

The regular meeting of the Lake Wales City Commission was held on September 21, 2010 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; Jonathan Thornhill; John Paul Rogers; Michael S. Carter; Mayor L. Jack Van Sickle.

**COMMISSIONERS ABSENT:** None.

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

**MAYOR**

**Agenda Item 5. PROCLAMATION Family Day – A day to Eat Dinner with Your Children; September 27, 2010**

**Agenda Item 6. COMMENDATION: Sergeant David Black, Detective Edward Palmer, Officer James Hampton, Officer Sean Oullette, and Officer Emanuel Figueroa for the participation in Operation Titan**

Police Officers were presented commendations by Police Chief Herb Gillis.

**OLD BUSINESS**

**Agenda Item 7. APPROVAL OF MINUTES: August 10, Workshop Meeting; August 26, 2010, Special Meeting**

Commissioner Rogers made a motion to approve the minutes for the August 10, 2010 Workshop Meeting and August 26, 2010 Special Meeting. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**NEW BUSINESS**

**Agenda Item 8. Ordinance 2010-18, Adoption of FY2010-11 Millage Rate – 2<sup>nd</sup> Reading & Public Hearing  
Ordinance 2010-19, Adoption of FY2010-11 Budget – 2<sup>nd</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

The Commissioners will consider adopting a millage rate of 7.3277 mills for Fiscal Year 2010-2011 which is the same as the current year's rate. The Commissioners will also consider adopting the proposed operating budget.

## **RECOMMENDATION**

After second reading of the ordinances and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2010-18 adopting a millage rate of 7.3277 mills for FY2010-2011.
2. Approve Ordinance 2010-19 adopting an operating budget for FY2010-2011.

## **BACKGROUND**

In accordance with Florida Statutes and the City Charter, Ordinances 2010-18 and 2010-19 are presented for second reading and public hearing. Ordinance 2010-18 establishes the millage rate for FY10'11, and Ordinance 2010-19 adopts the proposed FY10'11 budget.

The proposed FY10'11 budget document includes the revenue and expenditure details for the General Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund and Airport Fund. This document was previously forwarded to the City Commission for review and was discussed at a workshop held on August 10.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter which requires that the budget provide a complete financial plan of municipal funds and activities. Estimated current year ending fund balances have been considered and are included in the budget. Changes approved after first reading of the ordinances and public hearings on September 10 are discussed in this memorandum.

## **PROPERTY TAX**

The proposed budget is based on the current millage rate of 7.3277 per \$1,000 of taxable valuation. This is 12.20% below the rolled-back rate of 8.3456 mills which is the rate that would generate the same amount of revenue with 2010 property values as the current rate generated with 2009 property values. On July 20, 2010, the City Commission adopted the current millage rate of 7.3277 as the Interim Millage Rate for proceeding through the FY2010-2111 budget adoption process. While it may be lower, the Final Millage Rate cannot exceed the Interim Millage Rate.

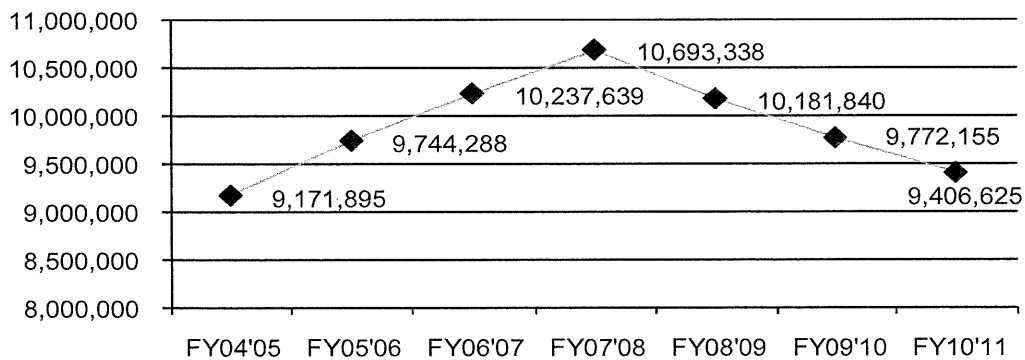
The following chart shows the tax levied at the current/proposed rate for taxpayers at various assessed valuations:

Assessed Value	Taxable Value		Tax Levy 7.3277 mills (current & proposed)
	with 1 <sup>st</sup> \$25,000 homestead exemption	with 1 <sup>st</sup> & 2 <sup>nd</sup> \$25,000 homestead exemption	
\$60,000	\$35,000	-	\$256.47
\$75,000	\$50,000	-	\$366.39
\$100,000	-	\$50,000	\$366.39
\$150,000	-	\$100,000	\$732.77
\$175,000	-	\$125,000	\$915.96
\$200,000	-	\$150,000	\$1,099.16
\$250,000	-	\$200,000	\$1,465.54

**OTHER REVENUES**

A series of ordinances adopted by the City Commission in September 2007 authorized annual increases in city user fees based on June’s annual CPI or 2.5%, whichever is greater. The change in the CPI measured from June 2009 to June 2010 was 1.1%, and all user fees (i.e, water and sewer, solid waste collection, facility rental, development fees, etc.) will be increased by 2.5% on October 1.

Although a 2.5% increase in user fees will generate some additional revenue for the General Fund, ad valorem proceeds and development-related revenues have declined dramatically during the past three years. Revenues from state and other intergovernmental sources are also projected to be lower than last year. As a result, General Fund revenues in FY10’11 are projected to be \$365,530 less than budgeted in FY09’10. Further, General Fund revenues are projected to be \$775,215 less than actually received in FY08’09 and \$1,286,713 less than actually received in FY07’08. This declining revenue trend is illustrated in the following chart:



Note: Revenues do not include loan proceeds, insurance proceeds or inter-fund transfers.

**EXPENDITURE CHANGES SINCE PRESENTATION OF BUDGET**

The budget that was originally presented on August 3 and discussed during the budget workshop has been revised to include increases and reductions of expenditures as follows:

Expenditure	Item Description
-132,755	Reduction in Health Ins budget (Gen Fund, -101,702; Sp Rev Funds, -9,693; Ut Fund, -21,360)
-4,875	Reduction in cost of Actuarial services
-20,000	Elimination of Irrigation Wells – Little League Fields
22	Increase in General Fund transfer to Airport Fund
5,857	Addition of 1 commissioner to Health Insurance Plan
9,411	Increase in Pension Contribution costs (Police, +5,439; Fire, +3,972)
17,900	Addition for Generator preventive maint and load-banking (Gen Fund,+ 3,850; Ut Fund, +14,050)
3,495	Addition for Fire Alarm Inspection (Gen Fund, +3,408; Ut Fund, +30; Airport, +57)
-7,510	Reduction in General Fund Admin Charge to Utilities Fund
6,606	Net effect of Change in Allocated Expenses
600	Increase in grant to Senior Center
10,000	Addition of Fireworks – Fourth of July
30,000	Addition for Tennis Courts & Racquetball Court Resurfacing
600	Addition for Employee Recognition program
-5,857	Elimination of 1 commissioner from Health Insurance Plan
20,000	Reinstatement of Irrigation Wells – Little League Fields
-20,000	Reduction of water charges for irrigation of Little League Fields
-26,285	Elimination of budget for Depot Museum utilities, insurance, etc.
30,000	Addition of Grant to Historic Lake Wales Society
-48,766	Elimination of in-house expense of maintaining baseball fields
60,000	Addition of contract for LWLL maintenance of baseball fields
-3,000	Reduction of electricity charges for LWLL lighting replacement (energy cost savings)
-54,000	Elimination of Main Street Contract – CRA
4,500	Increase in Kimbrough & Assoc contract – CRA
-124,057	Total change in expenditure budge (All Funds Combined)

The changes shown in the table above affect expenditure totals in the General Fund (-\$40,266), CRA Fund (-\$57,571), Library Fund (-9,642), Utilities Fund (-16,600) and Airport Fund (+22). Most of the reduction is due to the reduction in the health insurance budget. With the exception of the General Fund, these expenditure reductions will serve to increase fund balance at 9/30/2011. See chart following memo for fund by fund detail of changes.

The General Fund budget presented on August 3 included FY09'10 savings in the estimated amount of \$375,000 that was to be carried forward to balance the FY10'11 budget. After completing financial statements for July, this estimated savings has been reduced to \$300,000. The resulting \$75,000 reduction in available resources is partially offset by the \$40,266 reduction in expenditures referenced above. The \$32,602 difference is currently shown as a reduction of fund balance at 9/30/2011.

**FUND BALANCE**

When the Property Appraiser's Office forwarded its preliminary estimate of taxable value in June, it was apparent that ad valorem revenues in FY10'11 would be substantially lower than in FY09'10 –not only in

the General Fund, but also in the CRA and Library funds. To create "savings" in FY09'10 that could be carried forward to help fund FY10'11, a spending freeze was immediately implemented except where such a freeze would violate an existing contract, critically impair departmental operations, or create a potential threat to the public safety or welfare. As a result, it is anticipated that General Fund departments will save more than \$300,000 in budgeted FY09'10 appropriations that will be carried forward to fund operations in FY10'11.

As strongly recommended by the City's auditors, it has been the goal to increase the General Fund balance to 15-20% of the total operating budget. In terms of the proposed FY10'11 budget, this would require a General Fund balance of \$1.60 to \$2.14 million.

On September 30, 2009, unreserved fund balance of the General Fund was \$2,511,060, while total fund balance reached \$2,983,010. Unreserved fund balances represented 24.13% of total General Fund expenditures, while total fund balance represented 28.66% of the same amount. Excluding the Tax Anticipation Reserve/Pool Construction Account (\$1,042,442), the fund balance of the General Fund was \$1,940,568 or 18.6% of FY09'10 expenditures.

If revenue and expenditure trends reported at July 31 are maintained through the end of the year, it is estimated that revenues should exceed expenditures by slightly more than \$300,000 at 9/30/10, allowing us to carry forward a fund balance of \$3,283,686 -- the equivalent of 31% of the proposed FY10'11 General Fund budget, or 21% if the Tax Anticipation Reserve/Pool Construction Account is excluded. This will allow us to budget \$300,000 in FY09'10 "savings" (excess revenues over expenditures) to supplement estimated FY10'11 revenues in funding next year's expenses.

It should be emphasized that, if the proposed budget is adopted, the General Fund balance at 9/30/11 is estimated to be \$2,839,870 --this is \$443,816 less than it will be at 9/30/10 and about \$143,000 less than it was at 9/30/09. The latter is due to the fact that some of the surplus revenues generated in FY08'09 will be used to fund a portion of the repairs to the Kirkland Gym that are budgeted in FY10'11. Regardless, the fund balance at 9/30/11 is projected to be 26.7% of the FY10'11 General Fund operating budget or 16.7% if the Tax Anticipation Reserve/Pool Construction Account is excluded --still within the range recommended by the City's auditors. We are recommending, however, that fund balance not be reduced below this level at this time in order to ensure there will be sufficient resources to cover future costs until the economy improves and annual revenues begin to increase.

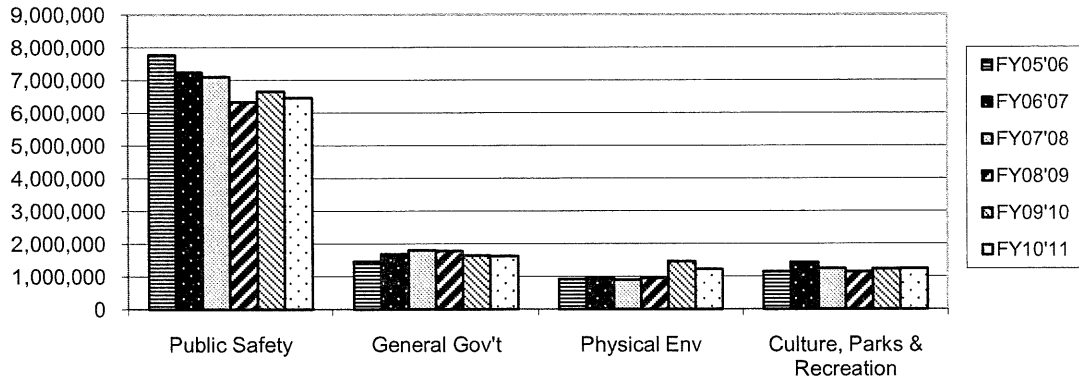
### **EXPENDITURE OVERVIEW**

Initial budget requests submitted by the departments exceeded General Fund revenue projections by more than \$2.2 million dollars. By significantly reducing the initial requests and utilizing the current year budget savings discussed above, staff has been able to balance the proposed budget at the current millage rate while avoiding measures that some cities and counties have been forced to implement (i.e., employee lay-offs, salary reductions, and days off without pay).

By necessity, the proposed FY10'11 Budget responds to reductions of ad valorem proceeds and other General Fund revenues by reductions in spending on core municipal services as well as parks, recreation and other "quality of life" services. Although expenditures in the proposed FY10'11 budget are \$662,190 below expenditures in the FY09'10 budget -- an overall spending reduction of 5.8% -- \$223,825 is attributable to reduced transfer requirements to other funds (Debt Service and Capital Projects) and \$21,209 is attributable to the fact that health insurance costs are 1.9% lower than in FY09'10.

Taking into consideration the fact that there are cost increases for fuel, utilities, property insurance, pension benefits and other non-discretionary items, it can be seen that the remaining \$417,156 reduction is achieved only by reducing expenditure budgets for operating equipment and supplies, maintenance and repair, contract and professional services, programs and other items that are required to provide the level of service expected from each department. In addition, three vacant positions have been left open

for the remainder of FY09'10 and have been cut from the proposed FY10'11 budget (2 police officers, 1 code enforcement officer).



Also taking into consideration the fact that reductions in ad valorem and other revenues have necessitated significant cut-backs in capital equipment replacement, maintenance and repair, and operating supplies every year since FY08'09, it must be acknowledged that most of our departments have now reached the lower limit and can make no additional cut-backs without reducing or eliminating services to the public. This is particularly true in our public safety departments.

As stated previously, the proposed budget includes no employee lay-offs, salary reductions, or days off without pay. The proposed budget includes no Cost of Living Adjustment (COLA) for employees. The cost for each 1% across-the-board salary increase is approximately \$89,250, and a 3% increase would cost about \$267,750. On October 1, 2008 employees received a 1% COLA; however, this adjustment followed a 12-month period which saw a 5% increase in the CPI. In December 2009, employees received a 1% one-time lump-sum increase in the form of a Christmas bonus. Although operating budget cuts have occurred in all departments, the proposed budget includes \$52,895 for commissioner and employee training and training-related travel. Tuition assistance will not be offered except to fund one class per semester for employees who began a degree program prior to October 1, 2008. Tuition assistance to begin new degree programs will not be funded in FY10'11.

The proposed General Fund operating budget totals \$10,693,440. This represents a reduction of 5.8% from the current year's budget. Significant reductions will be discussed later in this memorandum.

**SUMMARY OF ALL FUNDS**

General Fund	\$10,620,325
Special Revenue Funds	4,134,866
Debt Service Fund	2,279,722
Capital Projects Fund	0
Utility System Fund	9,911,573
Airport Fund	1,285,682
<b>TOTAL</b>	<b>\$28,232,169</b>

The expenditure total of \$28,232,169 is comprised of operating costs in the amount of \$21,354,966 and capital outlay in the amount of \$6,877,203. Transfers in the amount of \$3,127,169 bring total expenditures plus

transfers to \$31,359,338. The proposed operating budget expenditures for FY10'11 are 15.1% or \$4.81 million less than the budgeted expenditures for FY09'10 (projects funded by bond proceeds are excluded from this calculation).

Capital expenditures include utility system improvements such as the rehabilitation and upgrade of the wastewater treatment plant and C St. and vicinity sewer improvements, airport runway extension and perimeter fencing, Lincoln Avenue parking improvements, Downtown improvements, and miscellaneous equipment purchases budgeted as follows:

General Fund	62,000
Special Revenue Funds	721,390
Capital Projects Fund	0
Utility System Fund	4,913,813
Airport Fund	1,180,000
TOTAL	\$6,877,203

### **REVIEW OF DEBT SERVICE**

As required by Charter, a summary of the City's outstanding principal balance at September 30, 2010 is presented as follows:

*SunTrust Capital Improvement Revenue Note, Series 2003*; issued to accomplish advance refunding of Capital Improvement Revenue Bonds, Series 1996 (\$4,666,859), to refinance Non-Ad Valorem Revenue Bonds, Series 1999 (\$4,757,115) and to finance interest and issuance costs (\$125,716). Annual interest rate: 3.84%. Balance: \$6,014,242; last payment 2017.

*SunTrust Utility System Revenue Note, Series 2005*; issued finance construction of chlorine contact chamber at Wastewater Treatment Plant and city's cost portion of reuse transmission lines. Annual interest rate: 4.20%. Balance: \$560,931; last payment 2015.

*Wachovia Utility System Improvement Refunding Revenue Note, Series 2006A*; issued to refund existing bonds and fund Water and Sewer system improvements. Annual interest rate: 4.09%. Balance: \$4,894,869; last payment 2017.

*Wachovia Utility System Refunding Revenue Note, Series 2006B*; issued to finance construction of south side force main and other Utility system improvements; initially issued as a non-revolving line of credit during May 2006 but converted to a term loan on October 1, 2009. Annual interest rate: 1.14%. Balance: \$2,550,000; last payment 2027.

*CRA Redevelopment Revenue Note, Series 2007*; issued to finance redevelopment capital improvement projects. Annual interest rate: 3.77%. Balance: \$8,760,418; last payment October 2028.

*SunTrust Refunding Revenue Note, Series 2009*; issued to refund Public Improvement Bonds, Series 1997 (which refunded 1991 and 1989 bonds for financing various capital projects) and to refund the 2008 Motorola lease which originally funded fire and police equipment. Annual interest rate: 3.19%. Balance: \$1,870,300; last payment 2015.

*Florida Department of Environmental Protection Revolving Loan Program* assistance for funding of costs associated with Wastewater Reuse Project, Phase I. Annual interest rate, 2.56%. Balance: \$791,240; last payment 2019.

*Florida Department of Environmental Protection Revolving Loan Program* assistance for funding of costs associated with Wastewater Reuse Project, Phase II. Annual interest rate, 3.05%. Balance: \$508,370; last payment 2022.

*Florida Department of Environmental Protection Revolving Loan Program* assistance for funding of costs associated with sludge dewatering Improvements to the Wastewater Treatment Plant. Annual interest rate, 2.14%. Balance: \$1,017,105; last payment 2024.

*Florida Department of Environmental Protection Revolving Loan Program* assistance for funding of pre-construction costs associated with the Wastewater Treatment Plant Expansion Project. Annual interest rate, 1.88%. Balance: \$917,158; last payment 2028.

*Florida Department of Environmental Protection Revolving Loan Program* assistance for funding of pre-construction costs associated with the Wastewater Treatment Plant Expansion Project. Unless this agreement is amended to provide construction funding, the first semi-annual loan payment in the amount of \$11,567 will be due on December 15, 2012. Principal amount of loan is approved at \$350,000; current amount drawn down is \$180,000. Annual interest rate: 2.30%. Balance: \$180,000.

*Florida League of Cities Master Lease Program, 2006* for lease-purchase of Fire Truck. Annual interest rate: 4.28%. Balance: \$181,921; last payment 2012.

*Fixed Base Operator's Prepayment Credit* for \$300,000 in leasehold improvements done by the FBO on airport property. Annual interest rate: 0%. Balance: \$31,500; last payment 2012.

The City's total indebtedness at 9/30/10 is \$28,278,054 which is equal to 4.4% of the 2010 taxable valuation of \$643,195,776. Debt payments due during FY10'11 total \$3,742,524 and represent 17.4% of the City's operating budget (excluding inter-fund transfers and capital outlay). A schedule showing the City's outstanding debt at September 30, 2010 is included in the Charts & Graphics portion of the proposed budget (page c-3).

**BUDGET HIGHLIGHTS**

A summary of the important aspects of the proposed FY10'11 budget document is provided as follows:

1. A 10% increase for workers' compensation, liability, property and casualty insurance premiums is budgeted in accordance with preliminary estimates received from our property, casualty and workers' compensation providers; actual cost increases, if any, will be determined in mid-April.
2. A 10% increase for health care coverage was tentatively budgeted with the understanding that actual costs would be determined after receiving and analyzing bids on health care coverage for the next fiscal year. Actual costs for FY10'11 will be 1.9% less than in FY09'10 – this is \$132,755 less than was included in the proposed FY10'11 budget distributed on August 3 and discussed in workshop (General Fund, -\$101,702; Special Revenue Funds, -\$9,693; Utilities Fund, -\$21,360). The portion of the savings allocated to the General Fund partially offsets the \$75,000 reduction in FY09'10 savings budgeted forward and some of the expenditure items added as a result of the budget workshop.
3. Pension contribution rates have been budgeted for FY10'11 to yield the actuarially determined funding requirements calculated by the actuaries retained by the City's pension boards as follows:

	General Employees	Police Officers	Firefighters
FY 09'10	1.4%	21.9%	27.8%
FY 10'11	2.5%	24.4%	30.9%
Change	+1.10%	+2.5%	+3.1%



The above rates represent the City's contribution to the three pension plans. In each case, the employee contributes 5% of his or her annual salary to the plan.

4. Changes in departmental staffing in FY10'11 as compared to the FY09'10 amended budget are detailed in the following chart:

Department	change	Description
Human Resources	+ 1.00	Clerical position transferred from Support Services and Customer Service to perform Switchboard/Receptionist duties
Support Services	- 0.75	Clerical position transferred to Human Resources
Billing/Customer Service	- 0.25	Clerical position transferred to Human Resources
Finance	+ 0.50	Accounting position added to begin preparing for transition of duties
Facilities Maintenance	- 1.00	Facilities Maintenance Tech position transferred to Field Operations
Facilities Maintenance	+ 0.50	Custodial position added to make 2 P/T custodians responsible for Municipal Admin Bldg, Police Dept, and Kirkland Gym
Field Operations	- 1.00	Parks Superintendent position eliminated with retirement of employee
Field Operations	+ 1.00	Turf Specialist position added to maintain athletic fields
Field Operations	+ 1.00	Facilities Maintenance Tech position transferred from Facilities Maint
Field Operations	+ 0.25	Annualized effect of Maintenance Worker position added 1/1/10
Police Department	- 1.00	Special Investigations position eliminated to fill vacant patrol position
Community Policing	- 1.00	COPS position eliminated to fill vacant patrol position
Code Enforcement	- 1.00	Vacant Code Enforcement Supervisor position eliminated (responsibilities assigned to COPS supervisor)
Library	- 0.25	Hours reduced for P/T Library Clerk position
	- 3.00	Net Change in positions since amended FY09'10 Budget

5. Capital expenditures proposed for FY10'11 are itemized in the following chart:

Item	Cost	Funding Source
Airport - Runway Extension	830,000	Airport Grants
Airport - Perimeter Fencing	250,000	Airport Grants, General Fund
Airport - Runway 17-35 Improvements	100,000	Airport Grants, General Fund
Economic Development - Lincoln Avenue	20,000	CRA Tax Increment Revenues
IT - System Backup Server	12,000	General Fund Revenues
Library - Books & Subscriptions	60,000	Library Fund Revenue
Longleaf Business Park - Landscaping & Signage	50,000	Proceeds from sale of lots in LLBP
Parking Improvements - Lincoln Ave	75,000	CDBG Commercial Vitalization Grant

Item	Cost	Funding Source
Parks & Recreation – Resurfacing Tennis & Racquetball Courts	30,000	Operating Revenues
Parks & Recreation – Irrigation Wells LWLL Fields	20,000	Operating Revenues
Police Dept – AED's (portable defibrillators)	7,000	Byrne Law Enforcement Grants
Police Dept - Video Systems/Cameras	18,000	Byrne Law Enforcement Grants
Reuse System – LWCC Golf Course Transmission Line (Engineering)	85,000	Impact Fees
Reuse System - Misc New Services	5,000	Utility System Operating Revenues
Sewer System – C St & Vicinity Improvements	929,543	CRA Bond, Tax Increment Revenues
Sewer System – Cable Sewer Cutter	600	Utility System Operating Revenues
Sewer System - Force Main/Lft Stn Crooked Lake	435,870	Loan Proceeds, Impact Fees
Sewer System – Root Cutter 8" & larger	5,000	Utility System Operating Revenues
Sewer System – Sliplining	140,000	Utility System Operating Revenues
Sewer System - Treatment Plant Rehabilitation	991,500	Loan Proceeds, Operating Revenues
Sewer System - Treatment Plant Upgrade/Expansion	2,005,300	Loan Proceeds, Impact Fees
Sewer System – Vactor Truck Nozzles	5,000	Utility System Operating Revenues
Streets Division – Irrigation Well US 27 Medians	10,000	Operating Revenues
Streetscape Improvements - Downtown	331,390	CDBG Commercial Vitalization Grant
Streetscape Improvements - Lincoln Ave Lights	150,000	CDBG Commercial Vitalization Grant
Water System – Elev Storage Tank Modification	168,000	CRA Bond
Water System – FlexNet/Auto Meter Reading	116,000	Impact Fees, Operating Revenues
Water System - Misc New Services	25,000	Utility System Operating Revenues
Water System – Tapping Machine	2,000	Utility System Operating Revenues
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>\$6,877,203</b>	

6. In accordance with Ordinance 2007-07 adopted by the City Commission on September 18, 2007, water and sewer rates and charges will be adjusted to reflect a 2.5% increase based on June's annual CPI. The increase will be applied to service provided on or after October 1, 2010.

	WATER CHARGES					SEWER CHARGES		
	base charge	rate per 1,000 gallons				base charge	rate per 1,000 gallons	
		0-5,000	5,001 - 10,000	10,001 - 25,000	over 25,000		0 -5,000	5,001 - 15,000
Current	5.33	2.11	2.85	4.43	7.29	18.93	2.49	4.36
10/1/10	5.46	2.16	2.92	4.54	7.47	19.40	2.55	4.47

For inside-city residential customers using an average of 8,000 gallons per month, water charges will increase from \$24.43 to \$25.02, and sewer charges will increase from \$44.45 to \$45.56; the combined bill for water and sewer will increase from \$68.88 to \$70.58.

7. The FY10'11 Budget includes a 2.5% increase in all General Fund user fees and charges. For residential solid waste collection and recycling, fees will increase from \$20.36 per month to \$20.87 per month.
8. The proposed FY10'11 revenue budget includes reimbursement of \$11,872 for public services provided to sponsors of special events. Over the years, special events such as parades and events downtown and in Lake Wailes park have increased in number from five or six in 1993 to more than 20 in 2009. Historically, the City has provided set-up, clean-up, and traffic control as an in-kind service. In 2009, nearly 1,500 man-hours were contributed by the City for special events at a cost to the public of more than \$50,000.

	Allocation of In-Kind Expense			Total In-Kind Expense	Proposed 25% reimb	Public Expense
	Police Dept	Support Services	Field Ops			
4th of July	1,423	553	799	2,774		2,774
Airport Jet Rally			49	49	12	37
Arts Council - Art Show	1,877		1,190	3,067	767	2,300
Boat Races on Lake Wailes	1,877		245	2,122	530	1,591
Christmas by the Lake			49	49	12	37
Christmas Parade	1,212		571	1,783	446	1,337
Family Fitness Day	938		82	1,020	255	765
Going to the Dogs			49	49	12	37
Hillcrest School Walk-a-thon	78		65	143	36	107
Homecoming	821		65	886	222	665
Main Street Events (3)	10,792		65	10,857	2,714	8,142
Mardi Gras Celebration	11,144		179	11,323	2,831	8,492
Martin Luther King Celebration	6,764		758	7,522	1,881	5,642
Pioneer Day	2,190	1,768	1,190	5,148	1,287	3,861
Polk Sr. Games	469	332		801	200	601
Roosevelt Alum Parade/Cultural Festival	821		98	919	230	689
Tour of Lake Wales	117	177		294	74	221
Veteran's Day Parade	704		49	753	188	565
YMCA Bike-a-thon & 5K Run	704			704	176	528
Total Expense for Special Events	41,930	2,829	5,503	50,262	11,872	38,390

When the special events ordinance was approved in the early 1990's, the policy was adopted whereby the event sponsor is able to retain all fees charged to vendors or event participants to help offset the

sponsor's costs for the event. Unlike many other cities, Lake Wales has never required sponsors to pay an event fee and has never required event vendors to hold a city occupational license or pay a business tax provided they pay a fee to the event sponsor and are licensed to do business in the county. The city has never received any income from special events to help offset the cost of public services provided.

While we are not suggesting that in-kind services for parades and other special events be eliminated, it is staff's suggestion that event sponsors pay a fee equal to 25% of the cost of in-kind services. Staff will work with the event sponsors to reduce the amount of in-kind services needed from the city (i.e., shorter or straighter parade routes with fewer corners to navigate, more sponsor participation in set-up or clean-up, shorter hours for the event, etc.).

If the Commission wishes to implement this suggestion, staff will prepare an ordinance for consideration with the millage and budget adoption ordinances. If the Commission does not wish to implement this suggestion, the revenue budgeted for special events reimbursements will be deleted.

9. With the exception of the two items discussed below, no modifications of the organizational structure have occurred in FY09'10 or are planned for FY10'11.

#### **Changes to Code Enforcement Process**

Shortly before the hiring freeze was implemented in early June, the city's Code Enforcement Supervisor retired. Although hiring a new code inspector would have been possible if it were determined that code enforcement operations were severely impaired by the staff reduction, the Police Chief chose instead to reengineer the code enforcement function by consolidating it with the Community-Oriented Policing Section.

It was determined that a lack of efficiency in the traditional code enforcement process had created a system that was ineffective. The improved code enforcement process will allow enforcement action to begin within 7 days following identification of a violation. In addition, the civil citation system will be used to achieve swift compliance, when possible, rather than using the Code Enforcement Board. In cases involving foreclosed or vacant properties, the parcel will be posted using the high-visibility signs recommended by Commissioner Thornhill. This will clearly demonstrate the City of Lake Wales is taking enforcement action as expected by the community.

The Police Department has begun the process of recruiting 2 to 4 volunteers to join the VOICE Unit for the purpose of conducting basic code enforcement. Each volunteer will receive 24-hours of training related to code enforcement procedures, traffic control and vehicle operations. When complete, the new VOICE members will support the community-based approach to code compliance.

Each month a Community Cleanup will be conducted within a particular section of the city. This community-based approach employs education, enforcement and compliance to ensure the entire CRA area receives comprehensive code enforcement services yearly.

The City's response to public nuisances has improved significantly by employing private vendors to edge, mow and sweep properties. If a property is an imminent risk to the health, safety and welfare of the public, vendors are employed within 24 hours to mitigate the hazard. If a property owner fails to comply with a notice of violation, private vendors are used to edge, sweep and mow properties that could become a public nuisance. Normally, this action will be taken within 10 days. In both instances, the costs associated with this action are placed against the property through an administrative lien.

To further improve efficiency, the department acquired the iWorQ code enforcement software. This software will move the code compliance officer out of the office and into the field. Through integration with the Polk County Property Appraiser's database, the code compliance officer can conduct all enforcement activities in real time while in the field. Warnings, notices to appear and civil citations will be created and issued from the officer's vehicle. In addition, the software will track activity and schedule tasks such as inspections. The law enforcement officers from the COPS will also use the

software to issue warnings, which will automatically be sent to the code compliance officer for inspection. In addition, the Planning and Development Department can use the software to refer violations of the Land Development Regulations (LDRs) to the code compliance officer.

Finally, the Chapter 12 revision will contain the changes necessary to increase the effectiveness and efficiency of the code enforcement process. The final draft has recently been presented to the City Attorney for review and approval after which it will be forwarded to the City Commission.

### **Administrative Transition Plan**

Within the next eighteen months, the Accounting Manager will retire. The Accounts Payable Administrator will retire about twelve months later. This 50% turn-over in Finance Department staff becomes an even greater concern because the City Manager will retire in just over two years, in November 2012. Some of the duties of Assistant City Manager that were retained when taking the position as City Manager included budget preparation, TRIM compliance, and preparing monthly financial statements for presentation to the City Commission. All of these responsibilities must be transferred to the Finance Department in such a way that the transition is as seamless as possible.

Responsibility for the monthly financial statements has been transferred from the City Manager to the Accounting Manager within the last six months. In June, responsibility for the TRIM compliance process was transferred from the City Manager to the Finance Director who will now handle all of the reporting to the Department of Revenue.

Responsibility for preparing the annual budget and the 5-Year CIP has not yet been transferred from the City Manager to the Finance Department, but this transition will take place during the next twelve months so that there are no delays in completing the FY11'12 budget. The current operating budget is composed of more than 100 linked spread-sheets that require the manual entry of current and prior year budgets and actual expenditure data in addition to the budget request data for the next fiscal year. The 5-Year CIP budget is almost as voluminous.

Over the next year, our Accounting Manager will convert these two budgets into documents that will require less manual work because they will utilize data that is imported directly from the accounting system. This conversion will, by virtue of the magnitude of the project, be the primary focus of the Accounting Manager for the next year. To facilitate this work, we have recently added a part-time Accounting Clerk to assist the Accounting Manager with her existing duties. It is planned that over the next eighteen months, this Accounting Clerk will be sufficiently trained in the duties of the Accounting Manager to move into her position at the time she retires.

Other duties connected with the Assistant City Manager position are being gradually delegated to other employees, and this process should be complete within the next 12 to 18 months. Aside from the budget, the responsibility for the City's web site is the most complicated transition to manage, but the IT Director has begun assembling the resources to complete the transition well ahead of the 2-year deadline.

It is the goal to have a replacement for the City Manager in place by the beginning of June 2012 so that he or she may take a key role in development of the FY 12'13 Budget. Funds to pay for this employee will be included in FY11'12 Budget.

10. As stated previously in this memorandum, significant cut-backs have been necessary to balance the budget at the 7.3277 millage rate. Except for the use of savings resulting from the current year's spending freeze and \$32,602 to cover additions since the budget was presented on August 3, General Fund fund balance is not reduced and is maintained at the level recommended by the City's auditors. Also as stated, we are recommending that fund balance not be reduced below this level at this time in order to ensure there are sufficient resources available to fund critical services without a tax increase if shortfalls should occur before the economy improves and annual revenues begin to increase.

- A. Proposed reductions made to balance the budget that were not altered by workshop discussion include the following:
- Police Department staff is reduced by a total of 2 positions; 1 COPS officer has been transferred to a vacant patrol position and 1 officer in the Special Investigations section has been transferred to a vacant patrol position. The result is that both the COPS unit and the Special Investigations section are reduced by 1 position.
  - The Code Enforcement department is reduced by 1 position; however, it is believed that consolidation with the Community-Oriented Policing Section will improve the efficiency and effectiveness of the department.
- B. Reductions that were proposed by staff to balance the budget and restored following workshop discussion and consensus of the Commission are:
- \$10,000 for Fourth of July fireworks in the amount of \$10,000
  - \$600 for restoring the grant to the Senior Center to \$6,000
  - \$30,000 for resurfacing of tennis and racquetball courts (partially offset by elimination of \$20,000 for irrigation wells on Little League ball fields; net increase to budget is \$10,000)
- Also added by consensus of the Commission was \$600 for additional employee recognition awards.
- C. Following Commission discussion on September 10, reductions to contracts are made as follows:
- The contract with Green & Gold for operation of the B Street Center is reduced by 10% from \$35,000 in the current year to \$31,500 in FY10'11.
  - The contract with Main Street is reduced to \$0.
  - The contract with Kimbrough & Associates for services relating to CRA Area 3 redevelopment is reduced by 10% from \$40,000 in the current year to \$36,000 in FY10'11.
- D. The proposal made by the Lake Wales Little League (LWLL) organization was approved by the Commission; i.e., the contract with LWLL will be renewed in the amount of \$60,000 and LWLL will mow the baseball fields at the Little League Complex and the Northwest.
- E. The proposal made by the Historic Lake Wales Society (HLWS) was approved by the Commission; i.e., the City will convey the museum-related properties (the Depot, the Yellow Depot, the Children's Museum, the Stuart House, and the train cars) with an operating grant for FY10'11 in the amount of \$30,000. HLWS will assume all responsibility for operating the museum and maintaining the properties.

11. The proposed budget allocates \$509,825 for parks, a reduction of 13.5% from the \$589,585 allocated in FY09'10. At the same time, \$637,074 is allocated for recreation facilities, and this is an increase of 26.8% from \$502,265 budgeted in the current year. The total funds allocated for parks and recreation in the proposed FY10'11 budget is \$1,146,899 – this is up 5.0% from \$1,091,850 budgeted in the current year. Add to this the \$637,074 allocated to the Library (not including Books-by-Mail), and the total spent on providing "quality of life" recreation and leisure services in FY10'11 is \$1,785,990.

It is acknowledged that there is a benefit to be derived from employing a recreation manager to coordinate city support of the various parent-run and YMCA programs and develop youth programs that won't conflict or compete with successful programs run by others. The cost to add a recreation manager (salary and benefits) with administrative support (secretary, phone, etc), vehicle, and program operating supplies will cost an estimated \$125,000 to \$150,000. As stated above, this position

is not funded in FY10'11, and it is not anticipated that there will be sufficient resources available to fund it in FY11'12.

- A proposal made by a citizen to enter into an independent contract for \$7,500 per year to establish and manage a tennis program was not approved by the Commission.

Included in the FY10'11 budget is the contract with the Boys & Girls Club to manage the Albert Kirkland Sr. Gymnasium. This contract is budgeted at the same amount as in FY09'10, i.e., \$55,698, and will fund two employees to supervise the gym during all hours it is open on the current schedule: Monday through Friday, 11:30 to 8:30; Saturday and Sunday, 11:30 to 5:30.

- A proposal to add 494 operating hours per year to the gymnasium schedule by increasing the contract with the Boys & Girls Club from \$55,698 to \$66,630 was not approved by the Commission.

Also included in the FY10'11 budget is \$125,000 for major repairs to the gymnasium building, but it is not anticipated that the building can be fully opened (showers, weight room) until these repairs are completed and the operating budget is increased. It is estimated that \$200,000 will be required in FY11'12 to replace the gymnasium floor, and a minimum of \$30,000 will be required in the following year for exterior painting, tucking and other work to repair and preserve the exterior of the building.

12. The city's 24-year old wastewater treatment plant is about half-way through its expected life of 50 to 67 years. In an attempt to keep operational budgets low and sewer rates down, sufficient monies have not been budgeted over the years to fund the maintenance required to keep the plant operating at an optimum level. As a result, essential components of the wastewater treatment process are beginning to fail and are now in need of major repair or replacement in order to eliminate functional obsolescence and ensure that the plant will perform reliably and cost-effectively for the remainder of its expected life.

Engineering plans for the rehabilitation of the facility are currently under review. Plant improvements for this rehab are on the list for funding by the State Revolving Fund low interest loan program. Also on the funding list is a plant modification that will increase capacity from 1.9 million gallons per day (mgd) to 2.1 mgd and construction of facilities required to treat wastewater from the Crooked Lake Park sewer system which is under order by the DEP to take corrective actions to eliminate potential adverse impacts on Crooked Lake. Total funding approved by SRF is \$3.4 million, of which \$1.96 will be allocated to treatment plant rehabilitation.

The second major concern is the sewer system improvements project needed in the vicinity of C St. to eliminate flushing manholes and sewer lines running above ground. This project will cost an estimated \$2.12 million, of which we currently have \$929,543 set aside. While CDBG applications will be submitted to offset some of the cost, it may be necessary to seek SRF loan financing for this project too.

Staff is mindful of the fact that the City Commission does not want to borrow any more money. At the same time, we must emphasize that the wastewater treatment plant rehabilitation and the C St. and vicinity sewer improvements are projects that can be delayed no longer. The way in which these improvements will be funded is a matter of policy and something the Commissioners will ultimately decide. It should be noted, however, that financing is an acceptable methodology for funding infrastructure improvements that will benefit multiple generations. Either the people today, through higher taxes or higher user fees, pay for improvements that will benefit future generations or the cost is allocated across generations through the use of financing.

## **CONCLUSION**

By necessity, the proposed FY10'11 Budget responds to reductions of ad valorem proceeds and other General Fund revenues with spending cuts across the board. No functional area is untouched by cut-backs in capital equipment replacement, maintenance and repair, or operating supplies. As stated earlier in this memorandum, it must be acknowledged that most of our departments –particularly our public safety departments-- have now

reached the lower limit and can make no additional cut-backs without seriously compromising service to the public.

**OTHER OPTIONS**

The Commission may modify the proposed budget in any way it sees fit, provided that the millage rate is not increased above 7.3277.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-18 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA FOR FISCAL YEAR 2010-2011; PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Delmar reviewed Ordinance 2010-18.

**OPENED PUBLIC HEARING**

There were no comments made by the public.

**CLOSED PUBLIC HEARING**

Commissioner Carter said that in the debt service section of the memo the interest rate was on the north side of 4% and asked if anything could be done to lower that because of today's low market. Finance Director Dorothy Pendergrass said there was nothing that could be done because the note covenants contains a clause that says if we pay them off early or refinance, we still have to pay the full amount of interest that would have been paid at maturity.

City Manager Judith Delmar said that Ordinance 2010-18 is for adopting the current millage rate of 7.3277 per thousand of taxable valuation for FY 2010-2011. This is 12.2% below the roll-back rate of 8.3456 mills, which is the rate that will generate the same amount of revenue next year as the current rate generated this year.

Commissioner Thornhill made a motion to adopt Ordinance 2010-18 after second reading and public hearing. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0: 6:17 p.m.

Ms. VanBlargan read Ordinance 2010-19 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY, AND ALL NECESSARY AND ORDINARY EXPENSES OF SAID CITY FOR THE 2010-2011 FISCAL YEAR, APPROPRIATING ALL FUNDS TO BE RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE**



**OF REVENUES & BALANCES FOR SAID FISCAL YEAR, AND THE REPEALING OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Judith Delmar reviewed Ordinance 2010-19.

**OPENED PUBLIC HEARING**

Lisa Pederson, business owner at 249 E. Stuart, and President of Main Street, Inc., said that Main Street is requesting that the City fund \$30,000 for programs only. Main Street will raise the funds needed to cover operating expenses of the organization.

Ronnie Wood, 720 S. Lake Shore Blvd., said the \$30,000 was a good investment. She claimed that nationally there is a ratio of 12 to 1, so the \$30,000 grant would bring in \$360,000 in private investment. She said that the commitment to the downtown must be permanent. She felt that some of the commissioners were not acting in the best interests of Lake Wales by not funding Main Street.

Larry Bossaart, downtown business owner, said that Main Street has been working toward being self-sufficient and have gone down in their request each year. Their request for \$30,000 was vital in order to maintain the core district.

**CLOSED PUBLIC HEARING**

City Manager Judith Delmar reviewed the proposed budget for FY2010-11 and the changes made to it by the Commission at its meeting on Friday, September 10, 2010 after first reading and public hearing. She said that just before this meeting, the CRA Board voted 3-2 to restore the \$30,000 contract to Main Street and allocated the remainder of un-appropriated balance of \$132,984 for the C Street sewer improvements.

Mayor Van Sickle said that the commissioners are trying to do their job and they base their decisions on what they think is best for the community and none of the Commissioners are trying to hurt the community. He said that the Commissioners and citizens have the right to agree or disagree on expenditures but he will not allow individuals to be attacked at any public meeting.

Commissioner Carter asked the following questions and made the following comments:

- Commissioner Carter asked if the City Commission would be considering the allocation of the \$30,000 that was approved by the CRA Board for Main Street. City Attorney Chuck Galloway said that because the CRA Board and the City Commission are two distinct entities having power over their own budgets, the actions of the CRA Board have effectively removed \$30,000 from consideration. There must be a change for that purpose. There are no provisions he knows of in the statutes governing the CRA that says that the Commission has the ability to trump that independent budget. The City Commission does not have the power to deal with the \$30,000 because it is not within its power to do so. Commissioner Carter said the CRA Board has effectively modified the budget in that motion. Ms. Delmar said the budget was also modified by appropriation of the previously un-appropriated balance of \$132,984 for the C Street sewer improvements.
- Commissioner Carter asked, in regards to the FBO credit, if the city knew what the amount was so the Commissioners would know whether the amortization schedule was correct. Finance Director Dorothy Pendergrass said the Finance Department has in its possession the FBO contract that includes language dealing with the loan and reimbursement and also has an amortization schedule which shows the repayment. But, she does not have the invoices backing up the documentation in the contract, though she does have the contract signed by both the FBO and the City that acknowledges the dollar amount in the repayment. Commissioner Carter asked if that meant the City at some point signed a contract without the supporting documentation and

Ms. Delmar said that was correct but the contract pre-dated expenditures. The contract that was signed in the 90s, authorized up to \$300,000 worth of airport repair and improvement expenditures.

- Commissioner Carter asked if a portion, say fifty percent, of the increase for inside city water customers could be designated or set aside for an escrow or emergency fund in case of a crises. Ms. Pendergrass said that when we ended fiscal year 2008-2009 there was \$111,000 in unrestricted cash and investments. She said that though she has to wait for the final invoices to come in, she was concerned with what that unrestricted cash would be for the fiscal year 2009-2010 projection, due in two weeks. She said, in essence, the Commission could direct a certain portion of the fee for a designated purpose, but added that doing so would shut down the enterprise fund because she would not have sufficient unrestricted cash with which to make payments. That can be one of the options for a certain portion of an increase to be set aside for reserves. At the workshop she had recommended 15% of operating expenditures with a cap of \$675,000, but to reach that goal she recommended funding slowly over a ten year period. Ms. Delmar pointed out that this was probably the first year since she has been working for the city that they were able to balance the utility fund budget with funds remaining to begin building a reserve for emergencies.

Mayor Van Sickle asked Ms. Pendergrass if she was referring to the workshop discussion where they would be proposing a one or two dollar increase in the rate structure and Ms. Pendergrass confirmed and said she would bring back several options and they could either select one or send her back with some ideas of what the Commission would like to see in the rate change. She added that at this point, staff was looking at changing the rates unless the Commission decides that it can wait six years to do the additional capital outlay items listed in the 5-year CIP.

- Commissioner Carter said on Page 14 of the budget it reports the cost for the C Street Sewer project as \$1.12 million and he said it really was \$3.1 million. Ms. Pendergrass said that Steve Elias, a representative from Envisors, confirmed that \$3.6 was the correct number. Commissioner Carter asked if the Commission was going to be presented with options on how they were going to pay for it as the numbers are mind boggling. He said the budget did not tell them how the money was going to be spent and what mechanism would be used to gather the money, but only what the money would be spent for. Ms. Delmar said the budget showed a revenue line for each expenditure and explained that they were not budgeting \$2.12 million or even \$3.6 million in this year's budget; only the \$929,543 that we do have in existing funds. The whole project cost is included in the 5-Year CIP. Year 1 expenditures are included in the operating budget under discussion at this time.
- Commissioner Carter asked for confirmation that money would not be coming out of the pool fund and Ms. Delmar confirmed that the \$929,543 was not coming out of the pool fund. Ms. Pendergrass said she wanted to make sure the Commission and the public understands that the issues facing the utilities fund are manageable. But, if the Commission decides that increasing the rates is not what the city needs, there are other options: (1) financing, which the Commission is opposed to and (2) time, because issues with the utility fund will solve themselves in six years when several note payments will be paid off, releasing \$1.4 million to use for pay-as-you-go capital. Ms. Pendergrass said she did not think any city could wait six years on needed capital outlay items.

Ms. Delmar stressed that the issues were manageable within the context of the utility fund. Except for the allocation of these funds from the bond and from last year's excess revenue and expenditures, the CRA is not involved in the remainder of the C Street project. It is all utilities system funded in some way. It does not require an ad valorem tax increase or expenditure of CRA funds. Commissioner Carter asked for confirmation that she was talking about just the C Street project and not the modification of the water treatment plant. Ms. Delmar said that the

water treatment plant would require financing but that the city could handle that debt service. Commissioner Carter said there was also the possibility of a grant for the C Street project and Ms. Delmar confirmed.

Commissioner Thornhill said he did not have the opportunity to say much in the CRA meeting that was held before this meeting because the time was limited. He said that nowhere did the Commission say to Main Street that it did not want the program or tell them to get lost etc. It is sad that it was perceived that way. It is the Commission's job to deal with the \$3.6 million needed for the C Street project in the best way possible. Although the sewer problem is not in his own backyard, he is trying to help the City. The City currently has a hiring freeze and is having to cut programs and expenditures in various places. Two needed police officers and a code enforcement officer that were funded by the CRA have been taken out of the budget. To be business friendly, the Commission voted to keep the millage at the current rate. The Commission does not want to put the City into more debt, it is trying to do its best in the budget process, and it may have to do things that some people do not like.

Commissioner Howell wanted confirmation that the only additions to the budget were for Main Street and the C Street project. Ms. Delmar confirmed and went over the figures again.

Commissioner Rogers said he did not become a Commissioner to gain some kind of glory and that it actually costs him money to be a Commissioner. He said he promised the people in the C Street area that he would fight to get the needed improvements for them and though it will be hard work to come up with the money to do it, he was determined. He said he held no animosity or hard feeling toward anyone. People who do not care about anybody else's project come to him requesting their own agenda. He commended Linda Kimbrough for having the interests of Lake Wales at heart because she was willing to sacrifice part of her own money to help other projects.

Mayor Van Sickle said they had to modify the budget so needed to make a decision as to where that money could be pulled. Ms. Delmar said the CRA Board pulled the \$30,000 for the Main Street contract from un-appropriated fund balance and the remainder of that unappropriated balance was appropriated for the C Street project.

Commissioner Howell made a motion to adopt Ordinance 2010-19, FY2010-11 budget, with the additions approved by the CRA Board after second reading and public hearing. The motion was seconded by Commissioner Carter.

By Roll Call Vote:

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

Mayor Van Sickle said he disagreed with the CRA Board approval for Main Street because it affected the total budget and he felt the \$30,000 decrease would hurt the C Street project. But, the budget had to be passed, so he was voting yes in protest.

Mayor Van Sickle	"YES"
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The motion carried 3-2: 6:48 p.m.

**Agenda Item 9. Ordinance 2010-20, Five Year Capital Improvement Plan – 2<sup>nd</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2010-2011 through 2014-2015.

## **RECOMMENDATION**

It is recommended that the City Commission adopt after second reading and public hearing Ordinance 2010-20 adopting the Five-Year Capital Improvement Plan for fiscal years 2010-2011 through 2014-2015.

## **BACKGROUND**

In accordance with section 6.05 of the City Charter, Ordinance 2010-20 approves and adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY10'11 through FY14'15. The 5-Year CIP document was forwarded to the City Commission for review on August 10 and approved after first reading on September 10. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY10'11 operating budget, as is appropriation of funding sources necessary to implement Year 1 of the plan.

The 5-Year CIP document includes a list of all capital facility and infrastructure improvements which are proposed to be undertaken during the next five years and supporting information to explain the necessity for the improvements. In addition, the CIP includes all capital equipment proposed for acquisition during this period. Cost estimates, method of funding and time schedule for the proposed improvements and equipment acquisitions are identified in the document.

The proposed 5-Year CIP totals \$33,317,429 and includes \$795,000 in land acquisition, \$2,749,770 in equipment acquisition, \$3,210,060 in building improvements, \$25,979,599 in infrastructure and recreation improvements and \$583,000 in other capital outlay.

Improvements and equipment needs for the next 5 years were submitted by department heads with a justification of necessity and a recommended time schedule for completion or acquisition. These requests were prioritized by the City Manager in view of the available funding resources and urgency of need and either retained in the proposed 5-Year Plan or deferred until future 5-Year plans are developed.

Items included in the proposed 5-Year CIP can be classified in three categories as follows:

- 1 - Corrects existing or impending deficiency
- 2 - Improves productivity/efficiency or permits reallocation of existing resources
- 3 - Enhances quality of life

Items in Category 1 comprise 49.0% of the cost of the CIP (\$16,320,445). These are improvements and equipment acquisitions which are urgently needed to correct or prevent system or infrastructure failures, threats to the public safety or welfare, and decline of service levels. Some of our currently utilized equipment is 10-20 years old or older with high maintenance costs and low operational reliability, making replacement a high priority.

Items in Category 2 are improvements and equipment acquisitions which will improve productivity and efficiency or otherwise enhance current service levels. These items represent 36.1% of the cost of the CIP (\$12,048,110).

Items in Category 3 are improvements in the area of Culture/Recreation which are viewed as important to the community in terms of enhancing the quality of life but which might receive a lower priority in view of the urgent needs which must be addressed. These items represent 14.8% of the cost of the CIP (\$4,948,874), however it is anticipated that 21.2% of this cost (\$1,050,000) will be funded by state, county or federal grants or donations from private sources.

### FISCAL IMPACT

Funding of the CIP will be accomplished through utilization of existing cash surpluses and current year operating revenues, future grants, private contributions, and impact fees. Some of the improvements proposed for the utility system are eligible for low-interest SRF financing, but it may be necessary to increase water and sewer user charges to fund debt service on financed projects as well as pay-as-you-go projects. Growth related improvements will be funded by impact fees.

Costs of all capital improvements and equipment acquisitions are distributed over 5 years as follows:

Year 1 - FY2010'11	6,877,203
Year 2 - FY2011'12	7,269,334
Year 3 - FY2012'13	9,181,767
Year 4 - FY2013'14	6,468,160
Year 5 - FY2014'15	3,520,965
5 Year Total	33,317,429

All items scheduled for Year 1 are included in the proposed FY10'11 operating budget presented to the City Commission for consideration. Changes since the 5-Year CIP was originally presented to the City Commission on August 10 are as follows:

30,000 Addition of Tennis Courts & Racquetball Courts Resurfacing

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30,000 Total change in 5-Year CIP from original document

### OTHER OPTIONS

Items may be reprioritized or deleted from the 5-Year Plan, and items not currently included may be added. The City Commissioners may choose to defer adoption of the Plan until a later date; however, adoption of a 5-year capital program is required by City Charter.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-20 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING A 5-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2010-2011 THROUGH 2014-2015; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Pendergrass reviewed Agenda Item 7.

## OPENED PUBLIC HEARING

There were no comments made by the public.

## CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2010-20 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

### Agenda Item 10. Ordinance 2010-21, Amendment to Cemetery Ordinance – 1<sup>st</sup> Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Teresa Allen, Public Service Administrator]

## SYNOPSIS

The City Commission will consider approving Ordinance 2010-21 amending Lake Wales Code of Ordinances Chapter 2, Administration to allow up to two urns bearing cremated remains be buried with one casketed remains.

## RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Approve Ordinance 2010-21 after first reading.

## BACKGROUND

In December 2009 the City Commission approved Ordinance 2009-32 revising rules and regulations governing use and operation of the municipal cemeteries. The ordinance defined the responsibilities of the City in caring for the cemeteries and the responsibilities of persons paying respect to loved ones interred in the cemeteries.

Section 2-631. Pertaining to graves and vaults prohibits burials above ground and authorizes only one interment per grave, except for the following:

- A parent and an infant
- Two children in one coffin
- One casketed remains and one cremated remains

The ordinance has always read this way, but through the years various cemetery supervisors have allowed two cremation urns to be buried in a grave with one casketed remains. Although it happened

infrequently, it apparently began to happen more often after all the cremation niches in the mausoleum were sold.

Ordinance 2010-21 amends the Code of Ordinances to provide the authority to allow up to two urns bearing cremated remains to be buried with one casketed remains.

**FISCAL IMPACT**

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

**OTHER OPTIONS**

Do not approve the request to amend the Ordinance

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-21 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, TO PROVIDE FOR BURIAL OF CREMATED REMAINS IN A GRAVE WITH CASKETED REMAINS; PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Allen reviewed Agenda Item 10.

Commissioner Carter asked why we were limiting it to two urns if we couldn't even enforce one. Ms. Delmar said we have to have rules, and the cemetery manager is supposed to enforce them. She said that the cemetery manager at that time was not enforcing those rules. She added that a need might arise to provide the ability to add additional urns, if there is no casket in the grave. She recommended starting with allowing two urns per grave because there has been a request for two and it can't be approved without the authority to do it. Commissioner Carter asked how other cities were doing it and Ms. Delmar said that typically they allow one urn with a maximum of two per grave, either one casket and one urn or two urns.

Commissioner Rogers made a motion to approve Ordinance 2010-21 after first reading. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 11. Ordinance 2010-22, Repealing Ordinance 2009-17 – 1<sup>st</sup> Reading**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

Ordinance 2010-22 is proposed for the purpose of repealing ordinance 2009-17 increasing the size of the CRA Board from five to seven members and reinstating provisions of Ordinance 99-06 designating the City Commission as the CRA Board of Commissioners.

## **RECCOMENDATION**

If the Commission wishes to restore the City Commission as the CRA Board of Commissioners, it is recommended that the Commissioners approve Ordinance 2010-22 after first reading.

## **BACKGROUND**

Following the first public hearing on the FY10'11 budget, Commissioner Rogers was asked several questions regarding the City Commission's authority to modify the proposed CRA budget. In discussing these questions with staff, it was determined that the expansion of the CRA Board from five members to seven members had modified the City Commission's authority for administering the CRA, including its control over expenditure of tax increment revenue. Commissioner Rogers then directed staff to prepare an ordinance to repeal Ordinance 2009-17 in order to reinstate the City Commission as the CRA Board. Ordinance 2010-22 was prepared for this purpose.

The following summarizes the establishment of the CRA Board of Commissioners and its various modifications as the Community Redevelopment Agency has expanded over time:

- Ordinance 69-3 created the Downtown Development Commission comprised of the Mayor, the Chairman of the Planning Board and five citizens for the purpose of "improving the physical appearance, enhancing the economic activity, and increasing the tax base for downtown Lake Wales."
- Ordinance 85-10 created the Community Redevelopment Agency, and the Downtown Development Commission became the CRA Board of Commissioners vested with all the powers delineated in F.S. §163.370.
- Ordinance 90-03 authorized the City Commission to take back from the CRA Board and reserve to itself all powers delineated in F.S. §163.70 and established the CRA as an advisory board to the Commission.
- Ordinance 90-10 established eligibility and appointment criteria for the CRA Board and established two Area Advisory Committees to assist the CRA Board in implementing redevelopment activities within the specific CRA areas (i.e., the Downtown area and Lincoln Avenue/Northwest neighborhood area).
- Resolution 99-06 modified the Community Redevelopment Plan and expanded the CRA to its current geographical configuration. This expansion necessitated a reconfiguration of the CRA Board because the expanded CRA included approximately 50% of the City's area and 100% of the population (at the time), and it was considered important that the CRA Board be representative of the entire community and accountable to the entire community for expenditure of CRA revenue.
- Ordinance 99-06, under the authority of F.S. §163.357(1) (a), designated the City Commission as the CRA Board of Commissioners.
- Ordinance 2009-17 expanded the membership of the CRA Board to include two citizen members nominated by the Chamber of Commerce. This ordinance effectively transferred control over



budgeting and spending tax increment funds from the City Commission to the 7-member CRA Board.

If the City Commission wishes to repeal Ordinance 2009-17 and reinstate the City Commission as the CRA Board of Commissioners, proposed Ordinance 2010-22 will serve this purpose.

In accordance with F.S. §163.346, notice of second reading and public hearing of Ordinance 2010-22 will be forwarded to the Board of County Commissioners, the Polk County School Board, and the Southwest Florida Water Management District.

#### **OTHER OPTIONS**

Make no change to the current composition of the CRA Board.

#### **FISCAL IMPACT**

None.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-22 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REPEALING ORDINANCE 2009-17 WHICH ADDED TWO PERSONS TO ACT AS MEMBERS OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS; PROVIDING THAT THE CITY COMMISSION SHALL CONTINUE TO BE THE AGENCY WHICH CONSTITUTES THE GOVERNING BOARD OF THE LAKE WALES COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

#### **OPENED TO PUBLIC COMMENT**

David Smith, Babson Park, asked why they wanted to remove the two citizen members when one of the Commissioners had stated in the prior CRA meeting that he didn't care if he was on the CRA Board or not. He said people volunteer their time for the various boards and there are boards that are not filled. Two citizens who stepped up to serve are going to be removed and he wondered what that would do for all the other boards and committees.

#### **CLOSED TO PUBLIC COMMENT**

Commissioner Rogers said he wanted to clear things for the record. He said he was trying to say that if he wasn't eligible to serve on the CRA Board then he did not want to serve it was a violation of the lay. If it is determined that City Commissioners are supposed to be on the board he wanted to step up and do his job.

Commissioner Howell said she was in favor of keeping the seven board members. She said the City Commission is always saying they want citizen input and involvement to help them make decisions. We have that in this case so she said she was not sure why it has changed. She did not know if there was something coming up that they did not want citizens to vote on, if they thought too many people were sitting up there, if they only wanted certain citizens on the board or if they just changed their minds. The Commissioners wanted citizen input and got that, and she felt it was a way to get other opinions besides those of just the commissioners.

Commissioner Carter said he supported keeping the seven members on the board and he did not know what has changed since essentially the same Commission voted to add the two members. He said the

Commission needed all the help it can get and the two citizen board members were professional and focused and he thought the board should take advantage of their experience and expertise. The more eyes on the CRA Board the better off it was. He read a portion of the City's mission statement dealing with citizen involvement.

Commissioner Thornhill said that he understood the purpose of this ordinance to be that the passage of Ordinance 2009-17 took away the City Commission's power for the final decision on the CRA budget. He said the CRA Board is supposed to only give recommendations. City Attorney Chuck Galloway said that what it would effectively do is you have the City Commission and CRA Board composing the same policies even though the Commissioners are wearing different hats when they serve in the two capacities. With the adoption of this ordinance, the conflict would be eliminated. Commissioner Thornhill asked if they could adopt an amendment that says the City Commission would have the final say and Mr. Galloway said that could not be done under the CRA statute. If the City Commission creates a seven-member body, those two additional persons have the same powers as the other five members. Ms. Delmar said if the Commission wants to adopt this ordinance it will restore the authority for the expenditure of CRA revenues to the City Commission.

Mayor Van Sickle said this ordinance would try to correct what could possibly be a future problem. He said that the way it is now, the CRA Board could vote to use the money for something as frivolous as a merry-go-round in the middle of downtown instead of using it for things like blighted sewers. The City would not really be control of its own budget because the CRA budget is part of that budget and that may not be workable. In theory, there could be a problem with a City budget that it does not have full control over because the City Commission was elected to be responsible for that budget. They just experienced the extent of that from the CRA vote.

Commissioner Howell said that the City Commissioners were part of the seven members, meaning that at least two of the City Commissioners would have to vote for an item to make the four-person majority to pass anything. She said as long as all the commissioners agreed on how to spend the money, or three commissioners and one citizen agreed, there would be no problem. The only problem would be if the two citizens and two commissioners voted in opposition of the three remaining commissioners so they do not get what they want. Mayor Van Sickle said that would be because the majority of commissioners should have the final say, which would be three votes. Commissioner Howell said she did not agree because all five commissioners would be voting. She could see the concern if all seven members were citizens with no City Commission members because citizens alone would be determining what the money was used for. But all five commissioners are still voting and they are the majority of the vote. Mayor Van Sickle said that he only voted to approve the budget because the City has to have a budget. If the City Commission had the final say, Main Street would not have been budgeted and that was where the hiccup was. Commissioner Howell said that voting on the budget only happens once a year and they have three or four CRA meetings a year. Ms. Delmar corrected that saying a CRA meeting is called whenever there is CRA business, which happed about six or seven times this past year. Commissioner Howell said the City Commission is still the majority and that's how she sees it.

Commissioner Rogers made a motion to adopt Ordinance 2010-22 after first reading. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"NO"
Commissioner Carter	"NO"
Commissioner Howell	"NO"
Mayor Van Sickle	"YES"

The motion failed 3-2.

**Agenda Item 12. Resolution 2010-20, Supporting Applications for reapplying for FRDAP Grant Funds to Enhance and Improve Kiwanis Park**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jennifer Nanek, Special Projects Manager]

**SYNOPSIS**

Resolution 2010-20 is to support the FY2011-2012 applications for two FRDAP grants, the first for \$200,000 for improvements to Kiwanis Park and the second for \$50,000 for additional skate park equipment. Deadline for these grant applications to be submitted is September 30.

**RECOMMENDATION**

Staff recommends that City Commission take the following action:

1. Adopt Resolution 2010-20 supporting Florida Recreation Development Assistance (FRDAP) grant applications for FY2011-2012 to be submitted to the Department of Environmental Protection for the enhancement and improvement of Kiwanis Park.
2. Authorize the City Manager to execute the applications on the City's behalf.

**BACKGROUND**

In September 2008 the City Commission approved Resolution 2008-13 to apply for 2 FRDAP grants to enhance Kiwanis Park. Phase I for \$200,000 for renovations to the park itself such as improvements to the parking areas, practice baseball fields, and bikeway/pedestrian connections and Phase II for \$50,000 for additional equipment and landscaping for the skate park

In 2009 the Florida legislature did not appropriate any funding for FRDAP grants. Both grant applications were ranked highly and were rolled over to be resubmitted. In 2010 only the top two projects were funded. Unfunded grant projects were not rolled over, and must now be resubmitted.

The Parks and Community Appearance Advisory Board developed a plan for improvements to Kiwanis Park in anticipation of applying to the FRDAP program for project funding.

The draft plan for the project (attached) includes the following components:

- Reconfiguration and upgrading of the Little League practice fields
- Parking lot improvements - paved areas north and south sides of Lake Shore
- Creation of non-paved overflow parking areas
- Skate park - addition of equipment and landscaping
- Pedestrian/bicycle connections between Trailway and Lake Wailes Trail
- Landscaping, benches, miscellaneous improvements to picnic facilities and rest rooms
- Lighting of paved parking areas

Normally, a local match of funds and/or in-kind contributions is required as follows:

- Projects up to \$50,000 are funded at 100% with no match required
- Projects from \$50,001 up to \$150,000 are funded at a 75/25 split
- Projects from \$150,001 and up are funded at a 50/50 split.

A waiver of the matching requirement will be requested. Communities designated by the Governor's Office of Tourism, Trade and Economic Development as Rural Economic Development Initiative (REDI)

communities can request a waiver of the requirement for a match. The City's REDI designation has been approved for the current year.

If a local match or partial match is required, the following will be used:

- Tree replacement funds up to \$10,000 for landscaping (Authorization is required for use of these funds and is included in the resolution.)
  - Sidewalk replacement funds up to \$10,000 for sidewalk on Tower Blvd
  - Concrete for skate park (donation by Jahna Corporation, value to be determined)
  - In-kind services – plans preparation by Whidden Design Studios and work by city staff
- (Note that use of tree replacement and sidewalk replacement funds are proposed for the project regardless of the requirement for a match.)

#### **OTHER OPTIONS**

Submit only one application at this time.  
Do not submit either application.

#### **FISCAL IMPACT**

Prepared by the Finance Department and attached.

Ms. VanBlargan read Ordinance 2010-22 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REPEALING ORDINANCE 2009-17 WHICH ADDED TWO PERSONS TO ACT AS MEMBERS OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS; PROVIDING THAT THE CITY COMMISSION SHALL CONTINUE TO BE THE AGENCY WHICH CONSTITUTES THE GOVERNING BOARD OF THE LAKE WALES COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Nanek reviewed agenda item 12.

Mayor Van Sickle asked if any match money was needed. Ms. Nanek said there was no match for the \$50,000 skate park grant. There was a match for the \$200,000 grant but as the city is a REDI Community we are applying for a waiver of that match. Commissioner Howell asked how much the match would be if we did not get the waiver and Ms. Nanek said 50%.

Commissioner Carter asked if their plans were to expand the existing area at Kiwanis Park and Ms. Nanek confirmed.

Commissioner Carter made a motion to adopt Ordinance 2010-20 supporting Florida Recreation Development Assistance grant application for FY10-11 to be submitted to the Department of Environmental Protection for the enhancement and improvement of Kiwanis Park. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 13. Resolution 2010-21, Transfer of Property to the Historic Lake Wales Society**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The City Commission will consider transferring museum-related properties to the Historic Lake Wales Society.

At the first Hearing concerning the proposed Budget for the City of Lake Wales for the 2010-2011 fiscal year, the City Commission indicated a willingness to transfer certain real and personal historic properties to the Historic Lake Wales Society, Inc. (the "Society"), in order to provide for the continuing operation, maintenance and repair of the historical facilities which are the subject of Resolution 2010-21 which is provided with this Memorandum for consideration by the City Commission. The Society indicated a willingness to accept the transfer in order that the properties be preserved and operated for the benefit of the citizens of Lake Wales.

There are conditions provided in the Resolution, chief of which is the provision that the transfer creates no funding obligation on the part of the City.

It is recommended that accompanying Resolution 2010-21 be adopted for purposes of the continuing operation, maintenance and repair of the historical facilities by the Historic Lake Wales Society, Inc.

Upon approval of Resolution 2010-21, the necessary documentation will be prepared for purposes of accomplishing the contemplated transfer.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-22 by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING THE CONDITIONAL TRANSFER OF CERTAIN REAL AND PERSONAL PROPERTY FROM THE CITY OF LAKE WALES TO THE HISTORIC LAKE WALES SOCIETY, INC.; PROVIDING FOR AN EFFECTIVE DATE**

**CLOSED PUBLIC HEARING**

Commissioner Carter asked if the Historic Lake Wales Society had the financial resources to maintain the properties and if staff had seen their financials. Ms. Delmar said they did not see their financials but the Historic Lake Wales Society told them they had the ability to maintain the properties. Commissioner Carter asked if they were okay with taking them at their word and was told yes. He asked if was not prudent to look at their financials. Finance Director Dorothy Pendergrass said it was her recommendation that the need to look at those financials was not an aspect for the City Commission because this was a well established historical society that has had a long-term commitment with well connected, similar entities as themselves and have proven that they have a determination and passion for the upkeep of those historical items. She said financial statements can be viewed two ways: the financial stability and the long-term nature. It would be hard to make a judgment call because these are unusual assets and are historical in nature. She said she believed they would take good care of them.

Commissioner Rogers said the City was getting rid of some property it did not need, property that was obtained through Ms. Hardman's hard efforts and at no cost to the city, so there should be no question in anyone's mind because this was a good deal for the City.

Commissioner Thornhill made a motion to approve Resolution 2010-21. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 14. Request of Water's Edge of Lake Wales for Signage in City Right-of-Way**

Ms. Delmar reported that this agenda item was withdrawn. The Planning and Zoning Board is working on an ordinance amendment that will be coming back to the Commission.

**Agenda Item 15, Award of Bid – Cemetery Grading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Tom Moran, Public Works Director]

**SYNOPSIS**

The City Commission will consider awarding McKenzie Construction and Site Development, LLC the contract to clean fill and grade an existing area in the Lake Wales Cemetery in the amount of \$15,315.00.

**RECOMMENDATION**

Staff recommends that the City Commission approve the following action:

1. Approve the contract for cemetery clean fill and grading with McKenzie Construction and Site Development, LLC and authorize the City Manager to execute the contract.

**BACKGROUND**

On Thursday, September 9, 2010 at 2:30 p.m. in the City Commission Chambers staff and Kimley-Horn and Associates, Inc. opened a sealed bid for cemetery grading. Grading is necessary to prepare the area around the water body adjacent to U.S. Hwy. 27 for additional burial spaces.

The invitation to bid stated that the contractor needed to be licensed with experience in grading and land development and have the proper equipment and resources for this project.

McKenzie Construction is the only company that submitted a bid proposal for the project. They were evaluated on their ability to perform and complete the work in the time specified (by September 30, 2010).

**FISCAL IMPACT**

Funding for this project is in the approved cemetery improvements current budget.

## **OTHER OPTIONS**

Do not do the grading at this time

[End agenda memo]

Public Works Director Tom Moran reviewed Agenda Item 15.

Mayor Van Sickle said he read all 63 pages of the contract, finding it very confusing to read, and when he was finished he was not sure what they were trying to do or whether it was an acre or half acre. He said that those who wanted to bid on this contract had to buy the engineering plans from Kimley-Horne for \$100. There was only one bid and he did not understand why there would not be more at a time because there are contractors all over Polk County hurting for work. He said that there must be a reason people were not bidding on city contracts. Ms. Delmar said that the contract actually went from Pages 53 to Page 62 and the rest was bid specifications, which were really out of place as an agenda attachment. She apologized for that. Staff had discussed eliminating the specifications from agenda packets because in most cases they have already been approved by the Commission before it went out to bid and because all that really needs to be there is the scope of services so Commissioners can see what exactly was bid on. In this particular bid, the documents were prepared by Kimley-Horne and there was not a single page or even two or three pages that could have been pulled out that would show the essence of the bid request, which was the reason the entire bid document was included. It would not have been as confusing if they had started on Page 53. She agreed that having only one bid was problematical because the bid process is expensive for the City, as well as to the potential bidder who has to obtain copies of the engineer document. The City spends a great deal of time and pays for all the advertisement only to get one bid. We need to look into why this is occurring and see if we can fix it.

Ms. Delmar pointed out that there was a typographical error in the contract in Section 4, (a). It says, "will not exceed \$80,365.65." It should agree with the amount in the bid and the correction would be made before the contract was presented.

Mayor Van Sickle asked if it was normal for bidders to have to purchase the engineering plans and Ms. Delmar said that was pretty much standard. The Mayor asked if that was standard across all the cities because he thought it might have something to do with having only one bidder. Mr. Moran said that he could not speak for Kimley-Horne but he thought the low amount of bids might have been due to it being a small contract job. After getting the plans and seeing what was involved the \$100 was reasonable. The Mayor said he found that hard to believe when so many people were out of work in the county. Mr. Moran agreed that the purchase of plans was standard and added that it is standard that bidders are required to attend the pre-bid meeting. If a bid is turned in, and the bidder did not participate in that pre-bid meeting the bid is thrown out, which is also part of our policy. Mr. Moran explained that part of the problem might have been that at the pre-bid meeting two thirds of the people who showed up came for the irrigation bid and not for the grading. So, bidders in the audience may have thought they were all for the grading job and figured the competition was too great and their chance to win the bid was too low. He agreed with the mayor that if these companies don't have jobs it seems they would take a chance but he could not speak for them. Ms. Delmar added that it was also a complicated job, as they have to work around existing graves. Mr. Moran said the mobilization would be the hardest part, trying to get their equipment there when there is not a lot of right-of-way.

Commissioner Rogers asked for confirmation that the location would be around the lake, and that they were going to haul dirt in to level it up. Mr. Moran said the location was from the existing headstones by the lake, west to the wastewater plant. Plus, they were planning to raise the area on the pond side where it is pretty steep, leveling it off all around the lake to add more lots. Commissioner Rogers said a couple hundred more lots would pay the cost for the excavation work and Ms. Delmar agreed and said they were

looking at about 200 more lots there. Commissioner Rogers asked how much it was for the lots and Ms. Allen said it was \$634 a lot for city residents and more for those living outside the city limits. Ms. Delmar said they were also planning on putting additional lots along the fence line. Giving the shortage of options for cremations, she said they may want to use some of those lots for urns.

Commissioner Howell asked if it was calculated by the acre and if the \$15,000 was a standard price whether the work was in Lake Wales or Lakeland. Mr. Moran said that grading cost is based on cut-and-fill, or cubic yards of soil. Commissioner Howell said she was just curious and wanted to be sure we weren't paying too much. Mr. Moran said that if the cost was out-of-sight he would let them know.

Commissioner Thornhill said he was also concerned with the one bid and asked that they make the bidding process easier so people will submit bids.

Commissioner Carter asked if there was some sort of bid evaluation sheet. Mr. Moran said there was an Engineering Estimated Construction Cost and he said they were not given one in this case. Commissioner Carter asked if staff had asked for one and Mr. Moran said he did not know about the others, but he had not asked for one.

Commissioner Carter said that in Item 13 on Page 11 it said that the purchasing department would be notified of any changes. He said he would like to add "in writing" to that. Ms. Delmar said that was in the bid specification and not part of the contract.

Commissioner Howell made a motion to approve the contract for cemetery clean fill and grading with McKenzie Construction and Site Development, LLC and authorize the City Manager to execute the contract. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 16. Award of Bid – Force Main Cleaning for the Highway 27 Forcemain**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Project Administrator]

**SYNOPOSIS**

Staff is requesting that the commission consider the award of bid for the force main cleaning services to be awarded to Professional Piping Services.

**RECOMMENDATION**

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

- 1) Approve the award of bid #10-209A to Professional Piping Services for the Force Main Cleaning for the Highway 27 Forcemain in the amount of \$58,503.90.



- 2) Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to the cleaning and restoration of this service.

## **BACKGROUND**

The Eagle Ridge Mall Force main and the Southside Force main require annual cleaning due to the distance both these lines have to travel to reach the wastewater treatment plant and the low flow conditions that both these lines are currently experiencing due to the lack of development in both areas. Sediment such as sand, plastics and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. The method proposed for the cleaning of these sections of force main is called the progressive poly pig procedure, hence the name pigging.

Staff made a request for bid for force main cleaning services with a bid open date of September 14, 2010. City staff received one responsive bidder. Therefore, staff requests commission approval to award the bid for force main cleaning services to Professional Piping Services. Professional Piping Service (PPS) has performed this cleaning for the past three years, when staff has piggy-backed another contract or gone out to bid, with staff being very satisfied with their job performance.

## **FISCAL IMPACT**

\$62,553 is budgeted in the Wastewater Division's FY09'10 M & R Lines and Mains Operating Budget for this purpose. Funding is provided from the utilities operating revenue.

## **OTHER OPTIONS**

None. Without this required annual cleaning, the force main could become plugged and become inoperable. This in turn would cut off the sewer service for the subdivisions being serviced by this forcemain.

[End agenda memo]

Commissioner Howell made a motion to approve the award of bid to Professional Piping Services for the the US 27 force main cleaning in the amount of \$58,503.60 and to authorize the City Manager to execute the appropriate documents. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

## **Agenda Item 17. Award of Bid – Purchase of Fuel**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Bonnie Hodge, Purchasing Director]

## **SYNOPSIS**

Approval of a contract between the City of Lake Wales and Highlands Oil Company for the purchase of fuel.

## **RECOMMENDATION**

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

Award a contract to Highlands Oil Company, 1130 N. Scenic Highway, Lake Wales, Florida for the purchase of gasoline and diesel fuel and authorize the City Manager to execute the contract.

## **BACKGROUND**

On August 18, 2010 city staff solicited sealed bids for the purchase of gasoline and diesel fuel. Four companies responded to that bid with the following submissions:

Highlands Oil Company, 1130 N. Scenic Highway, Lake Wales, Florida responded with a firm markup of \$0.12 per gallon for E-10 unleaded gasoline and On Road Diesel and \$.010 per gallon for Off Road Diesel. Total markup is \$.44

Smith Bros. Oil Company, P.O. Box 1339, Bartow, Florida responded with a firm markup of \$0.145 for E-10 unleaded gasoline, On Road Diesel and Off Road Diesel. Total markup is \$.58

SSI Lubricants, LLC, 5131 Recker Highway, Winter Haven, Florida responded with a firm markup of \$.068 per gallon for E-10 unleaded gasoline, \$.098 for Off Road and On Road Diesel and .188 for Off Road Diesel for various generators. Total markup is \$.452

Port Consolidated, Inc., 5007 Denver St., Tampa, Florida responded with a firm markup of \$.105 per gallon for E-10 unleaded gasoline and \$.113 for Off Road and On Road Diesel. Total markup is \$.444

Staff also took into consideration performance on previous projects, the ability of the firm to fulfill the contract without delay or interference and Staff recommends that this contract be awarded to Highlands Oil Company.

## **OTHER OPTIONS**

The option offered to the Commission is to review offered bids and select a different provider.

## **FISCAL IMPACT**

Fuel is budgeted in each department at the beginning of each fiscal year.

[End agenda memo]

Commissioner Carter said that the bids they received were for the total amount of gallons when he noticed that the City uses 90% gasoline and 10% diesel fuel. Instead of looking at the total markup, he thought we should be looking at the total cost to the City by fuel type and go with the company that had the lowest cost for gasoline, as that is what we use more of. Bonnie Hodge, Purchasing Director, agreed that most of the City's fuel is unleaded gasoline and they based it on a total markup price, but they also took into consideration their performance. Highland Oil has been delivering oil to the City for a year; before that we piggy-backed off the county contract with Smith Brothers. She said another consideration was location, as Highlands Oil Company is local. She explained that a couple weeks ago, the pumps had been down and though they had to call after hours, Highlands Oil met her at fleet and fueled police cars that night. The next day anyone needing fuel was able to get it at the Highland Oil station and the company would keep track of everything. They even offered to issue a credit card. This was a big advantage to the City because if we have a total disaster we need a local company.

Commissioner Carter said that SSI Lubricants was significantly lower for the unleaded gasoline, which is the kind we use most of, and therefore he felt it would be best to go with them. Ms. Hodge said that pricewise it would be better to go with SSI Lubricants, however if there is an emergency, like when both pumps are down, we would have to drive to Winter Haven to fuel our cars as they have no stations in Lake Wales. Commissioner Carter asked if we didn't have an emergency pump and Ms. Hodge said that both emergency unleaded pumps were down at the same time, which was a fluke. Commissioner Carter asked if that ever happened before and Ms. Hodge said never. Commissioner Carter said then the city was basing the bid on a fluke happening again and he thought SSI Lubricants was the better choice.

Commissioner Thornhill said that they were trying to be favorable to local businesses.

Commissioner Howell said she understood what Commissioner Carter was saying but also agrees with Commissioner Thornhill that they should favor local business. She asked how much of a difference there was between the two companies. If it was just a little more, you are paying for the convenience, just like going to a convenience store for a loaf of bread.

Commissioner Rogers asked if the City had not recently passed a resolution that if a local contract was five or ten percent higher we would go with the local company. Ms. Delmar said it was 2.5%. Commissioner Rogers asked what the percentage difference was between the Highland Oil bid and SSI Lubricants. Ms. Pendergrass said there was a 43% difference in cost between the two companies. Commissioner Rogers said that having to have police officers drive to Winter Heaven would cut down their response time. Ms. Delmar said we would have to add fuel consumption cost. Commissioner Carter asked why they would not just go to a local gas station if it was an emergency.

Mayor Van Sickle said he agreed with Commissioner Carter that we could have done a better job in the bid request. He also agreed that there needed to be a method of calculating the convenience to the city because that does have value and should be considered. He said they needed to take cost and convenience into consideration in future bids. He said the only area where Highland Oil was really high was with diesel fuel, almost a nineteen cents a gallon markup, and the rest was considerably less, so they need to decide if one outweighs the other. Ms. Hodge said that the contract with Highland Oil does not end until October 31 so she could do more research on SSI Lubricants if they would like. Mayor Van Sickle said that needs to be considered in future bids.

Commissioner Thornhill made a motion to Award a contract to Highlands Oil Company for the purchase of gasoline and diesel fuel and authorize the City Manager to execute the contract. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"NO"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 4-1.

The meeting recessed at 7:46 p.m. and reconvened at 7:54 p.m.

**Agenda Item 18. Renewal of Agreement with Lake Wales Little League**

The full staff memo is incorporated into the minutes.

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

## SYNOPSIS

The City Commission will consider approving the renewal of the agreement with the Lake Wales Little, Inc. for mowing and maintenance of the Little League fields (Barnes & Barranco) with the addition of baseball fields 1 & 2 at the Northwest Complex.

## RECOMMENDATION

Staff recommends that the City Commission take the following action:

Approve the renewal agreement with Lake Wales Little League for the mowing and maintenance of the Little League fields and softball fields 1 & 2 at the Northwest Complex for the period October 1, 2010 through September 30, 2011 for an annual compensation of \$60,000.00.

## BACKGROUND

The City of Lake Wales renewed its agreement with Lake Wales Little League, Inc. to mow and maintain the Little League fields (Barnes & Barranco) and the area between the fence and the edge of the surrounding roadway. The agreement began October 1, 2009 and will expire September 30, 2010. The agreement may be renewed for four (4) additional twelve (12) month periods upon the mutual agreement of both parties.

A clause for excessive use of electricity was included in the agreement for 2009-2010 which states that the league cannot exceed 156,000 kilowatts in a twelve month period. Thus far the league has remained under the not to exceed kilowatts. This clause is retained in the proposed agreement.

This renewal adds to the work responsibility to the league. The league has further agreed to mow and maintain softball fields 1 & 2 at the Northwest Complex and the scheduling for events at the field. The agreement is for the period of October 1, 2010 through September 30, 2011.

## OTHER OPTIONS

Do not approve the renewal request

## FISCAL IMPACT

Funding in the amount of \$60,000.00 for this contract is included in the FY10'11 budget.

[End agenda memo]

Ms. Allen reviewed Agenda Item 18.

Commissioner Thornhill made a motion to approve the renewal agreement with Lake Wales Little League for the mowing and maintenance of the Little League fields and softball fields 1 & 2 at the Northwest Complex for the period October 1, 2010 through September 30, 2011 for an annual compensation of \$60,000.00. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"

Mayor Van Sickle

"YES"

The motion carried 5-0.

**Agenda Item 19. 35<sup>th</sup> Annual Pioneer Days Celebration and Road Closure**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administration Assistant]

**SYNOPSIS**

Approval of this request will allow the Pioneer Days Celebration to take place on October 29, 2010 to October 31, 2010 in Lake Wailes Park, allow vendors to set up RV's in the park, and allow for the temporary street closings for the Antique Car Parade.

**RECOMMENDATION**

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

1. Approve the special event permit application from the Historic Lake Wales Society for the 35<sup>th</sup> Annual Pioneer Days Celebration.
2. Approve the temporary road closing as specified in this memorandum for the Antique Car Parade on October 30, 2010 from 11:00 a.m. to 1:30 p.m.
3. Approve the request for RV's and tents to be set up by vendors in Lake Wailes Park throughout the three-day event subject to the conditions specified by staff.

**BACKGROUND**

Mimi Hardman, President of the Historic Lake Wales Society, submitted a Special Event Permit Application for the 35<sup>th</sup> Annual Pioneer Days celebration to be held from October 29, 2010 through October 31, 2010 at Lake Wailes Park.

This application also includes a request for vendors to set up RV's and tents in Lake Wailes Park throughout the three-day event. Vendors would like to stay on site for security reasons and protection of their property. Per Sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit. Staff recommends that approval specify the following conditions:

- The RV's will arrive no earlier than 8 a.m. Friday, October 29, 2010 and must depart no later than 7 p.m. on Sunday, October 31, 2010 allowing ample time for take down and clean up.
- The RV's, vehicles, and tents will be set up in areas as designated by the City.
- No parking of vehicles will be allowed off pavement except in areas approved and designated by the City.
- No vehicles shall be parked or driven within 15 feet of the trunk of any trees within the park. Event personnel will install tape or temporary fencing to protect the trees.
- No vehicles shall drive or park on the bike path or cross the bike path.
- Vendors approved to set up inside the "horseshoe drive" across from the basketball courts, shall maintain a 15-foot distance from tree trunks. Vehicles shall be parked on the pavement only.

The event will also include the Antique Car Parade on Saturday, October 30, 2010 from 11:00 a.m. to 1:30 p.m. and requires approval of the temporary closing of several streets. The requested temporary street closings will involve the following:

Seminole Avenue from Scenic Highway west to First Street; north on First Street from Seminole Avenue to Central Ave.; east on Central Avenue to Lakeshore Blvd.; follow Lakeshore Blvd. to the entrance drive at Lake Wailes Park; travel on the "Horseshoe Drive" in the park until reaching Lakeshore Blvd.; cross Lakeshore Blvd. to N 5<sup>th</sup> Street and end at Crystal Lake Park.

The FDOT permit application has been submitted and pending.

On Friday, October 29, 2010 vendors and participants will be setting up in Lake Wailes Park beginning at 10:00 a.m. The main event will commence on Saturday, October 30, 2010 with the Pioneer Hour at 10:00 a.m. and will continue throughout the day with events and activities until 5:00 p.m. Sunday's activities will begin at 11:00 a.m. and will wrap up at 4:00 p.m.

#### **OTHER OPTIONS**

Do not approve the Special Event Permit Application for the Pioneer Days Celebration or the request for the road closures.

#### **FISCAL IMPACT**

In-Kind services provided by the City were budgeted for FY10/11 in the amount of \$3,861.00. Sponsor cost for in-kind services is \$1,287.00

[End agenda memo]

Ms. Kinloch reviewed agenda item 19.

#### **CLOSED TO PUBLIC COMMENT**

City Attorney Chuck Galloway reported two changes that needed to be made to the Special Event Permit documents: (1) The sponsor is no longer "Lake Wales Depot Museum/Historic Lake Wales Society." It is now only "Historic Lake Wales Society," and that Mimi Hardman can no longer sign for them. (2) The Society needed to be recognized as a corporation, so "Inc." needed to be added to their title.

Commissioner Carter said that in the background section it says no vehicles will park or drive within 15 ft. of a tree and he wanted to know who would enforce that. Ms. Kinloch said that Ms. Nanek, the staff contact representative, will be there to assure that procedures are followed.

Commissioner Howell made the following motion:

1. Approve the special event permit application from the Historic Lake Wales Society for the 35<sup>th</sup> Annual Pioneer Days Celebration with the necessary changes to be made as indicated by Mr. Galloway.
2. Approve the temporary road closing as specified in this memorandum for the Antique Car Parade on October 30, 2010 from 11:00 a.m. to 1:30 p.m.
3. Approve the request for RV's and tents to be set up by vendors in Lake Wailes Park throughout the three-day event subject to the conditions specified by staff.

The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 20. Lake Wales High School Homecoming Parade Special Event and Road Closings**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

**SYNOPSIS**

Approval of the street closing request will allow the Lake Wales High School Homecoming Parade to be held on Thursday, October 14, 2010.

**RECOMMENDATION**

It is recommended that the City Commission approve the special permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, October 14, 2010 from 4:00 pm to 6:00 pm. The application also includes a request for the road closing of First Street from SR60 to Central Avenue, Central Avenue from First Street to Lakeshore Boulevard, and from Lakeshore Boulevard to Legion Field.

**BACKGROUND**

Ms. Tami Lefstead from the Lake Wales High School submitted a special event permit application for the Homecoming Parade to be held on Thursday, October 14, 2010 between the hours of 4:00 pm and 6:00 pm. The requested temporary street closings will involve the following streets;

First Street from State Road 60 beginning at Polk Avenue Elementary School north to Central Avenue, turn right and head east on Central Avenue crossing Scenic Hwy. (SR 17) to Lakeshore Boulevard, turn left on Lakeshore Boulevard, continue to Legion Field where the parade ends.

The crossing of Scenic Hwy (SR 17) requires a road closing permit from the Florida Department of Transportation. This permit request has been submitted to the FDOT office in Bartow. All Departments have reviewed the application and have approved the event. Lake Wales Police Department and VOICE will be available to provide escort for the parade and for traffic control. The Streets Department will be providing assistance with the barricades for the street closings and will take care of normal street cleaning on Friday. The school has provided the required proof of liability insurance.

**OTHER OPTIONS**

Do not approve the request for the road closings for the event.

**FISCAL IMPACT**

Cost of in-kind services provided by the City will be \$665.00  
Sponsor is responsible for 25% of the total cost in the amount of \$222.00. Sponsor has been notified of this requirement. VOICE will also be assisting with the event.

[End agenda memo]

Ms. Kinloch reviewed agenda item 20.

**CLOSED TO PUBLIC COMMENT**

Mr. Galloway said that on the application it identifies the sponsor as Lake Wales High and is signed by the principal of the Lake Wales High School. He said the City needed to know that the principal has the authority to find Lake Wales High School to indemnify the City. On the agreement to assume financial liability no one is listed as a sponsor. If Lake Wales High is the sponsor then it needs to be indicated as so. He said those corrections need to be made as part of the approval. Ms. Kinloch said the High School submitted a copy of their liability insurance.

Commissioner Howell made the following motion to approve, with the necessary changes to be made as indicated by Mr. Galloway, the special permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, October 14, 2010 from 4:00 pm to 6:00 pm. The application also includes a request for the road closing of First Street from SR60 to Central Avenue, Central Avenue from First Street to Lakeshore Boulevard, and from Lakeshore Boulevard to Legion Field. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**Agenda Item 21. Lake Wales Revival at Lake Wailes Park**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

**RECOMMENDATION**

Staff has no recommendation.

Capernaum Ministries is seeking City Commission approval for a Special Event Permit to hold the "Lake Wales Revival" beginning Thursday evening, November 4, 2010 through Sunday, November 7, 2010 in Lake Wailes Park. The four day event will take place from 7:00 p.m. to 10:00 p.m. with set up on November 4, 2010 at approximately noon.

**BACKGROUND**

Jim Way, President of Capernaum Ministries submitted an application for a Special Event Permit for the "Lake Wales Revival" to be held beginning Thursday, November 4, 2010 and continue through Sunday, November 7, 2010 in Lake Wailes Park. The sponsor will start setting up on Thursday, November 4, 2010 at approximately noon. The event time for each day is from 7:00 p.m. to 10:00 p.m.

This event sponsored by Capernaum Ministries includes five churches as follows; Wayside Baptist Church, St. Thomas Holiness Church, First Assembly of God, Lake Pierce Baptist Church and First



Christian of Babson Park. The event will entail a combination of the church choirs on stage singing spiritual music along with background music. The choirs will be performing on portable risers with the background music and equipment orchestra being set up slightly off to the side. Visitors to the event will be seated in front of the stage under a large tent. Along with songs of praise from the choirs church pastors will give messages of hope and prayer.

The sponsors will be responsible for site preparation, stage set ups, sanitary facilities, parking, security and site cleanup. Liability insurance will be provided as required. Tent and electrical permits will be obtained from the Planning/Building department as required. City departments have reviewed the application and found no conflicts which would prevent approval of this event. An on-site walk through is being done with the sponsors and city staff to address and identify parking and staging areas for the event.

**OTHER OPTIONS**

Do not approve this event, or approve the event with reduced hours.

**FISCAL IMPACT**

There will be no cost to the City for this event. If there are in-kind services that are provided by the City (i.e. police officers) the sponsor has agreed to pay 100% of that cost.

[End agenda memo]

Ms. Kinloch reviewed Agenda Item 21.

Mr. Galloway said that Capernaum Ministries needs to be identified as a corporation so it needs to read Capernaum Ministries, Inc. on both the application and form to assume financial liability.

Commissioner Carter said the tent's location had been moved and he wanted to confirm that the new placement by the basketball court would not interfere from its usage. Mr. Way, Pastor of Capernaum Ministries, said that the revival would not interfere with usage on the court.

Commissioner Howell said she thought it was wonderful to have something like this in Lake Wales.

Commissioner Howell made a motion to allow the Lake Wales Revival event to take place Thursday, November 2, 2010 through Sunday, November 7, 2010 with the document corrections as indicated by Mr. Galloway. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

**CITY MANAGER'S REPORT**

City Commission Tracking Report

Ms. Delmar said the only addition to the tracking report was that there were 87 citations and five arrests made for noise related offenses.

**COMMUNICATIONS AND PETITIONS**

There were no comments made by the public.

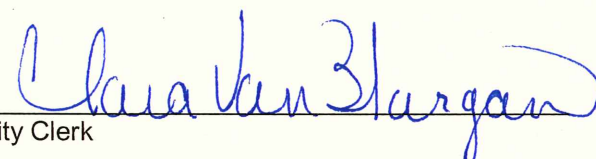
**COMMISSION COMMENTS**

Commissioner Howell said the entrance from Hwy. 27 onto Washington Avenue needed to be beautified. She understands that section is outside the City limits, but would like staff to contact the county about putting some sidewalks there.

There being no further business the meeting was adjourned.

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

ATTEST:

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