

The meeting of the Lake Wales City Commission was held on November 3, 2015 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Howell; Pete Perez, Christopher Lutton; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: None

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

5. MAYOR

Agenda Item 5.I. Proclamation: National American Indian Heritage Month; November 2015

Mayor Fultz read a proclamation recognizing November 2015 as "National American Indian Heritage Month." The proclamation was accepted by American Indians Chairman Earlene Head of the lake Wales Chapter Daughters of the American Revolution.

Agenda Item 5.II. Proclamation: Polk County Family Week; November 14 - 20, 2015

Mayor Fultz read a proclamation recognizing November 14 – 20, 2015 as "Polk County Family Week." The proclamation was accepted by Chris Marlow.

6. ANNUAL REPORT

7. PRESENTATION/REPORT

8. COMMUNICATIONS AND PETITIONS

Gary Gose, VFW 2420 Commander, invited everyone to attend the Veteran's Day Parade on November 11 at 3:00 p.m. The event will include a free breakfast from 7:00 a.m. to 12:00 p.m. He invited all those that have served our country to join in the parade. Ms. Nanek said there was a change in the parade route and asked for consensus from the City Commission approving the change. Consensus was provided.

Ellis Hunt, Jr., business owner in Lake Wales, said the business community represents over 1,500 jobs in the immediate Lake Wales area. He said due to leadership of the current city commissioners, mayor, and the city manager we are witnessing new growth and a business friendly atmosphere. The vision to utilize the expertise, the talents of the Chamber of Commerce and the Economic Development Council is one example of that leadership paying dividends and we are now seeing the economic benefits of this partnership. When businesses are looking to relocate and in googling Lake Wales they need to find positive news about our City. We have a beautiful town, good news to report, and are heading in the right direction.

Jerry Miller, Duke Energy, said he has lived in Lake Wales most of his life and things are changing. The City is moving in a great direction and it is becoming very competitive when businesses are looking at 10 or 20 places to go, so good news means a lot. He thanked the City for supporting the EDC.

Matt McBride, representative in Mike LaRosa's Office in the Lake Wales Municipal Administration Building, announced that the Polk County Delegation Meeting will be held on November 9 at 1:00 p.m. in the Polk County Commission Chambers. There will also be a special meeting held that morning at 9:00 a.m. in the same location. He asked that anyone with questions regarding that meeting to contact him. Mr. McBride invited the Commission to attend and the Mayor said the deputy mayor will be attending on the City's behalf.

Mr. Fields said the Legislative item is on the agenda for later but that could be discussed now. He said two key priorities that staff recommended to the Commission are continuing state funding for water and wastewater projects and funding recreation programs through FRDAP grants. Ms. Nanek said the Charter Schools has a project on the historic preservation funding list to restore the old cafeteria building as their first step in converting the old high school into their second Bok Academy. That project ranked 37 and there are other Polk County projects on that list. She recommended continued support in that effort. The Mayor said the Charter Schools is having a donation type event next week and have invited everyone to come support that effort.

Mr. Fields said the City of Bartow is asking for our support in the funding of a project that is very important to them and indirectly to the CSX facility, which is the bypass to go around Bartow. It was originally funded in last year's budget but when the Legislature met last year that funding got cut, so they are asking for support in getting that project refunded. He said anything that helps CSX also helps us indirectly. The more activity there, the more likely we will see a spinoff to economic development. Staff is recommending that the Commission direct Deputy Mayor Thornhill to bring our top priorities to the Legislature. Deputy Mayor said he will need a cheat sheet and Ms. Nanek said she will provide that to him. The City Attorney said it's fine to do a cheat sheet but it cannot be done outside the Sunshine. Mr. Fields said if what he just said is incorporated with the Commission's blessing we can do it. The Mayor added that the cheat sheet would need to be provided by the City Manager.

The Mayor asked Planning & Development Director Kathy Bangley if she could do something to help get the bypass project back on the agenda since she serves on the TAC [Citizen's Transit Advisory Committee]. Ms. Bangley said she could look into it and bring something back at the next meeting.

Commissioner Lutton said when we tell them about recreation we should let them know that we are providing the hub for the recreation and the Library. The Mayor said Tina Peak had said the Library is actively serving more county residents than City residents. The financing to support that is not up as it should be. We are asking Polk County to replace that money because the funds are too low especially with the new bookmobile service the Library is providing.

Larry Bossarte, business owner in the City, said he has been living in the City for 24 years and has been a business owner in the City for 17 years. In the past couple years he witnessed the City turnaround from being labeled business "unfriendly" to business "friendly" because the City Commission, City Manager, and City staff are all working together toward the same goals. He commended the City for the positive things it is doing.

Andrew Howard, outside City resident and working for the Lake Wales Medical Center, said the medical center has served the community for over 86 years and he is proud to meet many members of the community by serving with them on interview committees for the charter schools system, scouts, and the EDC. He said from his prospective the City is going in a positive direction and they are proud to play a piece in that. They recently finished a million dollar investment project to improve the looks of their campus so they can be a better community partner. Mr. Howard said he is proud to say that the City's local hospital is the top performing hospital in their corporation and that could not happen without the support of the City. He said they like the direction of the City and they hope to continue in partnership with it.

