

The regular meeting of the Lake Wales City Commission was held on December 15, 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 Dr. Jim Moyer, Warner University

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

CONSENT AGENDA

Agenda Item 5. APPROVAL OF MINUTES: December 1, 2009, Regular Meeting

Agenda Item 6. Polk County Vehicle Lease Program

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Herbert E. Gillis, Chief of Police; Dorothy Pendergrass, Finance Director; Bonnie Hodge, Purchasing Agent]

SYNOPSIS

The City Commission will consider the procurement of police vehicles through the Polk County Vehicle Lease Program.

RECOMMENDATION

It is recommended that the City Commission approve the procurement of police vehicles through the Polk County Vehicle Lease Program and authorize the Mayor to execute the Vehicle Lease Agreement with Polk County.

BACKGROUND

Fleet replacement is a complex and multi-faceted subject that involves a significant expenditure of funds. In the past, the decision to replace police vehicles was made based on a best guess and available funds approach. This methodology has resulted in higher maintenance costs and reduced the availability and safety of the police fleet.

A fleet replacement schedule based on age, mileage and operational reliability was developed last year and approved by the City Commission. Currently, however, there are insufficient funds available to replace all the vehicles that should be replaced. A vehicle lease agreement with Polk County has been

proposed that can provide the number of police vehicles required while, at the same time, reducing the city's annual maintenance costs.

Chief Gillis and Bob Stanton, Director of Fleet Maintenance for Polk County, cooperatively developed a lease program for 12 marked Crown Victoria pursuit vehicles, 2 marked Crown Victoria pursuit vehicles for the K-9 unit, 2 unmarked Crown Victoria pursuit vehicles and 1 Ford F-150 pick-up truck for Code Enforcement. It was the consensus of the City Commission at the workshop on November 11 that there was interest in entering into such a lease program. The intended fleet replacement plan under the proposed vehicle lease program is shown in the following chart:

Office/Division/Section/ Unit	Assigned Vehicles	Condition of Assigned Vehicles		Purchase	Refurbish ment
		Satisfacto ry	Unsatisfa ctory		
Office of the Chief	3	1	2	2	0
Division of Investigations	1	1	0	0	0
Criminal Investigations Section	5	1	4	0	4
Special Investigations Section	2	2	0	0	0
Division of Operations	2	2	0	0	0
Canine Unit	4	2	2	2	0
Code Enforcement Unit	2	1	1	1	0
COPS Unit	6	1	5	5	0
Patrol Section	20	9	11	7	4
School Resources Unit	3	2	1	0	1
Total	48	22	26	17	9

Seven vehicles have been earmarked to become Police Department spare cars. One 2002 Ford F-150 will be set aside for a proposed new position in the Stormwater division. One 2000 Ford Ranger has already been transferred to Facility Maintenance. The Kawasaki ATV and UTV may be transferred to the Cemetery Division. A 2000 GMC Yukon may be transferred to the Wastewater Department. Sixteen vehicles have been earmarked for disposal and will be added to the auction list; if any of these vehicles are transferred to other departments within the City, that department will dispose of an older vehicle via the auction so that their yearly maintenance fee with Polk County does not increase.

The proposed vehicle lease agreement includes a non-appropriation of funds clause, which allows the city to terminate the lease at the end of its fiscal year if funds have not been appropriated for future payments.

The Polk County vehicle lease agreement offers the following benefits:

- This vehicle lease agreement provides a funding option for the operational use of essential law enforcement equipment.
- The estimated maintenance cost saving over the first three-year period of \$84,201 exceeds the implied financing cost of \$20,180. Estimated net maintenance cost saving of \$64,021.
- Lease term concludes before the useful life of the asset.
- Payment costs correspond with expected revenue availability.
- Payments are structured to meet the city's cash flow and budgetary requirements.

FISCAL IMPACT

If these 17 vehicles were purchased under the State of Florida Contract, the total purchase price would be \$437,591.13. Under the Polk County vehicle lease agreement these 17 vehicles can be leased at an annual cost of \$70,628.56. This lease price includes the full EVS package of light-bars and other equipment and the installation of the radios and in-car cameras.

The yearly fleet maintenance fee from Polk County Fleet Maintenance will be \$225 per vehicle for the first three (3) years for a total of \$3,825 per year. At the end of three years, the maintenance fee will increase to \$1,876 per vehicle for a total of \$31,892 per year. A savings of \$28,067 per year will be realized in maintenance fees during the first three years with a total savings of \$84,201 during this period.

If the Commission decides to approve the vehicle lease program, the City is committed to a yearly lease payment of \$70,628.56, and these funds must be budgeted for the remaining 5 years of the 6-year lease. If revenues are insufficient in future years, funding the lease payments will require reduction of personnel costs. The other option would be to return the vehicles to the County under the non-appropriation of funds clause; if it becomes necessary to exercise this option, however, the Police Department would suffer the loss of 17 vehicles.

The cost of striping and applying graphics to the lease vehicles is not included in the lease. The cost to mark 15 of the 17 vehicles will be \$5,145.00.

The vehicle lease agreement states that Polk County will be responsible for the payment of all required tag and registration fees, however, this would mean that the vehicles would bear county tags instead of city tags. In order for the department to have city tags the City will be responsible for these fees. The cost of tags and registrations for these vehicles is \$51.85 per vehicle, for a total of \$881.45. In-car video cameras will be transferred from the vehicles being replaced and re-installed in the leased vehicles. The cost of acquiring 17 vehicles through the Polk County vehicle lease program is compared to a traditional purchase in the following chart:

FY 2009/2010 Operating Budget	Vehicle Group	Polk Co Vehicle Lease		Traditional Purchase
		Annual Cost	Total Cost	
CRA - \$125,000	A	\$23,892.37	\$155,354.22	\$148,527.58
General Fund - \$50,000	B	\$46,736.19	\$302,417.14	\$289,063.55
		<u>\$70,628.56</u>	<u>\$457,771.36</u>	<u>\$437,591.13</u>
Group A:				
(1) 2010 Ford F-150 4x4 @ \$2,733.12		\$2,733.12	\$18,398.72	\$17,617.83
(5) 2010 Ford Police Interceptor @ \$4,231.85 each		\$21,159.25	\$136,955.50	\$130,909.75
Total Group A		<u>\$23,892.37</u>	<u>\$155,354.22</u>	<u>\$148,527.58</u>
Group B:				
(2) K-9 Units @ \$4,589.72 each		\$9,179.44	\$59,076.64	\$56,453.90
(2) 2010 Unmarked Units @ \$3,966.90 each		\$7,933.80	\$51,602.80	\$49,336.00
(7) 2010 Ford Police Interceptor @ \$4,231.85 each		\$29,622.95	\$191,737.70	\$183,273.65
Total Group B		<u>\$46,736.19</u>	<u>\$302,417.14</u>	<u>\$289,063.55</u>
Total		<u>\$70,628.56</u>	<u>\$457,771.36</u>	<u>\$437,591.13</u>

In the 2009/2010 budget, \$125,000.00 was budgeted in the CRA budget for the purchase of 5 vehicles (Group A) and \$50,000.00 was budgeted in the General Fund for the purchase of 2 vehicles (Group B). The purchase of a Code Enforcement vehicle was not originally included in the CRA budget.

Vehicle Acquisition Cost - Year 1						
	Vehicles	Graphics	Tags	TOTAL	BUDGET	Unspent
Group A:	\$23,892.37	\$2,058.00	\$311.10	\$26,261.47	\$125,000.00	\$98,738.53
Group B:	\$46,736.19	\$3,087.00	\$570.35	\$50,393.54	\$50,000.00	(\$393.54)
TOTAL	\$70,628.56	\$5,145.00	\$881.45	\$76,655.01	\$175,000.00	\$98,344.99

Of the \$98,738.53 remaining unspent in the CRA FY09'10 budget for vehicles, \$25,000 will be used to purchase 2 Polaris side-by-side utility vehicles for preventative patrol in Historic Downtown and Lincoln Avenue and other community policing programs. Unutilized funding in the CRA could be reprogrammed for other community policing initiatives such as expanding the MOTOMESH system to a location on Dr. JA Wiltshire Boulevard in an effort to eradicate the flagrant street drug market. It would also be possible to use these funds to replace the in-car cameras used by the cars assigned to patrol the CRA area with more modern, more reliable cameras.

As with all purchases, if the City were able to purchase items without the use of financing options this would result in the lowest overall cost but the greatest single annual cash flow decrease. A full purchase would result in a current year decrease in cash flow of \$437,591 (excluding graphics and tags).

If the City decides to use the Polk vehicle lease option, an annual decrease in cash flow of \$70,628.56 (excluding graphics and tags) over a six-year period would be required. The lease options contain an annual option for return of the vehicles should the City Commission decide to discontinue the lease options. The projected maintenance cost saving is expected to provide a net cost savings of \$64,021 over the term of the lease.

[End agenda memo]

Agenda Item 7. SAFER Grant Application

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jerry Brown, Fire Chief]

SYNOPSIS

The fire chief is requesting permission to submit a grant application to the Department of Homeland Security for funding for three firefighter positions. If awarded, the three positions will be utilized to increase staffing at the sub-station by one Firefighter/Emt per shift.

RECOMMENDATION

It is recommended that the City Commission authorize the Fire Chief to submit the completed application for the 2009 SAFER Grant.

BACKGROUND

The Department of Homeland Security is accepting applications for the 2009 SAFER Grant until 5:00 p.m. Eastern Daylight Time on December 18th, 2009.

The grant request is for the addition of three firefighters that are needed to increase staffing at the department's sub-station from three to four per shift. The SAFER grant program has a three-year

performance period where the grant picks up the cost of salary and benefits for years one and two; the City is responsible for year three. There is no requirement to retain the employees after the end of the three-year performance period. Both Winter Haven and Haines City have taken advantage of the SAFER Grant Program over the last few years.

OTHER OPTIONS

Do not apply for the grant and look for other future funding opportunities.

FISCAL IMPACT

Awarding of the grant would impact expenditures;

- \$8,325 in year one for firefighting gear, equipment, and uniforms
- \$825 in year two for uniforms

\$167,038 in year three for the entire cost of salaries, benefits, and uniforms

[End agenda memo]

Agenda Item 8. Modification of Official Traffic Map

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Herbert E. Gillis, Chief of Police]

SYNOPSIS

The City Commission will consider establishing Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue as a four-way stop intersection.

STAFF RECOMMENDATION

Staff recommends the Mayor and the City Commission modify the Official Traffic Map in the following manner:

1. Establish the intersection of Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue as a four-way stop intersection.
2. Place and display official traffic control devices and roadway markings as required.

BACKGROUND

The recommendation listed was developed in partnership with the MLK Neighborhood Watch Group to improve traffic safety along the listed public highways, roads and streets.

Aggressive driving and speeding has long been a problem on Dr. Martin Luther King, Jr. Boulevard. The Lake Wales Police Department has worked with the MLK Neighborhood Watch to remove this problem. A number of traffic enforcement operations were conducted on Dr. Martin Luther King, Jr. Boulevard, however when law enforcement officers are not present violations continue. Accordingly, traffic calming techniques are needed.

A site review identified the railroad crossing located on Dr. Martin Luther King, Jr. Boulevard provides unintended but nevertheless effective traffic calming. Additional traffic calming is required in and around the James P. Austin Community Center. Accordingly, the Police Department with the support of the MLK Neighborhood Watch Group recommends the City Commission establish Dr. Martin Luther King, Jr. Boulevard and Sessoms Avenue as a four-way stop intersection.

The location contained in this proposal are within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that "Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads." Attorney General Robert Butterworth confirmed this provision in Advisory Legal Opinion 2001-06 issued on February 12, 2001. As such the City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

OTHER OPTIONS

The Commission may choose not to make any changes to the Official Traffic Map.

FISCAL IMPACT

None. Funding was included in the Field Operations Division operating budget for this purpose and the required signage is in inventory.

[End agenda memo]

Agenda Item 9. Donation of Surplus City Equipment: John Deere Mower

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Teresa Allen, Public Services Director]

SYNOPSIS

The City Commission will consider authorizing the donation of a 1999 John Deere mower to the Avon Park Correctional facility for spare parts.

RECOMMENDATION

Staff recommends that the City Commission take the following actions:

1. Declare as surplus and authorize the disposal of the 1999 John Deere mower previously used by the Parks Division.
2. Approve the donation of the 1999 John Deere mower to the Avon Park Correctional facility.

BACKGROUND

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function or purpose.

Authority for the disposal of surplus property for which the initial purchase price equals or exceeds \$750.00 shall be recorded in the official minutes of the City Commission. Such authority shall include approval of the method of disposal and the estimated value of the property. Authority for the disposal of surplus property for which the initial purchase price does not equal or exceed \$750.00 shall be granted to the City Manager.

Property, the value of which the City estimates to be less than five thousand dollars may be disposed of in the most efficient and cost-effective means as determined by the City Commission. The City Code also authorizes the disposal of surplus property to any governmental unit in the state for the value of the property without the need for bids.

The Fleet Department has determined that a 1999 John Deere mower that was a part of the Parks Division inventory is beyond repair, has no residual value, serves no useful purpose, and has been set aside for disposal.

The Avon Park Correctional facility has requested that the City donate the mower to them to be used for spare parts.

FISCAL IMPACT

None.

OTHER OPTIONS

The Commission may choose not to donate the mower and, instead, sell it at auction or sell it for scrap.

[End agenda memo]

Agenda Item 10. Dr. Martin Luther King, Jr. Commemorative Celebration & Parade – Temporary Street Closings

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinlock, City Manager's Administrative Assistant]

SYNOPSIS

Approval of the street closing request will allow the Dr. Martin Luther King Jr. Commemorative Celebration and parade to be held on January 18, 2010

RECOMMENDATION

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

1. Approve the temporary street closings for the Dr. Martin Luther King Jr. Commemorative Celebration and Parade to be held Monday, January 18, 2010. The time frame requested for the street closings for the parade is from 2:30 p.m. to 5:00 p.m. and for after-parade activities on Lincoln Avenue from approximately 4:30 p.m. to 8:00 p.m.
2. Authorize the City Manager to sign the event permit.

BACKGROUND

Narvell Peterson, representative of Dr. Martin Luther King Committee submitted a Special Event Permit application for the Annual Dr. Martin Luther King Jr. Commemorative Celebration and Parade to take place on Monday, January 18, 2010. The parade will start at approximately 3:30 p.m. at the James P. Austin Community Center, 315 Dr. Martin Luther King Boulevard, and end at approximately 4:30 p.m. The day's celebration will continue after the parade along Lincoln Avenue with food and craft vendors, music and entertainment until 8:00 p.m. The Celebration Committee will be responsible for getting the vendors to close promptly at 8:00 p.m. The parade route involves the following streets;

The parade will begin on Dr. Martin Luther King Jr. Boulevard at the James P. Austin Community Center and will head north to Dr. J.A. Wiltshire Avenue, turning left and continuing to E Street, turning right and continuing to Lincoln Avenue, then turning right on A Street and continuing on A Street until reaching Dr. J.A. Wiltshire Avenue at which point the parade will turn left and continue to First Street, when reaching First Street the parade will turn right and continue until Park Avenue, at Park Avenue the parade will turn

right and continue until Dr. Martin Luther King Jr. Boulevard, at this point the parade will turn right on Dr. Martin Luther King Jr. Boulevard and continue to the James P. Austin Center where the parade ends.

All departments have reviewed the application and have approved the event. Lake Wales Police Department and VOICE will be assisting with pedestrian traffic and vehicular traffic control. The Streets Division will be assisting with the street closings, setting out trash containers and the normal trash clean up on Tuesday.

OTHER OPTIONS

Not to approve this event and road closings.

FISCAL IMPACT

There is \$21, 000 budgeted for in-kind services for special events.

[End agenda memo]

Agenda Item 11. Agreement – City of Lake Wales/PBA (Police Benevolent Association)

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sandra Davis, Human Resources Director]

SYNOPSIS

This amendment will ratify the 1% bonus for West Central Florida Police Benevolent Association approved by the City Commission following adoption of the budget.

RECOMMENDATION

It is recommended that the City Commission ratify the proposed amendment to the agreement between the City of Lake Wales and the West Central Florida Police Benevolent Association and authorize the City Manager to execute the appropriate documents.

BACKGROUND

Members of the PBA met and majority of the members voted to accept the 1% bonus approved by the City Commission. Negotiations will continue on a proposed pension improvement of 25 years of service with no age qualifer for retirement and to change the current 10 year vesting requirement to 6 years.

AMENDMENT Article 16 Wages

16.1 Members shall receive a one percent (1%) cost-of-living increase to base annual salary, effective October 1, 2008. ~~one time bonus to be dispersed in December 2009.~~

Note: The 1% bonus is consistent with what the general employees and firefighters will receive.

FISCAL IMPACT

The one percent (1%) bonus for members of the West Central Florida Police Benevolent Association will cost 17,871.64 and will be included in FY 09'10 budget amendment #2.

OTHER OPTIONS

Do not ratify this amendment.

[End agenda memo]

Agenda Item 12. Computer Equipment Purchase from CDW Government

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by James Slaton, Information Technology Director]

SYNOPSIS

The Commission will consider the purchase of 45 notebook and 27 desktop computers

RECOMMENDATION

Staff recommends the Commission approve the purchase of 45 notebook computers, 27 desktop computers, associated warranties, and two server LCD monitors for the Lake Wales Police Department using the Recovery Act Edward Byrne Memorial Justice Assistance Grant funds totaling \$60,746.95.

BACKGROUND

Advances in software technology have surpassed the current computer hardware assets of the Lake Wales Police Department. On May 19, 2009, the Commission approved an application to the Edward Byrne Memorial Justice Assistance Grant Program for funds to purchase advanced and specialized criminal justice information systems. Funding of this program is part of the American Recovery and Reinvestment Act of 2009.

On September 15th, 2009 the Lake Wales Police Department received notice that it had been allocated \$74,000.00 in grant funds from the program to be used for the purchase of new notebook and desktop computers, an evidence recovery system, and a laser scene mapping system.

The IT department solicited proposals on the desired equipment, and proposals were submitted by CDWG, GovConnection, and Electronics World, Inc. as follows:

- CDWG submitted the lowest proposal at \$60,746.95.
- Electronics World submitted a proposal of \$48,015.00 for notebooks alone and did not quote desktop computers. The per unit price submitted was \$1067.00 compared to \$930.00 per unit submitted by CDWG.
- GovConnection submitted a proposal of \$72,321.00
- TigerDirect submitted a proposal of \$64,181.66
- Insight Public Sector submitted a proposal of \$87,186.01

OTHER OPTIONS

The Commission may choose not to approve the purchase of the equipment at this time.

FISCAL IMPACT

None. The City will be fully reimbursed by the Recovery Act Edward Byrne Memorial Justice Assistance Grant.

[End agenda memo]

END CONSENT AGENDA

Item 8 was pulled for separate discussion and voting.

Commissioner Rogers wished to discuss Agenda Item 6, Polk County Vehicle Lease Program. He asked how many cars would be leased. Police Chief Gillis said 17 vehicles for a five-year period. Commissioner Rogers asked how leasing vehicles compared to purchasing them. Chief Gillis said it would cost \$437,591 to purchase and \$457,771 to lease. Commissioner Wheeler asked if you added the cost of maintenance and repair, would the lease be better as far as cash flow goes. Chief Gillis said it would for the first three years of the lease as far as annual maintenance cost. Commissioner Wheeler noted that we would also be getting brand new vehicles to replace old ones, which would also help with recruiting efforts. Chief Gillis said because of cash flow he had not been able to replace the fleet as he needed to. This would give the Police Department the ability to replace the fleet with reliable vehicles. The Mayor asked if, with these 17 vehicles, they would be rid of all the old vehicles. Chief Gillis said once the new cars were delivered and outfitted, those going out would be deadlined. The Commission would decide if the old ones would go out for bid or be re-utilized. The Mayor said that by leasing instead of purchasing we would not have vehicles with high mileage on them, which would leave the fleet in better shape. Chief Gillis said the 2004-2006 cars, though only a few, will be retained. He said the newer models are built better. They plan to keep them for twelve years instead of ten, or for 120 to 150 thousand miles, giving them more for the buck.

Commissioner Howell wished to discuss Agenda Item 11, Agreement – City of Lake Wales/PBA (Police Benevolent Association.) She wanted to make sure this was only to ratify the 1% and not the other negotiations mentioned in the agenda memo. Ms. Delmar said the other negotiations were not on the table at all. Commission Howell said she wondered why that was put in the agenda memo. Ms. Delmar said the Department did vote on the 1% and this was only to ratify the 1%. Commissioner Rogers asked if the other employees would get their 1%. Ms. Delmar said that had already been taken care of for Fire and General employees and the Police would get theirs in a specially prepared payroll by the end of the month, if ratified tonight.

Commissioner Wheeler made a motion to approve the Consent Agenda excluding Agenda Item 8. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 8. Modification of Official Traffic Map

David Smith, Babson Park, said that on Lake Shore there is a stop sign on every corner. He did not know why a stop sign was needed at Sessoms Avenue, as you already have to stop at the railroad crossing on MLK. He said he would prefer the use of speed bumps instead of all the stop signs as they would slow down the traffic on the corner. Chief Gillis said that it had been a request from the MLK Neighborhood Watch Group as they were concerned about speeding on Martin Luther King Jr. Blvd. He said that traffic signs along with speed bumps were traffic-calming techniques but speed bumps were very costly, costing around \$8,000 the last time he checked, whereas signs are relatively inexpensive. Although the speed bumps physically make a vehicle slow down, the stop signs give the officers more enforcement ability. He agreed with Mr. Smith that the railroad track had a natural traffic calming effect. He said the request was because there were many children in that area with the Community Center and Grove Manor at that location.

Mayor Van Sickle asked if there were enough officers to make sure that speeders are ticketed. Chief Gillis said there was a community policing officer linked to Grove Manor. He added that the goal was to change driver behavior through education, not just give out citations, though citations will get their attention.

Commissioner Rogers said that that railroad crossing was terribly rough and asked if it could be repaired. Chief Gillis said he could request it through the railroad company who is responsible.

Commissioner Howell said she is not in favor of the stop sign. She would prefer speed bumps. A stop sign would not slow drivers down as they would simply speed before and after, and slide through the stop sign. The loud music there that is not being enforced, so speeders would not get caught unless a police officer was standing right there. The area should be patrolled more. Chief Gillis said that if the Commission approved the stop sign, he could report to them whether the stop sign was being effective and if not effective, the Commission could take action to remove it.

Commissioner Thornhill said that he goes out of his way to avoid a speed bump and it might change the driving pattern of some who would rather go a different direction to avoid the stop sign. Speed bumps are a common method. Chief Gillis said that speed bumps were not always effective because people drive around them even if they have to drive on people's yards to do it. He said that stop signs have been effective in other areas of town.

Commissioner Howell asked if stop signs would be put on First Street where people go just as fast. Chief Gillis said the difference is that First Street is more commercial and Sessoms is more residential. He said most of the complaints he gets for the area are not for crime, but for loud music and speeding. Ms. Delmar asked what the speed limit was on that road and the Chief said 25 mph.

Linda Kimbrough, 307 Florida Avenue, said she travels on Martin Luther King, Jr. Blvd. every day and stop signs get on her nerves. She cannot go 50 feet on Lake Shore Blvd. without having to stop again. She said giving out tickets to those who speed would help. She said that the Chief does not do a survey or anything but he just take's people at their word that a stop sign is needed and then puts up another stop sign. She said enforcement would solve the problem without having to put up more stop signs.

Ms. Shaffer, 301 First Street and Sessoms, said the City should go with the method they can afford. She said if the stop sign does not work then they could come back and see if we can afford a speed bump.

Commissioner Wheeler asked the Police Chief if he knew that traffic slows down from habit if a stop sign is removed after having been there for a long time. Chief Gillis said he did not know. Commissioner Wheeler suggested a temporary stop sign if that would work to slow people down.

Commissioner Wheeler made a motion to approve the modification of the Official Traffic Map. The motion was seconded by Commissioner Howell.

Roll Call Vote:

Commissioner Wheeler	"Yes"
Commissioner Howell	"No"
Commissioner Thornhill	"No"
Commissioner Rogers	"No"
Mayor Van Sickle	"Yes"

The motion failed 3-2.

OLD BUSINESS

Agenda Item 13. Ordinance 2009-24, Correcting Error relating to Airport Tie-Down Fees – 2nd Reading & Public Hearing

Ms. Delmar reviewed Agenda Item 13. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

In a review of existing rates and charges for airport facilities it was identified that Ordinance 2007-55 contained a flaw in setting fees for tie-downs at the City of Lake Wales Airport that requires correction.

RECOMMENDATION

Staff is recommending that the City Commission approve Ordinance 2009-24 after second reading and public hearing to delete provisions in the Airport code relating to tie-down leases and tie-down fees.

BACKGROUND

In the process of modifying the hangar lease for the City of Lake Wales Airport and in discussion with the FBO, staff was made aware of a possible conflict that may have been created with Ord. 2007-55 setting fees for t-hangar and tie-down rental fees. After file review and consultation with the City Attorney, it was found that there is a conflict, and Commission action is necessary to return the charge of setting tie-down fees to the administrative jurisdiction of the designated FBO. The setting of tie-down fees is within the FBO's area of responsibility per the existing agreement between the City and the FBO.

CURRENT FISCAL IMPACT

None; the City has not been receiving revenues from this source.

OTHER ALTERNATIVES

None

[End agenda memo]

Ms. VanBlargan read Ordinance 2009-24 by title only.

AN ORDINANCE AMENDING CHAPTER 3, AIRPORT, LAKE WALES CODE OF ORDINANCES; DELETING PROVISIONS RELATING TO TIE-DOWN LEASE AND TIE-DOWN RENTAL FEES; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2009-24 after second reading & public hearing. The motion was seconded by Commissioner Rogers.

Roll Call:

Commissioner Howell	"Yes"
Commissioner Rogers	"Yes"

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

The motion carried 5-0.

Agenda Item 14. Ordinance 2009-31, Amending Chapter 10, Fire Prevention, Lake Wales Code of Ordinances – 2nd Reading & Public Hearing

Fire Chief Jerry Brown reviewed Agenda Item 14. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Chuck Croley, Fire Marshal]

SYNOPSIS

The amendment will update two sections of Chapter 10 to achieve compliance with State Statute.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2009-31 after second reading and public hearing.

BACKGROUND

Section 10-1 adopted the 1994 edition of the Standard Fire Prevention Code as the minimum fire safety standard for the city in 1996. Pursuant to Florida Statute 633.025 and Florida Administrative Code 69A-60.002, the Florida Fire Prevention Code is the minimum fire prevention code deemed adopted by each municipality, county, and special district with fire safety responsibilities. The 2007 Florida Fire Prevention Code has an effective date of January 1, 2008, which is triennial pursuant to F.S. 633.215. Therefore, Section 10-1 needs to reflect the statewide adoption to remove conflict and to allow for enforcement locally. Without local enforcement, any citations for non-compliance would require adjudication through the county court system.

Section 10-7 covers the sale, lease or use of portable kerosene heaters within the city and is currently unenforceable, the section would require a local amendment to the Florida Fire Prevention Code, pursuant F.S. 633.0215, to allow for enforcement. The technology, safety and testing incorporated in modern appliances makes this section obsolete. The Florida Fire Prevention Code addresses the necessary restrictions to ensure the public's safety. Therefore, section 10-7 requires deletion.

OPTIONS

None. Approval of Ordinance 2009-31 will bring the City into compliance with Florida Statute.

[End agenda memo]

Ms. VanBlargan read Ordinance 2009-31 by title only.

AN ORDINANCE AMENDING CHAPTER 10, FIRE PREVENTION, LAKE WALES CODE OF ORDINANCES, TO ADOPT STANDARDS OF SEC. 10-1 MINIMUM FIRE SAFETY STANDARDS AND THE DELETION OF SEC. 10-7 SALE, LEASE OR USE OF KEROSENE HEATERS; PROVIDING AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

David Smith, Babson Park, asked if the Landlord would be responsible if a renter uses a kerosene heater. He wanted to know if the Fire Department checks. Fire Chief Brown said that this ordinance was to remove the restriction on using kerosene heaters. If the amendment passes, it will be legal to use kerosene heaters correctly and safely. City Attorney Chuck Galloway said that he did not see any Landlord liability. If a tenant chooses to use a legal source of heat, he can do so.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2009-31 after second reading & public hearing. The motion was seconded by Commissioner Rogers.

Roll Call:

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

The motion carried 5-0.

Agenda Item 15. Ordinance 2009-32, Cemetery Rules & Regulations – 2nd Reading & Public Hearing

Ms. Delmar reviewed Agenda Item 15. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The City Commission will consider adopting the ordinance developed by the cemetery committee to revise the current rules and regulations governing use and operation of the municipal cemeteries.

RECOMMENDATION

It is recommended that the Commissioners approve Ordinance 2009-32 as proposed after second reading and public hearing.

BACKGROUND

After the recent problems at the Lake Wales Cemetery relating to the clearing, without notice, of grave ornaments that did not comply with the cemetery ordinance, a committee composed of staff and concerned citizens was formed to make recommendations for the improvement of cemetery rules and regulations.

The committee met once a week for five weeks, and each meeting lasted for two hours. The number of citizen participants ranged from 17 at the first few meetings to 10 at the fifth meeting. Discussions were spirited but not adversarial, and everyone took the opportunity to express personal opinions about all the various regulations governing the use of the cemeteries.

Proposed Ordinance 2009-32 is the result of these discussions. While most of the rules and regulations in the proposed ordinance represent the consensus of the committee members, in a few instances some members would have preferred more or less latitude than a particular rule permits. These preferences are presented to the Commission under the "Other Options" section of this memo.

The proposed ordinance includes a statement of legislative intent that the ordinance will serve as a contract between the City and the users of the cemetery; i.e., it is a contract defining the responsibilities of the City in caring for the cemeteries and the responsibilities of persons paying respect to loved ones interred in the cemeteries.

In addition to minor changes of an administrative nature, substantial changes were made to the existing ordinance that include the following:

Existing	Proposed
Some definitions and rules are vague and open to interpretation or discretion of the cemetery manager	Definitions and rules are clarified where necessary and discretion is removed; items either comply as specified or do not comply and will not be allowed.
The city will provide general maintenance and care to the cemeteries <u>if</u> proceeds from the sale of burial lots cover the cost of operation; there is no obligation to fund costs that exceed cemetery revenues and no obligation to maintain care and upkeep standards	Perpetual care of the cemeteries is assumed by the taxpayers and is defined to mean cutting and irrigation of grass, raking and cleaning of grounds, pruning of shrubs and trees, maintenance of pathways and roadways
There is no existing language that spells out the responsibilities of cemetery users	Users of the cemetery must understand that anything that keeps the city from fulfilling its commitment to care for the cemetery or adds undue cost for the taxpayers is prohibited
There is no existing standard for conduct of cemetery workers beyond prohibition against accepting tips, gratuities or commissions for work performed	Conduct standard for cemetery workers is expanded to include responsibility for reporting vandalism, obligation to use care with equipment to avoid damaging markers, etc., and obligation to behave in a courteous and respectful manner
Cemetery trust is used to fund current operating shortfalls and capital expansion of the cemetery	Cemetery trust may be used <u>only</u> to make capital improvements to the cemeteries
Monuments , markers etc. may only be bronze, granite or marble	Monuments , markers etc. may be bronze, granite, marble or any suitable and approved material or other equally durable stone material, metal or metal alloy.
All monuments and markers must be set on a foundation constructed on a minimum of 3" of concrete	Monuments must be set on minimum 6" concrete foundation with steel bar reinforcement; markers must be set on minimum 3" concrete foundation with steel bar reinforcement; permit required (\$25.00 fee) for installation; foundation must be inspected by city before monument or marker is set
Temporary metal markers can only remain on grave for 6 months after burial	Families have option to install memorial brick (\$35.00) instead of temporary metal marker until larger permanent marker can be installed; brick can remain on grave indefinitely

Existing	Proposed
Permanent planting and maintenance of grasses, shrubs, trees flowers can be done or approved by the city	Only the city can plant trees, shrubs, etc.; anything planted in a memorial section before 12/1/09 will be removed and transplanted elsewhere in the cemetery after notice to family; anything planted in a non-memorial section may stay as long as properly maintained by family
All vases and receptacles must be approved by City; approved vases may be of invertible type; fixed vases shall not exceed 6" diameter by 10" tall; no other receptacle may be used as vase	A frame may be used in lieu of a vase to support non-live flowers placed on special dates or until a permanent marker can be installed provided that combined height of frame and flowers does not exceed 24"
Potted plants are not permitted except as a special decoration on special dates	Potted plants will be allowed provided that pot is buried so that top edge is flush with ground, pot does not exceed 1-gallon in size and plant does not exceed 24" tall; plant does not have thorns or stickers; plant is maintained properly by family
Fences, hedges, borders, pipe, chains, enclosures are prohibited	A flat border will be permitted provided it is flush-mounted, is laid on a foundation to prevent tilting or shifting, is made of a material specified by city (example on file in cemetery office), and is maintained properly by family
Grave decorations may be removed when, in the judgement of the cemetery manager, they do not conform to the decorum of the cemetery. May be removed periodically by cemetery personnel if they become unsightly, interfere with the normal maintenance of the cemetery, or are otherwise objectionable.	Discretion is eliminated, grave decorations <u>will</u> be removed if they violate cemetery rules and regulations.
Special dates are birthdays, anniversaries, Mother's Day, Father's Day, Memorial Day, Veteran's Day, Christmas, Easter, etc. Items must be removed within 7 calendar days of special date.	Definition of special dates expanded to mean birthdays, anniversaries, Mother's Day, Father's Day, Memorial Day, Veteran's Day, Christmas, Easter, or <u>other dates of religious or cultural significance</u> . Items <u>may be placed no more than 7 days before and</u> must be removed within 7 days after special date.
Placing of boxes, toys, shells, glass, metal designs, ornaments, chairs, settees, wood or iron cases and similar articles upon grave sites shall not be permitted and, if so placed, will be removed at no risk to City.	The following will not be allowed upon grave sites, and, if placed, will be removed after notice: 1) Toys, dolls, stuffed animals or similar articles; 2) Shells, rocks, stones or pebbles; 3) Glass, ceramic or plastic objects; 4) Metal designs, frames, or hangars except as allowed on a temporary basis in accordance with paragraph 6-242(e); 5) Chairs, settees, benches or tables; 6) Wood or metal boxes or cases; 7) Lights, with the following exceptions: A. A single solar-powered light may be flush-mounted on each side of the headstone

Existing	Proposed
	<p>provided that the solar-powered light is of a style and material specified by the city; an example of such acceptable solar-powered light shall be displayed in the cemetery office; and</p> <p>B. Up to two (2) battery-powered or solar-powered candles may be placed on a grave site at Christmas and other dates of religious significance;</p> <p>8) Inflatable items, with the exception that up to one (1) balloon no larger than fourteen (14) inches in diameter may be placed on a grave site on special dates;</p> <p>9) Figurines or statuettes, with the exception that up to one (1) figurine or statuette of a religious subject (e.g., angel, saint, or the like) may be placed on a grave site on special dates provided it is placed upon a headstone or grave marker, is no more than twelve (12) inches in height, and is made of natural stone or cast concrete;</p> <p>10) An ornament or item of any type that:</p> <p>A. Interferes with the maintenance of the cemetery; or</p> <p>B. Presents a potential safety hazard to cemetery staff and the public; or</p> <p>C. Offends or insults any segment of the population that resides in the community; or</p> <p>D. Disrespects the hallowed ground of the cemetery; or</p> <p>E. Disrupts the good order of the cemetery.</p>
<p>There is no specific provision for placement or removal of flags on graves</p>	<p>Flags may be placed on a <u>veteran's</u> grave site; up to one American flag no larger than 13" x 8" may be placed on a grave site on Veterans' Day, Memorial Day, and Independence Day; small <u>American</u> flags no larger than 6" x 4" may be incorporated into floral arrangements at all times during the year; flags removed will be returned to VFW for re-use or, if faded or damaged, will be destroyed in a dignified manner in accordance with U.S. Code</p>

<p>There is no requirement for notice prior to removal of items in violation and no requirement to store items removed.</p>	<p>Notice will be provided to family by placing a flag or similar marker on the grave site. <u>At the same time that grave is flagged, cemetery administrator will send written notice to the address on file with the city for the lot owner or his representative; if no address exists on file, flagging the grave will be only notice required.</u> If violation is not corrected within 30 days, item in violation will be removed, placed in a bag, tagged with identifying information, and stored for 12 months. If not claimed within 12 months, bag will be disposed of by the city without liability</p>
<p>Cemeteries are open for visitation purposes between hours of 7:00 a.m. and 7:00 p.m.</p>	<p>Cemeteries will be open from sunrise to 9:00 p.m. daily. Persons visiting between sunset and 9:00 p.m. will do so at own risk. Persons entering a cemetery after 9:00 p.m. and before sunrise will be trespassing.</p>
<p>There is no provision relating to alcoholic beverages</p>	<p>No person shall consume any alcoholic beverage, including beer and wine, within the boundaries of the cemeteries.</p>
<p>Bicycles and motorcycles are prohibited except during funerals</p>	<p>This provision is deleted</p>
<p>No person shall be allowed to sit, lie or lounge on the grass, shrubbery, grounds, graves or monuments or in the buildings</p>	<p>No person shall disrespect or desecrate grave sites by lying, sitting or standing on top of markers, monuments or any other memorial structures.</p>
<p>There is no provision relating specifically to disturbing the peace of the cemetery</p>	<p>No person shall disturb the peace or disrupt the proper order of the cemetery by yelling, fighting, running, engaging in games or sports activities, engaging in horseplay, playing loud music, or using offensive words or insults. No person shall loiter or wander aimlessly about on cemetery grounds.</p>

Highlighted in the table above are revisions that respond to comments and requests for clarification made by Commissioners after first reading of the ordinance on December 1.

- 1) The rule pertaining to materials allowed for monuments and markers has been modified to read as follows: "Monuments , markers etc. may be bronze, granite, marble or other equally durable stone material, metal or metal alloy." This change retains the desired flexibility in use of materials but is more specific than simply stating: "or any suitable and approved material."
- 2) The rule pertaining to placement of decorations on grave sites on special dates is expanded to better define the time frame allowed for placement of decorations on a special date; i.e.: special decorations may be placed no more than seven (7) calendar days before the holiday or special date and shall be removed within seven (7) calendar days after the holiday or special date.

- 3) The rule pertaining to flags on grave sites has been modified for specificity to read as follows:
"Flags may be placed on the grave site of a veteran in accordance with the following rules."
- 4) The rule pertaining to flags on grave sites has been modified to read as follows: "small American flags no larger than 6" x 4" may be incorporated into floral arrangements at all times during the year."
- 5) The rule pertaining to notice of violations has been modified to include the following: Concurrent with the marking of the grave, the cemetery administrator shall forward written notice of the violation to the address on file with the city for the lot owner or his representative. If there is no address on file with the city, flagging or marking the grave site shall be the only notice required.

Upon the advice of the City Attorney, the word "etc." has been deleted or replaced with "and the like" or "and similar" as applicable throughout the ordinance.

OTHER OPTIONS

Anyone in their mid-seventies in 1920 could have been a veteran of the Civil War. As a result of calls from the Daughters of the American Confederacy to at least one commissioner, the following language is offered as a possible addition to the proposed rule for flags on grave sites:

"On Confederate Memorial Day, celebrated by the State of Florida on April 26 of each year, up to one (1) Confederate flag no larger than thirteen inches by eight inches (13" x 8") may be placed upon the grave site of a veteran of the American Civil War who fought for the Confederate States of America."

Other alternatives suggested by the Cemetery Committee are presented in the following chart:

Proposed	Alternative
Potted plants will be allowed provided that pot is buried so that top edge is flush with ground, pot does not exceed 1-gallon in size and plant does not exceed 24" tall; plant does not have thorns or stickers; plant is maintained properly by family	In the memorial section, there should be no change to the current ordinance provision; i.e., potted plants are not permitted except as a special decoration on special dates
A flat border will be permitted provided it is flush-mounted, is laid on a foundation to prevent tilting or shifting, and is made of a material specified by city	In the memorial section, no border should be permitted.
The following will not be allowed upon grave sites, and, if placed, will be removed after notice: 2) Shells, rocks, stones or pebbles;	Placing a rock or stone on the grave site should be permitted so that a card or note to the deceased can be placed under the rock or stone.
The following will not be allowed upon grave sites, and, if placed, will be removed after notice: 9) Figurines or statuettes, with the exception that up to one figurine or statuette of a religious subject (e.g., angel, saint, or the like) may be placed on a grave site on special dates provided it is placed upon a headstone or grave marker, is no more than 12" in height, and is made of natural stone or cast concrete;	Angels or other religious figures should be allowed on the grave site all year long, even in the memorial section.
Up to one American flag no larger than 13" x 8" may be placed on a grave site on Veterans' Day, Memorial Day, and Independence Day; small flags no larger than 6" x 4" may be incorporated into floral arrangements at all times during the year.	Up to one American flag no larger than 13" x 8" may be placed on the grave site of a veteran all year long.

FISCAL IMPACT

Aside from the \$25.00 permit fee assessed for inspection of a monument or marker foundation, there is no fiscal impact associated with the adoption of this ordinance.

[End agenda memo]

Ms. VanBlargan read Ordinance 2009-32 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, BY REVISING CERTAIN RULES AND PROCEDURES FOR CEMETERY ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Delmar reviewed a list of additional changes made in response to questions and comments made during the first reading. The changes included:

- Approved materials allowed for monuments and markers
- The placement of decorations on special dates
- The placement of flags on Veteran grave sites and the size limit for American flags placed there
- Procedure for notice of violations
- Service animal definition
- Changes from the word "cemetery" to the word "cemeteries".

For discussion was a alternative wording to allow confederate flags on graves of Civil War Veterans on Confederate Memorial Day, which is a state holiday observed on April 26th.

OPEN PUBLIC HEARING

Mr. Crespo, 850 Wildabon Avenue, said the ordinance was a labor of love compiled by a group of citizens who drafted regulations that were not too strict or too lenient in order to bring better order to the cemetery. If the ordinance is not enforced, though, all their work will have gone to waste as the problems of the past were from lack of enforcement. The passing of the ordinance is vital to bringing order to the cemetery, and to provide all citizens with a perimeter of what is allowed and what is not. He commended the city manager for her contribution.

David Smith, Babson Park, asked if two American flags could be used. Ms. Delmar said no, only one. Mr. Smith asked about the use of confederate flags. Ms. Delmar explained that this was not in the language yet, but was up for discussion. She explained that this proposal, if passed, would allow one Confederate flag no larger than 13 X 8 inches to be placed on the gravesite of a Confederate Veteran of the American Civil War. This State holiday is celebrated on April 26th each year for Confederate Memorial Day. She added that she did not think there would be many veteran's from that war, though it was possible to have some. Mr. Smith said he thought it should be restricted to only American flags because allowing Confederate flags would be inviting problems, and would open it up for people to want their own national flag placed there. Ms. Delmar said she was not proposing it, but was only offering the language to comply with a request.

CLOSED PUBLIC HEARING

Commissioner Wheeler said there was no reason to make a change, and he was for keeping it as written.

Commissioner Thornhill said all the changes were good. He said he was the one who received the calls regarding the Confederate Memorial Day. He was unable to find out how many gravesites it would apply to. He supported it, as it was a State official holiday, and was in favor of adding the option. He thought they should have the option of having their flag placed on their holiday.

Commissioner Howell said that her view was that if they are Americans than they should have an American flag on their grave.

Commissioner Rogers concurred with Commissioner Howell.

Mayor Van Sickle said he saw no problem with the confederate flag on a confederate holiday. He said he thought it would apply to very few graves so would not be that obvious as some people would think, and it would be for only one day a year. He asked if the cemetery staff would be responsible for taking the flags down the next day if the owner did not removed them. He said that those who fought in the Civil War were Veterans. He said that regardless of what you think of the Civil War, the confederate flag symbolizes confederate veterans. He asked if including this modification would mean slowing it down in order to go through another first and second reading. The City Attorney said it would not have to be brought back, as it would be included in the large body of changes that are being made, and he did not think it was challenge-able. Ms. Delmar said there was a seven-day window for flags to be placed on grave sites for Veterans Day, Memorial Day, and Independence Day. She added that cemetery staff, without the need for notice, could remove them after the seven days.

David Smith asked, if the ordinance is passed, and if confederate flags were allowed at the cemetery, would that not open it up to allow confederate flags at the Memorial in front of City Hall. Mr. Galloway said that did not create a precedent of any kind that he could see. It would be up to the Commission to decide what flags could be flown at the memorial. The Mayor added that the particular memorial in front of City Hall was established to show service flags and that was all it would ever show. He did not think there were any Civil War Veterans named out there.

Attorney Chuck Galloway recommended bringing the flag issue up for a separate vote before voting on the remainder of the ordinance, as published.

Commissioner Thornhill made a motion to allow a Confederate flag to be allowed on gravesites on April 26th, Confederate Memorial Day, during the time period set aside, seven days before and seven days after.

Commissioner Howell said that if the Confederate flag is put in this ordinance and she is voting no, she would be voting no for the whole ordinance. The Mayor explained that if it does not pass, we will come back and read it without the Confederate flag. Ms. Delmar said the vote would only be for the revision pertaining to the Confederate flag. Commissioner Howell said she wanted to make sure.

The motion was seconded by Commissioner Howell.

Roll Call:

Commissioner Thornhill	"Yes"
Commissioner Howell	"No"
Commissioner Wheeler	"No"
Commissioner Rogers	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 3-2.

Mr. Galloway said the Commission has incorporated it for purposes of consideration of the remainder of the amendment to be included in that, so now we need a motion to approve Ordinance 2009-32 as amended to include the Confederate Memorial language that was just approved. Ms. Delmar said, and the other changes that were incorporated from first reading.

Commissioner Howell said that if she votes on this now, with the approved amendment in there, she would be approving something she does not think should be in there. If she votes yes, she is saying that she is approving the Confederate flag. Mr. Galloway said that was correct, approving the entire ordinance with that language. Commissioner Wheeler said on the other hand, we would be throwing out the baby with the bath water. There are a lot of good things about these changes. Commissioner Howell said she would still be voting on that. Commissioner Thornhill commented that we did not know for sure that there

were any Civil War Veterans there or if any flags would be placed there. He said the family member is the one to do that, and they may not choose to do so. It is just giving them the option if they wish to use it. Commissioner Howell said that Confederate soldiers were still Americans and should use the American flag. Commissioner Thornhill said that during the time of the Civil War they were not Americans, as the south seceded from the Union.

Commissioner Thornhill made a motion to adopt Ordinance 2009-32 with the changes as noted by City Manager Judith Delmar, 1-5, plus the additional changes since first reading and the Confederate Memorial Day. The motion was seconded by Commissioner Wheeler.

Roll Call:

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

The motion carried 5-0.

Agenda Item 16. Ordinance D2009-01, CPA - Coldwell Properties LLC – E of US 27, N of Tower View Blvd. – 2nd Reading & Public Hearing

Ms. Swanson reviewed Agenda Item 16. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Margaret Swanson, Planning & Development Director]

SYNOPSIS

Adoption of proposed Ordinance D2009-01 will change the Future Land Use Map designation on the Coldwell Properties, LLC property (53 acres) from Polk County RS – Residential Suburban to City of Lake Wales HDR – High Density Residential. Assignment of a Zoning Map designation is not requested or recommended at this time.

RECOMMENDATION

Staff recommends adoption of Ordinance D2009-01 following a second reading and public hearing.

Notice requirements have been met for a public hearing.

The ordinance was approved on first reading in August 2009 and transmitted to the state's Department of Community Affairs (DCA) for review. At the City Commission hearing there were no public comments.

The Planning and Zoning Board held a public hearing on July 28, 2009 and recommended a Future Land Use Map designation of HDR-High Density Residential for the subject property, as requested by the applicant.

BACKGROUND

The ordinance will change the Future Land Use Map designation on the Coldwell Properties, LLC property, 53-acres located east of US 27 N and north of Tower View Blvd. and Tower Wood Mobile Home Park.

The existing designation is Polk County RS-Residential Suburban and the proposed designation is Lake Wales HDR-High Density Residential, allowing a maximum of 12 dwelling units per acre.

No zoning designation is proposed at this time.

US 27 is approximately ¼ mile west of the site. SR 17 is approximately ½ mile from the property along Hickory Hammock Rd. and approximately 700 feet from the southern boundary of the property. See Attachment A to the ordinance for location. The property was annexed in 2008 (Ord. 2008-24). The owner is Coldwell Properties, LLC, David Bloom, represented by Beth Evans of Envisors, consulting engineers. Proposed is a multi-family development.

ORC Report

The "Objections, Recommendations and Comments Report" (ORC) from DCA listed two objections to the change and asked for additional information. The ORC report is attached.

The objections were:

1. Inadequate demonstration that adequate water supplies will be available for development of the property.
2. The amendment is not supported by a transportation analysis that identifies the impacts on the regional roadway network.

The DCA also commented that the City has not met the requirement to adopt a 10-year water supply plan, which was due in June of 2008. Consultants have provided draft reports for the water supply plan, and staff is developing the plan for submission to the state in February 2010.

In response to these objections, staff has restated the potable water projections and supply information, and the applicant has provided a technical memorandum addressing the transportation impacts.

Potable water

DCA recommended that the amendment be revised "to include the necessary data and analysis to indicate that adequate water supplies are available to accommodate the impacts of this development."

Response: At the City's current level of service standard of 122 gallons per person per day, maximum development of the property (636 units @ 2.4 persons per unit) will require 186,221 gallons of potable water per day.

The City's consumptive use permit is 3.81 million gallons per day (MGD). Current usage averages 2.6 MGD, with an estimated service population of 23,000 people. Current usage is running considerably below the level-of-service standard. At the standard, a service population of 23,000 requires 2.88 MGD. Reservations for approved development total 0.368 MGD. A total of 3.25 MGD is thus committed. Approximately 560,000 gallons per day (3.81 – 3.25 MGD) is available for future development, more than adequate to provide projected service to the subject property.

Projections of future service population completed prior to the economic downturn showed an increase of approximately 7,000 people by 2015. In the current economic climate, this magnitude of increase is not anticipated. In addition, the City is no longer extending water service to new customers outside of the City limits, further reducing projected need. (Currently about 25% of customers are outside of the City.)

Available capacity of 560,000 gallons per day will provide potable water at the City's adopted level-of-service standard for an additional 4,590 people.

Transportation

DCA recommends that the amendment be revised "to be based on the impact of the maximum development allowed by the comprehensive plan for the amendment site, and identify roadway deficiencies in the study area within the next five years."

Response: A Technical Memorandum was prepared by the applicant to address this objection. (Attached.) The conclusion of the Memorandum is "This analysis indicates that no adverse impacts are expected from the proposed land use within the next 5 years."

OTHER IMPACTS

Impacts on other services were analyzed in the staff report for first reading of the ordinance and were not cited as issues in the DCA's ORC Report. This information will be available at the hearing upon request by the Commission.

Property characteristics

The bulk of the property (33 acres) is citrus grove at this time. The grove is high and well-drained apart from a small area of flood plain along the north and west boundaries. The applicant has not noted any wetlands on the parcel.

A 10-acre parcel lying northwest of the grove is entirely in the FEMA 100-year regulatory flood plain and contains a 4.65-acre compensatory flood storage area for another development. A substantial portion of the parcel is a National Wetlands Inventory Wetland.

A second 10-acre parcel extends from the grove northward to Hickory Hammock Rd. and has a single-family house in the northeast corner. The parcel is also in the 100-year flood plain except for the area surrounding the house (est. 1-1/2-2 acres). Construction of a roadway through this parcel is proposed.

Land use

The proposed land use designation is HDR-High Density Residential, as requested by the applicant. HDR allows residential development with up to 12 units per acre. The maximum number of units that could be approved on the property, based upon gross acreage, is 636. Please note that our regulations base density calculations on gross acreage rather than buildable upland (excluding wetlands). The current Polk County land use designation RS-Residential Suburban, allows up to 3 units per acre.

The Comprehensive Plan states that the HDR designation is appropriate for properties "located within a quarter mile of commercial centers and along major roadways." (Policy 2.13, Future Land Use Element) The property is close to the RAC – Regional Activity Center (Eagle Ridge Mall commercial area) and US 27, a corridor designated for limited commercial-industrial and high density residential, thus is appropriate for high density development.

The property's lack of access to the surrounding roadway network is an issue that must be addressed prior to development approval. The applicant is working on options for a direct entrance to the property from US 27 to meet the criteria of the Comprehensive Plan.

Surrounding land use and land use designations

- North: Hickory Hammock Rd., vacant lands, residential uses
Polk RS-Residential Suburban
- South: Tower Wood Mobile Home Park (high density)
Polk RS-Residential Suburban
- East: Vacant/agricultural uses
Polk County RS-Residential Suburban
- West: Lee's Furniture, proposed Angus Self-Storage, vacant, wetlands

Lake Wales LCI-Limited Commercial/Industrial & Polk RS-Residential Suburban

Site access

The property has about 250 feet of frontage along Hickory Hammock Rd., a Polk County Rural Collector Rd. with a right-of-way of about 40 feet. The applicant is exploring possibilities for a connection to US 27, but has no property or legal rights to accomplish that at this point.

Polk County transportation planners have commented that an upgrade of Hickory Hammock Rd. would be required for multi-family development on the property. The County has no requirement for a secondary access.

However, Lake Wales zoning regulations require two means of access for development of the property for multi-family use as intended. One access must be from a collector road (or arterial) meeting City standards. As stated, the applicant proposes to build a roadway connecting to US 27 to serve the development. Unless Hickory Hammock were widened to meet City standards (66 feet of right-of-way), it would qualify only as a secondary access. An additional access would still be required to meet zoning code.

The East Polk Road Study by Polk County recommends a collector road between US 27 and SR 17 in this area. An exact alignment was not determined by the study, nor has right-of-way been acquired for the connection.

FISCAL IMPACT

The amendment will allow a high density residential development adding to the City's tax base.

OTHER OPTIONS

The Commission may assign a Future Land Use designation allowing a lesser density than HDR (12 units per acre). MDR allows up to 6 units per acre, and LDR allows up to 3.

[End agenda memo]

Ms. VanBlargan read Ordinance D2009-01 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION ON 53 ACRES OF LAND, LOCATED EAST OF US 27 AND NORTH OF TOWER VIEW BLVD, FROM POLK COUNTY FUTURE LAND USE DESIGNATION RS – RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATION HDR – HIGH DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no public comments.

CLOSED PUBLIC HEARING

Commissioner Wheeler asked how many undeveloped lots there were now. Ms. Swanson said there were in the neighborhood of 700 platted and committed and several preliminary plan approvals so if you included those it would be about 2,500. All are on hold right now except for Lake Aston, Dinner Lake Shores, Whispering Ridge, and Mayfair, which is going through an approval process. Commissioner Wheeler said we probably had enough.

Commissioner Thornhill made a motion to adopt Ordinance D2009-01 after second reading and public hearing. The motion was seconded by Commissioner Howell.

Roll Call:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 17. Haines City Energy Efficiency and Conservation Block Grant Application to US Department of Energy for \$5 Million Dollars to Construct a Multi-Modal Trail along Scenic Highway from Frostproof to Haines City

Jennifer Nanek, Grants Administrator, reviewed Agenda Item 17. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Haines City Energy Efficiency and Conservation Block Grant application to US Department of Energy for \$5 million dollars to construct a multi-modal trail along Scenic Highway from Frostproof to Haines City.

Staff is seeking direction from the City Commission regarding a request from Haines City for the City of Lake Wales to provide a support letter for the grant application to construct this Multi-Modal path.

RECOMMENDATION

If the Commission wishes to support the Haines City grant application for the Multi-modal trail, it is recommended that staff be directed to prepare a letter of support to be signed by the Mayor.

BACKGROUND

The US Department of Energy (DOE) is currently accepting applications for competitive grants under the Energy Efficiency and Conservation Block Grant. Approximately \$454 million is available as a part of the Recovery Act (stimulus bill). The DOE expects to award 15-60 grants under the General Innovation Fund with the award size ranging from \$1-5 million. These funds are intended to help expand local energy efficiency efforts and reduce energy use in the commercial, residential, transportation, manufacturing, or industrial sectors. Extra points are awarded if the grant combines different entities working together on a project.

The City of Haines City with the help of Glatting, Jackson, Kercher, Anglin, Inc. of Orlando is applying for \$5 million to construct a multi-modal trail, 10-12ft wide along the Ridge Scenic Highway. This trail is included as one of the goals in the Ridge Scenic Highway Corridor Management Plan and the construction of this trail is part of the incentives in the proposed Comp Plan Amendment.

Haines City is seeking support from the different entities along Scenic Highway including the County TPO (Transportation Planning Organization).

If there is no award from the federal level, or the award is less than \$5 million then the grant application will be repackaged for application at the state level.

OTHER OPTIONS

Do not provide a local support letter for the grant application.

[End agenda memo]

Commissioner Rogers said he had attended the Ridge League of City meeting and their lobbyist asked all the cities to please write a letter of support. There would be no obligation on our part for money. We would be just giving our support and he recommended passing it. Ms. Delmar said that, at the request of our Finance Director, some language had been added to the 'suggested model letter' as follows, "It is our understanding that the Department of Transportation will retain the maintenance responsibility for the trail. The City of Lake Wales does not commit to future possible maintenance relating to the trail." Mayor Van Sickle said, as a member of the TPO Board he had already voted once to support it, so he would just have to support it a second time.

Commissioner Wheeler made a motion to approve the writing of a support letter. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 18. Appointments – Drug & Prostitution-Related Nuisance Abatement Board

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointments will fill vacancies that exist on the Drug & Prostitution-Related Nuisance Abatement Board.

RECOMMENDATION

It is recommended that the City Commission make the appointments as it deems appropriate.

BACKGROUND

Vacancies exist on the Drug & Prostitution-Related Nuisance Abatement Board due to expired terms. The City Commission is asked to make the appointments as it is deems appropriate.

Drug & Prostitution-Related Nuisance Abatement Board – Members are appointed by the City Commission. The board consists of seven (7) members. Members must be residents. (3-year term)

An interview process is necessary for new applicants only.

Five (5) vacancies: terms expire 12/01/12

Applying for appointment: Jose Silvano Ferreira, Jr., resident
Guy L. Mattocks, resident
Pedro A. Perez, resident

Applying for re-appointment: Frank H. Jones, resident
Robert K. Quam, resident

Current vacancies are due to the expiring terms of Kevin Kory, Frank H. Jones, Monica Trail, and Robert Quam, Jr.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for some boards to obtain a quorum.

[End agenda memo]

Commissioner Howell made a motion to appoint Jose Silvano Ferreira, Jr., Guy L. Mattocks, and Pedro A. Perez to serve as members on the Drug and Prostitution-Related Nuisance Abatement Board for a term to expire on 12/01/12, and re-appoint Frank H. Jones and Robert K. Quam to serve as members on the Drug and Prostitution-Related Nuisance Abatement Board for a term to expire on 12/01/012. The motion was seconded by Commissioner Wheeler.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 19. Appointments – Joint Airport Zoning Board (JAZB)

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointments will provide two voting members to the Polk County JAZB as stated in Resolution 78-12.

RECOMMENDATION

It is recommended that the City Commission make appointments as it deems appropriate.

BACKGROUND

The City of Lake Wales is a member of the Polk County Joint Airport Zoning Board (JAZB) as established by City of Lake Wales Resolution 78-12. Chapter 333, Florida Statutes, governs the powers, duties, and responsibilities of the Board. The City of Lake Wales is required to appoint two voting members and one non-voting member. Airport Managers shall serve as non-voting members.

The Polk Transportation Planning Organization (TPO) serves as the technical staff to the Joint Airport Zoning Board (JAZB) that oversees the Polk County Airport Zoning Regulations. The TPO is requesting that the City Commission make the appointments as it deems appropriate at this time.

Applying for voting member appointment: Francisco A. Gioscia, member of Airport Authority Board
Margaret Swanson, Director of Planning & Development

OPTIONS

None.

FISCAL IMPACT

None.

[End agenda memo]

Mayor Van Sickle asked if a Commissioner should sit on this Board. He said there was a Commissioner on the Airport Authority Board who might be a prime person to serve on this board also as he already deals with the airport. Ms. Delmar said there were Commissioners on that board in the past, but the key is to have the Planner as the voting member because the Board relates to zoning and land use matters around airports. In the past, we have had two voting members and an alternate. So, we could have a Commissioner along with the City Planner as voting members, and have an alternate.

Mayor Van Sickle recommended appointing Commissioner Rogers and Margaret Swanson to serve as voting members and Francisco A. Gioscia to serve as an alternate.

Commissioner Wheeler made a motion to appoint Commissioner Rogers and Margaret Swanson to serve as voting members to the Joint Airport Zoning Board and Francisco A. Gioscia to serve as an alternate on the Joint Airport Zoning Board. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 20. Appointment – Polk Transit Authority Board of Directors

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission is asked to appoint a City Commissioner to serve on the Polk Transit Authority Board of Directors.

RECOMMENDATION

It is recommended that the City Commission appoint a City Commissioner to serve on the Polk Transit Authority Board of Directors beginning February 24, 2010 for a period of two years.

BACKGROUND

On June 27, 2007, Governor Crist signed legislation forming the Polk Transit Authority. One goal of the Authority is to relieve the county and cities of annual requests for general funds to support transit services. The City Commissioner member will play a vital role in the achievement of that goal and the establishment of a countywide transit system.

OPTIONS

The City Commission could choose not to appointment a City Commissioner to serve on the Polk Transit Authority Board of Directors. The appointment does not obligate the City Commission to contribute any future general funds to support transit services.

On August 4, 2009, during the new budget process, the City Commission approved an Interlocal Agreement with Polk County securing the fair-share funding for the Winter Haven area Transit System in the amount of \$5,433.0 for Fiscal Year 2009/2010.

FISCAL IMPACT

If the City Commission appoints a City Commissioner to serve on the Polk Transit Authority Board of Directors, minimum cost would be incurred by that Commissioner for travel and time spent attending meetings.

[End agenda memo]

Mayor Van Sickle said that this board was going to become very important in the near future. The County Commissioners are proposing in this current election a ½% or 1% tax for public transportation. Transportation in our area is lacking and the County is making a push to change that. If we are pushing economic development, the question is how do we get people to where they need to go such as to school and to their jobs. He said he sits on the TPO Board, which feeds into the Public Transit Authority Board, and he thinks a Commissioner should sit on that Board also.

Commissioner recommended appointing Mayor Van Sickle to serve as a member to the Polk Transit Authority Board of Directors. Mayor Van Sickle said he would serve.

Commissioner Howell made a motion to appoint Mayor Van Sickle to serve as a member to the Polk Transit Authority Board of Directors beginning February 24, 2010 for a period of two years. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"Yes"
Commissioner Thornhill	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Rogers	"Yes"

Mayor Van Sickle

"Yes"

The motion carried 5-0.

Agenda Item 21. Appointment – Central Florida Development Council, Inc. Board of Directors

Ms. Delmar reviewed Agenda Item 21. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointment will provide one voting member to represent the City on the Central Florida Development Council, Inc. Board of Directors.

RECOMMENDATION

It is recommended that the City Commission authorize the Mayor to execute a letter appointing Harold Gallup, Director of Economic Development, as the city's representative to the Central Florida Development Council Board of Directors.

BACKGROUND

The Central Florida Development Council, Inc. Board of Directors is responsible for economic development activity in the super-region stretching from Tampa to Orlando. The Board is organized to promote economic development within Polk County and to coordinate business development activities in cooperation with the Board of County Commissioners and other county and municipal governmental authorities and development agencies.

The Central Florida Development Council, Inc. Board of Directors is requesting that the City Commission appoint one voting member to the Board who will represent the City of Lake Wales. The following people have expressed interest in serving on the Board:

Harold Gallup, Economic Development Director
Robert Kelly, Airport Authority Board member

OPTIONS

The City Commission could choose to appoint Robert Kelly or could choose not to appoint a representative to the Central Florida Development Council, Inc. Board of Directors at this time.

FISCAL IMPACT

None.

[End agenda memo]

Commissioner Thornhill made a motion to authorize the Mayor to execute a letter appointing Harold Gallup, Director of Economic Development, as the city's representative to the Central Florida Development Council Board of Directors. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill

"Yes"

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

The motion carried 5-0.

Agenda Item 22. Scheduling Workshop Meetings for 2010

Ms. Delmar reviewed Agenda Item 22. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The City Commission will establish a schedule for 2010 workshop meetings.

We are requesting that the Commission schedule its Workshop meetings for 2010. Please reference the Board Meeting Schedule for evenings on which the commission chamber is not utilized by other boards.

For planning and agenda preparation purposes, it is recommended that the City Commission hold its workshop meeting on the same day each month. The second and fourth Thursdays are difficult for staff because those are nights we typically work late to finish the regular Commission agenda.

Possible Workshop Meeting Nights

Second Tuesday
Second Wednesday
Second Thursday
Third Monday
Fourth Wednesday
Fourth Thursday

From staff's perspective, the second Tuesday of each month is the best option. The Lakes Advisory Committee is currently meeting in the Chambers on the second Tuesday, but that group can meet in the conference room without a problem.

[End agenda memo]

Following discussion, Commissioner Rogers made a motion to hold City Commission Workshop meetings in the Chamber on the second Tuesday of each month at 5:00 p.m. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 23. Discussion of Preliminary Financial Statements for November 30, 2009, Fiscal Year to Date

Ms. Delmar reviewed Agenda Item 23. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of November 2009. General Fund revenues were slightly over budget, but Utility Fund revenues were slightly under budget. Expenditures were under budget in all Funds.

The unaudited financial statements for the City of Lake Wales for the Period Ending November 30, 2009 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%) have been expensed through November 30. Revenue and expenditure budgets have been adjusted to reflect Budget Amendment #1.

SUMMARY

The following chart gives a brief summary of overall operating revenue and expenditure performance as of November 30, 2009. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis:

Fund	Budgeted	Actual at 11/30	Target at 11/30	Actual at 11/30 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues ¹	\$10,839,648	\$1,361,841	\$1,168,868	\$192,973	+1.8%
Expenditures ³	\$11,085,691	\$1,677,358	\$1,847,615	(\$170,257)	-1.5%
Special Revenue					
Revenues ¹	\$4,484,306	\$142,857	\$179,271	(\$36,414)	-0.8%
Expenditures ³	\$2,836,569	(\$18,656)	\$472,762	(\$491,418)	-17.3%
Debt Service					
Revenues ³	\$2,363,120	\$398,453	\$393,853	\$4,600	+0.2%
Expenditures ²	\$2,363,120	\$3,557,613	\$3,557,613	\$0	+0.0%
Utilities					
Revenues ¹	\$6,608,450	\$1,059,134	\$1,159,252	(\$100,118)	-1.5%
Expenditures ³	\$7,006,451	\$791,069	\$1,167,742	(\$376,673)	-5.4%
Airport					
Revenues ³	\$107,000	\$9,627	\$17,833	(\$8,206)	-7.7%
Expenditures ³	\$107,000	\$16,193	\$17,833	(\$1,640)	-1.5%

¹ Revenue target = prior year performance at same point in fiscal year

² Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

³ Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of November we are 2/12 or 16.7% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, most operating revenues are about where we would expect them to be at the end of two months. Utility revenues are lagging slightly and will be closely watched as the year progresses.

Water and sewer revenues at the end of November 2009 were \$25,899 behind where they were in November 2008 (water, -\$36,081; sewer, +\$10,182). If we use 16.7% of the fiscal year as the target level, however, water revenues were \$44,606 under target and sewer revenues were \$1,849 ahead of target. This is a combined shortfall of \$42,757 compared to the budget. Operating expenditures are also running behind target at the end of November. Excluding project costs funded by CRA bond proceeds, Utility Fund expenditures were 5.4% or \$376,673 below the target level.

