

The regular meeting of the Lake Wales City Commission was held on May 1, 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 6:02 p.m.

INVOCATION

The invocation was given by Fire Chief James Brown.

PLEDGE OF ALLEGIANCE

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

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: Community Educator Week; May 7-11, 2012

Mayor Carter presented Spook Hill Elementary School teacher Commissioner Terrye Howell with a proclamation in honor of all teachers and their contribution to the betterment of the community on Community Educator Week, May 7-11, 2012.

OLD BUSINESS

**Agenda Item 7. Approval of Minutes: February 28, 2012, Workshop Meeting
April 17, 2012, Regular Meeting
April 3, 2012, Canvassing Board Meeting
April 5, 2012, Canvassing Board Meeting
April 13, 2012, Canvassing Board Meeting**

Commissioner Thornhill made a motion to approve the minutes as presented. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

CITY CLERK

**Agenda Item 7. OATH OF OFFICE: Commissioner Christopher C. Lutton
Mayor Michael S. Carter**

City Clerk Clara VanBlargan administered the Oath of Office to Commissioner Christopher C. Lutton.

City Clerk Clara VanBlargan administered the Oath of Office to Mayor Michael S. Carter.

MAYOR

Agenda Item 8. ROLL CALL

COMMISSIONERS PRESENT: Mayor Michael S. Carter; Jonathan Thornhill; Christopher Lutton; Betty Wojcik, Terrye Y. Howell

Agenda Item 9. APPOINTMENT OF VICE MAYOR

Mayor Carter nominated Commissioner Howell to serve as Vice Mayor. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 10. AWARDING OF PLAQUE: John Paul Rogers

Mayor Carter presented an appreciation plaque to John Paul Rogers on behalf of the City of Lake Wales and its citizens thanking him for the dedicated service in making this a better community. Mr. Rogers served as City Commissioner from 2008 – 2012, during which time he served as Vice-Mayor from 2009 – 2010.

Commissioner Rogers thanked city staff for their willingness to answer his questions, his fellow Commissioners for the respect shown to him during his four years, and God for allowing him to live in a land that gives citizens the opportunity to serve for the betterment of the community. He said the last four years were pretty rough but hoped the next four years would be better so employees could get a raise. He wished incoming Commissioner Lutton luck.

Agenda Item 11. PROCLAMATION: John Paul Rogers

The proclamation prepared for John Paul Rogers was not presented or read.

Agenda Item 12. ORIENTATION: "The Sunshine Law/The Law in Plain English," Training by Cliff Shepard, Esq.

An orientation video on the Sunshine Law was viewed by the City Commission as training for Commissioner Lutton and as a reminder to those already serving.

Commissioner Lutton clarified that though he and Mayor Carter were members of the Rotary Club, they do not sit together.

NEW BUSINESS

Agenda Item 13. Grant of Easement over Property Owned by the City of Lake Wales in Furtherance of the "C" Street Sewer Replacement Project

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

RECOMMENDATION

It is recommended that the City of Lake Wales approve the Grant of Easement in order to memorialize the easement for the subject project.

BACKGROUND

The "C" Street Sewer Project requires an easement over park property owned by the City of Lake Wales. The Grant of Easement is necessary in the event the City ever divests itself of title to the property to be burdened by the easement. An appropriate Grant of Easement has been prepared.

FISCAL IMPACT

There is no consideration to be given or received for this transaction. The cost of recording the instrument, \$18.50, is a part of the project cost for the sewer upgrade.

ALTERNATIVES

None.

[End agenda memo]

City Attorney Chuck Galloway reviewed Agenda Item 13.

Commissioner Howell made a motion to approve the Grant of Easement in order to memorialize the easement for the subject project. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 14. CDBG Contract with Envisors for the C Street Project

SYNOPSIS

Staff is requesting that the City Commission approve the CDBG contact with Envisors Engineering for the C Street Project CDBG area.

RECOMMENDATION

It is recommended that the City Commission approve the CDBG contract with Envisors in the amount of \$41,646.00.

BACKGROUND

The C Street CDBG contract has been prepared in support of the City of Lake Wales's proposed Lift Station No. 16 Service Area Sewer Replacement Project in accordance with the Department of Economic Opportunity (DEO) Community Development Block Grant (CDBG) document requirements. The proposed wastewater collection system improvements described herein consist of the replacement of the Lift Station No. 16 service area sanitary sewer system including replacement of the Lift Station No. 16 wet well.

As a result of recent sewer system back-ups and historical operation and maintenance difficulties experienced by City staff, the City of Lake Wales commissioned an engineering study conducted by Envisors (EVI) in 2010 to evaluate the suspected substandard sanitary sewer system contributing to Lift Station No. 16, which is located near the center of the City's utility service area. EVI's engineering study determined that the sewer system for this defined area is substandard due to substandard pipe slopes, pipe materials, and pipe cover. It is also suspected that a significant amount of inflow and infiltration (I/I) is also occurring throughout the system due to the substandard pipe materials and deteriorating manholes.

The City has submitted an application for CDBG assistance in funding this project. There have been extensive discussions between the Engineering firm and City staff in order to produce a document which meets the DEO, City and Engineering desires. Communication with Andy Easton (CDBG coordinator) indicates that if the contract is not submitted or if a different engineering firm is selected to take over the project, DEO award of the grant would be unlikely. The contract has been reviewed by the City Attorney, Financial Director and the Public Works Director. Therefore staff is seeking approval of the approval of the CDBG contract with Envisors in the amount of \$41,646.00 for the CDBG portion of the C Street Project.

OPTIONS

Should the Commission decide not to approve the contract, there is a high probability that the City would lose the \$750,000.00 grant.

FISCAL IMPACT

None

[End agenda memo]

Public Works Director Tom Moran reviewed Agenda Item 14.

There was a discussion concerning the phase areas depicted on a color map provided to the Commission as follows:

INITIAL CONTRACT:

- The initial contract included the designing and engineering of the whole project. It is laid out, permitted, and ready to go.
- Phase 1 was identified.
- At that time they did not know the funding sources but knew the possibilities were City money, CDBG, DEP and SRF funding

CONSTRUCTION PHASE 1

- **BLUE AREA:**
 - ENVISOR'S CONTRACT: The \$41,646 contract is for bid specs, and bid and construction documents resulting from three weeks of deliberation. It separates the CDBG area from the whole Phase I area.

- **CDBG DESIGNATED AREA:**
 - The blue area is the designated area set apart from the whole Phase I project, which is a CDBG requirement. It may be paid for with CDBG funds, if the City is awarded the grant.
 - Any money spent in the CDBG area before it is designated as a separate area will not be reimbursed.
 - The \$750,000 grant, if received, cannot be put into a joint fund for the whole project and can only be spent in the designated CDBG area.
- **ORANGE AREA:**
 - Funding through the roughly million dollar city fund

CONSTRUCTION PHASE 2

- **YELLOW AND BEIGE AREAS:**
 - Bid documents for Phase 2 have not been done yet.
 - If funded solely with SRF funds it will be bid out at one time.
 - If we get a CDBG grant for part of Phase 2, there will be two bids, one for each portion.
 - Phase 2 is not under a contract yet
 - Funding for Phase 2 will yet be determined but possibilities are:
 - SRF Funding
 - A future CDBG grant, applied for when Phase 1 is finished.
 - DEP funding with a line of credit for the whole project if CDBG is not awarded
 - If Phase 2 is only funded with a SRF loan, the yellow and beige areas will be done at the same time, but if other funding becomes available, the project will be divided into Phase 2 and Phase 3 with a separate bid and construction service for each.

Commissioner Howell asked Envisors representative Steve Elias what would be done to lift station 16 on North Avenue and Miami. Mr. Elias explained how they had to fix the inadequate slope by putting in a new wet-well five feet lower than the lift station.

Mayor Carter asked if there were any surprises and Mr. Elias said the problems getting easements were unforeseen. Commissioner Wojcik asked how they were coming along with obtaining the easements. City Attorney Chuck Galloway gave the following report:

- The titles to all 209 parcels have been examined.
- The initial correspondence required by CDBG has been sent to every owner by certified mail.
- Certificates of death have been acquired daily for the past three or four weeks for deceased owners not recorded in the public record.
- There are to date 20 files that will require Eminent Domain, though more are expected. To speed the process up they will be done at one time.
- Easements are being recorded daily as they come in.
- A second letter will go out to all owners with an explanation of what the City wants from them, describing such things as the square footage of the easement.

Mayor Carter asked if we were at the appropriate place on a timeline. Mr. Galloway explained that the contemplated timeline changed. He said they originally were told that the easements had to be acquired by August 1st and he just received an email from CDBG telling him it had to be done by June 1st. He said there was no way they would be able to meet that deadline due mainly because of the amount of time it takes to schedule court time for the Eminent Domain easements. Mr. Elias explained the reason for the change and said the project will therefore be delayed for six months but they could move forward with the blue area while they were waiting. Mr. Roger Homann explained the process and said they would need to ask Grant Administrator Andy Easton how the delay would affect the process and if they would need all the easements before they could start. Mr. Galloway said that because of the blue area, they have to follow CDBG guidelines for the whole project. He therefore did not know how the delay would affect the project.

PUBLIC COMMENT

David Smith, Babson Park, explained his confusion with the letter he received concerning obtaining the easement to his property. Mr. Galloway said the initial letter sent out stated that they were to contact Sarah Kirkland, Utilities Project Administrator, if they needed more information. He said he would send Mr. Smith the second explanatory letter that will eventually be sent to everyone.

Commissioner Thornhill made a motion to approve the CDBG contract with Envisors in the amount of \$41,646.00. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 15. General Employees' Retirement Board

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The appointments will fill two vacancies on the General Employees' Retirement Board.

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 appointment as deemed appropriate.

General Employees' Retirement Board – Resident & commissioner members are appointed by the City Commission. The board consists of five (5) members. Two (2) members must be employees who are members of the plan, two (2) members must be a resident of the City, own property in the city or have an occupational license issued from the City of Lake Wales, and one member is a voting City Commissioner. (4-year term)

One (1) resident vacancy: term expires 04/01/16

One (1) commissioner vacancy: term expires 04/01/16 or for the duration of his/her term as commissioner if it ends beforehand.

Applying for reappointment: Violeta Salud, resident

Vacancies are due to John Paul Rogers who will no longer be a City Commissioner in May and the third expiring term of Violeta Salud.

No person shall serve more than three consecutive terms on a single board, commission or committee. However, this limit on consecutive terms may be waived for members of regulatory boards and pension boards with the recommendation of the city manager where, in the sole discretion of the city manager, special circumstances exist which warrant the appointment of a particular member to an additional term. Due to special circumstances, the City Manager recommends the appointment of Ms. Violeta Salud to serve an additional term.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

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

[End agenda memo]

Commissioner Howell made a motion to reappoint Violeta Salud to the General Employee Pension Board for a term expiring 04/01/16. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

Mayor Carter expressed an interest in serving as the Commissioner member to the General Employees' Retirement Board and asked if anyone else had an interest in being on that Board.

Commissioner Howell made a motion to appoint Mayor Carter to serve as the Commissioner member to the General Employees' Retirement Board for the duration of his term as a City Commissioner [May 6, 2014]. The motion was seconded by Commissioner Lutton.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 16. Appointment of Representatives to the Ridge League of Cities' Board

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Appointments allow City representation on the Ridge League of Cities Board

RECOMMENDATION

It is recommended that the City Commission appoint a regular member and an alternate member to serve on the Ridge League of Cities. The appointments will take the place of regular member Commissioner Thornhill and alternate member and former Commissioner John Paul Rogers.

BACKGROUND

The Ridge League of Cities consists of 22 cities/towns whose representatives attend board and dinner meetings. The purpose of the league is to assist its members in promoting efficiency in local government, to educate members, and to discuss items of common interest.

OPTION

Do not participate and discontinue membership.

FISCAL IMPACT

Currently, representatives and attendees of the City of Lake Wales pay for their own meals and travel. Dinner meeting meal prices range from \$16.00 to \$30.00. Member cities are required to pay annual dues: population of less than 5,000 pays \$250.00 and population greater than 5,000 pay \$500.00. Dues are paid for this fiscal year.

[End agenda memo]

Commissioner Thornhill expressed an interest in being appointed again to the Ridge League of Cities Board.

Commissioner Lutton also expressed an interest in being on the Board.

Commissioner Howell made a motion to appoint Commissioner Thornhill to serve as the regular member to the Ridge League of Cities Board. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Howell made a motion to appoint Commissioner Lutton as the alternate member to the Ridge League of Cities Board. Commissioner Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

Mayor Carter asked why the City was not paying gas mileage and meals for things like the Ridge League of Cities when they are conducting business on the City's behalf. He commented that even consultants are paid mileage. City Manager Terry Leary explained that the expense had not been budgeted for a long while and that it could be put in next fiscal year's budget.

Commissioner Wojcik said it seemed to her that things like that should be covered for employees and Commissioners who represent the City and have to attend the meetings, though because it isn't in the budget this year, it might have to wait until the next budget. She commented that those who are just attending the dinners because it is their wish to do so probably won't mind paying for that meal and transportation.

Commissioner Howell said that when the nominee accepts a position, the Commissioner is agreeing to pay their own way, though she saw no problem with adding that to the next budget.

Commissioner Thornhill said he had no problem with paying his own way, but if he goes to the convention, which will cost quite a bit more, it should be covered.

Commissioner Lutton said that if a Commissioner volunteers to bring the City's point of view to things like the Ridge League Board, though it is not a lot of money because the meeting is only every other month, the representative should not charge the city for mileage. He said that all of the Commissioners do those type things as part of their Commission duties and don't charge the City. He commented that Commissioners are paid a small salary that should cover those type things.

Ms. Leary said it may not seem like a lot of money, but the Ridge League dinners average \$16 a meal and it may go up, so if the commissioners go every month, it adds up. But she agreed that covering the City representative and the backup if needed should be considered. She recommended discussing those type expenses when they discuss next year's budget.

Agenda Item 17. Scheduling of Budget Workshop Meetings

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

RECOMMENDATION

It is recommended that we hold various workshops in preparation for FY 2012-2013 Budget. The Finance Director and I decided to break it up into various categories and leave the General Fund discussions until late June/July when we have better revenue forecasts.

OTHER OPTIONS

Commissioners can plan any alternative dates they would like.

Utilities- 5 year CIP
Plan Thursday, May 17th- 5 pm City Hall Break-room

CRA Budget Tuesday, June 5th at 5 pm, 1 hour workshop before Commission Mtg.

Special Revenue
Funds Tuesday, June 19 at 5 pm, 1 hour workshop before Commission Mtg.

Library, Airport Tuesday, July 3rd at 5 pm, 1 hour workshop before Commission Mtg.

General Fund Monday, July 9th at 5 pm, City Hall Break-room

General Fund Monday, July 23rd at 5 pm, City Hall Break room

Please check your calendars to see if you are available. We will set a schedule at our meeting on May 1st.

[End agenda memo]

City Manager Terry Leary reviewed Agenda Item 17.

There was a long discussion on scheduling the budget workshops because there were many conflicts. The final consensus was to schedule the first meeting covering Utility CIP on Tuesday, May 8, 2012 at 5:00 p.m. At that time they will discuss scheduling future budget workshops.

Ms. Leary asked for input as to whether or not the Commission would like to have a budget survey similar to the one done last year that gave citizens an opportunity to give their input through the City's website, and if so, if they would want to use the same questions or change them.

Mayor Carter said he would like to go forward with the survey because he thought the response last year was good. Ms. Leary said there were 165 responses through the City's website and hard copies provided at the Library. Commissioner Wojcik said 165 responses were pretty insignificant compared to the number of residents but it gives them an idea. Commissioner Lutton said each response is said to be equal to one hundred people.

Mayor Carter said he thought staff and the Commission should review the questions to see which ones were still relevant. Commissioner Lutton recommended that they submit their revisions by Friday so they can get citizen input before their Tuesday CIP budget meeting. Ms. Leary said most of the public comments last year were on police, fire and recreation services and not CIP. She said the CIP is already pretty well set and the issue Tuesday night will be a funding issue. Commissioner Howell recommended a Tuesday deadline in stead of Friday and said if they all get theirs in before that time, fine. She said that even if they do get their responses to Ms. Leary by Friday, there is no way it could go out on the website and get public responses back before Tuesday's meeting.

Agenda Item 18. Presentation by Economic Development Director Harold Gallup – 4th (Fourth) of July Venue at Eagle Ridge Mall

Mr. Gallup explained that this was a policy decision and the following are benefits for moving the fireworks to the back side of Eagle Ridge Mall:

- o Vendors will be able to set up at no cost
- o The City may be able to set up a tent for display of items etc.
- o Country western singer Aaron Tippin, a National recording artist, will perform at a cost of from \$15,000 to \$20,000, paid for by the Mall. Mr. Gallup said that in his eight years here, the City has never been in the position to pay for a national recording artist in addition to the fireworks.
- o The only cost to the City will be the fireworks, already contracted, and a DJ like last year if they so choose.
- o It would be an all day family event.
- o There will be more room so several thousand people will be able to attend.
- o The City would not have cars parking under the trees and in resident yards because of the lack of parking facilities.
- o The mall will pay for publicity, marketing and advertisement.
- o There will be the following savings to the City:

- Instead of the City paying for police coverage, the mall will pay for it.
- The City will not have to repair damages to the park like it has to every year.
- There will be no impact on neighborhoods.
- No cost for cleanup services by City staff
- No cost for port-a-potties

FOR:

The following Commissioners supported the change in venues from Lake Wailes Park to the Mall for the following reasons:

Commissioner Howell:

- There will be more space
- There might be new events
- It might bring more business to the mall

Commissioner Lutton:

- Every time the City sponsors an event at the lake, people drive over the curbs and on the grass. Having it at the mall will relieve the tearing up of city property.
- Commissioner Lutton thought the City needed to be a good business partner by supporting the mall.
- It made sense to combine two events because they have an act and we have fireworks.
- There is more area at the mall to support people coming in from the surrounding areas like Frostproof and Avon Park.
- People will hopefully spend some money giving us needed sales tax revenue.

Commissioner Thornhill:

- Commissioner Thornhill said it was worth trying and if it doesn't work out it can always be brought back to the lake next year.
- Parking is a big issue at the lake every year with damage caused by parking under the trees.
- Residents can still use the Lake Wailes Park facility during the day if they wish and then go to the fireworks and other events later in the evening.
- It will save the City the expense of the cleanup.

Commissioner Wojcik:

- People who want to have a picnic can still come to Lake Wailes Park and have it and later go to the mall for the activities there.
- There is nothing wrong with businesses cooperating with the City to bring something good to the community.

AGAINST:

Mayor Carter was opposed to the change of venue for the following reasons:

- It adds a level of commercialism
- It takes away the opportunity to have picnics done at Lake Wailes Park
- The whole event will take place on pavement instead of grass.
- It wouldn't be the family event that traditionally takes place at Lake Wailes.
- Mayor Carter said that as tight as the budget has been the last several years, the City has continued to sponsor this event, which is a statement to the importance of it in our City.

Mr. Gallup said he needed a firm consensus, either yes or no, because mall representatives need to know whether to start the marketing and coordinate services with the city, and schedule advertising for the mall.

Assistant Planning and Development Director Kathy Bangley said this event would not need to come back before the Commission for specific city approval because it is on private property, they don't need any public roads closed, and they already have a permit for special events and outdoor sales which was just re-approved last week.

Commissioner Lutton said what the Commission is voting on is whether the City wants to move the fireworks from the lake to the mall.

PUBLIC COMMENT

There were no comments from the public.

Commissioner Lutton made a motion to move the fireworks from the lake to the mall. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 4-1.

CITY MANAGER'S REPORT

- City Commission Tracking Report:

COUNTRY CLUB REUSE PROJECT:

Commissioner Lutton asked for a start date on the reuse project at the County Club. Public Works Director Tom Moran said the project was awarded to Killebrew and Envisors was the engineer. They plan to get the materials out there by mid May and they have started some preliminary work.

MT. LAKE CUT-OFF ROAD:

Commissioner Wojcik asked for an update on the FDOT project on Scenic Highway and Mt. Lake Cut-off Road and asked when it would get underway. Utility Projects Administrator Sarah Kirkland said that after the contract was awarded, the FDOT contractor indicated that a temporary construction easement was needed. She contacted Mr. Powell from Progress Energy and Mr. Delcamp from Mt. Lake Corp about the temporary easement for setting up the bore machine. They gave permission, but asked that they meet the contractor on site to see exactly where the bore machine was going to be set up. The FDOT contractor is in the process of scheduling that meeting.

COMMUNICATIONS AND PETITIONS

David Smith, Babson Park, asked the city's attorney if the city would be liable if the fireworks are moved to the mall. Mr. Galloway said the City wouldn't be any more liable than if it was at the lake, and the mall probably has its own liability insurance. Mr. Smith said he thought he heard that the City would be buying the fireworks. Mr. Galloway said the City already has a contract for the fireworks and as far as he is aware, the company has checked and will be able to move their equipment to the mall to do the fireworks there, if approved. It would be just a matter of changing the contract.

David Smith said there weren't enough tables available at the J.P Austin Community Center when the NAACP had their last event and asked that round tables be purchased instead of the rectangular ones. Mayor Carter asked that he email the City Manager with his request.

Mimi Hardman, Depot Museum Director, said that the Native American exhibit is up and asked the Commissioners to be supportive and come to view it.

CITY COMMISSION COMMENTS

ESTES BUILDING:

Commissioner Thornhill asked if Estes Building representatives met the deadlines. Building Official Cliff Smith said they have a construction permit and engineer plans so they have met the deadline.

WASTING WATER:

Mayor Carter said that hundreds of gallons of water have been going into the culvert on the southwest corner of Sessoms and N. Wales Drive. Though he has asked many times in the past years for a reason why, he has not gotten a satisfactory answer. Jack Neal said the water was coming from the Methodist Church and it empties into the lake. The Mayor said that the only explanation for that much water coming from a church would be from an evaporating type cooler, but that was not the type of air conditioner the Methodist church has. Whatever the reason, he thought the water should be recycled. Public Works Director Tom Moran said he would check it out.

SNIFE SIGNS:

Commissioner Wojcik again brought up the problem with snipe signs downtown and explained that one business, because of the temporary moratorium on enforcement passed several years ago, has gone from having one snipe sign to having eight and is definitely taking advantage of the situation. She requested that the moratorium be lifted so code enforcement can start enforcing the ordinance. There was a discussion on problems the Planning Department has been running into in updating the sign ordinance and Ms. Bangle explained the procedure used when addressing a sign out of compliance. Commissioner Wojcik asked that they go back to enforcing the present sign ordinance until such time as the changes to the ordinance can be made.

DUMPSTERS:

Mayor Carter said there are other ordinances that are not enforced such as the requirement for putting barriers around dumpsters. Ms. Bangle said the city has dumpsters that are not in compliance and so they can't enforce it if ours are out of compliance. Commissioner Wojcik said the ordinance needs to be enforced or changed. City Attorney Chuck Galloway said he would look over the moratorium and bring it back before the Commission. Mayor Carter said the Commission needs to take a look at it also before the next meeting.

Commissioner Lutton said he wanted to address the other City Commissioners about taking the City Commission position. He thanked them for the opportunity to use his experience. He said he would try his best not to allow "business as usual" or expressions like "that's the way we've always done it" exist in the city anymore. He apologized in advance for disagreeing with them from time to time and said it will not be personal. He said he did not think he was elected to the Commission to simply say yes to everything. Therefore he plans to ask very detailed questions, especially concerning the budget. Therefore, the budget workshops will take a little longer than usual.

Commissioner Lutton said he knew that the city attorney is under a contract to attend the City Commission meetings but he wasn't clear when a task asked of him, incidentally or purposely, is outside his normal retainer. He therefore asked that Mr. Galloway let them know if something asked of him is outside his scope of work because the taxpayers are spending money on his services and the Commissioners should know what is being spent. He noted that they tell city staff to watch what they are spending so, because this is the only checkbook the Commission can control, it needs to control it.

Mr. Galloway said the retainer, which hasn't changed in years, covers the meetings and conversations with not only directors, as the contract reads, but with any city staff.

Commissioner Howell asked Commissioner Lutton if he was just making sure we weren't paying the city attorney \$200 an hour for him, for example, to check people on C Street to make sure its being done right. Commissioner Lutton said that was incorrect because that was a special project and it had to be done. He said he was talking about for example, asking the city attorney to check out someone's dog license.

Mr. Galloway said his rate is not \$200 an hour but \$158.38. He did not get his raise last year because the City Manager asked him not to take his contractual increase. He said he was willing to do that again this year. Commissioner Howell apologized and said she made that number up.

Mr. Lutton told Mr. Galloway he wanted to make it clear that it was by no means a reflection on him. He just wanted the Commissioners to be responsible and not let spending get out of control. Mr. Galloway said that same issue came up recently in a meeting; When should someone get tasked and by whom?

Commissioner Howell asked if the City paid him extra to do foreclosures and Mr. Galloway said yes, though the City has not had the money to do foreclosures in probably three years.

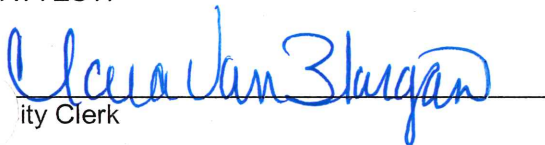
City Manager Terry Leary said that she signs all purchase orders and so has the opportunity to see the bills including the attorney's. She said she has worked with several city attorneys and Mr. Galloway is very reasonable, on point, and though it was a bit much for the C Street project, which is a separate issue, she has not seen anything out of line. If she does though, she will talk to staff about it.

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



Mayor/Commissioner

ATTEST:



City Clerk

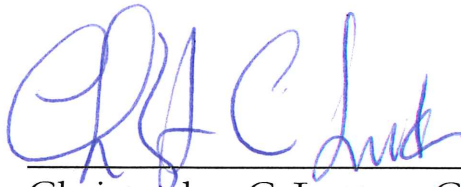
City of Lake Wales
COMMISSIONER'S OATH

"I, Christopher C. Lutton, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida;

that I am duly qualified to hold office under the Constitution of the State;

and that I will well and faithfully perform the duties of Commissioner for the City of Lake Wales in the office of which I am now about to enter,

So help me God."



Christopher C. Lutton, Commissioner
May 1, 2012

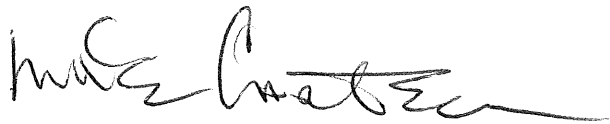
City of Lake Wales
MAYOR'S OATH

"I, Michael S. Carter, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida;

that I am duly qualified to hold office under the Constitution of the State;

and that I will well and faithfully perform the duties of Mayor for the City of Lake Wales in the office of which I am now about to enter,

So help me God."

A handwritten signature in black ink, appearing to read "Michael S. Carter", written over a horizontal line.

Michael S. Carter, Mayor
May 1, 2012