

The regular meeting of the Lake Wales City Commission was held on April 17, 2012 at 6:00 p.m. in 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 at 6:03 p.m.

## INVOCATION

The invocation was given by Dr. Moyer.

## PLEDGE OF ALLEGIANCE

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

**COMMISSIONERS ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Terry Leary, 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: Municipal Clerk's Week; April 29 – May 5, 2012**

City Clerk Clara VanBlargan and Deputy City Clerk Jacquie Hawkins were presented a proclamation presented by Mayor Carter in honor of Municipal Clerk's Week.

### **Agenda Item 6. Official Results – April 3, 2012 City of Lake Wales Municipal Elections**

Mayor Carter read the April 3, 2012 Official Election Results into the record as follows:

For **Seat 5**, the total number of votes cast was **1,391** of which number:

Christopher <b>LUTTON</b>	798 Votes; 57.37%
John Paul <b>ROGERS</b>	593 Votes; 42.63%

For the **Charter Amendment** the total number of votes cast was **1,389** of which number:

<b>YES</b>	800 Votes; 57.60%
<b>NO</b>	589 Votes; 42.40%

City Clerk Clara VanBlargan reminded everyone that the swearing in of Commissioner-Elect Christopher Lutton and Mayor Carter will be 6:00 p.m., Tuesday, May 1, 2012 during the regular City Commission meeting.

Mayor Carter asked for the best procedure City Commissioners should use to gather information from staff. There was a lengthy discussion and the following consensus was made:

- If a Commissioner has a **question** or wants a **copy** of an **existing** document, it should go through the City Manager, City Attorney, or City Clerk, the three employees that work directly under the Commission. If these employees do not know the answer, or do not have the existing document, the question or request should go through them to the department head to supply the document or get the answer.
- If the information wanted does **not** presently exist and will require a great amount of **research** and **staff time** to produce, the request needs to be directed by the whole City Commission and not one member.



**STAFF RECOMMENDATION**

It is recommended that the City Commission approve Ordinance 2012-07 after second reading and public hearing.

The City Commission approved first reading of Ordinance 2012-07 on April 2, 2012.

**BACKGROUND**

Section 10-1 adopted the 2007 edition of the Standard Fire Prevention Code as the minimum fire safety standard for the city in 2009. Pursuant to Florida Statute 633.025 and Florida Administrative Code 69A-60.002, the Florida Fire Prevention Code is the minimum fire prevention code deemed adopted by each municipality, county, and special district with fire safety responsibilities. The 2010 Florida Fire Prevention Code has an effective date of January 1, 2012, which is triennial pursuant to F.S. 633.215. Therefore, Section 10-1 needs to reflect the statewide adoption to remove conflict and to allow for enforcement locally. Without local enforcement, any citations for non-compliance would require adjudication through the county court system.

**OPTIONS**

None. Approval of Ordinance 2012-07 will bring the City into compliance with Florida Statute

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-07 by title only.

**AN ORDINANCE AMENDING CHAPTER 10, FIRE PREVENTION, LAKE WALES CODE OF ORDINANCES, TO ADOPT STANDARDS OF SEC. 10-1 MINIMUM FIRE SAFETY STANDARDS; PROVIDING AN EFFECTIVE DATE.**

**OPENED PUBLIC HEARING**

There were no public comments.

**CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to adopt Ordinance 2012-07 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.

**NEW BUSINESS**

Mayor Carter moved Agenda Item 13 to allow those giving the presentation to leave earlier.

**Agenda Item 13. Polk County SE Wellfield Development Update by Polk County Utilities, Gary Fries**

Mr. Moran, Public Works Director, introduced Gary Fries, Utilities Director for Polk County, who gave a PowerPoint presentation about the challenges Polk County faces due to low river volume, groundwater limitations, and a water shortage in Lake Wales expected by 2021.

Mr. Fries explained the following possible sources of water that were identified in the Polk County Water Supply Plan of 2009:

- Surface water use from six rivers in or surrounding Polk County
- Groundwater
- More use of non-traditional water supplies to offset water shortage such as reclaimed water, and conservation which is the cheapest form of water supply use
- Opportunities through four regional projects in Osceola County, Orange County, Hillsborough County and Polk County
- Southeast Wellfield project with a total cost of 320 million dollars to be located south of SR 60 and southeast of Lake Wales, though the water quality is not as good and will have to be treated. A 40-year permit has been requested through SWFWMD for the building of a Water Treatment Facility. It will be done in three phases so that long-term financing through SWFWMD can be used along with potential funding from the district. This will reduce the cost to about \$3.50 per gallon.

Mr. Fries said that next year he will be asking Lake Wales for a money commitment based on water demand.

Mayor Carter asked what citizens and the City can do to step up conservation efforts. Mr. Fries gave the following suggestions and said if the City was interested in participating in these projects to contact his office:

- A project is in the works for contractors to evaluate residential irrigation systems and make recommendations, with the project paying for the improvements.
- The use of rain or soil sensors
- Using low-flow toilets
- Conservation seminars are available for organizations

Commissioner Wojcik requested moving Agenda Item 11 up because the City was paying the representatives for their time.

**Agenda Item 11. Transmittal of Comprehensive Annual Financial Report, For Fiscal Year Ended September 20, 2011**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Transmittal of Comprehensive Annual Financial Report for fiscal year ended September 30, 2011

**STAFF RECOMMENDATION:**

Accept the City's Comprehensive Annual Financial Report for fiscal year ended September 30, 2011 and independent auditors' report as presented.

Purvis, Gray and Company representative: Joseph J. Welch, C.P.A.

## BACKGROUND

In the independent auditors' report for the fiscal year ending September 30, 2011, the auditors stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2011, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

This is the third year that the City has prepared a comprehensive annual financial report (CAFR). A CAFR is a financial report that contains, at a minimum, three sections: 1) introductory, 2) financial, and 3) statistical, and whose financial section provides information on each individual fund and component unit.

### Financial Highlights

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$44,044,984 (*net assets*). Of this amount, \$3,797,383 (*unrestricted net assets*) may be used to meet the government's ongoing obligations to citizens and creditors.
- The City's total net assets increased by \$1,514,755. The governmental activities decreased by \$1,945,583 (8.67%), while business-type activities increased \$3,460,338 (17.22%).
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$6,849,589; a decrease of \$2,853,657 for the year. Approximately 35.12% is *available for spending* at the government's discretion (unassigned).

[End agenda memo]

Auditor Joe Welch from Purvis, Gray and Company gave a presentation on the 2011/2012 audit with the following points made:

- Again this year no significant deficiencies were reported in the internal control system, which they found to be adequate for the size of the organization, and which reflected favorably on Finance Director Dorothy Pendergrass and her staff.
- The general fund loss of \$532,000 was planned and therefore we still came in under-budget.
- The fund balance was 27% of general fund expenditures, well above the required 15% to 29%.
- No department overspent.
- There is a little wiggle-room in the fund balance but the challenge will come in the 2012/2013 budget.
- The Utility Department generated some profit that can be used for debt service and capital projects, and for the first time in a number of years has unrestricted cash at 17% of operating expenses, which is within the required 15% to 20%.

Commissioner Rogers complimented Ms. Pendergrass on her handling of the City's Finances and said they owe her a debt of gratitude. His comment was followed by applause.

Commissioner Howell asked if the report reflected the money that had been stolen from the City Account. Ms. Pendergrass said that all but the \$1,000 deductible was covered by either the City's insurance or through efforts of staff and the bank.

Commissioner Rogers made a motion to accept the City's Comprehensive Annual Financial Report for fiscal year ended September 30, 2011 and independent auditors' report as presented. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 9. Ordinance 2012-08, Amendments to Regulations on Leashing Dogs in Public Places – 1<sup>st</sup> Reading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Amendments to the Code are needed to allow dogs to be off-leash in the dog park on 9<sup>th</sup> Street. Current regulations require dogs to be on leashes at all times in parks and other public places.

**RECOMMENDATION**

Staff recommends the approval of Ordinance 2012-08 on first reading. A public hearing is not required.

**BACKGROUND**

The Code requires dogs to be on leashes at all times in public areas, including parks. The ordinance will make an exception for areas specifically designated for dogs to be off-leash, such as the proposed dog park at the city's 9<sup>th</sup> St. property.

In December, the City Commission authorized the development of a dog park as an Eagle Scout project by Ian Galloway. The park is located on the west side of 9<sup>th</sup> St. S. at the intersection of Grove Ave. The Catholic church is to the north and the Masonic Lodge to the south.

Installation of the fencing and water stations is underway. Two off-leash areas will be designated, one for dogs 25 lbs. and under, and the other for larger dogs. There will be a water station on each side of the park and a plastic bag dispenser for "scooping the poop."

Rules for the park have been approved by the city manager (as authorized under sec. 18-83 of the Code) to supplement general rules for city parks. As required, the rules will be posted at the entrance to the off-leash areas on a sign that has been ordered and will be funded by money raised for the scout project.

**FISCAL IMPACT**

Changing the leash law has no identifiable fiscal impact in itself.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-08 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTERS 6 AND 18 TO ALLOW DOGS TO BE OFF-LEASH IN A DESIGNATED DOG PARK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell read from the ordinance where it talks about the ordinance applying to other places in the City. She asked if there were other places in the City for this ordinance to apply. Assistant Planning and Development Director Kathy Bangley said that was included so that in the future, if another park was added, that section of the ordinance would not have to be modified again.

Commissioner Thornhill said he had been asked by residents if dogs could be "dropped off" at that location. Ms. Bangley said a dog handler was required and that it was not a doggie daycare.

Commissioner Howell made a motion for approve Ordinance 2012-08 after first reading. Commissioner Rogers seconded the motion.

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. Appointments – Housing Authority Board; Police Officers' Retirement Board**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**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.

The agenda item for appointment to the Housing Authority Board and the Police Officers' Retirement Board was pulled on February 21 in hopes of receiving additional applications.

**Note.** Leon Weech was recently appointed to the Code Enforcement Board. He also applied to serve on the Housing Authority Board and the Police Officers' Retirement Board and wishes to be considered for appointment. Mr. Weech understands that if he is appointed to serve on the Housing Authority Board he will not have to resign from the Code Enforcement Board but will have to resign if he is appointed to serve on the Police Officers' Retirement Board. He cannot serve on two regulatory boards for it will be considered dual office holding.

**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)

The member appointed does not have 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.

Mr. Al Kirkland, Jr., Executive Director of the Housing Authority, conducted an interview with each applicant and he is recommending Wanda Lawson for appointment to the Housing Authority Board. It is not mandatory that the Commission follow this recommendation. The Mayor received copies of each application to contact applicants for additional information.

One vacancy: term expires 07/01/14  
One expiring term, 07/01/12 new term expires 07/01/16

Applying for appointment: Helen L. Walters, resident & former member of the Housing Authority Board  
Wanda Lawson, resident  
Leon Weech, resident  
Janice Snell, resident

Applying for reappointment: Eddy Rivers, resident and current board member

The vacancy is due to the resignation of Pedro A. "Pete" Perez and the expiring term is that of Eddy Rivers.

Please see "**Note**" above.

Mayor Carter made a motion to reappoint Eddy Rivers to the Housing Authority Board with a term expiring 07/01/16, and appoint Janice Snell for a partial term ending 7/1/14. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

**Police Officers' Retirement Board** – Resident Members & 5<sup>th</sup> Seat Member are appointed by the City Commission. The board consists of five (5) members. Two (2) members must be legal residents of the City and two (2) members must be full time police officers employed by the Lake Wales Police Department. Resident members are appointed by the City Commission; police officer members are selected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the City Commission. (4-year term)

One (1) resident vacancy: term expires 09/30/14

Applying for appointment: Leon Weech, resident



The vacancy is due to the resignation of Ronald J. McDonnell.

Please see "**Note**" above.

Commissioner Rogers made a motion to appoint Leon Weech to the Police Pension Board for a partial term expiring 9/30/14. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

### **OTHER VACANCIES**

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

Bicycle/Pedestrian Advisory Commission (2 vacancies)  
Board of Zoning Adjustments and Appeals (2 vacancies)  
Depot Advisory Commission (2 vacancies)  
Drug & Prostitution-Related Nuisance Abatement Board (2 vacancies)  
Historic District Regulatory Board (2 vacancies)  
Historic Preservation Board (6 vacancies)  
Lakes Advisory Commission (1 vacancy)  
Recreation Commission (1 citizen vacancy)

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](http://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.

Commissioner Wojcik noted that as Leon Weech could not serve on more than one regulatory board, he could no longer serve on the Code Enforcement Board. She said she knew of a resident who was interested in serving on that board if Mr. Weech was appointed to the Police Officers' Retirement Board and that she will contact that resident to let him know so he can apply.

Mayor Carter made a plea for other residents interested in getting involved in city government to contact the City Clerk as there were many available positions.

[End agenda memo]

**Agenda Item 12. Presentation by Robin Gibson – The purpose will be to explore ways that the City and the Charter Schools can work as partners to benefit the City and enhance its tax base.**

Mr. Gibson was not present.

### **CITY MANAGER'S REPORT**

- City Commission Tracking Report:

City Manager Terry Leary asked the Commissioners when they would like to start a discussion on the FY2012/13 budget. Ms. Pendergrass said budget workshops were scheduled in August the past three years because the ad valorem numbers are not available until July 1<sup>st</sup>, but the process could be changed if it is the wish of the Commission.

Ms. Leary said she thought that would be too late and suggested they begin the discussion in June or in July at the latest, using estimates.

Commissioner Wojcik said that in light of the presentation given about the City's participation in the water plans, she would like them to discuss where the money will come from when we need it for the wellfield, along with other Utility CIP projects, at a workshop preferable in May, or the first meeting in June.

City Clerk Clara VanBlargan said there were no items scheduled for the workshops in either May or June.

Ms. Pendergrass said they could discuss the budget as early as they would like, as long as they understood that the discussions would be based on estimates because the revenue sharing from the state does not become available until June.

The consensus was to start a discussion on CIP projects and discuss policy at the May Workshop.

### **COMMUNICATIONS AND PETITIONS**

Leon Weech, 1229 Triangle Drive, thanked the Commissioners for the appointment to the Police Officers' Retirement Board, welcomed Commissioner-elect Christopher Lutton, thanked Commissioner Rogers for his term of service, the IT department for their work on the computers at the public library, and the Mountain Lake Community for providing new computers for the library.

Christopher Lutton, 437 S. 9<sup>th</sup> Street, asked that the workshop be moved to May 17<sup>th</sup> so he will be able to attend as the new Commissioner. Ms. VanBlargan clarified that the workshop would be the third Tuesday at 5:00 p.m.

### **CITY COMMISSION COMMENTS**

Commissioner Howell commented on two things:

- Commissioner Howell asked about the cameras and Wi-Fi capability and said it was her understanding that funds had been approved to extend the capability so that a citizen could connect from any location in Lake Wales. IT Director James Slaton said money had been spent on the purchase of nine cameras, but the cameras themselves don't provide Wi-Fi capability. There are six hot spots around town. Commissioner Howell asked for copies of the minutes where this issue was discussed when purchasing the cameras and approving the extension. The City Clerk said she would provide a copy to her.

Commissioner Wojcik said that several businesses had complained that they could not get enough service out of the Wi-Fi. Staff made it clear that the purpose of setting up Wi-Fi was not to replace Wi-Fi for individual businesses. Mr. Slaton said they have enhanced the speed of Wi-Fi downtown.

- Commissioner Howell said she was thinking about asking the City Manager to meet monthly with all department heads, who in-turn would talk to their staff, and make it clear that citizens must be treated by every city employee with professionalism and respect at all times, and that if ill treatment persists the department head as well as the offender will be suspended. Department heads need to control their staff and be held accountable so that complaints no longer are pushed under the rug. She didn't ask for a consensus at this time but asked that the other Commissioners think about it.

Ms. Leary said department heads meet regularly, not only on each Tuesday of a Commission meeting but individually throughout the week, to assess situations. If the department head doesn't take care of issues, she usually gets into it. She said she never had anyone refuse to look into anything in a timely manner when asked and she had no reason to believe it won't continue. But if it doesn't, she certainly will be on top of it and because it is her job to do so, she needs no further direction from the commission.

Commissioner Wojcik said that every Commissioner has a right to believe that every department treats every citizen with respect. She said if a Commissioner knows of specific instances, they can discuss it with the City Manager so she can deal with it by having the department head speak with that individual.

Mayor Carter said if customers are not being treated with respect, he thought it needed to be addressed right then.

In light of incidents that have occurred in the northwest community regarding complaints made by residents about, for example, the noise late at night, Commissioner Wojcik suggested that City staff meet with community leaders to talk about those concerns and enlist their help in solving problems.

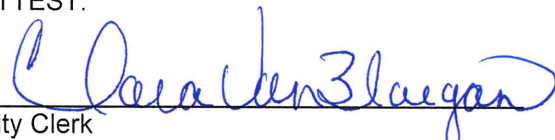
Mayor Carter said any time groups can get together to solve problems, it is a good thing.

Commissioner Howell said that would be great as long as something is done after the discussion.

There being no further business, the meeting was adjourned at 7:08 p.m.

  
\_\_\_\_\_  
Mayor/Commissioner

ATTEST:

  
\_\_\_\_\_  
City Clerk