Operating expenditures in the General Fund are running 1.5% below target (-\$170,257), and operating expenditures in all other Funds are running behind target levels.

The City has not borrowed any money from the Pool/Tax Anticipation Investment Account. The balance at the end of FY 07'08 when the account was created and the current balance are as follows:

	9/30/08	11/30/09	Difference
Pool/Tax Anticipation Investment Account	\$1,037,852	\$1,043,327	\$5,475

The City's overall cash position at the end of November 2009 improved over the cash position at the end of November 2008 (+\$1,347,429). In order to make a more accurate comparison, however, the following adjustments must be made:

	11/30/08	11/30/09	Difference
Total Cash & Investments	3,207,263	4,554,692	1,347,429
Due to Other Governments	(131,649)	(312,350)	
Insurance Proceeds & Other Airport Cash	(129,180)		
Deferred Revenues*	(423,849)	(407,520)	
Cash & Investments Net of Adjustments	2,522,585	3,834,822	1,312,237

* reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc), at which time revenue will be recognized

After excluding cash that was collected on behalf of other governments, unexpended Airport insurance proceeds and deferred revenues, the City's overall cash position at the end of November 2009 was \$1,312,237 better than at the end of November 2008.

In comparison to total cash and investments at September 30 of \$4,600,398, the November cash and investments position declined by \$765,576. This is normal during the first few months of the fiscal year. After excluding cash that was collected on behalf of other governments, unexpended Airport insurance proceeds and deferred revenues, the City's overall cash position at the end of November 2009 was \$1,312,237 better than at the end of November 2008.

In comparison to total cash and investments at September 30 of \$4,600,398, the November cash and investments position declined by \$765,576. This is normal during the first few months of the fiscal year before the infusion of ad valorem tax revenues. During November, the City received \$250,259 in ad valorem taxes; since December 1, an additional \$2,189,579 has been received.

Fund	Budgeted	Actual at 11/30	Target at 11/30	Actual at 11/30 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues ¹	\$10,839,648	\$1,361,841	\$1,168,868	\$192,973	+1.8%
Expenditures ³	\$11,085,691	\$1,677,358	\$1,847,615	(\$170,257)	-1.5%
Special Revenue					
Revenues ¹	\$4,484,306	\$142,857	\$179,271	(\$36,414)	-0.8%
Expenditures ³	\$2,836,569	(\$18,656)	\$472,762	(\$491,418)	-17.3%
Debt Service					
Revenues ³	\$2,363,120	\$398,453	\$393,853	\$4,600	+0.2%
Expenditures ²	\$2,363,120	\$3,557,613	\$3,557,613	\$0	+0.0%
Utilities					
Revenues ¹	\$6,608,450	\$1,059,134	\$1,159,252	(\$100,118)	-1.5%
Expenditures ³	\$7,006,451	\$791,069	\$1,167,742	(\$376,673)	-5.4%
Airport					
Revenues ³	\$107,000	\$9,627	\$17,833	(\$8,206)	-7.7%
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² Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

³ Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of November we are 2/12 or 16.7% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

[End agenda memo]

Ms. Delmar said that we were right where we expected to be in performance compared to target. There was one thing she needed to point out; during November the City received \$250,000 in ad valorem taxes and since December 1, we received an additional \$2,189,579 in ad valorem taxes.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar reported that the lights were on at Spook Hill. There were no other changes to the tracking report except one addition.

Dorothy Pendergrass, Finance Director, came to report a billing clerical error that occurred at Lake Ashton. She said that Flex Net automatically takes a reading and a clerk has to transfer the information from that software to the billing software. In October that did not happen so the November bills were estimated, which it automatically does if there is a zero reading. The estimates that happened in November were lower than they should have been. The October readings came in as actuals, so the bills they received in November were higher in consumption. Staff went through all 1,201 accounts to figure out what the distribution credit would be, the average being \$9.00. About 60 of the accounts already have been credited and another 220 accounts that will get the credit with the January billing. The total amount of credits will total \$4,337.00. Out of the 1,201 accounts, there were 509 accounts that have a distribution credit. The only areas that she concentrated on were those that would receive a credit. There were 700 accounts that had either no credit due or a slight increase. She was more concerned with getting credit back to the customers than the possibility that a customer may have a higher

bill, due to an error on their part. She said she does not intend to look at those unless directed by the Commission.

Mayor Van Sickle, who lives in Lake Ashton, said that he received many complaints. He voiced his two concerns. He said there was no excuse for an estimated bill going out on an automatic system, and no excuse for the one system to rely on people feeding it into the other system. He said he hoped she could take care of these problems. He said they could deal with the irate customers but we need to correct our systems because we sold this automatic system that it was going to correct problems. Ms. Pendergrass said they now double check to make sure the electronic readings were fed into the billing software and verify that no account is going out with estimates. She said she is working with IT to see if there is a way for the two software programs to communicate. She said they had received about 40 calls between the two departments, Customer Service and Billing, and they are making sure all customers are called back.

Ms. Delmar suggested, in reference to stop signs, that maybe they should consider reviewing the stop sign locations to see which are just aggravating instead of productive. She mentioned several locations where stop signs had been for decades.

Mayor Van Sickle said they had problems with stop signs in Lake Ashton being just a stopping point for people to start speeding again. He suggested that if the police gave ten to twelve \$100 tickets they would get the message that if you speed you will get a ticket, and it will stop. Ms. Delmar said that there are many necessary signs but there are some that are not.

Commissioner Thornhill said that he knows some people go around speed bumps, or speed between them and stop signs. He recommended having a traffic enforcement unit to not only look into stop sign locations, but hand out speeding tickets, and they are not cheap. He believed the speeding would then stop. He asked how a committee could be formed. Ms. Delmar said they could appoint an ad hoc committee or seek volunteers.

Commissioner Howell asked if the Bicycle and Pedestrian Advisory Board already did that. Ms. Delmar said that board dealt with safety.

Chief Gillis requested that the Commission give him a list of stop signs that concerned them so they could review all the data at those intersections. Ms. Delmar wanted to remind them that the sign at Sessoms was in response to MLK Neighborhood Watch group concerns. They have been complaining for a long time about that congested area. Commissioner Howell agreed but said that the area needed to be patrolled more. She said that around the lake near Kiwanis Park they should want to slow down, because you never know if a child will dart out into the street. She said she did not know if the stop signs really helped in slowing down traffic because people just seem to speed up between them.

Commissioner Thornhill asked if we already had an ordinance governing enforcement. Chief Gillis said we had two mechanisms, one state law stating 25 feet from a vehicle, and also a city code stating 100 feet of a vehicle. The city code differs in that it is a misdemeanor. Commissioner Thornhill said that it should then be part of traffic enforcement. Chief Gillis warned them to be prepared to get a lot of complaints if they start hitting people in their pocket. He said he would put together a report and bring it back to the Commission.

COMMUNICATIONS AND PETITIONS

Joan Thomas, 932 Campbell Ave, said that Bok Tower Gardens was seeking a state grant for historic preservation through a small matching grant application for Phase IV and requested a letter of support. The Commission gave approval for staff to prepare the letter for the Mayor's signature.

Jack Neil, 435 E. Central Avenue, said that the area north of Tower Blvd. and east of US 27 was being zoned high-density and in his opinion, the City did not need more residential. He asked if the sewer plant could handle it. Mayor Van Sickle said there was capacity for both water and sewer.

CITY COMMISSION COMMENT

Commissioner Howell asked that Commission packets be delivered to them on Wednesday or Thursday evenings instead of Friday evenings so they would have more time to review them before the Commission meetings on Tuesdays. She said Thursday would be best for her.

Commissioner Rogers said he sometimes get his packet on a Friday night at 6:00 p.m. or 7:00 p.m. Everything is closed on a Saturday and Sunday. The City Commission would be better informed by getting packets earlier in the week. He said he does not want to put any additional burden on staff, but he too would like them earlier as possible. He also requested shorter agendas. Ms. Delmar said they could make the agendas shorter if there was less city business, and the Commission could get the agendas whenever they wished. She pointed out that the agendas were usually finished by noon on Fridays and could be picked up then, and they were posted on the Internet by 2:00 PM.

Ms. VanBlargan said that the packets went out late on Friday because an agenda item was late coming in. Commissioner Howell said that late items should go on the next scheduled agenda. She asked if there was a deadline for turning in agenda items during agenda week. Ms. Delmar said that currently it is Wednesday. She explained the agenda process and said that we have no problem adjusting the deadline so the Commission can have its agenda on Thursday, but Wednesday would be difficult.

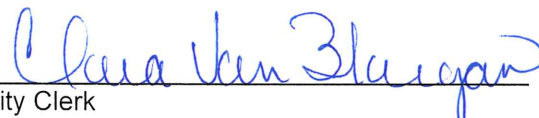
Commissioner Wheeler said that at the recent workshop they expressed concern about the perception Lake Wales has of being a tough place to do business because of regulations. He said he would like the ordinances, fees, and regulations looked at to try to make Lake Wales a little more attractive and more business friendly, not necessarily for residential developers as they are in abundance, but commercial and retail. Some regulations to address would be the hated fire sprinklers and the sign ordinance. Ms. Delmar said that staff had a meeting set up to review the landscaping and sign ordinances, and some others on Thursday morning. The Fire Marshall, City Planner, Economic Development Director, and the Building Official would attend the meeting to review, adjust, and make recommendations. She said that staff has just been enforcing the ordinances that are on the books. Commissioner Wheeler said that over the years, we have been layering ordinances. Ms. Delmar gave an example of the fire sprinkler charges that were charged to each business in a business complex instead of collectively. She said the Finance Director and billing supervisor had identified the problem and issued them credit. Commissioner Wheeler suggested devoting one whole workshop to just this item and Ms. Delmar said that was her plan.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk