

The regular meeting of the Lake Wales City Commission was held on January 4, 2011 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 Fire Chief Jerry Brown.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Michael S. Carter; Jonathan Thornhill; John Paul Rogers; Mayor L. Jack Van Sickle.

COMMISSIONERS ABSENT: None.

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

MAYOR

CONSENT AGENDA

Agenda Item 5. Approval of Minutes: December 14, 2010, Workshop Meeting

END CONSENT AGENDA

Commissioner Rogers made a motion to approve the Consent Agenda. 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.

OLD BUSINESS

Agenda Item 6. Waiver of 25% reimbursement requirement to the City for in-kind services

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

This is a request from the Dr. Martin Luther King Jr. Celebration Committee to reconsider denial of the waiver of the requirement that the MLK Committee reimburse the City for 25% of the cost of in-kind services.

Mr. Narvell Peterson, President of the Dr. Martin Luther King Jr. Celebration Committee (the Committee), requested that the City Commission reconsider its action taken at the December 21, 2010 meeting and waive the requirement that the MLK Committee reimburse the City for 25% of the cost of in-kind services.

FISCAL IMPACT

In-kind services for the City were budgeted for FY10/11 in the amount of \$7,520 with the Committee responsible for reimbursing 25% (\$1,881.00) of the cost of these services unless the City Commission agreed that the City would co-sponsor this event, in which case there would be no reimbursement required from the Committee.

The numbers in the budget were based on last year's in-kind services costs. These numbers are going to change from year to year based on actual man-hours spent by PD, Field Operations, and other employees in preparing, manning, or cleaning up after the event. The more work that the event sponsor handles and the less there is a need for use of city staff, the lower the in-kind service cost will be. It was anticipated during the budget process that event sponsors would work with city staff to bring down the cost of in-kind services. So, in that respect, the numbers in the budget were estimates and not necessarily final numbers. The reimbursement numbers budgeted are subject to reduction if the event costs the public less than it did last year.

In an effort to reduce costs to our local organizations while balancing the need for adequate law enforcement services, the Police Department has agreed to utilize volunteer members from the Public Safety Cadets and VOICE in concert with event staff from the respective organizations to manage special events. By using volunteers for the Dr. Martin Luther King, Jr. parade, PD can reduce the total personnel allocation for this event from the 171 hours allocated last year to 68 hours. Based on the average of \$39.19 per hour, the actual cost for Police services would be \$2,664.92 instead of the \$6,778 budgeted; 25% of this revised cost is \$666.23.

If these event sponsors could assist city staff with set-up and clean-up, we could reduce costs further. The Mardi Gras Committee, for example, does almost 100% of the clean-up after the Mardi Gras event. City staff does 100% of the clean-up after the Dr. Martin Luther King Jr. celebration; that was 46.5 hours last year at a cost of \$742, 25% of which is \$186.

Part of the discussion during the budget process was that staff hoped that the event sponsors would meet with staff to figure out how we could reduce costs. Bev Pennington has met regularly with the Committee to try and get city costs reduced by sharing clean-up duties with the Committee. She has not as yet received a commitment from the Committee to assist, so we are assuming the costs in 2011 will be the same as they were in 2010. If the Committee will agree to assist or take over clean-up duties, the costs would be much lower.

So, for the Dr. Martin Luther King Jr. parade and celebration, the revised sponsor reimbursement for PD services (\$666) plus the cost for set-up and clean-up services (\$186) is \$852, a 55% reduction from the initial estimate (\$1,880).

[End of agenda memo]

Ms. Delmar reviewed Agenda Item 6.

Commissioner Rogers said that organizations cannot expect the City Commission to discriminate against one organization over another. The present policy asks all organizations to pay their fair share equally, as he believed the law requires. He said he is willing to work with any organization as long as it is done fairly and equally. He suggested that organizations post a bond and if they fail to clean up after their event, the bond would be cashed in to cover the cost.

Commissioner Howell disclosed for the record that she is part of many of the organizations associated with the MLK Celebration and that she was in favor of the parade. She asked the City Attorney if ethically she should refrain from voting. City Attorney Chuck Galloway said there was no impediment to her speaking or conflict to her voting at the present time.

Commissioner Howell made the following comments:

- Commissioner Howell had been surprised to find out that the City no longer co-sponsored the MLK Celebration and that the MLK Committee would have to pay part of the in-kind services. She said she realized that the Commission voted on requiring the 25% reimbursement for the various organizations but she thought the City should be behind non-profit organizations that raise money for educational scholarships or for events like the Hillcrest Elementary School Walk-a-thon. She said that having to pay for the in-kind services lessens the amount that organizations can raise for things like scholarships.
- Commissioner Howell said the organization could lower the in-kind further by maybe shortening the route or having them take part in the cleanup afterwards. She asked if the 25% would go into the General Fund and Ms. Delmar said it would, to reimburse incurred overtime costs. Commissioner Howell asked if the police ever volunteered their services for this type event and Ms. Delmar said the Fair Labor Standard Act and the union contract that governs their pay policies, state that police officers have to be paid for every hour they work. She said that police officers scheduled for duty during the hours of the parade are out patrolling the City and doing their normal jobs. Therefore, those working the parade are doing so during their own time and must be paid for that overtime. Commissioner Howell asked if the Sheriff's Department could do the in-kind services and Ms. Delmar said she believed they would also have to be paid.
- Commissioner Howell said she had been unaware that the City pulled their support of the MLK Celebration and Ms. Delmar said the City did not pull their support. They just had been absorbing the cost. The 25% reimbursement had been a budgetary balancing effort and the Commission approved it, which it did not have to do. But, if it had not been approved, the Commission would have had to decrease the budget somewhere else in order to balance the budget. The budgetary cost for just police overtime for special events was \$48,000. Commissioner Howell said that by using VOICE instead of police it would lower that cost. Ms. Delmar said that they could try to get VOICE to cover some of the parade intersections but there was no guarantee that they all would be available to work. The Police Department will encourage them to participate and hopefully they will, but if they don't, that overtime will have to be paid. She added that the largest part of the police overtime is for the after-parade activities, which volunteers cannot do

Ms. Delmar said the options were:

- To reduce the cost by having the organization participate on a greater level;
- To reimburse the tax-paying public for a portion of the cost of putting on the event, with the City still covering 75% of those costs;
- To cover 100% of the cost;
- To not cover any of the cost.

Commissioner Carter asked for confirmation that roughly \$42,000 was budgeted for police overtime for special events and that the amount may be reduced 60% by using VOICE volunteers. He said 60% of \$42,000 was roughly \$25,000, which could be used to offset or eliminate the 25% assessment. The Commission's goal was to build stronger relationships with the business community, promote economic stimulus, and build stronger partnerships with organizations. The money discussed was taxpayer money and he believed the City should remove the 25% assessment. Ms. Delmar added that they should work to get those costs down. Commissioner Carter agreed and said that the organizations needed to be responsible for the cleanup. He suggested having an agreement so that if they do not do the cleanup, they will be billed for it.

Commissioner Thornhill said these were not services normally provided by the Police Department and that the MLK Celebration had been on the list of those receiving in-kind services when it had been discussed at both public hearings in August and September. Information had been provided from other cities which showed that the 25% Lake Wales assesses is more generous than the assessments of other cities. He agreed that they should work on getting the cost down, which has been done for the MLK Celebration and the costs can be brought down further if they do the cleanup. But, the fact is that we are in hard economic times with very limited resources and the taxpayers need to be reimbursed for what they are paying out. He wanted to keep it the way it is, though he pledged \$100 to go toward raising the 25% assessment and encouraged the other Commissioners to do likewise.

Mayor Van Sickle asked if there had been any special events with street closings since they passed the ordinance in September, and if there were, were they charged the 25% and Ms. Delmar said there were; the Homecoming Parade and the Christmas Parade. She said the City just received a check for \$446 from the Kiwanis Club for the Christmas Parade and the Homecoming Parade sponsors were billed. Mayor Van Sickle asked how the in-kind amount compared this year with last year and Ms. Delmar said the Christmas Parade this year was longer so it ended up costing more than last year but the Homecoming Parade was about the same.

Mayor Van Sickle said the Commissioners received a copy of a December 29th letter that had been addressed to the Lake Wales News, and asked that it be read into the record leaving out the author's name. City Clerk Clara VanBlargan read the letter as follows:

[Author of letter: Wilena Vreeland, 416 East Johnson Avenue, Lake Wales, FL 33853]

"In response to Ms. Price's letter in your December 29th edition, I would like to offer my comments.

The total dollar figures these fees generate as a percentage of the City budget is not the issue. The City held its millage rate as a benefit to each and every taxpayer. They did so knowing there would be some tough times ahead.

The City's costs for these events are real dollars, it would seem that in this instance, as in any event, be it Mardi Gras, Christmas Parade, Boat Races or Pioneer Day, those wishing to promote their event should realize not every taxpayer feels the same about them. The only fair approach is for those sponsoring their event to bear the cost to the City, costs over and above the normal schedule for clean up and security.

Ms. Price's offer to offset these costs to the Martin Luther King Day Parade is a fine gesture and would be the ultimate answer for others having a strong affiliation with any given event. But the City still has to be reimbursed for their expenses.

One last comment, there has been no apparent problem with this approach from any of the other sponsors subject to these fees. I suspect they find it as a very fair way to allocate scarce taxpayer dollars."

Mayor Van Sickle pointed out that there were two views to the issue and the right answer was not easy to come by because some people think it should be done one way and other people, another. The Commission just went over this a few months ago and came up with this standard, and two organizations have already been charged under that standard. If they reverse it now, he would think they would have to reimburse those organizations, and though it would not be a lot of money, that money would have to be pulled from some other line item in the existing budget.

PUBLIC INPUT

David Smith, NAACP, thought their fee should be waived because the MLK Celebration was a scholarship fundraiser. Ms. Delmar said that the City has not charged the MLK Committee for its use of

the Austin Community Center and that the big contributor to the expense is the cleanup on Lincoln Avenue.

Mr. Smith asked who pays the 25% for the 4th of July Celebration and Ms. Delmar said it has always been a City Event so there is no sponsor other than the City who pays 100%. Mr. Smith disagreed with the City covering the expenses for the 4th of July event but requiring everyone else has to come up with their 25%. Ms. Delmar reminded him that the City would be still paying 75% of their cost.

Ed Bowlin, Circle Drive, said the issue was not about money but the right to be treated equally. He said he found it ironic that Martin Luther King Jr. fought for that right and yet the MLK Committee was asking for favoritism. Everyone wants equal rights but with those rights comes responsibilities, some of which may be paying the fees everyone else has to pay.

Narvell Peterson, 415 E Street, said the various parades in Lake Wales do not belong to the organizations but because they are community parades, the whole community owns them. He said that last year he and many others stayed until 1:00 a.m. cleaning up. He said that this year the City was asking for funds and the Committee would do their best to do what the City asked, but he wondered if there would be more asked of them next year. He said the Committee raises money for scholarships, after school programs, free school supplies, and helps feed hot meals to the hungry in Lake Wales at Stuart Park so he thought the Commission should get behind and promote the MLK Parade and its activities.

William Moure, NAACP, thought that the City and its citizens, no matter what ethnic group, should support the MLK Celebration and what it stands for just as does the State of Florida and the United States of America does. He fears that the issue has become a cry that one organization gets more than another, which he said was against Dr. Martin Luther King's vision of wanting all people to work together.

Betty Wojcik, 4005 Dunmore Drive, said she applauded the Commission for trying to find ways to cut the costs and thought the 25% was a fair amount but she wanted to make the point that all these various special events are part of what makes the quality of life in Lake Wales special. She said the organizations were made up of volunteers, primarily living in Lake Wales, so whether the money comes from the taxpayers or from donations from its taxpayers, it all comes from the same pockets. She hoped the City could look again at the issue and figure out a way to help these organizations and still be able to balance the budget.

Ms. Delmar said that for many years the Chamber of Commerce sponsored the 4th of July Celebration, and when they pulled out there were no celebrations for several years. The City picked it up because the people wanted that celebration. It is not that the City is waiving the allocated cost for this one event but just that currently, there would not be the celebration at all if the City did not sponsor it. It was of course the City Commission's option to eliminate the 4th of July Celebration if it wished to do so.

Linda Kimbrough, 307 Florida Avenue, wanted to set the record straight that Beverly Pennington came to only one or two of the MLK Committee meetings, and that was last year, and that the only city employee who consistently attended was Officer Joseph VanBlarcom. She said that for the record she also helped with the cleanup last year after the activities were through. All the streets had been cleaned and the garbage that would not fit in the Florida Refuse donated containers were bagged up and set beside them.

COMMISSION COMMENTS

Mayor Van Sickle said he received a note from the City Attorney saying that if the City waived the fee for one organization, they would need to waive them all of them. So, basically the City would incur all the costs and cancel the ordinance that had just been passed. Ms. Delmar said that it was part of the budget ordinance so would require a budget amendment. If the fees are waived she said, they would respectfully request everything was done to reduce those costs by 25% to cover the reimbursement, and then work out an impact on the budget. The Mayor added that they would also have to reimburse those who already paid.

Commissioner Howell asked if the MLK Committee has an opportunity yet to modify the cost for the after-event cleanup and Narvell Peterson said they had not had a chance to do that. Mayor Van Sickle said that most of the remaining cost was for police presence after the parade and the cleanup. Commissioner Howell said that modifying who does the cleanup could reduce the cost. Ms. Delmar said if less police presence was required after the parade, the cost would be lower. Commissioner Howell asked if the Committee has discussed shortening the after-parade activities to reduce the cost and Officer VanBlarcom said it has not been discussed but a past problem was that when the activities closed at 8 p.m. people would not leave until around midnight. In the past several years there was an effort to use signage to let people and vendors know that everything would shut down at 8:00 p.m. and they have complied.

Commissioner Rogers said he received a complaint from a lady upset that the organization she participated in had to pay the fee for the parade and complaints from others who said they did not want the city involved in helping in any parade.

Mayor Van Sickle said the motion could be to:

- Let the ordinance stand as is, which would not require a motion;
- Modify the existing ordinance in some way

Commissioner Carter made a motion to rescind the 25% reimbursement, making up the difference with budget surplus from lowering the costs.

Commissioner Rogers and Mayor Van Sickle amended the motion by adding that it would apply equally to all events.

Commissioner Carter wanted to add to the amendment that event sponsors would be given the option to provide cleanup or be billed by the City.

Commissioner Carter made a revised motion to eliminate the 25% reimbursement requirement across the board, doing everything possible to reduce the cost of police and cleanup expenses to the City, and if cleanup expense is involved, billing the event sponsor if not cleaned up by them. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion failed 3-2.

NEW BUSINESS

Agenda Item 7. SWFWMD Cooperative Funding Grant Agreement: Implementation of Best Management Practices for untreated storm water run-off to Lake Wailes

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

This is the grant agreement with the Southwest Florida Water Management District (SWFWMD) Cooperative Funding Program. This agreement is for \$157,500 to implement Best Management Practices (BMP's) for untreated storm water run-off by building a retention pond at Polk Avenue and Lakeshore Boulevard in order to improve the water quality of Lake Wailes.

RECOMMENDATION

Staff recommends approval of a grant agreement with SWFWMD for \$157,500 to construct a retention pond at Polk Avenue and Lakeshore Boulevard in order to improve the water quality of Lake Wailes.

BACKGROUND

In December 2009, the City of Lake Wales applied for a Cooperative Funding Initiative Grant to construct a shallow dry retention pond with gentle side slopes at Polk Avenue and Lakeshore Blvd. This would improve the water quality in Lake Wailes by reducing the pollutant loads to the lake in excess of 80 percent annually. This project would fall under SWFWMD's goals in the area of Water Quality.

In August 2010 these funds were approved and will become available over the next two Fiscal Years. Total cost of the project is \$210,000. The grant amount is \$157,000, City match is \$52,500 to be paid in the 2011-2012 fiscal year. Required match is normally 50% but as Lake Wales is a designated REDI (Rural Economic Development Initiative) community, the match requirement was reduced to 25%.

Phase I of this project will take place over the next fiscal year which includes the design, permitting and Construction Services. Phase II is the Project Construction which will take place over the following fiscal year. Project will be completed by October 30, 2012.

OTHER OPTIONS

Do not approve the agreement.

FISCAL IMPACT

\$52,500 in the 2011-2012 Fiscal Year to be paid by general operating revenues.

[End agenda memo]

Ms. Nanek reviewed Agenda Item 7.

Mayor Van Sickle asked why moving dirt to build a retention pond approximately 2 to 4 feet deep would cost \$200,000. Sarah Kirkland, Utility Projects Administrator, said they would also be changing out some piping and installing additional catch basins and diversion boxes.

Commissioner Carter asked if Lift Station No. 2 would be affected or if piping would be modified. Ms. Kirkland said the only piping to be modified would be for storm-water.

Commissioner Thornhill wanted to make sure the area would be re-landscaped and Ms. Kirkland said she assumed it would be. Ms. Delmar asked her to make sure.

Commissioner Howell asked the following questions:

- She asked what the ramifications would be if the retention pond was not built even though she saw that \$16,000 plus was budgeted for that this year. Ms. Nanek explained that the money would be spent this fiscal year, but the entire amount of the match, or \$52,500, would not be billed to the City until next fiscal year.

- She asked if the City had to pay for the permits and Ms. Delmar said we would have to pay an allocated portion of the cost for the SWFWMD and other agency permits.
- She asked what the maintenance requirement would be for the new retention pond and Ms. Delmar said, because this would be just an extension of those ponds in order to improve lake quality, there would be the same requirements as for other retention ponds around the lake and would include such things as mowing and the annual cleaning

Commissioner Rogers asked when this project had been authorized and Ms. Nanek said December of 2009. Commissioner Rogers said he thought the money would be better spent on the C Street sewer project. Ms. Kirkland explained that if this project was not done to mitigate some of the pollutants getting into the lake, the City would end up paying for the cleanup. She explained that new standards are expected to come in so we either do it now or pay for it in the long-run. Ms. Delmar said the water quality would be tested and if we failed the standards we could be in a penalty situation, or at a minimum we would have to do the project anyway but without the grant.

Mayor Van Sickle said he gets nervous when this Commission votes to spend money for the next fiscal year because this Commission does not have the ability to say it will be approved by the City Commission at that time.

Commissioner Howell made a motion to approve a grant agreement with SWFWMD for \$157,500 to construct a retention pond at Polk Avenue and Lakeshore Boulevard. 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 8. Legislative Delegation Hearing – January 6, 2011

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

This is a discussion and approval of topics to be presented at the Legislative delegation hearing on January 6, 2011.

RECOMMENDATION

Authorize presentation of City requests and issues of concern as suggested by staff to the Polk County Legislative Delegation at its hearing on January 6.

BACKGROUND

Each year before the legislative session convenes the Polk County Legislative Delegation holds a hearing to listen to the requests and concerns of the county and its municipalities, as well as the public.

City staff will attend and present a list of requests and issues of concern on behalf of the City of Lake Wales. We request authorization from the City Commission to present the items suggested by staff on behalf of the City or to modify the list by adding or deleting items. We also request that commission members accompany staff to the Legislative delegation meeting if possible. The hearing will begin at 9:00 a.m. on Thursday January 6, 2011 in Bartow.

Items suggested by staff for presentation to the Polk County Legislative Delegation:

- Restoration of funding by legislature for FRDAP grants. Lake Wales has two applications up for consideration when funding is restored.
- Continued and increased funding support for Florida's libraries. We want to thank Senator Alexander publicly for his amazing support of Florida's libraries. Our Library usage is up to record levels. People are using their library to search for jobs online, apply for public benefits, borrow books, movies and take online classes.
- Support of the 2011 Florida League of Cities Legislative Action Agenda
 - Reclaimed Water. Support legislation clarifying that reclaimed water is a product generated by a utility treatment process and not subject to regulatory actions by water management districts that may make it unavailable for use in the local utility's water supply plan and permitted discharge strategy. Support legislation which provides that any quantities of water made available by the use or generation of reclaimed water should be allocated to the reclaimed water provider, and which supports home rule powers of a municipality to create "mandatory reuse zones" within its jurisdiction.
 - Alternative and Renewable Energy. Support legislation that incentivizes the development and implementation of a meaningful statewide renewable and alternative energy policy and that encourages the development of new technologies to help create jobs and industries in Florida.
 - Revenue and Expenditure Caps. Oppose state-mandated revenue or expenditure caps unless such legislation applies to either revenues or expenditures, but not both; includes a "time-out" provision so that the cap may be suspended during times of unusual economic circumstances; and reflects the true level of inflation incurred by municipalities in providing services.
 - Municipal Police Officer and Firefighter Pension Plans. Support legislation that provides for comprehensive municipal firefighter and police officer pension reform.
 - Growth Management. Support legislation that limits the regulatory powers of the Department of Community Affairs; streamlines growth management processes, including reporting requirements; and acknowledges municipal home rule powers in the local application of the pending ordinance doctrine as established by the courts.
 - Transportation. Support legislation that provides proportionate, dedicated and recurring revenue sources for multi-modal and regional transportation projects to ensure that local conditions and needs are addressed.
 - Unfunded Mandates. Support legislation that strengthens the prohibition on existing and new unfunded mandates, requires enhanced analyses of costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.
 - Economic Development. Support legislation that strengthens Florida's economy through the creation of jobs.

- o Effective Public Notice. Support legislation authorizing municipalities to provide effective public notice and advertising for various matters by means other than newspapers; effective public notice may include direct mailings, physical posting of property, Internet posting, free publications, government-access television channels and other suitable alternatives.

OTHER OPTIONS

Add or delete items or do not make a presentation to the delegation.

FISCAL IMPACT

None

[End agenda memo]

Ms. Nanek reviewed Agenda Item 8.

Mayor Van Sickle asked if the Police and Fire departments supported the pension reform. City Attorney Chuck Galloway said that if the Legislature makes changes to Chapters 175 and 185, it can't disturb by legislative act the existing contractual agreements as far as retirement is concerned, including the union contracts, but it can affect new hires into the future.

Commissioner Rogers said that next year he thought the City Commission should participate in the Legislative Delegation Hearings so the Legislative representatives know that Lake Wales' Elected Officials care enough about its City to participate. In the past they have not been attending these delegation hearings and he believed we would get more grants from the Legislature if the Commissioners knew them personally and could communicate with them. Ms. Nanek said the Commissioners were more than welcome to go and present the list, or go with her to present them. Commissioner Rogers said it was too late to arrange this year but he would like all the Commissioners, or at least some of them, to be prepared to go next year. He said he thought they should start lobbying for the City's needs.

Commissioner Thornhill asked if the grants included historical grants and Ms. Nanek said that was a different category. Commissioner Thornhill asked if she could add that because it goes along with the Florida libraries and she said she would. He said he supports all the items but especially the unfunded mandates, transportation, and economic development.

Commissioner Carter said he thought the agenda was fine and agreed that they needed to make their presence known for it was part of the legislative process.

PUBLIC INPUT

Mimi Hardman, 300 South Lakeshore, correcting a statement in the Polk County Legislation Delegation Agenda, said that she would not be representing only the Historic Society but also the Historical Preservation Society when asking for money at the hearing on Thursday.

Commissioner Thornhill made a motion to approve the list of topics to be presented by staff at the Polk County Legislative Delegation hearing on January 6. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

Commissioner Carter
Mayor Van Sickle

"YES"
"YES"

The motion carried 5-0.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar said there were not changes to the tracking report.

Commissioner Thornhill asked if Economic Development Director Harold Gallup heard yet from the insurance company stating whether or not they would cover some of the Kirkland Gym repairs. Mr. Gallup said he expected to hear from them within the month.

COMMUNICATIONS AND PETITIONS

Carlos Weston, address not clear on tape for the record, said he had a complaint against the Police Department. Mayor Van Sickle said there was an established procedure for making a complaint against the police department and asked Chief Herb Gillis to explain. Chief Gillis said the Commission was not empowered by statutory requirement to discuss complaints against officers. He said that all such complaints needed to be registered at the Police Department so Mr. Weston should meet with Captain Quinn, who is responsible for internal affairs investigations, during normal business hours from 8 a.m. to 5 p.m.

Commissioner Howell asked if Captain Quinn would be there when Mr. Weston got there and how long it would take for him to do that. Chief Gillis said anyone can get a copy of the form from the record section during business hours from 8 a.m. to 5 p.m. and it would take whatever time it took the person to fill out the form. The completed form has to be notarized there at the station and would then go to Captain Quinn for review. If the person wanted to speak to the patrol supervisor it may take longer as the officer may be out in the field, though Captain Quinn is more accessible and would be in the facility if they wanted to talk with him. Commissioner Howell said there were problems in the past where it took a long time for someone to even come to the door and she wanted to make sure that would not happen. Out of curiosity the Mayor and Commissioner Carter asked about his concern, and he said it was the unfair treatment young blacks receive from the Lake Wales Police Department and explained. Mayor Van Sickle encouraged him to file the complaint and asked him to let them know if he had to wait an unreasonable amount of time.

David Smith, Babson Park, reported a concern he had with someone who had been arrested on the 22nd of December for driving with a suspended driver's license one day after he got back from military deployment, and another complaint about a college student he had been arrested for jay-walking at Grove Manor where there were no signs saying you could not cross the street.

Police Chief Herb Gillis said what he had to say may make some people mad but it needed to be said. He said there comes a time when dishonesty and fabrication has to be seen for what it is; a greater interest in maintaining the state of conflict in the City of Lake Wales than improving the lives of the people those lives represent. He said Mr. Smith, as a law enforcement officer, should know that there are procedures to follow, and that he had even explained the procedure to him just before the meeting. He said the person Mr. Smith said was arrested for a suspended license actually had been involved in a disturbance, was stopped appropriately and arrested. They discovered he was driving with a suspended license for failure to pay a traffic fine. The gentleman reportedly arrested for jaywalking was actually arrested for loitering in Grove Manor along with others. Once the officers asked the others to disperse, they did. But the person refused and was arrested. Chief Gillis explained that they have a contract with the Lake Wales Housing Authority for subsidized law enforcement services to Grove Manor. The policy passed by the Housing Authority Board provides that there can be no loitering. The police have an obligation to clean that community up and stop crime and disorder. The Commission and the Community have heard repeated

complaints relating to loud music, violent crimes and loitering and they have asked the police to help. Some people have a disdain for law enforcement because sometimes freedoms are taken away and tickets handed out. Police officers have to deal with individuals who do bad things in the community and therefore their job at times gets ugly but they will not be dissuaded from doing their jobs. If his officers do something wrong they will be disciplined and if the magnitude requires it they will be terminated. He has done so in the past. Those who have complaints must follow the proper procedures because both the rights of individuals and officers must be protected.

James Cleare, 310 C Street, complained about things that were done during the Department of Justice mediation talks that derailed the communication process and said that if they don't get back on track with the mediation talks, things would get ugly.

Linda Kimbrough, 307 Florida Avenue, invited the Commission, staff, and the public to the Martin Luther King Jr. Celebration activities and listed the events, times and locations.

Beverly Pennington, Field Operations Manager, wanted to set the record straight that in January of 2009 she had been asked to attend the MLK Committee meeting, which she did. The Committee asked how they could help; she explained about the cleanup and they did a very good job. This year she did not attend because she had not been invited. She said she would go to any committee meeting and work with them if she is invited.

Narvell Peterson said for the record that he talked with someone from the city though he couldn't remember the name and said he had invited city staff to attend the MLK Committee meetings and no one showed up.

A citizen in the audience wanted to complain about a police officer but the Mayor reminded him that all complaints have to go through the police department. Chief Gillis said he would be happy to meet with him after the meeting.

CITY COMMISSION COMMENT

Mayor Van Sickle encouraged people to participate in the MLK events as he said they were well worth participating in.

City Manager Judith H. Delmar made the following statement:

When I accepted this position in August 2009, I was a bit overly optimistic in thinking that I could work another three years before retiring. I underestimated the stresses that come with the job -- the stresses that are outside the control of the person in the position, the unavoidable political stresses that distract or even prevent a city manager from focusing on the day-to-day administration of the city. Quite frankly, after 25 years of service to this city, I am tired.

After a great deal of thought over the last few weeks, I have decided to move my retirement date up a year from November 2012 to November 2011. The Human Resources Director and I will begin the process of a nation-wide search for a new city manager in the next few days. We will bring a proposed "request for resume" ad to next week's workshop for discussion. Within a few weeks, I will ask the City Commission to appoint a selection committee to review resumes and create a list of potential candidates from which the Commission will make its decision. Hopefully, we will have a new city manager in place by the end of the summer, or early fall at the latest.

I have always appreciated the opportunity to serve this community, and, after, 25 years, I care about the community too much to simply walk away -- no matter how tired I am and no matter how ready I am to move on to something new.

So, tonight I am giving nearly 11 months notice of my retirement on November 1, 2011. With the help of my staff, which has been nothing but supportive for the past 18 months and for whom I

feel nothing but immense respect and appreciation, we will make this the smoothest transition possible.

Commissioner Howell said she would like Ms. Delmar to reconsider retiring a year earlier to give them time to find someone to take her place. She suggested that, for the betterment of the City, Ms. Delmar might take the position of the Assistant City Manager when a City Manager is found.

Mayor Van Sickle said that he had been aware of some of the issues prior to this week and that is why he had tried at the last City Commission meeting to get someone into that position early. He said presently the City Manager was taking the place of three, so it had been his intent to relieve some of her work load. He said that it had been implied in the Saturday newspaper that he did that for a political move, and for the record he said that was absolutely false.

Commissioner Thornhill said he already made his thoughts known to Ms. Delmar and he knew it had been a tough decision for her to make. He would like her to keep on chugging, but he had to respect her position.

Commissioner Carter said he was a little shocked by Ms. Delmar's announcement though he knew she had been under a great deal of stress. He asked that she keep her options open, maybe staying under a different role. Ms. Delmar said she would keep her options open.

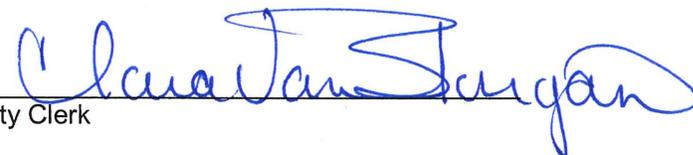
Commissioner Rogers said it has been a pleasure serving with Ms. Delmar and that he learned a lot from her. He said it makes him angry that people have been disrespectful to her and her office so told her that if another disrespectful person came to her office she should call the police and have them thrown out, and if she couldn't make contact with the police department for any reason, to call him.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk