

The regular meeting of the Lake Wales City Commission was held on August 7, 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 6:00 p.m.

INVOCATION

The invocation was given by Dr Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Michael S. Carter; Christopher Lutton; Jonathan Thornhill; 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

CONSENT AGENDA

**Agenda Item 5. APPROVAL OF MINUTES: July 17, 2012 Workshop
July 17, 2012 Regular Meeting**

Commissioner Howell made a motion to approve the Consent Agenda. 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.

OLD BUSINESS

**Agenda Item 6. Ordinance 2012-10, Police Officers' Pension Plan Amendment – 2nd
Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval of the proposed amendment to the Police Officers' Pension Plan to comply with HB 1128 that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2012-10 on Second Reading and Public Hearing.

BACKGROUND

At its February meeting the Police Officers' Pension Board asked staff to bring forward Ordinance 2012-10 for adoption. The proposed amendment will accurately define "salary" in accordance with HB 1128. (Florida Law)

Salary prior to July 1, 2011 means the total compensation reported on the member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items of income derived from elective employee payroll deductions or salary reductions. Ordinance 2012-10 is presented to define salary on July 1, 2011 and thereafter as the total cash remuneration including up to 300 hours per year in overtime compensation paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer nor payments for any un-used sick and vacation leave earned after July 1, 2011.

OTHER OPTIONS

Do not approve the amendments

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2012-10 will reduce the balance from the City of Total Annual Payroll from 26.1% to 25.8%. However, it is important to note that the load assumption will be subject to further modification based on future experience.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-10 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTION 16-232, CHAPTER 16, ARTICLE IV OF THE LAKES WALES CODE, TO PROVIDE THAT THE TRUSTEES OF THE POLICE OFFICERS' PENSION PLAN AND TRUST BE IN COMPLIANCE WITH STATE LAW FOR THE DEFINITION OF SALARY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2012-10 on 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.

Agenda Item 7. Ordinance 2012-11, Firefighters' Pension Plan Amendment – 2ND Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval of the proposed amendment to the Firefighters' Pension Plan to comply with HB 1128 that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2012-11 on Second Reading and Public Hearing.

BACKGROUND

At its May 2012 meeting the Firefighters' Pension Board asked staff to bring forward Ordinance 2012-11 for adoption. The proposed amendment will accurately define "salary" in accordance with HB 1128. (Florida Law)

Salary prior to July 1, 2011 means the total compensation reported on the member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items of income derived from elective employee payroll deductions or salary reductions. Ordinance 2012-11 is presented to define salary on July 1, 2011 and thereafter as the total cash remuneration including up to 300 hours per year in overtime compensation paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer nor payments for any un-used sick and vacation leave earned after July 1, 2011.

OTHER OPTIONS

Do not approve the amendment

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2012-11 will reduce the balance from the City of Total Annual Payroll from 36.6% to 36.5%. However, it is important to note that the load assumption will be subject to further modification based on future experience.

[End agenda memo]

City Clerk Clara VanBlargan read ordinance 2012-11 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III OF THE LAKE WALES CODE, TO PROVIDE THAT THE TRUSTEES OF THE FIREFIGHTERS' PENSION PLAN AND TRUST BE IN COMPLIANCE WITH STATE LAW FOR THE DEFINITION OF SALARY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2012-11 on second reading and public hearing. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 8. Ordinance 2012-12, Police Officers' Pension Plan Amendment 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval of the proposed amendment to the Police Officers' Pension Plan to provide clarification in regards to the calculation of a revised benefit upon a change in the designated beneficiary.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2012-12 on First Reading.

BACKGROUND

At its May 2012 meeting, the Police Officers' Pension Board asked staff to bring forward Ordinance 2012-12 for adoption. The proposed amendment will provide clarification with regard to the calculation of a revised benefit upon a change in the member's designated beneficiary.

Note: This change makes it clear to the members that the Actuary will assume that the person being removed is deceased for purposes of calculating a revised benefit.

OTHER OPTIONS

Do not approve the amendments

FISCAL IMPACT

According to the attached letter dated May 18, 2012 from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2012-12 will have no impact on the assumptions used in determining the funding requirements of the pension program.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-12 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTION 16-239(b), CHAPTER 16, ARTICLE IV OF THE LAKES WALES CODE, TO PROVIDE TRUSTEES OF THE POLICE OFFICERS' PENSION PLAN AND TRUST CLARIFICATION RELATING TO THE CALCULATING OF A REVISED BENEFIT UPON A CHANGE IN THE DESIGNATED BENEFICIARY OF AN OPTIONAL FORM OF BENEFIT; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Human Resources Director Sandra Davis reviewed Agenda Item 8.

PUBLIC COMMENT

There were no comments made by the public.

Commissioner Thornhill made a motion to approve Ordinance 2012-12 on first reading. 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 9. Ordinance 2012-13, Firefighters' Pension Plan Amendment – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval of the proposed amendment to the Firefighters' Pension Plan to provide clarification in regards to the calculation of a revised benefit upon a change in the designated beneficiary.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2012-13 on First Reading.

BACKGROUND

At its May 2012 meeting, the Firefighters' Pension Board asked staff to bring forward Ordinance 2012-13 for adoption. The proposed amendment will provide clarification with regards to the calculation of a revised benefit upon a change in the member's designated beneficiary.

Note: This change makes it clear to the members that the Actuary will assume that the person being removed is deceased for purposes of calculating a revised benefit.

OTHER OPTIONS

Do not approve the amendment

FISCAL IMPACT

According to the attached letter dated May 18, 2012 from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2012-13 will have no impact on the assumptions used in determining the funding requirements of the pension program.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-13 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTION 16-169(b), CHAPTER 16, ARTICLE III OF THE LAKES WALES CODE, TO PROVIDE TRUSTEES OF THE FIREFIGHTERS' PENSION PLAN AND TRUST CLARIFICATION RELATING TO THE CALCULATING OF A REVISED BENEFIT UPON A CHANGE IN THE DESIGNATED BENEFICIARY OF AN OPTIONAL FORM OF BENEFIT; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

There were no comments made by the public.

Commissioner Howell made a motion to approve Ordinance 2012-13 on first reading. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10. Resolution 2012-14, Heartland Communities, LLC

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

RECOMMENDATION

That the City Commission approve Resolution 2012-14.

BACKGROUND

Resolution 2012-04, as modified by Resolution 2012-10, has previously approved authorizing the City of Lake Wales to serve as the "conduit" issuer of a series of bonds for financing of a senior housing project to be located on Buck Moore Road within the corporate limits of the City. Resolution 2012-10 authorized an increase in the principal amount of the bond issue to not exceeding \$27 million. Resolution 2012-14 is an authorizing resolution which modifies the previously approved Resolutions by authorizing an increase in the principal amount of the bond issue to not exceeding \$28 million.

FISCAL IMPACT

The proposed development will add to the City's tax base and will provide construction and permanent jobs. The developer continues to bear the costs associated with the bond issue.

OPTIONS

The City may decline to approve the Resolution, but without its approval, the City of Lake Wales may lose this development opportunity.

[End agenda memo]

City Clerk Clara VanBlargan read Resolution 2012-14 by title only.

A RESOLUTION AMENDING RESOLUTION NO. 2012-04 OF THE CITY OF LAKE WALES, FLORIDA WITH RESPECT TO THE ISSUANCE OF PROPOSED BONDS FOR SENIOR CARE FACILITIES TO BE OWNED BY HEARTLAND COMMUNITIES, LLC OR AN AFFILIATE; INCREASING THE NOT-TO-EXCEED PRINCIPAL AMOUNT OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

There were no comments made by the public.

Commissioner Wojcik made a motion to adopt Resolution 2012-14. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 11. Appointments – Depot Advisory Commission; Library Board

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The appointments will fill vacancies due to resignations, expiration 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.

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

- *There is no interview process requirement for applicants applying for appointment to this board.*
- *Members are not required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 1 resident; 1 non-resident*

2 regular vacancies: 1 term expires 07/01/14
 1 term expires 07/01/15

Applying for re-appointment: None

Applying for appointment: Mary Walkup, resident

This vacancy has not been filled for a while.

Commissioner Howell made a motion to appoint Mary Walkup to the Depot Museum Board for a term expiring on 07/1/15. 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.

Library Board – Members are appointed by the City Commission. The Board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid occupational license issued by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- *There is no interview process requirement for applicants applying for appointment to this board.*
- *Members are not required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 1 resident*

1 regular vacancy: term expires 07/01/17

Applying for re-appointment: None

Applying for appointment: Beverly Lester, resident

The vacancy is due to the third expiring term of Theresa Lundquist who served as a member to the Library Board from 10/07/97 – 07/01/12. Ms. Lundquist is not eligible to serve a fourth term.

Commissioner Howell made a motion to appoint Beverly Lester to the Library Board for a term expiring on 07/01/17. 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.

OTHER INFORMATION

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

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

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

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

Mayor Carter announced that Mimi Hardman had asked to make a request to the Commission on behalf of the Historic Lake Wales Society.

Historic Preservation:

Mimi Hardman, 300 S. Lake Shore Blvd, representing the Historic Lake Wales Society, distributed to each Commissioner a copy of a letter and book about Lake Wales' historic preservation and explained the importance of the city's historic buildings. She explained the difficulties they were having raising money in these hard economic times and asked that the City partner with them to provide in-kind services as the need arises to help them with the upkeep of the nationally registered historic buildings that bring tourism to Lake Wales. The present need was for sewer system hookups. She explained that when they were given the historic buildings they had been unaware of problems with the septic system. She asked Public Works Director Tom Moran to explain the problem, the need, and how the city could help as she had already spoken to him about the problem.

Mr. Moran explained that the existing service line from the building connects to a wet well of sorts that is not connected to the city system. The gravity systems that are available are across the street or across the railroad track which will require a directional bore. The system at the facility has worked sufficiently but now is causing an overflow. They need to hook up to the sewer system with an estimated cost of \$13,000 for the well, the pump and the bores. There is very little the City can do to assist in this project as we have no resources including a directional boring machine.

Mr. Moran said that though they can't really help with that project there is a project they can help with. He explained that they will also need landscaping done between the yellow building and the parking lot to help eliminate runoff by using cross ties, tiered step-like method. Ms. Hardman explained that a donor was found who said they would provide all the landscaping materials so the Board is just asking that the City allows its workers to do some of the labor. Mr. Moran said he had no problem with that and that the City could also provide the dirt.

Mayor Carter asked for confirmation that all they were requesting was landscaping manpower and dirt, and for the city to come up with the \$13,000 for the piping. Mr. Moran confirmed that these were the present requests, though the \$13,000 was merely an estimate. Ms. Hardman said there may be future projects that they will need help with but those will be brought before the Commission as the needs arise.

Commissioner Thornhill said that if we had not given them the historic buildings, the problem with the dry well would have been the City's problem.

Commissioner Lutton asked for confirmation that the City does not permit septic systems inside the city limits. Mr. Moran explained why in some cases hooking up to the gravity system or force main is not feasible and is cost prohibitive.

City Manager Terry Leary asked what the biggest cost for hooking onto the sewer was and Mr. Moran said the directional bore. She asked if once that was done they could easily connect to the sewer and Mr. Moran said not easily but more affordably.

Mayor Carter asked where the money would come from for the City to do this. Commissioner Lutton asked if it was within the CRA and it was confirmed. He then asked if that's what the CRA did, fix old things. City Attorney Chuck Galloway said that they first have to determine if this type project is in the CRA Plan. If it is, it can be used for that purpose; if not, the Plan would have to be amended to permit it.

Mayor Carter recommended putting this on the next agenda for further discussion so staff has time to provide the following information:

- The specific cost for the work.
- Verification that it can come out of the CRA funds

Agenda Item 12. Discussion – City Attorney Evaluation

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

At the request of the Mayor, this item was placed on the agenda for discussion. Attached is a sample city attorney evaluation from the City of Winter Haven which seems to be more reader-friendly than previous versions.

[End agenda memo]

Mayor Carter explained his strong feeling that the City Attorney should be evaluated just as all employees of the City. As the Commission is directly over the city attorney and city manager, and the Commission annually evaluates the city manager, the Commission should decide whether or not they should evaluate the City Attorney, and if they decide to evaluate him, they need to decide the form and process that should be used.

The following comments were made about whether or not the City Attorney should be evaluated:

- Commissioner Thornhill said they first needed to get a consensus as to whether or not the City Attorney was doing the job he was hired to do. If he receives a vote of confidence there would be no need to evaluate him and they can move forward.

- City Manager Terry Leary said the City Attorney's contract does not call for an evaluation.
- Mayor Carter said he has concerns in some areas and he did not know how those concerns would be addressed except through an evaluation format. He was sure Mr. Galloway, as a professional, would take whatever was said to him in the light in which it was intended.
- Commissioner Lutton said the City Attorney's job is to be available at their meetings and to answer Commission and staff questions about things like City policy, Charter and the Code, and contracts. He said he sees the City Attorney more as a consultant like a CPA or any other paid professional that you ask advice from. Unlike the city manager, he is not in charge of other people. Commissioner Lutton therefore thought evaluating him would be unfair.
- Commissioner Howell said she believed the City Attorney should be evaluated and held accountable to assure the Commission that he is doing the job he is being paid to do, to the best of his ability, but she did not know the best method to use.

The following comments were made about the form to be used:

- Mayor Carter said City Clerk Clara VanBlargan found some evaluation forms that other cities use to evaluate its City Attorney and he felt that the form used by Winter Haven, which was included in their packet, was the closest to what he felt should be used for their purposes. They can use it as a basis and then incorporate questions of their own.
- Commissioner Wojcik said the same Winter Haven evaluation form is used by them to evaluate their city attorney, city manager and city clerk. Mayor Carter said he thought the job descriptions were too different to be able to use the same. He said the Commission would not be evaluating the City Clerk because she is hired by the City Manager and is not under contract by the Commission like the City Attorney and City Manager. City Clerk Clara VanBlargan said the City Clerk is evaluated annually by the City Manager as an employee. Commissioner Howell said she would like for the Commission to evaluate all the department heads, but that is the responsibility of the City Manager who is responsible for making sure they do their job, which is part of her evaluation.
- Commissioner Lutton said he does not know how to answer the questions on the Winter Haven form because he is not a lawyer and so has no idea how to judge what a lawyer does. He gave examples of questions on the form that Mr. Galloway does not do such as community relations, negotiating skills, initiative and risk taking. He said the Commissioners will be asked to judge Mr. Galloway's work effort when it is not even part of his job. Mayor Carter suggested they could put "not applicable" on questions that do not apply.
- Commissioner Howell said she did not know whether or not the Winter Haven form was the best form to use. She said she would not know how to answer those questions without a lot more information and some of the concerns she has are not listed on that form. Mayor Carter said those concerns could be added.

The following comments were made about the process:

- Ms. Leary described the process as she saw it: The Commissioners would each receive an evaluation form, after a consensus is reached for the questions on the form; each Commissioner would fill out the form individually at home; the answers would be compiled and the results and comments would be brought forward during a public meeting.
- Commissioner Lutton suggested that they each talk with the City Attorney individually if they have concerns. Mayor Carter said the City Attorney doesn't work for a single Commissioner but all of them so he thought it would be inappropriate, and possibly illegal, for one Commissioner to meet individually with Mr. Galloway. He thought there needed to be a consensus from them all.
- Commissioner Howell suggested that they each turn in a list of their questions and concerns to the City Manager. She could compile the questions and get the answers from the City Attorney and provide those answers to the Commission.
- Mayor Carter said that the City Attorney does not work for the City Manager. He works for the Commission as a body and so the questions should be asked and answered directly to him in a public meeting, because of the sunshine law. That way each Commissioner would simultaneously hear each question and each answer and they would not be receiving the City Manager's interpretation of the answer.

- Commissioner Howell said a list of the questions needed to be given to the City Attorney beforehand so he has an opportunity to consider the answers.
- Commissioner Wojcik said it could be done during a workshop format.

The final decisions:

- Each Commissioner will submit to the City Manager a list of questions he or she has concerning the job of the City Attorney. If a Commissioner has no concerns, none have to be submitted, and if other concerns arise during the course of their discussion those questions can be asked at that time.
- Ms. Leary will submit the compiled list of questions anonymously to Mr. Galloway.
- The questions and answers will be discussed at a workshop in October, once the budget process is complete.

In regards to the evaluation of the City Manager, the consensus was that Ms. Leary should get a copy of the City Manager Evaluation form so she will know before her evaluation in November exactly what standards she will be accountable to.

CITY MANAGER'S REPORT

Ms. Leary said she would like the Commission to start thinking about a strategic planning session once the budget and the City Attorney evaluation is finished so they can set some goals. They also will need to set up a workshop to discuss some unresolved issues such as the need for a cemetery.

CITY COMMISSION TRACKING REPORT

Little League Bleachers: Ms. Leary reported that staff is in the process of evaluating the cost to take down the unsafe section of the bleachers at the Little League Field. This item will come back to the Commission once they figure out how they will come up with the money for replacement. They need to be replaced by January or February of the next year.

Budget: Ms. Leary said they are continuing their work on the budget.

COMMUNICATIONS AND PETITIONS

Code Enforcement Problems

Robert Kelly, 1149 Cephia Street, showed pictures to the Commission concerning a problem he has been facing as follows:

- **Chickens:** Mr. Kelly explained that his property backs up to county property and the resident behind him has chickens that come into his yard. He has contacted county code enforcement about the problem because the county also does not allow chickens in a residential area. Nothing has been done about it though their code enforcement officer said they are having trouble enforcing the ordinance and they are trying to get the ordinance changed. Chickens are not allowed within the city limits of Lake Wales so city code enforcement should do something about chickens coming into his yard. He said he plans to go to the county commissioners to try and get their help too.

Rats: Mr. Kelly said the chickens are drawing rats that have caused \$2000 worth of damage to about 80 feet of his hedge and they are now chewing on another hedge. Someone has scattered poison to kill the rats and two have died in his garage and sidewalk. Others must be dying elsewhere because the stench is horrific. His neighbor has rats in his attic and in his house and fears they may chew on the wires and cause a fire. The poison may be killing area pets and the rats may be spreading diseases. He said he had the Health Department out to look at it.

Commissioner Thornhill said his cat may have been a victim of the poison. He called the county and got no response

Flies: The chickens are also drawing flies which are so bad he can't go outside for activities like cookouts.

Commissioner Thornhill asked if there was something as a board they could do to request help from the county. Ms. Leary said Code Enforcement Officer Cliff Smith has called the county to no avail. She said she would call the county manager to see if he can get someone over there to work with us on the problem. Commissioner Lutton suggested calling the chairman of the Board of County Commissioners. Commissioner Thornhill said there were other issues with the neighbors along the county line that could be addressed at the same time. Ms. Leary said that our code enforcement has been working with Mr. Kelly but she thinks it has to be a joint effort between the City and county.

- **Home Auto Shop:** Mr. Kelly also reported that two doors down from Commissioner Thornhill's house there is a man who appears to be operating a body shop from his home, which is against City code. There must be 10 cars and golf carts parked in his yard at any given time and there is one car jacked up on the driveway. He also has seen people sitting in chairs waiting for the man to finish working on their car.

Alcohol License:

Greg Massey, Lincoln Avenue, asked that he be allowed to move his beer bar. He explained that after his business was established the City changed Chapter 5 C-1 of the city ordinance so that Lincoln Avenue was no longer in the C-1 district and no new beer establishments open there. It also states that those bars already on Lincoln Avenue are not permitted to move. He reminded the Commission of the problems the City has had with neighborhood complaints about noise at his bar and he said he would like to move to another area inside the new C-1 district, which would eliminate the problems. Before he can begin to look for a suitable location he will need to know that he will be allowed to move. He asked that the Commission revisit the ordinance to allow that provision.

Commissioner Wojcik said that the request should go before the Planning and Zoning Department first. Mr. Massey said Ms. Bangley in the Planning Department told him he had to first bring it before the Commission because the Planning Department receives its direction from them. Commissioner Lutton said the first step for them would be to get some background information on that ordinance.

Mayor Carter stated the problem and request for clarification purposes and said that what Mr. Massey was asking seemed reasonable to him.

CITY COMMISSION COMMENTS

BUDGET FURLONGHS

Mayor Carter commented that it would save time and money if the Commission made their priorities clear to staff before they spend hours on the budget. He gave an example of the Finance Department spending time and energy coming up with the figures for employee furloughs when the consensus of the Commission was that furloughs or any cuts for employees would not be an option. He said if those priorities were understood at the onset, employees would not have had to worry about furloughs again, and staff would not have had to provide a budget including furloughs only to have to recalculate when they were taken out.

Finance Director Dorothy Pendergrass explained that the direction for putting in furlough hours as well as all budget decisions come from the city manager and therefore those priorities need to be made known to her. The Finance Department just assembles the documents and data.

Commissioner Wojcik said the Commission has to have an estimate of how much money there will be before they can start making decisions and setting priorities. She gave some examples.

Ms. Pendergrass explained that the Commission had wanted to start the budget process earlier this year and the Finance Department could only give them estimates because they don't receive the preliminary ad valorem estimates from the State until June and even then those numbers can change before they are set in July. The revenue sharing estimates don't come out until from the beginning to the middle of July, and she is still waiting for the final insurance numbers. She said the Commission still can start the budget process earlier if it wants to but it would do no good to start the General Fund part of the budget before June 1st because it relies so heavily on those ad valorem numbers and they would not know before then how many percentage points it went up or down. She gave an example of a preliminary email she received in February estimating a 1.58% decline. In June the estimate was over 6% and the final ad valorem percentage came in at 5.44% in July.

Mayor Carter said that regardless of that, if the overall attitude and mood of the Commission is known, and the Commission's consensus has now been no furloughs for two years in a row, staff should know that future furloughs will not be an option. Commissioner Lutton said that couldn't be set in stone because if property values drop 15% next year the Commission might have to reconsider furloughs, though they should try everything else first.

Commissioner Lutton said that staff had been asked to reduce their budget by 10% of their four-year average. If he had known that ahead of time he would have asked that it be 10% of last year's budget because four years ago we would have had a lot more money so the average of the past four years could be higher than their last year's budget.

REUSE AND TREATMENT PLANT EXPANSION UPDATE:

Commissioner Lutton asked Public Works Director Tom Moran for an update on the reuse and treatment plant.

- Mr. Moran said the treatment plant is on track and it should be completed by October 12th.
- Mr. Moran said they ran into problems with the reuse line as the directional bore ran into an obstruction and got stuck. They got another company to try and it also got stuck. So, they have had to change the route of the lines from the south side of SR 60 to the north side. Before the project can go forward, coordination is required between FDOT, the Country Club and the Sheriff's Department to get all that heavy piping moved across the street, which will entail the closing of SR 60. Commissioner Lutton asked if the project would now go over budget and Mr. Moran said it would not.

GRAND HOTEL UPDATE

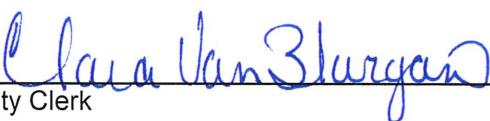
Commissioner Howell asked that the owner of the Grand Hotel come to a Commission meeting to give them an update on the progress of the Grand Hotel. Economic Director Harold Gallup said he was in the process of arranging that, probably sometime in September. He said another group of investors will be coming in to look at the project and though the preliminary indications are that they are interested, we will have to wait until they arrive in the country before it is known for sure if they like what they see.

There being no further business, the meeting was adjourned at 7:24 p.m.



Mayor/Commissioner

ATTEST:



City Clerk