

The regular meeting of the Lake Wales City Commission was held on March 3, 2009 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. Mayor Lee A. Wheeler, III, called the meeting to order.

**INVOCATION**

The invocation was given by Dr. Jim Moyer, Warner University.

**PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Jack Van Sickle; Terrye Y. Howell; John Paul Rogers; Kathy Manry; Lee A. Wheeler, III, Mayor.

**COMMISSIONERS ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Anthony G. Otte, City Manager; Albert C. Galloway, Jr., City Attorney; Judith H. Delmar, Asst. City Manager; Clara VanBlargan, City Clerk.

**AGENDA ITEM 4. Approval of Minutes**

Commissioner Manry made a motion to approve the minutes of the February 10, 2009 workshop meeting, the February 17, 2009 regular meeting, and the February 23, 2009 special meeting to include a correction to show that Mr. Galloway did not attend the meeting. The motion was seconded by Commissioner Howell.

VOICE VOTE:

All "AYE"; None "NAY"

The motion carried 5-0.

**MAYOR**

**AGENDA ITEM 5. PROCLAMATION: "ELECTION WORKER APPRECIATION DAY"**

Mayor Wheeler read a proclamation proclaiming March 10, 2009 as "Election Worker Appreciation Day." The proclamation was accepted by staff members of the Supervisor of Elections: Christine Goding, Deputy Supervisor of Elections, and Judy Walker, Director of Community Services.

**AGENDA ITEM 6. COMMENDATIONS FOR POLICE OFFICERS; AND HELEN GAY**

Mayor Wheeler presented a commendation to Helen Gay thanking her for doing outstanding work beyond expectations.

Mr. Otte explained that several years ago, Ms. Gay took over the responsibility for the median on Central Avenue, the landscaping downtown, the landscaping over by Harmsco on Martin Luther King Blvd, the landscaping over by the boat pier, and many other landscaping areas around the City. He said that since Ms. Gay took over that responsibility, with very little assistance, those areas have flourished and look very beautiful. Mr. Otte added that Ms. Gay also supervises the weekend workers on the weekends.

Mayor Wheeler presented commendations to police officers that were involved in the arrest of a robbery offender that occurred on February 24, 2009. Not all the police officers were present to receive their commendation.

The Lake Wales Police Officers involved in this case are as follows:

Sergeant William Smith  
Sergeant Griffin Crosby  
Detective Tiffany Holden  
Detective Edward Palmer  
Officer Ronnie Keel  
Officer Jonathan Fletcher  
Officer Lawrence McCalley  
Officer Stephanie Turner  
Officer Terrance Daniels  
Officer Tyson McClendon  
Officer Ivelisse Rodriguez  
Officer William Hlas

**AGENDA ITEM 7. Ordinance 2009-05, Amending Chapter 16, Pension & Retirement - General Employees' Pension Plan – 2<sup>nd</sup> Reading & Public Hearing**

Mayor Wheeler read the synopsis for Agenda Item 7. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

This ordinance allows any retiree who is receiving a benefit calculated under a joint-benefit option to have the benefit recalculated if he or she survives the death of the beneficiary.

**RECOMMENDATION**

Staff recommends that the City Commission approve Ordinance 2009-05 on second reading & public hearing.

**BACKGROUND**

The General Employees Pension Board has requested to amend Chapter 16 General Employees' Pension Plan by creating Section 16-48 (d), which will permit the selection of an actuarial equivalent pop-up option for members who have selected a joint and survivor annuity benefit. Ordinance 2009-05 provides that if the joint pensioner (beneficiary) predeceases the member, the survivorship benefit will be deemed canceled and the member's annuity shall revert to the original life annuity monthly benefit. In other words, a retiree who is receiving a benefit calculated under a joint- annuity option will be entitled to have the benefit recalculated if the member outlives the joint pensioner. In such event, the benefit reverts, or pops-up, to the original single life annuity amount.

For example: fictional employee Joe Jones retires from the City and will receive a \$1,000 per month pension payment. He chooses the joint benefit option, and names his wife as the beneficiary. He will then receive \$500 and his wife will receive \$500 per month. If Joe dies, his wife will continue to receive \$500 per month. If Joe's wife dies, his benefit will be recalculated and he will receive \$1,000 per month if this Ordinance is approved.

This Ordinance provides for the recalculation. At present, there are some city retirees who are splitting their pension payment with a named beneficiary. If that beneficiary dies, under the current code the benefit is not recalculated for the retiree.

**OTHER OPTIONS**

Make no change.

**FISCAL IMPACT**

None to the City. There is a 150.00 fee charged by the Actuary to perform this calculation, but the fee is the responsibility of the member.

[End agenda memo]

Ms. Delmar read Ordinance 2009-05 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 16, PENSIONS AND RETIREMENT, LAKE WALES CODE OF ORDINANCES, RELATING TO THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; CREATING SECTION 16-48(d) TO PERMIT THE SELECTION OF AN ACTUARIAL EQUIVALENT POP-UP OPTION FOR MEMBERS WHO HAVE SELECTED A JOINT AND SURVIVOR ANNUITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2009-05 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

**AGENDA ITEM 8. Ordinance 2009-06, Annexation of Public Highways, Roads and Streets Contiguous to the City of Lake Wales – 2nd Reading & Public Hearing**

Mayor Wheeler read the synopsis for Agenda Item 8. The full staff is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Annexes various public highways to eliminate enclaves caused by previous area annexations and extends municipal jurisdiction for the purpose of traffic enforcement and provision of emergency services by the Lake Wales police and fire departments.

## **RECOMMENDATION**

It is recommended the City Commission adopt, after second reading and public hearing, Ordinance 2009-06 providing for the annexation of the following public highways, roads and streets contiguous to the City of Lake Wales:

1. U.S. Highway 27 from 100 ft. north of the right-of-way line at the intersection of Starr Lake Drive to 100 ft. south of the right-of-way line at the southernmost intersection of Longleaf Blvd
2. Scenic Highway from 100 ft. north of the right-of-way line at the intersection of CF Kinney Road to 100 ft. south of the right-of-way line at the intersection of Chalet Suzanne Road.
3. Chalet Suzanne Road from 100 ft. west of the right-of-way line at the intersection of U.S. Highway 27 to 100 ft. east of the right-of-way line at the intersection of Scenic Highway.
4. Thompson Nursery Road from 100 ft. west of the right-of-way line at the intersection of Olsen Road to 100 ft. east of the right-of-way line at the intersection of U.S. Highway 27.
5. State Road 60 from 100 ft. east of the right-of-way line at the intersection of Tangelo Road to 100 ft. west of the right-of-way line at the intersection of Central Avenue.
6. Buck Moore Road from 100 ft. north of the right-of-way line at the intersection of Burns Avenue to 100 ft. south of the right-of-way line at the intersection of State Road 60.

## **BACKGROUND**

Annexations have created a number of enclaves on the public highways, roads and streets contiguous to the City of Lake Wales. The fragmented city limits create confusion for emergency service agencies responding to calls for service. Most often, law enforcement officers from the Lake Wales Police Department arrive at an incident or offense only to determine it occurred outside the city limits. Once on scene, our law enforcement officers must remain until the Polk County Sheriff's Office or Florida Highway Patrol arrive. Response times for the respective agencies can be lengthy due to call volume. All the while, the incident or offense could be completed promptly by the Lake Wales Police Department.

To remove this problem the Police Department sought an amendment to the Mutual Aid Agreement with the Polk County Sheriff's Office authorizing the Police Department to conduct traffic crash investigations and enforcement operations. As the Sheriff's Office would maintain responsibility for an incident or offense originating on the public highways, roads and streets, this alternative was not favorable. Accordingly, the Sheriff's Office recommends annexation as it would provide original jurisdiction on the public highways, roads and streets annexed.

The annexation of public highways, roads and streets contiguous to the City of Lake Wales will allow the Lake Wales Police Department to improve productivity and efficiency. Additionally, the Police Department can effectively respond to traffic complaints on Chalet Suzanne Road, Thompson Nursery Road and Buck Moore Road. Traditionally, traffic complaints received from Carlsberg Estates, Lake Ashton and Sunset Pointe were directed to the Polk County Sheriff's Office as the public highways, roads and streets were located outside the City of Lake Wales. If these public highways, roads and streets were inside the City of Lake Wales, the Police Department could respond immediately to community concerns.

**OPTIONS**

The City Commission may decline to annex the public roads, streets and highways.

**FISCAL IMPACTS**

The annexation of public roads, streets and highways will not increase the taxable value of the City of Lake Wales. As these are state and county highways, roads and streets, the city will not assume responsibility for maintenance or repair costs. As the Lake Wales Police Department currently responds to incidents and offenses on the public highways, roads and streets, no additional costs are anticipated.

[End agenda memo]

Ms. Delmar read Ordinance 2009-06 by title only.

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF PUBLIC HIGHWAYS, ROADS AND STREETS, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED PUBLIC HEARING**

There were no comments made by the public.

**CLOSED PUBLIC HEARING**

Commissioner Manry asked if the ordinance would change the liability of the City in any regard. Mr. Galloway said no, and that it doesn't change the land use requirements either.

Commissioner Manry made a motion to adopt Ordinance 2009-06 after second reading and public hearing. The motion was seconded by Commissioner Howell.

**ROLL CALL:**

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

The motion carried 5-0.

**AGENDA ITEM 9. Amendment to Official Traffic Map: Four -way Stop Designation for the Intersection of Tillman and Second Street**

Mayor Wheeler read the synopsis for Agenda Item 9. The full staff memo is incorporated into the minutes.

[Begin synopsis, prepared by Herbert Gillis, Chief of Police]

**SYNOPSIS**

Designates this intersection, currently a three way stop, as a four way stop, as requested by the manager of the new Polk Community College branch, to avoid the potential for traffic accidents.

**RECOMMENDATION**

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

1. Establish the intersection of 2<sup>nd</sup> Street and Tillman Avenue as a four-way stop intersection. Place and display official traffic control devices and roadway markings as required.

**BACKGROUND**

The designation of the intersection of 2<sup>nd</sup> Street and Tillman Avenue as a four-way stop intersection is necessary to eliminate confusion resulting from the roadway improvements made in and around the Polk Community College campus at historic city hall. The intersection is currently a three-way stop intersection and drivers have reported they were unaware that vehicles traveling on 2<sup>nd</sup> Street were not required to stop. Consequently, they enter the intersection and pull into the path of approaching vehicles. A four-way stop will require all vehicles to stop at the intersection. This should remove the potential for crashes.

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

The Manager of the JD Alexander Center Polk Community College has suggested this change.

**OTHER OPTIONS**

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

**FISCAL IMPACTS**

The cost for this item is nominal. The required signage is in inventory and will be installed by City staff.

[End agenda memo]

Commissioner Van Sickle said he had never observed a problem at that intersection. Mr. Otte said the manager of the J. D. Alexander Center said that students are confused when heading south on Second Street, and that they don't have a stop sign and everybody else does.

Commissioner Manry made a motion to establish the intersection of 2nd Street and Tillman Avenue as a four-way stop intersection. The motion was seconded by Commissioner Howell.

VOICE VOTE:

All "AYE"; None "NAY"

The motion carried 5-0.

**AGENDA ITEM 10. Fire Prevention & Safety Grant Application**

Mayor Wheeler read the synopsis for Agenda Item 10. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

Requests approval to submit a Fire Prevention & Safety Grant application to the Department of Homeland Security. This is a 95/5 percent matching grant in the amount of \$48,800 for the purchase of a 33-foot Fire Safety House. If awarded, the department will have one year to complete the project.

### **RECOMMENDATION**

It is recommended that City Commission authorize the Fire Chief to submit the completed application for the 2008 Fire Prevention & Safety Grant.

### **BACKGROUND**

The Department of Homeland Security is accepting applications for the 2008 Fire Prevention & Safety Grant until 5:00 p.m. Eastern Daylight Time on March 06, 2009.

The grant request is for the purchase of a thirty-three foot mobile "Fire Safety House". The safety house will be used to visit the 2,100 children in all four elementary schools in our community during each school year. During these visits students and their teachers will learn how to react during severe storm conditions, as well as hands on experience on home fire conditions and how to safely escape in fire conditions. Our staff will set the safety house up at many other events that draw crowds in our community. The Mardi Gras event in February attracts over 20,000 people from all over Florida. Station visits will continue where parents and their children will be encouraged to come to the station, see the trucks and equipment, meet their firefighters, and go through the fire safety and storm alert program.

The department currently has two vehicles that are capable of pulling the mobile fire safety house, which will be stored at the fire station.

It is anticipated that the cost of maintenance for the mobile fire safety house will be nominal in the first five years of operation.

### **OTHER OPTIONS**

Do not apply for the grant.

### **FISCAL IMPACT**

Approval will require a 5% match of \$2,440 to be requested in the FY 09/10 operating budget.

[End agenda memo]

Mayor Wheeler asked the definition of a fire safety house. Mr. Otte said that it is a RV type of a trailer that has been modified to look like a house with windows and shutters, and that the inside looks similar to the inside of a house. He said it is used for teaching school children what to do in case of a fire. Ms. Delmar said a fire safety house is a fire safety mobile.

Commissioner Van Sickle asked if the Fire Department has a fire safety program. Deputy Fire Chief Daughtery said yes. He said that currently all they can do is tell the students what to do in case of a fire, and this will actually show them what to do in case of a fire.

Commissioner Manry made a motion to authorize the Fire Chief to submit the completed application for the 2008 Fire Prevention & Safety Grant. The motion was seconded by Commissioner Howell.

VOICE VOTE:

All "AYE"; None "NAY"

The motion carried 5-0.

**COMMUNICATIONS & PETITIONS**

CITY COMMISSION TRACKING REPORT

Interconnect with Winter Haven at Lake Ashton: Mr. Otte reported that there has been a slight delay with the construction where the contractor has to move some of the facility.

SR60 Medians: Mr. Otte reported that staff would follow-up with FDOT on the State Road 60 medians. FDOT said that they would be reviewing the comments received at their February 19 open house meeting.

Swimming pool discussion: Mr. Otte reported that the swimming pool discussion is proposed for the next workshop meeting.

Moving of the Veteran's Monument: Mr. Otte reported that we are planning to have an event on Memorial Day for the opening of the monument park area. It is anticipated that the work will start in April and no later than on May 1. He said we hope to have the grand opening before or on May 25 for Memorial Day.

Potholes: Mr. Otte reported that staff would take look at that.

Florida Refuse: Mr. Otte reported that the Finance Director would make a report at the March 10 workshop meeting.

PUBLIC COMMENT

There were no comments made by the public.

CITY COMMISSION COMMENT

Workshop Review

Commissioner Rogers said he would like to discuss the CRA Board at the next workshop. Mr. Otte said he would add that to the agenda list along with a couple more items that might be ready for that meeting.

Mayor Wheeler said not to let this workshop discussion turn into another meeting.

Commissioner Howell said we can't keep adding to the workshop agenda because it is longer than the agenda we just went through. Mayor Wheeler said he could impose some time limits on it.

Mayor Wheeler asked if we have jurisdiction over New Business Item 1, review of the landscaping plans for US27 from the Vanguard School to Cypress Gardens Blvd. Mr. Otte said yes. The FDOT gave the City



\$400,000 to hire a landscape architect, who has produced plans, and we are now ready to purchase the plans and get them installed.

Commissioner Van Sickle said that along with the discussion of the Lincoln Avenue lighting project he believes there is also an issue with lighting that is supposed be going down Martin Luther King Blvd. He said those two items could be discussed at the same time. Mr. Otte said he would add that to the agenda.

Commissioner Manry said that some of the items could be discussed at a different workshop if this appears to be a long agenda. Mr. Otte said we need to move ahead on the lighting because it is included in the CRA Bond for a portion of Martin Luther King Blvd. or some lighting there, and for changing out lighting on Lincoln Avenue. He said Andy Easton told him this morning that it is very likely, although not absolutely certain, that the City will be awarded the CDBG grant, but at half of what we applied for. Mr. Otte said it would be up to us to pick what projects we want to do. He said we would be ahead of the game if we discuss it on March 10. Commissioner Van Sickle said that would be a lot of reading. Mayor Wheeler said we need to specify a stop and start time at that meeting.

Commissioner Manry said the Winter Haven Area Transit is something that could go on another agenda because it is an item for next year's budget. Mr. Otte said if that is the consensus of the Commission then that's fine.

Mr. Galloway said that he represents the Village of Highland Park too and their meetings are the second Tuesday of every other month. Their next regular meeting is scheduled for next Tuesday night, March 10. He said that he could probably get them to change their meetings to the fourth Tuesday of the month.

Commissioner Van Sickle said decisions are not made at workshops so he would not think Mr. Galloway would need to attend. Mr. Galloway said that generally in the past he has not attended workshops, which is not part of his retainer services. He said it would be up the Commission for him to attend. Mr. Otte said he would like legal advice on New Business Item 3. We could take that item off and put it on another agenda. Commissioner Manry asked Mr. Otte to get the advice of Mr. Galloway before that meeting. Mr. Otte said it would probably be better to include that item on the April workshop agenda and have Mr. Galloway to attend that meeting.

Mr. Galloway said he could get the Village Highland Park to change their meeting time to the fourth Tuesday of every other month. Commissioner Manry said that would be rude and suggested we change our meetings to the fourth Tuesday of every month.

Commissioner Manry asked the consensus of the Commission. Mayor Wheeler said we could change our workshop meetings to the fourth Tuesday of every month so there would be no conflict. Mr. Galloway said that would be appreciated.

Commissioner Howell said Mr. Galloway would not have to attend a workshop if a legal matter is not being discussed. She said those items could be put on a regular meeting agenda. Mr. Galloway said there might be instances where the Commission would want him to attend a workshop. Mr. Otte said we could make the change after the March 10 workshop meeting.

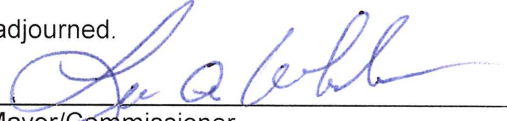
Mayor Wheeler said there are a few things that Mr. Otte wants to talk about at the March 10 workshop, so we could change the April workshop to the fourth Tuesday. Mr. Otte said that would work.

Commissioner Van Sickle said this weekend he got a call from a gentleman who is a snowbird and lives in Lake Ashton. He just got back from Pennsylvania and found that his water had been turned off. The gentleman had said that, for some reason, he did not receive his water bill while he was away. Commissioner Van Sickle said after contacted the water department for him, those employees went out of

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their way to get his water turned back on. He asked Utilities Director Ray Creel to pass that on to his employees.

There being no further business the meeting was adjourned.



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Mayor/Commissioner

ATTEST:

  
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City Clerk