

The regular meeting of the Lake Wales City Commission was held on January 2, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Lee A. Wheeler, III.

INVOCATION

The invocation was given by Pastor Luzbit from the 7th Day Adventist Church

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Jack Van Sickle; Terrye Y. Howell; Jean K. Scott; Kathy Manry; Lee A. Wheeler, III, Mayor.

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Anthony G. Otte, City Manager; Albert C. Galloway, Jr., City Attorney; Judith Delmar, Asst. City Manager; Jacquie Hawkins, Deputy City Clerk.

Agenda Item 4. APPROVAL OF MINUTES

There were no minutes presented for approval.

MAYOR

Mayor Wheeler, on behalf of the City Commission, wished everyone a Happy New Year. He said that 2008 would not be a year without challenges, including the soaring price of energy. He said that oil just went over \$100 a barrel and that a year ago at this time it was \$45 a barrel, and at this time in January of 1999, it was \$10 a barrel. He said this was an ongoing trend, not an isolated occurrence, and the City must prepare for it. Few people plan beyond the life of their grandchildren and few governments plan beyond the next election but we need to take a longer view from now on. We do not have a comprehensive energy plan, primarily one based on conservation and incorporating alternate energy sources, and our strategic plan cannot be complete without that. Addressing these matters will involve community involvement with everyone pulling together, giving us new ideas. He said he did not want our grandchildren to wonder about our lack of vision. He wanted the City to look forward to a year of conservation, hope and new vision.

CITY MANAGER

Agenda Item 5. ORDINANCE 2007-61, REPEALING OF SURCHARGES FOR TRAFFIC AND/OR CRIMINAL VIOLATIONS - 2ND READING & PUBLIC HEARING

Mr. Otte reported on Agenda Item 5. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission approve Ordinance 2007-61 after first reading.

BACKGROUND

On September 4, 2007 the City Commission adopted Ordinance 2007-36 imposing a surcharge of up to

\$15.00 for any infraction or violation and a surcharge in the amount of \$85.00 when a person pleads guilty or *nolo contendere* to, or is found guilty of, any felony, misdemeanor, or criminal traffic violation. These surcharges were authorized by the Legislature of the State of Florida in §318.18(14) and §939.185(4)(b) F.S., respectively.

This enabling legislation was repealed by the Legislature effective September 30, 2007. It is therefore necessary that the City Commission repeal Ordinance 2007-36. Ordinance 2007-61 is proposed for this purpose.

OTHER OPTIONS

None. The City no longer has authorization to impose these surcharges.

FISCAL IMPACT

Last year the Police Department processed approximately 1,300 criminal cases. If the individual involved either pled guilty or was found guilty in 80% of those cases, a surcharge of \$85 per criminal case would have yielded \$88,400 in revenue for the City.

During the same period, the Police Department processed approximately 3,000 traffic violations. If the individual involved either pled guilty or was found guilty in 95% of those cases, a surcharge of \$15 per traffic violation would have yielded \$57,000 in revenue for the City.

The City did not have the opportunity to collect any revenue from the imposition of these surcharges; however, repeal of the enabling legislation has cost the City potential revenues in excess of \$145,000 based on last year's numbers.

[end memo]

Ms. Delmar read Ordinance 2007-61 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REPEALING ORDINANCE 2007-36 AMENDING CHAPTER 2, ADMINISTRATION, TO DELETE SURCHARGES PREVIOUSLY AUTHORIZED BY §§318.18(14) AND 939.185(4)(b), FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Manry made a motion to adopt Ordinance 2007-61 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Items 6. ORDINANCE 2008-01, VACATION OF UNNAMED STREET – CITY GARAGE PROPERTY – 1ST READING

Mr. Otte reported on Agenda Item 6. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommended approval upon first reading of Ordinance 2008-01.

BACKGROUND

The ordinance proposes the vacation of the portion of an unnamed street that runs through the City garage property northwest of the intersection of Market Street and Crystal Ave. The "street" is essentially an alley. The segment to be vacated is the easterly 195 feet, as shown on "Attachment A" to the ordinance.

Jerry Torrance, Streets Director, has requested the vacation to make the area available for the City's exclusive use. There is currently no private use of the segment proposed for vacation.

An easement for utility lines along the street will be retained by the City.

The unnamed street runs east-west from First Street to Market Street. The west 198 feet (approximately) will remain open. Three private properties abut the portion of the unnamed street not proposed for vacation, but have primary access from First Street and Crystal Ave.

OTHER OPTIONS

Continue to use the alley for City purposes without vacation.

FISCAL IMPACT

The vacation will not have any fiscal impact.

[end memo]

Ms. Delmar read Ordinance 2008-01 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING, AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC, EXCEPT FOR PUBLIC UTILITY PURPOSES AS SET FORTH HEREIN, IN AND TO A PORTION OF AN UNNAMED STREET AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Scott remarked that before the three hurricanes, the three pieces of property west of that alley were going for \$110,000. Now that Dr. Wiltshire's office had deteriorated, she said it would be nice if the City owned the whole block. She suggested finding out what the current selling price was.

Commissioner Scott made a motion to approve Ordinance 2008-01 after first reading. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 7. DISCUSSION: HISTORIC DISTRICT REGULATION ORDINANCE

Mr. Otte reported on Agenda Item 7. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

No specific action is recommended at this time. Feedback from the Commission members on how they would like the ordinances amended to address public comments would be helpful to staff in making revisions for first readings.

The historic district regulatory ordinance and map of the downtown district, both unchanged from your last meeting, are attached for your convenience.

BACKGROUND

Proposed ordinances pertaining to the establishment and regulation of a downtown historic district were discussed at the December 4 City Commission meeting, and the review was continued to January 2.

The proposed ordinances will require a certificate of appropriateness from a historic district regulatory board for an exterior alterations or new construction in the district.

Per the minutes of the December 4 City Commission meeting, a number of issues were raised during the last discussion. The main points are summarized below with notes on how they might be addressed:

- Fee of \$200 for review of application for certificate of appropriateness is too high
The \$200 fee is in line with the current fees for variances and site plans, which require the review of a City board, typically, Board of Adjustment or Planning Board. The fee covers processing of applications, including review of the application for compliance with regulations, preparation of an advisory memo and agenda for the board meeting, staff support for the meeting, and follow-up, including letters of approval and minutes.

Options: Lower fees could be set for minor projects such as signs, murals, and partial renovations. However, for a major project, such as a complete renovation of a building or construction of a new building, a \$200 fee is not unreasonable. A public hearing may not be necessary for small projects. The public notice fee proposed is \$75. This covers a newspaper ad and the mailing of abutters' notices.
- Requiring a certificate for a mural will be detrimental to the mural program
This comment begs the question of whether murals must be regulated under an historic ordinance. State requirements for a certified local government do not address murals specifically. They state that

an ordinance must require review of all "proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts designated" by local legislation. A definition for "alterations" is not provided. Wes Singletary of the state's historic preservation office was contacted on this point. His response was that it is up to the local government to interpret what will be reviewed as an "alteration," except that changes that affect historic elements of a building or the character of the district must be reviewed.

Options: Eliminate the requirement for a certificate for murals. Removing the specific reference to murals would not cause the City to be rejected for certified local government status. However, murals do affect the character of the district.

- Sign regulations are inadequate for the downtown

There are specific sign restrictions for downtown (C-1) district in the zoning code. Ground signs (freestanding signs) are prohibited unless approved by the Planning Board for special circumstances. "Right angle" signs, those that hang over the sidewalk perpendicular to the building face, are allowed in C-1. Internally lit signs are prohibited. The zoning ordinance does not address aesthetics. Design review of signs is very important to the appearance of the downtown, particularly in the historic area. This type of review is best done by an historic or architectural review board and is rarely done administratively.

Options: Design standards specifically geared for signs in the historic district can be developed and enacted by the historic district regulatory board. Language can be added to the ordinance to require the historic board to develop such standards. The standards would not be generic, but appropriate to the style of architecture and streetscape of Lake Wales' downtown. The expertise of the board members will be essential in developing such guidelines, and assistance from the state can be requested. Although specific guidelines can be incorporated into the ordinance itself, the flexibility of guidelines adopted by the historic district regulatory board is preferable.

- The ordinance is not adequate for owners of historic buildings to get tax credits

Wes Singletary of the state historic preservation office said that the language the certified local government guidelines require concerning review of renovations of historic buildings is adequate for tax credits. This language has been used in the draft ordinance.

- The ordinance should require reconstruction of a building if destroyed 90% by fire

Complete reconstruction of a building is the equivalent of new construction, which would be required to be "compatible" with the district, but not create a "new" historic structure. The *Secretary of the Interior's* guidelines address rehabilitation, not reconstruction of an entire building. *Options:* Staff does not recommend this provision.

- The ordinance does not include a procedure if the application is not approved.

Applications that are denied by the historic district regulatory board are appealed to the City Commission, per the proposed ordinance.

- The ordinance does not allow sidewalk cafes.

Sidewalk cafes are a permitted use in the downtown, subject to regulations under sec. 23-353 of the zoning code. Cafes that extend into the public right-of-way must be approved by the City Commission upon recommendation by the Planning Board and must not obstruct use of the sidewalk.

- The ordinance is too vague and will be subject to challenge

An article entitled "Florida's Local Historic Preservation Ordinances: Maintaining Flexibility While Avoiding Vagueness Claims" by George B. Abney was provided by a citizen at the last meeting. It makes three recommendations to the state for changes to the requirements for certified local governments.

1. Requiring additional criteria and guidelines. "Florida's local historic preservation ordinances could be strengthened by requiring each ordinance to be accompanied by guidelines tailored to the historic properties regulated by the ordinance rather than the generally applicable Secretary of the Interior's Standards." The proposed ordinance contains some additional "visual compatibility guidelines" in sec. 23-653.1. This section also states that "The historic board may also adopt guidelines specific to a historic district." Developing such guidelines is a task appropriate for the appointed board.
 2. Requiring an Informal Review Procedure (pre-application meeting). The proposed ordinance requires a pre-application conference (sec. 23-227.2).
 3. Requiring an appeals process. The City Commission is the appeals board for certificates of appropriateness under the zoning code.
- The ordinance will not meet the standards for a "certified local government"
Whether the City will apply for certification has not yet been decided by the City Commission. However, the requirements for an ordinance under the certification program were obtained from the state and used to develop the proposed ordinance. Wes Singletary at the state has offered to take a look at the draft ordinance prior to first reading. The state requirements include the following, all of which are incorporated into our draft:
 - A clear statement of purpose
 - Clearly defined criteria and a process for designating historic properties
 - Authority for and a process for review of "alterations, relocations, demolitions or new construction" within districts.
 - Criteria for review of applications to achieve the purposes of the Secretary's guidelines.
 - Provisions for enforcing decisions and mechanism for appeal
 - Specific time frames for reviews
 - Provisions for public and owner notification and public hearings for applications for certificates of appropriateness.
 - A historical commission with at least 5 members appointed by the government
 - Members must have expertise in areas related to historic preservation and be members of the jurisdiction to the extent possible.
 - Terms shall be uniform and staggered. Provisions for replacement of members.
 - Meetings shall be held as often as necessary to complete commission work in a timely fashion.
 - Board shall act upon applications for certificates of appropriateness in a timely manner.
 - Board shall have staff to undertake the requirements of certification and carry out duties.
 - Board shall adopt rules of procedure.

[end memo]

Commissioner Howell commented that Cliff Tonjes and the mural group put a lot of time and energy into the beautiful murals around the downtown area and that this ordinance with its fees and regulations would hinder the process of the group. She asked if it would be possible to put a time limit, say until 2010/20011, on the mural part of the ordinance to give the mural group time to finish those projects that have been started or are in the planning stage before the ordinance takes effect. She said this would allow the mural program to continue.

Mayor Wheeler said that the existing projects could be grandfathered in because they were started before the ordinance was approved.

Chuck Galloway, City Attorney, said he did not think the Commission would want to approve a provision that would not go into effect until years later, and that it would be better to simply remove the mural reference from the ordinance. He added that if, at a later date, there was a need to include the mural

wording, the Commission could address it then. Commissioner Howell asked if they could word it so that only new murals would have to go by the new ordinance. Mr. Galloway said it would be better to leave the murals out of the ordinance because that would cause problems if one group had to follow the rules and another had to follow the rules two years later. Mayor Wheeler asked if they could list the projects that would be exempt and Mr. Galloway said the ordinance would have to clearly identify the projects and it would be better not to have it in the ordinance. Margaret Swanson, Planning Director, said that she could take the word mural out of the ordinance.

Margaret Swanson commented on the fee section, saying that staff could come up with a sliding scale for fees for smaller projects. Commissioner Van Sickle said he agreed with the lower fees because the downtown merchants could barely keep their businesses open as it was. Because the downtown area is a historic district, he asked if painting murals would cause it to lose its historic designation. Ms. Swanson said it would not and explained. Commissioner Van Sickle gave a personal example of an undue burden that had been put on the residents of another city.

Mayor Wheeler asked Mr. Galloway if he knew of anyone who challenged the legality of regulating murals. Mr. Galloway said he never had heard of any such challenge.

Mr. Otte said he thought there needed to be more specific sign regulations and guidelines because the present wording could be challenged. Commissioner Van Sickle mentioned that several downtown shop owners had complained to him about leaving messages in the Planning Department concerning permits and never getting a return call. He said the City needed to be more responsive to those who have questions about new regulations. Mr. Swanson said that they have a handout explaining the regulations and changes plus they can schedule a consultation with the Planning Department staff to discuss the conceptual stage.

Mayor Wheeler suggested bringing the ordinance back with the mentioned changes. Ms. Swanson said she would like to make changes for a sliding fee scale and take the word 'murals' out .

David Smith, Babsom Park, asked how the City could regulate someone who wanted to paint a mural of motorcycles on a building. Ms. Swanson said that if the mural had a name of a business on it, it could be regulated as a sign, but if not they would not be able to regulate it as it was a free speech issue.

Agenda Item 8. INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

Mr. Otte reported on Agenda Item 8. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

1. Staff recommends approval of the Interlocal Agreement for Public School Facility Planning
2. Authorize Mayor to sign the agreement.

BACKGROUND

In 2005, the Florida Legislature amended s.163.3180, F.S., which ordered the implementation of public school concurrency. School concurrency is the provision that adequate capacity at all school levels (elementary, middle, high school) will be available when needed by development.

This agreement between the Polk County Board of County Commissioners, the City Commission or City Council of the Cities of Auburndale, Bartow, Davenport, Dundee, Eagle Lake, Fort Meade, Frostproof, Haines City, Lake Alfred, Lake Hamilton, Lake Wales, Lakeland, Mulberry, Polk City, and Winter Haven is part of fulfilling that requirement. The agreement is the City's consent to establish a concurrency management system for public school facilities that is consistent with the County's.

The local governments and the School Board have been working together over the last several months to draft an agreement and consider monitoring, evaluation and implementation of school concurrency. The State requires that a school concurrency review process be in place by March 1, 2008. The guiding principles of the agreement cover quality education, planning and location of schools, co-location of facilities, and infrastructure.

A Public School Facilities Element in the Comprehensive Plan is required and will be presented for first reading and transmittal to DCA at the January 15th meeting. An amendment to the zoning regulations (Chapter 23 LW Code) to implement the requirements will be brought forth in February to meet the March 1 deadline.

Staff has been in contact with Brian Fisher, CFO of the Charter Schools to provide a copy of the Interlocal Agreement and keep him up to date on the implementation of school concurrency requirements. Staff will also be providing a draft of the Public School Facilities Element when completed.

[end memo]

Commissioner Howell made a motion to approve the Interlocal Agreement for Public School Facility Planning and authorize Mayor to sign the agreement. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 9. UPDATE OF THE CITY'S STRATEGIC PLAN

Mr. Otte reported on Agenda Item 9. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Approval.

BACKGROUND

The City's Strategic Plan is being revised. City staff has asked for comments to be included in the update and made a presentation earlier this year to the Lake Wales Vision Committee. The Committee requested that a new emphasis be put on the re-development of downtown, and this is being included in the plan.

The final draft copy of the revised plan will be delivered to Commissioners under separate cover.

OPTIONS

Do not revise the plan, or modify the revisions.

FISCAL IMPACT

There is no fiscal impact in the adoption of the plan. Any recommendations in the plan that require funding would require separate approval through the City budget process.

[end memo]

Mr. Otte explained that the situation section alone had been changed and he went over the changes. Mr. Otte said that he wanted to go forward, meshing the strategy for action with the objectives that were in the budget and present a monthly, department report reflecting those goals and strategies.

Mayor Wheeler asked if a comprehensive energy policy could be incorporated into the Strategic plan and Mr. Otte said it could be put in the section 'The caretakers of the environment'. He said the Commission could postpone adoption and he would bring it back with the changes.

Commissioner Howell said she was happy that the State was going to regulate all the houses going up because there were not enough schools or jobs to support them. She wanted the strategic plan to include plans for jobs and schools so that when people move in, they will have jobs available in the town they live in, instead of having to work in Winter Haven or Bartow. She commented that landowners were selling off to developers and if we stop it, maybe someone will donate some land for schools.

Commissioner Scott said that when she was running for office four years earlier she went downtown to meet the merchants and was surprised that most of them lived in other towns besides Lake Wales.

Commissioner Manry commended the Strategic Plan saying it was an excellent plan and showed vision.

Mr. Otte said that he could emphasize school concurrency and jobs in the strategic plan and bring it back to the Commission at the next meeting. Mayor Wheeler said he would not be able to attend the next Commission meeting and asked that it be brought back the first meeting in February. Mr. Otte said it would be brought to the February 5 City Commission meeting and said that additional thoughts could be added if Commissioners contacted him.

Agenda Item 10. TASK ORDER 29, BOYLE ENGINEERING CORP. – ENGINEERING SERVICES FOR THE PREPARATION OF WATER SUPPLY FACILITIES WORK PLAN

Mr. Otte reported on Agenda Item 10. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission:

1. Accept the proposal of \$55,546.00 and award the contract to Boyle Engineering Corporation to provide engineering services for the preparation of Water Supply Comprehensive Plan Amendments and 10-year Water Supply Facilities Work Plan
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

Florida's water management districts have determined that traditional water sources such as ground water withdrawals will be insufficient to meet the demands of projected growth over the next twenty years. Subsequent changes in Chapters 163 and 373 Florida Statutes (F.S.) along with the enactment of Senate

Bills 360 and 444 improved the coordination and strengthened the statutory linkage between water management districts' regional water supply plan and comprehensive plans of local governments.

These new statutory requirements mandate that the City of Lake Wales, along with other Florida municipalities, prepare a 10-year work plan for the building of, if necessary, of public and regional water supply facilities to serve existing and future development in the City's water service area. This plan must then be adopted into the City's Comprehensive Plan for submittal to the Department of Community Affairs (DCA) and the Southwest Florida Water Management District (SWFWMD) for approval.

This Task Order is made pursuant to the Agreement for Professional Engineering Services between the City and Boyle Engineering Corporation originally executed on December 6, 2000 and extended for another four (4) year period on November 18, 2004 and is in compliance with City requirements, policies, procedures and State laws

OPTIONS

None. This is a mandatory requirement. Not to submit this plan would jeopardize the City's ability to develop.

FISCAL IMPACT

Funds for this plan were not placed in the FY '07-08 Utilities Budget, therefore it will require a budget amendment. Because this plan is dealing with projected growth, it is eligible for water impact fee funding. Should there not be sufficient impact fee revenue to cover this cost, the deficit will be come from the Water Division's Operating Budget.

[end memo]

Mayor Wheeler asked if Boyle Engineering was the only one the City had contacted. Mr. Otte said that they also contacted Hartman Consultants, but Boyle Engineering was the company that had prepared the Water Master Plan, had all the data, and were up to speed on all the City's water issues. If we hired anyone else, the City would have to pay for another plan.

Commissioner Manry made a motion to accept the proposal of \$55,546.00 and award the contract to Boyle Engineering Corporation to provide engineering services for the preparation of Water Supply Comprehensive Plan Amendments and 10-year Water Supply Facilities Work Plan and to authorize the City Manager to execute the appropriate documents, on the City's behalf. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 11. LAKE WALES MARDI GRAS PARADE & CELEBRATION – TEMPORARY STREET CLOSINGS

Mr. Otte reported on Agenda Item 11. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommends approval with the following conditions:

1. The Florida Department of Transportation approves the State Road Closing of Scenic Highway between Central Ave. and Park Ave. from 2:00 p.m. to 5:00 p.m. on February 2, 2008
2. The event sponsor secures a tent permit from the Building Department for each tent over 10 X 10 ft.
3. The City is provided with proof of insurance with the City listed as co-insured for this event.

BACKGROUND

Tommy Phillips, Event Contact person, submitted a Special Event Permit application for the temporary closing of the following streets on Saturday, February 2, 2008 from 2: 00 p.m. to 5:00 p.m. for the Mardi Gras Parade: Central Avenue from Martin Luther King Jr. Blvd. to Scenic Highway; Scenic Highway from Central Avenue to East Stuart Avenue; East Stuart Avenue from Scenic Highway to North 1st Street; North 1st Street from East Stuart Avenue to East Park Avenue; East Park Avenue from North 1st Street to 3rd Street.

Food vendors, and craft vendors will be set up on Market Place, Stuart and Park Ave as part of the event scheduled from 8:00 a.m. to 10:00 p.m. with set up starting at 7:00 a.m. A beer tent will be set up on private property at the Wachovia parking lot on Park Ave.

The Police Department and Streets Department, along with VOICE volunteers, will coordinate control of vehicular traffic. Trash bin placement, sanitary facilities, site setup, and cleanup will be the responsibility of Mardi Gras volunteers.

OTHER OPTIONS

Do not approve the event.

FISCAL IMPACT

\$13,405 has been budgeted for in-kind services provided by the City in relation to the Mardi Gras Parade and Event, \$4,978 from the Police Department, \$921 from Streets Department, and \$7,506 from Parks.

[end memo]

Commissioner Howell made a motion to approve the street closing for the Mardi Gras parade on February 2, 2008 from 2:00 p.m. to 5:00 p.m. The motion was seconded by Commissioner Manry.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Manry	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Asst. City Manager Judith Delmar commented that the Commission had approved the closing of Scenic Highway for the parade, but that they needed to also vote on the closing of Park Ave., Stuart Ave., and Market Place for other activities from 7:00 a.m. to 10:00 p.m.

Commissioner Howell made a motion to approve the closing of streets for the Mardi Gras Celebration as stated in the memo. The motion was seconded by Commissioner Manry.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Manry	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 12. DISCUSSION OF FINANCIAL STATEMENTS FOR NOVEMBER 30, 2007 FISCAL YEAR TO DATE

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

[begin memo]

The unaudited financial statements for the City of Lake Wales for the Period Ending November 30, 2007 are presented to the City Commission for review. At the end of November, the City was 16.7% into the fiscal year. Four of twenty-six payrolls (15.4%) were expensed through November 30. Budget comparisons are based on the adopted FY07'08 budget. The following chart gives a brief summary of overall revenue and expenditure performance as of November 30, 2007:

Fund	Revenues and Sources		Expenditures and Other uses	
	Percent of Budget	Comparison to Target	Percent of Budget	Comparison to Target
General Fund	15.2%	-1.5%	13.7%	-3.0%
Special Revenue Funds	3.2%	-13.5%	4.3%	-12.4%
Debt Service Fund	16.1%	-0.6%	55.2%	+38.5%
Capital Projects Fund	4.2%	-12.5%	1.7%	-15.0%
Airport Fund	0.3%	-16.4%	2.9%	-13.8%
Utility System Fund	4.5%	-12.2%	3.9%	-12.8%

General Fund revenues were 1.5% below target level through November with only \$481,043 (11.3%) of budgeted ad valorem tax revenues received. The City received 16.4% of budgeted franchise fees, 11.7% of utility taxes, 16.9% of communications service taxes, 16.7% of state-shared revenues, and 15.2% of sales tax revenues through November 30. General Fund expenditures were 3.0% below the 16.7% target level. This is due largely to the fact that most expenditures were deferred unless critical to the operations of the department.

Revenues in the Special Revenue Funds were at 3.2% of budget, reflecting the fact that most of the capital projects budgeted from bond proceeds and grants incurred no expense through November 30. The Library Fund received 6.5% of its budgeted revenues and the Transportation Fund received 2.5%. Library Fund expenditures were at 13.3% of budget and Transportation Fund expenditures were at 2.1%. There was minimal activity in the other Special Revenue Funds through the end of November.

Debt Service Fund expenditures are significantly higher than budget as a result of the fact that \$852,975 in principal and interest payments for the Series 97 Bond and the SunTrust 2003 note were paid on October 1. These October 1 payments were made from the bond sinking fund accounts that were funded during FY06'07 and represent 55.2% of the total expenditures budgeted for the Debt Service Fund in FY07'08.

The Capital Projects Fund reflects 4.2% of budgeted revenue and 1.7% of budgeted expenditures. Two projects funded by FRDAP grants and one project funded by impact fees are budgeted in the Capital Projects Fund this year.

Airport Fund revenues were at 0.3% of budget and expenditures were at 2.9%. Most of the revenues budgeted in this fund for FY07'08 are grant-related and fund major capital projects which have not shown significant progress through November.

Revenues from water charges were at 14.6% of budget (-68,788), and revenues from sewer charges were at 15.9% (-21,492) at 11/30/07. Over-all revenues and other financing sources in the Utilities Fund were at 4.5%. Revenues and SRF loan proceeds related to the wastewater treatment plant expansion and south side force main projects will not be recorded until actual expense is incurred. Expenditures in the operating departments were at 14.2% of budget. Total Utilities Fund expenditures and other uses were at 3.9%.

On the face of it, the City's overall cash position at the end of November 2007 has declined somewhat from the cash position at the end of November 2006 (-\$1,596,145). In order to make a valid comparison, however, adjustments must be made to both years as follows:

	11/30/06	11/30/07	Difference
Total Cash & Investments	7,597,343	6,001,198	(1,596,145)
Due to Other Governments	(287,254)	(203,910)	
Insurance Proceeds (Airport)	(2,360,916)	(1,732,504)	
Deferred Revenues*	(460,507)	(506,561)	
Sale of Coop Fruit Prop (Net of Expenditures)	(2,659,757)	(887,196)	
Cash & Investments Net of Adjustments	1,828,909	2,671,027	+ 842,118

**reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc)

After excluding cash that has been collected on behalf of other governments, unexpended Airport insurance proceeds, deferred revenues and sale of the Cooperative Fruit Property, the City's overall cash position at the end of November 2007 actually improved by \$842,118 when compared to November 2006. In relation to the cash position in September 2007 of \$1,637,318, the November position shows an improvement of \$1,033,709. This improvement was possible because \$1,162,067 in grant funds were received between October 1 and November 30 to reimburse the City for cash advanced to cover expenditures related to grant-funded projects.

The amount due to the City from other government agencies was \$1,479,296 more at the end of November 2007 than it was at the end of November 2006 (primarily historic grant reimbursements and airport grant reimbursements). The City's accounts payable at 11/30 increased by \$284,048 from \$942,900 at 11/30/06 to \$1,226,948 at 11/30/07. The City's accounts receivable at 11/30 decreased by \$646,434 from \$2,000,532 at 11/30/06 to \$1,354,098 at 11/30/07.

[end memo]

Mayor Wheeler commented that Ms. Edwards, Finance Director, told him the Utility Lifeline Program was being relatively underused and he wondered if the public was aware of the program. Commissioner Scott said that notice of the program had gone out in their water bills, but she noted that some people may not

read information on their bills. Mayor Wheeler suggested posting notices at the library and other places. Other suggested posting places were the B Street Community Center, Senior Center and the Care Center. Commissioner Manry suggested having the Lake Wales Ministerial Association help get the word out.

ADDENDUM

Agenda Item 12A. CORRECTION TO DR. MARTIN LUTHER KING, JR. PARADE ROUTE

Mr. Otte reported on Agenda Item 12A. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission approve the correction to the Dr. Martin Luther King, Jr. parade route as shown below:

This memo is to correct an error on the parade route for the Dr. Martin Luther King, Jr. Parade approved at the December 18, 2007 City Commission meeting.

ERROR: East to 1st Street, to Seminole Avenue

CORRECTION: East to 1st Street to Sessoms Avenue

[end memo]

Commissioner Manry made a motion to approve the closing of Sessom Ave. Commissioner Howell seconded it.

All "AYE"; None "NAY".

COMMUNICATIONS AND PETITION

Agenda Item 13. CITY COMMISSION TRACKING REPORT

Mr. Otte provided an update to the January 2, 2008 City Commission Tracking Report.

PCC Parking Lot: City staff has presented a plan to PCC staff to have fewer parking spaces on 2nd Street and adding parking spaces on Tillman Avenue.

Tree Replacement: Planning Director Margaret Swanson reported that they would have a report from the Parks Board in February with recommendations for areas needing the trees.

Tree Limb on south 9th Street: Mr. Otte reported that it had been cut.

Stop Sign on E Street and Washington: Mr. Otte reported that a recommendation for a change on the traffic map would be brought back to the Commission at the next meeting.

Tax Reform Meetings: Mr. Otte said that two meetings would be scheduled.

Burns Ave. Repaving: Mr. Otte reported that the County will be repaving within 8 weeks and that they signs were placed by them along Burns Avenue to announce the project.

Mt. Lake Cutt-off Road: Police Chief Herb Gillis reported that the redesign should be ready by February 2008 and that they will be requesting funding from the TPO for costs not covered by FDOT. Mr. Otte said he would bring this back as an agenda item.

OPENED TO PUBLIC COMMENT

David Smith, NAACP, commended the Police Department and Chief Gillis for the excellent response to the Nationwide investigation.

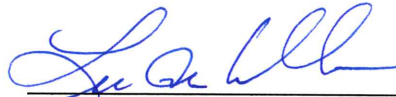
Charley Fairchild, 719 Hillside, said that the alley behind Hillside was completed.

CLOSED TO PUBLIC COMMENT

Commissioner Manry reported that the tree at Grove and First Street had been trimmed.

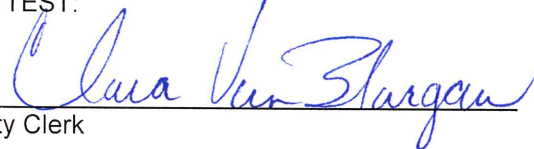
Commissioner Scott announced a County meeting on property tax reform being held at the Lake Wales High School on Saturday, January 12th from 2:00 p.m. to 4:00 p.m. and invited the public to attend; announced the need for a donation of concrete for the skate park; requested that Cliff Tonjes receive a plaque to show appreciation from the City for the holiday lights on the poles he puts up and takes down in the downtown area each year for the enjoyment of everyone; and commended the Public Service Dept. for the wonderful job they did at Twin Lakes Park, inviting the public to see for themselves.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk