

The Reuse Department has placed \$3,000.00 for vehicle leases in the FY 2011'12 operating budget to be funded by operating revenues for this purchase.

The Utilities Administration Department has placed \$3,000.00 for vehicle leases in the FY 2011'12 operating budget to be funded by operating revenues for this purchase.

Please see the attached chart for the annual appropriations till residual payout.

[End agenda memo]

Mayor Carter said did not support the leasing of three vehicles instead of purchasing them because leased vehicles immediately decrease in value and is a form of debt. He said the City cannot afford more spiraling debt and we need to start to "pay as we go." The City is half a million dollars short of balancing the budget for next year and he did not know where they would find the money. Utilities Project Administrator Sarah Kirkland explained that initially the three vehicles were part of the capital

improvement budget, but when cuts had to be made, that was the first thing they had to get rid of. Leasing was the most effective way to get the needed vehicles. She reminded him that at a prior commission meeting he wanted staff to address vehicle fuel efficiency and that is what they have tried to do. The three vehicles continue to break down and only get 8.10 to 9.3 mpg.

Mayor Carter suggested finding \$8,000 to add to the almost \$8,000 they have and purchase a replacement for the worst of the three vehicles. Ms. Kirkland said it was easier setting aside \$1,500 to \$3,000 from each department than to come up with \$16,000 from one department. They have cut back their budget to bare bones, so there is no money in any line item in their budget that can be moved to purchase a vehicle.

Commissioner Wojcik said it was not Ms. Kirkland's job to address a policy that the City Commission made regarding the budget. The leasing of the three vehicles was included in the approved budget and Ms. Kirkland is just doing her job. She said if he disagrees with those decisions made by the City Commission, they need to be addressed when they begin to look at next year's budget. One vehicle is needed for the backflow situation and the other two are in horrible shape. She agreed that we would be better off buying the vehicles but the reason for the proposed increased fees for water and sewer was so they could put money aside for CIP projects. At this point we don't have the money and she didn't think they should change mid-stream but should look at those concerns during the next budget process.

Commissioner Rogers suggested getting a few more months out of the vehicles we have. He asked what type repairs were needed. Ms. Kirkland said Fleet checked everything out and could not find why the vehicle won't start. Commissioner Rogers asked if the City saved any money since going to the county for fleet work and City Manager Terry Leary said we saved quite a bit. Purchasing Director Bonnie Hodge said we not only saved, but got money back.

Mayor Carter asked if they really had to have two F-150's and Ms. Kirkland explained why they did, but added that the other proposed vehicle has no whistles and nothing special. Commissioner Rogers said he knew where the Mayor was coming from and believed we needed to get on a firm footing. He was in favor of extending the use of the vehicles a few more months and then plan ahead for the purchase. Ms. Leary said she understood the concern but the vehicles were planned and budgeted and if they don't get them, it will interfere with city operations because the present vehicles are unreliable, leave personnel stranded, and are in the shop more than they are working.

Mayor Carter said they were not making progress by going further in debt. Commissioner Wojcik said they were making progress because they are trying to accumulate the dollars needed to get out of that fix. But it won't happen overnight. The vehicles were in the budget, the budget was approved and the money is not to be found to purchase them because of the economy.

Commissioner Howell agreed that the lease agreement is necessary and that concerns about leasing should be discussed during the next budget process.

Commissioner Howell made a motion to approve the lease of three additional vehicles for the Water, Reuse, and Utilities Administration Departments from Polk County Fleet. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Mayor Carter	"NO"

The motion carried 4-1.

OLD BUSINESS

Agenda Item 10. Ordinance 2012-02, Shooting Ranges, Indoors – 2nd 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 adoption after second 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.

City Commission approved Ordinance 2012-02 after first reading and public hearing on January 17, 2012. The Planning and Zoning Board voted to forward a favorable recommendation to City Commission for the approval of Ordinance 2012-02 at their November 2011 meeting.

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.

OTHER 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 Howell said the specific zones are already in place and Margaret Swanson, Planning and Zoning Director concurred.

Mayor Carter asked for the definition of firearms. Ms. Swanson said they don't have a definition of firearms because this ordinance pertains to zoning. The Mayor asked if they would be dealing with the definition later on and City Attorney Chuck Galloway said that doing so would violate the new legislation that says they as a body cannot control firearms.

OPENED PUBLIC HEARING

Ira Anderson, 2550 Lemon Drive distributed a handout and read the following into the record.

To: City of Lake Wales

Subject: Proposed Firing Range

To whom it may concern: the American Legion Memorial Post 71 (ALM Post 71) and its members have for the last three years or more attempted to acquire a permit to build an outdoor shooting and archery range on the property location at 705 S. 9th Street in the city limits of Lake Wales, Florida. This has been met with a considerable amount of resistance bordering on obstruction.

The ALM Post 71 has complied with the many requests of the Zoning Board even to offering an instructional field trip to the Bartow Sheriff's Department range, which was ignored. The zoning for the property is Professional, which allows a school of instruction to be operated on the premises, criteria the ALM Post 71 fulfilled in the proposal.

The outline for the firing and archery range discusses everything from the hours of operation to the curriculum proposed by the Certified Range Masters and the classes to be held.

The AML Post 71 has submitted a plan to build a range that goes beyond the State of Florida's requirements.

Six to eight months past, the then city manager instructed the Zoning Board to come up with a plan to allow an outdoor instructional firing and archery range. The then city manager allowed that it should not take more than 45 to 60 days for this to occur. At that time, the Commission was in favor of this projected move. It was voted on and approved.

The primary venue of the AML Post 71 is to help Veterans and promote cohesiveness within the community between Veterans and the surrounding populace, to encourage family values and to become a vital part of the community. The school is a means to accomplish this and raise the awareness of firearms/archery safety; also a venue that will allow the AML Post 71 to raise the monies needed to create a safe haven for Veterans in need.

The objection the AML Post 71 has toward an indoor range is multilevel, the first being the safety aspect. The fumes from gunpowder are carcinogenic. The concussion, although wearing headphones, is much more pronounced and has the potential to damage vision in addition to ear damage. The real potential for ricochets is much greater.

The second objection is economic. The cost to build a range to handle both archery and guns/rifles is prohibitive in relation to income based on return of investment and competitiveness of price of use.

The AML Post 71 is unaware if the City has required the school on Burns Avenue to apply for a permit to shoot weapons and fire bow and arrows or not, but it has come to our attention that there have been injuries from these activities. The AML Post 71 would like to remind the Commissioners that the school is an entity just as the AML is and must abide by the rules of the City, as does everyone.

The members of the AML Post 71 feel we have as much right as the school to give instruction in something that we are much more knowledgeable about than a high school teacher.

Mr. Anderson made the following comments:

- He described the extensive schooling a certified Range Master has to go through.
- The ordinance, if passed, will exclude them because the property is not in one of the permitted zones and does not allow outdoor ranges.
- The high school is not in one of the zones, is not in an indoor shooting range so should not be allowed to teach archery and shoot BB guns. If the school is allowed to and they are not, it is discrimination.
- He said the noise level in an outdoor range travels less distance than the noise produced from a high school football game and Legion Field.

Mayor Carter asked what prompted the creation of a firing range ordinance. Planning and Zoning Director Margaret Swanson said it originated with the American Legion's request for an outdoor range on their property on 9th Street. It became a general discussion as to whether or not we should allow ranges and if so, where and what type. The City Commission requested a recommendation. It was taken to the Planning Board and this was their recommendation. They did not think it appropriate to allow outdoor ranges anywhere in the city, and would only be appropriate in an agricultural zone, though none presently exists within the city limits. Mayor Carter asked if anyone had requested building an indoor range and Ms. Swanson said no. Commissioner Wojcik said they are discussing it now so that if someone does request an indoor range, the ordinance will be in place to allow it. She asked if the Planning Board looked at all the issues related to indoor versus outdoor ranges before making the recommendation and Ms. Swanson said they did.

Commissioner Thornhill asked if Hillcrest school was contacted about their archery range. Assistant Planning and Zoning Director Kathy Banglely said they had not spoken to them and she did not know which city employee would be appropriate to question the school board on their curriculum. She said it was her understanding that the public school board would not change their curriculum. She said she felt confident that the ROTC teacher would be the shooting instructor at the high school. At the elementary school they may have someone come in to give instruction or it may be taught by the physical education teacher, though she did not know for sure.

Commissioner Thornhill asked that a letter be sent because the school should be held to the same ordinances as everyone else and there already exists an ordinance against shooting BB guns. Ms. Leary said she would send a letter on behalf of the Commission. Commissioner Howell said she didn't think a city could tell the schools what to do. Mr. Galloway said that our code of ordinances applies to them unless an exemption applies, though they cannot levy a special assessment against a school board. Commissioner Rogers said he believed the city couldn't even inspect their schools because they have their own inspectors. Building Official Cliff Smith said they do not inspect school buildings unless they specifically requested to do so, but that does not apply to fire inspectors.

Commissioner Rogers asked the following questions:

- Commissioner Rogers said he thought they were trying to legislate shooting ranges out of existence. Ms. Banglely said that right now shooting ranges are not allowed in the City and the Commission is trying to provide an opportunity for that type of business to be established if they so choose, though there is no one knocking on the door at the present time.
- Commissioner Rogers asked why it was taking so long for the American Legion to get a shooting range. Ms. Banglely said the site plan was approved in January of 2010 and they have yet to pull a permit. The trailer is currently on site but they have not met all the requirements. She explained the length of time it takes and said she has brought this issue before the Commission two times prior to bringing the ordinance forward. Staff didn't have a lot of knowledge on the subject and had to do extensive research before bringing it forward.
- Commissioner Rogers asked if they were personally opposed to shooting guns and Ms. Banglely said she had been shooting with the Police Chief so she would not be at a disadvantage as she had never done so.

Commissioner Wojcik said the ordinance could not be for a specific project but for general use because if so, that would constitute discrimination. A decision has to be made by the Commission whether or not they want indoor or outdoor ranges within the city limits. Ms. Bangley said that after the state legislation was passed, staff had to take another look at our code to make sure that what was brought forward was not in violation of that legislation. The zoning portion of the state legislation was not changed and local municipalities still have the right to set zoning districts. Commissioner Rogers asked for a copy of the state legislation and Ms. Bangley said she would provide him with a copy. City Attorney Chuck Galloway concurred that the legislation did not restrict the ability of cities to zone ranges.

Ms. Bangley said the American Legion wants to build an outdoor range and wants to classify themselves as a school, which she said was splitting hairs. She said the professional zoning district allows a very narrow range of uses, and she did not think even an indoor range would be appropriate. The property is less than five acres in size and there is an active residential community under construction on one side. Commissioner Rogers said he wanted to make sure they were on solid footing because under the new legislation, commissioners can be held liable. Ms. Bangley said she didn't want any Commissioner to be fined \$5,000 and she didn't want to have to pay it herself or lose her job, so she was very careful. She passed it by the City Attorney and she said she is quite sure they are well within what the state law requires them to do.

Commissioner Rogers asked for confirmation that his voting on this issue would not be a conflict of interest and Mr. Galloway said he could not claim conflict of interest and would have to vote.

Ms. Swanson said the Planning Board did not specifically look at archery ranges because they present completely different issues. She said that would have to be brought forward as a separate issue if the Commission wanted it discussed.

Mayor Carter said there seemed to be a lot of unknowns and because no one has made a request for one, he thought it was not the right time to be voting on it. Ms. Bangley said that if next week someone came in with a request, it would take another 60 to 120 days as they would have to start the process over again. Ms. Leary suggested putting a hold on it because it hasn't been approved or rejected yet, so everything stops. Ms. Bangley said they cannot continue it indefinitely.

Mr. Galloway said there isn't a present existing ordinance regarding shooting ranges at all. It came into being because of a request for a type of range. Staff looked at what was available and a decision was made by the Planning Board for what was appropriate to submit to the Commission for its approval. It was approved once and is here for the second hearing to provide a vehicle, where none presently exists, for someone to build an indoor firing range. Though it is not the kind wanted by the American Legion, it provides an opportunity where none presently exists.

Commissioner Wojcik said it would not prohibit bringing the issue up again at a later time in regards to an outdoor range. Ms. Bangley said the Planning Board, when pressed, said outdoor ranges should only be allowed in an agricultural zone. Creating an agricultural zone was brought up several years ago and turned down by the Commission but it can be brought up again if they want to create an agricultural district. Ms. Bangley said that approving the ordinance simply sets a vehicle in place, and like all ordinances, they can be reviewed and revisited.

Commissioner Wojcik said this ordinance only creates an opportunity for indoor firing ranges and passing it would not have any effect on the safety issue. Commissioner Rogers said he needed a little more time to study before voting on it and asked that it be continued to the next City Commission meeting on February 21st. Mayor Carter said that would give staff time to address some of the objections and safety issues brought up by the American Legion. Commissioner Wojcik said those issues have nothing to do with the zoning. Mayor Carter said if it is approved, it allows a business to open a firing range in that district. Ms. Bangley said each business has to go through an approval process, so approving a zone is

not the last word. Mayor Carter said he thought they were expending a lot of energy and expense when no one has come forward to request it.

Mr. Anderson said he had asked if the American Legion could request a zoning change and was told it could not. Ms. Bangley said staff didn't tell him it couldn't be done. They told him he could apply for a zoning change but it would not be supported by staff based on the zoning around the property. She said the costly fees for the process would not be refundable if it was turned down. Because it was unlikely to happen, they cautioned Mr. Anderson to that effect.

CLOSED PUBLIC HEARING

Commissioner Howell, following second reading and public hearing, made a motion to continue the public hearing for Ordinance 2012-02 to the February 21, 2012 City Commission meeting. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 11. Ordinance 2010-03, Development Impact Fee Study and Schedule – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Impact fees must be updated periodically to ensure that they are based on the most current and local data. 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. Reductions in fees will be effective immediately. 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 following second reading and public hearing. The public hearing was continued from the January 17th meeting to the February 7 meeting.

BACKGROUND

The impact fee study prepared by Clarion Associates recommends reducing the vast majority of impact fees based upon the City's current capital improvements plan and local demographics and conditions. The downturn in growth in the past few years prompted the City to scale back or postpone some of the projects that had been planned to serve new growth, thus reducing projected capital expenditures.

Proposed fee schedules are in Section 10 of the ordinance. Differences between existing and proposed fees are noted on the schedules. Individual fees for parks, libraries, water, and sewer are proposed for reductions, while fire/rescue fees are increasing across the board. Police fees for residential uses are proposed for an increase, but are decreasing for non-residential uses.

The net fee for a single-family house is 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).

Comparison with other cities:

A chart comparing Lake Wales' existing and proposed impact fees to those of several other Polk County cities is attached. The comparisons are for a 2,000 sf single-family house, a 7,000 sf office building, and a 100-seat restaurant.]

Single-family house - Lake Wales currently has the highest fee (\$8,730), proposed for a \$1,460 reduction to \$7,270. The new fee will be second to Davenport by a small margin of \$100. The highest (Davenport's) is 24% higher than the lowest (Winter Haven).

Office building – Lake Wales' fee for a 7,000 sf office building will be significantly reduced by \$6,600, making it the second lowest at \$15,735. Fees in this category range from Bartow's \$12,784 to Haines City's \$29,534.

Restaurant – Fees for restaurants show the widest range, from Bartow's \$11,401 to Haines City's \$94,216. Lake Wales' fee will be reduced by \$10,813 and will be the second lowest.

Effective date

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.

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 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 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

Impact fees are designed to save the tax payers money by charging new development for the capital costs of facilities required to serve it. The amount that can be charged, however, cannot be more than the projected cost to the City. 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.

OTHER OPTIONS

The Commission has the option to adopt lower fees than those recommended. However, this action would reduce revenue needed to pay for projects already on the adopted 5-year Capital Improvements Program.

[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.

Planning and Zoning Director Margaret Swanson reviewed Agenda Item 11.

As requested by the Commission, a comparison of the proposed impact fees with those of other communities in Polk County was presented on a bar graph by Margaret Swanson, Director of Planning and Development. Fees for a single-family house, an office, and a restaurant were compared. Cities

included are Auburndale, Bartow, Davenport, Haines City, and Winter Haven. For a single-family house, Lake Wales' fee will be reduced by \$1,460 to \$7,270 and will be a close second to the highest, Davenport (\$7,370). The fee for an office will go down \$6,606 to \$15,735 and will be second from the lowest, Bartow (\$12,784). The restaurant fee will go down by over \$10,000 to \$30,272, again the second lowest with Bartow in the lowest spot (\$11,401).

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance 2012-03 following second reading and public hearing. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 12. Resolution 2012-03, Amendment to Resolution 2011-05, Establishing the Citizens and Police Community Relations Committee

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Modification of Resolution 2011-05 will allow for more public input and help avoid a lack of quorum so the Committee can meet.

RECOMMENDATION

It is recommended that the City Commission adopt Resolution 2012-03 allowing the Citizens and Police Community Relations Committee to meet at various locations besides the Municipal Administration Building; changing the quorum requirement from three members to two; and changing meeting notice requirements.

BACKGROUND

On May 3, 2011, the City Commission passed Resolution 2011-05, establishing the Citizen and Police Community Relations Committee. The purpose of the Committee was to provide greater citizen input into Police Operations and to afford the Police Department an opportunity to engage the community in meaningful dialogue regarding Police procedures and policies, as well as to resolve concerns in an informal manner before they rose to the level of a citizen complaint. On many occasions, because of a lack of quorum due to illness or other unavoidable circumstances, the Committee has been unable to meet.

On January 10, 2012, the City Commission considered a resolution to expand the Citizens and Police Community Relations Committee by two members to avoid a lack of quorum and to allow the Committee to meet at other places besides the Municipal Administration Building. It was the consensus of the Commission to allow other meeting places, and because the Committee is merely advisory in nature, the consensus was to change the quorum requirement from three to two members instead of expanding the committee. The resolution therefore had to be changed to allow meetings to be held in other locations other than the Municipal Administration Building; change the quorum requirement from three members to two; and amend the meeting notice requirements.

[End agenda memo]

Ms. VanBlargan read Resolution 2012-03 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REVISING RESOLUTION 2011-05, ESTABLISHING THE CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE, TO ALLOW MEETINGS TO BE HELD IN OTHER LOCATIONS OTHER THAN THE MUNICIPAL ADMINISTRATION BUILDING; CHANGING THE QUORUM REQUIREMENT FROM THREE MEMBERS TO TWO; AND AMENDING MEETING NOTICE REQUIREMENTS.

Police Chief Chris Velasquez reviewed Agenda Item 12.

OPENED PUBLIC HEARING

There were no public comments.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Resolution 2012-03. 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:

Workshop: Commissioner Rogers requested a workshop to be scheduled before the February 21, 2012 City Commission meeting on procurement procedures and to discuss seven contracts. He explained that a committee came to his home asking that he bring the issue before the Commission. After the workshop the Commission can decide where to go from there.

Mayor Carter asked the City Attorney if that should be done in a workshop or at the City Commission. Mr. Galloway said he thought it would be better served at a workshop because there would be a more time for discussion.

Commissioner Wojcik asked that the material be available to them, including the City Attorney, as soon as possible so they have time to look at it. She asked that it be as specific as possible so they know what the concerns are. Commissioner Rogers said he would provide it. He said that nothing illegal is being suggested, it is basically the language regarding contracts that are not going out to bid.

Kirkland Gym Air Conditioning: Commissioner Howell asked for an update on the problems with air conditioning at the Kirkland Gym. Economic Development Director Harold Gallup made the following points:

- Gym users were lowering the air conditioning. Staff tried various methods to keep that from happening but someone would break in and change the thermostat anyway. Since the thermostat was encased in a steel cage, there has been no further damage.
- Thermostats at all city facilities are set at 78 degrees, following energy conservation guidelines, and our energy engineer said that every two degree drop on the thermostat results in a 6% increase in operating costs. Mayor Carter said that was assuming the temperature was lowered for a 24 hour period, but it would only need to be lowered for the 8 hours the gym was in use. Mr. Gallup said it would take several hours to cool the gym to that temperature so it would probably be for a 12 hour period of cooling, which would be an increase of 3% in energy cost. Commissioner Howell said 78 degrees was alright for a house or office but not for a gym. Mr. Gallup said they have dropped the temperature to 76 degrees in the gym and he has received no further complaint. Mayor Carter said he didn't think 76 degrees was low enough as the temperature in their meeting room was 75 degrees and was just comfortable. He said someone needed to have access to the thermostat so it can be turned down while activity is going on. Mr. Gallup said that it needs to be a constant temperature or it creates a moisture kind of environment.
- When the air conditioning is lowered, it sends a signal to the heater and it kicks on. That sends a signal back to the air conditioner and you have a never ending cycle of heating and cooling. Mr. Gallup said that they have seen the thermostat turned down to 45 degrees causing the air conditioning to run all night. They also discovered that doors were being propped open to try and capture a breeze. Mayor Carter said the complaints he hears are that they don't feel the air movement though he didn't think you would with a system so large. Mr. Gallup said feeling air movement would be difficult in a facility that size but there has been discussion on putting in fans to create circulation. Getting them up will be expensive because it will take some engineering to get them out of the way, with probably metal cage encasements to keep balls from damaging them. He said he could come back with the cost of putting in fans if that was the Commission's direction.
- It would not be wise to issue keys because in the past those keys were duplicated so often that anyone could get in resulting in vandalism problems. Mayor Carter said he did not understand how the thermostat could be broken into without the Boys and Girls Club employees seeing it as the thermostat is in plain sight. He said that vandalism in the City is out of control. He gave an example of sinks being ripped out of bathroom at the Northwest Complex. He said they need a security system, a reward system, or organize a citizens' watch group to try and stop the vandalism because it is simply choking us. Mr. Gallup said that since they switched to Lexan glass at the gym, none of the window coverings have been broken, removed or compromised. He said the gym is a facility owned by the community and they need to take ownership and help us find those responsible for the vandalism and let them know if they are caught they'll go to jail. The alternative is that if it gets too expensive to run the gym, it will be shut down.

Mayor Carter said he heard that the gym would be closed during spring break for the floors to be resurfaced. He asked if that was the best time to do it. Mr. Gallup explained that no time would be a good time, but during spring break there the regularly scheduled school practices are not held and so will cause the least inconvenience. They have to let the first coat dry completely before applying the second coat or we will have a repeat of the same problems.


Commissioner Thornhill commented that everyone is spoiled because people survived a long time before air conditioning. He said when he goes to the gym he expects to sweat. He said we have to do what is best for the City and that is to save money by lowering the cost.

COMMUNICATIONS AND PETITIONS

Jack Van Sickle, Lake Ashton, asked for the status of the fire station at the north end of the city. Mr. Gallup said two of the anchor stores at the Eagle Ridge Mall site have approved the plan, but one hasn't yet. Free is better but they are researching other sites in case it falls through. They are trying to find grants and looking into SRF funding.

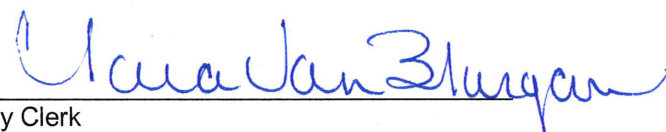
CITY COMMISSION COMMENTS

There being no further business, the meeting was adjourned at 7:37 p.m.



Mayor/Commissioner

ATTEST:



City Clerk