

The regular meeting of the Lake Wales City Commission was held on December 18, 2012 at 6:02 p.m. following the invocation and the Pledge of Allegiance in Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

INVOCATION

The invocation was given by Dr. James Moyer.

PLEDGE OF ALLEGIANCE

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

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. Presentation by Kathy Till on behalf of Florida League of Cities: Top Legislation Reform – Pension Reform

Kathy Till, consultant for Florida League of Cities, spoke to the Commission about the Florida League of Cities efforts on behalf of Florida's cities to adopt some meaningful reforms to the unstable, unreliable, unfunded pension plan by removing the state from the pension business altogether and locally creating reforms that strike a balance between being fiscally responsible with tax-payer money and being sustainable for employees now and in the future. Each city was sent three drafts of pension reform resolutions that will send a strong message to the state legislature that we support meaningful, long-term reform. Each city can either adopt one of the drafts or adopt their own resolution, the deadline for submission to the state legislature speaker of the house, president of the Senate, our State Representative and Senator being March 5, 2013.

Agenda Item 6. Introduction of Mathews Benefit Group, Inc. the City's Pension Plan Consultant

Eric Brust, Actuary from Matthews Benefit Group, Inc. and the City's consultant, said he had a productive meeting earlier that day with the three city pension boards: General Employees' Retirement Board; Fire Fighters' Retirement Board; and Police Officers' Retirement Board. He explained that his goal is to bring back to the next pension workshop, proposals that will be beneficial to all employees.

Mayor Carter said, for the record, that the Commission hired a consultant so as to better understand the options available and to be advised of the best solution.

Commissioner Thornhill requested a copy of the minutes to that meeting.

PUBLIC DISCUSSION

Agenda Item 7. Discussion of Possible Casino in Downtown Lake Wales

Establishing a Casino is a very long process. The Mayor would like input from the citizens before any work or research is done to accomplish this task.

Mayor Carter explained that he had been asked by citizens to discuss the possibility of having the casino issue put on the April ballot to allow citizens to decide if they wish city staff to go forward with the feasibility of having a casino in Lake Wales. He said he found out a few minutes before the meeting that there are legal considerations before it can even be put on the ballot. He introduced Brad Copley from the State Attorney's Office who was present to explain the law.

City Attorney Chuck Galloway explained that the State Attorney's Office found out this was coming up on the agenda and Mr. Copley asked to address the Commission.

Mr. Copley said for the past twenty-eight years he has been responsible for the enforcement of vice laws in Polk County and therefore he has worked closely with the Sheriff's Department. Chapter 849 in the Florida Statute states that gambling is controlled exclusively by the Florida Legislature, the Department of Interior in Washington and the Seminole Indian tribe. He said there is no avenue for putting gambling in a community except through an agreement with the Seminole Indians and in his opinion that will never happen because the Tribe would be permitting competition. He gave some examples of other cities that spent a great deal of money trying to get permission and got nowhere. For citizens to be able to vote on the issue would be inappropriate. Citizens would have to go through their legislators and they have not approved anything but some card games and slot machines in Miami. Presently no one has an agreement with the Seminole Indians and he did not foresee that changing.

Mayor Carter asked if Mr. Copley was saying that it is illegal for citizens to vote on an issue to direct city staff to look into the possibility of having a casino in town. Mr. Copley said he wouldn't use the word illegal but they would be asking staff to do something clearly beyond their realm of responsibility and therefore it would have no legal effect. Mayor Carter said it was a matter of the chicken before the egg. If the citizens don't want gambling then there will be no need to go to Tallahassee, but if we go to Tallahassee and the then citizens don't want it, we wasted money and time. Mr. Copley said citizens have a right to go to their legislators with it.

Commissioner Lutton agreed and said the more appropriate way would be for a group of interested citizens to go to through the Florida Legislature. He said he was sorry because most of the people who were in attendance came to talk about the casino and it turned out to be a waste of their time.

Commissioner Howell said she was glad Mr. Copley stepped in, keeping the city from going forward with an issue that would have caused division in the community and would have cost us lot of money.

Commissioner Thornhill thanked the citizens for the input he received.

Commissioner Wojcik also thanked the citizens for their input and said 80% of the ones she received were clearly against this issue, an issue that projected her own point of view; that Lake Wales is a family oriented community and it would have been inappropriate to put on the ballot. She said she didn't think there would be even 1,500 people willing to put their name on such a petition. She thanked Mr. Copley for coming to put a stop to it. She thanked the people who came to the meeting and said it's nice to know there are people in the community concerned about Lake Wales' values.

CONSENT AGENDA

**Agenda Item 8. APPROVAL OF MINUTES: November 28, 2012, Special Meeting
December 4, 2012 Regular Meeting**

Agenda Item 9. Lake Wales Car Show

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Approval of the Special Event Permit Application will allow the "Lake Wales Car Show" to continue their event on the fourth Saturday of each month in the downtown area for the next twelve months.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the Special Event Permit application for the "Lake Wales Classic Car Show" to take place the fourth Saturday of each month between the hours of 3:00 p.m. and 8:30 p.m. beginning January 31, 2013 and ending January 31, 2014.
2. Approve the temporary closing of the Marketplace, Stuart Avenue from First Street to Scenic Highway, partial closure of S. Market Street from Stuart Avenue to Central Avenue and the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue (west side of SR17)

BACKGROUND

Mr. Larry Bossarte, Vice President of Lake Wales Main Street Inc. submitted a Special Event Permit Application to continue holding the "Lake Wales Car Show" in the downtown area the fourth Saturday of each month beginning on January 31, 2013 and ending on January 31, 2014. The event hours would be from 3:00 p.m. to 8:30 p.m. which includes set up and take down. This event will showcase custom, classic and antique cars which will be located along Stuart Avenue. Musical entertainment and food vendors will be set up on a portion of S. Market Street between Stuart Avenue and Central Avenue. They are requesting the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue, closing of Stuart Avenue from First Street to SR17 and a portion of S. Market Street from Central Avenue to Stuart Avenue.

The sponsor is responsible for all requirements for site preparation, site clean-up, food vendor licensing, and sanitary facilities. Proof of liability insurance will be provided to the City.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the city associated with this event.

[End agenda memo]

Commissioner Lutton asked that the Car Show permit be for three years instead of one year because they have successfully had this event for three years, with the same format every month, and having to go through this every three years will save the city money for paper and staff time.

City Attorney Chuck Galloway said someone would have to make sure their insurance coverage continues year to year, something that is usually done on an annual basis with each new permit, and he was also concerned because most organizational officers, who are responsible for providing the city with proof of coverage, serve only one-year terms.

Commissioner Wojcik thought it would be prudent to have all permits done in a consistent manner, all on a yearly basis, because staff would have to be responsible for making sure they receive the proof of coverage if updated every three years.

Kevin Respress, present Main Street officer, said if they want to do a multi-year permit then staff would need to tell them what they need to do to make sure the city receives the proof of insurance annually and they will be happy to comply. Commissioner Wojcik asked Katie Kinloch, the employee who takes care of these permits, if she would be willing to take responsibility for getting the proof of insurance annually from them and she said she would. Commissioner Wojcik said that Ms. Kinloch can ask for an updated list of present officers at the same time.

Commissioner Lutton made a motion to approve the Consent Agenda with the three year extension of the Car Show permit provided that the proof of insurance coverage continues every year. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 10. Ordinance 2012-25 – Amendments to Capital Improvements Element, Comprehensive Plan – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The ordinance incorporates the 5-Year Schedule of Capital Improvements into the Capital Improvements Element of the Comprehensive Plan as required by the Growth Management Act. Capital improvements projects that must be included in the plan are those necessary to maintain adopted level of service standards for potable water, wastewater, drainage, recreation, transportation and schools. Those projects included in the 5-Year Schedule are taken from the City's 5 Year Capital Improvement Plan FY 2012/13 – 2016/17 adopted October 2, 2012.

RECOMMENDATION

Approval of Ordinance 2012-25 on second reading following a public hearing. Public notice requirements have been met.

Commission approved Ordinance 2012-25 upon first reading at the November 20, 2012 meeting. At its regular meeting on October 23, 2012 the Planning and Zoning Board gave a favorable recommendation for the adoption of Ordinance 2012-25.

Unlike other amendments to the Comprehensive Plan, the update of the Capital Improvements Element (CIE) can be adopted without prior review by the State.

BACKGROUND

Annual updates of the schedule of capital improvements in the Comprehensive Plan have been required since 2008. The proposed amendment to the Capital Improvements Element updates the lists of capital projects needed to maintain adopted level of service standards and incorporates them into a 5-Year Schedule of Capital Improvements as an appendix to the element. All of the projects come from the City's 5 Year Capital Improvement Plan FY 2012/13 – 2016/17 adopted October 2, 2012.

The attached "Support Document – 2012 Update to Schedule of Capital Improvements" provides background on the projects in the schedule and financial feasibility of the first three years of the program.

FISCAL IMPACT

The amendment has no direct fiscal impact. It documents fiscal planning for capital projects.

OTHER OPTIONS

This action is required by the Growth Management Act and State statute.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-25 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN BY ADOPTING BY REFERENCE THE POLK COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION IMPROVEMENT PROGRAMS AND POLK SCHOOL FACILITIES WORK PROGRAM; UPDATING THE LAKE WALES SCHEDULE OF CAPITAL IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Carter had a concern that by passing this ordinance the City would not be able to take out a loan for the C Street project or other projects because it says no debt is allowed. Assistant City Planner Kathy Bangley explained that this was not a budgetary document, but a reporting document that goes to the State for the Growth Management Act, which reports the funding sources already approved by the Commission. It's the Capital Improvement Plan that drives the funding source. Because the Commission has not approved taking out a loan for this phase of the C Street project, though it could do so in the future, it does not need to be listed on the report as a funding source. In the next phase, if enough grants and other funding sources are not found, staff will come before the Commission seeking approval for a loan at that time. Then, the Annual Growth Management report for that year will list loans as a funding source. But, if for some reason we need to take out a loan this year, it can be updated at that time.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2012-25 after second reading and public hearing. The motion was seconded by Commissioner Lutton.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"

Commissioner Howell
Mayor Carter

"YES"
"YES"

The motion carried 5-0.

NEW BUSINESS

Agenda Item 11. Vehicle Purchase

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff requests commission approval to purchase two vehicles from Don Reed Ford for a total amount of \$36,100.00.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the purchase of two vehicles from Don Reed Ford for the Reuse and Utilities Administration Divisions of the Public Works Department for a total amount of \$36,100.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The Reuse and Utilities Administration Divisions have found themselves in the position of needing to replace vehicles that have come to the end of their useful life and to replace vehicles that is not fuel efficient.

The vehicle to be replaced for the Reuse Department is a 1996 Bronco that has come to the end of its useful life. It is constantly down for repair and not fuel efficient. By replacing this vehicle, staff expects to see a reduction in maintenance and fuel expenditures.

The vehicle for the Utilities Administration Division is to replace a vehicle that currently receives 15 mpg. The Department would like to trade this for a vehicle with better gas mileage in an attempt to reduce fuel expenditures. This vehicle was acquired as a result of an interdepartmental transfer. Staff had originally brought these vehicles before the commission at the February 7, 2012 city commission meeting as a vehicle lease with Polk County Fleet, for which the commission approved. By the time staff received approval from the commission Polk County Fleet had leased the vehicles earmarked for the city to another municipality and was out of funds to procure any more for the remaining 2011-2012 budget year.

During the 2012-2013 budget process the Utilities Division worked closely with the Finance Director and was made aware that there would be enough funds that could be placed in the capital improvements budget to purchase these two vehicles out right. An Invitation to Bid went out on October 25, 2012 with a bid open date of November 13, 2012. To this request there were three bidders, to which Don Reed Ford of Orlando was the lowest bidder at \$36,100. Although there were two local bidders, neither one could meet the purchasing requirement to claim local bidder preference.

Staff is seeking commission approval to purchase these two vehicles form Don Reed Ford in the amount of \$36,100.00

OTHER OPTIONS

Reuse Department Vehicle options:

- 1) A full purchase would result in a current year decrease of cash flow of \$14,820.00.
- 2) Retain the existing reuse department vehicle which is old and to the point of being unsafe to drive.

Utilities Administration Vehicle Option

- 1) A full purchase would result in a current year decrease of cash flow of \$21,280.00.
- 2) Retain the existing utilities administration department vehicle and continue to deal with the problem of fuel efficiency.

FISCAL IMPACT

The Reuse Department has placed \$17,243.00 for vehicle purchases in the FY 2012'13 5-yr Capital Improvements Budget funded by operating revenues for this purchase.

The Utilities Administration Department has placed \$23,033.00 for vehicle purchases in the FY 2012'13 5-yr Capital Improvements Budget funded by operating revenues for this purchase.

[End agenda memo]

City Manager Terry Leary made a correction to the cover memo. She said that where it says, "The vehicle for the Utilities Administration Division is to replace a vehicle that currently receives 15 mpg" it should say 8 mpg. Sarah Kirkland, Utilities Projects Administrator, said the 1996 Bronco actually gets 8.5 mpg and the 1997 Expedition gets 9.5 mpg.

Commissioner Wojcik asked Ms. Kirkland to explain what "Local Vendor Preference" means because the two local bidders didn't meet it. Ms. Kirkland explained that the Commission had approved a policy whereby a local company would get the bid if they were within 2% above the lowest out of city bid. The two local bids were higher than the 2% so the City went with the lowest bid, which was Don Reed Ford.

Mayor Carter questioned the need for 5.0 V8 engines instead of 6 cylinder engines, which costs less money to buy and operate, and has better fuel economy. Ms. Kirkland said it was because they are looking to use the vehicles over the long-term and so they can be used for towing at some point in the future. Mayor Carter said according to his calculation that would cost the City \$500 more a year per vehicle and that doesn't include increased maintenance.

Support Services Director James Slaton said the maintenance for a V8 and V6 are the same and because the cars are made better, there is far less major maintenance on a V8 over the long-term, and that V8 cars last longer.

Mayor Carter asked if they were 2012 cars or 2013. Mr. Slaton said they asked for bids on both 2012 and 2013 cars hoping they would get incentives on the 2012 's because the 2013 models were out, giving the vendors the option, but the vendors all submitted bids on only the 2013 models.

PUBLIC COMMENT

There were no comments from the public.

Commissioner Howell made a motion to approve the purchase of two vehicles and authorize the City Manager to execute the documents. The motion was seconded by Commissioner Wojcik.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 12. Wastewater Lift Station Rehabilitation

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff requests commission approval to enter into an agreement to piggyback the contract that the City of Boca Raton has with T.V. Diversified, Inc for the rehabilitation of several lift stations in the City's wastewater collections system and for T.V. Diversified to perform the necessary repairs to lift stations 23, 27, and 30.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve staff to enter into an agreement to piggyback the contract that T.V. Diversified, Inc has with the City of Boca Raton to perform lift station rehab based on the prices obtained through the competitive bid process by the City of Boca Raton.
2. Approve T.V. Diversified, Inc to perform the repairs for Lift stations 23, 27, and 30 in the amount of \$77,636.00.
3. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City owns, operates, and maintains thirty-nine lift stations and 9 power sewers. Due to the corrosive nature of raw sewage it becomes necessary from time to time for these lift stations and power sewers to have periodic maintenance. The stations listed above are next on the maintenance schedule to have the necessary repairs performed to ensure these stations continue to function at their optimum level.

Staff is seeking commission approval to enter into a contract with T.V. Diversified, Inc for lift station rehab using prices obtained through the competitive bid process performed by the City of Boca Raton. Staff is also seeking commission approval to contact T.V. Diversified and schedule the required repairs for the three listed stations in the amount of \$77,636.00.

OTHER OPTIONS

Chose not to enter into a contract with T.V. Diversified, Inc for lift station rehab and have staff go through the competitive bid process thus requiring staff to seek a consulting engineer to create the bid specifications.

FISCAL IMPACT

There are three stations that are in need of immediate repair. The estimated cost for these repairs total \$77,636.00. Due to a staff oversight the money from the 2011-2012 5-YR CIP last was not moved forward to 2012-2013 5-YR CIP Budget. To make sure the funds are available a budget transfer will be performed.

[End agenda memo]

Utilities Project Administrator Sarah Kirkland reviewed Agenda Item 12.

Commissioner Lutton said that continuing contracts are an efficient use of staff time and the project are done much quicker.

Commissioner Wojcik said this item was not included in the budget and she asked for an explanation and how this would affect this year's budget. Ms. Kirkland explained that money was allocated in last year's 5-Year CIP for lift station rehabilitation. During the budget process staff inadvertently forgot to move this money forward. Some projects in the current budget year have come under budget and a budget transfer can be completed to move that money around.

Commissioner Lutton made a motion to approve piggybacking on the T.V. Diversified, Inc. contract for lift station repairs and authorize the City Manager to execute the appropriate documents. The motion was seconded by Commissioner Wojcik.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 13. Wastewater Manhole Rehabilitation

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff requests commission approval to piggyback the contract that the City of Pinellas Park has with VacVision Environmental, LLC for the rehabilitation of several manholes in the City's wastewater system.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve staff to enter into a piggyback contract with VacVision Environmental, LLC based on the prices obtained through the competitive bid process of the City of Pinellas Park.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City, as part of its collection system, owns, operates, and maintains 115 Miles of 8 to 16 inch Gravity Sewer Line and 75 Miles of 2 to 16 inch Force Mains. The collection system is connected by a series of manholes which aid in the transportation of the collected waste to the wastewater treatment plant for processing. Due to the corrosive nature of raw sewage gases, it becomes necessary to perform periodic maintenance on these manholes to ensure they continue to function as intended. Staff has worked with the purchasing department to acquire all the necessary documents and ensure that all purchasing procedures are followed as it relates to piggybacking another municipality's competitive bid contract.

Staff is seeking commission approval to enter into a contract with VacVision Environmental, LLC for manhole rehabilitation using prices obtained through the competitive bid process performed by the City of Pinellas Park.

OTHER OPTIONS

Chose not to enter into a piggyback contract with VacVision, Inc, for manhole rehab and have staff go through the competitive bid process thus requiring staff to seek a consulting engineer to create the bid specifications for the repairs.

FISCAL IMPACT

The Wastewater Department has placed \$42,000.00 for manhole rehabilitation in the FY 2012'13 Operating Budget for these repairs that are funded by operating revenues.

[End agenda memo]

Utilities Projects Administrator Sarah Kirkland reviewed Agenda Item 13.

Commissioner Wokcik asked if VacVision had a good history and Ms. Kirkland said she was told it did.

Commissioner Howell asked how many manholes are involved and Ms. Kirkland said she wouldn't know until the contractor come out to determine what work is needed. He will be taken to the most serious problems first and see how much they will cost.

PUBLIC COMMENT

There were no comments from the public.

Commissioner Howell made a motion to approve the piggyback contract with VacVision Environmental, and authorize the City Manager to execute all documents. The motion was seconded by Commissioner Lutton.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 14. Trimble Equipment Purchase

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff requests commission approval to purchase 2-Trimble Hand Held GPS Units for the data collection of underground utilities, valves, and manholes.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the purchase of 2-Trimble handheld GPS units for a total purchase price of \$24,224.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The Annual Sanitary Survey conducted by the Polk County Health Department in part for the Department of Environmental Protection, is performed on a yearly basis. One of the items that city staff has been marked negatively on is not having a functioning GPS system that depicts all the city utility facilities. The Trimble handheld GPS unit is used to collect GPS data for valves, manholes and other underground utilities that are required to create an accurate mapped depiction of all underground utilities, manholes, valves, and any other information that may be of benefit when trying to locate the city's facilities.

Staff is seeking commission approval to purchase these two Trimble GPS handheld units from GPServ, Inc. for a total of \$24,224.00.

OTHER OPTIONS

Chose not to purchase this equipment and continue to operate at a disadvantage when trying to locate the City's underground facilities, valves, and manholes and continue to have this item show as a negative make on the annual sanitary survey.

FISCAL IMPACT

The Wastewater Department has placed \$50,000.00 for the purchase of this equipment in the FY 2012'13 5-yr Capital Improvements Budget to be funded by operating revenues.

The Water Department has placed \$50,000.00 for purchases of this equipment in the FY 2012'13 5-yr Capital Improvements Budget to be funded by operating revenues.

[End agenda memo]

Utilities Projects Administrator Sarah Kirkland reviewed Agenda Item 14.

Commissioner Lutton asked who was going to do the storm sewer system and Ms. Kirkland said that the wastewater division handles the maintenance and repair but one of the new units will be used to collect data for storm drains.

Commissioner Lutton asked if staff would be trained on the proper use and Ms. Kirkland said the training is included in the bid. She added that one of the bids did not include training and the other bid charged extra for it.

Mayor Carter asked if the City was using its tax-exempt status for the purchase of the equipment and Ms. Kirkland said she would have to check on that.

Commissioner Wojcik said that \$50,000 had been budgeted in Water and \$50,000 had been budgeted in Wastewater so there will be saving of about \$75,000 as the bid was much less. Ms. Kirkland said they put that much into the budget because they didn't know how much the units would cost.

PUBLIC COMMENT

There were no comments from the public.

Commissioner Lutton made a motion to approve the purchase of two Trimble handheld GPS units and authorize the City Manager to execute the documents. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 15. Appointment – Citizens and Police Community Relations Advisory Committee

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The appointment will fill a vacancy due to resignations, expirations of terms, newly established boards, etc.

RECOMMENDATION

It is recommended that the City Commission make the appointment 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.

Citizens & Police Community Relations Advisory Committee – Members are appointed by the Mayor. The Board consists of three (3) members with a quorum requirement of two (2) members. One (1) member shall be an active Lake Wales police officer appointed by the Police Chief and two (2) members must be residents serving no more than two consecutive terms. (2-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*

One vacancy: term expires 07/01/13; partial term

Applying for appointment: Manuel V. Crespo, resident

The vacancy is due to the resignation of J. Davis Connor.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

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

[End agenda memo]

Mayor Carter appointed Manuel V. Crespo to serve as a member to the Citizens & Police Community Relations Advisory Committee for a term to expire on 7/01/13. Commissioner Thornhill and Commissioner Lutton confirmed the appointment made by the Mayor.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 16. Naming and Adopting the Dog Park on South 9th Street

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approving the request of the Lake Wales Breakfast Rotary Club to name the dog park on South 9th Street and erecting a sign over the entrance of the dog park in memory of Dr. John C. "Doc" Haromy.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Approve naming the dog park on South 9th Street "John C. "Doc" Haromy Dog Park" and erect a sign over the entrance of the park entrance in his memory.

BACKGROUND

In 2011, the City Commission approved the 9th Street Park to be developed as a dog park. This was proposed as an Eagle Scout project by Ian Galloway.

The development of the site for the dog park was through Ian's fund raising efforts. Last year Ian made a presentation to the Lake Wales Breakfast Rotary Club about his project and received several donations. Just a few weeks prior to the grand opening of the dog park, Dr. John "Doc" Haromy, one of the founding members of the club passed away and it was suggested that the dog park be named after Dr. Haromy. Dr. John Haromy was the first veterinarian in Lake Wales.

The Lake Wales Breakfast Rotary Club is requesting that the City Commission approve naming the dog park on South 9th Street "John C. "Doc" Haromy Dog Park" and be allowed to erect a sign over the entrance of the park in his memory. The club will purchase and install the sign and as funds become available they will add features to the park for the entertainment of all dogs. The club will also offer to maintain the fence line of the dog park to assist city staff with maintenance.

FISCAL IMPACT

There is no monetary affect to the City's budget if this action is approved.

OTHER OPTIONS

Do not approve the naming of the dog park.

[End agenda memo]

Public Services Administrator reviewed Agenda Item 16.

PUBLIC COMMENT

There were no comments from the public.

Commissioner Howell made a motion to approve the renaming of the dog park on South 9th Street to "John C. "Doc" Haromy Dog Park" and approving the sign. 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 17. Spook Hill Sign by James Hahn

[Begin agenda memo]

SYNOPSIS

This is a review of gathered input on the proposed Spook Hill Sign to decide whether or not to proceed.

RECOMMENDATION

It is recommended that a decision be made in regards to the proposed Spook Hill sign as designed by James Hahn.

BACKGROUND

On October 18, 2011 a local artist James Hahn presented to the City Commission a possible design for a new sign at Spook Hill as well as a plan to use the design as a marketing tool to help bring visitors to Lake Wales. The City Commission approved this project and gave permission for the project to move forward.

Several citizens did not care for the design and at the November 15, 2011 City Commission meeting they came forward to express their concerns. City staff was directed to collect more input on the project and to tell Mr. Hahn that the project is on hold.

A link on the City of Lake Wales website directed visitors to information on Spook Hill and the proposed sign and requested input on the project. Flyers were put out on the table and several notices have been placed in the print media. A page on Facebook was also established by the artist that has received several hundred "likes" from various locations. To date 34 responses have been received locally, mostly against the sign with 12 in favor of it.

The City Manager and staff has met with Mr. Hahn and inquired about the possibility of altering his design to address concerns regarding the current image. Mr. Hahn prefers not to change it but continue with the design as it is.

OTHER OPTIONS

Do not make a decision regarding the sign.

[End agenda memo]

Special Projects Manager Jennifer Nanek reviewed the background for this item and introduced Mr. Hahn who gave an update on the Spook Hill sign, which he said is his gift to the City, totally funded by donations. It was followed by a discussion on the following points:

Present Spook Hill Problems

- People come from the wrong direction
- People can't find it
- People are disappointed when they leave

The Spook Hill Monument:

Commissioner Lutton said that when he looks at the sign it tells him nothing and he doesn't get the connection to the legend. Mr. Hahn reviewed the legend he researched and how it connected the Indian to the alligator and why he added the hour glass.

Commissioner Thornhill said the sign will bring attention to the area and that is a good thing.

Commissioner Wojcik wanted to know what would happen if Mr. Hahn moved away from the area. She was concerned because a private sign will be placed on public property. She said she thought there needed to be some sort of agreement that protects Mr. Hahn and also protects the City, one that designated what Mr. Hahn will be responsible for and what the City will be responsible for; for example, that the City would have oversight over web links.

- **The Indian:**

- Commissioner Howell said, being close to Spook Hill Elementary School, people thought the Indian was too scary and mean looking. The children are used to a ghost looking cute like Casper the friendly ghost. Mr. Hahn said that was a valid concern but the sculptured version on the monument will be toned down and will not look as mean as the painted rendering hanging at City Hall. Commissioner Wojcik said that one of the earlier signs at Spook Hill was actually the Grim Reaper and was even scarier than Mr. Hahn's painting.
- **The Slanted Hour Glass:**
 - Mr. Hahn said it is a visual icon that will have immediate recognition.
 - The sand is slanted to represent the slant of the hill.
 - Some said it is confusing and people won't get the connection to the legend.
- **Lights:** Commissioner Howell asked if the monument would be lit at night. Mr. Hahn said not right away. At night, for a while, the headlights of vehicles will light it up but they will deal with lighting at a later time.
- **The Legend:**
 - Those who lived here seventy years or more say the original legend was of a black fisherman, Butler Coon, who was the first one to have his vehicle roll uphill and he thought spooks were doing it. That's why it became known as Spook Hill. Since then, there have been several legends recorded. The reason they abandoned the original sign and changed to the sign depicting the Indian Chief and alligator was because the first sign portrayed Mr. Coon inappropriately, not as the respected businessman that he was. Both legends go back to the 1920's and 1930's
 - Commissioner Thornhill said there always will be controversy with any artist's rendering of a legend
- **Smart Phone Technology Web:**
 - Through Smart Phones, tourists will be able to access directions to other sites in Lake Wales such as Bok Tower and Historic Downtown, will provide links to the Chamber of Commerce, Main Street and local organizations, and can provide additional information.
 - Through Smart Phones tourists will be able to learn the various legends associated with Spook Hill
- **Marketing and Advertising:**
 - T-shirts and other memorabilia can be sold with the spook sign picture
 - Marketing and advertisements will be done through the web site with links to various Lake Wales businesses. Commissioner Wojcik worried that there may be links placed on the City site that would not be good for Lake Wales, for example pornographical in nature. Mr. Hahn said if that happened, the IS Director would be able to remove the link.
- **Maintenance**
 - Mr. Hahn said he was sure he could find civic organizations that would take care of the maintenance.
 - Commissioner Thornhill asked how easy it would be to fix damages or vandalism. Mr. Hahn said he is using thermolite and has duplicatable molds so in a short period of time he can find a sponsor to have it fixed.
 - Commissioner Wojcik said she heard that there is something that could be put onto stucco or brick that allows graffiti to be washed off. She asked if that was possible on the

monument and he said she was talking about a sealer, which he can use so graffiti can be pressure washed.

PUBLIC DISCUSSION

Comments from citizens who spoke in favor of the current sign design:

Joe Bennet, resident – said the sign is creative and will bring momentum and new things to Lake Wales, but he didn't think the hour glass speaks to what Spook Hill is about. He agreed that the Indian was a bit ominous looking.

Jolene ?, 1270 ? Lane – said a little controversy is good but the route to Spook Hill needs to look better and she recommended beautifying it so it draws people because right now it looks horrible.

Carl Fish lives at Crooked Lake but owns property and a business in Lake Wales. – He said that for future generations, trademark rights and who owns and controls "Spook Hill" need to be addressed.

Comments from citizens who opposed to the current sign design:

David Smith, Representative of the Lake Wales branch of NAACP- said the legend is not historic and should be about the black businessman.

John Paul Rogers, 327 SR 60 East, – said it should portray true history and not a legend.

Rita Ryan, Campbell Avenue, – said the sign is too creepy and intimidating to be near an elementary school.

Charlene Bennet, 929 Carlton Ave., said she thinks the concept of putting up a sign is great but the picture is confusing and strangers won't take time to try and interpret what it means.

COMMISSION COMMENTS

Ms. Leary said she met with Mr. Hahn to suggest altering some of his image and design but he was not interested in changing his depiction.

Mayor Carter thanked Mr. Hahn, acknowledging that the sign will help businesses in Lake Wales but he asked Mr. Hahn to consider making the following changes to the design because, though it may draw tourists, they leave and go home whereas residents have to live with whatever sign is put up every day and it may divide the city.

- Make it more historical in nature by incorporating the black fisherman
- Make the Indian less scary
- Revisit the hour glass

Mr. Hahn said he considered changing the design but feels that a new design will not please everyone either and he was confident that once the sign is up and the town sees the benefits from the marketing, advertising and added business, many of the complaints will go away. He said the Indian Chief on the monument would be toned down and not as scary as the painted version.

Commissioner Howell said that if the sign is intended to be his aesthetic version of a legend, then that is fine. But if it is intended to be historical, it should be correct.

Commissioner Wojcik said that the legend needs to be recorded on the sign itself because not everyone has smart phones.

Greg Massey, 204 Carlton Ave., – said the project will cost the City nothing, and right now nothing is there to mark Spook Hill. There will never be 100% approval of any sign they use. Some will like it because it is spooky and others will not. Some school children will think it is too scary but others may not. He suggests moving forward and if the finished product causes division it can always be removed.

Commissioner Wojcik made a motion approve going forward with the sign, with the inclusion of an agreement designating rights and responsibilities. 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 18. City Manager Performance Evaluation/Discussion of Future Goals and Objectives

SYNOPSIS

City Manager Performance Evaluation/Discussion of Future Goals and Objectives

Ms. Leary’s employment contract specifies that a performance evaluation will be conducted approximately twelve (12) months from the date Employee commences her employment pursuant to the terms of the Agreement.

Performance evaluation forms were completed by the City Commissioners and returned to staff as requested. Evaluation forms completed by the Commissioners are available for review in the Human Resources Department.

Two charts showing ratings in the various evaluation categories have been compiled and are attached to this memo.

This is placed on the Agenda so that the Commission may discuss its evaluation with Ms. Leary and to set future goals and objectives.

The consensus of the City Commission was to postpone the evaluation of the City Manager until January because of the lateness of the meeting, and have it in the form of a workshop.

CITY MANAGER’S REPORT

CITY COMMISSION TRACKING REPORT

COMMUNICATIONS AND PETITIONS

Becky Wynkoop, resident, said that in the last national election, candidates from one party put out their political signs about six weeks before the thirty-day city requirement, giving one party a benefit over the party who follow the law. She said if the law can’t be enforced, they should remove it so both parties can

put up signs legally for an equal length of time. She said all political candidates should know the laws of the cities in which they run, so that is not an excuse for breaking the law, but it might help if the rules were posted or published.

Mayor Carter said putting up illegal political signs is a code enforcement issue but that the city is in the process of changing the sign ordinance and will address that issue. Commissioner Wojcik said the new sign ordinance was supposed to be completed by the end of the year so they should be getting a report soon.

Commissioner Howell said it would help if citizens called the city when they see illegal signs.

Leon Weech, 1212 Triangle Drive, read a prepared statement about the improper treatment of the City Clerk by the City Manager and asked that the City Manager's most recent evaluation be amended, that she be reprimanded by the Commission, and an apology be placed in Ms. VanBlargan's permanent record.

CITY COMMISSION COMMENTS

Commissioner Howell said that several months earlier Support Services Director James Slaton indicated that about seven computers were in urgent need to be replaced and might crash at any moment. The Commission then approved for those computers to be immediately purchased and replaced. She asked if that had been done. Mr. Slaton said the computers were not ordered yet, but would be in January. Ms. Leary explained that the city's ad-valorem tax money will not be received until January and they decided to wait until there was a better cash-flow before making such a large purchase.

Commissioner Lutton reminded the Commission of the Strategic Planning Workshop on January 12, 2013 and said it was important that they be prepared and do their homework or they will not accomplish much and will waste the \$800 it will cost the City to pay for facilitator Rich Thompson. The meeting is scheduled to run from 9 a.m. until at least 3 p.m. with a break for lunch.

Commissioner Thornhill wished everyone a happy, safe and Merry Christmas.

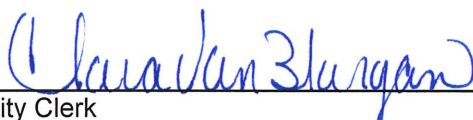
Mayor Carter reminded them that the pension consultant needs a target amount, both minimum and maximum reduction so they can come up with options to accomplish that.

The meeting was adjourned at 8:25.



Mayor/Commissioner

ATTEST:



City Clerk