

The regular meeting of the Lake Wales City Commission was held on November 17, 2009 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

The invocation was given by Jennifer Nanek.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None

CITY REPRESENTATIVES PRESENT: Judith H. Delmar, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk.

MAYOR

Agenda Item 5. AWARD OF CIVILIAN BRAVERY: Theron Stangry

Agenda Item 5 was removed from the agenda. Mr. Stangry was unable to attend the meeting.

CONSENT AGENDA

Agenda Item 6. APPROVAL OF MINUTES: November 3, 2009, Regular Meeting

Agenda Item 7. Lease Agreement Amendment – “B” Street Community Service Center

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Lease Agreement Amendment will allow the Roosevelt Recreation and Social Club, Inc. to operate the B Street Community Service Center through December 31, 2010.

RECOMMENDATION

It is recommended that the City Commission authorize the Mayor to execute the lease agreement amendment with the Roosevelt Recreation and Social Club, Inc. renewing the lease for two one-year terms commencing on January 1, 2009 and ending December 31, 2010.

BACKGROUND

Initially the City Commission approved the lease agreement on December 17, 2002 for a one-year term beginning January 1, 2003 and expiring December 31, 2003. Terms in the agreement provide for up to ten (10) additional one-year term renewals, provided that neither party has exercised their right to terminate the lease by giving the other party a sixty (60) day written notice prior to the end of any term. January 1, 2010 through December 31, 2010 makes the seventh year of the one-year renewal terms.

Other terms of the lease remain the same.

Highlights of the lease include:

- Use – the property must be used as a community resource center and for other CDBG eligible activities.
- Rent – there shall be no rent paid by the managing tenant.
- Monitoring – the managing tenant shall allow periodic inspections and provide quarterly reports describing offered programs, attendance, and the physical condition of the facility. (This reporting requirement is being provided.)
- Financial reports – the managing tenant shall provide monthly financial reports. (This report is received monthly.)
- Insurance – the managing tenant is required to maintain minimum insurance coverages. These shall include Worker's Compensation in compliance with State and Federal laws, Comprehensive Auto Liability (\$100,000), and Comprehensive General Liability (\$100,000). (Under State and Federal Law Worker's Compensation is not required; managing tenant has provided proof of other insurance requirements.)
- Maintenance, repairs, utilities, operating expenses – attached table summarizes operations and maintenance responsibility.
- Default – Upon default of any provision of agreement, the City may, at its option, terminate the managing tenant's interest in the property.

FISCAL IMPACT

The City's financial obligation for "B" Street Community Service Center for 2009 was included in the 2008-09 budget and the financial obligation for 2010 is included in the 2009-10 budget.

[End agenda memo]

Agenda Item 8. Cooper Estate Donation of Two (2) Lots to the City

Mr. Galloway reviewed Agenda Item 8. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Albert C. Galloway, Jr., City Attorney]

SYNOPSIS

The City Attorney will explain the request to accept donation of two lots from the Estate of Russell Cooper.

RECOMMENDATION

That the City Commission authorize acceptance of a donation of real property from the Estate of Russell Cooper.

BACKGROUND

The Personal Representatives of the Estate of Russell Cooper wish to convey two (2) lots to the City. Provided herewith is a copy of correspondence from the attorney for the Personal Representatives, David G. Fisher, Esquire.

Mr. Fisher provided separate fully executed Personal Representative's Deeds for the parcels to me to be held in escrow pending a decision by the City Commission concerning acceptance of the proposed donation of the lots. As set forth in Mr. Fisher's letter, one of the lots includes a restriction that it be used for a park or other recreational purpose by the City. That lot is located at the corner of 4th street and Kissimmee Avenue, very near the Rails to Trails project and Lake Alta. The City currently owns a few lots in this vicinity.

The other lot was the subject of discussion at a recent City Commission Workshop concerning Code Enforcement and there may be a ready purchaser for the lot.

FISCAL IMPACT

The nominal cost of recording the Deeds in the event the donation is accepted. Income from the possible sale of one of the parcels.

[End agenda memo]

Mayor Van Sickle pulled item 8 for further discussion and asked the City Attorney Chuck Galloway to give additional information. Mr. Galloway said this was a situation where the Estate of Russell Cooper contacted Code Enforcement about a piece of property they had south of town in the County. The City has a Code Enforcement Lien on one of the two lots that is on the corner of Kissimmee Avenue and 4th Street. A Code Enforcement lien under Chapter 162 attaches to any property in the county. The estate came forward and said they would like to get a partial release of the property they could sell and then donate the remaining two properties to the City. One of the properties was immediately to the west of a couple of apartments of which interest had been shown during a recent workshop. The two sisters, who are the personal representatives, want to donate the other lot for park or recreational purposes, with that as a contingency if the City wants it. It is very near the trail, and catty-cornered across the street from the Hardman Complex.

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

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 9. Ordinance 2009-28, FY08'09 Budget Amendment #4 – 2nd Reading & Public Hearing

Ms. Delmar reviewed Agenda Item 9. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider adoption of the fourth and final amendment of the FY08'09 Budget that was adopted on September 16, 2008.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2009-28 after first reading.

BACKGROUND

Ordinance 2008-34 estimating revenues and appropriating funds for Fiscal Year 2008-09 was adopted by the City Commission on September 16, 2008 and amended by Ordinances 2009-07, 2009-09 and 2009-23. We are presenting for first reading the final amendment of Ordinance 2008-34 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 preliminary unaudited financial reports for the year period ending on 9/30/09. As can be seen in the following chart, there is neither an increase nor a decrease in the total revenues and expenditures budgeted. This is because all amendments are accomplished by reallocating surplus appropriations to cover shortfalls elsewhere.

Revenues & Balances Fwd	Increase (Reduction)
General Fund	0
Special Revenue Funds	0
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	0
Total Increase (Reduction) of Revenues & Balances Fwd	0
Appropriated Expenditures & Reserves	
General Fund	0
Special Revenue Funds	0
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	0
Reserves	0
Total Increase (Reduction) of Appropriated Expenditures & Reserves	0

The proposed budget amendment does not increase the City's total budgeted expenditures or reserves beyond those adopted with the third budget amendment. After this fourth and final amendment, appropriated expenditures remain at \$50,497,305 and reserves remain at \$7,678,667. Total appropriated expenditures and reserves are \$58,175,972.

Items adjusted in this amendment include:

City Commission – increasing budget for hosting Ridge League dinner to reflect actual cost (covered by donations and receipts at the door)	3,261
City Mgr Office – increasing payroll budget to cover former employee salary and benefits payout	56,171
City Clerk - adding budget for legal services to cover cost of April 2008 election litigation	3,527
Support Services – increasing payroll budget to cover former employee benefits payout	11,605
Parks Division - increasing payroll budget to reflect market parity adjustments for employees	23,085

Parks Division - increasing Waste Disposal budget due to disposal of railroad ties removed in conjunction with Rails-to-Trails extension project	5,530
Parks Division - increasing Water & Sewer budget due to increased irrigation of median plantings	12,102
Parks Division - adding budget for C/O Autos & Trucks to cover cost of van	11,350
Various General Fund Departments - reducing surplus appropriations (re-appropriating to departments with excess expenditures)	(126,631)
Special Rev Fund – Streets Division - adding budget for Unemployment Compensation paid	11,280
Special Rev Fund - Streets Division - increasing budget for Electricity/Street Lighting	24,614
Special Rev Fund – Storm water Division - reducing surplus appropriations, re-appropriating to Streets Division	(35,894)
Special Rev Funds – adjustments to Police Forfeiture and Law Enforcement Grant funds to increase appropriations of additional revenue	9,114
Special Rev Funds – adjustment to CDBG fund to reduce appropriations as offset of above item	(9,114)
Utilities Fund - Reuse Division - Adding budget for permitting fees	11,625
Various Utilities Fund Departments - reducing surplus appropriations (re-appropriating to departments with excess expenditures)	(11,625)
Total Expenditure Amendment	0

OTHER OPTIONS

None. This is a required housekeeping amendment.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2009-28.

[End agenda memo]

Ms. VanBlargan read Ordinance 2009-28 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2008-34 AS AMENDED BY ORDINANCES 2009-07, 2009-09 AND 2009-23 TO FURTHER MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2008-2009 FISCAL YEAR AND TO FURTHER 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.

City Manager Judy Delmar said this is a housekeeping ordinance where we reallocate surplus appropriations to the departments where there were shortfalls. There is neither an increase nor a decrease to the bottom-line.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance 2009-28 after second reading & public hearing. The motion was seconded by Commissioner Wheeler.

Roll Call:

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

The motion carried 5-0.

Agenda Item 10. Ordinance 2009-29, Measuring Distance between Alcohol Sales and a Church – 2nd Reading & Pubic Hearing

Ms. Delmar reviewed Agenda Item 10. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider adopting an ordinance to clarify the measurement of distance between a place of business selling alcoholic beverages and a church.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2009-29 after second reading and public hearing.

BACKGROUND

At the October 20, 2009 meeting the City Commission adopted Ordinance 2009-25 that made significant revisions to Chapter 5 regulating the hours and location of alcoholic beverage sales and consumption within the city limits. Ordinance 2009-25 contains the following language relating to the prohibition against consumption, sale and service of alcoholic beverages within 500 feet of a church:

- (b) The distance of five hundred (500) feet shall be measured as follows:
 - 2. Pertaining to established church. Five hundred (500) feet from the nearest point of the building of the place of business, location or establishment to the nearest point of the real property containing a church building or buildings.

During his presentation of the ordinance at the meeting for second reading and public hearing, Police Chief Herb Gillis recommended deleting the words underlined above and retaining the existing language; i.e., the distance would be measured from building to building, rather than from building to property line. Following discussion, it appeared that there was consensus among the Commissioners to retain the existing language.

Lengthy discussion ensued regarding Sunday hours for alcoholic beverage sales. A motion was made to amend the proposed language by limiting Sunday hours to the period between 12 noon and 12 midnight, rather than allowing Sunday sales between 8 a.m. and 2 a.m. The motion to amend was defeated 3-2, and a motion was made to adopt Ordinance 2006-25 "as is." The second motion passed 5-0.

Although it seemed that the consensus of the Commission was to measure a location's distance from a church by measuring to the church buildings rather than to the property line of the church, this was not included in the motion. The ordinance was adopted "as is," i.e., "as presented" with the language shown in (b)2. above.

To clarify the intent of the Commission regarding consumption, sale and service of alcoholic beverages within 500 feet of a church, we are proposing Ordinance 2009-29.

OTHER OPTIONS

Do not adopt Ordinance 2009-29, and 500 feet will be measured from the place of business to the property line of the church.

FISCAL IMPACT

There is no cost associated with this ordinance.

[End agenda memo]

Ms. VanBlargan read Ordinance 2009-29 by tittle only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, LAKE WALES CODE OF ORDINANCES TO REVISE THE PROVISION REGARDING CONSUMPTION, SALE AND SERVICE OF ALCOHOLIC BEVERAGES WITHIN 500 FEET OF A CHURCH; PROVIDING AN EFFECTIVE DATE.

City Manager Judy Delmar said that this ordinance clarifies the way in which we are going to take the measurement, measuring 500 feet from the property containing the place of business selling the alcohol, to the church building. Commissioner Howell said she wanted to make sure she was clear and said that it would be measured door to door, not across, and not around the lot. Ms. Delmar concurred.

OPENED PUBLIC HEARING

David Smith, Babson Park, asked what would happen if a business was already there and then the church builds within the 500 feet. Ms. Delmar said that if the building selling alcohol was there before the church, then the building selling alcohol can stay. But, if the building was removed for some reason then they would not be able to put it back as long as the church was there.

CLOSED PUBLIC HEARING

Commissioner Wheeler made a motion to adopt Ordinance 2009-29 after second reading & public hearing. The motion was seconded by Commissioner Howell.

Roll Call:

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

The motion carried 5-0.

[End agenda memo]

NEW BUSINESS

Agenda Item 11. Division of Historic Resources, Small Matching Grant Program - \$50,000

Ms. Delmar reviewed Agenda Item 11. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jennifer Nanek, Grant Administrator]

SYNOPSIS

Staff is seeking direction from the City Commission regarding preparation of a grant application for funding assistance in replacing some of the windows and doors on the 1940's Cafeteria Building.

RECOMMENDATION

If the Commission wishes to apply for a grant to replace some of the windows and doors on the 1940's Cafeteria Building, it is recommended that staff be directed to prepare a grant application.

BACKGROUND

The State of Florida, Division of Historic Resources is currently accepting applications for its Small Matching Grant Program. This program can include acquisition and Development for historic preservation projects. Deadline for applications is Friday, December 18, 2009. The maximum grant award is \$50,000. As the City of Lake Wales is designated a REDI (Rural Economic Development Initiative) Community, no matching funds are required.

In 2007 the City of Lake Wales applied for a grant towards the 1940s Cafeteria Building on the Hardman Complex. These funds were intended for the restoration and replacement of some, not all, of the windows and doors of the Cafeteria in order to help secure the building. The overall vision for this building is to serve as an annex to the auditorium and host post-event receptions and other activities. The application ranked high, but not high enough to be funded. Due to budget cuts, the state legislature drastically reduced funding towards this program.

In 2008 a recommendation was made by staff to the City Commission to apply again for funding for the Cafeteria Building. The Commission voted not to resubmit the application in 2008.

Should the City decide to re-apply this year, funding chances are still slim given the current economic climate; but, if the Commission so desires, a grant application can be prepared for review at a December meeting.

FISCAL IMPACT

There is no cost to submitting the application beyond staff time required to prepare the application. If the Commission wishes that an application be prepared, the Finance Department will prepare a fiscal impact analysis of the cost to the City if the grant is awarded (long-term maintenance in accordance with grant restrictions, etc.).

OTHER OPTIONS

Do not prepare an application.

[End agenda memo]

Jennifer Nanek, Grant Administrator, said that this was the third year this item has been brought to the Commission. Two years ago, we applied for the grant. We were ranked number fifteen and did not receive funding. Last year the Commission decided not to apply and so she said she was seeking direction before going through all the work of preparing the grant application.

Mayor Van Sickle said he had asked Mr. Gallup, Economic Development Director, if he could get an estimate so the Commission could understand what the costs were to do the outside of the buildings with the windows etc. Mr. Gallup got that information and he has also been in contact with some folks in Tallahassee. Mayor Van Sickle then asked Mr. Gallup to share what he learned with the Commission.

Mr. Gallup reported that Semco had provided a cost estimate for performing light services on the "cafeteria", for lack of a better name for that building, as they were performing on the stabilization of the 1919 building. The rounded cost, without going to bid at this time, is about \$119,000 to do the windows and doors, stabilize the building, and raise to a point of enclosure to prevent any further deterioration. He said the \$50,000 would only cover about 40% of the work. The windows and the double doors require custom work. He said he got an email from Historic Preservation in Tallahassee about the possibility of allowing the substitution of material. The email said that after inventory and evaluation of each window and door submitted for evaluation to the State, they [the State] will make a determination whether substituted materials can be used on the building. In the 1919 building we did not use substitute material in the restoration process, as it was not approved, so it has the original wood-type windows. We will have to pay an architect to do a survey, write up a work analysis for substitution, set it up and ask for an evaluation. At that point, we could make a projection as to how far the \$50,000 will go. Whatever work is done with the original material, once in place, it is not a walk-away program. The doors, windows, sashes, and sills all have to be maintained. It is a cost that we will have to put in the budget for not only dollars but man hours for routine maintenance, not only in the 1919 building, but any light work in any building in that complex. It is a continuing program. We need to maintain what we do so we are not doing now what we were doing with the 1919 building.

Mayor Van Sickle said according to the background information there are some other catches. The grant has to be submitted before the 18th. We do not know what it will cost until we get the study back from the State saying if we can use the substitute material or if we will have to rebuild the windows like in the 1919 building. This \$50,000 seems nice to get, but it could lead us down a path for the City having a lot more to lay out for full restoration of the windows. Mr. Gallup said the \$119,000 was for the same scope of work as the 1919 school. We must keep in mind that the windows will be a specialty order, which will take additional time. The cost savings will not be in the range of \$60,000. If it cost \$80,000, it will be a much smaller percentage somewhere in the neighborhood of 12% to 15%.

Commissioner Howell asked if the windows were costing \$119,000. Mr. Gallup said you have to stabilize the building, use specialty double size doors that will have to be custom made, as well as all the windows, which are odd sizes and will have to be custom made. The sills and all the framing will have to be hand crafted just like those done in the 1919 school. We are going by the guidelines to perform the work so the cafeteria grant will match the 1919 school. This is a smaller project adjacent to a larger project that did not have substitution made on the material, the process or the procedure. So, if the State did not allow it in the 1919 school it will be hard pressed for the State to approve it on the other building. The only saving grace is as we are tight for money so is the State tight for money so they may make a waiver on this. That is only for the windows, for the doors will be custom made. Whatever material we use, we have to do a maintenance program.

Commissioner Howell asked if the biggest cost would be the windows. Mr. Gallup said yes, plus the doors that have to be custom made.

Commissioner Wheeler asked if we apply, and if we are awarded, would we be obligated to spend the full \$119,000 or do we take the \$50,000 and see how far it goes. Mr. Gallup said it depends on how we write the grant. We would have to disclose that the \$50,000, based on the scope of work and the preliminary market pricing, would not do the complete building. We would have to outline the elements that we will do, and what we would do to maintain them. Commissioner Wheeler said the bottom line is that we do not have to spend it. Mr. Gallup said we could write the grant to limit the scope of work to only include those items we can accomplish with the \$50,000. However, not being able to complete the project will most likely rank us very low.

Mayor Van Sickle said that was how we got into trouble before. Some of the [grant] writing went into detail that we really did not have money to do. It always looked like we were a little further ahead. If we make a conscience effort, we will only write in the grant what we can do.

Commissioner Rogers asked if staff had a recommendation on this. Mr. Gallup said staff recommendation is to await direction from the Commission.

Commissioner Thornhill asked about writing the grant to say "similar construction" versus "original construction." He asked if the Semco estimate was the only one received. Mr. Gallup said that given time, that is about all we can do. Given the scope of work and complexity, what we will do is bid the survey, which with his past knowledge he would estimate to be about \$3,500, including doing the analysis and write-up to submit to the City. The City would then send the appropriate transmittals, and ask for approval. If we write the grant with the words "similar materials" and the grant is awarded, but we find out later that we were not approved for substitute materials, the Commission would then have to make a decision whether to continue on with the project with a limited scope of work or return the funds at that particular time.

Commissioner Wheeler asked if it was possible to use the money for something else like the ceiling. Mr. Gallup said we would need to write the grant with as much latitude as possible to go back and do what we were able to do with the 1919 school. Commissioner Wheeler said that surely in Tallahassee there is someone with a practical mind to know we can only do what we can do with the money we have.

Mr. Gallup said the quantity of work that can be accomplished is substantially less than the entire building, and even less than 50% of the building will be accomplished. We will improve the condition of the building but improvements to the esthetics of the building will be limited. Mr. Gallup said that if the Commission so directs, they will pursue it, quantify it, qualify it and bring it back for further discussion. He said if we are going to do this, he would like to get some direction on doing the survey that has been done if we are going to get to the substitute material. Each window and doorway will have to be analyzed and written up, so it will need a complete physical plan analysis. We will have to remove stuff in the building, which will be a time issue plus a problem of where to relocate what was removed.

Commissioner Wheeler said he is not opposed to asking for it, but only if it can be programmed to do something useful. Mr. Gallup said staff would do everything it could to make sure we capitalize on every opportunity that may be available to us.

Mayor Van Sickle said he was in the same position. If we get fortunate enough to get the money to do what needs to be done, once that is done, we have to make sure that it does not deteriorate, which means we just have another bill that the City will have to start picking up to keep that from deteriorating. If it is the whole building it may be little easier to keep it upgraded and there is unknown cost there. If we are looking for dollars, we do not have a whole lot. So, some tough decisions will have to be made. Mr. Gallup said he could not answer to that concern.

Mayor Van Sickle said he was thinking that we had until November 18 to apply for the grant, but it is December 18. Mr. Gallup said that would give about 3 weeks to be able to prepare it. It is not our first run at this. There will be a lot of updating and some other things, but the pressure of preparing the document is less at this juncture than it would be to start all new. He said Jennifer Nanek is familiar with the project and with the application.

Mayor Van Sickle said that if the Commission decides to go with the grant, we have to make sure that in this grant we are telling Tallahassee that we are only doing a small portion of those windows. We have to be fair with them and maybe somebody else may rate higher. Mr. Gallup said that in the work description we would take the elements given to us by SEMCO and those elements will be specified in the scope of work as submitted in the grant application. We will be more specific than in the past. Ms. Delmar said she thinks we have to state in the application that this funding will pay only a portion of the project. We need to be up-front and say "if you award us these funds, we will only be able to do so much of this project." Mr. Gallup said we could ask and bring it back for a final determination but staff will need to get direction

and the City Manager given authority to solicit pricing for doing the survey, which is going to be necessary.

Mayor Van Sickle asked if it had to be the architect that we had. Mr. Gallup said the architect has a working relationship with Tallahassee but we could ask him to give a quick turn around in pricing on that and maybe make a selection that way. The architect who did the work on the Hardman Complex seems to be the most logical choice at this time. Ms. Delmar said we pretty much have to stick with that architect.

Mayor Van Sickle said it is going to take \$5,000 to \$6,000 in City dollars to do the survey. Commissioner Wheeler added that the chance to get the grant is pretty small anyway. Ms. Delmar said it would come from the general fund.

Commissioner Howell said there are 25 plus windows that we were trying to preserve or rebuild. She asked if we could brick-in some of the windows or make them smaller so it would not cost as much. Mr. Gallup said no, because we would run afoul of a number of guidelines for historic preservation and it would eliminate the building from qualifying for any future grants. Commissioner Howell asked if we could use historic bricks. Mr. Gallup said we have been told pretty much that you have to do what you have to do.

Commissioner Wheeler said we do not need to spend five grand unless there is a pretty sure bet that we will score high. He said we have a month before the grant application is due and wondered if that would give them time to find a practical mind in Tallahassee. Mr. Gallup said it would give them time to explore that as a contingency. At this point, staff needs some indication before expending the man hours. He said he could try to get feedback from Tallahassee and report back to the City Manager before the next Commission meeting.

Commissioner Wheeler said he did not want to start another never-ending project. Mr. Gallup said that if we were not using alternate material, but could get a 15%- 20% savings, which would be astronomical, we still would be looking at \$100,000, or twice the amount being awarded. We could increase that percentage if we have the ability to use alternative material acceptable to Historic Preservation. If the answer is no, we will absolutely know our position.

Commissioner Rogers said a practical solution would be to remove the existing building. He asked if the structure itself was sound. Mr. Gallup said it appears to be sound. It does have a new one on it, and the trusses and supports seem to be in good shape, though we are suffering the same problems we had in the 1919 school. He said we may or may not want to tent the 1919 school against termites, but this building probably should be tented. Whether we do or don't do the work, we have to find a way to cover it. Once we embark on a project, we have to maintain it. There is an end cost we have to absorb.

Mayor Van Sickle said it may be wise to find out from Tallahassee if they would consider alternate windows before we even have the architect to write it. Mr. Gallup said we are going to ask for alternate material to be used on all phases of the grant.

Mayor Van Sickle asked Ms. Nanek how much time she would need to prepare the grant, as she did have other jobs she was working on. Ms. Nanek said the hard part of any grant is getting the letters of support from the community leaders. The grant itself would not take very long. Ms. Delmar said Ms. Nanek would need sufficient time to get a Fiscal Impact Statement from the Finance Director before it goes on the Commission agenda. The latest possible date we could consider it at the Commission level would be at the second meeting in December, which is the 15th, so it would need to be ready no later than December 9th.

Mayor Van Sickle said the Commission would table this item and direct staff to contact Tallahassee for some relief, making them aware that it would be only enough money to do 50% of the project. The rest of the money would have to come from grants.

The consensus of the Commission was to table the item.

Agenda Item 12. Ordinance 2009-30, FY09'10 Budget Amendment #1 – 1st Reading

Ms. Delmar reviewed Agenda Item 12. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

First amendment of the FY09'10 Budget adopted on September 15, 2009 to add expenditures for cemetery improvements as approved by the City Commission.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2009-30 after first reading.

BACKGROUND

Ordinance 2009-21 estimating revenues and appropriating funds for Fiscal Year 2009-10 was adopted by the City Commission on September 15, 2009. We are presenting for first reading an amendment of Ordinance 2009-30 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 9/30/09. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	491,196
Special Revenue Funds	
Debt Service Fund	
Capital Projects Fund	
Airport Fund	
Utility System Fund	
Total Increase (Reduction) of Revenues & Balances Fwd	491,196
Appropriated Expenditures & Reserves	
General Fund	300,000
Special Revenue Funds	
Debt Service Fund	
Capital Projects Fund	
Airport Fund	
Utility System Fund	
Reserves	191,196

Total Increase (Reduction) of Appropriated Expenditures & Reserves	491,196
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The proposed budget amendment increases the City's total budgeted expenditures by \$300,000 and increases reserves by \$191,196, for a net increase in appropriated expenditures and reserves of \$491,196 (from \$42,767,942 to \$43,259,138).

This amendment deals solely with the appropriation of \$300,000 in excess revenues over expenditures at 9/30/09 for the purpose of making cemetery improvements. It was the consensus of the Commission at the regular meeting on November 3 to expend these monies for this purpose.

CEMETERY IMPROVEMENTS BUDGET

LWC = Lake Wales Cemetery

WLC= Willow Lawn Cemetery

001-539-100

Cemetery	Item Description	Amount	Expense	Acct #	Total
LWC	Trash Receptacles	4,000	Op Sup	352-055	5,500
WLC	Trash Receptacles	1,500	Op Sup	352-055	
LWC	Signage	7,500	Op Sup	352-056	10,000
WLC	Signage	2,500	Op Sup	352-056	
LWC	Bollards - Traffic Control	5,000	Op Sup	352-503	5,800
WLC	Bollards - Traffic Control	800	Op Sup	352-503	
WLC	Building Repairs	7,150	M&R	446-192	7,150
LWC	New office building with ADA compliant restrooms	55,000	C/O	662-001	55,000
LWC	Irrigation/repair upgrades	65,000	C/O	663-001	65,000
LWC	Potable water line to Mausoleum	1,000	C/O	663-002	1,000
LWC	Security Lighting	10,000	C/O	663-003	10,000
LWC	Surveillance Camera System	37,100	C/O	663-004	52,100
WLC	Surveillance Camera System	15,000	C/O	663-004	

WLC	Fencing	5,400	C/O	663-006	5,400
LWC	Miscellaneous	1,000	Other	349-900	2,000
WLC	Miscellaneous	1,000	Other	349-900	
	Resurfacing of roadways *	81,050	M&R	346-910	81,050
TOTAL		300,000			300,000

* Roadway resurfacing budget has been reduced from original discussion and may be reduced further to fund improvements where estimates are low. Roadway improvements will be deferred until a future year order to complete other improvements budgeted.

OTHER OPTIONS

Do not appropriate \$300,000 in excess FY08'09 revenues over expenditures for cemetery improvements.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2009-30.

[End agenda memo]

Ms. Delmar said this is a budget amendment that pertains only to the cemetery. We had a discussion of the Finance Statements at the last meeting and the consensus of the Commission was to appropriate the excess revenues over expenditures for FY08'09 for cemetery improvements. This budget amendment incorporates that consensus by appropriating the funds for various improvements. At the meeting last week, we talked about adding \$7,500 for painting the building and fixing the fence at the Willow Lawn Cemetery. Upon examination, that cost will be a little bit more. We have non-ADA compliant restrooms there that we need to bring into compliance along with some other work that needs to be done to that building. We also need to put in a security system. So where we had \$170,000 that we talked about putting into roadway improvements we have whittled away at that number to put in improvements at Willow Lawn. So, basically we have \$81,000 left for road improvements provided we don't have any more additional costs either at the Lake Wales Cemetery or the Willow Lawn Cemetery. But, the roadways we can do in a later fiscal year. We can make a start on roadways and finish later.

Ms. VanBlargan read Ordinance 2009-30 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2009-21 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2009-2010 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.

Commissioner Rogers made a motion to approve Ordinance 2009-30 after first reading. The motion was seconded by Commissioner Thornhill.

Roll Call:

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

The motion carried 5-0.

Ms. Delmar added that a lot of cleanup has been going on at the cemetery, the mowing is caught up, and the shrubbery is looking much better. The Cemetery Ordinance Committee had its fifth meeting yesterday morning and we have an ordinance ready to go before the Commission the first meeting in December. Not everybody is 100% happy, but everyone is somewhat happy. Mayor Van Sickle added that the latest version of the ordinance is, in fact, on the City's web site and anyone that has a concern can read it. He said he spent a few hours reading it and he thinks it is fairly good. Ms. Delmar said there were some committee members that had a lot of input and were very helpful, naming a few. She said we had basically two diverse sides on the questions, and she thinks we have an ordinance that makes teach side happy to some degree.

ADDENDUM

Agenda Item 13. Authorization to Execute Utility Easement – Hardman Recreation Complex

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

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

SYNOPSIS

The current approved scope of work for the 801SC Grant for Hardman Hall requires the conversion of the "Construction Electrical Service" to a "Permanent Electrical Service" for the facility to support the permanent building systems being installed for stabilization of the building.

RECOMMENDATION

The City Staff recommends the following motion: The City Commission authorize the Mayor to execute the attached "Progress Energy Easement for Parcel 01-30-27-88300-017070; 012000;016010; 02-30-27-909610-009000; 010021;011010 for easements for electrical service.

BACKGROUND

The project has moved to a level of completion that requires the installation of permanent service for electrical service.

CURRENT FISCAL IMPACT

A permanent service will establish an electrical service account that will become an expense for the Hardman Hall Complex.

[End agenda memo]

Mayor Van Sickle said this addendum item deals with some required changes that need to be done to continue the work at Hardman Hall Complex. Mr. Gallup explained that in order to make the electrical service permanent, Progress Energy requires easements to be in place prior to the commencement of work.

Commissioner Howell made a motion to authorize the execution of the easement agreement. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

ADDENDUM

Agenda Item 14. Partial Release of Code Enforcement Lien

Mr. Galloway explained that he had gotten a call from the attorney in Boca Raton who needs a partial release of a code enforcement lien. Chapter 162 liens attach to any property in the County. When they foreclosed on a property in Winter Haven, failing to name the City of Lake Wales as a junior defendant

they had two alternatives. One was to say to the city or county that held the lien that they will give them \$500 if they will give them a partial release. Another alternative would be to force them to go back and re-foreclose, which is time consuming and wipes out the City's claim. Mr. Galloway said it would be appropriate for the Commission to approve accepting the \$500 that would then go into the General Fund in exchange for a partial release of the Code Enforcement Lien that the City has on that property. A policy will need to be brought back to the Commission to allow the City to do this in the future without the need to address it this way. He said he is confident that with the number of foreclosures that are going on, there will be other law firms that will miss our lien, and will need to do the same thing. As long as it adds to the General Fund, he thinks it is prudent to take it that way. If we force them to go back and re-foreclose, it would just take time, waste everybody's effort and energy, and also keeps what could be a performing property off the tax rolls until they resolve the problem. He said, with the Commission's approval, he will contact council tomorrow, and tell them to prepare the release. He will have it executed, and the City will receive \$500 for the General Fund. Mr. Galloway was given Commission direction to go forward.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar said there were two items left on the tracking report.

The work on the alleys has begun. Tom Moran, Public Works Director, reported that progress is being made. Seven alleyways were done last week.

Ms. Delmar reported that two 45-mph signs were installed on Thompson Nursery Road. We are looking to install two more because the two signs are not adequate. Police Chief Gillis said that it would be two weeks before they start handing out speeding tickets.

Mr. Gallup announced that the county is having a dedication for the Adult Day Care Center on November 30 around 1:00 p.m. or 1:30 p.m. He said he understands there will be special guests at the ceremony.

COMMUNICATIONS AND PETITIONS

Frank Papadopoulos, Lake Wales Family Restaurant, had a concern about the property across from the ABC liquor store. He gave a picture to the Commissioners for them to view. He said it was a beauty parlor a few years ago. Referring to the picture, he noted that there was only one wall and a little piece of the other wall still standing. He went to the Planning Department to see if there had been a permit issued and he was told there was a permit for remodeling. He said that to him, remodeling means the structure stays and they remodel. This, to him, looked like a demolition. He asked that they look into this and tell him what is going on. He was concerned that nothing was posted and they are telling him it is remodeling. Ms. Delmar said she did not know what the Planning Department explained to him, but the Building Official had contacted her in anticipation of his concerns and said a building permit had been applied for. There is a process for issuing it. Demolition, to the extent that these people are doing demolition, does not require a separate permit. The Planning Department told them to go ahead while they were preparing the building permit, as they were waiting for other documentation. The actual permit on the project is nearly complete. She said she did not know the difference between a permit for remodeling or whether it pertains or not. The Building Official, who does know, said the application was in order and the permit would be issued in the next day or so. In the meantime, they were given permission to go ahead with the demolition. Mr. Papadopoulos said that, therefore, they were saying you don't need a permit for demolition. Mayor Van Sickle added that the Building Official working for the City was very good. Mr. Papadopoulos asked if we were following the rules and regulations and asked what would happen if someone were to get hurt and there was no posted permit. The Mayor said that the Building Official follows the rules to the "T" and if he says we do not need a permit for demolition, it is in the code that way. Mr. Galloway said that if there was an accident or occurrence on that property, liability would be the same whether or not a permit was issued. The liability is with the property owner, not the City. Mr. Papadopoulos said that it was his understanding that when you were doing a demolition of a property you needed to go to the City, to the

Fire Dept., and pay impact fees to be able to build something. The Mayor said that if he needed to discuss this in detail, he needed to go to the Building Department as they have the answers. Commissioner Howell asked if what they were saying was that if she wanted to demolish her house, she would not need to get a permit to knock it down. Mr. Galloway said she would need a permit. It was his understanding that a permit had been applied for, and that the approval to demolish is part of the process. He added that he did not think any of those on the podium knew the specifics of this individual permit or the permitting process in general so they could not answer his question from there. He would get his answers by talking with the staff in the Building Department.

CITY COMMISSION COMMENT

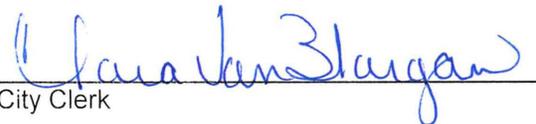
Commissioner Howell reported that the lights on Spook Hill toward the high school were out and Progress Energy needed to be contacted. She asked if the workshop on December 9th could start at 5:00 p.m. instead of at 6:00 p.m. Ms. Delmar said it could if it was alright with the Commission and if the Chamber of Commerce could meet at that time, as it was a joint meeting. Mayor Van Sickle said that someone had asked him if the meeting could be changed to 5:30 p.m. and his concern was that the people who work may have a problem with that. As 5:00 p.m. was approved by the Commission, Ms. Delmar said she would contact the Chamber.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk