

The regular meeting of the Lake Wales City Commission was held on May 15, 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. Jim Moyer.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT:

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: National Safe Boating Week; May 19-25, 2012

Mayor Carter presented Gill Thomas and another citizen with a proclamation drawing attention to the need for boat safety.

National Public Works Week; May 20-May 26, 2012

Mayor Carter presented Public Works Director Tom Moran, Parks Division Manager Beverly Pennington, Chief Water Supervisor Holly Britt, and Chief Wastewater Supervisor Ted Long with a proclamation honoring the important job they do in insuring the health, safety and comfort of Lake Wales' residents.

Mayor Carter recognized National Police Week in honor of the men and women who have died in the line of duty.

CONSENT AGENDA

Agenda Item 6. APPROVAL OF MINUTES: May 1, 2012, Regular Meeting

Commissioner Howell made a motion to approve the May 1, 2012 regular meeting minutes. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 7. Ordinance 2012-08, Amendments to Regulations on Leashing Dogs in Public Places – 2nd Reading and Public Hearing

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 9th 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 second reading following a public hearing. Public notice requirements have been met.

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 9th 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 9th 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 private donations to the scout project.

FISCAL IMPACT

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

OTHER OPTIONS

None. If the leash law has no exception for the Dog Park, the park cannot function as intended.

[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.

OPENED PUBLIC HEARING

There were no public comments.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2012-08 after second reading and public hearing. 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.

ADDENDUM

Agenda Item 8a. Revisit the Prior Commission Vote to Move the 4th of July Fireworks from Lake Wales to Eagle Ridge Mall

Commissioner Thornhill made the following comments and offered the following suggestion:

- Commissioner Thornhill said he received many phone calls and messages, both positive and negative, as a result of the firestorm caused from moving the firework event to Eagle Ridge Mall, and some of them very rude or nasty. His daughter heard the messages and told him she did not want to do public service, the wrong message to teach out children. He said he doesn't care if someone disagreed with him as long as they are civil.
- Commissioner Thornhill said he only heard from a handful of the over 14,000 city residents so concluded that most were satisfied with the move.
- Commissioner Thornhill reminded residents that Lake Ashton is in the City of Lake Wales so Lake Ashton residents ARE city residents and are the single largest taxpayer base. He said we can't continue to divide ourselves by saying only people downtown or in the original portions of Lake Wales are Lake Wales Citizens.
- Eagle Ridge Mall is also IN the City of Lake Wales and the single largest commercial tax payer. He said he gets calls wanting him to support the downtown area, which he agreed with wholeheartedly. But the Mall should also have our support because they are a part of us and we would miss the mall if it were to leave.
- Commissioner Thornhill offered a solution; to have a fireworks display at the mall and at the lake, paid for with the savings of not having to pay for police at the mall, or cleanup, plus he said he has started a fund to help pay for it. City Manager Terry Leary said that Economic Development Director Harold Gallup offered to also raise private funds for the event. Mr. Gallup explained how the event would be funded. Ms. Leary said she thought they would have a smaller display at the Lake, in the neighborhood of around \$5,000.

Commissioner Howell made the following comments:

- Commissioner Howell said she had been asked by residents to see if the Commission could re-vote on the issue because the public had no opportunity to voice their opinions before the decision was made. She said she didn't know if it was too late to vote because everything may already be in place. City Attorney Chuck Galloway said that a Commissioner who voted on something can bring it back for a revote, but he reminded them that the Mall has already spent money it may not have spent because of the Commission vote to move it, so there is concern that it may legally be a potential trap. Mr. Gallup said the Mall has already spent money on marketing, radio and printed ads, rented billboard space and has rented equipment such as stage support and generators. The Eagle Ridge Mall had relied on the Commission 4-1 vote to move forward on the event.

- Commissioner Howell said that some of the very people who are complaining because the event was moved and it is a tradition to have it at the Lake, are the same ones who have been complaining for years that having it at the Lake is too crowded, leaves too much trash in their yards, and because people park in their yards.
- Commissioner Howell said that people she spoke with said they would not go to the mall if held there and she was therefore afraid the City would be paying \$10,000 and no one would show up.
- Commissioner Howell said that some complained that when held at the Lake they can walk to the event. She said many residents have no transportation to the Mall. Mr. Gallup said we have had an inquiry into supplying some shuttle service to the Mall by a local dealership. No details have been worked out so far so it is tentative at this time.

Commissioner Wojcik made the following comments:

- Commissioner Wojcik said she believed that having it in both places was a good compromise because those residents who wanted it at the Lake would get to see fireworks and those who wanted bigger and better and something new could go to the Mall.
- Commissioner Wojcik said the Commission should not go back on its decision because that decision was relied upon by the Mall.

Commissioner Howell made a motion to move the 4th of July firework activities back to Lake Wailes Park as the only venue for the event. The motion died for lack of a second.

PUBLIC COMMENT

The following residents spoke in favor of keeping the 4th of July fireworks only at Lake Wailes.

- Alice Collins, 703 Cohasset Ave.
- David Smith, Babson Park
- Dick Howell, 839 Carlton Ave
- Barbara Connor, Lake Shore Blvd.

The following residents spoke in favor of moving the 4th of July fireworks only to Eagle Ridge Mall.

- Nicolas Smith, 1001 Tower Blvd.

The following residents spoke in favor of having the 4th of July fireworks at both locations.

- Steve Wiezorek, 1153 Cephia St.
- Susan Massey, 1216 Carlton Ave.
- Jolene Lake, 11278 Schaffer Lane
- Carl Fish, Business in Lake Wales
- Chris Webb, 832 Chamberlain Loop

The reasons made by the public were as follows:

- In favor of the event being at Lake Wailes:
 - Tradition
 - The opinion of people who lived here longest should have priority over newcomers because they have more invested in the City.
 - The Mall making money shouldn't rule.
 - It's too dangerous for kids at the Mall
 - There should have been public input.
 - People can walk to the event
 - There is a curfew at the Mall
 - Alcohol is served at the Mall and parents are worried that driving back after the event will be dangerous. Mr. Gallup said he would check into when the alcohol consumption cutoff time will be.
 - There is nothing to do at the Mall after the fireworks as the Mall will be closed.

- The crowd will be too large at the Mall
- The Mall should have partnered with the City by providing entertainment at the Lake, not expecting the event to be moved to them.
- Having it at the Lake brings people to town
- In favor of the event being at the Eagle Ridge Mall:
 - Same thing happened in another town with similar complaints but it turned out to be a huge annual event, a money maker, and drew the community together.
 - Because of legal ramifications and the bad blood issues
 - Because of the traffic and trash issue at the Lake
 - It's too late to pull out of the Mall event
 - The music is too loud for having it at the Lake
 - No place for large crowds to gather at the Lake
- In favor of the vent being in both locations:
 - Because everyone gets what they want and it is a good compromise
 - If the displays are timed right, people could go to both.
 - It's a 4th of July celebration and Independence originally stemmed from America not having representation. From now on the public needs to have the right to voice their opinions before decisions are made.

Commissioner Carter said he was in favor of both locations but with the emphases on the Lake instead of the Mall.

Commissioner Lutton said he thought having two independent fireworks was a good compromise but he did not want people to think of this town as "them and us" or "newcomers versus old timers." The community needs to work together to make Lake Wales better. He believes the event will be bigger and better at the mall. He asked where they would put 3,000 people if the band was brought to the Lake plus there would be complaints about the three hours of loud music. He thought the town needed to do a lot of considering before the event next year.

Commissioner Wojcik thanked those who came up to give their views and said understood both sides of the issues. She said she thought having it in both locations was a good compromise.

Commissioner Thornhill donated \$100 to start the firework fund. A person in the audience, Nicolas Smith at 1001 Tower Blvd., said he would donate \$500.

Commissioner Thornhill made a motion to approve both firework displays; one at Lake Wales Park and one at Eagle Ridge Mall. 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.

Mayor Carter called a five minutes break at 7:02. The meeting reconvened at 7:09.

NEW BUSINESS

Agenda Item 8b. Presentation by Robin Gibson – Exploring ways that the City and Charter Schools can work as partners to benefit the City and enhance its tax base

Mr. Gibson read the following statement from the City Charter: "The Municipal Government, community citizens, businesses, and civic organizations collectively achieve projects that neither the City nor the organization could afford to achieve on its own."

Mr. Gibson said it would be beneficial for the City to partner with Charter Schools because of the following reasons:

- Great schools draw people to the community and encourage economic growth. Besides having good Charter Schools, Lake Wales has two universities, a college, and special schools such as the Children's Academy that draws people to live here.
- Property values go up, which raises the tax base
- The millage rate goes down

Mr. Gibson said that because the City is the leadership of Lake Wales and is therefore the key organization of the town, the following are ways that the City has supported the Charter Schools in the past:

- Office space: For example, the City provided rent free office space for the Charter School administration when it first started.
- At one time the Charter School talked about renovating the Commission Chamber to be set up and run as its own cable network TV station to use for community events, information, and to broadcast city meetings. The kids would do the photographing and learn a trade etc.

The following are some new ideas for partnering with the Charter Schools that could possibly get the process moving:

- Supporting grant opportunities initiated by Charter Schools, which would not necessarily cost the City money.
- Put up a "Go Highlanders" sign up on something like the water tower to demonstrate the City's support
- Provide use of the water tower for electronic communications
- Provide use of vehicles, buildings, equipment, fields and personnel
- Provide internships with fire, police and local businesses, which will keep kids in Lake Wales

Mr. Gibson asked that a point person be designated to work with the Chamber of Commerce and the Charter Schools to come up with ideas for partnerships. Commissioner Wojcik said that as a member of the Charter School Board of Trustees and Executive Director of the Chamber of Commerce she would be glad to participate in discussions and she thought the Mayor would also participate as he is very involved. She thought it was a matter of reporting more, having more discussion, and being more aware of things they might be able to do.

Commissioner Thornhill said the City needs to assist the schools and show them we appreciate them because nine times out of ten, deficient schools are what keep people from moving into an area. Though Polk County does not rate very high, Lake Wales' schools do.

Commissioner Wojcik said that since the Charter School's designation as an International Baccalaureate school, they have received about 200 applications for additional teachers who want to come to Lake Wales.

Commissioner Howell said that such a designation brings into Lake Wales families with young children, and that age group is the one that runs companies. She said she was in favor of having a water tower that says, "Go Highlanders" because that will be one way for the City to be "school friendly". She said at her school they wear black and orange on Fridays which is another way to show school support. She suggested that the Charter School should send the Commission a request to use the water tower for communications. Commissioner Wojcik said that the City Manager and IS Director planned on

representing the City of Lake Wales at a meeting planned at the high school about wireless communication.

PUBLIC COMMENT

There were no public comments.

Agenda Item 9. Appointments – City Commissioner Representatives to Airport Authority and Finance Committee

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The appointments will fill Commission vacancies on the Airport Authority Board and the Finance Committee.

RECOMMENDATION

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

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

This appointment is for a non-voting City Commissioner who will take the place of former Commissioner Rogers.

The Airport Authority Board currently meets on the first Monday of each month at 5:30 p.m. in the Commission Chambers.

Commissioner Howell made a motion to appoint Commissioner Carter to the Airport Authority Board. 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.

Finance Committee – The Committee consists of the City Manager, Finance Director and Finance staff, and two City Commissioners. Meetings are posted and open to the public.

Establishment - In 2002, the Finance Committee was established to review the City's financial position on a monthly basis to closely monitor the progress in resolving the City's current financial problems. Close monitoring was to facilitate a more timely identification of new problems should they occur. The establishment of the Finance Committee was endorsed by the City's auditors. Right now, the Finance Committee has only been meeting annually to review the annual City Auditor's Report.

This appointment is for two City Commissioners to serve on the Finance Committee. The appointments will take the place of former City Commissioners Kimbrough and Rogers. No one was appointed to serve in the place of Ms. Kimbrough.

Commissioner Howell made a motion to appoint Commissioner Wojcik to the Finance Committee. The motion was seconded by Commissioner Carter.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Howell made a motion to appoint Commissioner Thornhill to the Finance Committee. 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.

OTHER OPTIONS

None

[End agenda memo]

Agenda Item 10. Modification of the Official Traffic Map: 4th Street and Polk Avenue

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider allowing north bound traffic from the intersection of Polk Avenue

RECOMMENDATION

It is recommended the City Commission open Fourth Street to both north and south bound traffic. This will allow traffic entering Old Hesperides Road from Scenic Highway to continue on Old Hesperides or make a left turn onto north bound Fourth Street. It will also allow north bound traffic on Old Hesperides Road to continue north on Fourth Street after coming to a Stop at the intersection.

BACKGROUND

On April 28, 2006 this intersection was modified to restrict north bound traffic from entering 4th Street. During the April 17, 2012 City Commission meeting a citizen requested staff consider modifying this intersection to allow north bound traffic again. After reviewing this request and studying the intersection, the Police department approves of the modification.

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

OPTIONS

The City Commission may choose not to modify the official traffic map as recommended.

FISCAL IMPACT

The Streets Department will be required to remove the "Do not Enter" signage at this location.

[End agenda memo]

Police Chief Chris Velasquez reviewed Agenda Item 10.

Mayor Carter expressed his concerns and asked that additional signage be placed there to make the intersection safe.

Commissioner Thornhill suggested using three-way signs.

PUBLIC COMMENT

Paul Webb, 832 Chamberlain Loop, said it was an excellent idea to open the 4th Street road to northbound traffic. But, he said there is a "No Right Turn on Red" sign there but no one can see it at night because it is not lit and he knows people who have been ticketed for turning right there, when the sign was not visible at night. Ms. Leary said she would check into that.

Jack Neal, 435 E. Central Avenue, suggested using a concave mirror because someone at that intersection can't see if someone is coming under the bridge until they are out in the road. Police Chief Velasquez said he would talk to the Streets Department about that.

Commissioner Lutton suggested that a traffic study be done to determine the amount of cars going south on 4th Street.

Commissioner Howell made a motion to approve the recommended official traffic map change to open Fourth Street to both north and south bound traffic. 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 11. Approval to Coordinate with Heartland Communities, LLC to Develop a Grant Application that will Fund Water/Sewer Lines to Serve Proposed Assisted Living Facilities (ALF)

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff is seeking approval to coordinate with Heartland Communities, LCC to develop a grant application that will fund water/sewer line to serve proposed Assisted Living Facility (ALF). The grant that is being considered is the Small Cities Community Development Block Grant program, economic development category (CDBG-ED). At a later date, the Commission will be asked to consider approving the grant application for submission to the grant agency (Florida Department of Economic Opportunity).

RECOMMENDATION

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

Approve City staff to coordinate with Heartland Communities, LCC to develop a grant application that will fund water/sewer lines to serve a proposed Assisted Living Facility (ALF). The grant that is being considered is the Small Cities Community Development Block Grant program, economic development category (CDBG-ED).

BACKGROUND

On June 13, 2011 the City Commission was presented with an overview of the ALF project that is being proposed by Heartland Communities, LCC. The project will be developed in phases with Phase I consisting of 123 Units on approximately 15.5 acres for an ALF facility to be located east of Buck Moore Road South of Bel Ombre Circle. The estimated construction cost of the facility is \$12.65 Million Dollars. Phase I will create approximately 33 jobs in the economy. Phase 2 will involve the construction of a similar size facility at the same site that will have approximately the same development costs and job creation potential as the first phase.

The Developers are planning to finalize their funding and construction plans by June 2012 and begin construction before the end of this year. However, in order to begin operations, City water and sewer lines will need to be extended to the site.

The CDBG-ED program funds public infrastructure (such as water and sewer line extensions) that are needed by a new or expanding business to begin operations. In order to qualify for grant funds the business will need to invest private funds to construct the business facility and create new jobs. At least 51% of the jobs must be made available to low and moderate income persons. The proposed ALF will meet this requirement. Funding is available in the range of \$750,000 to \$1,500,000 depending on the cost of the needed water/sewer lines and the number of jobs to be created (for each job created, the City is eligible to receive up to \$34,999 (for example, 22 jobs would allow for a \$750,000 grant). The Project must meet all CDBG-ED Guidelines for funding. Staff recommends that the City require the Developer to indemnify (hold harmless) the City for repayment of the CDBG-ED grant to the grant agency in the event of default by the Developer. A default would occur if grant funds were used to construct the water/sewer lines and the Developer failed to create the jobs as planned. This indemnification can be in the form of a Bond, Letter of Credit, or another financial instrument that is acceptable to the City. This would be held until the Project is released by CDBG and found in compliance.

The grant applicant would be the City of Lake Wales. The water/sewer lines would be constructed by the City of Lake Wales. Also, the owner/operator of the water/sewer lines would be the City of Lake Wales. The funds would be awarded to the City on the condition that new jobs are created by the ALF business. The entire construction project shall comply with all requirements for bidding and construction as required by the City's Contract Procurement Policy and CDBG Guidelines.

The cost of preparing the grant application would be borne by the developer, i.e. Heartland. The grant development activities include the following:

1. Hold First Public Hearing. The purpose of First Public Hearing is to obtain views on local community and economic development needs from the public.
2. Citizen Advisory Task Force (CATF). The purpose of this meeting is for the CATF to review the proposed project and to make a recommendation to the City as to whether the grant application should be submitted to the State for funding.
3. Hold Second Public Hearing. The purpose of this meeting is for the public to review and comment on the proposed grant application.
4. City Commission Meeting. After the public hearings and CATF meeting are held, the City Commission would then meet and consider approving the application for submission to the State.

OPTIONS

1. Do not approve City Staff to coordinate with Heartland Communities, LCC to develop the CDBG-ED grant application.

FISCAL IMPACT

There is no negative fiscal impact on the city for CDBG-ED Application.

The grant writing fee will be paid for entirely by Heartland Communities, LCC at no cost to the City. However, the City would need to schedule and hold public hearings as part of the grant development process. It should also be noted that the Developers will agree to hold the City harmless from all claims financial and otherwise that may arise against the City in the event that the grant is awarded and the jobs are not created as planned. This will protect the City from paying back the grant if the water/sewer lines are constructed but the Developers fail to perform as described in the grant application.

[End agenda memo]

Economic Development Director Harold Gallup reviewed Agenda Item 11.

Commissioner Lutton asked for confirmation that there would be no out of pocket cost to the City and the City could not be left "holding the bag" if Heartland don't meet the 51% low to moderate income jobs. Mr. Gallup confirmed and said Heartland will have to secure a bond letter of credit or other financial instrument acceptable to the City, which will hold the City harmless. Commissioner Wojcik asked for confirmation that the State will hold Heartland Communities responsible and Mr. Gallup confirmed.

Commissioner Lutton asked for confirmation that another entity eligible to develop in town using this type of grant, could not do so. Mr. Gallup said another entity eligible for a grant of the same category or class would not be able to get it until this grant is completed.

Mr. Gallup wanted to make it clear that this CDBG grant and the CDBG grant for the C Street project are two entirely different classes of grants and will not conflict with the progress of each other.

Mayor Carter asked the City Attorney which instrument he would recommend for indemnification. Mr. Galloway said he was not sure. He would have to look and see what is available, but as long as it meets

the test and we know it is backed by cash there's no problem. The Mayor asked if a bond would do as good a job in protecting the City as a letter of credit. Mr. Galloway said more than likely that would be the case because the most important thing is to make sure there actually are assets to back it.

PUBLIC COMMENT

There were no public comments.

Commissioner Wojcik made a motion to approve City staff to coordinate with Heartland Communities, LCC to develop a grant application that will fund water/sewer lines to serve a proposed Assisted Living Facility (ALF). The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 12. Changing Timeline for Publishing the Agenda

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The Commission will consider changing the day and time of publishing the agenda to a day early to allow more time for City Commission and public viewing, and for the Lake Wales News to meet the deadline for placement of articles in Saturday's paper to help make the community aware of what is taking place in their city government.

BACKGROUND

At the May 8, 2012 budget workshop meeting, the Mayor suggested changing the date and time for publishing the meeting agenda from Thursday, noon to Wednesday, noon to allow more time for City Commission and public viewing. The suggestion to make the change was initiated by recent comments from citizens that they were not aware that on May 1, 2012 the City Commission would be discussing and voting on moving the annual Fourth of July fireworks display from Lake Wailes to the Eagle Ridge Mall. The Mayor said he would like to take on a responsibility to write an article, description in nature, for the Lake Wales News on agenda items placed on a published agenda to help make the public aware of what is going on in their city government. Changing the timeline of when the agenda is published will allow sufficient time for this and to allow more time for the public to be informed and to voice their comment on any item to be considered for a decision by the commission that will impact them, the community, and the surrounding communities.

The Commissioners discussed the idea and it was said that staff would need to be aware that changing the date and time of publishing the agenda a day early would mean planning ahead and getting items turned in to the City Clerk by the deadline, which could be changed to an earlier date. Any items not turned in by the deadline would have to wait until the following meeting. The commission also asked that no item be placed on the agenda without some type of supporting document explaining the background of what would be discussed and its recommendation.

The current deadline for staff to turn in agenda items is on Monday by 5:00 p.m., the week before the meeting. If most items are turned in by that deadline it is possible to publish the agenda by Wednesday, noon or by 3:00 pm. at the latest if a more difficult item is turned in by Tuesday afternoon or first thing Wednesday morning. However, at times due to an unforeseen circumstance, the agenda might not get published until Thursday, noon.

Most items for placement on an agenda can be planned ahead: proclamations, ordinances, resolutions, contracts, grants, special events and road closings, board appointments, etc. An item of an emergency nature can be added to the published agenda as an addendum if it is not possible to get it on the agenda on time. Wednesday noon or by 3:00 p.m. at the latest to publish the agenda will not be a problem if everyone cooperates. I [city clerk] would like the opportunity to publish the agenda on Thursday if an unforeseen situation should arise.

The consensus of the Commission was to bring the item back for discussion and vote at the May 15, 2012 regular City Commission meeting.

OTHER OPTIONS

Do not change the timeline

FISCAL IMPACT

None

[End agenda memo]

Mayor Carter reviewed Agenda Item 12.

There was a discussion on moving the deadline for agendas from Thursday noon to Wednesday noon. The following comments were made.

Commissioner Howell said to help staff meet the deadline, today she asked the City Clerk to look into getting some type of software that will help with the minutes and agenda preparation, and it could record the meetings on the website for the public to watch if they can't come to the meeting.

Mayor Carter said he would rather the deadline be Wednesday noon instead of 3:00 p.m. That way, staff will get their items in much earlier and not wait.

Commissioner Lutton said he didn't think moving the deadline would make much difference because residents can access the agenda items through the newspaper and it is online from noon on Thursdays through the following Tuesdays, which already gives them quite a bit of time. He added that because of the Sunshine Law he didn't think that Commissioners should write their opinions on agenda items in the newspapers. He said they needed to talk more freely at Commission meetings, which is the only place they can legally brainstorm. Mayor Carter said he was planning to have a weekly article in the newspaper simply informing people as to what items will be on the agenda at the next Commission meeting so if they think an issue is important and they want their voice heard they can attend the meeting. He said he never suggested that he would be voicing his own opinion.

Commissioner Wojcik gave an example that the firework issue had been posted online and in the newspaper. She said a lot of residents complained about the agenda being posted so late in the week, which does not give enough time to be informed on the issues that affected them. She said she was in favor of doing whatever they can to increase the opportunity for residents to be informed but it doesn't matter how much you write about agenda items, or put them on our website or on Facebook if people don't read it. She encouraged people to check the newspaper and on line and keep informed on issues.

Mayor Carter said that may be true but they were assuming people subscribe to the newspaper or have access to the internet, which is not always the case so they need to do whatever they can do to keep everyone informed. If the agenda is posted earlier in the week it would give the commission time to gather enough information to answer questions by the citizens instead of trying to do it on a Saturday or Sunday.

Commissioner Thornhill said it would require discipline on staff's part to plan ahead and that some things may have to wait until the next meeting. Ms. Leary said she would make every effort to get the agenda out by noon Wednesday.

PUBLIC COMMENT

Chris Webb, 832 Chamberlain Loop, asked if the City would consider setting up a distribution list so people can subscribe to get the agenda emailed to them. Mayor Carter said that was something they could consider.

Commissioner Howell made a motion to approve changing the deadline for publishing the Agenda from Thursday to Wednesday, noon to allow more time for City Commission and public viewing, and for the Lake Wales News to meet the deadline for placement of articles in Saturday's paper to help make the community aware of what is taking place in their city government. The motion was seconded by Mayor Carter.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 13. Lake Wales Cemetery

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

At the April 2, 2012 Commission workshop staff presented information to the commission on the land to be utilized as a proposed new cemetery for Lake Wales.

As a result of the discussion staff is providing information on the following:

- The City's financial software system provided data from FY 1999'00 through 2011-12. No money was allocated during this period from the Cemetery Fund to any other department. The Financial Department was unable to find any notation in existing audits of misappropriation of cemetery funds.
- Comparison of the Lake Wales Cemetery rate structure with other cities.
- City operated cemeteries and privately operated cemeteries.

[End agenda memo]

Public Services Administrator Teresa Allen reviewed Agenda Item 13 which provided information the Commission requested at a previous meeting.

City Manager Terry Leary said that providing a public cemetery is a quality of life service the City provides for its residents. It never has paid for itself or made money; nor will it any time soon.

Mayor Carter said if the Commission decides not to stay in the cemetery business, they need to provide an alternative and he would like citizens of Lake Wales to have priority over non-residents for the inventory of remaining lots or even close sales altogether to anyone not living in Lake Wales. Commissioner Wojcik said that there are family lots where the deceased may not live in Lake Wales but want to be buried with other family members and they should be allowed to do that even if they are not residents of Lake Wales.

Commissioner Howell said that before any decision can be made, whether to go with a public or private cemetery, they need to get public input. Commissioner Wojcik said a private cemetery will cost way more because they have to make a profit. Commissioner Lutton said he would need a lot more information before voting and would rather give the voters the facts and let them decide by ballot in the next election. Commissioner Wojcik said they should ask funeral home directors for their input and expertise as well as getting public input, even if not as a referendum.

The following information was requested of staff:

- Information on how cities work with and operate privately owned cemeteries
- The long-term cost to maintain a city cemetery
- The actual cost of going private

CITY MANAGER'S REPORT

City Commission Tracking Report:

City Manager Terry Leary provided a list of projects they are presently working on as follows:

- Budget preparations are on-going. Working with staff and Finance Director.
- Working with Police Chief on the following issues to be presented to the Commission for budget consideration: analysis of take-home police cars, dispatch, vandalism, etc., crime prevention, community policing and community relations. Upon reviewing vandalism reports for the last five years, the fewest incidents were reported during 2011. As of current 2012 records, an even greater reduction in vandalism has occurred. During 2011, the police department reported an 11.8% reduction in crime. This reduction is a direct reflection of the changes in philosophy and community involvement the police department has developed. Community policing is alive and well in our city, working with community leaders and residents to make Lake Wales the safest it has ever been.
- Initiated meetings with Little League, Soccer League and others to discuss the coming year and budget concerns. I will be evaluating these activities and see if these can be incorporated into the Recreation Plan presented by Webber University.
- After receiving input from the Commission, working with IT to develop new citizen survey for website concerning budget 2013.
- The Emergency Preparedness Team is attending meetings with Polk County to prepare for the upcoming hurricane season. I will ask them to make a brief presentation to the Commission at a future Commission meeting.
- There have been several meetings with Planning and DOT concerning beautification projects for Scenic Highway, 27 and 60. Funding is believed available.
- Have spent considerable time with Code Enforcement and Planning to rewrite the Housing Standards Ordinance and to implement appearance strategies. City Attorney is reviewing final draft of Ordinance. An additional part-time code officer has been added to the staff and we are researching old code liens to see if they are collectible. We are also revisiting these to see if compliance has been achieved. We are planning a code enforcement day (preferably on a Saturday) to encourage a clean-up, once our staff is up to speed. More to come on this shortly.
- Preliminary work has begun at Scenic and Mtn Lake Cutoff. Completion date is estimated in August.

- Working with the Economic Development Director to pursue sites for a Fire Substation. Although still hopeful that we can obtain a site at the Mall, alternative sites are being evaluated but funds available are an issue.
- The Finance Director and I are awaiting the projection numbers from the Pension Boards to predict what is ahead. We were given a date of May 16th. A draft RFP has been written, seeking a Pension Board Consultant. This will be presented at the June 5th Meeting. We will then discuss options with the Commission as to the future of our Pension plans.
- Pursuing option with DOT and others for a Gateway Sign. In the talking stage at this time.
- In the weeks ahead, I will specifically speak with the City Attorney concerning options with the Airport, The Hotel, and other related concerns of the City.
- Working with Public Works staff to enhance entrances such as City Hall and Downtown. In addition, Streets and Parks Department reports the following: Speed limit signs on Seminole have been installed (requested by Officer Schwarze and Lake Wales' Housing Authority); Toe stubber bricks on Marketplace; Stuart repaired (requested by Mayor, Police Chief.); Kirkland Gym shrubbery between gym and apartment complex trimmed by contractor for the apartment complex (Requested by Chris/Troy);
- Bollards in front of Mayor Carter's house have been removed except 3. These are protecting the storm inlet on the corner. Street staff will paint them yellow. Holes resulting from removal of bollards have been filled in by street staff. (Requested by Commission/City Manager)
- I attend most Main Street meetings to offer support for their efforts.
- Please see the Tracking report for updates on CIP projects both completed or in process.

City Manager Terry Leary announced that the first two demolitions of houses for code violations have been completed at the owner's expense and more are to come. She said the City Attorney is working on some foreclosures and is still reviewing the amendment to the code enforcement ordinance, the first reading of which she would like to have in June.

Ms. Leary explained that the handout was a compilation of the information requested from Mr. Moran regarding Utility CIP. She asked if they wanted to review the material and discuss it at the June 5th workshop. The consensus was yes. She asked that they bring the information back with them to the workshop meeting.

Commissioner Wojcik asked Ms. Leary if she knew when they would receive the projections from the Pension Board and she said the Pension Board was scheduled to meet soon, maybe the following day.


COMMUNICATIONS AND PETITIONS

There were no public comments.

CITY COMMISSION COMMENTS

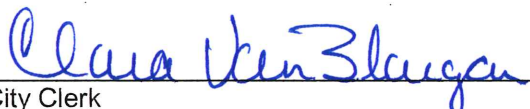
Commissioner Lutton announced that he will be hosting a "Commission Get-together" at Lake Wales Park near the basketball court the Sunday before the first City Commission meeting of each month so people can chat about city issues; the first one being June 3rd at 5:00 p.m.

There being no further business, the meeting was adjourned at 8.22 p.m.



Mayor/Commissioner

ATTEST:



City Clerk