

The meeting of the Lake Wales City Commission was held on March 18, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at 6:00 p.m. following the invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT:

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Jennifer Nanek, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

MAYOR

Agenda Item 5. PROCLAMATION: Children's Day; April 4, 2014

Diane Bowman, Early Learning Coalition of Polk County, accepted the Proclamation.

The Mayor reported that a proclamation was presented at the High Point Church Sunday in honor of the forthcoming Community Workday sponsored by the Business, Civic, and Ministry Coalition, which takes place April 5 and will involve improvements at Crystal Lake Park.

The Mayor reported that at the NAACP banquet on Saturday the Police Department was recognized for their efforts in the community. The Mayor offered his commendations to the Chief, Deputy Chief and staff.

PRESENTATIONS

Agenda Item 6. Citizens & Police Community Relations Board Annual Report

Sgt. Joseph VanBlarcom, Lake Wales Police Department, reported on the history and progress of the Citizens & Police Community Relations Board, that it was established to improve relations with the community. The board addresses questions and concerns about police operations and related issues and as of late gives informational programs to the community. This committee does not take the place of the formal complaint process. The meetings were well attended for the first several months. To encourage additional attendance they began to give presentations on issues related to shoplifting, counterfeit money and many others.

Commissioner Carter said that it seems as if the format and topics are going well, and asked if the plan was to continue along this line. Sgt VanBlarcom responded yes. Commissioner Carter asked about publicity efforts. Sgt. VanBlarcom described the various efforts to publicize their meetings, however attendance is still low. Commissioner Carter suggested continual efforts at publicity to improve attendance.

Commissioner Lutton said he liked the idea of having the meetings at different places and suggested continuing to move the meetings around to different venue

Commissioner Wojcik asked if this board has served its purpose and if it is still needed. Sgt VanBlarcom explained that some concerns were heard and addressed through the committee. Commissioner Wojcik

recommended possibly reducing the meetings from monthly to quarterly. Sgt. VanBlarcom said they could still do the same things and achieve the same goals if the meetings were reduced.

Kenneth Fields, City Manager, commended the Police Department's efforts at improved communication with the community.

Mayor Fultz said fewer meetings might increase attendance if held only quarterly.

Commissioner Carter suggested that if a citizen has a concern, to bring it forward at anytime.

Clara VanBlargan, City Clerk, confirmed that the requirements state the meetings are to be held monthly. The direction was to change the requirements to quarterly or as needed.

COMMUNICATIONS AND PETITIONS

Manuel Crespo, 850 Wildabon, explained that the Committee is an avenue for complaints and should be supported and promoted.

CONSENT AGENDA

Agenda Item 7. APPROVAL OF MINUTES: March 4, 2014, Regular Meeting

Agenda Item 8. Digital Copier Lease with Ricoh USA, Inc.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider entering into a lease agreement with Ricoh USA, Inc. for a digital multifunction copier.

RECOMMENDATION

Staff recommends that the City Commission approve a forty-eight (48) month lease agreement of one digital multifunction copier from Ricoh USA, Inc. and authorize the City Manager to execute the lease.

BACKGROUND

An additional copy machine is requested to accommodate customer service staff who has been relocated to the front lobby of the City administration building. Customer service staff is now leaving the lobby unattended up to thirty times per day to make copies for customers.

Ricoh USA, Inc. is the City's current copying machine vendor and the proposed lease is based on State of Florida Contract pricing (#033-KK11).

OTHER OPTIONS

The Commission may not approve the lease with Ricoh USA, Inc. at this time.

FISCAL IMPACT

The annual lease cost of the Ricoh USA, Inc. equipment is \$1,062.84.

[End agenda memo]

Commissioner Lutton asked where it would be located. Mr. Slaton said it would be in the mailroom. A second question was regarding number of copies. Mr. Slaton explained that currently 80 copies are made per day or 30 trips.

Commissioner Carter made a motion to approve the Consent Agenda. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

COMPREHENSIVE ANNUAL FINANCIAL REPORT

Agenda Item 9. Transmittal of the Comprehensive Annual Financial Report, For Fiscal Year Ended September 30, 2013

[Begin agenda memo]

SYNOPSIS

The City's independent auditors, Purvis, Gray and Company, will present the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2013 for acceptance by the City Commission.

STAFF RECOMMENDATION

The recommendation is for the City Commission to accept the City's Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2013 and independent auditors' report as presented.

Purvis, Gray and Company representative: Joseph J. Welch, C.P.A.

BACKGROUND

In the independent auditors' report for the fiscal year ending September 30, 2013, the auditors stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2013, and the respective changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

This is the fifth year that the City has prepared a comprehensive annual financial report (CAFR). A CAFR is a financial report that contains, at a minimum, three sections: 1). introductory, 2). financial, and 3). statistical, and whose financial section provides information on each individual fund and component unit.

Financial Highlights

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$45,538,487 (*net position*). Of this amount, \$3,018,815 (*unrestricted net position*) may be used to meet the government's ongoing obligations to citizens and creditors.

- The City's total net position increased by \$944,244. The governmental activities decreased by \$232,458 (1.19%), while business-type activities increased \$1,176,682 (4.71%).
- As close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$6,510,393; an increase of \$830,600 for the year. Approximately 16.58% is *available for spending* at the government's discretion (unassigned).

[End agenda memo]

Joe Welch, representative of Purvis Gray, and Company, reported on the results of the audit for the year ending September 30, 2013. The audit went well and the city gets an A+ on the condition of the books. It was a clean audit and there were no findings. Mr. Welch thanked the Finance Department for their cooperation. There was a meeting earlier with the finance committee where the audit was reviewed in detail. The internal controls were reviewed and they properly designed for a city this size. As far as the financial results, the CRA and general funds had a loss for the year but not as much as budgeted which ate into the fund balance. The utility fund had a good year as the annual CPI increases built into the rates produces enough money to finance capital additions out of pocket at a little over \$1million a year. The pension funds netted about 13% on the investment returns with 14.5% the year before. We have had two good years in a row, which is helping to get those funds back to a reasonable funding status. A benchmarking study was done to compare Lake Wales with other cities. The debt level is high but in 2015 and 2017 some of the debt should drop off.

Commissioner Thornhill made a motion to accept the audit. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Lutton asked for an update on how long until the first bond is paid off. Dorothy Ecklund, Finance Director, responded that it is October 1st but a payment is due October 1st so we are saving the money as of September 30th in this year so there will be a large debt service payment in FY 14-15 but there will be relief in next year's budget. In May, as the budget process begins, the general fund and the CRA still have pressure on them and she will bring up the repayment plan to the emergency sinking fund and utility projects that are coming up and action that needs to be taken. The current budget is on target, some of the revenue sources are a bit ahead, not enough to add things but we are not trailing behind.

Commissioner Wojcik asked about an additional 1% raise for the employees. Kenneth Fields, City Manager, said that an additional raise of 1% could be done as we are running slightly ahead. A resolution will be brought forth on the next agenda on April 1st, but the raise will begin on March 30th as that is the beginning of the pay period. Mr. Fields said that the cost is worth the improved morale and productivity. Commissioner Wojcik said that as employees have had to deal with a lot under a difficult economic situation it is great to move forward with this as planned.

Mayor Fields commended Ms. Ecklund for a job well done.

OLD BUSINESS

Agenda Item 10. ORDINANCE 2014-03, Adjusting Compensation Pay Period for City Commissioners – 2nd Reading & Public Hearing

[Begin agenda memo]

SYNOPSIS

The City Commission will consider adjusting the compensation pay period for City Commissioners to help reduce administrative payroll costs.

RECOMMENDATION

The recommendation is for the City Commission to adopt Ordinance 2014-03 after second reading and public hearing.

The City Commission approved first reading of Ordinance 2014-03 on March 4, 2014. Public Notice for second reading and public hearing was advertised on Saturday, March 8, 2014 in the News Chief.

BACKGROUND

The City's current ordinance (Section 2-261) requires Commissioners to be paid on monthly bases while all other City employees are paid on bi-weekly bases. The timing difference in the payroll cycles, Commissioners vs. city employees, creates additional costs relating to process payroll under this existing method.

The City would be able to reduce payroll administrative costs by an estimated \$975 per year if Commissioner Compensation was moved to the same bi-weekly payroll cycle as all other employees.

FISCAL IMPACT

The estimated annual cost saving is \$975.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-03 by title only.

AN ORDINANCE ADJUSTING COMPENSATION PAY PERIOD FOR CITY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

OPENED FOR PUBLIC HEARING

There were no comments from the public.

CLOSED FOR PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2014-03 after second reading and public hearing. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 11. ORDINANCE 2014-05, Vacation of a Portion of Right-of-Way West of 11th Street and South of SR60 – 1st Reading

[Begin agenda memo]

SYNOPSIS

Dr. Hasan M. Mousli, owner of property located at 1086 SR 60 East, has requested the vacation of a portion of unimproved right-of-way running along the east side of his property to facilitate construction of a medical office. Staff recommends that the entire right-of-way running to the south be vacated.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2014-05 after first reading. A public hearing is not required for first reading.

BACKGROUND

William Carson, agent for owner Dr. Hasan M. Mousli, requested vacation of a 30-ft. wide right-of-way running along the east side of property at 1086 SR 60 East. The right-of-way runs 225 feet along Dr. Mousli's property and continues southward for a total of 593 feet. Staff recommends that the entire right-of-way be vacated at this time because it is not needed for public purposes and does not connect with other roadways.

The right-of-way is unimproved and carries no public utilities. No property will be deprived of public access by its vacation. All properties abutting the right-of-way have access from public streets, Minnesota St., SR 60, and 11th St. S.

If vacated, the right-of-way will revert to the adjacent property owners; in this case, half will go to Dr. Mousli and half to CVS (Cole CV Lake Wales FL LLC). For the remainder of the right-of-way the adjacent property owners are CHR Lake Wales LLC (The Grove Center) and RF Development Co. (vacant).

Dr. Mousli proposes to demolish a fire-damaged house on his property and construct a new medical office. The additional property from the right-of-way will allow more room for parking for the medical offices. The property is located in the PF-Professional zoning district.

The original purpose of the right-of-way is unknown. The 30-ft. width would not accommodate a local road (requires 50 feet) and is twice as wide as a typical alley right-of-way. Possibly the other half of the right-of-way was never dedicated.

(Note: At its south end, the right-of-way proposed for vacation connects with a right-of-way running east to 11th St. This segment is not proposed for vacation. There are public utilities in the right-of-way, which is obstructed and inadequate in width for a roadway. There is also a public utility easement running east-west from 11th St. to Minnesota.)

OTHER OPTIONS

Decline to grant the vacation or vacate only the portion of right-of-way requested by Dr. Mousli. The City would continue to be responsible for maintaining the remaining right-of-way.

FISCAL IMPACT

Vacating the unimproved right-of-way will relieve the City of any responsibility for maintenance. The vacation will return the property to the tax rolls.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-05 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING, AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO AN UNIMPROVED RIGHT-OF-WAY LYING WEST OF 11TH STREET AND EXTENDING SOUTH FROM STATE ROAD 60 APPROXIMATELY 593 FEET AND BEING 30 FEET IN WIDTH AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN, AND PROVIDING FOR AN EFFECTIVE DATE

Commissioner Carter asked if anything is there now. Margaret Swanson, Planning Director, said there is only grass and the right-of-way runs between CVS and a house owned by Dr. Mousli and goes south behind CVS to the Halliburton dentist office. Albert Galloway Jr, City Attorney, explained that Dr. Mousli can use the right-of-way, 15 ft to the west and east as CVS will not use their half. Commissioner Lutton asked if this will be used for traffic. Ms. Swanson said no it will be used for parking for the doctor's office.

OPENED FOR PUBLIC COMMENT

There were no comments from the public.

CLOSED FOR PUBLIC COMMENT

Commissioner Thornhill made a motion to approve Ordinance 2014-05 after first reading. Commissioner Lutton seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 12. RESOLUTION 2014-05, Cell Phone Allowance for the Mayor

[Begin agenda memo]

SYNOPSIS

The City Commission will consider the adoption of Resolution 2014-05, which will provide a cell phone allowance to the mayor.

RECOMMENDATION

The recommendation is for the City Commission to adopt Resolution 2014-05, providing for a cell phone allowance to the Mayor at a bi-weekly amount of \$17.50.

BACKGROUND

The City Charter amendments adopted in April 2012 expanded the duties of the mayor and have caused an increase in the mayor's personal cell phone expenses. As a result of these additional expenses on the City's behalf, the City Manager is recommending that a cell phone allowance of \$17.50 bi-weekly be provided to the mayor, which is consistent with the amount the City provides other staff members who use their personal phones for City business. Providing a cell phone allowance is more effective than providing a City-paid phone as there is no need to track and pursue reimbursement on personal calls made and the Mayor will not have to publish a new contact number.

OTHER OPTIONS

Do not approve Resolution 2014-05 as proposed.

FISCAL IMPACT

The cell phone allowance will cost \$455 annually.

[End agenda memo]

City Clerk Clara VanBlargan read Resolution 2014-05 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR A CELL PHONE ALLOWANCE RELATED TO THE DUTIES OF THE MAYOR AS SPECIFIED IN THE CHARTER OF THE CITY OF LAKE WALES

Mayor Fultz recused himself from this discussion as it personally benefitted him and passed the gavel to Deputy Mayor Lutton.

Commissioner Thornhill asked if his phone records would become public records. Albert Galloway Jr, City Attorney, explained that a member of the public could request and receive those invoices for review. He also advised against any Commissioner using text messages for government business as those cannot be captured. Commissioner Carter asked if the City should just provide the phones. Kenneth Fields, City Manager, explained that it is becoming the trend to provide an allowance instead of a phone as it can become a problem if the Mayor received personal calls on his phone. This is also true with other mobile devices.

Commissioner Thornhill made a motion to adopt Resolution 2014-05. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

Agenda Item 13. RESOLUTION 2014-06, For purposes of Section 147(f) of the Internal Revenue Code for the future reissuance of the Series 2008 Bonds (the "Resolution") and acknowledging the execution of a Waiver and Forbearance Agreement (the "Forbearance Agreement") - Public Hearing

[Begin agenda memo]

SYNOPSIS

The approval will be the initial step for purposes of Section 147(f) of the Internal Revenue Code for the future reissuance of outstanding bonds, as described below.

RECOMMENDATION

Water's Edge of Lake Wales, LLC is requesting that the City Commission:

1. Hold a public hearing regarding the reissuance by the City of the Retirement Facility Revenue Bonds (Water's Edge of Lake Wales, LLC Project), Series 2008A and Retirement Facility Revenue Bonds (Water's Edge of Lake Wales, LLC Project), Taxable Series 2008B originally issued in the principal amount of \$26,025,000 and \$860,000, respectively (the "Series 2008 Bonds"), and
2. Adopt Resolution 2014-06, for purposes of Section 147(f) of the Internal Revenue Code for the future reissuance of the Series 2008 Bonds (the "Resolution") and acknowledging the execution of a Waiver and Forbearance Agreement (the "Forbearance Agreement").

BACKGROUND

The City previously issued the Series 2008 Bonds pursuant to an Indenture of Trust dated as of April 1, 2008 to generate funds to make a loan to Water's Edge of Lake Wales, LLC, a Florida limited liability company (the "Borrower"), for the purpose of financing and refinancing the Project described below. On March 3, 2014, a Notice of Public Hearing was published in *The Lakeland Ledger* noticing a hearing to be held by the City Commission on the date hereof at 6:00 p.m. regarding the reissuance of the Series 2008 Bonds. The Borrower has reached an agreement with National Church Residences, an Ohio non-profit organization, which has agreed to assist the Borrower with liquidity support and with its management experience from similar facilities. The Forbearance Agreement will be put in place to provide short-term debt service reduction for the Series 2008 Bonds and grant debt service relief to the Borrower.

The Series 2008 Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the City, Polk County, the State of Florida or any political subdivision or agency. The Series 2008 Bonds are payable solely from the revenues pledged in the Indenture of Trust dated as of April 1, 2008, by and between the City and the bond trustee, as amended and supplemented, and in the Loan Agreement dated as of April 1, 2008, by and between the City and the Borrower.

PROJECT

The Series 2008 Bonds were issued to finance and refinance the costs of acquiring, constructing and equipping of senior care facilities including, but not limited to, 12 single-story duplex villas, a three-story building containing 63 independent living apartments, a two-story building containing 30 assisted living units, 16 memory support (dementia) assisted living units, six respite/rehabilitation assisted living units, and related common areas (including a two-story, approximately 21,000 square foot community center) located in Lake Wales, Florida (the "Project"). The Project has now been constructed and placed in service.

Adoption of the Resolution shall not be construed as an approval of any necessary rezoning applications or for any other regulatory permits relating to the Project.

The City's adoption of the Resolution shall not be construed to:

- a) Attest to the Borrower's ability to repay the indebtedness represented by the Series 2008 Bonds.

- b) Have waived any right of the City or stop the City from asserting any rights or responsibilities it may have in that regard.

The bond resolution granting the final authority for the reissuance of the Series 2008 Bonds will not be presented to the City Commission for adoption until documents related to the reissuance are in substantially final form.

OTHER OPTIONS

Not adopt the Resolution. The Borrower will have to pursue other refinancing alternatives.

FISCAL IMPACT

The Borrower will pay the bond reissuance costs including the City's Attorney and Bond Counsel fees and expenses, and advertising costs. As previously stated the bond issue does not constitute an indebtedness or pledge of the general credit or taxing power of the City.

[End agenda memo]

City Clerk Clara VanBlargan read Resolution 2014-06 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA APPROVING FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE THE REISSUANCE OF THE CITY OF LAKE WALES, FLORIDA RETIREMENT FACILITY REVENUE BONDS (WATER'S EDGE OF LAKE WALES, LLC PROJECT), SERIES 2008A AND CITY OF LAKE WALES, FLORIDA TAXABLE RETIREMENT FACILITY REVENUE BONDS (WATER'S EDGE OF LAKE WALES, LLC PROJECT), SERIES 2008B TO OCCUR ON OR AFTER OCTOBER 1, 2014; ACKNOWLEDGING THE DELIVERY OF A FORBEARANCE AGREEMENT AND RELATED INSTRUMENTS; PROVIDING CERTAIN MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Monique Spotts, Bryant, Miller, Olive, explained that in 2008 the City issued both tax-exempt and taxable bonds to refinance the Waters Edge retirement facility. Approximately \$23million in tax-exempt bonds and half a million in taxable bonds were issued. Over the past 6 years the debt has been paid by the owner pursuant up to the financing agreement. They are entering into a forbearance agreement with the bond holder to get interest rate relief on the debt. They are in discussions with a national sponsor who has agreed to help with a restructure of the ownership of the project. Representatives are present from the borrower and the national sponsor. For tax purposes, related to the tax-exempt financing, when certain changes are made in connection with tax-exempt bonds a reissuance of the bonds may result. Certain changes are being made to the management structure and to the interest rate payable on the bonds within a six month period, that may also cause a reissuance of the bonds. So for tax purposes when that happens a new public hearing is required so that the public is aware of what's going on and the changes that are being made. With this resolution the City is approving the reissuance, which is not an issue of new bonds, merely a refinancing of the bonds in connection with a restructure of the ownership and a forbearance agreement by the bond holder providing interest rate relief to the borrower. The resolution acknowledges the forbearance agreement, but the city is not a party to the forbearance agreement which is between the bond holder and the new sponsor and the borrower.

Kenneth Fields, City Manager, said that this does not affect the City's ability to borrow money in the future.

OPENED FOR PUBLIC HEARING

No Comments from the public.

CLOSED FOR PUBLIC HEARING

Commissioner Thornhill a motion to adopt Resolution 2014-06. Commissioner Lutton seconded the motion.

By Roll Call:

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

The motion carried 5-0.

Agenda Item 14. Appointments – Boards, Commissions, and Committees

[Begin agenda memo]

SYNOPSIS

The appointments will fill vacancies due to resignations, expiration of terms, newly established boards, etc.

RECOMMENDATION

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

The Mayor is asked to 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.

CRA Citizen Advisory Committee – The committee consists of five (5) members. Members must own property or operate a business within the voting district provided that the residence or business of the nominee is within the boundaries of the CRA (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: 3 residents in specific voting district or meeting other requirement in specific voting district (includes 3 expiring terms) 3 members (Seat 1, At-Large; Seat 2, District 19; Seat 5, District 28)*
- *District Vacancies are chosen by the Commissioners representing that District. Commissioners Lutton and Thornhill are encouraged to find persons from their respective districts to fill the remaining slots.*

1 - Resident vacancy (Seat 1, At-Large) Term expires 07/01/14
1 - Resident vacancy (Seat 2, District 19) Term expires 07/01/14
1 - Resident vacancy (Seat 5, District 28) Term expires 07/01/15

Current Members: Narvell Peterson, (Seat 3 – District 122)
Murray Zacharia, (Seat 4 – District 27)

Applying for appointment: Christopher Kincaid, resident; Seat 1, At-Large

General Employees' Retirement Board (City Code Sec. 16-43) – The board consists of five (5) trustees. Two (2) members must be employees of the plan elected by a majority of the actively employed members of the retirement system, two (2) members must be a resident of the City, own property in the City or have a

business tax issued from the City of Lake Wales, and one member is a voting Mayor or City Commissioner. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interest.
- Current Vacancies: Voting Mayor/or City Commissioner

Current Members: Linda Kimbrough, resident
Violeta Salud, resident
James Slaton, general employee
Sarah Kirkland, general employee
Commissioner Michael Carter, voting City Commissioner member

1 - Mayor or City Commissioner vacancy: Term expires 04/01/14

Commissioner Carter currently serves on the General Employees' Retirement Board and will no longer be a City Commissioner after May 6, 2014.

Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. The Mayor with the advice and consent of the City Commission appoints resident members and firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 resident

Current Members: Robert Holt, 5th Seat
Glen Gest, resident
Joe Jenkins, Fire Chief
Roy Wilkinson, III, Firefighter

1 - Resident vacancy: Term expires 09/30/14

Applying for appointment: James (Jerry) Brown, resident
Christine Elrod, resident

Christine Elrod originally applied for appointment to the Police Officers' Retirement Board as shown on the application.

Police Officers' Retirement Board (City Code Sec. 16-233) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 resident

Current Members: Patrick Quinn, police officer, 5th Seat
Joe Elrod, police officer
Mark Stroup, police officer
Leon Weech, resident

1 - Resident vacancy: Term expires 09/30/14

Applying for appointment: Anthony Elrod, resident

Anthony Elrod is related to Police Officers' Retirement Board member Joe Elrod. However, relatives are not prohibited from serving on the same board as long as they do not discuss board business without complying with the requirements F. S. 286.0111.

OPTIONS

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

FISCAL IMPACT

None. These are volunteer citizen boards.

[End agenda memo]

Commissioner Thornhill asked to put Christopher Kincaid in Seat 2 instead of Seat 1 for the CRA Citizens Advisory Board to replace his representative Rob Bryant. The Mayor agreed.

The Mayor asked for a Voice vote.

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

The appointment was approved 5-0.

The Mayor recommended Commissioner Thornhill to replace outgoing Commissioner Carter to the General Employees' Retirement Board.

The Mayor asked for a Voice vote.

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

The appointment was approved 5-0.

Mayor Fultz appointed Jerry Brown to the Firefighters' Retirement Board to fill term that will expire on September 30, 2014.

The Mayor asked for a Voice vote.

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

Commissioner Carter "YES"
Mayor Fultz "YES"

The appointment was approved 5-0.

Mayor Fultz recommended appointing Anthony Elrod to the Police Officers' Retirement Board as there is no rule against two family members serving on the same board. Commissioner Lutton and Commissioner Carter expressed concerns about a potential conflict of interest.

A voice vote was unclear so the City Clerk asked for a Roll Call vote.

Commissioner Thornhill "YES"
Commissioner Lutton "NO"
Commissioner Wojcik "NO"
Commissioner Carter "NO"
Mayor Fultz "YES"

The motion failed 2-3.

Commissioner Lutton suggested encouraging Mr. Elrod to apply for another board. Kenneth Fields, City Manager, said more efforts would be made to find other applicants for this board.

CITY MANAGER

Agenda Item 15. City Commission Tracking Report:

Kenneth Fields, City Manager, reported that the ASS Foundation agreement has been signed so we are moving forward on that project.

Commissioner Lutton asked for an update on the new fire station. Mr. Fields reported that construction is in its last stages and we are waiting on furniture to come in. A date for a grand opening will be scheduled soon.

Commissioner Carter asked about the old Adult Day Care Center building. Mr. Fields said that the Charter School is interested in the building for vocational purposes but nothing definitive yet. Possibilities for the building were discussed.

Agenda Item 16. City Commission Calendar

Agenda Item 17. Annual Reporting – Boards, Commissions, and Committees

The CRA Citizens Advisory Committee will present on April 15th.

CITY COMMISSION COMMENTS

Commissioner Carter asked about all the trash at the Barn lot at First Street and Sessoms Avenue. James Slaton, Public Services Director, agreed that it was unsightly. The site has been used to drop off old playground equipment. Staff are now sorting and disposing of the material properly.

CITY MANAGER COMMENTS

MAYOR COMMENTS

Mayor asked that the Commission think about a possible plan of action regarding what to do with the hotel as many citizens are concerned about it. Should we enforce Code violations? Commissioner Lutton said

that code violations should be addressed as any other building. Commissioner Carter said all the same courtesies should be extended to all properties. Mayor Fultz agreed that all should be treated fairly, but ideas on how to move forward should be considered and discussed at a future meeting. Albert Galloway Jr., City Attorney, said that it is appropriate for the Mayor to ask the commission to think about the issue, but that the discussion should take place at a later date. The agreement will have to be reviewed and discussed so that the Commission is aware of what it says. Commissioner Wojcik said that the existence of the agreement makes the situation unique. Kenneth Fields, City Manager, said that there is a high level of public interest in this property and its significance to the community and prior relationship to the city makes the property unique so some direction on what to do will need to be discussed.

The Mayor recessed the meeting for a Shade meeting at 7:12 p.m.

The meeting was reconvened at 7:50 p.m.

The meeting was adjourned at 7:50 p.m.



Mayor/Deputy Mayor

ATTEST:



City Clerk

Attached to March 18, 2014 Minutes.

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

NAME—FIRST NAME—MIDDLE NAME <i>Fultz, Eugene L.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Mayor - City of Lake Wales</i>	
MAILING ADDRESS <i>1269 E. Grove Ave</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>3/18/14</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

Person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which results 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)

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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, Eugene L. Fultz, hereby disclose that on 3/18, 20 14:

(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 _____, 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:

Cell Phone allowance - Resolution 2014-05

3/31/2014
Date Filed

Eugene L. Fultz
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, CIVIL PENALTY NOT TO EXCEED \$10,000.