

The regular meeting of the Lake Wales City Commission was held on June 15, 2010 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None.

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

MAYOR

Agenda Item 5. Phil Attinger from the American Red Cross to present a Life Saving Award

Phil Attinger, American Red Cross, presented a plaque to two residents who saved a toddler's life through CPR after he fell into a swimming pool.

Agenda Item 6. Employee Recognition

Purchasing Director Bonnie Hodge presented an award to Melissa Green for her outstanding job performance as Inventory Clerk.

Agenda Item 7. Presentation: Hurricane Preparedness

Joe Jenkins, Lake Wales Fire Department, gave a presentation on readiness procedures that have been put in place in an event of a hurricane.

Mayor Van Sickle asked if there were any neighborhoods that had CERT programs (Community Emergency Response Team) besides Lake Ashton where neighbors have a list of residents and their needs in case the county announces an emergency. Mr. Jenkins said that they work closely with the Polk County Fire Department and they have CERT teams that are sent out to the communities; but as far as individual communities he did not think so.

Commissioner Howell said she assumed the reverse 911 calls would be running, but asked what citizens were to do because in 2004 all the lines were down and citizens did not know there was food and water available at City Hall. She asked if notification would be through bells ringing, from a church or policemen broadcasting from their cars etc. Mr. Jenkins said police officers would use a PA system and ride through neighborhoods. Ms. Delmar said that in 2004 the Library staff distributed flyers to most of the neighborhoods in Lake Wales. She said they also had signs on many of the intersections informing people as to where supplies were available.

Commissioner Howell asked how the people would know that Spook Hill Elementary School was the approved shelter for emergencies. Mr. Jenkins said that on the Polk County website there is a list of every approved shelter in Polk County, the location, and what each shelter would provide such as if it accommodates special needs residents. He suggested that now would be the best time for families needing a special-needs shelter to preregister through the county website so that the shelter will know what special needs to prepare for. He said he was sure the shelters would take those with special needs

even at the last minute, but they would be more prepared with the preregistration. Commissioner Howell asked again how citizens would find out this information and Mr. Jenkins said by radio. Ms. Delmar said there were no approved emergency shelters in 2004. The Spook Hill shelter did not exist. She said that with the help of the Charter Schools, they opened a shelter at the Lake Wales High School because there were so many people who had not gotten out of the area in time to make it to an approved shelter in Bartow and Winter Haven. The High School was not an approved shelter so they received no help from the county and the county told them since that time that they could not open unapproved shelters again.

Commissioner Howell said in 2004 the power was out and even her telephone did not work. Mr. Jenkins said that in each hurricane preparation kit each person needed to have a battery operated radio along with enough food, medication, and other supplies to last at least 72 hours. He said a lot of information is given over the radio such as what places are open, the hours of operation, and food and water locations. Commissioner Howell said she had a radio in her kit but that all citizens do not have radios. Mr. Jenkins said he hoped we would not have a hurricane again as bad as the 2004 hurricanes were. Those had been the first ones the City had to deal with since the 1960's. The 2004 hurricanes provided a huge learning curve for the City and they are better prepared today.

Commissioner Thornhill asked if there was a way to link the Polk County's emergency website to the City's website so people could get the information that way. Ms. Delmar said there was and it may be linked already. Commissioner Thornhill said people should already know that it is time to get prepared because hurricane season began on June 1st and most radio stations are already telling people to prepare. He said he has seen displays up, and it is also mentioned on insurance bills to customers. Mr. Jenkins said it was a good time to check insurance policies for proper coverage.

Commissioner Carter asked what the capacity of the Spook Hill shelter was and Commissioner Howell said that each classroom has 30 desks so at least that many can be accommodated. Commissioner Carter asked if a shelter would turn people away because they could not comfortably accommodate any more and Mr. Jenkins said they don't list that information on the website. He added that the shelters would be used mostly by those living in mobile homes, of which there are about 300 within the City limits, though they would accommodate the unincorporated areas as well. Ms. Delmar said that in 2004 the fire fighters and police officers moved everyone from mobile units. Mr. Jenkins said that many of the mobile home parks have designed hurricane shelters in their clubhouses that their residents can use like at Tower Lakes and Parakeet Mobile Park. Ms. Delmar added Candlelight Park and Lake Wales Mobile Home Park.

CONSENT AGENDA

The City Commission voted on each Consent Agenda Item separately.

Agenda Item 8. APPROVAL OF MINUTES: June 1, 2010

Commissioner Howell made a motion to approve the minutes of the June 1, 2010 regular meeting. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 9. Lake Wales Municipal Airport Perimeter Fencing and Apron Flood Lighting, Master Agreement Task Order #12

Ms. Allen reviewed Agenda Item 9. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider approving Master Agreement Task Order #12 with Hoyle, Tanner & Associates for the Lake Wales Municipal Airport Perimeter Fencing and Apron Flood Lighting (design engineering only) and authorize up-front funding by the General Fund in the amount of \$23,000.00.

RECOMMENDATION

Staff recommends that the City Commission take the following actions:

1. Approve Master Agreement Task Order #12 with Hoyle, Tanner & Associates for Perimeter Fencing and Apron Flood Lighting (design engineering only) for the Lake Wales Municipal Airport.
2. Authorize up front funding from the General Fund for the project.

BACKGROUND

This item was pulled from the April 6, 2010 City Commission meeting agenda for further discussion by the Airport Authority Board. The Board approved this item at its May 3, 2010 meeting.

In August 2002, the City of Lake Wales and Hoyle, Tanner & Associates entered into a Master Consulting Agreement for the purpose of defining the general terms and conditions applicable to the initial and continuing contractual relationship between the parties for professional services. This project is eligible for these services.

Although the Lake Wales Municipal Airport is not a certified airport, it is essential that all air operations areas (AOA) be secured. The goal of the City is to take steps toward securing the air operations area (AOA) at the Lake Wales Municipal Airport.

This project will enhance the perimeter fencing at key locations around the airfield and around the terminal building. Controlled access to the airfield will also be accomplished and existing swing gates will be upgraded to electronic roll gates with proximity card readers to control individual access to the airfield and limit access to predetermined individuals.

The project is eligible for Federal Aviation Administration (FAA) grant funding per Federal Aviation Administration (FAA) order 5100.38c Chapter 5, Airfield Construction and Equipment Projects, Section 4, Paragraph 535(e), Taxiway and Apron Lighting and Section 5, Paragraph 547(f), Safety, Security and Related Facilities (City's entitlement funds).

Due to the amount of the project (\$23,000.00) the FAA is encouraging the City to cover the design phase of this project then submit a grant application for the construction phase of the project and include the preliminary cost (design) for reimbursement.

Combining the design and construction phase services into a single grant will decrease the FAA's and the City's requirements for reporting and grant oversight.

FISCAL IMPACT

The cost of the Perimeter fencing will be advanced by the General Fund using General Fund reserves. The General Fund will be reimbursed by the Airport with FAA funds received during the construction phase of this project.

OPTIONS

Do not approve the project.

[End agenda memo]

Ms. Delmar said that if we were going to accept FAA funding, we would have to do things their way. If we fund it ourselves we can do it any way we want.

Mayor Van Sickle said that two things had struck him as unusual. He asked Ms. Allen why a building was built without flood lights on the apron where planes come in. He gave an example of a South American child who was flown in at the airport after dark for medical reasons and flashlights had to be used to direct the plane. He added that there were lights on the opposite side of the building where they had a cooking grill. Ms. Allen said she could not answer that question.

Mayor Van Sickle asked how quickly the City would be reimbursed by the FAA as the City would be using General Fund reserve money and he was concerned with using reserve funds for a long period of time. Ms. Allen said that the FAA at times refunded money within 72 hours of receiving the draw-down request and that they never hold back funds. Once the project is funded, the money is waiting for us to request it. Ms. Delmar asked how long a grant application typically takes from the time it is submitted to the time it is approved. Ms. Allen said it depended on when the funding period was. She explained the two FAA phases of the project, the design phase and construction phase, and said that each phase would be brought back to the Commission for approval.

Commissioner Rogers said we definitely needed the lights even though it seldom happens that someone is coming in after dark. He said the Airport Authority questioned extensively the need to hire an engineer to tell them how to put up a chain-link fence. As usual, government bureaucracy prevailed. He said he did not want money taken out of the General Fund unless we were sure we would get it back pretty soon as the City was in a bad financial situation. If so, he would like to move forward.

Commissioner Carter said he wanted to make sure that the grant money was already preapproved by the FAA so that we would get the reimbursement within approximately 72 hours after they receive the paperwork. Ms. Allen said that this was part of the City's entitlement fund. She explained that each year, money was allotted to do projects and that it was guaranteed. Commissioner Carter asked the meaning of a statement in the agenda memo: "doing it this way would decrease the City's requirement for recording and grant oversight." Ms. Allen said that because most of their projects were \$50,000 or more, the design and construction phases were broken up into two separate grants with separate applications for each phase. Commissioner Carter said it was then basically dealing with the mechanics of the project and Ms. Allen concurred. He asked for confirmation that the total cost to the City would be \$575 and Ms. Allen concurred. She explained that with FAA projects they pay for 95% of the design phase and the City pays 2.5% and FDOT pays 2.5%.

Commissioner Rogers made a motion to approve Master Agreement Task Order #12 with Hoyle, Tanner & Associates for Perimeter Fencing and Apron Flood Lighting (design engineering only) for the Lake Wales Municipal Airport; and authorize up front funding from the General Fund for the project. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"

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

The motion carried 5-0

Agenda Item 10. Grading Plan for New Cemetery Lots

Ms. Allen reviewed Agenda Item 10. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider using the services of Kimley-Horn and Associates, Inc. to prepare a grading and erosion control plan to accommodate the proposed burial lots expansion and 5 foot walking path for the Lake Wales Cemetery.

RECOMMENDATION

Staff recommends that the City Commission approve the services of Kimley-Horn and Associates, Inc. for the grading and erosion control plan for new cemetery lots in the Lake Wales Cemetery in the amount of \$8,800.00.

BACKGROUND

In November 2009, the City Commission approved services provided by Rapid Surveying, Inc. for the mapping of the Lake Wales Cemetery that is required for re-platting existing areas in the cemetery in order to gain approximately 174 additional burial spaces.

Kimley-Horn will utilize the topographic survey provided by Rapid Surveying, Inc. to prepare a grading and erosion control plan to accommodate the proposed burial lots and a 5-foot walking path. Kimley-Horn will also prepare bid documentation and contractor notification for the construction phase of this project. Kimley-Horn is currently under contract with the City for professional services.

FISCAL IMPACT

Minimum revenue generated by 174 additional burial spaces will be \$92,698 (174 lots x the 10/1/09 rate of \$532.75 for inside-city residents). The cost of preparing a grading and erosion control plan will be covered by the future sale of 16 new lots at current inside-city rates. In the short term, funds from the approved cemetery improvements budget will be utilized to cover this cost.

OTHER OPTIONS

Rapid Surveying Inc. has already begun mapping services required to re-plat existing areas in the cemetery to gain additional burial spaces.

[End agenda memo]

Commissioner Carter asked the following questions:

- If in November 2009 this was put out for bid for Kimley-Horn and Associates, Inc. Ms. Allen said it was put out for bid by Rapid Surveying, who then did the initial work. We then added the cemetery surveying to that. Because Rapid Surveying could not provide the service for grading and erosion control, we went with Kimley-Horn as they are already under contract with the City.
- How many unsold lots there were at the cemetery and Ms. Delmar said there were less than 200 lots left out of 11,000. Commissioner Carter asked how long they thought those 200 lots would

last. Mayor Van Sickle said he had some idea because, as Mayor, he had been signing about 5 to 10 cemetery deeds a week. Mr. Carter asked if we then would run out within a year. Ms. Delmar said the estimate was three years. Ms. Allen said some weeks many lots are sold and some weeks just a few so there is no way to tell for sure.

- In light of the current financial situation, if it would be better to put this item off as it was something that would not be needed for another three years. Ms. Allen said that because three years was just an estimate, we could not guarantee that we would have three years remaining and so we should not wait. She said there were things that had to be done before those new lots could be sold, and it would not be a quick process. Commissioner Carter asked if it could be put off a year without any problems. Ms. Delmar said we could put it off if it was the Commission's desire and then close the cemetery down if we run out of lots. Commissioner Carter said that sounded rather severe but it seemed foolish to him to spend \$8,800 on something that we would not need for three years. Ms. Allen said she believed it was the right time and we should not wait even a year. Mayor Van Sickle said they were in the process of putting down sod, installing lights and irrigation and if we waited a year it all would have to be pulled up to re-plot the additional lots. Ms. Delmar said they moved forward in good faith thinking they were going to expand the cemetery, paying for it eventually out of lot sales. She said we could run out of existing lots in three years, but it could be two years or even a year and a half. We know that the grading and replatting will take 6-8 months. She said if the Commission wanted to defer it to a later timeframe they could do that. Commissioner Carter asked if there was any value in deferring it for six months and Ms. Delmar said there was not and that the money was available in the capital budget. Mayor Van Sickle said that they have been provided the needed information and it would be up to the Commission to decide if they wanted to go forward or delay it six months. He said he did not see any reason to delay it because he knew ever since he became a commissioner that there was a possibility of running out of lots. Ms. Delmar said we have the property on Hunt Brothers Road that can be expanded in the future to develop a new cemetery, but adding new lots at the current cemetery would put off when that would have to be done.

Commissioner Thornhill said his questions had been answered and that this issue had been discussed in great detail back in November.

Commissioner Rogers said whatever the Commission decided would suit him but he did not want to run short of lots at the cemetery. He said there was good money in selling cemetery lots, about \$500 a lot, but if we don't have them, we can't sell them.

Commissioner Howell made a motion to approve the services of Kimley-Horn and Associates, Inc. for the grading and erosion control plan for new cemetery lots in the Lake Wales Cemetery in the amount of \$8,800.00. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0

Agenda Item 11. Special Event Permit – 4th of July Festival

The full staff memo is incorporated into the minutes

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

SYNOPSIS

The Commission is asked to approve a special events permit for the 4th of July Festival on the shores of Lake Wailes.

RECOMMENDATION

Staff recommends approval of the permit for the 4th of July Festival. The event will be held on Sunday July 4th from 2pm until 9pm.

BACKGROUND

The 4th of July Festival will include music and games from Parties by Robert, and there will be food and craft vendors. Staff is in the process of arranging additional attractions and events. These might include some bounce houses, the bloodmobile, pony rides and others. The festival will end at 9pm with the fireworks. The Commission approved the fireworks contract with East Coast Pyrotechnics on March 2, 2010, and a \$5,000 deposit has been paid.

OTHER OPTIONS

Do not approve the event permit.

FISCAL IMPACT

Fireworks - \$10,000; Other expenses (Parties by Robert; Portolets) - approximately \$1000
In-kind allocation costs for staff, police and field operations - \$3,663

[End agenda memo]

Ms. Delmar said this item had been pulled from the consent agenda to find out if in the present economy the Commission wanted to spend \$10,000 on fireworks. She explained that we have a contract and have paid a \$5,000 deposit, \$1,000 of which we would lose if we cancelled. Cancelling was a policy decision and the Commission had the opportunity to cancel the contract if they so desired.

Ms. Nanek listed the other activities planned for the day. Ms. Delmar said we did not necessarily have to cancel the other activities unless the Commission wished to, but the concern was the fireworks at dusk.

Mayor Van Sickle reminded them that one year there had not been enough money for fireworks and so they got donations from businesses and groups in town. He said that 4th of July was the most important American holiday and he thought it was important and we support it this year and then consider at some point about next year's budget.

Commissioner Carter agreed and said if it could not be scaled back, and he had been told it could not, he would support it this year and consider next year's event.

Commissioner Thornhill said that he did not think it was the City's function to provide entertainment, but we already appropriated the funds and he would hate to lose even \$1,000. He said he believed when donations had been sought for the pre-mentioned celebration there had been more than enough money donated. He agreed that they needed to discuss this for next year's budget.

Commissioner Rogers said he thought we should celebrate our independence as we presently have men and women serving overseas. It would honor them by supporting this event.

Commissioner Howell said one year when they did not have the money they celebrated it on July 5th and that was not good. She said that because this event was budgeted, we already paid half of it, it is the only

form of entertainment the City provides, and because she feels it is a good investment, she supported the event.

Commissioner Howell made a motion to approve the special event permit for the 4th of July Festival. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

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

The motion carried 4-1

OLD BUSINESS

Agenda Item 12 Ordinance 2010-11, Amending Chapter 23, Zoning, Land Use & Development Regulations, Wine and Beer Bars Downtown Core – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The proposed amendment will restrict new wine and beer bars to a new "Downtown Core District" (C-1A), which corresponds with the Downtown Historic District. The ordinance addresses City Commissioners' concerns expressed at the May 4, 2010 meeting about problems with wine and beer bars in close proximity to residential areas.

RECOMMENDATION

Ordinance 2010-11 was approved by City Commission on first reading June 1, 2010.

Public notice requirements have been met for a public hearing.

BACKGROUND

At its May 4 meeting, the Commission called for a reassessment of the zoning regulations allowing wine and beer bars to reduce impact on residential areas. The proposed ordinance will limit new wine and beer bars in the historic downtown core, but will not apply to existing bars. The change will protect residential areas while encouraging economic revitalization in the downtown core by continuing to allow entertainment uses.

A new zoning district, C-1A is proposed to effectuate the change. The area corresponds to the Downtown Historical District. The north and south boundaries of the district are along alleys. Buildings that front on Park and Stuart Aves. as well as the Grand Hotel are included in the proposed district. (See ordinance Attachment A.) Buildings that front on Orange and Central Aves. are not included.

Currently, wine and beer bars are allowed in the C-1 districts, downtown and along Lincoln Ave. The recommendation to drastically reduce the area where new bars will be allowed is based on an analysis of existing residential uses in and around the C-1 downtown districts. Both of the C-1 districts contain some

residential uses, including single-family houses. Disturbance to residents is particularly problematic in the Lincoln Ave. district, because it is a narrow zone surrounded by residential uses. The district extends only 200-300 feet north and south of the avenue.

The downtown C-1 district contains some residential areas west of First St. and borders Grove Manor between Wetmore and First. Although there are some residential uses in the downtown core, they are in mixed-use buildings, where proximity to urban uses is desirable.

Since the zoning amendment that allowed wine and beer bars, three bars have been approved: "Massey's" on Lincoln Ave. "Waves," downtown on Park Ave., and "Just One More" (formerly "Wilbur's") on First St. Two other wine and beer bars, presumably approved under previous regulations, are located on Orange Ave. An application is pending for a new establishment in the building behind the Post Office on the corner of First St. and Orange. With the exception of "Waves," all of these businesses are outside of the proposed C-1A district, but are legally in place and will be allowed to continue operation. They will, however, be subject to any changes that may be made in the general code for hours of operation.

Wine and beer bars are subject to special conditions in sec. 23-342 (in the *Zoning Regulations*), which set a minimum floor area of 1,000 sq. ft. and a maximum of 5,500. Regulations for hours of operation and distance from schools also apply ("Alcoholic Beverages" in Chapter 5 of the Lake Wales Code).

A summary of the proposed amendments:

- Sections 1 and 2 of the ordinance establish the C-1A Downtown Core district, state the purpose of the district, and amend the zoning map to show the boundaries of the district.
- Section 3 of the ordinance amends the chart of uses in the various zoning districts to allow wine and beer bars only in the new C-1A district.

OTHER OPTIONS

The boundaries of the district could be expanded to include existing bars on Orange Ave. or to include buildings fronting on Central Ave.

FISCAL IMPACT

Continuing to allow wine and beer bars in the downtown core will be a plus for economic development in that area.

[End agenda memo]

Ms. Van Blargan read Ordinance 2010-11 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; ESTABLISHING A C-1A "DOWNTOWN CORE DISTRICT" IN THE HISTORIC DOWNTOWN; AMENDING THE ZONING MAP TO ESTABLISH THE BOUNDARIES OF THE C-1A DISTRICT AS DEFINED HEREIN AND SHOWN ON ATTACHMENT A; ALLOWING WINE AND BEER BARS AS CONDITIONAL USES IN THE C-1A DOWNTOWN CORE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Chuck Galloway said there had been a suggestion that this not be considered tonight. Since it was already published for second hearing, if the commission desired to table it, they would need to make a motion to do so. But first, they needed to open the public hearing, continue it to a date certain, and then close it to keep from having to go through the publication process again.

Commissioner Howell said she had requested this item to be tabled. Mr. Galloway said she would need to make the motion and if there was consensus among the commissioners to do that, the public hearing

would need to be opened, and continued to a day certain. The public hearing would not actually take place until that date, but they would have to decide the tabling issue first.

Commissioner Howell made a motion to table ordinance 2010-11 until the second meeting in July. The motion was seconded by Commissioner Carter.

Commissioner Carter asked if they could have a discussion as to why this item was asked to be tabled and Mr. Galloway said they could discuss the reasons among themselves but there could be no public input.

Commissioner Rogers called the question.

Commissioner Howell said she tabled it because the community was not ready. There had been an accusation that one particular bar and grill was not allowing black people to be served. If this issue were to be approved, there would be no more wine and beer bars on Lincoln Avenue because of the noise issue for nearby residents. But the people were saying that a bar in the City would not serve blacks and, true or not, it needed to be cleared up before moving forward on this item.

Commissioner Carter said he heard the accusation and had wondered how true it was. Ms. Delmar said the gentleman who owns the bar is present.

Commissioner Howell said the motion on the floor was to table this item and she wanted to make sure that this needed to be determined by vote before any public input. The city attorney concurred and said if it was not tabled then it could be opened for public comment.

Commissioner Thornhill said his only issue was that he did not think residents wanted a bourbon street and did not think the accusation could be proved or disproved within the timeframe. He said he did not condone it, would not tolerate discrimination, and would be very sad to discover that this is still going on.

Roll Call Vote:

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

The motion failed 3-2.

OPENED PUBLIC HEARING

Rev. James Cleare, pastor of Allen Temple AME Church, and resident of 310 C Street, asked that there be a workshop scheduled to address this particular issue. He said he was neutral on the issue and explained his reasons why.

Kerry Winkler, 1434 Lakeview Road, owner of "Just One More" the wine and beer bar in question, said no one has ever been denied service in his bar. He said a dollar bill has no prejudice and anyone is welcomed at his bar. He thanked the Planning and Building Department staff for helping him and his wife to get established.

Rev. James Cleare returned to say that he would be happy to talk with Mr. Winkler at another time to address the complaint and to see just how fair and honest he really was.

Greg Massey, 1332 Morningside Drive and owner of Massey's Place on Lincoln Avenue, gave his reasons for being opposed to the C-1A district. He said he was willing to do whatever was necessary

even if it meant moving the location of his establishment. Mr. Massey urged the Commission to reconsider establishing a C-1A district because it would hinder the community and any establishment that would like to open.

Phyllis Johnson, 138 D. Street, wanted something to be done about the noise, loud music, and trash so she can sleep at night.

CLOSED PUBLIC HEARING

Commissioner Rogers said everyone was concerned about the Lincoln Avenue neighborhood and the fact that Mrs. Johnson can't sleep at night. He said the purpose of the ordinance was to establish a separate commercial district from residential so they don't conflict with one another and to stabilize the neighborhood. Mr. Massey, though he had tried to do everything asked of him, cannot control what goes on outside of his establishment, leaving it up to the local law enforcement. The ordinance had nothing to do with racial issues.

Commissioner Howell said she believed that having all the bars in one section of town was not the right thing. She wanted the music to be cut down and said it was a matter of the police doing their jobs and not just sitting in their cars. They needed to be mobile. She said she thought it had been determined at the last meeting that the police would talk to the people about turning the music down or they'd get a ticket. She said there was still noise down there because she could hear it from her house, though no one called her about it. She did not think the police have been doing what she asked and she did not think the C-1A district would be the right decision for everyone in Lake Wales.

Commissioner Carter said he had not been in favor of this ordinance at the last meeting and he hadn't heard anything that would change his mind. He said the Commission was trying to solve a police problem with a zoning ordinance, which he thought made no sense. The City wants economic development downtown and so allows wine and beer bars, but he wanted to know why that same economic development was not appropriate for Lincoln Avenue. At the last meeting it had been determined that police officer efforts would be given a chance and he said enough time had not been given to see if it would work. He said he did not support the ordinance.

Commissioner Thornhill said he had nothing further to add as he already made his thoughts known.

Mayor Van Sickle said he took the blame for being in the situation they found themselves because six or seven months ago, over the objection of the Chief, he had voted to allow a wine and beer bar in a residential neighborhood under the guise of economic development. Now there is a problem, not necessarily with the bar there, but with people outside the bar. Ms. Johnson can't sleep with the noise, and has heard gunshots during the night. Even if it was nowhere near her house, she would not know where those bullets would fly and no one should have to live that way. Though he did not think there was an issue with Mr. Winkler not serving someone in his bar, he asked the City Attorney what the procedure would be if someone had a complaint against an establishment for not serving someone. He asked if they would call the police department. Mr. Galloway said he did not think so and that he thought it would be a Federal issue.

Ms. Delmar said she talked to someone from the Department of Justice this morning about the procedure and was told that the City, NAACP or individuals could file a complaint with the Department of Justice or the State Attorney General's office but the preferred way would be to file a complaint with the Florida Commission on Human Relations. That information can be obtained through their website or citizens can get the information from the City Clerk.

Mayor Van Sickle said he really doesn't think this gentleman discriminated against anyone, but he would be willing to sit down and discuss the issues.

Commissioner Thornhill made a motion to adopt Ordinance 2010-11 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

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

The motion carried 3-2.

NEW BUSINESS

Agenda Item 13. Authorization for Limited Structural Engineering Analysis for Kirkland Gym by City Approved Engineer Kimley Horn

Mr. Gallup reviewed Agenda Item 13. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The City Commission will consider continuation of the analysis of selected sections of the Kirkland Gym structure to determine full extent of repairs needed.

RECOMMENDATION

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

Under the Master Consulting Agreement for Engineering Services #09-173 with Kimley-Horn, authorize the City Manager to execute the Agreement shown in "Exhibit A" for the structural review of selected elements of the Kirkland Gym in the amount not to exceed \$16,500.

BACKGROUND

This is part of the on-going review for repairs that are needed to stop the physical degradation of unrepaired or maintained areas of the historic Albert Kirkland Sr. Gymnasium. The building is demonstrating physical structural integrity problems, and this review is necessary to accurately forecast future actions to be taken and expenditures required for repairs in a five-year M&R Schedule.

CURRENT FISCAL IMPACT

The funding for this Project is available in the 2009-2010 Budget for M&R Historic Structures.

[End agenda memo]

Commissioner Thornhill made the following comments:

- He did not see an issue with reopening an old claim and he believed it could still be submitted, though the insurance company could either go forward or deny it. He said his question had been whether or not the insurance company completed an engineering study when the claim had been processed and apparently they had not.
- The City needs to present the results to the insurance company and it would be up to them if they wished to have another study done at their own expense in order to repudiate it.

- The City needs the gym fixed right so we need to get the engineering study done.
- He asked Mr. Gallup if he was right that it was basically an erosion issue and Mr. Gallup said that as they looked further into causes, they found other things that contributed to the problem. He said the water damage has been identified and they know how to address that. In this contract the engineers will be peeling back the layers to look at the foundation and fix the wall. If we do not get that done, in two years there will be reoccurring problems.
- He said he was hoping that it could be proved that hurricane winds caused movement in the foundation which caused the rest of the problems. He recommended going forward, even though it would cost a good bit of money and there would be no guarantees we would get money back from the insurance company, because the study would also allow the repairs to be done correctly. Mr. Gallup said Commission approval would allow them to get started on the work and then write the report. He expected to get the report in three or four weeks and then they can prepare the documents for filing with the insurance company and come up with a repair program that will not be a band-aid fix.

Commissioner Howell asked the following questions:

- She asked if it would come back to the Commission for a vote on the various things like the painting when this is done. Mr. Gallup said they would bring back to the Commission a cost estimate of the most critical elements and the scope of work and at that point the budgetary questions would need to be answered. The work would be done over the next three to five years. He compared it to the work done at the airport though the airport buildings had been torn down and there were no plans to tear the gym down. They were going to prepare the building so that it no longer suffered failures and would not be under constant need of repair.
- She asked if we would go out for bid once we knew what needed to be done and Mr. Gallup confirmed.

Commissioner Carter made the following comments:

- He was disappointed because according to the tracking report he thought they were going to get the numbers today. He asked if there was a statute of limitations for the insurance claim and Mr. Galloway said he did not know if there was or not. He said he would be more concerned with a contractual limitation than a statutory one and explained. Sandra Davis, Human Resources Director, said there was no contractual limitation. Commissioner Carter asked if that meant that 200 years from now we could still file a claim and Mr. Galloway said most likely not. Ms. Delmar said it would be harder to prove the longer you waited. Mr. Galloway said he couldn't say that definably and Commissioner Carter asked if that was something that needed to be answered before the Commissioners voted. Mr. Galloway said that as the Risk Manager Ms. Davis handles the insurance and he would defer to her.
- He asked how much money they were talking about from the insurance claim. Mr. Gallup said that we would be asking for the full cost from the insurance company but the rest would be a matter of negotiating with them. Mr. Galloway said his perception was that there were two purposes for getting the report; it would let the Commission know if it can pursue the insurance company; and the commission would know exactly what needed to be done in order to stabilize the building and go forward without a band-aid repair. If it ends up that there is a possibility of getting some insurance money, he said that would be like having icing on the cake. Commissioner Carter said he thought the primary purpose of getting the consultant engineers involved was to build a foundation and a case for the insurance company. He said what he was hearing was that the other benefit is that we will have a piece of paper prepared by a professional engineer of what they think needs to be done.
- He asked if they knew where the construction plans were. Mr. Gallup said staff has a set of plans but they do not have all the elements. Commissioner Carter asked how they would get an assessment for damages to the entire building without examining the entire building including the roof. Mr. Gallup explained they would be examining the identified problem areas, which were the barrel roof and vertical wall. Commissioner Carter said Mr. Gallup and staff had been working on

this since October and there had been items on the agenda and a workshop on it. He wondered what was taking so long. Mr. Gallup said it was like having a moving target for as they found things wrong they found other issues that they needed to go back and revisit. He then gave a detailed account of what had been done. Commissioner Carter said that he was a little concerned that the City was going to spend this kind of money with no guarantee that the information received would be accurate and no guarantee that it won't cost more than they say it will. Mr. Gallup said they would be getting a clear picture within a reasonable certainty of what needs to be done in the short term and long term and he went into further detail. Commissioner Carter said that after paying all this money they were not going to get information on how much it will cost to do the repairs and Mr. Gallup said that he felt confident that they would be reconfirming numbers that City staff already has. The scope of services is necessary before staff can get a competitive bid and they would seek the best price.

- He wanted to make it clear that this was something that the construction company could not do, for an example we couldn't send to the insurance company what a construction company said it would cost to fix. Mr. Gallup said the construction company can tell you how much it will cost to rebuild the wall but they would not do a structural analysis and give any guarantees. They would need the structural designs from an engineer. We would rather have our own engineer instead of the construction company's so that we can control the process.
- So far there had been limited contact between the City and the construction company and he wanted everyone to understand that for \$16,500 we would be getting one meeting and two telephone calls and we had better get it right the first time. Mr. Gallup said it would be a hands-on process and our lead facility employee would be on site. We will not just write them a check and walk out the door. Commissioner Carter said there were a lot of folks, including him, who are looking forward to these repairs. He said he wants the gymnasium back to its full use because it is probably the most widely used recreational asset the City has. He added that we need to fix it, do it right, and not drag our feet.

Commissioner Rogers said we needed to get the right information and fix it. He said he talked with Mr. Gallup several times on the subject, went through the gym inside and out, and many things he said concerned him, and what disturbed him was the vandalism that took place there. The walls must be sound and must be able to support the load of the roof and withstand wind damage and the only way this will happen is by having a constructual engineer that knows how to evaluate the situation. Even though he said he had some construction experience he would not attempt to evaluate what needed to be done at the gym.

Mayor Van Sickle said basically we were asking people with the expertise to tell us what needed to be fixed and about what it would cost, which is standard. He said that \$16,000 was frankly surprising and is not a lot of money. This is the only way we can do a good job and do it correctly which was exactly what was done on the 1919 building, identifying things not being done that should be. He said the time issue was because we don't have enough employees and the same people are doing several jobs. He said he appreciated the work that they do.

Commissioner Thornhill gave the hourly rate of a constructual engineer for doing just a floor.

Commissioner Thornhill a motion to authorize the limited constructual engineering analysis for the Kirkland Gym by the City approved engineer Kimley-Horn and Associates, Inc. in amount not to exceed \$16,500. The motion was seconded by Commissioner Howell.

By Voice Vote

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

Commissioner Carter "YES"
Mayor Van Sickle "YES"

The motion carried 5-0

Agenda Item 14. Appointment: Boards, Commissions & Committees

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointments will fill vacancies due to resignations, expirations of terms, newly established boards, etc.

RECOMMENDATION

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

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc. The City Commission is asked to make the appointments as deemed appropriate.

Airport Authority Board– Members are appointed by the City Commission. The Board consists of seven (7) members. At least four (4) members must be qualified electors of the City, and one member is a City Commissioner who is a non-voting member. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Two (2) vacancies: terms expire 07/01/13

Applying for appointment: None.

Applying for re-appointment: Robert B. Kelly, resident

Vacancies are due to the expiring terms of Ken Allen, Jr. and Robert B. Kelly. The Airport Authority Board recommended re-appointment of Mr. Kelly.

Commissioner Howell made a motion to re-appoint Robert B. Kelly to serve as a member on the Airport Authority Board for a term expiring on 7/1/2013. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Howell made a motion to re-appoint Barbara R. Follett to serve as a member on the Board of Zoning Adjustments and Appeals for a term expiring on 7/1/2013. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Code Enforcement Board – Members are appointed by the City Commission. The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, a realtor, an engineer, a general contractor, and a subcontractor. Members must be residents. (3-year term)

An interview process is necessary for new applicants only.

Three (3) regular vacancies: terms expire 07/01/13

Applying for appointment: None.

Applying for re-appointment: Wylene Kimbrough, resident
William L. Follett, resident

Vacancies are due to the expiring terms of Wylene Kimbrough; William L. Follett; and Juanita Branch.

Commissioner Howell made a motion to re-appoint Wylene Kimbrough and William L. Follett to serve as members on the Code Enforcement Board for a term expiring on 7/1/2013. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Thornhill asked the reason Ms. Branch did not apply for re-appointment. City Clerk Clara VanBlargan said Ms. Branch decided not to serve a third term. Mr. Galloway said Ms. Branch commented at last night's Code Enforcement Board meeting that if no one else applied for her position she would reapply. She was giving someone else an opportunity to serve.

Depot Advisory Commission – Members are appointed by the City Commission. The Depot Advisory Commission consists of ten (10) members. At least six (6) members must reside in the City, and no more than four (4) members may reside outside the City. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Appointments will fill two non-city vacancies.

Two (2) non-city resident vacancies: terms expire 07/01/13

Three (3) resident vacancies: one term expires 07/01/12
two terms expire 07/01/13

Applying for appointment: Terry K. Mann, non-city resident
Art Falconer, non-city resident
Carolyn Welling Faiks, non-city resident

Applying for Re-appointment: Christine Waters, non-city resident

Current vacancies are due to the expiring terms of Christine B. Waters; Mildred H. Hall; and Sherry Phetteplace.

Commissioner Howell made a motion to appoint Terry K. Mann and Art Falconer to serve as non-city resident members on the Depot Advisory Commission for a term expiring on 7/1/2013. The motion was seconded by Commissioner Carter.

By Voice Vote:

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

The motion carried 5-0.

Historic District Regulatory Board – Members are appointed by the City Commission. The board consists of five (5) members, of which 50% of the members shall reside or own property within the City. Initial terms are staggered. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

An interview process is necessary for new applicants only.

One (1) regular vacancy: term expires 07/01/13

Applying for appointment: None.

Applying for re-appointment: None.

A vacancy is due to the expiring term of Gerald R. Benedict.

There were no applicants for this vacancy.

Housing Authority – Members are appointed by the Mayor and confirmed by the City Commission. The Housing Authority consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

Members appointed do not need to be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority.

There is no interview process requirement for applicants applying for appointment to this board.

Two (2) vacancies: terms expire 07/01/14

Applying for appointment: Karen Futch Schaefer, resident
Pedro Perez, resident
Leon Weech, resident

Applying for re-appointment: Sadie Anderson, resident
C. Deming Cowles, non-resident, holds a valid business license (business tax) issued by the City

Vacancies are due to the expiring terms of Sadie Anderson and C. Deming Cowles. Eddy J. Rivers, chairman of Housing Authority, recommends the re-appointment of Ms. Anderson and Mr. Cowles.

Mayor Van Sickle said that all the applicants who applied were good ones, which made it hard to make a decision. He then explained who he wanted to serve and why he chose them.

Mayor Van Sickle appointed Pedro Perez and Karen Futch Schaefer to serve as members on the Housing Authority Board for a term expiring on 7/1/2014. Commissioner Rogers and Commissioner Thornhill confirmed the appointments made by the Mayor.

By Voice Vote:

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

The motion carried 4-1.

Lakes Advisory Commission - Members are appointed by the Mayor and confirmed by the City Commission. The Lakes Advisory Commission consists of seven (7) members. At least six (6) members must reside in the City, and no more than one (1) member may reside outside the City. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Four (4) vacancies: one term expires 07/01/11
One (1) vacancy: three terms expire 07/01/13

Applying for appointment: None.

Applying for re-appointment: Magdalene Sarvis, resident

Current vacancies are due to the expiring terms of Nancy Kahler, who served three full terms; J. Reid Hardman; and Magdalene Sarvis.

Mayor Van Sickle appointed Magdalene Sarvis to serve as a member on the Lakes Advisory Commission for a term expiring on 7/1/2013. Commissioner Thornhill and Commissioner Howell confirmed the appointment made by the Mayor. ↖ 7/1/2013

By Voice Vote:

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

The motion carried 5-0.

Parks and Community Appearance Advisory Board - Members are appointed by the Mayor and confirmed by the City Commission. The Board consists of seven (7) members. A majority of the members shall reside or own property within the city limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. Members are appointed for terms of three (3) years, except that the initial terms of the members shall be staggered so as to provide two (2) vacancies at the end of each year. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Three (3) vacancies: terms expire 07/01/13

Applying for appointment: Danny Davis, non-resident, owns property in the city & holds business tax issued by the city

Applying for re-appointment: Heidi H. Gravel, owns property in the city

Vacancies are due to the expiring terms of Julie Seay; Heidi H. Gravel; and Todd Ullum.

FISCAL IMPACT

None. These are volunteer citizen boards.

Mayor Van Sickle appointed Danny Davis to serve as a member on the Parks and Community Appearance Advisory Board for a term expiring on 7/1/13 and to re-appoint Heidi H. Gravel to serve as a member on the Parks and Community Appearance Advisory Board for a term expiring on 7/1/13. Commissioner Thornhill and Commissioner Howell confirmed the appointments made by the Mayor.

By Voice Vote:

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

The motion carried 5-0.

[End agenda memo]

Agenda Item 15. Edward Byrne Memorial State and Local Law Enforcement Assistance Grant

Police Chief Gillis reviewed Agenda Item 15. The full staff memo is incorporated into the minutes.

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

RECOMMENDATION

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to apply for funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

BACKGROUND

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the Police Department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety.

This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$17,600.00 and if approved would be included in the 2010/2011 budget. Match is not required with this program.

The Police Department proposes to use these funds to continue the Lake Wales Community Safety Program and purchase in-car video camera systems. This equipment will allow law enforcement officers to effectively document traffic violations and enforcement activities. Additionally, it will provide valuable evidence that will enhance criminal prosecutions.

OTHER OPTIONS

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant.

FISCAL IMPACT

The Finance Department has reviewed this application and found no fiscal impacts as matching funds are not required.

[End agenda memo]

Commissioner Carter asked if \$17,600 was the maximum amount for the grant. Chief Gillis explained the competitive process of Police Departments in Polk County applying for the grant and said the money is allocated to each agency. This was the allocation funding amount agreed upon for Lake Wales. Commissioner Carter asked what other equipment would qualify for that amount of money such as the Motomesh which he thought would be a good way to decrease vandalism. Chief Gillis said that would be a good candidate for the next fiscal year's grant but the approval for this year's grant was for the video camera system. Ms. Delmar said they have used program funds for Motomesh in the past but that the in-car video cameras was considered to be high priority and explained why they were needed. Chief Gillis explained the new upgraded computer systems and said they were so much more reliable than the old systems that are presently in some of the police cars. Commissioner Carter asked if it was his opinion that getting the video camera systems was the best use of the money and Chief Gillis said he thought it was.

Commissioner Rogers made a motion to authorize the Police Department to apply for funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Rogers "YES"

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

The motion carried 5-0.

Agenda Item 16 . Discussion: City Commission Meeting Times & Communications and Petitions

The full staff memo is incorporated into the minutes.

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

Commissioner Carter has requested a discussion about City Commission meeting times and the placement of Communication and Petitions at both the beginning and end of the meeting agenda.

[End agenda memo]

Mayor Van Sickle said that Commissioner Carter had requested this item for discussion about meeting times and the placement of the Communications and Petitions portion at both the beginning and end of the agenda. He said the intent of Commission meetings is not only to get input from the public on items that are before the Commission but to perform the City business that needs to happen before the City can move forward.

Ms. Delmar explained that Commission meetings are the only method that the City has where staff receives policy direction from the City Commission and for Commission approval. Without these meetings we would not be able to accomplish the City's business.

Mayor Van Sickle said that in the past the Chair of the Commission was the one that could on occasion modify the agenda format, moving an item that may be requested by a Commissioner or someone else. For example, if one of the items has a large public turnout they might move that agenda item to the front in order to thin out the crowd. He asked Ms. Delmar if that was written anywhere that this was the responsibility of the Chair. Ms. Delmar said though that has been a practice, it is not contained in the Charter. The duty of the Mayor is to run the official meetings of the City and because the Mayor is the Chair person, it traditionally has been left for the Mayor to modify the format of the agenda. Typically, a change in format happens when we get a new Mayor.

Commissioner Carter said he realized that this was the only opportunity to conduct City business but it was also the only opportunity for citizens to ask questions or state their concerns before the Commission, so it was equally important. He asked that they discuss the two topics separately and start with the starting times for Commission meetings. He said that he did not have a preference to whether it started at 6:00 or 6:30. He said his concern was to make it more convenient for the public so more people could get involved. He said he would be interested in hearing what the other Commissioners thought and for the public's view if that was appropriate.

Commissioner Thornhill said the current time is fine with him. He did not think there had been a difference in attendance though they had the meetings at various times in the past. It basically is the same people who come and they will come whatever the time. If a citizen has a concern or there is a hot issue, people will be here no matter what the time the meeting is held. He said that many residents have plans for later in the evening like to go to a ball game or out for dinner and the earlier time would be better for them. He said he did not have a preference and he would be here whenever it was scheduled. He noted that the present time was 8:45 PM, and said if they had started the meeting at 6:30 instead of 6:00 it now would now be 9:15 PM.

Mayor Van Sickle said he did not have a problem with the 6:00 meeting time but he did have a problem with the 5:00 workshop starting time and suggested starting both the regular and workshop Commission meetings at the same time to prevent confusion. He did not think moving the meetings to a later start time would make a difference in the attendance because in the past it has always been the same individuals in attendance at the various times. He said that the City employees also needed to be considered because starting later will be just

more time for them to have to wait around. Some of them have other evening meetings they have to attend on other nights as well. If starting at 6:00 did not impact people, he thought it was a good time but he would like the workshop to be moved to 6:00. Ms. Delmar said the regular Commission meetings have to be set by ordinance but the Commission can set the times for workshop meetings.

Commissioner Howell said that if they were going to change the time for Commission meetings she would like to have it moved to 5:30 p.m. Then they could have the CRA meeting after the Commission meeting instead of before. She said the same people come all the time and if there was an issue pertaining to something a resident wanted to discuss it wouldn't matter if it was 9:00 in the morning for the people would be here.

Commissioner Rogers said he thought they needed to consider the staff, because some of them start their day at 7:00 a.m. or 7:30 a.m. and are not paid extra for having to stay late. He said that some of them have been here over 12 hours already and the meeting was not over. He said he could make his time adjustable to the other Commissioners or to the general public. He said he asked people on the street if they would come to a Commission meeting if it was set at a different time. Some said they never had been to a Commission meeting and had no intention of going to one. He found not one person who said they would come on a regular basis if we changed the time. He wanted to serve the public but many of the public was not interested in attending the meetings. Many said that when they get home from work, take a shower, get something to eat, turn on the TV and there was no way they would go to a Commission meeting. He saw no need in changing the time. He agreed with Commissioner Howell that if it was to change, it should be earlier.

Mayor Van Sickle asked if it was the consensus of the Commission to have all three meetings begin at 6:00 and it was. Starting July the City Commission meeting will remain at 6:00 and the workshop will be moved from 5:00 to 6:00 PM.

Mayor Van Sickle said that they would address the second section of the discussion, the Communications and Petitions portion of the meeting being at both the beginning and end of the meeting.

Commissioner Carter said that it would make it more accessible and more convenient for the public. He said he would like to hear comments from the other commissioners and from the public.

Commissioner Howell said that there would be nothing to keep people from talking at the beginning and the end. Commissioner Carter said he did not think it would be longer because some people would prefer to say what concerned them at the beginning so they then could go on to their other activities, and others would prefer to talk at the end. He said he would not be in favor of making it so we would be here until two in the morning but he did not see it as changing the length of the meeting. He said that Mr. Gallup had suggested that those who wanted to speak would fill out a form ahead of time with the topic and how many minutes they would like to speak. That would give the Commission an idea of what people want to speak on. Commissioner Howell said she did not have a problem with having it at the beginning and the end but she said she did have concerns that people would talk about the same thing both times. Commissioner Carter said that would be up to the Mayor to control. Mayor Van Sickle said they have had that problem before where someone would speak and then get back in line and speak again. Once you open it up to the public you really can't stop them. He said that having them write down what they want to speak about was a good idea. You could even group people who would be talking about the same subject. Commissioner Howell asked if that time would be for items not on the agenda and Commissioner Carter said it would be.

Commissioner Rogers said that most organizations he has belonged to opened up the floor for each item and he could not see letting people wander all over the agenda. You need to confine them to the items on the agenda and do like we are doing it now, addressing other things at the end. It makes no sense to have people speak at the end on an item that was already voted on. If they want to speak they should do it when the item is before the Commission.

Commissioner Thornhill said that if someone comes before the state legislature you have to fill out a form and they are called up to speak, which he thought was a good way. It might keep people from duplicating or

speaking on something already voted on. He did have a suggestion that there be public input on consent agenda items before it is brought to a vote.

Mayor Van Sickle said he tries to allow for public input but that not everything needed to be opened up to the public. He said in his opinion one communications and petition suffices. If someone has something that pops up in their head or has a comment on something that was just addressed, there is a public hearing in most instances for the first reading and it keeps the comments to the agenda items, which he thought was a good thing and not a bad thing. He said that many people contact him or one of the other Commissioners with their concerns before a meeting and that is needed. He asked if the Commissioners wanted to change it or leave it the way it is. Commissioner Carter said he would like to try it for a few meetings and see if it encouraged people to speak up and be involved. He said the public hearing before the consent agenda was also a good option.

Commissioner Howell asked that they try having it at both the beginning and end of the meeting during July and August to see if it would make a difference. She didn't think it would make a difference but it might and she did not think it would take much more time. The Mayor asked some of the residents who come to most of the meeting for their input.

Jack Neal, resident, said it was working out pretty well the way it is. They have time for comments after each item and then at the end.

Booker Young, resident, said he would like to keep it as it is.

Ms. Delmar asked what they were to do for the next meeting. The Mayor said they would leave it as it is and change the workshop meetings to 6:00 p.m.

CITY MANAGER'S REPORT

City Commission Tracking Report

Ms. Delmar said there were no changes to the tracking report except to announce there have been 38 noise citations issued.

Commissioner Howell asked Chief Gillis if the police were talking to the people on Lincoln Avenue warning them what would happen if the problems continue. Chief Gillis said that when appropriate the officers were giving warnings but if someone has been warned they are given a citation. He said he put a request in for signs to be placed on Lincoln Avenue detailing the state statute that it is unlawful so drivers will know that it is a state statute that is being enforced. Commissioner Howell realized that there were a lot of nonresidents that were being disrespectful and she wanted to make sure they knew what we were doing and that we would not tolerate it anymore. Chief Gillis said they also have a campaign blitz in the newspapers to educate people and those that don't heed the warning will get educated with a citation. Commissioner Howell asked if the officers were walking around and mingling with the crowd. Chief Gillis said the police officer assigned to that area on Friday through Sunday nights is mobile but there are a couple of them who are not and patrol around the perimeter in their cars. Between them they can identify who is contributing to the noise. Commissioner Thornhill said the noise was not just on Lincoln Avenue because he has heard it at McDonalds and the YMCA on Friday night. Chief Gillis said it was not just Lincoln Avenue but these were concerning the issue of complaints related to the noise.

COMMUNICATIONS AND PETITIONS

Rev. James Cleare, pastor of Allen Temple AME Church, and resident of 310 C Street, said he appreciated the presence of City staff and Commissioners who attended the City Spirit Program on May 22nd. He asked that the Ministerial Alliance and NAACP be invited to a workshop session so they could present some ideas for follow-up on issues that are of interest to all citizens of Lake Wales in order to move our City forward. Ms. Deimar said the July 13th workshop would be a good time and that a couple of the items on the agenda could be deferred. Commissioner Carter reminded them that the July 13th workshop would be at 6:00 PM.

Jean Scott, 306 Townsend Avenue, complained about the front entrance again. Ms. Delmar said it is scheduled to be cleaned quarterly but apparently that is not enough to keep up so she would change the schedule to bi-monthly.

CLOSED TO PUBLIC COMMENT

Commissioner Carter asked about an update on the sound system because there still seems to be a problem for some of the viewers. James Slaton, Information and Technology Director, said that the microphones were directional and yet he has seen Commission microphones pointed up or away from the speaker. He adjusted all the levels of the microphones to make sure they were even and checked the television to make sure they were all audible, which they were. He ordered some lapel mics and he said he would test those out at a couple meetings to see if that helps and if so they will get lapel mics for everyone. Commissioner Carter said there were suggestions that the Comcast equipment outside the building might be at fault because some people get no sound and in other areas the sound is fine. Mr. Slaton said that was information that he needed to have if he was to address the issue. He said they had no control over Comcast but if there are issues he can contact them. It was determined that three people in the City Manager Department would get detailed information from callers who have complaints about not hearing the Commission meetings and these three would get the information to Mr. Slaton. Commissioner Carter said that what he is hearing is that all the equipment in the building is working and may get better with the use of the lapel mics and that if people can't hear the sound at home it could be a Comcast issue and they need to call City Hall so the information can be collected and brought to Comcast.

Commissioner Thornhill thanked Beverly Pennington for the striped walkways. He said he already got a couple of phone calls saying that helped.


Mayor Van Sickle said he had been contacted about people parking on the sidewalks and asked if anything was done yet. Captain Quinn said he forwarded the request to the Public Works Director to have crosswalks painted at 12th Street and Carlton Avenue across from 12th Street. That will move the cars back about 20 feet from the crosswalk to allow more visibility. He assumes they are in the process of having that done.

There being no further business the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk