

The regular meeting of the Lake Wales City Commission was held on June 7, 2011 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

INVOCATION

The invocation was given by Chief James Brown.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Jonathan Thornhill; John Paul Rogers; Betty Wojcik; Michael S. Carter, Mayor.

COMMISSIONERS ABSENT: None.

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

MAYOR

ADDENDUM: VFW #2420 will be presenting the Police Officer and Fire Fighter of the Year Award

Two representatives from VFW #2420 presented a Police Officer and Fire Fighter of the Year Award to Officer Jerome Mack and to Firefighter Aaron Prevatte.

APPROVAL OF MINUTES

Agenda Item 5. Approval of Minutes: May 17, 2011 Workshop Meeting; May 17, 2011 Regular Meeting

Commissioner Howell made a motion to approve the minutes for the May 17, 2011 workshop meeting. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Commissioner Wojcik made the following corrections to the May 17, 2011 regular meeting minutes:

- In Agenda Item 5, Proclamations, the minutes said that there was no one present to accept the proclamation for "National Safe Boating Week." She said that someone accepted the proclamation at the meeting.
- In Agenda Item 5, Proclamations, the minutes did not reflect the proclamation that was added for "Small Business Week," which she accepted at the meeting.
- In Agenda Item 16, Appointment – Lake Wales Charter School Board of Trustees, Seat 2, the motion in the minutes said that the appointment was for Seat 3. Instead, it was for Seat 2, as stated in the agenda memo.

Commissioner Wojcik made a motion to approve the May 17, 2011 regular meeting minutes to include the corrections she made. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Mayor Carter moved Agenda Item 14 to the front as there were many interested citizens present for that topic.

Agenda Item 14. Discussion of City Manager Applications

The full staff memo is incorporated into the minutes.

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

RECOMMENDATION

Following discussion, the City Commission will direct staff to proceed with the desired option.

BACKGROUND

On May 23, 2011 the City Manager Applicant Screening Committee met to discuss their ranking of the resumes for the position of city manager. Forty-four resumes were originally received; however, three candidates accepted positions elsewhere and one withdrew himself from consideration without explanation.

Options available to the Commissioners, include the following:

1. Commissioners review all resumes and develop their own ranked list of candidates.
2. Commissioners review only the resumes ranked highest by the screening committee.
3. Commissioners decide to select some other option that is developed during discussion at June 7 meeting.

If either Option 1 or 2 above is selected, the following options become available:

4. Commissioners decide to interview the top 3, 5 or some other number of candidates. HR staff will do reference and background checks on short-listed candidates. Initial interviews with the City Commission can be conducted by phone. After initial interviews, Commissioners will select a limited number of candidates to be interviewed in person by the Commission.
5. Commissioners decide there are no acceptable candidates among the 40 remaining resumes and direct staff to re-advertise.
6. Commissioners decide there are no acceptable candidates among the 40 remaining resumes and direct staff to advertise a Request for Proposals from municipal executive search firms ("headhunters"). A contract with a search firm could be awarded by the first

meeting in July or the second meeting in July at the latest. The price of a professional search varies; however, doing a search of the Internet, we saw a report that the City of Homestead Florida hired a municipal executive search firm in April 2011 for \$21,000 to find a new city manager. The length of a professional search seems to vary from three to four months; however, the time allowed for the search process can be established by stipulating a time frame in the RFP and a deadline for hiring a new city manager.

7. Commissioners decide to select Option 4 and complete initial interviews before deciding there are no acceptable candidates. Commissioners then have the option to direct staff to re-advertise for resumes or advertise a Request for Proposals for a municipal search firm.

There are five months remaining before my scheduled retirement date on November 1. This is sufficient time to complete the process of hiring of a city manager – even if we take a few additional weeks to make the decision to start over. In the event we are unable to complete the process by November 1, I will delay my retirement for as long as necessary to get a new city manager hired. I will not leave Lake Wales without a city manager.

Further, I believe the City Commission's concern that we should have a new city manager on board several months or so before my retirement date is unnecessary and potentially problematical. We have good department heads in place who will keep departmental operations and projects moving forward while a new city manager "learns the ropes" in Lake Wales, so to speak. In the vast majority of cities in Florida and nationwide, new city managers fill positions that have been filled by "interim" managers for several weeks or months.

Besides decisions about financial matters, the selection of a new city manager is one of the most important decisions that a city commission is elected to make. This Commission should not feel pressured by the calendar.

The screening committee was charged with ranking the resumes, not with selecting the city manager or steering the selection process. There are some good candidates among the 40 remaining resumes, and I think that our screening committee has identified them. If the City Commission disagrees, it is their prerogative to re-start the process now or following their own review of the resumes or after conducting initial interviews with some of the candidates.

[End agenda memo]

City Manager Judith Delmar reviewed Agenda Item 14 and listed their options.

Mayor Carter asked Ms. Delmar if the City normally paid for the candidate's travel expenses. Ms. Delmar said they have done so in the past, but they also have required them to pay for their expenses, so it will depend on the wishes of the Commission. Commissioner Wojcik asked if there was anything prohibiting them from doing that with only applicants within Florida and Ms. Delmar said there was not.

Mayor Carter opened the floor for discussion and asked the Commissioner's for their initial reactions.

Commissioner Howell made the following comments:

- Screening Committee List: Commissioner Howell said she liked what the screening committee did and she liked candidates two and three from the top-ten list. She did not want the rest of the candidates excluded and thought the Commissioners should be able to add candidates to the top-ten list.
- Contracted Search: Commissioner Howell said she would not want to pay a company \$21,000 unless the Commission could not do it themselves. Ms. Delmar explained that a search firm would basically go out looking for candidates that would be a good fit for the City. They would develop a totally different list than the resumes they already received.

- Reasons for Low Resume Turnout:
 - Time period too long: Commissioner Howell said the time period was too long because she did not think candidates would want to risk telling their bosses that they are looking for a job that wasn't going to start until November because the boss would probably then start looking for someone to replace them, and they may not even get the job. She said she thought they would get better and more serious candidates if they put it out closer to the time we need them. She said that the reason they started so early was that they wanted to have the new city manager there before Ms. Delmar left so he or she could "learn the ropes," but that was not a valid reason because City Managers know how to hit the ground running. Ms. Delmar agreed and said new city managers rely on the fact that the Department Heads know their jobs. Because Lake Wales has good Department Heads, they will keep things moving along while the new manager learns the City. She said it could easily wait until October or even November. Commissioner Howell agreed and said we did not want to have to pay for two city manager salaries at the same time.
 - Mobility: Ms. Delmar said one reason never discussed for receiving only 44 resumes is the issue of mobility restrictions due to the economy. It is difficult for people to put their houses on the market and sell them in 30 – 45 days so they can move to another town. That is a consideration we have not had to deal with in the past. Mayor Carter said it could be an expensive deal for the City if we were required to buy out the person's home. Ms. Delmar said the City would never be able to enter into that type of contract.
- Initial Phone Interviews: Commissioner Howell said if the Commissioners interviewed candidates by phone, not all the questions asked would be the same. Ms. Delmar said the City Commission would develop a list of question beforehand and every candidate would have the opportunity to answer the same ones. The Mayor asked if staff would be the ones to talk to the candidates and Ms. Delmar said the phone interviews would be carried out with the whole commission. She explained that instead of candidates having to fly in, the initial interview would be a conference call workshop, set up, noticed, and minutes taken like any commission meeting. Commissioner Wojcik asked if, before that initial phone interview, staff would be doing background checks on the candidates to eliminate any that should be from their consideration and Ms. Delmar responded that they would.
- Restrictions: Commissioner Howell said that she would not want to hire anyone from Polk County for fear they may end up with a "good old boy" situation. She would want someone outside our county that had done something to make a difference, made beneficial changes in their town, and who could be a good fit for Lake Wales. Commissioner Wojcik said she thought there was some advantage to having the candidate from Florida because they would already be familiar with Florida laws etc. Commissioner Howell agreed with Florida candidates, just not Polk County candidates.
- Resumes: Commissioner Howell said the resumes that were submitted were vague and not enough information was given for her to make a proper evaluation. Ms. Delmar said if the Commission seriously wanted to advertise again, they could make a list of questions they want submitted with the resume and one of the questions could be to list their accomplishments. Commissioner Wojcik said that many of those type questions could be asked during the phone interview. She added that she thought some of the submitted resumes were good. Commissioner Howell said she was concerned that the top ten on the screening committee list had no women on it. Ms. Delmar said there was one woman on the top-ten list.
- New Candidate Search: Commissioner Howell recommended searching further but keeping the top-ten plus any the Commissioners would like added, saying those have made it to the second round. Human Resource Director Sandra Davis said there would be a negative message sent to those who already sent in their resumes by the deadline. Ms. Delmar said that would eliminate a lot of the potential candidates. Mayor Carter said he thought Commissioner Howell was saying

that she did not see the pool of candidates yet that were strong enough and she would like them to advertise again. Commissioner Howell concurred.

Commissioner Thornhill made the following comments:

- Recommendation: Commissioner Thornhill said his recommendation was:
 - Hold the top-ten list, compiled from the number of times they were ranked top ten by the members of the screening committee
 - Go out for bid for additional resumes because closer to the date we may have more candidates willing to send them in
 - Then rank them again.
- Restrictions: Commissioner Thornhill did not want restrictions as to where they are from nor did he want to eliminate candidates with no experience because they may have just graduated and can't get experience because they weren't given the chance to get it.
- Contracted Search: Commissioner Thornhill did not want to spend money for a search.

Commissioner Rogers made the following comments:

- Screening Committee: Commissioner Rogers said the screening committee did a fine job and he thought there were some good candidates for City Manager, He said they could work with what they have, starting with the top-ten and then adding to the list.
- Commissioner Rogers was glad Ms. Delmar would not leave them holding the bag and agreed to stay until a replacement was found.
- Commissioner Rogers suggested putting this topic on hold until after the budget process is finished and then have some workshops to work on the City Manager's replacement.

Commissioner Wojcik made the following comments:

- Screening Committee: The screening committee did an excellent job
- New Candidate Search: Commissioner Wojcik was concerned with the message they may send if they keep the top ten or twelve but then go out for more candidates because she didn't want those candidates to think the City does not know what it is doing. Candidates know there is a process to go through and they would expect that the process would be carried forward. Ms. Delmar added that this was not like a lot of other occupations because the process takes time, and candidates are used to that. Ms. Davis said she had not heard anything from any of the candidates wanting to know why it is taking so long because they understand it takes time.

Ms. Delmar added that as part of the advertisement for resumes, candidates had been instructed not to contact individual city commissioners during the process and one candidate had done that, which she said was not fair. She was asked if that candidate was on the top-ten list and Ms. Delmar said the candidate was not.

- Recommendation: Commissioner Wojcik made the following recommendation:
 - Preserving the integrity of the process that has already been started because they may find the ideal city manager within the top-ten list and there may not be a need to go out for additional candidates.
 - Human Resources can screen those top ten or so candidates.

- o The Commission can then look at the list again to determine if some should be eliminated.
- o They could decide on 4-6 that they would like to interview by phone.
- o If they don't like any of them, they would still have time to advertise for more resumes.

Mayor Carter made the following comments:

- Screening Committee List: Mayor Carter said he found four names that merited looking further, though all of them were not on the top-ten list. Therefore, he thought the City Commission should determine the names to go on the top-ten list and interview the top two or three from that list.
- New Candidate Search: If after the interviews the Commission finds no one suitable, then they could look further. Mayor Carter did not see any problem with hiring a search firm because he said the hiring of a city manager is the one of the most, if not the most, important decision they can make during their term and they need to get it right the first time. He recommended having staff converse with a search firm and make a preliminary, non-binding, non-committal arrangement so if we get to that point and if the Commission approves the expenditure of that money, we will have a search firm in mind.
- Low Resume Turnout: Mayor Carter said another reason for the low turnout may be that many candidates would be from two-income households and the spouse's career would have to be kept in mind if they have to relocate.

Ms. Delmar suggested going with Commissioner Thornhill's recommendation to add commission choices to the top-ten list. That would give the Human Resources Department something to start with to get background waivers and background checks and then the Commissioners could decide from that list which candidates they would like to interview by phone. Commission additions were as follows:

- Commissioner Howell added Judith Jankosky and Caryn Miller
- Mayor Carter added Allen Barnes and Melinda Carlton
- Commissioner Rogers said he would turn his additions in the following day.
- Commissioners Thornhill and Wojcik had no additions

The new list of 14 candidates for the record are as follows:

James Gleason, Dale Brown, Kyle McCain, William Boden, Richard Reade, James Coleman, John McCue, Barry Baker, Mike Konefal, Therese Leary, Caryn Miller, Judith Jankosky, Allen Barnes and Melinda Carlton.

Commissioner Wojcik asked Ms. Davis to explain what she would be doing and Ms. Davis said she would be getting a waiver so they can do a background check. Commissioner Wojcik asked what she would do with the information she obtained through the search and Ms. Davis explained that she would have to be careful of some of the releases. Ms. Delmar said that on some of them the Commission would only be told that this candidate did something inappropriate but that they were not at liberty to disclose the nature of it. Ms. Davis said she will start off by finding out if the candidates are still interested in the job, and then ask them the questions the Commission wanted answered, if that is what they wished her to do. Ms. Delmar said she thought it would be better to have the questions answered as part of the initial interview.

Commissioner Wojcik asked if they would get a copy of the completed list and Ms. Delmar said they would.

Agenda Item 6. Resolution 2011-10, Numeric Nutrient Criteria for Florida

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Resolution 2011-10 expresses the City's support of the Florida Department of Environmental Protection's petition request to the Environmental Protection Agency that it withdraw its 2009 determination that numeric nutrient criteria are necessary only in Florida.

RECOMMENDATION

Staff recommends approval of Resolution 2011-10 supporting the Florida Department of Environmental Protection's petition request to the Environmental Protection Agency that it withdraw its 2009 determination that numeric nutrient criteria are necessary only in Florida.

BACKGROUND

The Florida Department of Environmental Protection (DEP) has filed a petition requesting the US Environmental Protection Agency (EPA) rescind its January 14, 2009, "determination" that federally-imposed numeric nutrient criteria are necessary in the State of Florida. The petition explains that the EPA would not have made the original determination that numeric nutrient criteria are necessary in Florida if they had fully evaluated the strength of Florida's programs for addressing nutrient enrichment. The DEP has requested a response from EPA and has asked that cities to file their own petition with EPA in support of the DEP efforts or weigh in with the EPA through a resolution asking that the EPA consider the DEP petition and rescind their finding of necessity. While a resolution is helpful, it does not require a specific action by the US EPA—a petition requires the EPA to respond by a time certain.

On March 16, 2011, the U.S. Environmental Protection Agency (EPA), Office of Water, released a memo titled, "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions" detailing eight elements for effective State programs to manage nitrogen and phosphorus pollution. The petition uses the eight elements in the memo to document the strength of Florida's efforts to control nitrogen and phosphorus pollution, including the Department's pursuit of numeric nutrient criteria.

If the EPA rescinds their January 14, 2009 "determination" that numeric nutrient criteria are needed to implement the Clean Water Act in Florida, they would be expected to subsequently repeal their numeric nutrient criteria for lakes, rivers, and streams in the State of Florida, and halt their nutrient rulemaking efforts for Florida.

Polk County has decided not to do a resolution as they prefer not to get involved in this dispute between the EPA and the DEP. However city staff recommends approval of the resolution supporting the DEP's petition because any additional requirements imposed by the EPA will result in significant additional costs being passed onto local governments.

OTHER OPTIONS

Do not approve the resolution

FISCAL IMPACT

None.

[End agenda memo]

Ms. VanBlargan read Resolution 2011-10 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AFFIRMATIVELY CONSIDER AND GRANT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PETITION REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WITHDRAW ITS DETERMINATION THAT NUMERIC NUTRIENT CRITERIA ARE NEEDED IN ONLY FLORIDA; REPEAL FEDERALLY-PROMULGATED NUMERIC NUTRIENT CRITERIA FOR FLORIDA; DISCONTINUE PROPOSING OR PROMULGATING ADDITIONAL NUMERIC NUTRIENT CRITERIA IN FLORIDA; AND, PROVIDING AN EFFECTIVE DATE.

Ms. Nanek reviewed Agenda Item 6.

Sarah Kirkland, Utilities Projects Administrator, said that this will require the local municipalities to bring surface water quality up to an unattainable standard. Mayor Carter commented that it was one of those unfunded mandates. Ms. Delmar said it was an unfunded mandate with an unrealistic level of water quality that can't even be met in pristine areas where no man ever set foot. Commissioner Wojcik wanted to know why it was for just the State of Florida and Ms. Delmar said it was because Florida has been proactive in compiling data for a decade or more so we were a good pilot program. Mayor Carter asked how costly it would be if this resolution made no difference and Ms. Delmar responded that this will cause problems for every city in the state at an overall cost of billions of dollars.

Commissioner Rogers made a motion to adopt Resolution 2011-10. The motion was seconded by Commissioner Thornhill.

Roll Call Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Agenda Item 7. "B" Street Community Service Center: Conveyance

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider the conveyance of the "B" Street Community Center immediately rather than waiting until October 1, 2011 as originally approved.

RECOMMENDATION

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

1. Authorize the conveyance of the "B" Street Community Service Center property to the Green & Gold Foundation effective immediately and upon payment of \$1 in accordance with the intent of 1996 interlocal agreement between the City and Polk County.
2. Approve the continued payment of utilities and miscellaneous contract services for the "B" Street Center through the end of this fiscal year (about \$350 per month).

BACKGROUND

On December 21, 2010, the Lake Wales City Commission voted to convey the "B" Street Community Service Center to the Green & Gold Foundation, the not-for-profit arm of the managing tenant, Roosevelt Recreation & Social Club, effective October 1, 2011.

The City confirmed this pending action to the Central Florida Resource Conservation and Development Council who is working with the Green & Gold Foundation to obtain funding through the U.S. Department of Agriculture (USDA) and other sources that will fund a 5,500 to 6,500 square foot expansion of the building. It is intended that this expansion will improve the delivery of current services and, at the same time, allow for provision of early childhood care and for meeting the demands for other services needed in the Lake Wales area. The Green & Gold Foundation has already engaged the services of Parlier Architects, P.A. to provide preliminary plans and cost estimates to facilitate applications for grant funding.

The Green & Gold Foundation has been advised that they can more readily obtain grant funding for the expansion project if they hold title to the "B" Street Community Center. Clinton Horne, President, has requested that the City consider conveying the property sooner than the October 1 date originally approved.

FISCAL IMPACT

No additional fiscal impact results from conveying the property now rather than on October 1. The City has budgeted to pay the costs of utilities and miscellaneous contract services during FY10'11. It is staff's recommendation that we continue to pay these costs for the remainder of this fiscal year (about \$350 per month) and consider this an operating grant to the "B" Street Center.

OTHER OPTIONS

Do not convey the "B" Street Center property to the Green & Gold Foundation at this time; however, the ability to obtain grant funding for the building expansion may be impaired.

[End agenda memo]

Commissioner Howell excused herself as having a conflict of interest.

City Attorney Chuck Galloway said a voting conflict was created under the recently adopted city ordinance that says if you sit on a board or are in a position that you determine how money is expended by the entity, which in this case is the Green and Gold Foundation, you have to recuse yourself, not be a part of the discussion, and not take part in the voting.

Mr. Galloway said the agreement has been modified from what was presented in the agenda item because the original proposal did not convey lots one and two, which are at the northern end of the property, and yet the drawings submitted by the architect show that they need lots one and two. Therefore, lots one and two have been added to the legal description along with a clause saying that if the Green and Gold Foundation accepts the title, they do so with the understanding that there is a pole on the property containing the City's camera equipment, and that support functioning equipment inside the building would have to remain there. If they accept title it would be subject to the provision that they grant a continuing easement to the City for the pole and the continued irrevocable access to the equipment for perpetuity. Staff recommends that you proceed with that. Ms. Delmar added that the motion will have to be modified to reflect the additional property.

Mayor Carter said he knew that the Green and Gold Foundation experienced some roadblocks with the grant process because they did not have title to the building. He asked Mr. Clinton Horne, representing the Green and Gold Foundation, how far along they were towards getting the grants. Mr. Horne said the process was moving quickly and that three of the five grants they are applying for have to be sent out in the next two or three weeks. He explained that one of the grants was for an after-school transportation

program. Mayor Carter said that for anyone who did not have a chance to look at the plans, they did a great job and it looks impressive.

Commissioner Rogers made a motion to authorize the conveyance of the "B" Street Community Service Center property, lots one through six and the north section of lot seven, to the Green & Gold Foundation effective immediately upon payment of \$1 in accordance with the intent of 1996 interlocal agreement between the City and Polk County with the provision of having access to the camera equipment both inside and outside the building; and to approve the continued payment of utilities and miscellaneous contract services for the "B" Street Center through the end of this fiscal year (about \$350 per month).

The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Howell	"Excused"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 4-0.

Agenda Item 8. Award contract for Runway 17/35 Safety Area Improvements

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 awarding the contract for Runway 17/35 safety area improvements in the amount of \$54,454.45

RECOMMENDATION

Staff recommends that the City Commission take the following action:

1. Award Lane Construction the contract for runway 17/35 safety area improvements at the Lake Wales Municipal Airport in the amount of \$54,454.45.

BACKGROUND

In August of 2008 the Florida Department of Transportation (FDOT) inspected the Lake Wales Municipal Airport and identified the following deficiencies on Runway 17/35:

- The safety area at the approach end of runway 17 is only 91 feet long and should be relocated 149 feet or a declared distance calculated, installed and published.
- The safety area at the approach end of runway 35 is only 102 feet long and should be relocated 138 feet or a declared distance calculated, installed and published.

The following corrective actions will be taken to address the deficiencies found in the Runway 17/35 safety area:

- Runway 17 safety area will be filled and graded to provide a full 240' safety area length beyond the runway end that is required.
- Runway 35 end will be moved 138 feet north. This will provide the full 240' safety area length beyond the runway end that is required.

At its regular scheduled commission meeting on October 19, 2010 the City Commission approve Resolution 2010-23, Master Joint Participation Agreement 2011-A with the Florida Department of Transportation. This agreement included funding of \$100,000.00 for improvements to bring runway 17/35 safety areas to standard and remark the pavement.

Then on January 18, 2011 the City Commission approved Task Order #13 with Hoyle, Tanner & Associates for professional engineering services related runway 17/35 safety area improvements project in the amount of \$19,735.00.

On Tuesday, May 10, 2011 at 2:00 p.m., Hoyle, Tanner & Associates and City staff opened sealed bids for the above reference project. After analyzing the information provided by each contractor, Hoyle, Tanner & Associates determined that all the companies had supplied the information necessary to adequately evaluate the bids. The bids were as follows:

Bidder	Total Construction
Lane Construction	\$ 54,454.45
Johnston Excavation	\$ 68,168.62
Empower Construction	\$ 69,326.22
SEMCO Construction	\$ 94,013.00
Ranger Construction	\$104,444.00

FISCAL IMPACT

Funding is as follow in the 10/11 budget:

City \$20,000.00 **State** \$80,000.00 **Project total:** \$100,000.00

OTHER OPTIONS

The City has already accepted the Master JPA grant agreement with the Florida Department of Transportation (FDOT) for this project.

[End agenda memo]

Ms. Allen reviewed Agenda Item 8.

Commission Rogers recommended going with the program because any expansion at the airport would require this improvement.

Commissioner Howell said she thought it was great but asked if the past problems with Lane Construction had been resolved and she was told it was.

Commissioner Thornhill noted that Lane Construction's bid on one part was very much lower than the competition, but he said the City would hold them to it.

Commissioner Wojcik asked if 20% of the \$54,454.45 was the total that would have to be paid out of the \$100,000 and Ms. Allen said that was the total for the construction but the engineering cost of \$19,735 comes out of the \$100,000. She explained that when the project was first set before the FAA and FDOT,

they came up with an estimate of how much a project of this magnitude would cost. They try to overestimate because if they are wrong there would be no more money available until the next funding cycle. If it comes under, then that's a plus but the unused money cannot be used on a project now. It goes back into the City's entitlement fund and is rolled over for the next funding period. Commissioner Wojcik said that might make it easier to get funded on a project the next time.

Mayor Carter asked for confirmation that this was not part of the active runway but would be improving the safety area at both ends of the runway and Ms. Allen confirmed. She explained that it would not be asphalt but sod.

Commissioner Rogers made a motion to award Lane Construction the contract for runway 17/35 safety area improvements at the Lake Wales Municipal Airport in the amount of \$54,454.45. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Agenda Item 9. Award contract for streets and school crosswalks remarking and striping

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 awarding Grove Construction the contract for remarking and striping of Central Avenue, First Street and school crosswalks at Polk Avenue Elementary, Roosevelt Academy, Spook Hill Elementary, Janie Howard Wilson Elementary, Hillcrest Elementary and McLaughlin Middle School for an amount of \$ 36,792.96.

RECOMMENDATION

Staff recommends that the City Commission take the following actions:

1. Approve the contract with Grove Construction for streets and school crosswalks remarking and striping at Central Avenue and First Street and school crosswalks at Polk Avenue Elementary, Roosevelt Academy, Spook Hill Elementary, Janie Howard Wilson Elementary, Hillcrest Elementary and McLaughlin Middle School for an amount of \$ 36,792.96
2. Authorize the City Manager to execute the contract.

BACKGROUND

In fiscal year 2010-2011, \$101,721.00 is budgeted for road repairs which include remarking and striping of Central Avenue, First Street and school crosswalks at Polk Avenue Elementary, Roosevelt Academy, Spook Hill Elementary, Janie Howard Wilson Elementary, Hillcrest Elementary and McLaughlin Middle Schools.

On April 6, 2011 staff advertised a request for proposals (RFP) to do the work, and a mandatory pre-bid conference was scheduled for Thursday May 5, 2011 at 10:00 a.m. in the City Commission Chambers. Sealed bids were due on Tuesday, May 17, 2011 at 2:00 p.m.. The RFP stipulated that the bid award would be based on the low bid and the ability of the company to perform the work as outlined in the scope of work (see attached)

Bids were received from Grove Construction and McShea Contracting, LLC. The bid received from McShea Contracting, LLC was delivered at 2:10 p.m. and therefore was rejected for late delivery. Grove Construction bid is as follows: Central Avenue & First Street: \$32,248.96 School Crosswalks: \$4,544.00 Project total:\$36,792.96.

FISCAL IMPACT

The current fiscal year budget has \$101,721.00 for road repairs.

OTHER OPTIONS

Do not award the contract at this time.

[End agenda memo]

Ms. Allen reviewed Agenda Item 9.

Commissioner Thornhill asked who the contractor was they used the last time because whoever it was had misspelled the word "school" on a school crossing sign near the hospital and he didn't want that to happen again.

Commissioner Wojcik asked how much of the total amount of money budgeted this year for road repairs was left. Ms. Allen said that after this project is paid for, there will be about \$30,000 left, but that the additional projects for that money will be coming to the Commission for approval. Commissioner Wojcik said she hoped we would be saving that money and Ms. Delmar said that once the streets are fixed, we can start saving.

Mayor Carter said he was surprised at only getting two bids, one of them disqualified for being 10 minutes late, and asked if that was normal. Ms. Allen explained that five companies attended the pre-bid meeting to ask questions and then decide if they want to turn in a bid. The City has no control over who does that.

Commissioner Thornhill made a motion to approve the contract with Grove Construction for streets and school crosswalks, remarking and striping at Central Avenue and First Street and school crosswalks at Polk Avenue Elementary, Roosevelt Academy, Spook Hill Elementary, Janie Howard Wilson Elementary, Hillcrest Elementary and McLaughlin Middle School for an amount of \$ 36,792.90; 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 Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Agenda Item 10. Little League Lighting Contract – Musco Sports Lighting

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider approval of the contract with Musco Sports Lighting for the Little League Lighting Project for \$197,500.

RECOMMENDATION

Staff recommends that the City Commission approve the contract with Musco Sports Lighting for the Little League Lighting Project for \$197,500 and authorize the City Manager to sign the contract and any supporting documentation.

BACKGROUND

On February 2, 2010 the City Commission approved Resolution 2010-05 authorizing the City to apply for a grant of \$200,000 to pay for new lighting on two Little League Fields, Barnes and Barranco. This lighting would meet current Little League standards and be more energy efficient.

The grant was awarded to the City of Lake Wales in October of 2010. On May 17, 2011 the City Commission approved the submittal of a request to the Governor's Office for single source exemption from the bidding process. The Governor's Office has now requested an approved contract for review.

There are currently 10 wooden light poles on Barnes and Barranco Fields that were installed over 20 years ago. This grant will replace these with 8 galvanized steel poles that will provide improved lighting on the fields at a reduced cost. These lights will be controlled remotely eliminating the frequency of lights being left on after the games or other abuse.

Musco Lighting has installed lighting on other Little League Fields and the Multi-Purpose Complex for the City of Lake Wales. Musco Lighting has also bid competitively on projects in Clay County and elsewhere illustrating that they are competitively priced.

OTHER OPTIONS

Do not approve the contract or recommend modifications to the contract.

FISCAL IMPACT

There is no City Match for this project.

[End agenda memo]

Ms. Nanek reviewed Agenda Item 10.

Commissioner Rogers made a motion to approve the contract with Musco Sports Lighting for the Little League Lighting Project for \$197,500 and authorize the City Manager to sign the contract and any supporting documentation. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Commissioner Howell	"YES"

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Commissioner Thornhill	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Agenda Item 11. It's Happening Downtown, Inc. "Antiques, Art & Oddities" – Special Event Permit Renewal Application

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Approval of the Special Event Permit application will allow It's Happening Downtown Inc. to hold their monthly event "Antiques, Art & Oddities" for the next six months.

RECOMMENDATION

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

1. Approve the Special Event Permit application from It's Happening Downtown Inc. for their monthly event "Antiques, Art & Oddities" on the first Saturday of every month between the hours of 6:00 a.m. and 4:00 p.m. beginning on August 1, 2011 and ending on January 31, 2012
2. Approve the use of the Marketplace for the event and the closing of the alley between Park Avenue and Stuart Avenue
3. Approve the closing of the Marketplace parking lot located adjacent to the Marketplace for craft and food vendors.

BACKGROUND

It's Happening Downtown Inc. has been presenting their "Antiques, Art & Oddities" event in downtown Lake Wales for several years utilizing the Marketplace and several parking lots for event vendors. Priscilla Welch, President of It's Happening Downtown Inc. submitted a Special Event Permit application to continue with their event on the first Saturday of each month beginning August 1, 2011 and expiring on January 31, 2012. The hours requested are from 6:00 a.m. to 4:00 p.m. The hours include set up beginning at 6:00 a.m. with an approximate start time of 8:00 a.m. This event will be held in the Marketplace and will involve the closing of the Marketplace parking lot.

City departments have reviewed the application and find no issues or concerns with granting approval of this request. If at any time during the six month period changes or modifications are made to the event activities, a new Special Event Permit application will be required and must be approved prior to the event being held. It's Happening Downtown Inc. will be responsible for meeting all requirements for site preparation, site cleanup, food vendor and craft vendor licensing where necessary, and sanitary facilities. Insurance has been provided from the sponsor to cover all activities. In addition they will be required to notify the City if the event is canceled at any time during a given month.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the City for this event.

[End agenda memo]

Ms. Kinloch reviewed Agenda Item 11.

Mayor Carter asked if there were any problems or concerns about Antiques, Art & Oddities being there and there were none.

Ms. Kinloch said they had to cancel the activity because of streetscape construction and she had received several calls wanting to know why they were not set up.

Commissioner Wojcik asked if they are required to submit a certificate from their insurance company listing the City as additionally insured if they are setting up on City property and Ms. Kinloch said they are required to provide that documentation.

Commissioner Rogers asked if Agenda Items 11 and 12 could be grouped together and approved with one vote. Ms. Kinloch said both event sponsors were asking for the first Saturday of each month. City Attorney Chuck Galloway said they still needed to be considered and voted separately because they are separate entities.

Commissioner Wojcik made a motion to:

1. Approve the Special Event Permit application from It's Happening Downtown Inc. for their monthly event "Antiques, Art & Oddities" on the first Saturday of every month between the hours of 6:00 a.m. and 4:00 p.m. beginning on August 1, 2011 and ending on January 31, 2012
2. Approve the use of the Marketplace for the event and the closing of the alley between Park Avenue and Stuart Avenue
3. Approve the closing of the Marketplace parking lot located adjacent to the Marketplace for craft and food vendors

The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Agenda Item 12. First Assembly of God "Kids Zone" – Special Event Permit Renewal Application

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Approval of the Special Event Permit application will allow the First Assembly of God to set up the Kids Zone and other activities on the First Saturday of each month for the next six months

RECOMMENDATION

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

1. Approve the Special Event Permit application from the First Assembly of God for their "Kids Zone" and other family activities on the first Saturday of every month between the hours of 8:00 a.m. and 3:00 p.m.
2. Approve the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue for set up of the Kids Zone and family activities
3. Approve the permit for the Kids Zone for a time period beginning on August 1, 2011 to January 31, 2012

BACKGROUND

Pastor Shawn Rudy of the First Assembly of God submitted a Special Event Permit application to continue presenting the Kids Zone and other family activities on the first Saturday of each month between the hours of 8:00 a.m. and 5:00 p.m. They are requesting the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue. The Kids Zone includes a bounce house, face painting, balloons, stories and games. The new permit would be granted with a start date of August 1, 2011 and ending on January 31, 2012.

City departments have reviewed the application and found no issues or concerns with granting approval of this request. The First Assembly of God would be responsible for meeting all requirements for site set up, site cleanup, and sanitary facilities. The sponsor has provided the required insurance document to the City. They are required to notify the City at any time the event would be canceled during a given month.

OTHER OPTION

Do not approve this special Event Permit application.

FISCAL IMPACT

There will be no cost to the City associated with the Kids Zone event.

[End agenda memo]

Ms. Kinloch reviewed Agenda Item 12.

Commissioner Wojcik asked if there was a conflict in doing it on the same weekend as Antiques and Oddities and Ms. Kinloch said that Kids Zone made a request to move the event to a different parking lot, but that would be addressed at another City Commission meeting. Mayor Carter mentioned that they have been doing the event for quite a few years.

Mr. Galloway, in response to Commissioner Wojcik's question, said we are not requiring that they show the city as additionally insured on their policy. When they enter into a contract it's an agreement to assume the liability. How they choose to indemnify is up to them, but they have entered into a contract to do that.

Commissioner Thornhill made a motion to:

1. Approve the Special Event Permit application from the First Assembly of God for their "Kids Zone" and other family activities on the first Saturday of every month between the hours of 8:00 a.m. and 3:00 p.m.
2. Approve the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue for set up of the Kids Zone and family activities
3. Approve the permit for the Kids Zone for a time period beginning on August 1, 2011 to January 31, 2012

The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Agenda Item 13. Appointment – FLC Legislative Committee

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission is asked to appoint one or more City Commissioner representatives to the Florida League of Cities Legislative Committee.

RECOMMENDATION

It is recommended that the City Commission appoint City Commissioners to the five Legislative Committees of the Florida League of Cities during the 2011 – 2012 Legislative Policy Process; each Commissioner choosing which Committee he or she wishes to serve.

BACKGROUND

In an effort to get more cities involved in the 2011 – 2012 legislative policy process, the Florida League of Cities is requesting that each City be represented on one or more of the League's Legislative Committees:

- Energy & Environmental Quality Committee
- Finance & Taxation Committee
- Growth Management & Transportation Committee
- Intergovernmental Relations Committee
- Urban Administration Committee

- Legislative Meeting Dates (10:00 a.m. – 3:00 p.m.)
 - Thursday, August 11, 2011 – Orlando World Center Marriott (in conjunction with FLC Legislative Conference)
 - Friday, September 23, 2011 - Gaylord Palms Hotel, Kissimmee
 - Friday, October 28, 2011 – Gaylord Palms Hotel, Kissimmee
 - Thursday, November 17, 2011 – Hyatt Regency Orlando International Airport (in conjunction with FLC Legislative Conference)

City staff is recommending that each City Commissioner serve on one of the five Legislative Committees of the Florida League of Cities during the 2011 2012 FLC Legislative Policy Development Process.

OPTIONS

In recent years, the City has not been represented on the various legislative committees. If the City Commission chooses to have representation, the City could play a vital part in the 2011 – 2012 FLC Legislative Policy Development Process.

FISCAL IMPACT

If the City Commission appoints one or more City Commissioners to serve as City representatives, the appointee or appointees will incur travel expense to attend meetings. This expense is reimbursable at the state-mandated mileage reimbursement rate if an expense report is filed with the City Clerk.

[End agenda memo]

Ms. VanBlargan reviewed Agenda Item 13.

Ms. Delmar said Lake Wales has not participated at this level in the past and explained that Florida League of Cities has kind of left it very casual. Cities that attend the conferences typically man these committees but they are reaching out to the cities to get more participation than has occurred in the past. If the city wishes to take part in the Legislative process this is the way that they can do it.

Commissioner Thornhill said he was already serving on the Polk Transportation Planning Organization Board, and the Finance and Taxation Committee for the Ridge League of Cities and said he would volunteer to be the representative for the Florida League of Cities as well but but they both meet at the same time. Therefore, he chose to serve on the Growth Management and Transportation Committee.

Mayor Carter volunteered to be on the Finance and Taxation Committee.

Commissioner Rogers volunteered to be on the Intergovernmental Relations Committee.

Commissioner Howell said the meetings were all during her working hours so she would not be able to participate.

Commissioner Wojcik said she liked all of them but the problem was being able to attend a meeting once a month that meets out of town, on days when she already has commitments. It makes it more difficult because they are not always on the same day of the month so she would not be able to schedule them in ahead of time. She added that she could choose one and attend whatever meetings can work into her schedule if that would be alright. Ms. Delmar said there were probably many commissioners having the same problem because many, like ours, also have jobs that would keep them from attending all the meetings. Commissioner Thornhill said he had to miss two of the four he had last year. Commissioner Wojcik volunteered to be on the Urban Administration Committee.

Commissioner Howell made a motion to appoint the Commissioners to the Legislative Committees of the Florida League of Cities during the 2011 – 2012 Legislative Policy Process that they volunteered to serve. The motion was seconded by Thornhill.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

CITY MANAGER'S REPORT

Tracking Report:

Ms. Delmar reported the following changes to the tracking report:

- Completed projects:
 - Apron light and fencing at the airport
 - Cemetery irrigation: Ms. Delmar said the cemetery looked very nice, everything green and well kept on Memorial Day. She said she received a lot of complements.
 - Elevated storage tank: the testing is scheduled for Friday and they have a punch list to go through.
 - CDBG façade improvement
 - Light poles repainted on Lincoln Avenue and repairs completed
 - Depot Museum transfer of property
- Beginning project:
 - Flex Net installation
 - Banners will be installed on Lincoln Avenue poles

Commissioner Wojcik remarked that she drove down Lincoln Avenue and she thought the façade project had been very well done. She said she would drive down again to look at the completed light poles.

Mayor Carter asked about the following tracking report items:

- The sewer slip-lining being put on hold for lack of funds: Ms. Delmar said that is a 5-year project and we never had enough money to do that in a year. The Mayor asked how much has been completed and Ms. Delmar said about 20%. Utilities Project Administrator Sarah Kirkland added that nothing was done this year on the project because there wasn't enough money to start anything so the money was added to next year's budget.
- Security concerns for the Kirkland Gym during construction: Mayor Carter reported that he was talking with Chief Velasquez about his security concerns.

COMMUNICATIONS AND PETITIONS

John Castelli, 4131 Muirfield Loop, and Charles Porter, 4227 Burwick Drive, spoke about their following concerns with the new requirement for the back-flow device annual inspection:

- Repairs not needed: Mr. Porter said he has had his for ten years and it hasn't needed repairs yet.
- The charge is \$50 for a five minute check which amounts to \$10 a minute
- The money would be going to a contractor instead of to the City of Lake Wales
- To keep track of the permits and inspections would be costly to the City

Their recommendations were:

- Change it to an every five year inspection
- Let City staff do the inspections and add the fee to their water bill

Mayor Carter said he was not sure this was a city decision because he thought the state made some requirements that they had no choice but to follow.

Utilities Project Administrator Sarah Kirkland said it was a state DEP requirement and that the ones that would have to be replaced were those that could not be tested. Mr. Castelli said he had the kind that could be tested and Ms. Kirkland said then his did not need to be replaced but it would still have to be tested for DEP.

City Manger Judith Delmar said that if the DEP does not get the report on an annual basis, they can fine the city. Commissioner Howell asked if it was the state who charged the \$50 a year and Ms. Kirkland said the owner would have to hire a certified back-flow tester to do the inspection and the money would go to him. They may be able to find a certified back-flow tester who would charge less if they look around. Commissioner Howell said it would be whatever the plumber charges.

Ms. Delmar said the city did not do the annual inspection as it will be handled by the public. She asked Ms. Kirkland who would do the inspection to get the back-flow device installed and Ms. Kirkland said it was done through the Building Department because they would need a permit. Ms. Delmar said it is her understanding that would be a \$50 fee. Planning Director Margaret Swanson said she was not sure but that amount sounded about right for a permit. Mayor Carter asked if there would be some room to lower that fee and Ms. Delmar said they could possibly adjust the fee for the installation inspection, but as far as the annual inspection, we are in a position of having to require that done because we have to submit the reports in order to satisfy the DEP. We therefore do not have the authority to waive anything for that.

Mr. Castelli said that was the reason they suggested that the back-flow inspections be done by city employees because they could do the inspections for a lot less and the money would be going to the City. He said that the EPA had approved his device when it was installed and he did not think he should have to pay to change them out. He said he sent a letter to the Attorney General in Tallahassee and to Washington because "big government" hurts people.

Commissioner Thornhill said this was an unfunded mandate and asked if there was a list of certified plumbers the public can use. Ms. Kirkland said they did provide a list when they did it for the commercial devices but they got a lot of flack back so they did not provide it this time. Commissioner Thornhill said he would not be opposed to sending a letter to our Representative or Senator addressing our concerns that this is a burden, and that paying \$5, \$10 or \$15 a minute was too much, and that those who have to have theirs changed out would have to pay \$250 to \$350. He said he would like to have a list of qualified plumbers put on line so citizens could compare prices.

Commissioner Howell asked about the suggestion to have the Water Division do the inspection of the devices. She asked if the City had a certified back-flow employee and Ms. Kirkland said there were four employees that are back-flow certified. Ms. Delmar said that if we were going to go that route we would need to hire someone who was dedicated to only that and there would plenty to keep him busy. It was something staff contemplated in the past but it was not mandatory at that time. It was definitely something they could consider and the Finance Director could do a cost analysis and see if we could actually fund a position in that manner. Mayor Carter said he thought the fee could be significantly reduced going that route.

Commissioner Howell asked when this had to happen. Ms. Kirkland said they had to be installed by the end of our fiscal year and then have to have them tested by August of next year. They did an inspection in September to make sure everyone got the right one installed. Commissioner Wojcik asked how they would know if they have the right one and Ms. Kirkland said that those with the wrong one would get a notice. To her knowledge they have only done Tower Lakes so far. Ms. Delmar asked why those in Lake Ashton that were installed with EPA approval, were now not approved. Ms. Kirkland said she did not know what their developer went through or how he selected those back-flow devices. She said Ms. Britt was checking and some of them do have the correct ones. Ms. Delmar said the notice was for those who would have to get a replacement but everyone would have to get the inspection by August of next year.

Commissioner Rogers said he wondered if they could meet with the Polk County delegation the next time they meet to ask them to look into this to see if something can be done on a state level. He thought the law was unreasonable and the Commission has no authority to do anything about it. Mr. Porter said one of the committees in Agenda Item 13 might be where to start and Ms. Delmar said maybe the Finance and Taxation Committee.

Mayor Carter said he thought it would be worthwhile to get the cost analysis done by the Finance Director to find out what the impact would be to hire someone for the job. Finance Director Dorothy Pendergrass said the analysis to determine the fee that would have to be charged would be based on personnel costs for the new employee divided by the number of meters that would need to be inspected. The assumption would be that the City would do all the inspections because if it were left to choice between the city and hiring a plumber, the city would not know the number of meters they would be inspecting. It would therefore have to be all or none, especially for residential because the commercial is much different in that aspect. She said she would provide those numbers to the City Manager. The next question would be if it would be an annual fee that would be charged to every customer we have, or would they be charged when the inspection is being done.

Commissioner Howell asked if the City could contract out the service and Ms. Delmar said that was an option. They could go out for bid for an annual contract. She said staff would look at the various options and bring it back as a utility ordinance and have a special workshop in the near future. Ms. Pendergrass said she would bring back several options to choose from.

Mayor Carter said that takes care of the annual inspection but asked about the installation. Ms. Delmar said that would require a fee change by the Commission. She asked Ms. Kirkland if the City was charging a fee for the installation of the back-flow device. Ms. Kirkland said the city does not install the back-flow device for irrigation and so do not charge them for it. Residents are notified that they are responsible for the installation. Ms. Delmar said if we just charge them for the permit and inspection fee we might look into modifying that fee.

Mayor Carter asked if the back-flow was just on the irrigation and not on potable city water and he was told it was on each. Commissioner Thornhill said the reason residents get the second meter is to save money.

Mayor Carter asked if staff could look into Commissioner Roger's recommendation to go to the county or somewhere to see if some relief from the regulation could be found and Ms. Delmar said they would look into it.

Mr. Porter said they had a discussion with Dennis Ross who said he would give what assistance he could. He suggested that staff might contact him for maybe he could do something. Commissioner Thornhill said they might send a resolution similar to the one done for the numeric nutrient resolution or a letter from the City of Lake Wales. Ms. Delmar said it sounded like a good project for Jennifer Nanek.

Mr. Porter and Mr. Castelli said he appreciated that the Mayor and Commissioner who got back with them so quickly and appreciated being treated as persons.

Mimi Hardman, 300 S. Lake Shore Blvd., thanked those responsible for changing out the light poles on Lincoln Ave. She explained that they originally ordered Verde light poles, the color being green, but bright blue ones were delivered and the light poles have been an eyesore to many since then. She thanked the Commission for voting to fix up that area because she said it was a vital part of the City. Ms. Delmar said getting the black poles in Lincoln Avenue up before the grant deadline was due to the work of Bonnie Hodges, Harold Gallup and Jennifer Nanek because every step of the way they fought problems. Ms. Hardman also thanked the Commission for transferring the B Street Community Center.

Jim Brow, owner of Longs Cleaner, had a code enforcement concern. He said he has been harassed and targeted by the City for years and explained his latest concern about his signs on the city right-of-way that the Code Enforcement Department says are out of compliance. He has been in business for 34 years and said it has not been a pleasant experience. He said nothing in the front of his business has changed and he wanted to know why he is being picked on. He said years ago Code Enforcement said his sign out front was out of compliance, when that sign had been there long before he got there in the 1940's. He went into litigation over the sign in his side parking lot and had to have his lawyer take care of that. Since then he put in a well and the City harassed him over that. When he bought the parking lot besides his building the City jumped on him and said it was not approved because it had to have bushes along the fence and other things and yet they didn't do that to other lots downtown. He said all he wanted to do was run his business and try to make some money while making a living.

Planning and Development Director Margaret said that Pat Johnson went around to the businesses that were in violation because there is an ordinance for downtown permitting only one A-frame sign per business in the public right-of-way as long as it is taken in at night. Mr. Brow explained that his walkway and his driveway were one in the same. He asked if they could change the ordinance to the pronged kind of sign if it is done in good taste.

Mayor Carter said he received a similar complaint earlier that day about a sign that had been there for a very long time. He asked if there was something they could do. He said he knew they have plans to review the city's ordinances and would be reviewing the sign ordinance on several levels.

Commissioner Rogers asked if the signs were taken in every night and he was told he did. He asked Ms. Swanson if the businesses on Central Avenue were considered downtown and she said they were. She said that the past city manager, Tony Otte, had asked her to do an amendment to the ordinance a few years ago, which they did, to allow A-frame signs in the area from Wetmore to Scenic, on Central, Park, and Stuart. That is what is on the books right now. Signs that go into the ground with prongs are not legal right now. The department has to go on what is in the books.

Commissioner Rogers asked if it would be feasible to work something out so Mr. Brow could keep his signs up and Ms. Swanson said they certainly could look at an amendment.

Commissioner Wojcik said the Economic Development Partnership, a group of folks working with the Chamber of Commerce and the City on various issues, addressed at their last meeting the topics of Business Friendliness and Understanding the Needs of the Business Community, especially during these hard economic times, and they discussed the sign issue. She said she knew the Partnership Group recognizes the problem which was why Ms. Swanson and Mr. Gallup were leading that discussion. She said that if the Commission could be patient, the same group will be meeting for two hours later during the month, and they would like to make some recommendations to the City. Mayor Carter asked about the timeframe between when that happens and Mr. Brow standing here with a citation in his hand. Ms. Swanson said Mr. Brow was not given a citation. It was just a friendly visit and no citation was issued. Mr. Brow said that if he puts his sign on the side of his business people would not be able walk down the walkway. If he puts it in the front of his business, it will be in the driveway. He said the A-frame signs blow away and the City won't allow him to put up banners. Commissioner Wojcik suggested putting the pronged sign in the ground with the A-frame over it.

Commissioner Howell asked if a 'cease and halt' could be given right now and then direct the Code Enforcement officer to do something about the garbage totes that are left out by the road, the cars jacked up in yards or tree branches that have never been picked up to give staff time to solve this sign issue. Mayor Carter said they would look into it and Ms. Delmar said they would have code enforcement focus on other areas.

Noel Phetteplace, Chairman of the Bicycle and Pedestrian Advisory Committee (BPAC), discussed the meeting BPAC had with representatives from the Police Department and Animal Control concerning the problem with loose dogs in the light of the recent dog bites on the Lake Wales Bicycle Trail. The committee had concluded at the end of the meeting that citizen's best bet was to contact the Polk County Animal Control unit who will do the best they can with limited employees and an overwhelming amount of calls, and to carry a big stick. He said there was some confusion about the law because the city ordinance requires dogs to be kept on a leash on public property such as around Lake Wailes, but the County only requires dogs to be under voice command. It was the BPAC's recommendation and request that three signs be put up at the entrances to the Lake Wailes Bicycle Trail informing dog owners that they have to be on a leash. He realized that some people pay no attention to signs, but the law would be clear and can be pointed out to those who do not comply.

Mayor Carter said he took a picture of a sign he took out of state that he thought was particularly good about animal control and he said he would send it to Mr. Phetteplace.

Teresa Allen said that staff, when they see unleashed dogs, tells the owners they have to be on a leash. She said one gentleman has to be told every morning. Commissioner Howell asked if there was a fine for noncompliance and Ms. Delmar said she was not sure there was but one could be added.

Commissioner Howell said the sign should include a number to call to report violators.

CITY COMMISSION COMMENTS

Commissioner Thornhill commented that he has seen cars parked between the two no parking signs in such a way that they would have had to squeeze out of the car to avoid the sign. He said ignoring city signs was an issue and he asked what the procedure was. He was told he should call the police. He asked if there was a parking violation fee because if we show we are serious he thought it would improve. He gave the example of Commissioner Howell's fight against people ignoring the noise ordinance and that problem has just about been solved. Ms. Delmar asked if the "no parking" rule was enforced and a Lake Wales police officer in the audience

said they were short of staff. Ms. Delmar asked if VOICE gave out parking tickets and she was told that those that did have retired and there is not one to do that now.

Commissioner Howell said she did not know if the piles of branches she has seen in four neighborhoods that have not been picked up was a code enforcement issue or an issue with garbage collection. She said the leaves are brown so they have been there a while, and she has not seen them tagged for later pickup. She asked that it be looked into and get whoever is responsible to pick the piles up. Ms. Delmar said staff would look into it and asked for addresses for the piles. Commissioner Howell said she would get the addresses to Teresa Allen.

Commissioner Rogers said he received calls both pro and con regarding the Grand Hotel and he wanted to clarify why he voted the way he did. He said that on December 7, 2010 he tried to get the Commission to work out a joint stipulation to address some of the issues concerning the hotel and the contract and it was to no avail. After reading the contract and his tour of the building he had no other recourse than to vote to let him continue on. He said that was his reason for voting as he did and it was the last time he would comment on it.

Mayor Carter complemented the screening committee for a job well done. He also thanked Ms. Delmar for her promise not to leave until a new city manager was hired. He gave a reminder that the budget survey was out and available on line, at City Hall, the Library and the Chamber of Commerce. He said they were seeking citizen input. Commissioner Thornhill said he was fine with the survey but he thought all the Commissioners should have had the opportunity for their input because it addresses policy. Ms. Delmar said that they just followed general procedure as they have done in the past but it can be done differently in the future. Mayor Carter asked that when the public fills out the survey they need to be realistic and not ask for the moon because of the very tight budget constraints.

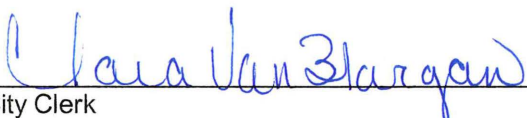
Ms. Delmar announced that there is a budget workshop for the Commission and public Saturday morning, June 11th, at the Lake Wales Tourist Club from 9 a.m. to noon. She said the City Attorney would not be at the workshop.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk

mtry: 6-7-11

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME—FIRST NAME—MIDDLE NAME <i>owell, Terrye Yvette</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lake Wales City Commission</i>	
MAILING ADDRESS <i>611 Carver Drive</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Lake Wales</i>	COUNTY <i>Polk</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>June 7, 2011</i>		NAME OF POLITICAL SUBDIVISION: <i>Commission</i>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which refers to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Terrye Y. Howell, hereby disclose that on June 7,, 20 11:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss; Roosevelt Recreation and Social Club
- inured to the special gain or loss of my ^{organization} ~~business associate~~, Green & Gold Foundation;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a Board Member.

6-20-2011
Date Filed

Terrye Y Howell
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OF CIVIL PENALTY NOT TO EXCEED \$10,000.