

A workshop meeting of the City Commission was held on February 19, 2013 at 5:00 p.m. in the Commission Chamber at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

COMMISSIONERS PRESENT: Christopher Lutton; Betty Wojcik; Terry Y. Howell; Jonathan Thornhill; Mayor Michael S. 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]

Commissioner Wojcik recused herself from the workshop meeting because she said the item being discussed would be a conflict of interest to her because she is still employed with the Lake Wales Area Chamber of Commerce until the end of May. Commissioner Wojcik left the room.

Mayor Carter asked City Attorney Chuck Galloway if there was anything else and he said that was fine.

Agenda Item 2. Memorandum of Understanding between the Lake Wales Chamber of Commerce and the Lake Wales City Commission – Formation of an Economic Development Council (EDC)

[Begin agenda memo]

The LW Chamber of Commerce has asked for this workshop in order to consider a proposal whereby the Chamber and the City will join forces to establish an Economic Development Council (EDC) to promote Economic Development throughout the City of Lake Wales. The Chamber is also including a Job Description for an Executive Director/Economic Development Professional.

Discussion and presentation will begin at 5PM on February 19, 2013.

[End agenda memo]

Chamber of Commerce President Brian Marbutt said the proposed plan was not a power grabbing trip, a fix for a Chamber a bail-out, or to give the job to the present Chamber Executive Director. He then gave his Power Point presentation.

Paul Senft, Executive Director of the Haines City EDC and Steven Scruggs, representative from the Lakeland EDC also spoke to the Commission about their respective EDC programs and urged the City to form one.

The following topics were discussed.

• **Topic 1. The Board:**

- Commissioner Thornhill said that in the proposed plan the Chamber of Commerce decides who will be in the EDC.

Mr. Marbutt said the Board would be comprised of a City Commissioner, the City Manager, and the Executive Director of the EDC, which would also be the Chamber of Commerce Director.

- Commissioner Thornhill said that several board members on the list could help the city easily by just bringing their business into the City, yet they spend money fighting to keep themselves out.

Mr. Marbutt said he found it hard to believe that anyone on the Board would be fighting the City because they all voted for this plan and they all want to support the City.

- **Topic 2. The Business Community:**

- Mr. Marbutt said the business community is offering to be involved and this plan is a way to get community support.
- Commissioner Howell said it made sense to her that business people are the ones to bring in other business people.
- Commissioner Howell said there are 100 Chamber members that can be out there talking to other businesses about coming to Lake Wales, which is more eyes looking, more ears listening for possibilities, and more mouths to talk to prospective than we have right now with just one person. She said the City should give it a try and support their effort.

- **Topic 3. The EDC**

- **Relationship to the Chamber:** Commissioner Lutton asked about the relationship between the EDC and the Chamber of Commerce.

Mr. Scruggs said the Haines City EDC meets regularly and works closely with the Chamber, city officials and Main Street, and they sit on each other's boards and advisory committees.

Mr. Senft said the Lakeland EDC was a division of the Chamber of Commerce for many years but then had an amicable separation because they had a separate location, a separate budget and a separate board..

- **Daily Duties of the EDC:**

- Commissioner Lutton asked what their daily duties involved.

They meet with companies to try to get them to come to their city; build relationships with and follow leads from real-estate brokers; attend trade shows to generate leads; take prospective business people around town; and lead forums

- Mayor Carter asked how the EDC functions differently on a daily basis from what the Chamber of Commerce would do

Some of the Chamber tasks mentioned by Mr. Scruggs and Mr. Senft were:

- The Chamber works with small businesses while the EDC handles those that employ a large number of people such as large corporations, manufacturers and industries.
- Some Chambers handle small events and others handle large events like the 4th of July Fireworks
- They help with ground breakings.
- The EDC has basically two missions; to bring in new companies, and to help existing companies expand.

- **Wearing Two Hats:**

- Mayor Carter asked if there was any conflict with “wearing two hats” by serving on both the EDC Board and the Chamber Board.

Mr. Scruggs said they haven’t had any problems.

- Mayor Carter asked if they were involved with the cities when they didn’t have an EDC.

Mr. Scruggs said he was one of the founders of the EDC in Haines City and has mentored two ladies since then to take over the job.

- Commissioner Thornhill asked if their situation was the same as what the proposal was; that the EDC Director and the Chamber Director are one in the same.

Both Lakeland and Haines City have separate chamber directors and EDC directors.

Commissioner Thornhill asked if either had their own Economic Development Director and Mr. Senft said they do but he acts more of an ombudsman to help someone get through the system.

- **City Involvement:**

- Mayor Carter asked how the city would be involved in the economic development process.

Mr. Scruggs said the city is the biggest partner because they control most everything in the community from the airport to utilities and so it is beneficial to the EDC to have a great relationship with the city. The city takes a leadership role and they work closely with the Planning Department for permits or to get a plan approved, and with the Utility Department to get utility hookups. The City Manager attends their meetings as a seat on the Advisory Board. The Commissioners are honorary members but do not vote.

Mr. Senft said the Mayor and City Manager are on their Board as voting members along with 50 or 60 other people but they normally don’t vote on anything controversial.

Mr. Marbutt said if they had the budget of the Haines City and Lakeland. they would have a separate EDC and Chamber too. He said they will have to work hand-in-hand with the City’s Planning Department to get things accomplished.

- **Topic 4. Executive Director:**

- Commissioner Thornhill said the duties listed in the plan are, according the Chamber’s mission statement, basically duties that are the Chamber’s focus anyway.
- Commissioner Howell said getting jobs is what the Chamber does anyway and maybe we are stopping their effort instead of helping them.

- **Topic 5. Funding:**

- **Public/Private:** Commissioner Thornhill said that basically public funds would be given to a private organization, which would remove the authority for those funds from the Commission.

Mr. Marbutt said that all EDC's were public/private partnerships as well as the Central Florida Development Council and they receive public funds.

- **Private/Public:** Commission Thornhill said he would rather form a private/public partnership instead of a Public/Private partnership with the Chamber giving money to the City. Therefore the public oversight is still there and the Chamber would have a representative on the City Board.

Mr. Marbutt said their plan will save the City money.

Mr. Scruggs said the Haines City EDC is a public/private business with their funds coming 60% from the City and 40% from private businesses, though their goal is to have it 50/50. Haines City has gotten 400% return on their investment.

- **City Portion:** Commissioner Howell suggested \$70,000 as a base and if the Director is doing what he needs to be doing and is bringing in jobs and businesses, increase it, which would be incentive for the director to do a good job. She gave an example of a football player getting higher pay if he makes a lot of touchdowns.

Mr. Marbutt said he realized that \$100,000 was a lot of money but the Chamber was asking for less than the city spends now on economic development and the Chamber is throwing in half of the director's salary. Anything left of the city funds will go into a separate account to be used only on economic development and will be reported back to the Commission.

Also the Economic Development Council Partners have a vested interest in wanting a voting voice on the board because they live here or have businesses here. They will have to pay for that privilege. He said that maybe down the road they can be self-sufficient and won't need that much from the City.

- **Grant/Contract:**

Commission Thornhill said that it seemed to him that this has been in the plans for some time, or else the wheels turned pretty quick. He said he had been the Liaison for the City for the EDC and he was all for it and thought it was a good idea, but he realized at that time that one day they were going to ask for money. He said he did not understand giving them a grant when the Commission has in the past years tried to eliminate grants. He said this proposal would, he assumed, be a grant and City Attorney Chuck Galloway concurred. He said by giving them a grant it would open up the door for other organizations seeking grants to request one by calling it a Partnership.

Mr. Marbutt gave an example of the Partnership the City has with Kimbrough and Associates that is paid with CRA Funds, though he did not know if it was called a contract or a grant.

Mr. Scruggs said the EDC has a contract with Haines City to do their Economic Development, much like contracts to do garbage services.

- **Topic 6. Marketing:** Commissioner Thornhill said he thought putting money into marketing the city was a great idea and if they can work with the Chamber to accomplish that he is all for it.
- **Topic 7. The Proposed Plan:**
 - Commissioner Howell said helping with the Plan made sense to her to have the Chamber do what it does best to help the City. The City should help by giving legal

incentives to bring businesses and jobs to Lake Wales. It needs to be transparent so that everyone is working on the same page.

- Commissioner Howell said that some valid points have been made and she wasn't sure that the Plan was 100% the way it needs to be but they should work together so they can move forward.
- Commissioner Howell asked if the term was for one year to see what happens. She was told they were asking for a commitment of two years to give them time to get it going but they put into the plan the opportunity to pull-the-plug in six months if the Commission doesn't see the results they want to see. If they do see the results they are looking for the Commission may want to extend the term.
- Commissioner Thornhill said that in Article 8 it says, "All the terms and conditions herein have been agreed upon", which doesn't allow for any leeway. He said it means this is a done deal and if anything is added to it they will really have to go through something to get it changed.

Mr. Marbutt said the Chamber's mission statement says they do what is best for the City in economic development. If there is a better way to do it, they are willing to discuss it; the Plan isn't set in stone. But he said they did their homework with the research and they believe their plan is a winning proposition and that forming an EDC is the way to go.

- **Topic 8. Accountability:**

- Commissioner Thornhill said the agreement has a two-year reporting period, which means the Commission would not know for two years if it was working or not.
- Commissioner Thornhill wanted to know who would be doing the rating to see if they are doing a good job. He said right now the City Manager and Economic Development Director are 100% responsible to the City.
- Commissioner Thornhill wanted to know if the City has to report to the Chamber. Right now, if there is a problem with the Economic Development Director, the City Manager determines that and decides what to do.

- **Topic 9. The Sunshine Law:** Commissioner Thornhill said some of the meetings would be held outside of the Sunshine Law whereas everything in the city's Economic Development Department is open to the public

- **Topic 10. Two-in-one:**

- Commissioner Thornhill said the director and the EDC would be the same.

Mr. Marbutt said if there was \$320,000 in the budget they could have a stand alone EDC, and pay also for a separate Chamber Director, which the Chamber would support. Maybe someday that can happen, but not now. He said they feel this is the best way for the City and the Chamber to partner to utilize the expertise of the business community to achieve good economic development growth.

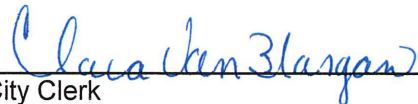
- Commissioner Thornhill said he is a firm believer in the Bible which states "You cannot serve two masters, for you will love one and hate the other." He said the City Commission may set policy in one way for economic development, but then the EDC/Chamber Director can overrule it.

There being no further business, the meeting was adjourned at 5:55 p.m.



Mayor/Commissioner

ATTEST:



City Clerk

2/19/2013 Workshop

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME—FIRST NAME—MIDDLE NAME <i>Wojcik, Betty</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Commission</i>	
MAILING ADDRESS <i>4005 Dunmore Drive</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Lake Wales</i>	COUNTY <i>Polk</i>	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>2/19/2013</i>		NAME OF POLITICAL SUBDIVISION: <i>City of Lake Wales</i>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which is as to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Betty Wojcik, hereby disclose that on February 19, 2013:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of the Lake Wales Area Chamber of Commerce, Inc, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Employed by organization proposing economic development agreement which involves city funding.

2/20/13
Date Filed

Betty Wojcik
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR CIVIL PENALTY NOT TO EXCEED \$10,000.