

The regular meeting of the Lake Wales City Commission was held on November 20, 2012 at 6:02 p.m. following the invocation and the Pledge of Allegiance in Commission Chambers at the Municipal Administration Building. The meeting was called to order by Vice-Mayor Terrye Y. Howell.

#### **INVOCATION**

The invocation was given by Assistant Police Chief Troy Schulze.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Christopher Lutton; Jonathan Thornhill; Betty Wojcik; Vice-Mayor Terrye Y. Howell

**COMMISSIONERS ABSENT:** Michael S. Carter

**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**

#### **CONSENT AGENDA**

**Agenda Item 5.            APPROVAL OF MINUTES: October 30, 2012, Workshop Meeting  
November 6, 2012, Workshop Meeting  
November 6, Regular Meeting**

**Agenda Item 6.            Edward Byrne Memorial State and Local Law Enforcement Assistance  
Grant**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

Approval of this item will allow the police department to submit for and receive grant funding to purchase and install one in-car video recording system.

#### **RECOMMENDATION**

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to apply for funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant. Additionally, staff recommends approval to purchase 1 Martel DC3 Digital in-car video system from Sharp Communication, Incorporated for \$4,870.00 upon receipt of grant funding.

#### **BACKGROUND**

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the Police Department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety.

This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$5,171.00 and if approved would be included in the 2012/2013 budget. Match is not required with this program.

The Police Department proposes to use these funds to continue the Lake Wales In-Car Camera Program by purchasing and installing an in-car video camera system. This equipment will allow law enforcement officers to effectively document traffic violations and enforcement activities that occur in range of the in-car camera. Additionally, it will provide valuable evidence that will enhance criminal prosecutions.

**OTHER OPTIONS**

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

**FISCAL IMPACT**

The Finance Department has reviewed this application.

[End agenda memo]

Commissioner Wojcik made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Lutton.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Vice-Mayor Howell	"YES"

The motion carried 4-0.

Vice-Mayor Howell moved up Agenda Item 12 and recused herself. City Attorney Chuck Galloway explained that she is on the Green & Gold Foundation Board and under the City's ethics ordinance she has to recuse herself from the discussion.

**Agenda Item 12. Request for a Utility Grant – Green & Gold Foundation (B Street Center)**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Representatives from the Green & Gold Foundation are requesting a utility grant equal to \$2,069.53 for the B Street Center for FY 2012'13.

**RECOMMENDATION**

The Green & Gold Foundation is requesting a utility grant for FY 2012'13 in the amount of \$2,069.53 for the B Street Center for services received during FY 2011'12.

## BACKGROUND

On November 6, 2012, the City Commission became aware of a request by the Green & Gold Foundation for assistance with a water/sewer utility bill incurred during FY 2011'12. The Commission directed staff to bring back options available to the Commission to resolve this issue.

### Available options include the following:

1. Through the approval of a budget amendment for FY 202'13, the City Commission could issue a utility grant to the B Street in the amount of \$2,069.53.
- Or
2. Per City Code Section 21-154(2)(h) - The city manager or his/her designee shall have the authority to waive installment requirements, one time per customer account, when extenuating circumstances exist which prevent the payment of utility charges by the date due provided payment in full is scheduled to be received within 24 months.

On June 7, 2011 the City Commission approved the conveyance of the B Street Center to the Green & Gold Foundation (Foundation). Within the minutes of that meeting the City Commission approved "the continued payment of the utilities and miscellaneous contract services for the B Street Center through the end of FY 2010'11 (about \$350 per month)".

The Foundation mistakenly assumed **utility services** and **miscellaneous contract services** would cost about \$350 per month during FY 2011'12 based on a statement within the City's minutes. The \$350 referenced in the minutes related to the City's municipal rates for utility services and municipal rates for miscellaneous contract services.

In October of 2011, these **utility services** switched to a commercial rate structure. The Foundation did not realize the significant difference the change in rate structures would cause during FY 2011'12.

The Green & Gold Foundation is requesting:

1. The City Commission to provide a utility grant of \$2,069.53 for the difference between the commercial rate structure and the municipal rate structure for FY 2011'12.
2. The City Commission allows the B Street Center to begin paying the commercial rate structure for services beginning in October of 2012.

Utility services based on the municipal rates during FY 2011'12 total \$ 2,215.92.

[End agenda memo]

City Manager Terry Leary reviewed Agenda Item 12 and explained the two options.

## PUBLIC COMMENT

Narvell Peterson, representing the Green and Gold Foundation, requested that the issue be resolved through a grant and not through a payment plan because of the good the organization does in the community.

Commissioner Wojcik reviewed what was discussed at the last City Commission meeting on this issue. She said the Commission asked staff to come up with options, which they did. She said the misunderstanding between the municipal rate versus the commercial rate for their water was unfortunate so she was in favor of the grant option.

Commissioner Lutton agreed but said that in the future staff needs to make sure they think this issue through when transferring property. He said the prudent thing to do now was approve the grant.

Commissioner Thornhill asked Mr. Galloway if there was anything in the city ordinance prohibiting the grant to be taken out of the General Fund and Mr. Galloway said that paying for it with a grant was one of the few options available and was the appropriate way to accomplish that.

Commissioner Wojcik asked if it should be called a grant and Mr. Galloway said he would categorize it that way. Commissioner Lutton said they couldn't set up a different category for use rates because a lot of people would then be trying to take advantage of that category.

Commissioner Wojcik said the Green & Gold Foundation will now be in charge of their own fate and not dependent upon the city to turn on and off their water. She asked Mr. Peterson if the Green & Gold Foundation is now budgeting for the new rate and he said they were.

Commissioner Thornhill agreed with Commissioner Lutton that they need to watch out for this issue when transferring property.

Commissioner Wojcik made a motion to approve the \$2,069.53 grant to be transferred from the General Fund to the Utility Fund. The motion was seconded by Commissioner Lutton.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"

The motion carried 3-0.

## **OLD BUSINESS**

### **Agenda Item 7. Ordinance 2012-22, FY11'12 Budget Amendment #2 – 2<sup>nd</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

## **SYNOPSIS**

The City Commission will consider adoption of the second Amendment of FY 11'12 Budget that was adopted on September 20, 2011.

## **RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2012-22 after second reading and public hearing.

## **BACKGROUND**

Ordinance 2011-16 estimating revenues and appropriating funds for Fiscal Year 2010-11 was adopted by the City Commission September 20, 2011 and amended by Ordinance 2012-01 (03/06/12). We are presenting for second reading and public hearing an amendment of Ordinance 2012-01 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment.

This budget amendment is based on unaudited financial reports for the accounting period ending on 09/30/12. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	(236,953)
Transportation Fund	60,063
Street Lighting Fund	(1,903)
Library Fund	(48,900)
Law Enforcement Grant Fund	1,945
Debt Service Fund	(25,600)
Airport Fund	17,383
<b>Total Increase(Reduction) of Revenues &amp; Balances Fwd</b>	<b>(233,965)</b>
<b>Appropriated Expenditures &amp; Reserves</b>	
General Fund	-
Transportation Fund	(39,400)
Street Lighting Fund	(1,000)
CRA Fund	1,400
Library Fund	(18,200)
Law Enforcement Grant Fund	1,945
Utility System Fund	95,300
Airport Fund	(1)
Reserves	(274,009)
<b>Total Increase(Reductions) of Appropriated Expenditures &amp; Reserves</b>	<b>(233,965)</b>

The proposed budget amendment increases the City's total budgeted expenditures by \$40,044 and decreases reserves by \$274,009 for a net decrease in appropriated expenditures and reserves of \$233,965 (from \$39,711,373 to \$39,477,408).

Reasons for this amendment include:

**Estimated Revenues and Reserve Balances:**

- Increase of \$1,097 in the Street Lighting beginning reserve balance due to reconciliation of prior year audited financial statements.
- Increase of \$17,383 in the Airport beginning reserve balance due to reconciliation with prior year audited financial statements.
- 
- Revenues projected within the General Fund must be adjusted to reflect a net decrease of \$236,953 for revenue changes realized/expected within several revenue accounts. A detail listing of revenue account adjustments has been attached. In summary, these decreases are mainly due to:
  - Decrease of \$44,000 for ad valorem taxes,
  - Decrease of \$65,800 for communication service tax,
  - Decrease of \$139,000 for electric franchise fees,
  - Increase of \$8,000 for PILOT – Water Edge
- Revenues projected within the Street Lighting Fund must be adjusted to reflect a decrease of \$3,000 for the Brookshire Street Lighting District.
- Revenues projected within the Transportation Fund must be adjusted to reflect a net increase of \$60,063, mainly due to:
  - Staff recommends a budget transfer from the General Fund to the Transportation Fund of \$77,463 as the transportation fund did not receive sufficient gas tax revenues to pay

- expenditures within the Transportation Fund during FY 2011'12. The only other options would be to create a due to/due from between these two funds.
- Staff recommends prior year deferred sidewalk revenue totaling \$10,686 be appropriated for actual sidewalk construction during FY 2011'12.
  - Various gas taxes were decreased by \$27,400 to reflect actual revenues received.
- Revenue projections within the Library Fund must be adjusted to reflect a decrease of \$48,900.
  - Revenue projections within the Law Enforcement Fund must be adjusted to reflect an increase of \$1,945 for additional grants awarded during the year.
  - Revenue projections within the Debt Service Fund must be adjusted to reflect a decrease of \$25,600 for a reallocation of:
    - Staff recommends a decrease of \$12,000 Electric Utility Tax revenue within this fund as the Series 2003 debt requirement had sufficient funding for the current debt service payments.
    - Decrease of \$13,600 for interest income and impact fee not received during the year.

**Estimated Expenditures & Revenues Balances:**

- Expenditures projected within the General Fund required various re-allocations between departments. There is neither an increase or decrease in the total expenditures budgeted. This is a required housekeeping amendment that must be approved no later than November 30, 2012.
- Expenditures projected within the Street Lighting Fund must be adjusted to reflect a decrease of \$1,000 due to actual electric expenditures.
- Expenditures projected within the CRA Fund must be adjusted to reflect an increase of \$1,400 for field operation labor costs.
- Expenditures projected within the Library Fund must be adjusted to reflect a decrease of \$18,200, mainly due to:
  - Decrease of \$10,000 salary due to schedule of part-time employees.
  - Decreases in personnel costs of \$3,500, operating costs of \$2,200 and postage of \$2,500.
- Expenditures projected within the Law Enforcement Grant Fund must be adjusted to reflect an increase of \$1,945 due to additional grant funding awarded.
- Expenditures projected within the Utility System Fund required various re-allocations between departments. This is a required housekeeping amendment that must be approved no later than November 30, 2012.

**OTHER OPTIONS**

With the exception of 1) the transfer from the General Fund to the Transportation Fund of \$77,463 to cover transportation operational costs, 2) the appropriation of \$10,686 deferred sidewalk revenue to be allocated for current year sidewalk repairs, and 3) the reduction of \$12,000 Utility Service Tax within the Debt Service Fund this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission. This is a required housekeeping amendment that must be adopted no later than November 30, 2012.

**FISCAL IMPACT**

See Exhibit A and Exhibit B attached to Ordinance 2012-22

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-22 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2011-16 AS AMENDED BY ORDINANCE 2012-01 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2011-2012 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED PUBLIC HEARING**

There were no comments from the public.

**CLOSED PUBLIC HEARING**

Commissioner Lutton made a motion to adopt Ordinance 2012-22 after second reading & public hearing. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Vice-Mayor Howell	"YES"

The motion carried 4-0.

**NEW BUSINESS**

**Agenda Item 8. Ordinance 2012-24, Chapter 18 Amendment – 1st Reading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

The City Commission will consider approving Ordinance 2012-24 amending Lake Wales Code of Ordinances Chapter 18 Streets, Sidewalks and Other Public Places, to remove Paragraph (5) of Section 18-137(A), General Usage Requirements, pertaining to a four dollar (\$4:00) league participation fee and Section 18-74, Definitions, to clearly define "league."

**RECOMMENDATION**

Staff recommends that the City Commission approve the following action:

1. Approve Ordinance 2012-24 after first reading.

## **BACKGROUND**

On October 30, 2012, the City Commission held a workshop to review recommendations on the City's Code of Ordinances governing league use of the city's recreational facilities. As a result of the workshop, staff is recommending changes to the following sections of Chapter 18 of the City's Code of Ordinances.

Section 18-137(A). General Usage Requirements: Paragraph (5): The league shall remit four dollars (\$4:00) per participant per season to the City of Lake Wales. This participation fee shall be remitted with a copy of the league roster showing name and address of all participants within fifteen (15) calendar days following the close of league registration. The participation fee will be utilized to offset the cost of utilities, maintenance, improvements and other costs associated with the operation of city recreation facilities and shall be assessed in lieu of fees assessed under Section 18-182 for use of the fields.

Section 18-74. Definitions: For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her."

Ordinance 2012-24 will amend Ordinance 2007-46 that established league use of city facilities, to eliminate paragraph (5) of Section 18-137(A) pertaining to a four dollars (\$4:00) per participant fee per season and will clearly define "league" as an organized group engaging in a team sport utilizing a specific facility on a regular scheduled basis whose participants pay a fee to the organization in order to participate or have sponsors.

## **FISCAL IMPACT**

There is no monetary affect to the City's budget if this action is approved.

## **OTHER OPTIONS**

Do not approve Ordinance 2012-24

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-24 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCE CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ELIMINATING PARAGRAPH 5, AN ASSESSMENT FEE FOR PARTICIPATION PER SEASON FOR LEAGUE USE OF CITY OWNED ATHLETIC FIELDS AND CLEARLY DEFINING LEAGUE; PROVIDING FOR AN EFFECTIVE DATE.**

Teresa Allen, Public Service Administrator, reviewed Agenda Item 8 and pointed out a typing error. The league fee in the memo should read \$4.00 instead of \$4:00.

## **PUBLIC COMMENT**

There were no comments from the public

Commissioner Wojcik made a motion approve Ordinance 2012-24 with the correction after first reading. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:



Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Vice-Mayor Howell	"YES"

The motion carried 4-0.

**Agenda Item 9. Ordinance 2012-25, Amendments to Capital Improvements Element, Comprehensive Plan – 1<sup>st</sup> Reading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**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, wastewater, drainage, recreation, transportation and schools. Those projects included in the 5-Year Schedule are taken from the City's 5 Year Capital Improvement Plan FY 2012/13 – 2016/17 adopted October 2, 2012.

**RECOMMENDATION**

Approval of Ordinance 2012-25 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 State.

At its regular meeting on October 23, 2012 the Planning and Zoning Board gave a favorable recommendation for the adoption of Ordinance 2012-25.

**BACKGROUND**

Annual updates of the schedule of capital improvements in the Comprehensive Plan have been required since 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. All of the projects come from the City's 5 Year Capital Improvement Plan FY 2012/13 – 2016/17 adopted October 2, 2012.

The attached "Support Document – 2012 Update to Schedule of Capital Improvements" provides background on the projects in the schedule and financial feasibility of the first three years of the program.

Ms. VanBlargan read Ordinance 2012-25 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN BY 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.**

[End agenda memo]

Assistant Planning and Zoning Director Kathy Bangley reviewed Agenda Item 9.

**PUBLIC COMMENT**

Commissioner Thornhill made a motion approve Ordinance 2012-25 on first reading. The motion was seconded by Commissioner Lutton.

By Roll Call Vote:

Commissioner Thornhill	“YES”
Commissioner Lutton	“YES”
Commissioner Wojcik	“YES”
Vice-Mayor Howell	“YES”

The motion carried 4-0.

**Agenda Item 10. Ordinance D2012-01, CPA/Zoning-San Juan Citrus LLC Property, Belleview Drive and 11<sup>th</sup> ST. S. 1<sup>st</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

This ordinance will amend land use designations on the Future Land Use Map (Comprehensive Plan) and the Zoning Map for the San Juan Citrus LLC Property, 33.4 acres on Belleview Drive and 2.2 acres on the east side of 11<sup>th</sup> St. S. The property was recently annexed into the City at the request of the property owner. The Planning & Zoning Board recommends single-family designations for 33.4 acres and industrial designations for the 2.2 acres on 11<sup>th</sup> St.

**RECOMMENDATION**

The Planning & Zoning Board held a public hearing on the proposed amendments to the Future Land Use and Zoning Maps for the San Juan Citrus LLC property on October 23, 2012 and recommended the following amendments as set forth in Ordinance D2012-01:

33.4 acres located on Belleview Dr. west of 11<sup>th</sup> St. South  
Polk County Future Land Use Map designation RS-Residential Suburban to  
City of Lake Wales Future Land Use Map designation LDR-Low Density Residential and Zoning Map designation R-1B-Single-family Residential

2.2 acres located on the east side of 11<sup>th</sup> St. S. south of Atlantic Coast Line Railroad  
Polk County Future Land Use Map designation RS-Residential Suburban to  
City of Lake Wales Future Land Use Map designation IND-Industrial and  
Zoning Map designation I-1 – Industrial

A public hearing is required. Public notice requirements for the hearing have been met.

**BACKGROUND**

The property was recently annexed at the request of the owner for the purpose of reducing reuse water rates to the in-city rate for irrigation of the company’s citrus groves. There are no plans to develop the property in the foreseeable future.

Recommended land use designations are in keeping with adjacent designations and uses.

The parcels on the west side of 11<sup>th</sup> St. (33.4 acres) are proposed for LDR-Low Density Residential Future Land Use designation, allowing a maximum of 3 dwelling units per acre, and R-1B Zoning Map designation, requiring a minimum lot size of 9,000 sq. ft. To the north is Whispering Ridge, a single-family development, and the railroad. Other surrounding properties are in agricultural use. The LDR designation is similar to the current Polk County designation of RS-Residential Suburban.

The 2.2-acre property on the east side of 11<sup>th</sup> St. is proposed for an IND-Industrial Future Land Use designation and I-1 Industrial zoning. To the north is the railroad and residentially zoned land. To the south and southeast, adjacent property is owned by Hunt Brothers and designated for industrial uses. I-1 is the appropriate designation for vacant industrial land. Other land in the vicinity is in citrus production.

The potential demand on City services has been calculated to determine the future impact of development of the 33 acres for residential use. Capacity in required services is more than adequate to serve full development of the property. A projection of impacts of industrial development on the 2.2 acres has not been made. It is likely to be developed along with adjacent industrial acreage.

Please note that the concurrency provisions of the zoning regulations prohibit the approval of development when capacity in required services is not available. At the time development is proposed, a detailed analysis is made to ensure that this provision is met.

**Projected impacts upon public services (when developed):**

*Potable water:* Total 29,036 GPD

Current available capacity: approximately 1.6 MGD

Estimated volume of potable water usage:

2.4 persons x 99 DU = 238 people

238 people x 122 GPCD = 29,036 GPD

*Wastewater:* Total 23,800 GPD

Current available capacity: approximate 1.3 MGD

Estimated volume of wastewater flow

2.4 persons x 99 DU = 238 people

238 people x 100 GPCD = 23,800 GPD

*Community Parks:* 0.48 acres

238 people divided by 1000 x 2 = 0.48 acres

*Average trips/day @9.57/unit:* 947.43 average vehicle trips per day

Polk County transportation standard applied: 9.57 average daily trips per single-family unit. Trips will primarily impact 11<sup>th</sup> Street South (CR17-B). The level of service standard for 11<sup>th</sup> St. is "D" and the current level of service is "C," indicating sufficient capacity to accommodate development of the property.

*Solid waste @ 7.3lbs/person/day:* 1737 pounds per day

LOS standard: 7.3lbs per person per day. Projected 2.4 persons per unit, 238 total people.

*Schools* Total Number of Students: 45

Schools impacted:

Hillcrest Elementary – capacity 667 students, current enrollment 645

McLaughlin Middle – capacity 1150 students, current enrollment 706

Lake Wales High School – capacity 1623 students, current enrollment 1251

*Projected students:* Polk County School Board generation factors used as noted.

<i>Elementary School @ .205 students/unit</i>	20 students
<i>Middle School @ .126 students/unit</i>	13 students
<i>High School @ .118 students/unit</i>	12 students

### **FISCAL IMPACT**

Assigning land use designations enables future development of the property and a potential increase in the tax base. The annexation resulted in a reduction in the reuse water rate for irrigating the groves and an increase in the tax base through the addition of the property to the city tax rolls. The total property value according to the Polk County Property Appraiser is \$195,800. The property has an agricultural exemption.

### **OTHER OPTIONS**

A RR-Rural Residential land use designation, limiting residential density to 1 unit per 5 acres, could be applied to the property until such time as the owner wishes to develop the property. However, a second amendment to the comprehensive plan would be required at that time. Lake Wales has no equivalent zoning district for Polk County RR and no Agricultural designation. Agricultural uses, limited to plant cultivation, are allowed in all zoning districts. The keeping of livestock is prohibited in the city.

[End agenda memo]

Ms. Van Blargan read Resolution D2012-01 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 33.4 ACRES OF LAND LOCATED ON BELLEVIEW DRIVE FROM POLK COUNTY DESIGNATION RS-RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION LDR-LOW DENSITY RESIDENTIAL AND ZONING DESIGNATION R-1B SINGLE-FAMILY RESIDENTIAL AND TO CHANGE THE LAND USE DESIGNATIONS ON 2.2 ACRES ON THE EAST SIDE OF 11<sup>TH</sup> STREET SOUTH FROM POLK COUNTY DESIGNATION RS-RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION IND-INDUSTRIAL AND ZONING DESIGNATION I-1 INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Assistant Planning and Zoning Director Kathy Bangley reviewed Agenda Item 10.

### **OPENED PUBLIC HEARING**

Sarah Dockerty, owner of the property on the north side of Bellview Drive which is adjacent to the proposed property, said she didn't hear about the proposal until last night. She explained that she has been trying to get a water use permit from SWFWMD so she can put in a well but she has been repeatedly told that her water allotment was already claimed by San Juan Citrus, a company completely separate from her own. She expressed her concern that if the proposed zoning change passed, it would cut off her water supply. She also needed clarification about the density plan.

Ms. Bangley explained that LDR-Low Density Residential is for three units per acre. She explained that the property owner wants most of the land to remain citrus and has no immediate plans to change that.

Commissioner Lutton asked Ms. Dockerty how she has been irrigating for the past ten years and she said she was buying water from a neighbor's well at a very steep price, hence the reason for wanting her own well.

Utilities Project Administrator Sarah Kirkland explained that Ms. Dockerty's grove used to be tied in with Highland Park grove and was feeding off their well. Highland Park sold their grove to San Juan Citrus who decided to tie into the city reuse water system. San Juan Citrus was watering her grove because it was part of his permit. Ms. Dockerty does not wish to be a part of that irrigation system so will have to apply to SWFWMD for her own permit. In order for her to get her own well, she has to no longer be part of the San Juan Citrus system. Therefore, the conflict has to be resolved through SWFWMD and San Juan Citrus and has nothing to do with the City of Lake Wales. Commissioner Howell asked for confirmation that there is nothing in the city ordinance that implies that the City has to help resolve the issue and Ms. Kirkland said there wasn't. She said Ms. Dockerty has to make it known to San Juan Citrus that she doesn't wish to be part of their system anymore. Once she is physically disconnected from their system she can apply for her own well.

Commissioner Lutton said the same problem with water lines happens hundreds of times when parcels are broken up. He asked Ms. Kirkland if a sub meter could be put on her property so San Juan charges her for only the water she uses. Ms. Kirkland said Ms. Dockerty is tied into a line that San Juan Citrus owns.

Ms. Kirkland, in answer to her concern that her water supply would be cut off if this zoning changed, said her water would not be shutoff.

### **CLOSED PUBLIC HEARING**

Commissioner Wojcik made a motion to approve Ordinance D2012-01 after first reading and public hearing. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Vice-Mayor Howell	"YES"

The motion carried 4-0.

### **Agenda Item 11. Ordinance D2012-02, CPA/Zoning, City Airport Runway Extension Property, West of Municipal Airport – 1<sup>st</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

The ordinance will amend land use designations on the Future Land Use Map (Comprehensive Plan) and the Zoning Map for the City's 60-acre runway extension property, annexed in 2008. The Planning & Zoning Board recommends industrial designations for the property.

### **RECOMMENDATION**

The Planning & Zoning Board held a public hearing on the proposed amendments on October 23, 2012 and recommended an IND-Industrial Future Land Use Map designation and an I-1 Zoning Map designation as set forth in Ordinance D2012-02:

A public hearing is required. Public notice requirements for the hearing have been met.

## **BACKGROUND**

The property was purchased for the purpose of extending the east-west runway. The proposed extension was shown on the presentation of the Airport Master Plan on November 6.

The recommended industrial land use designations are in keeping with those of the airport and adjacent properties. To the northwest is other industrial property within the city, and to the south and southwest, land in Polk County is designated A/RR-Agricultural Rural Residential.

The extension of the runway itself will have little to no impact on required services. Development of land surrounding the airport, as called for in the master plan, will require extension of water and sewer lines and construction of other infrastructure.

## **FISCAL IMPACT**

There is no fiscal impact to the recommended action.

## **OTHER OPTIONS**

The designations recommended are the only designations appropriate for the proposed use.

[End agenda memo]

Ms. Van Blargan read Resolution D2012-02 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 60 ACRES OF LAND LOCATED WEST OF THE LAKE WALES MUNICIPAL AIRPORT FROM POLK COUNTY DESIGNATION A/RR-AGRICULTURAL/RURAL RESIDENTIAL TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION IND-INDUSTRIAL AND ZONING DESIGNATION I-1 INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

[End agenda memo]

Assistant Planning & Zoning Director Kathy Bangley reviewed Agenda Item 11.

## **OPENED PUBLIC HEARING**

There were no comments made by the public.

## **CLOSED PUBLIC HEARING**

Commissioner Wojcik asked if the I-1 Industrial designation was light industrial and Ms. Bangley said it was the highest use and covers it all.

Commissioner Lutton explained that with I-1 absolutely anything can go in there from buildings and parking lots to industries as long as it follows FAA regulations. It provides the most options for businesses, unlike at Longleaf Business Park. Commissioner Wojcik added that it could be used to build for example a hanger, housing, or a diesel repair shop. Commissioner Lutton said you can put a house in an industrial zone but can't put industry in a residential zone. The industrial zone covers everything.

Commissioner Thornhill made a motion to approve Ordinance D2012-02 after first reading and public hearing. The motion was seconded by Commissioner Lutton.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Vice-Mayor Howell	"YES"

The motion carried 4-0.

### **Agenda Item 13. Employee Christmas Bonuses**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS T**

The approval of employee Christmas bonuses will provide \$200 per employee.

#### **BACKGROUND**

Mayor Carter asked me to consider a Christmas bonus for all employees as far back as September when we approved the latest budget, bearing in mind that no raises or cost of living adjustments have been made for approximately 4 years. We looked into a 1% of salary for all employees and calculated the other costs i.e. social security, pension, worker's comp, life insurance, etc. The result of this calculation was approximately \$100,000 which would have to be taken from Reserve.

We then considered a flat bonus of \$200 per employee. The following is the calculation for this amount:

A \$200 bonus to all employees (excluding city commissioners) would total:

Salaries & Wages:	\$ 34,600.00
Social Security:	\$ 2,646.90
Workers Comp:	\$ 732.44
Life Ins.	\$ 116.26
<u>Pension:</u>	<u>\$ 6,312.60</u>
Total:	\$ 44,408.20
Employee portion S/S:	\$ 2,646.90
<u>5% Pension contrib:</u>	<u>\$ 1,730.00</u>
Total:	\$48,785.10

This includes the City paying all deductions. Each employee will receive a full \$200.00

#### **FISCAL IMPACT**

We have identified a \$55,000 amount that is part of our agreement with Heartland LLC for the use of the City as a conduit for tax exempt bonds to construct an adult living facility. We are expected to receive these funds by the end of the year.

#### **RECOMMENDATION**

I recommend that the Commission approve this expenditure as a show of appreciation for all employees that have faithfully served the City during these hard economic times and have done so without any additional compensation.

## **OTHER OPTIONS**

Give no Christmas bonuses to the employees.

[End agenda memo]

City Manager Terry Leary reviewed Agenda Item 13.

Commissioner Lutton asked why benefits like workers comp, pensions and insurance was calculated in because he thought that only social security and Medicare was added for bonuses. H.R. Director Sandra Davis said it was required by law. Ms. Leary said it wouldn't be fair to give a Christmas bonus and then take the money out of it to pay these type things.

Commissioner Wojcik cautioned that if the expected money from Heartland doesn't materialize it will have to come out of reserves.

Finance Director Dorothy Ecklund said that money can't be counted unless it is truly in the bank. If the money comes in, fine, but if not, she concurred that it would have to come out of the General Fund reserves.

Ms. Ecklund said that at the last City Commission meeting she had said that the budget projections indicated that we had a \$65,000 deficit in the General Fund compared to where we hoped to be. She said the Finance Department would continue to monitor this issue but with only one month into the new budget year, she felt it is too early to consider a spending freeze or other corrective action at this time.

Commissioner Howell asked if we still were within the approved window of 15%. Ms. Ecklund said we were a little below the 15% that auditors like to see but it is premature to get too worried about it because there are still eleven months left in the year. She said if the Heartland money does not come in, then we would have to add that \$48,000 to the \$65,000 and the deficit would then be over \$100,000, which would be a cause for concern.

Ms. Leary said that though there is a possibility the money won't come through, if they want to give bonuses, this was the least expensive way to do it.

Commissioner Lutton asked if they would have to pay the benefits if a gift card was used instead and Ms. Ecklund said it still would be required.

Commissioner Wojcik said she was one of those who wanted to let employees know how much they are appreciated, though we can't afford to truly let them know. But, at least this would be an indication of that.

Commissioner Thornhill said they will have to rely on the Economic Development Director to get that check from Heartland. Mr. Gallup said he recently received reconfirmation that the money is there.

Commissioner Howell said that they can't afford to give employees a raise, the fourth year in a row, so she thought it was a good idea to give them at least something to show their appreciation for the work they do.

Commissioner Wojcik made a motion approve the Christmas bonuses. The motion was seconded by Commissioner Thornhill.

By Voice Vote:



Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Vice-Mayor Howell	"YES"

The motion carried 4-0.

### **CITY MANAGER'S REPORT**

**Certificate of Achievement** - City Manager Terry Leary announced that Finance Director Dorothy Ecklund received a certificate of achievement from the Government Planning Officer's Association, the highest achievement to attain for government management. Ms. Leary will be presenting Ms. Ecklund a plaque at a future City Commission meeting.

**Body of Christ Workday** – Ms. Leary thanked the employees who participated in the Body of Christ Workday held on Saturday, November 17<sup>th</sup> that was directed by High Point Church on Burns Ave. Nine churches were involved and city projects were headed up by code enforcement employees who were able to complete about ten locations by removing trash and debris, and cutting lawns and tree limbs. As a result of their involvement, the Building Official became aware of a house that he then posted and declared to be unsafe and unfit to occupy.

**Food Trucks and Antiques Car Show** – Crave Promotions is coming this Saturday, November 24<sup>th</sup> to Market Street in conjunction with the Antique Car Show, from 4 – 8 PM, bringing five food trucks with various fare. The public was urged to support it so they will come back.

### **CITY COMMISSION TRACKING REPORT**

**Tracking Report Items:** Commissioner Wojcik said she was happy to see that the items she had requested to be added to the tracking report at the last City Commission meeting were added.

**The Transfer of the Depot Museum** – The draft transfer of the museum is being reviewed by the City Attorney and should be ready next week.

### **COMMUNICATIONS AND PETITIONS**

There were no comments from the public.

### **CITY COMMISSION COMMENTS**

**Polk Government Television (PGTV)** - Commissioner Howell asked that the following commission memo be read into the record.

Beginning with the December 4<sup>th</sup>, 2012 City Commission Meeting, Polk Government Television (PGTV) will begin re-broadcasting the Lake Wales Commission meetings which take place on the 1<sup>st</sup> & 3<sup>rd</sup> Tuesdays of each month at 6:00 pm and currently are only broadcast live on Comcast channel 6. The meetings will air on Fridays at 8:00 pm on the week of the original meeting, the following Monday (of the off week) at 7:00 pm and Wednesday (of the off week) at 2:00 am.

The meetings will be aired on PGTV channels, which are – Brighthouse channel 622, Comcast channel 5, and Verizon FiOS channel 20. The live meetings will still be aired on Comcast channel 6.

Archived meetings will be now be accessible on the City's website by going to [www.cityoflakewales.com](http://www.cityoflakewales.com), accessing the "City Online" menu, then "Video on Demand" or by going to [www.polk-county.net](http://www.polk-county.net). This will allow citizens to view previous Commission meetings over the Internet.

PGTV will initially begin by broadcasting the City Commission Meetings only, but will consider broadcasting other Lake Wales meetings in the future after this effort is underway.

For additional information contact the City of Lake Wales at 863-678-4182x225.

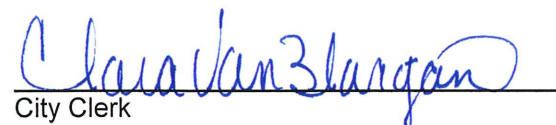
Commissioner Wojcik wished everyone a Happy Thanksgiving and asked them to join her in this wonderful opportunity to count our blessings.

Commissioner Thornhill wished everyone an enjoyable time with family and friends and asked them to be careful if frying a turkey, making sure to cook it out in the open.

The meeting was adjourned at 6:33 p.m.

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

ATTEST:

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

Reg - 11-20-12

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME—FIRST NAME—MIDDLE NAME <i>J Powell Terrye</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lake Wales City Commission</i>	
MAILING ADDRESS <i>601 Carver Drive</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Lake Wales</i>	COUNTY <i>Polk</i>	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>11-20-12</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

Person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which results to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Terrye Y. Howell, hereby disclose that on Nov. 20, 20 12:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a member of the Green and Gold Foundation and by our city's ethnics ordinance I am not able to participate.

November 20, 2012  
Date Filed

Terrye Y. Howell  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR CIVIL PENALTY NOT TO EXCEED \$10,000.