

A meeting of the Lake Wales City Commission was held on May 7, 2013 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. Jim Moyer.

#### **PLEDGE OF ALLEGIANCE**

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

[Mayor Eugene Fultz is shown as being present in the second roll call following the Oath of Office]

**COMMISSIONERS ABSENT:** None

**CITY REPRESENTATIVES PRESENT:** Dorothy Ecklund, Interim City Manager; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Meetings are recorded but not transcribed verbatim]

#### **PROCLAMATIONS**

##### **Agenda Item 5. National Public Works Week, May 19-25**

Mayor Carter presented Tom Moran, Jose Perez, Randal Britt, and Vince Crawford a proclamation extolling the necessary work the Public Works Department does for the City.

##### **Police Memorial Day, May 15, 2013; and Police Memorial Week, May 12-18, 2013**

Mayor Carter presented Chief Chris Velasquez, Deputy Chief Troy Shultz, and Officers Hernandez, Brown, Stroup and Mongeon a proclamation in honor of fallen police officers.

#### **OLD BUSINESS**

##### **Agenda Item 6. Ordinance 2013-7, Amendment to Ordinance 99-06, Fats, Oil and Grease (FOG) – 2<sup>nd</sup> Reading and Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

The City Commission will consider adoption of Ordinance 2013-07.

#### **RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2013-07, amendment to Ordinance 1996-06 relating to Fats, Oils, and Grease Interceptors, after second reading and public hearing.

The City Commission approved first reading of Ordinance 2013-07 on April 16, 2013. Public Notice for second reading and public hearing was advertised on Saturday, April 27<sup>th</sup> in the Lake Wales News.

## **BACKGROUND**

Fats, oil and grease - - also called FOG in the wastewater business - - can have negative impacts on wastewater collection and treatment systems. Most wastewater collection system blockages can be traced to FOG. Blockages in the wastewater collection system are serious, causing sewage spills, manhole overflows, or sewage backups in homes and businesses. Treatment suffers due to the increased oxygen demand at the treatment plant caused by grease and the pass-through of untreated grease to the disposal system.

Two types of FOG pollutants are common to wastewater systems. Petroleum-based oil and grease (non-polar concentrations) occur at businesses using oil and grease, and can usually be identified and regulated by municipalities through local limits and associated pretreatment permit conditions. Animal and vegetable-based oil and grease (polar concentrations) are more difficult to regulate due to the large number of restaurants and fast-food outlets in every community.

As the City of Lake Wales grows, grease and the problems associated with grease become a greater problem. An updated grease ordinance becomes ever important to allow for the regulation of the design, construction, and maintenance of grease interceptors. Additionally, provisions need to be in place to allow for the routine inspection of interceptors to insure that proper cleaning and maintenance tasks are being performed. The commission at its March 19, 2013 workshop made additional recommendations which are highlighted in yellow. These changes referenced the frequency in which a business owner has to have the grease interceptor pumped and the time frame for the business owner to come into total compliance.

Staff is seeking adoption of Ordinance 2013-07 to give staff the power needed to enforce proper maintenance of the grease interceptors.

## **OTHER OPTION**

Choose not to adopt Ordinance 2013-07 which is an amendment to Ordinance 1996-06 and run the risk of increased treatment cost and increased sewage spills due to having a FOG ordinance with no enforcing power behind it.

## **FISCAL IMPACT**

None at this time. With a more stringent ordinance, city staff has the power to enforce proper maintenance from owners of grease interceptors that have not been maintained properly.

[End agenda memo]

Ms. VanBlargan read Ordinance 2013-07 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 21, UTILITIES, SECTION 21-52, LAKE WALES CODE OF ORDINANCES, TO PROVIDE REQUIREMENTS AND REGULATIONS FOR FAT, OIL AND GREASE (FOG) INTERCEPTORS AND OTHER TYPES OF INTERCEPTORS; TO PROVIDE REGULATIONS FOR ROUTINE INSPECTION OF INTERCEPTORS; TO PROVIDE STANDARDS RELEVANT TO THE EFFECTIVE OPERATION OF INTERCEPTORS; TO ENSURE PROPER CLEANING AND MAINTENANCE OF INTERCEPTORS; PROVIDING A MANNER AND TIME FRAME FOR COMPLIANCE BY ESTABLISHMENTS WITH EXISTING INTERCEPTORS WHICH DO NOT COMPLY WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

## **OPENED PUBLIC HEARING**

There were no public comments.

## CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2013-07 after second reading and public hearing. The motion was seconded by Commissioner Lutton.

By Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 7. Approval of Minutes: April 16, 2013, Workshop Meeting  
April 16, 2013, Regular Meeting  
April 23, 2013, Special Meeting  
April 2, 2013, Canvassing Board Meeting  
April 4, 2013, Canvassing Board Meeting  
April 9, 2013, Canvassing Board Meeting**

Commissioner Thornhill made a motion to approve the meeting minutes without any changes. The motion was seconded by Commissioner Lutton.

By Voice Vote:

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

The motion carried 5-0.

Mayor Carter moved Agenda Item 11 up.

**Agenda Item 11. AWARDING OF PLAQUE: Terrye Howell**

Commissioner Terrye Howell was awarded a plague and a bouquet of roses to thank her for her eight years of service as Commissioner and three years as Vice Mayor of the City of Lake Wales.

## CITY CLERK

**Agenda Item 8. OATH OF OFFICE: Commissioner Jonathan Thornhill  
Mayor Eugene Fultz**

City Clerk Clara VanBlargan administered the Oath of Office to Commissioner Jonathan Thornhill and to Mayor Eugene Fultz.

## MAYOR

**Agenda Item 9. ROLL CALL**

**COMMISSIONERS PRESENT:** Christopher Lutton; Betty Wojcik; Michael S. Carter; Jonathan Thornhill; Mayor Eugene Fultz

**Agenda Item 10. APPOINTMENT OF DEPUTY MAYOR**

Commissioner Lutton volunteered to be Deputy Mayor. Commissioner Carter made a motion to appoint Christopher Lutton as Deputy Mayor. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 12. ORIENTATION:**

**Part 1: "The Sunshine Law/The Law in Plain English," Video Training by Cliff Shepard, Esq.**

**Part 2: Charter Committee Chairman Robin Gibson giving an Overview of City Charter Amendments that took effect with City Election 2013.**

Following the viewing of the video on the Sunshine Law, Charter Committee Chairman Robin Gibson gave an overview of the City Charter Amendments and the newly adopted ordinance outlining the responsibilities that were given to the Mayor.

**Current Boards:**

Commissioner Thornhill, the current representative on several boards, wanted to know if he was to continue serving on those boards because he had a Ridge League meeting to attend later that week.

Commissioner Lutton recommended that the new Mayor be given a list of boards the City Commissioners are currently serving on so that he can determine if he would like changes.

Mr. Gibson said the new Mayor makes all the appointments from here on so he recommended that the Commissioners give a courtesy resignation to the Mayor to show their willingness to step aside and follow the new ordinance.

Commissioner Thornhill wanted to know if he should or should not attend the meeting scheduled during that week and if he would be in trouble if he attended.

City Attorney Chuck Galloway told him he would not be in trouble for attending. The scenario being discussed was to give the Mayor a list of present board positions and if the Commissioners feel led, they can offer the Mayor their resignation from their positions or they can tell him they are willing to continue serving. Though they are not required to do that, he thought it would be a good gesture for them to do so.

Mayor Fultz said that for him to tell a Commissioner not to attend a meeting would be shortsighted on his part but he said he would like to have a list of their present functions. He will take a look at the list and make sure each one is the very best representative for each board, which he wouldn't know without having a conversation with each Commissioner. He added, for the record, that all the conversations with the Commissioners will be held in a public hearing where he will find out if each Commissioner is interested in continuing to serve and if he or she is effective where presently serving, or if they are ready for a change.

Commissioner Wojcik recommended that each Commissioner give Ms. Ecklund their list of boards so she can give the compilation to the Mayor.

## **PUBLIC COMMENT**

Catherine Price, 813 Campbell Avenue:

- **Two-Year Term of Office:**

Ms. Price asked why the Mayor's term of office was two years instead of four years.

Mr. Gibson said the Committee's recommendation was to have a four-year term but it got changed to two.

- **Remuneration:**

Ms. Price wanted to know why the Commissioners and Mayor were not paid more in recognition of the amount of work they have to do, or why they weren't at least reimbursed for their expenses.

Attorney Chuck Galloway said the Charter does not lock-in a set salary. Therefore that has to be a policy decision.

Mr. Gibson said that government officials can vote for a raise, but that raise would not take effect until after their term is up; in other words they can't vote themselves a raise. They are expected to work toward investing for the future rather than what would be good for them in the short-run.

Commissioner Wojcik recommended that during the budget process they discuss the burden placed on Commissioners and the Mayor in order for them to participate in certain events as representatives of the City. She said that the stipend they receive from the City may not even cover mileage and if it is important for them to be at an event, it would be nice if they were reimbursed for some of those expenses. She said Ms. Ecklund had agreed that some sort of reimbursement should be given for the additional responsibilities of the Mayor and the expenses incurred by the Commission so that expenses will not be used as an excuse for not participating in events.

Mr. Gibson said there was nothing in the Charter to prohibit reimbursement. He said the job requires a great deal of time, much more than covered by their paycheck, so he thought that, at the very least, all their expenses should be covered. He warned them though that Commissioners may be criticized by a few constituents. He advised them to look past that and move on.

Mayor Fultz said that building relationships and moving out among the people will entail quite a bit of financial responsibility over time, and he thought strongly that reimbursement was something they should take a look at.

## **CONSENT AGENDA**

### **Agenda Item 13. Wastewater Manhole Rehabilitation**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

Staff requests commission approval to expend funds in the amount of \$21,761.96 for the manhole rehabilitation of 24 manholes utilizing VacVision Environmental, LLC Pinellas Park annual contract.

## **STAFF RECOMMENDATION**

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

1. Approve the expenditure of funds in the amount of \$21,761.96 to VacVision Environmental, LLC for Manhole Rehabilitation.
2. Authorize the Interim 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.

The City Commission at its December 18, 2012 city commission meeting approved entering into an agreement with VacVision Environmental, LLC utilizing the Pinellas Park annual contract. Staff contacted VacVision Environmental, LLC and scheduled for their technicians to come out and access the condition and provide pricing for the repair of several manholes. VacVision's technician came out and identified 24 manholes that are in immediate need of repair. Staff is seeking commission approval to expend funds in the amount of \$21,761.96 for the manhole rehabilitation of 24 manholes.

## **OTHER OPTIONS**

None. Maintenance of these wastewater system components becomes necessary from time to time to maintain the integrity of the system.

[End agenda memo]

### **Agenda Item 14. Screw Press Bearings and Roller Replacement**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

## **SYNOPSIS**

Staff requests commission approval to expend funds in the amount of \$11,115.95 for the replacement of rollers, bearings, and installation for the screw press to BMG Conveyors.

## **STAFF RECOMMENDATION**

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

1. Approve the expenditure of funds in the amount of \$11,115.95 to BMG Conveyors for the replacement of bearings, rollers, and installation at the Waste Water Treatment Plant.
2. Authorize the Interim City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

The function of the screw press is to remove liquid from a solid/liquid mixture. This is accomplished by squeezing the solid/liquid mixture and allowing the liquid to escape through the perforated screens surrounding the screw while retaining the solids inside the press. As the material is conveyed along the

length of the press it is squeezed between the tapered screw shell and the screen drums. The dry solids exit the press, by way of conveyor belt, at the discharge end and fall down the discharge box into a waiting trailer for disposal.

Some of the main components of the screw press machine are, but not limited to, the bearings, rollers and conveyer belt. The conveyor belt was replaced in 2009 and the last time anything was done to the rollers and bearings were in 2001. It has become necessary to have the bearings and rollers replaced to ensure the screw press continues to function as originally intended. Staff is seeking commission approval to expend funds in the amount of \$11,115.95 for the replacement and installation of the bearings and rollers for the screw press. Although BMG Conveyor was the highest by \$100.98, staff chose to go with this quote due to past history. BMG Conveyor has worked on the screw press in the past and was the vendor who performed the conveyor belt replacement in 2009.

#### **OTHER OPTIONS**

None. In order for the screw press to continue to operate efficiently, the rollers and bearings have to be replaced when they become worn. The last time anything was done to the rollers and bearings were in 2001.

#### **FISCAL IMPACT**

The Wastewater Department has placed \$48,000.00 for M & R treatment plants in the FY 2012'13

[End agenda memo]

#### **Agenda Item 15. Engineering Services for the Market Street Distribution Upgrades**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

Staff requests commission approval to enter into a contract with Atkins North America to provide engineering services for the Market Street Distribution Upgrades in the amount of \$109,610.00.

#### **STAFF RECOMMENDATION**

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

1. Approve staff to enter into an engineering services contract with Atkins North America to provide engineering services for the Market Street Distribution Upgrades in the amount of \$109,610.00
2. Authorize the Interim City Manager, Dorothy Ecklund, to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

Staff, in an effort to increase fire flow protection and implement the expansion of utility facilities to the westward city boundaries, requested that Atkins North America provide a scope of services that would facilitate this expansion. This expansion is called the Market Street Distribution Upgrades. Atkins North America was chosen, because they are one of the five engineers currently contracted to perform continuing engineering services for the City.

The expansion called the Market Street Distribution Upgrades will consist of extending 1600-ft of 12-inch water main from the corner of First Street and Tillman Avenue south to tie into an 8-inch water main on

First Street and Polk Avenue. This increase in size of the water main will aid in the increase in flow to the area the 8-inch main provides service to. The 12-inch water main will also turn west on Bullard Avenue and 3900-ft of 12-inch water main will be installed until we reach Sharp Street. The line will continue on Sharp Street until it crosses State Road 60 and then continue on to Oak Ave until it reaches US Highway 27 and ties into an existing 12-inch line that was installed in 2008 in preparation of this extension. There were some upsizing of the mains leading from the Market Street Water Plant performed in 2009 as well. This 12-inch extension gets utility facilities one step closer in the westward expansion process and further increases the fire flow protection for this area.

The commission posed a question at the last commission meeting asking why staff did not plan the installation of the main to come from the Grove Ave Water plant indicating that the distance between this plant and the Market Street Plant were the same. This project had been designed to come from the Market Street plant in an attempt to not add any additional stress to the Grove Ave Water Plant and additionally all the water mains from this plant provides service to the eastern city service area. Currently the City is permitted to withdraw a total of 289,700 gallons of well water per day with a peak withdrawal of 342,300 gallons per day from the Market Street Water Plant. At present, the city is currently withdrawing on an annual average of about 175,000 gallons per day.

Staff is seeking commission approval to enter into an engineering scope of services contract with Atkins North America for the Market Street Distribution Upgrades in the amount \$109,610.00. Staff is also seeking approval for the authorization of the Acting City Manager, Dorothy Ecklund, to execute the appropriate documents on the City's behalf.

#### **OTHER OPTIONS**

Chose not to enter into an engineering contact at this time and hinder the westward utility service area extension and continue to operate at a deficiency for fire flow protection in the same area.

#### **FISCAL IMPACT**

The Water Department has placed \$125,000.00 in the Market Street Distribution Upgrades in the FY 2012'13 Capital Budget.

[End agenda memo]

#### **Agenda Item 16.        Setting Base Salary for Interim City Manager**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

In negotiations directed by the City Commission, the Interim City Manager has requested that the base salary for her service in the capacity of Interim City Manager be that of the prior City Manager in the sum of \$108,055.

#### **RECOMMENDATION**

Staff recommends that the City Commission take the following action:

1. Approve the base salary for Dorothy Ecklund, Interim City Manager, at \$108,055 with the stipulation that upon cessation of her services as Interim City Manager, her salary will revert to that she received in her capacity as Finance Director, together with any salary increase for City employees which may accrue or be approved by the City Commission.
2. Approve the effective date of Change of Status as retroactive to April 24, 2013.

3. Authorize the Mayor to execute the applicable documents. (Change of Status form)

**BACKGROUND**

At the Special Meeting of the City Commission held on April 23, 2013, the Commission accepted the resignation of Terry Leary and appointed Dorothy Ecklund, Finance Director, as Interim City Manager with full administrative authority to run the day to day operations of the City.

**FISCAL IMPACT**

The costs for the City Manager's salary and benefits are provided for in FY 12'13 adopted budget.

**OTHER OPTIONS**

Do not approve the requested salary and direct staff to continue to negotiate same.

[End agenda memo]

Commissioner Lutton made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

**NEW BUSINESS**

**Agenda Item 17. Ordinance 2013-08, General Employees' Pension Plan Amendment – 1<sup>st</sup> Reading**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

The City Commission will consider proposed amendments to the General Employees' Pension Plan for compliance purposes of a "qualified plan" under IRS Code Section 401(a).

**RECOMMENDATION**

Staff recommends approval of first reading of Ordinance 2013-08, providing for amendments to the General Employees' Pension Plan for compliance purposes of a "qualified plan" under IRS Code Section 401(a).

**BACKGROUND**

The pension board of the General Employee Pension Plan has received notice from their pension attorney, Adam Levinson with Klausner & Kaufman, P.A., of updates needed in order for the General Pension Plan to remain in compliance with requirements of Section 401(a) of the Internal Revenue Code.

Foster & Foster, actuarial consultants for the General Employees' Pension Plan, have reviewed the proposed Ordinance amending the Plan to incorporate recent changes in the Internal Revenue Code. They have determined that its adoption will have no impact on the assumptions used in determining the funding requirement of the program.

### **FISCAL IMPACT**

This is primarily a housekeeping ordinance to allow the General Pension Plan to remain in compliance with Section 401(a) of the Internal Revenue Code. Foster & Foster, actuarial consultants for the General Employees' Pension Plan have determined that its adoption will have no impact on the assumptions used in determining the funding requirement of the program.

[End agenda memo]

Ms. VanBlargan read Ordinance 2013-07 by title only.

### **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; AMENDING SECTION 16-53 REGARDING IRS LIMITATIONS ON BENEFITS; AMENDING SECTION 16-54 REGARDING THE LATEST DATE TO BEGIN DISTRIBUTION OF BENEFITS UNDER THE IRS CODE; AMENDING SECTION 16-61 REGARDING ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 16-62 REGARDING SEPARATION FROM SERVICE FROM EMPLOYMENT FOR MILITARY SERVICE**

Ms. Ecklund reviewed Agenda Item 17.

### **PUBLIC COMMENT**

There were not comments from the public.

Commissioner Carter made a motion to approve Ordinance 2013-07 after first reading. The motion was seconded by Commissioner Wojcik.

By Roll Call Vote:

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

The motion carried 5-0.

### **Agenda Item 18. Appointments – Code Enforcement Board; Planning & Zoning Board**

Mayor Fultz said that, in light of the new ordinance, this is something that should probably be tabled and brought back.

City Attorney Chuck Galloway said that under the present city ordinances the Mayor appoints some board members but on other boards the Commission makes suggestions to the Mayor. Therefore, that conflicts with the new code and changes may have to be made to give the new Mayor the capacity to make all the appointments. This will take some time because it requires two readings, but in the meantime, the Mayor

should go ahead and make the appointments, especially so the Code Enforcement Board will not have a quorum issue.

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.

**Code Enforcement Board** – Members are appointed by the City Commission. The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, a realtor, an engineer, a general contractor, and a subcontractor. Members must be residents. (3-year term)

- *An interview process is necessary for new applicants only.*
- *Members are required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 2 residents*

William Follett, chairman of the Code Enforcement Board, and Clifton Smith, Director of Code Enforcement, recommend appointment of Angela Jones to fill the vacancy in membership on the board.

2 resident vacancies: terms expire 07/01/15

Applying for re-appointment: None

Applying for appointment: Angela Jones, resident

[End agenda memo]

Commissioner Carter made a motion to appoint Angela Jones to serve as a member to the Code Enforcement Board for a term expiring on 07/01/15. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

**Planning & Zoning Board** – Members are appointed by the City Commission. The Board consists of seven (7) members. Members must reside in the city, own property in the city or hold a valid occupational license issued by the city. (3 year term)

- *An interview process is required for new applicants only.*
- *Members are required to file an annual Form 1, Statement of Financial Interests*
- *Current Vacancies: 1 resident or reside in the city, own property in the city or hold a valid occupational license issued by the city.*

Charlene Bennett, chairman of the Planning and Zoning Board, and Margaret Swanson, Director of Planning and Development, recommend the appointment of Mark Bennett to fill the vacancy in membership on the board.

1 regular vacancy:                      terms expire 07/01/15

Applying for re-appointment:      None

Applying for appointment:          Mark Bennett, resident

Commissioner Wojcik made a motion to appoint Mark Bennett to serve as a member to the Planning and Zoning Board for a term expiring on 07/01/15. The motion was seconded by Commissioner Thornhill.

Commissioner Carter asked if Mark and Charlene were related and he was told they were not.

By Voice Vote:

Commissioner Wojcik	“YES”
Commissioner Thornhill	“YES”
Commissioner Carter	“YES”
Commissioner Lutton	“YES”
Mayor Carter	“YES”

The motion carried 5-0.

City Attorney Chuck Galloway commented that a requirement that certain applicants be interviewed was added to the Code of Ordinances within the last two or three years so as to improve service on these boards. He said someone needs to be assigned the job of getting that information to the Mayor even if the Mayor goes into the community to recruit applicants. He added that the City is fortunate to have the number of volunteers that serve on so many different boards.

Mayor Fultz said he would make sure he collects that information. He said he is moving into an area that he will have to become familiar with because he was not privy to things that took place in the past.

Commissioner Lutton said the City Manager may be able to supply him with a list of vacancies on the various boards throughout the City. He said the vacancies are advertised on the city website and in the newspaper but many people may not see them. He said people have to be really motivated to come in and volunteer to fill a vacancy.

Commissioner Wojcik said the Mayor would also need to be given the information whether a volunteer lives in the city limits or outside of it because certain board vacancies have different requirements.

Mr. Galloway said that changing where it says in the Code that the “Commission” recommends the board members to the Mayor, may be a minor change, but he suggested that the Mayor might want to keep all the others in place because the Commission as a body wanted those types of qualifications in place to help them find the right persons for service.

Mayor Fultz said he wanted the best person for each position and if the best person is already in those positions, it would serve no purpose for him to push them out the door in order to find someone else that may not be as good.

#### **PUBLIC COMMENT**

Mimi Hardman, Depot Commission, said that people who would like to reapply when their term ends in July will not know if they should do so. She said there are people on boards who are not doing their jobs, those who would like to continue to serve, and others who are burned out on one board but would like to serve on another.

Interim City Manager Dorothy Ecklund said this was basically mechanics and she will put together a schedule, work with the Mayor, and make sure everyone has an opportunity for input before bringing it back.

Ms. Hardman said she would also like them to find volunteers to help at the Depot Museum as they can't afford to hire help. Mayor Fultz said he would take that under advisement.

#### **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 and in the City Manager's office, Municipal Administration Bldg., 201 W. Central Avenue or can be obtained on the City's website at [www.cityoflakewales.com](http://www.cityoflakewales.com).

#### **FISCAL IMPACT**

None. These are volunteer citizen boards.

#### **OTHER OPTIONS**

Do not appoint the 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]

#### **Agenda Item 19. Preliminary Financial Statements for March 31, 2013**

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

The preliminary financial statements report revenues received and expenditures made through the end of March 31, 2013.

The unaudited financial statements for the City of Lake Wales for the period ending March 31, 2013 are presented to the City Commission for review. At the end of March 31, 2013 the City was 50% into the fiscal year.

#### **General Fund (001), page 1:**

The General Fund appears to be materially on target with revenue and expenditure expectations. A mid-year analysis has been completed on both revenues and expenditures with no unusual items noted.

**Transportation Fund (102), page 7:**

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

**CRA Fund (105), page 10:**

The CRA fund appears to be materially on target with revenue and expenditure expectations.

The Finance Department has concerns over the CRA's funding ability during FY 2014'15 and 2015'16.

**Library Fund (110), page 17:**

The Library Fund appears to be materially on target with revenue and expenditure expectations. A mid-year analysis has been completed on both revenues and expenditures with no unusual items noted.

**Utility System Fund (403), page 27:**

The Utility System Fund appears to be materially on target with revenue and expenditure expectations. A mid-year analysis has been completed on both revenues and expenditures with no unusual items noted.

**Airport Authority (404), page 29:**

The Airport Authority appears to be materially on target with revenue and expenditure expectations. A mid-year analysis has been completed on both revenues and expenditures with no unusual items noted

[End agenda memo]

Ms. Ecklund reviewed Agenda Item 19.

**CITY MANAGER**

- **City Commission Tracking Report**

Ms. Ecklund said the Tracking Report was updated.

Ms. Ecklund said the Commission received a schedule for hiring the new city manager that Human Resource Director Sandra Davis put together and asked if any changes needed to be made before it is posted on the city website. The consensus was that it was basically what was discussed.

**COMMUNICATIONS AND PETITIONS**

**Broden Deane**, 4136 Muirfield Loop, was concerned about the city's expected shortfall of \$400,000 and wanted to know why the city was giving the Chamber of Commerce \$100,000, making the shortfall \$500,000. He said there needs to be financial planning to determine how that will be covered because even if the millage rate is raised to the rollback rate, it won't cover the shortfall. He said at this rate the city will be bankrupt in two or three years.

Ms. Ecklund said it was actually \$102,000 that was given to the Chamber of Commerce but it will not be posted until the Director is hired. The cost was coming from what was already being spent on the city's Economic Development Director so there will not be an overlap. She said the Commission was aware of the shortfall and will be working to close the gap during the budget process. Budget Surveys will go out again this year in the water bill to get input from the public. She said she included financial information so that the public can help decide what must be done as a community to adjust to the shortfall. There will be input from the public and from the Commission, plus staff will be working to close that gap.

**Jack Neal**, 435 E. Central Avenue, announced that the old clock on Market Street is not working. He explained the problem and said he is working on fixing it and will also clean, polish and paint it. The Commission thanked him for his volunteer work to keep this landmark running and he was applauded by those present.

## CITY COMMISSION COMMENTS

The Commission congratulated the new Mayor.

Mayor Fultz requested that, because of his additional duties and the amount of traveling he will need to do, that he be given office space in the Administration Building, and have access to a city pool car.

City Attorney Chuck Galloway said there currently is no provision in the code that allows for this but if he is authorized to do so, he would prepare a resolution for consideration by the Commission.

### Office:

Commissioner Wojcik cautioned the Mayor to be careful so he does not take the position of trying to be a super city manager or strong mayor. She said that he is only an elected Mayor. Mayor Fultz said he would not manage personnel.

Commissioner Wojcik said with an office at City Hall the Mayor would be getting into needing things like a phone and computer etc. She said there is already an office available for the City Commission at City Hall. Commissioner Lutton said the office is only being used as a mail cubby. The Commissioners get their mail and steps right out. Mayor Fultz said he was smart enough to leave that in the City Manager's hands because she is the one who controls what happens at City Hall.

Commissioner Lutton said he also needed to be aware that some employees may try to go through him instead of the proper chain of command. Mayor Fultz said that in the past few weeks he has received sermons from the city attorney, acting city manager and many other people as to what he can and cannot do in the Administration Building. He said he does not want the appearance of impropriety knocking on his door. He said he will not be directing any staff and will not be doing anything related to administration. He will only be doing the duties of the Mayor just described by Robin Gibson. Mayor Fultz said he will be using the phone a lot and will be meeting those people who would rather meet him at City Hall, and the rest of the time he will be off and running as he tries to establish relationships, pulls together partnerships, and seeks solution for concerns in different parts of the City. He said he takes the job very seriously and he will be doing exactly what he was elected to do.

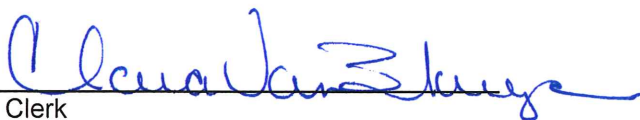
### Pool Car:

Mayor Fultz said the pool car will remain at city hall when he leaves each day and he will use it only for city business. He asked if he would have to fill the gas tank and be reimbursed or if the city would fill it. Ms. Ecklund explained that the City has a Fuel Master System, which would be the cheapest way because the city gets gas at a discounted rate which saves on sales tax. She said she would come up with a system that documents the travel for transparency purposes to avoid fuel issues etc.

There being no further business the meeting was adjourned at 7:52 PM.

  
Mayor/Commissioner

ATTEST:

  
City Clerk

City of Lake Wales  
**MAYOR'S OATH**


"I, **Eugene Fultz**, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida;

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

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

So help me God."



  
\_\_\_\_\_  
Eugene Fultz, Mayor  
May 7, 2013