

The regular meeting of the Lake Wales City Commission was held on October 4, 2011 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter following the Invocation and Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None

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

[Meetings are recorded but not transcribed verbatim.]

MAYOR

Agenda Item 5. Proclamation: Maud Jackson U.S. Citizen Month, October 2011

Mayor Carter read a proclamation proclaiming October 2011 as "Maud Jackson U.S. Citizen Month." Maude Jackson accepted the proclamation.

Agenda Item 6. Polk Vision Update by Colleen Burton, Polk Vision Executive Director and Greg Littleton, Polk Vision Board Chair

Colleen Burton and Greg Littleton gave background information on the formation of Polk Vision and presented an update on their progress in trying to make Polk County a better place for everyone to live. They distributed their new color brochure that contains six strategic focus areas and gave examples of a few volunteer, task force accomplishments. They encouraged people to get involved in the Leadership Polk program, especially those who participated in Leadership Lake Wales, and asked that the Commission let the organization know if there is any way they can be of service to Lake Wales.

APPROVAL OF MINUTES

Agenda Item 7. September 20, 2011 Regular Meeting

Commissioner Thornhill made a motion to approve the minutes for the September 20, 2011 regular meeting. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 8. Ordinance 2011-22, Pain Clinic Moratorium – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

A moratorium on the approval of pain clinics is proposed in response to a request by two substance abuse organizations in Polk County. The moratorium will extend for 120 days or until regulations on pain clinics are enacted by the City. Several types of medical facilities are exempted from the moratorium. The proposed ordinance is similar to that enacted by Lakeland and other communities.

RECOMMENDATION

Staff recommends adoption of Ordinance 2011-21 following a public hearing.

Notice requirements have been met for a public hearing. A first reading of the ordinance was approved September 20, 2011. The City Commission discussed instituting a moratorium at its workshop in July and requested staff to prepare an ordinance for their consideration.

BACKGROUND

Two substance abuse prevention organizations, Inner Act Alliance and Stand-Up Polk, have asked the City to enact a moratorium on the approval of pain management clinics in order to help prevent "pill mills" from locating in the area.

The proposed ordinance is modeled after a Lakeland ordinance and is similar to those enacted in other Polk County cities. It calls for a moratorium on approval of new pain management clinics for a period of one hundred twenty (120) days or until such time as the City Commission adopts new regulations governing these types of clinics and expressly lifts the moratorium, whichever occurs first. (See Sec. 3 of the ordinance.)

Several types of pain management facilities are exempted from the moratorium, (See Sec. 2b definition of "pain management clinic.") including hospitals, surgical physicians, large publicly held corporations, clinics associated with accredited medical schools, clinics that do not prescribe or dispense controlled substances for pain treatment, and tax exempt clinics.

Responsibility for administering the moratorium would fall to the Department of Planning and Development. Under a procedure already in place, any change of use on a property must receive zoning approval prior to the processing of any permits or application to pay a business tax. Verification would be required if an exemption from the moratorium were claimed.

Research would be necessary to craft any regulations to allow lifting the moratorium.

OTHER OPTIONS

Decline to enact a moratorium and depend upon state regulations to address any issues with pain management clinics.

FISCAL IMPACT

Staff time will be required to enforce the moratorium, including creation of an exemption form and review of all new medical office applications for applicability.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-22 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, IMPOSING A TEMPORARY MORATORIUM ON THE PERMITTING OR APPROVAL OF NEW PAIN MANAGEMENT CLINICS WITHIN THE CITY OF LAKE WALES; ADOPTING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2011-22 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 9. Ordinance 2011-23 Amendment to Concurrency Zoning Regulations – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Adjustments are proposed to the requirements for reserving capacity in the City's sewer and water systems. Because of the economic downturn, most residential developments have been removed from the utility capacity queue at the developers' request and partial pre-payments of impact fees have been refunded. The amendment removes requirements no longer necessary for maintaining the queue and allows refund of remaining queue payments.

RECOMMENDATION

Staff recommends adoption of Ordinance 2011-23 following a public hearing.

Notice requirements have been met for a public hearing. A first reading was approved on September 20, 2011.

BACKGROUND

The utility reservation system was established at a time of high development activity to prevent over-commitment of sewer and water capacity and to require developer participation in financing water and sewer system expansions to serve their developments.

The reservation system requires a developer submitting residential development plans for review to "queue" for capacity with a 10% pre-payment of utility impact fees. Issuance of a site development permit for construction of roads, sewer and water lines etc. requires a utility services agreement with a secured commitment for all utility impact fees. A number of developments were queued by virtue of prior plan approval or by queue agreement. No developments progressed to an executed utility services agreement.

In the economic downturn, the capacity queue has all but dissolved. Many plans have expired, and the developments have been removed from the queue at the developers' request. Partial pre-payments of impact fees, paid with the queue agreement, have been returned.

Only one development remains in the queue with a pre-paid agreement. LM Properties was required to queue for 17 lots in Sunset Pointe II (Sunset Drive) for which capacity had not been reserved under the prior system. The development was the only development that had already been issued a site development permit at the time the new system went into effect. The amendment will remove the requirement for a utility services agreement prior to platting of remaining lots in the development and will allow a refund of the pre-payment of \$9,584.60. The amendment does not exempt the development from payment of impact fees; the fees will be required with the issuance of building permits for individual lots.

The refund will address auditors' concerns about retaining fees over an extended period with no development activity and will simplify the task of tracking deposits and capacity reservations.

The amendment will also remove now irrelevant language pertaining to developments that began review under the prior system. The basic system of requiring residential developments to reserve capacity will remain intact. However, amendments will be brought forth in the future to clarify and improve the system.

OTHER OPTIONS

Make no amendments to the system. Sunset Pointe II will remain in the queue as a unique development.

FISCAL IMPACT

There is no net fiscal impact to the City. Impact fees will be paid by all developments as required.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-23 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, SECTION 704 - CONCURRENCY REVIEW PROCESS TO REMOVE THE ONE-YEAR EXPIRATION FOR RESERVATIONS OF CAPACITY AND TO ELIMINATE THE REQUIREMENT FOR A UTILITY SERVICES AGREEMENT FOR DEVELOPMENTS FOR WHICH SITE DEVELOPMENT PERMITS HAVE BEEN ISSUED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Mayor Carter asked for confirmation that residential developments will still have to pay impact fees if the ordinance is passed. Planning and Zoning Director Margaret Swanson confirmed and said the provision being eliminated applies only to one development that was halfway through the approval process when the new system was instituted. Because staff feels it is no longer necessary to hold them to the reservation requirement, they would like to return their payment. Just like everyone else, they will have to pay the impact fees when they pull their building permit.

Commissioner Thornhill made a motion to adopt Ordinance 2011-23 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10. Ordinance 2011-24, Amendments to Chapter 12, Health, Sanitation, Nuisances – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

In March of this year the Code Enforcement division was reassigned from the Police Department to the Department of Planning and Development. As a result a review of Chapter 12 was undertaken to clarify and update cross references as well as remove redundancies that were found in the chapter.

RECOMMENDATION

Adoption of Ordinance 2011-24 upon Second Reading following a public hearing. Public notice requirements have been met.

BACKGROUND

Commission approved Ordinance 2011-24 after first reading at the September 20, 2011 meeting. Staff in consultation with the City Attorney is proposing amendments to Chapter 12 Health, Sanitation, Nuisances in light of the reassignment of the Code Enforcement Division to the Department of Planning and Development from the Police Department. These changes eliminate redundancies and correct cross-references.

SECTION 1: Division 2. Debris, Weeds, Wild Growth and Unsanitary Conditions

Sec. 12-36 is re-lettered for clarity

Sec. 12-39 is removed – Property owner rights are covered in Section 12-211 and 12-217.

For housekeeping purposes section 12-40 and 12-41 are renumbered 12-39 and 12-40 respectively.

SECTION 2: Division 4. Abandoned, Wrecked, Junked Property

Sec. 12-71 a correction is made to change reference from "above" to "below" in the definition of vehicle.

Sec. 12-76 is removed because the Code Enforcement Board does not have appeal authority. An appeal would go to the Board of Adjustment and Appeals or to the circuit court. This is covered in Sec. 12-217.

Sec. 12-77 is removed because the procedure for disposition of a vehicle is clearly covered in §705 Florida Statute.

For housekeeping purposes section 12-78 and 12-79 are renumbered 12-76 and 12-77 respectively.

SECTION 3: Article III. Code Enforcement Division 1, Generally

The select few code references have been removed as code enforcement may be applied across the code of ordinances in its entirety.

SECTION 4: Division 2. Enforcement Procedure

Sec. 12-211 subsection (b) is amended to correct cross references with state statutes.

Sec. 12-216 is amended to provide reference to §162.12 Florida Statute as to avoid any conflict if updates occur at the state level.

Sec. 12-217 is amended to provide specificity for appealing a Notice of Violation and/or a Final administrative order issued by the Code Enforcement Board.

SECTION 5: Division 3. Supplemental Enforcement Procedures

Sec. 12-221 is amended to correct reference with Florida Statute.

OTHER OPTIONS

None, the amendments to the ordinance are proposed to remove redundancies and correct references.

FISCAL IMPACT

None

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-24 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 12, HEALTH, SANITATION, NUISANCES; CLARIFYING CONDITIONS, CONSOLIDATING RIGHTS OF PROPERTY OWNERS, UPDATING CROSS REFERENCES WITH OTHER SECTIONS OF THE CODE OF ORDINANCES, REMOVING REDUNDANCIES, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance 2011-24 after second reading and public hearing. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 11. Ordinance 2011-25, Prohibiting Expenditures on Private Entities; Ordinance 2011-26, Reducing Length of Commission Terms; and Ordinance 2011-17, Establishing Single-Member Districts – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Three proposed charter amendments have been prepared at the request of Commissioner Rogers. Approval of these ordinances will place them on the April 3, 2012 Commission Election ballot.

RECOMMENDATION

If the Commission wishes these proposed amendments to be considered by the voters, it is recommended that the City Commission approve each ordinance after first reading.

BACKGROUND

At the request of Commissioner Rogers the following charter amendment ordinances were prepared:

1. Ordinance 2011-25 - Spending city revenues on private individuals, organizations, and businesses will be prohibited. This prohibition will not apply to payment for goods or services purchased from a private entity or provided by a public entity in accordance with a contract that has been authorized by the city commission.
2. Ordinance 2011-26 - The terms of the mayor and the other commission members will be reduced from the current four years to two years, beginning with the election in April 2013.
3. Ordinance 2011-27 - Only voters residing in the geographical district represented by a specific commission seat will be entitled to vote in an election to fill that seat. Currently, all voters are eligible to elect commissioners to fill all five commission seats. If this amendment is adopted, commission districts represented by seats two through five will be single-member districts. Seat one is the mayor's seat and will remain an at large district.

If these ordinances are adopted by the City Commission, they will be placed on the April 3, 2012 ballot for consideration and ratification by the voters.

OTHER OPTIONS

Do not adopt these proposed charter amendment ordinances.

Supporters of the charter amendments may utilize the initiative process described in Section 8-27 of the city election code to place them on the ballot for consideration by the voters. The initiative process has specific rules that must be followed and includes the requirement for petitions to be signed by 15% of the registered voters at the last city election. In April 2011, there were 7,538 voters; 15% of this number is 1,131. The petition process must be completed by early December in order to place these amendments on the April 2012 ballot.

FISCAL IMPACT

None

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-25 by title only.

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF LAKE WALES TO PROHIBIT THE EXPENDITURE OF CITY REVENUES ON PRIVATE INDIVIDUALS, ORGANIZATIONS, AND BUSINESSES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN ELECTION IN WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THESE CHARTER AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rogers said he was asked by residents to bring an ordinance before the Commission requesting that it be put on the ballot so residents would have a chance to vote on whether or not they want tax money to be given to private businesses and organizations. He said he had no personal objections to having it put on the ballot as it was a citizen privilege to do so.

Commissioner Howell said the City does not stand on a corner handing out money but giving grants is a way to give back to the community. She asked if this ordinance would eliminate in-kind donations and things like Andy Easton's grant writing, our City Attorney, the Little League's maintenance contract, and Kimbrough and Associates, all private businesses and organizations. City Manager Judith Delmar responded that it would not apply to payments for goods or services purchased from a private entity, and contracts approved by the Commission.

Commissioner Rogers read an amendment he wanted to add to the ordinance that he thought would clarify things:

"The expenditure of city revenues on private individuals, organizations, and businesses is prohibited regardless of the course of the revenues. This provision does not prohibit the city from providing financial support for events commemorating national and state holidays, nor does it apply to the payment for goods or services purchased from a private entity or provided by a private entity in accordance with a contract that has been duly authorized by the City Commission."

Commissioner Thornhill noted a correction to the ordinance; the year 2011 had an extra zero that needed to be removed. He said City government is a service organization that provides things like infrastructure and safety and it is not its job to hand out money. But, he said he had no objection to putting it before the people to let them decide, though he thought the ordinance would make the budget process easier for them if passed.

Commissioner Wojcik said a lot of time and energy had been spent by the Charter Review Committee when it brought its recommendations to the previous City Commission. The public had a chance to vote on those that were put on the ballot, and those that passed have not even been implemented yet to see how they work. Now more energy and time will be spent on other ideas. As far as this particular ordinance, she said she saw no purpose for it because the City Commission could simply give the Senior Center, for example, the same \$6,000 they requested for a grant by calling it a contract for providing educational opportunities for our senior residents. She did not see much difference. The problem comes when there is not enough money to support all the organizations the City could or even should be supporting if it had the funds. She said the Commission sets policies after looking at things like the budget, the CIP, the money available and the economy, and they will continue to make these type policy decisions even if this ordinance is passed.

Mayor Carter asked if the proposed ordinance would prohibit the City from giving grant money to any organization. Commissioner Rogers said the amendment allows for contractual services. Commissioner Wojcik agreed and said therefore there would be no point in having the ordinance as the Commission would still have to debate whether or not each organization would get a contract instead of a grant. It would only take a majority of Commissioners to agree to approve a contract for services. Commissioner Rogers said he thought it would take a lot of pressure off the City Commissioners if they had a prohibition against giving to organizations because there are many very worthwhile organizations that ask for support and it is hard to turn them down. He said the Commission's focus should not be on grants but on the failing infrastructure, and those streets and alleys in bad shape, though he thought the people should be allowed to decide. If the majority of people vote it down and want to continue the grant program then he thought it was their prerogative. He said it was not only wrong but should be illegal to ask City Employees to take two weeks without pay so the Commission can give the money to organizations. Commissioner Wojcik said the Commission didn't vote to do that and Commissioner Rogers said they were close.

Mayor Carter said he was not in favor and he did not think this ordinance was needed because the budget was passed without the grant money, demonstrating that the City Commission can be tight and frugal. He said it was the Commission's job to make policy decisions on how the money is spent on a case by case basis. It is what they are elected and paid to do, and if they are not doing their job they should be voted out of office. He said he thought the ordinance was problematic and once put in place they would have to wait until the next elections to get it reversed. Until then, the Commission would have its hands tied.

OPENED TO PUBLIC COMMENT

Jack Neal, 435 E. Central Avenue, asked how much it would cost to add the ordinance to the ballot. Commissioner Rogers said it cost nothing. Mr. Neal said he did not think the ordinance was needed.

Ed Bowlin, Circle Drive, spoke in favor of the ordinance because he did not think tax dollars should be used for private organizations or individuals. He said there is a problem in this area and controversy tells you that there is a problem. He asked that the public be allowed to decide.

Mimi Hardman, 300 S. Lakeshore Blvd. spoke in favor of letting the people decide.

CLOSED TO PUBLIC COMMENT

Commissioner Rogers made a motion to approve Ordinance 2011-25 after first reading. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

Commissioner Wojcik
Mayor Carter

"NO"
"NO"

The motion failed 3-2.

Ms. VanBlargan read Ordinance 2011-26 by title only.

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF LAKE WALES TO REDUCE COMMISSION TERMS FROM FOUR YEARS TO TWO YEARS; SPECIFICALLY, AMENDING SECTION 3.05 TO REDUCE THE TERM OF MAYOR FROM FOUR YEARS TO TWO YEARS; AMENDING SECTION 8.07 TO REDUCE THE TERM OF COMMISSION MEMBERS FROM FOUR YEARS TO TWO YEARS; AMENDING CHAPTER 8, LAKE WALES CODE OF ORDINANCES TO IMPLEMENT CHARTER AMENDMENTS PROVIDED BY THIS ORDINANCE, TO WIT, AMENDING SECTION 8-18 DATE OF ELECTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN ELECTION IN WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THESE CHARTER AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rogers said the residents who spoke with him said they wouldn't mind serving on the Commission for two years but four years was too long because they had business, family or other commitments. He said he didn't know if changing the term to two years would get more people interested in holding public office or not but he thought the public should have the opportunity to decide.

Commissioner Wojcik said she agreed that they should have the opportunity to vote but preferred that they go through the required petition process to make sure it is an initiative of the public and not one or two residents. She said this was one of the items discussed by the Charter Review Committee and it had not been one that they chose to be brought forward.

Commissioner Thornhill said this item was brought up last year and at that time he thought two years was too short as it takes that long just to learn their job. He agreed that the public should vote but reminded the Commissioners of the petition process they went through for the Rails to Trails initiative after it was voted down by the Commission and said that approving it now would save time and money.

Mayor Carter said the Charter Review Committee went through this before and it had not been brought forward. He said he believed two years was not enough time as they are just getting used to what is going on and they would be spending all their time just trying to be reelected. He said that many elected offices all over the country use the four-year term including the president and governors.

Commissioner Howell said the citizens already voted on this and their voice was heard so she didn't know why it would be brought up again, especially seeing as what they voted won't even be implemented until 2013. She didn't think they should vote on it again just to be voting on it.

OPENED TO PUBLIC COMMENT

Ed Bowlin, Circle Drive, said that the two year term issue was not brought before the people but to the Commission. As far as bringing issues back up, government is a slow process and always working toward perfection. So, we need never give up on an issue just because it did not pass the first time. The most important part of the United States Constitution is the first ten amendments, the Bill of Rights, which limit the powers of the U.S. federal government.

CLOSED TO PUBLIC COMMENT

Commissioner Rogers thanked the Commission for hearing him out. He said he was not ashamed of bringing this up because when people ask him to present something to the Commission he is obligated to do so.

Commissioner Rogers made a motion to approve Ordinance 2011-26 after first reading. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion failed 3-2.

Ms. VanBlargan read Ordinance 2011-27 by title only.

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF LAKE WALES TO ESTABLISH SINGLE MEMBER DISTRICTS; SPECIFICALLY, AMENDING CHARTER SECTION 3.01 TO DELETE LANGUAGE RELATING TO ELECTION AT LARGE; AMENDING SECTION 8.03 TO PROVIDE THAT CANDIDATES FOR CITY COMMISSIONER SEATS TWO THROUGH FIVE SHALL BE ELECTED ONLY BY VOTERS RESIDING IN THE DISTRICT REPRESENTED BY THE SEAT TO WHICH THE CANDIDATE SEEKS ELECTION; AMENDING SECTION 8.06 TO PROVIDE THAT, IN ADDITION TO VOTING FOR A COMMISSION MEMBER TO FILL SEAT ONE, ALSO KNOWN AS "THE AT LARGE SEAT," EACH ELECTOR SHALL BE ENTITLED ONLY TO VOTE FOR ELECTION OF A COMMISSIONER TO THE SEAT REPRESENTING THE DISTRICT OR AREA IN WHICH THE ELECTOR RESIDES; AMENDING CHAPTER 8, LAKE WALES CODE OF ORDINANCES TO IMPLEMENT CHARTER AMENDMENTS PROVIDED BY THIS ORDINANCE, TO WIT, AMENDING SECTION 8-36(b) ELECTION TO COMMISSION SEATS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN ELECTION IN WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THESE CHARTER AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Rogers said that the people who came to him about this item spoke in favor of single-member districting because they thought their viewpoint was not always represented in the present system and they thought this would give them better representation. He said they have had an at-large system in Polk County for 45-50 years and Lakeland controls who the county commissioners and school board members are.

Commissioner Howell said Lake Wales is a small city and she did not think single-member districting was needed. She said a single-member district system would give the commissioners the idea that their district was all they should fight for and not for the good for all Lake Wales. Residents may feel more comfortable talking to a commissioner from another district and that commissioner may refuse to talk to them because they are not from the district they represent. She said it would cause too many problems if no one from a district was found to run for office.

Commissioner Thornhill said he was in favor of single-member districting and cited the single-member district he grew up with in Pensacola that worked well and an experience he had while running for Polk County Commissioner with an at-large system that did not work well, as examples. He said that just because you were a single-member Commissioner would not mean you wouldn't listen to other citizens or that you would refuse to take phone calls from other districts.

Commissioner Wojcik gave an example of her experience with single-member districting that did not work, one that became very political, where commissioners were approving things not in the best interest of the city and were paying off some of their constituents with special privileges. But she said that if the community wants to vote on any issue, they should go through the petition process to have it put on the ballot.

Mayor Carter said he was not in favor of this ordinance as he saw no problem with the way it is. He said one problem with the single-member system is you could have five commissioners living side by side on one street.

OPENED TO PUBLIC COMMENT

Jack Van Sickle, 4060 Ashton Club Drive, said you would never have five commissioners living next door to one another because there is only one commissioner elected from a district. He said his opinion has changed since voting on this issue four or five years ago because of the recent Charter Amendment that will take effect in 2013 where the Mayor is elected from anywhere in the city by everyone in the city instead of only from the pool of seated commissioners beginning 2013. Mr. Van Sickle said to let the electorates decide how they want their government run.

Ed Bowlin, Circle Drive, spoke in favor of the single-member district.

CLOSED TO PUBLIC COMMENT

Commissioner Thornhill made a motion to approve Ordinance 2011-27 after first reading. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion failed 3-2.

Mayor Carter asked that Agenda Item 14 be discussed before Agenda Item 12.

Agenda Item 14. Engagement Letter: Webber Feasibility Study on Recreation in Lake Wales

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

This is a proposal from an MBA practicum group at Webber International University to review recreation services in Lake Wales and provide recommendations on possible improvements.

RECOMMENDATION

Staff recommends approval of the proposal and authorizing the Mayor to sign the engagement letter.

BACKGROUND

A group of students from Webber International University have submitted a proposal to research the recreation services in Lake Wales to determine what needs are and are not being met. This research will include recommendations on short and long term needs. This consultation will be done at no charge to the City. A presentation was made to the Recreation Commission on September 19 and this proposal was supported by the members. This project would be complete approximately in February.

OTHER OPTIONS

Do not approve the proposal.

FISCAL IMPACT

None

[End agenda memo]

Kerri McLaughlin; Whitney Hayes; and Daniel Perkins, students from Webber University, gave a presentation.

Mayor Carter said this would take advantage of Webber University's expertise. He asked for a timeline and was told it would be completed by the end of February, giving the students 20 weeks to accomplish their goals.

Commissioner Wojcik asked if they would be working predominately with the Recreation Commission and they said they would be. She asked if they would be looking at what other communities are doing and was told they would be looking at programs offered by similar sized communities like Haines City and Winter Haven. Commissioner Wojcik suggested that they talk with the City Manager in Lakeland as their funding program might be useful to Lake Wales.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Howell made a motion to approve the proposal for the Webber Feasibility Study and authorizing the Mayor to sign the engagement letter. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

ORDINANCE PLACED ON THE AGENDA BY CITY COMMISSIONERS

Mayor Carter asked for discussion on ordinances placed on the agenda by City Commissioners before discussing Agenda Item 12.

Mayor Carter asked for a "ladies and gentlemen's agreement" that in the future the City Manager is not asked to craft an ordinance until after the Commission discusses it and a favorable consensus is reached so that her time is not wasted, or money if prepared by the City Attorney, if there ends up being no support for that ordinance to move forward.

Commissioner Wojcik said she is not sure that a "ladies and gentlemen's agreement" is really what we want. A policy should be set that before directing staff to devote significant amounts of time, or significant

amounts of dollars for the attorney's time, a Commissioner should have to make sure the consensus was to go forward with it, but not necessarily to approve the details after it is brought forward.

Mayor Carter said Ms. Delmar told him today that setting a policy would require an ordinance to be drafted and passed and he was thinking of something not so strong; just an agreement from the five of them, leaving it up to the next Commission to decide for itself. He said the agreement would not keep a Commissioner from asking that an ordinance be prepared, but just to wait and make sure the consensus justifies the exorbitant amount of time it will require to bring forward an ordinance.

City Attorney Chuck Galloway said that under the Charter the only avenue a Commissioner has for the preparation of an ordinance is through the City Manager and not staff.

Commissioner Wojcik said she thought the agreement should include other things besides preparing an ordinance, like anything the City Manager is asked to do that requires a lot of research and significant amount of staff time. She said it was one thing to ask a question or discuss something on the agenda with the City Manager, but a completely unanticipated idea should be discussed first because it may never move forward at all. If there is a consensus to move forward the City Manager would be asked at that time to do the research and gather the needed materials. Mayor Carter said that would be a tough one to define because he would not know where to draw the line and wouldn't know if it would take five minutes or five hours.

Commissioner Rogers said he did bring the issue before the City Commission and asked the City Clerk to read that portion of the September 20, 2011 regular meeting minutes where he did so. The City Clerk read as follows:

"CITY COMMISSION COMMENTS

- Commissioner Rogers asked Ms. Delmar to draft an ordinance for the following three items to come before the City Commission for possible placement on the April 2012 ballot for voter consideration:
 - An amendment to the Charter prohibiting the expenditure of city revenues on private individuals, organizations, and businesses, from whatever source derived.
 - For an amendment to the Charter establishing two-year terms for all commissioners and mayor, with elections to be held on even-numbered years.
 - For an amendment to the Charter establishing single-member districts."

Commissioner Wojcik said they were asking that these type things be discussed before preparation time is expended. Commissioner Rogers said that was a form of censorship and that he had a moral obligation to do as the public requested. He said it cost a lot of money and takes many man hours for residents to gather all the needed signatures for a petition when the Commission could simply have it put on the ballot.

Commissioner Howell said all they were saying was that it should be discussed first. She gave the following hypothetical scenario: A Commissioner decides it may be more economical to have police officers ride horses rather than drive cars. Instead of asking the City Manager to research the cost involved, do a comparison study and an analysis, the idea would be brought before the rest of the Commissioners for discussion first to see if there was agreement that the idea had possibilities. If three Commissioners say they would rather keep the cars, then all that time would not already have been wasted on the research. If at least three Commissioners think it is good idea, then the City Manager would be asked to do the work.

Commissioner Rogers asked if it has to come before the Commission before citizens can start the petition process. Ms. Delmar said that the petition process is first and if they obtain the right amount of signatures,

it will come before the Commission. The Commission will discuss it and vote whether or not to adopt it. If they vote not to adopt it, it will be put on the ballot anyway. She said there were certain bench marks that have to be met to allow time to get it on the ballot so Commissioners would need to give timely consideration.

Agenda Item 12. Renewal of Agreement with Lake Wales Little League

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

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

RECOMMENDATION

Staff recommends that the City Commission take the following action:

Approve the renewal agreement with Lake Wales Little League for the mowing and maintenance of the Little League fields and softball fields 1 & 2 at the Northwest Complex for the period October, 2011 through September 30, 2012 for an annual compensation of \$60,000.00.

BACKGROUND

The City of Lake Wales renewed its agreement with Lake Wales Little League, Inc. to mow and maintain the Little League fields (Barnes & Barranco) and the area between the fence and the edge of the surrounding roadway and to mow and maintain softball fields 1 & 2 at the Northwest Complex. The agreement began October 1, 2010 and will expire September 30, 2011. The agreement may be renewed for four (4) additional twelve (12) month periods upon the mutual agreement of both parties.

A clause for excessive use of electricity was included in the agreement for 2009-10 which states that the league cannot exceed 156,000 kilowatts in a twelve month period. The league has continued to remain under the not to exceed kilowatts. This clause is retained in the proposed agreement.

OTHER OPTIONS

Do not approve the renewal request

FISCAL IMPACT

Funding in the amount of \$60,000.00 for this contract is included in the FY11'12 budget.

[End agenda memo]

Public Services Director Teresa Allen reviewed Agenda Item 12.

Commissioner Rogers made a motion to approve the renewal agreement with Lake Wales Little League for the period October, 2011 through September 30, 2012 for an annual compensation of \$60,000.00. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 13. Interlocal Agreement with Polk County for Disaster Debris Removal Services

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The Interlocal Agreement allows Polk County to assist the City in emergency debris removal resulting from windstorm, hurricane or other natural disaster.

RECOMMENDATION

It is recommended that the City Commission approve the Interlocal Agreement with Polk County for disaster debris removal services.

BACKGROUND

The City does not have the resources necessary to effectively remove, stage, or transport the large volumes of debris created after a hurricane or other natural disaster. This Interlocal Agreement will allow Polk County to assist the City with debris removal when necessary.

FISCAL IMPACT

None.

OTHER OPTIONS

Do not enter into the agreement. The City will be required to enter into an annual contract with a private debris removal company to stand by in case a hurricane or other natural disaster occurs. This could cost the City more than it would if the City joins in the County contract, and the City would have to advance the costs of debris removal before emergency funding is available.

[End agenda memo]

IT Director James Slaton reviewed Agenda Item 13.

Commissioner Howell made a motion to approve the Interlocal Agreement with Polk County for disaster debris removal services. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

Mayor Carter

"YES"

The motion carried 5-0.

Agenda Item 15. Discussion: Legislative Delegation Hearing – October 10, 2011

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

This is a discussion of possible topics to be presented at the Legislative delegation hearing on October 10, 2011.

RECOMMENDATION

Staff recommends that the City Commission discuss possible topics or requests to be presented to the Polk County Legislative Delegation at its hearing on October 10, 2011.

BACKGROUND

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

A representative from the City will attend and present a list of issues of concern to the City of Lake Wales. Staff is seeking direction from the commission on what topics should be presented.

Possible discussion items suggested by staff include 1) requesting the funding of FRDAP grants as Lake Wales has two applications up for consideration; and 2) thanking Senator Alexander publicly for his support of Florida's libraries.

OTHER OPTIONS

Do not make a presentation to the delegation.

FISCAL IMPACT

None

[End agenda memo]

Special Projects Manager Jennifer Nanek reviewed Agenda Item 15.

Ms. Nanek was asked if she would be the Lake Wales Delegate and she said she was going anyway and could be if they so desired. Commissioner Rogers said he thought the Mayor should be the one to represent the City and he thought it was important that all of them get to know the County Delegation. Mayor Carter said he would attend and do his best to represent the City.

City Manager Judith Delmar encouraged the Commissioners that were available to also attend.

The following topics were added to the list presented by Ms. Nanek.

- That cities with populations under 20,000 get a higher percentage of county and state funds for things like education
- That the State closes the internet sales tax loophole

1 vacancy: 1 term expires 07/01/12
Applying for appointment: Wilena (Willie) Dawn Vreeland, resident
Applying for re-appointment: None

A vacancy is due to the passing of Ted Manley.

OTHER VACANCIES

Staff received no applications to fill the vacancies on the following boards, committees & commissions:

Bicycle/Pedestrian Advisory Commission	Historic Preservation Board
Depot Advisory Commission	Lakes Advisory Commission
Drug & Prostitution-Related Nuisance Abatement Board	Police Officers' Retirement Board
Historic District Regulatory Board	Recreation Commission

Board Applications are considered for appointment by the City Commission at various times of the year. Regulatory Boards require an interview process for all new applicants before being considered for appointment by the City Commission.

Applications are available from the City Clerk, Municipal Administration Bldg., 201 W. Central Avenue or can be obtained on the City's website at www.cityoflakewales.com.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for the board to obtain a quorum until vacancies are filled.

[End agenda memo]

Commissioner Howell made a motion to appoint James R. Boterf to serve as a member on the Board of Zoning Adjustments and Appeals for a term expiring 07/01/13. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Howell made a motion to appoint Wilena (Willie) Dawn Vreeland to serve as a member on the Code Enforcement Board for a term expiring 07/01/12. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

CITY MANAGER'S REPORT

City Commission Tracking Report:

Ms. Delmar reported no additions or changes to the Tracking Report.

Mayor Carter wanted to make sure City staff was aware that James Hahn was working on raising money for a sign at Spook Hill. Ms. Delmar and Ms. Bangley said they were aware of it. Ms. Delmar said that because it will be placed on City property it will have to go before the City Commission for approval. Commissioner Wojcik said she had talked with Mr. Hahn about the need for Commission approval so he is aware of the requirement.

Commissioner Rogers asked that this time, if the sign is put up, the City keep it maintained because several years ago trees and bushes were planted with the \$20,000 grant they got from Tallahassee to fix up Spook Hill. There was no irrigation so they all died, wasting all that tax money. Ms. Delmar said they did put irrigation there but it had been vandalized.

COMMUNICATIONS AND PETITIONS

Special Projects Administrator Jennifer Nanek showed the Commissioners one of the Legoland banners provided by the Visitor's Convention Bureau to be hung along the US 27 overpass.

CITY COMMISSION COMMENTS

There being no further business, the meeting was adjourned at 7:43 p.m.



Mayor/Commissioner

ATTEST:



City Clerk