

The meeting of the Lake Wales City Commission was held on April 1, 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; Jonathan Thornhill; Betty Wojcik; Christopher Lutton; Eugene Fultz, Mayor

**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: Mayors National Service Recognition Day; April 1, 2014**

Mayor Fultz presented a proclamation honoring the volunteers of Habitat for Humanity East Polk County. Suzanne McMillan, Volunteer Coordinator for Habitat for Humanity East Polk County accepted the proclamation.

##### **PROCLAMATION: Child Abuse Prevention Month**

Mayor Fultz presented a proclamation designating April as Child Abuse Prevention Month. Mike Willis and Andrea Hagan from Heartland for Children accepted the proclamation.

#### **PRESENTATIONS**

Jerry Miller, Duke Energy, presented a plaque to Mayor Fultz thanking him and the City of Lake Wales for cooperation in efforts to bring energy efficient upgrades to low income homes.

#### **COMMUNICATIONS AND PETITIONS**

Osubi Craig, Director of the Polk State College Art Center, announced the upcoming Jazz Festival April 9-12. The events are free to all. The Mayor commended Mr. Craig for his efforts to bring more of the Arts to Lake Wales.

#### **CONSENT AGENDA**

**Agenda Item 6. APPROVAL OF MINUTES: March 12, 2014, Special Meeting  
March 18, 2014, Regular Meeting**

**Agenda Item 7. Duke Energy Distribution Easement**

[Begin agenda memo]

#### **SYNOPSIS**

The City Commission will consider granting Duke Energy Florida, Inc. a 10-foot easement for the City property located at 309 North 5<sup>th</sup> Street.

#### **RECOMMENDATION**

Staff recommends that the City Commission grant Duke Energy Florida, Inc. a 10-foot distribution easement for the City property located at 309 North 5<sup>th</sup> Street (Crystal Lake Park).

#### **BACKGROUND**

In January 2014, city staff submitted a request to Duke Energy for additional lighting to be installed and a guide wire be re-located for the installation of additional fencing at Crystal Lake Park.

Duke Energy Florida, Inc. informed the City that in order to move forward with the installation of the additional lighting and re-location of the guide wire, they are requiring a 10-foot distribution easement.

#### **FISCAL IMPACT**

None.

#### **OTHER OPTIONS**

None

[End agenda memo]

#### **Agenda Item 8. Sewer Infrastructure System Repair for Greenbrough Subdivision**

[Begin agenda memo]

#### **SYNOPSIS**

The approval authorizes the repair of the sewer infrastructure system for the Greenbrough Subdivision for \$255,865.00 with a 10% (\$25,586.50) contingency utilizing the LMR Construction Inc. contract approved by the Commission at its February 18, 2014 Commission meeting.

#### **STAFF RECOMMENDATION**

The recommendation is for the City Commission take the following action:

1. Approve staff to expend funds in the amount of \$255,865.00 with an additional 10% (\$25,586.50) for the repair of the sewer infrastructure system in the Greenbrough Subdivision utilizing the LMR Construction Inc. contract.

#### **BACKGROUND**

Staff is seeking approval to expend funds in the amount of \$255,865.00 with a 10% contingency (\$25,586.50) for the repair of the sewer infrastructure system in the Greenbrough Subdivision utilizing the LMR Construction contract the City Commission approved at its February 18, 2014 City Commission meeting. Upon completion of the project, the sewer infrastructure in this subdivision will be lined and restored to the optimum operating level. Therefore, staff is seeking commission approval to expend these funds as outlined above.

#### **OTHER OPTIONS**

Chose not to use the previously approved contract with LMR Construction for Sewer Infrastructure Pipe Lining Repair, have staff go through the competitive bid process for sewer infrastructure repair projects, thus requiring staff to seek a consulting engineer to create the bid specifications.

#### **FISCAL IMPACT**

Staff had budgeted \$500,000.00 over a period of two fiscal years in an attempt to be able to complete the entire subdivision once the project was started. As evidenced by the attached quote, and allowing for a 10% contingency in the event of unforeseen circumstances, this project has come in considerably below budget at a total of \$281,451.50.

[End agenda memo]

#### **Agenda Item 9. Lift Station & Manhole Rehabilitation**

[Begin agenda memo]

#### **SYNOPSIS**

The approval authorizes expenditure and piggyback agreement on a contract that South Seminole and North Orange County Wastewater Transmission Authority has with Hinterland Group Inc. for lift station and manhole rehabilitation.

#### **STAFF RECOMMENDATION**

It is recommended that the City Commission take the following action:

2. Approve a piggyback agreement to piggyback on a contract that South Seminole and North Orange County Wastewater Transmission Authority has with Hinterland Group Inc. for lift station and manhole rehabilitation
3. Authorize the expenditure of \$22,918.22 for manhole rehabilitation of six manholes.
4. Authorize the expenditure of \$236,726.40 for the lift station rehabilitation of six lift stations.
5. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

It becomes necessary from time to time to perform routine maintenance on necessary components of the collections system. Staff is seeking approval to use the piggyback process that has been established by the city ordinance to enter into a contract for lift station and manhole rehabilitation. These services were competitively bid by South Seminole and North Orange County Wastewater Transmission Authority, for which Hinterland Group Inc was awarded an annual contract to perform these services. Staff is also seeking commission approval for the expenditure of funds in the amount of \$22,918.22 for the manhole rehabilitation of 6 manholes and \$236,726.80 for the lift station rehabilitation of 6 lift stations. Staff is also seeking approval to authorize the City Manager to execute the appropriate documents on the city's behalf.

#### **OTHER OPTIONS**

Chose not to enter into a contract with Hinterland Group Inc for the manhole and lift station rehabilitation, have staff go through the competitive bid process for these necessary maintenance issues and delay the repairs.

#### **FISCAL IMPACT**

Staff has budgeted \$225,000.00 for these necessary lift station repairs and \$30,000.00 for the manhole repairs. Because the quote for the lift station repairs came in a little higher than the budgeted amount, a budget transfer will be performed to cover the remaining funds needed. Several projects have been completed for far less than what was budgeted which will allow for the transfer of the remaining funds of \$11,726.80 to complete these much needed repairs.

[End agenda memo]

**Agenda Item 11. Preliminary Financial Statements for February 28, 2014**

[Begin agenda memo]

**SYNOPSIS**

The preliminary financial statements report revenues received and expenditures made through the end of February 28, 2014.

The unaudited financial statements for the City of Lake Wales for the Period Ending February 28, 2014 are presented to the City Commission for review. At the end of February 28, 2014 the City was 42% into the fiscal year.

**General Fund (001), page 2:**

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

**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.

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

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

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

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

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

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End agenda memo]

Commissioner Carter asked that Agenda Item #10 be pulled for separate discussion.

Commissioner Thornhill made a motion to approve the Consent Agenda except Agenda Item #10. Commissioner Lutton seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 10. Employee 1% Pay Increase**

[Begin agenda memo]

**SYNOPSIS**

The approval authorizes a 1% employee pay increase to be effective March 30, 2014.

**RECOMMENDATION**

The recommendation is for the City Commission to approve a 1% employee pay increase to be effective March 30, 2014.

**BACKGROUND**

During the FY'2013-14-budget process, the City Commission discussed an additional 1% payroll increase to be reviewed mid-term.

The below table represents the total costs related to the proposed 1% pay increase for a six month period:

<b>Fund</b>	<b>Wages</b>	<b>Soc Sec</b>	<b>Work Comp</b>	<b>Pension</b>	<b>Life Ins</b>	<b>Total</b>
General Fund	25,966	1,964	612	4,767	107	33,415
Library	2,434	186	5	226	7	2,858
Utility System	6,028	461	108	573	17	7,186
<b>Total</b>	<b>34,428</b>	<b>2,610</b>	<b>725</b>	<b>5,565</b>	<b>131</b>	<b>43,459</b>

Note:

Annual cost for a 1% payroll increase would be double the amounts represented within the above totals.

**OTHER OPTIONS**

The City Commission could chose to not approve the proposed 1% employee pay increase.

**FISCAL IMPACT**

The proposed 1% pay increase will be effective March 30, 2014. The appropriations necessary for this payroll increase, if approved by the City Commission, will be included within the second budget amendment for FY'2013-14.

[End agenda memo]

Commissioner Carter asked if the Commission can vote themselves a pay raise. Kenneth Fields, City Manager, explained that this pay increase would not apply to the City Commission. He explained the procedures for City Commission pay increases as stated in the City Charter.

Commissioner Carter made a motion to approve the 1% employee pay increase effective March 30, 2014. Commissioner Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

## **OLD BUSINESS**

### **Agenda Item 12. ORDINANCE 2014-05, Vacation of a Portion of Right-of-Way West of 11<sup>th</sup> Street and South of SR60 – 2<sup>nd</sup> 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 adoption upon second reading and public hearing of Ordinance 2014-05.

The City Commission approved after first reading of Ordinance 2014-05 at its regular meeting on March 18, 2014.

#### **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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>TH</sup> 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**

#### **OPENED FOR PUBLIC HEARING**

There were no comments from the public.

#### **CLOSED FOR PUBLIC HEARING**

Commissioner Thornhill made a motion to adopt Ordinance 2014-05 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 13. ORDINANCE 2014-06, Vacation of portions of Owens and Ray Martin Roads  
– 1st Reading**

[Begin agenda memo]

#### **SYNOPSIS**

Sunshine Agriculture Incorporated has requested the vacation of portions of Owens and Ray Martin Roads located within their property boundary. By agreement, city and county personnel will continue to have the right to use the roads for access to their facilities.

## **RECOMMENDATION**

Staff recommends approval upon first reading of Ordinance 2014-06

## **BACKGROUND**

C. B. Myers, III, agent for the owner, Sunshine Agriculture Incorporated, has requested the vacation of portions of Owens and Ray Martin Roads. The segments proposed for vacation lie entirely within the boundaries of the property of Sunshine Agriculture Inc. The roads are unpaved and are not necessary for access to any other properties. Letters have been received from Duke Energy and Verizon stating no objections to the vacations.

Both Polk County and the City use the roadways to access facilities and will retain the right to continue to do so under an ingress/egress easement to be recorded under separate instrument.

The Sunshine Agriculture property was formerly known as the "Cooperative Fruit" property purchased by the city and sold to Feltrim Corporation for the proposed residential development called Mayfair. Following the downturn in the housing market, the property was sold and has been replanted with citrus. If the property is developed some time in the future, the developer will be required to construct roadways.

The right-of-way will revert to adjacent property owners; in this case, Sunshine Agriculture owns the property on both sides of the rights-of-way.

Mr. Myers has prepared and Chuck Galloway, City Attorney has reviewed the easement agreement. It is attached for information purposes and action on the agreement will be requested at the time of the 2<sup>nd</sup> reading and public hearing for the ordinance.

## **OTHER OPTIONS**

Decline to grant the vacation.

## **FISCAL IMPACT**

Vacating will relieve the City of any responsibility for maintenance of the rights-of-way.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-06 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, EXCEPT FOR ACCESS TO PUBLIC FACILITIES BY OFFICIALS OF THE CITY OF LAKE WALES AND POLK COUNTY, TO THOSE PORTIONS OF RAY MARTIN AND OWENS ROADS AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.**

## **OPENED FOR PUBLIC COMMENT**

Corby Myers, attorney at 202 E Stuart Ave., on behalf of Sunshine Agriculture reviewed the plans for this property which includes cleaning up the trash on the property, maintaining it and providing for security.

## **CLOSED FOR PUBLIC COMMENT**



Commission Lutton asked about security at the end toward the soccer park. Mr. Myers explained that there will be gates and locks. Commissioner Wojcik asked if the police will have access to the roads to address any emergencies. Mr. Myers explained that the Police Department will have a key.

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

By Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 14. ORDINANCE 2014-04, Dissolving Depot Advisory Commission – 1<sup>st</sup> Reading**

[Begin agenda memo]

**SYNOPSIS**

The City Commission will consider dissolving the Depot Advisory Commission through the adoption of Ordinance 2014-04.

**RECOMMENDATION**

The recommendation is for the City Commission to approve Ordinance 2014-04 after first reading.

**BACKGROUND**

The Depot Advisory Commission consists of ten voting members and the Historic Lake Wales Society Executive Director, Mimi Reid Hardman, currently serving as a non-voting ex officio member and as chairperson.

On January 2, 1980, the City Commission adopted Ordinance 79-22 establishing the Depot Advisory Commission and the position of Depot Executive Director. In accordance with this ordinance, the Depot Executive Director was appointed by the City Commission, served as a non-voting ex officio member, and performed the duties under the supervision of the City Manager.

At its meeting on January 18, 2005, the City Commission adopted Ordinance 2005-03 transferring responsibility for appointment of the Depot Executive Director from the City Commission to the City Manager.

On September 19, 2008, the City Commission approved a Lease Agreement between the City and the Historic Lake Wales Society for the operation of the Depot Museum Complex. The Lease agreement made it necessary for the City Commission to adopt Ordinance 2008-37 on October 21, 2008 because the position and duties of Depot Executive Director, and the need for city employees to operate the museum and serve as museum staff were no longer necessary. Following adoption, Tom Baynes of the Historic Lake Wales Society requested that the City Commission amend the ordinance to allow the director or the president of the Historic Lake Wales Society serve as an ex officio member to the Depot Advisory Commission so issues could be resolved without the Society having to come back to the City Commission. Therefore, the City Commission adopted Ordinance 2008-41 on November 18, 2008 allowing the President of the Historic Lake Wales Society to serve as a non-voting ex officio member to the Depot Advisory

Commission, and to require that the Board advise the City Commission as to the long range planning and coordination of the Lake Wales Depot Museum Complex.

On September 21, 2010, the City Commission adopted Resolution 2010-21 conveying the Depot Museum Complex to the Historic Lake Wales Society. The conveyance of the Depot Museum Complex eliminated the need for Lease Agreement.

Because the existing sewer system at the Depot Museum was inadequate and continued to be a problem, the President of the Historic Lake Wales Society, Mimi Reid Hardman, requested that the Community Redevelopment Agency (CRA) approve the necessary funds to repair the sewer system because Society lacked the funds to do so. On August 21, 2012, the CRA agreed to provide the funds to connect to the City's sewer system instead on the condition that the Depot Museum property is deeded back to the City.

On January 15, 2013, the City Commission adopted Resolution 2013-03 authorizing the conditional transfer of all the Depot Museum properties back to the City that were conveyed to the Historic Lake Wales Society on September 21, 2010. Resolution 2013-03 also authorized a management agreement between the City and the Historic Lake Wales Society for the operation of the Depot Museum.

At the February 18, 2014 City Commission meeting, the chairperson and President of the Historic Lake Wales Society, Mimi Reid Hardman, presented an annual report on behalf of the Depot Advisory Commission. After a discussion about the dual role of the Depot Advisory Commission and the Historic Lake Wales Society Board, City Manager Kenneth Fields confirmed that the City Commission could sunset the Depot Advisory Commission, and that an ordinance could be drafted for that purpose.

Ordinance 2014-04 is prepared for consideration by the City Commission to dissolve the Depot Advisory Commission since there is no sunset provision to keep its existence.

#### **FISCAL IMPACT**

Dissolving the Depot Advisory Commission will eliminate the need for staff time to attend meetings, prepare agendas, and minutes.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-04 by title only

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMITTEES, AND COMMISSIONS, THROUGH DELETION OF DIVISION 5, DEPOT ADVISORY COMMISSION, BY REPEALING ORDINANCE 79-22 CREATING THE DEPOT ADVISORY COMMISSION AND REPEALING ORDINANCES 2005-03, 2008-37; AND 2008-41 WHICH SERVED TO AMEND ORDINANCE 79-22; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Wojcik made a motion to approve Ordinance 2014-04 after first reading. Commissioner Lutton seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 15. RESOLUTION 2014-07, Citizens & Police Community Relations Advisory Committee Resolution Amendment**

[Begin agenda memo]

**SYNOPSIS**

The adoption of Resolution 2014-07 amends the requirement of when the Citizens and Police Community Relations Committee shall hold its meetings.

**RECOMMENDATION**

The recommendation is for the City Commission to adopt Resolution 2014-07, which amends Resolution 2012-03 to allow the Citizens and Police Community Relations Committee to meet quarterly or as needed instead of monthly.

**BACKGROUND**

The Citizens and Police Community Relations Committee provides a monthly forum as required by current Resolution 2012-03 for citizens to express opinions about the police department, receive informal information about police procedures; and discuss concerns openly. Although, the forums are effective in providing a dialogue between citizens and the police department, citizen attendance is very low. A lot of time and effort by staff is committed to each forum.

The City Commission, following an annual presentation by the Committee, directed the City Clerk to prepare a resolution for it to amend the monthly meeting requirement of the Committee to allow meetings to be held quarterly or as needed instead of monthly because of the time and effort committed by police department staff. Resolution 2014-07 is prepared for that purpose.

**OPTIONS**

If the City Commission does not adopt Resolution 2014-07, the Citizens and Police Community Relations Committee would continue monthly forums with citizens or the City Commission could choose to dismantle the Committee by resolution.

**FISCAL IMPACT**

The adoption of Resolution 2014-07 will limit the amount of time committed by the police department for holding citizen forums.

[End agenda memo]

City Clerk Clara VanBlargan read Resolution 2014-07 by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REVISING RESOLUTION 2012-03, TO CHANGE THE MINIMUM REQUIREMENT FOR WHEN THE CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE SHALL MEET; AND PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED FOR PUBLIC COMMENT**

No comments from the public.

**CLOSED FOR PUBLIC COMMENT**

Commissioner Thornhill made a motion to adopt Resolution 2014-07. 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**

Appointments 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 appointment as deemed appropriate.

**BACKGROUND**

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc.

**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, 5<sup>th</sup> 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. Although, 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 AGO 89-06, the City Commission chose not to appoint Anthony Elrod to the board at its meeting on March 18, 2014.

Joe Elrod agreed to resign from the board since he is no longer eligible to serve on the board once his term expires on September 30, 2014 to allow Anthony Elrod to serve on the board if appointed by the City Commission at the April 1, 2014 meeting.

#### **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]

Mayor Fultz appointed Anthony Elrod to the Police Officers' Retirement Board, as Joe Elrod will resign from the board.

Commissioner Thornhill made a motion to approve the appointment of Anthony Elrod to the Police Officers' Retirement Board for a partial term expiring on September 30, 2014. Commissioner Wojcik seconded the motion.

By Voice Vote.

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

The appointment was approved 5-0.

#### **Agenda Item 17. Lake Belle Litigation – Partial Settlement**

[Begin agenda memo]

#### **SYNOPSIS**

The approval is for the partial settlement proposal discussed in closed session on March 18, 2014.

#### **RECOMMENDATION**

The recommendation is for the City Commission to approve the partial settlement proposal discussed in closed session on March 18, 2014, in accordance with the provisions of §286.011(8), Florida Statutes, which partially resolves the Lake Belle litigation.

#### **BACKGROUND**

The action referred to as the Lake Belle litigation is styled Marcia Mudd, et. al., vs. City of Lake Wales. The action concerns flooding on Lake Belle following the Hurricanes of 2004 and the exceptional rainfall in 2005, which precipitated the flooding. The case was filed in 2006 and involved seven (7) different claimants. One of the actions has been resolved by Agreement approved by the Commission on October 15, 2013. The

subject partial settlement serves to completely resolve the claims in the Long and Rumsey actions. The remaining actions, Smith, Ahern, Barron and Findley, remain subject to Court ordered Mediation. The partial settlement serves to cap the Plaintiff's attorney's fees as to all actions, subject to reaching a mediated settlement in each of the four remaining actions previously referred to. The terms of the proposed partial settlement are confidential under the Florida Rules of Civil Procedure and cannot be divulged until considered by the City Commission in an open forum.

#### **FISCAL IMPACT**

The matter is confidential unless the settlement is approved.

#### **ALTERNATIVES**

Continue to actively litigate the matter, which may lead to higher costs and attorney's fees, including the costs and fees of the Plaintiffs' experts and legal counsel.

[End agenda memo]

Albert Galloway Jr, City Attorney, reviewed the partial settlement proposal. He said that this must be approved in a public forum. A memorandum was distributed to the Commission which delineates who is getting paid what and why. Upon approval this will become public record, if it is not approved it is still confidential. Approval is recommended as this agreement will serve to limit the City's potential liability and a cap is placed on attorney's fees which could mushroom as the case moves on. Kenneth Fields, City Manager, said that he concurs with the recommendation.

Commissioner Thornhill made a motion to approve the Lake Belle partial settlement. Commissioner Lutton seconded the agreement.

By Roll Call Vote

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

The appointment was approved 5-0.

#### **CITY MANAGER**

##### **Agenda Item 18. City Commission Tracking Report:**

Kenneth Fields, City Manager, reported that the new fire station is nearing completion and that the furniture should arrive soon. A dedication ceremony will be scheduled in the next few weeks.

##### **Agenda Item 19. City Commission Calendar**

Mr. Fields said that potential budget workshop dates were added to the calendar for review.

Commissioner Wojcik asked about a strategic planning workshop as was held last year. Mr. Fields suggested that the first few preliminary meetings on the budget be held first to see where we are on issues for the next year. As some long-range plans were set last year, another strategic planning meeting can be scheduled next year.

Commissioner Lutton brought up some potential conflicts with the proposed workshop meeting dates. He said he was not able to meet on June 10 and on July 8. Mr. Fields said that those dates will be rescheduled.

Mr. Fields suggested setting up tables in the Commission Chambers for budget workshop meetings to allow face-to-face interaction between City Commission members. A suggestion was made to have the meetings in the employee break room where tables were already set up. Mr. Fields suggested having them in the Commission Chambers so the meetings can be televised and to allow more of the public to attend.

**Agenda Item 20. Annual Reporting – Boards, Commissions, and Committees**

The CRA Citizens Advisory Committee will present on April 15<sup>th</sup>.

**CITY COMMISSION COMMENTS**

None.

**CITY MANAGER COMMENTS**

Mr. Fields reported on a recent FDOT meeting to address specific concerns such as sidewalks on certain roads in the city. Representatives from FDOT will come to Lake Wales to review these concerns. Mr. Fields said he would follow through with FDOT regarding these issues.

Mr. Fields reported that he would be going on a future trip to Atlanta, Georgia to tour the CSX facility in order to learn what the impacts are there. Commissioner Lutton requested pictures and a presentation so that the Commission can learn what the challenges are and maybe how to address them.

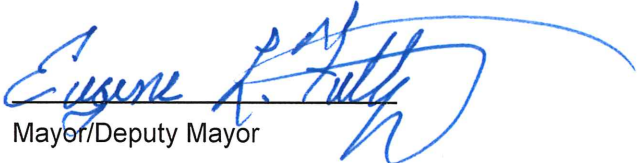
**MAYOR COMMENTS**

Mayor Fultz reported on the last TPO meeting and said that he brought up concerns regarding additional traffic from the CSX facility. Future transportation enhancements discussed. Mr. Fields emphasized the need to be a squeaky wheel to make our concerns heard.

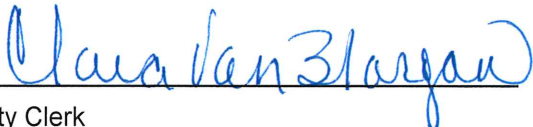
Commissioner Lutton suggested reducing speed limits on SR60 to 35mph.

Mayor Fultz thanked the commission and staff for their help during his first year in office.

The meeting was adjourned at 6:52 p.m.

  
Mayor/Deputy Mayor

ATTEST:

  
City Clerk