Rob Quam, City resident and working in the City, said the Body of Christ Workday held on the past Saturday was successful. There were close to 250 local residents that came out to do a wide variety of projects including a City project. He said City employee James Slaton was there representing the City in that project. Mr. Quam said over the past couple months he had the need and opportunity to interact directly with the city

clerk's office, planning office, fire and police departments, and James Slaton's department and he greatly appreciated the high level of professionalism he received and he appreciates the great respect they have for its citizens and for others that need their services. Mr. Quam said he felt the need to apologize for being a little passive over the last few months while the City was being a little attacked, especially in some of the issues related to how it treated City employees. He said in moving forward, he trusted that everyone can work together in helping the City continue its high level of professionalism by helping the City compensate its employees at levels they deserve so the professionalism can continue and not be diminished.

They Mayor thanked all those in the business community that came out to share positive comments about the City because it was nice to hear. He said as long as we have that support and know that we are heading in a positive direction everyone will look forward to helping this City grow.

Deputy Mayor Thornhill recognized girl scouts and some co-workers that were in the audience. The girl scouts introduced themselves and some asked the Commission questions.

9. CONSENT AGENDA

Commissioner Howell pulled Agenda Item 9.II for separate discussion and vote.

Agenda Item 9.1. APPROVAL OF MINUTES: November 3, 2015 Regular Meeting

Agenda Item 9.II. Funding Letter for the Green & Gold Foundation

[Begin Agenda Memo]

SYNOPSIS

As part of the budget process for Fiscal Year 2016, the City Commission appropriated Twelve Thousand Five Hundred Dollars (\$12,500.00) to provide temporary support to the Green & Gold Foundation of Lake Wales, Inc. for operation of the "B" Street Center. The attached letter confirms the conditions of this funding and its acceptance by the Foundation. The requested funding has been appropriated in the Fiscal Year 2016 City Budget.

RECOMMENDATION

It is recommended that the City Commission approve the funding letter and the terms contained therein for the provision of City funds for the operations of the "B" Street Center by the Green & Gold Foundation.

BACKGROUND

The Green & Gold Foundation of Lake Wales operates the "B" Street Center as a local resource center serving primarily the residents of the City's Northwest area. It provides intake and referral services for a number of state and local social service agencies as well as providing youth and education services on its own. The center is a vital part of the Lake Wales community and serves as a single point of contact for community residents in need of help and assistance. In this role, it significantly reduces demands on the City of Lake Wales for additional services.

As part of its agreement to provide the funding, the City Commission required that all funds be used only for operation of the Foundation and the "B" Street Center with no funds going to program costs or subgrants to individuals or other organizations.

OTHER OPTIONS

Not provide funding which may force the "B" Street Center to significantly reduce its services.

FISCAL IMPACT

The requested funding has been appropriated in the Fiscal Year 2016 City Budget.

[End Agenda Memo]

Agenda Item 9.III. Contract For Law Enforcement Services: Lake Wales Housing Authority

[Begin Agenda Memo]

SYNOPSIS

Commissioners will consider approving a contract with the Lake Wales Housing Authority to continue providing supplemental law enforcement services at the Grove Manor public housing complex. This contract for supplemental law enforcement services provides for a monthly payment due the City in the amount of \$2,580.00 from the Housing Authority.

RECOMMENDATION

It is recommended that the City Commission:

1. Authorize the Mayor to execute a Contract for Services with the Lake Wales Housing Authority for Fiscal Year 2015-2016.

BACKGROUND

Since 2011/2012 the CRA Board of Commissioners have approved funding a law enforcement officer position to provide supplemental law enforcement services toward designated CRA areas and the Lake Wales Housing Authority, Grove Manor Complex.

In an effort to continue providing these supplemental law enforcement services to the Lake Wales Housing Authority, Grove Manor Complex residents, the Lake Wales Police Department seeks approval to enter into a new contract for FY2015/2016. This contract for supplemental law enforcement services provides for a monthly payment due the City in the amount of \$2,580.00 from the Housing Authority.

[End Agenda Memo]

Agenda Item 9.IV. Approval of Florida Midland Railroad Lease

[Begin Agenda Memo]

SYNOPSIS

Staff seeks commission approval to enter into two railroad leases for the Jack and Bores for both the water and sewer mains on Airport Road. The cost of the lease is \$ 844.48 paid annually per lease. Both water and wastewater would budget this expense in the annual budgets going forward.

STAFF RECOMMENDATION

It is recommended that the City Commission:

1. Waive the indemnification provision included in the lease agreement between the City of Lake Wales and the Florida Midland Railroad Company.

2. Authorize the Mayor to execute the lease agreement on the City's behalf.

BACKGROUND

The Utilities staff recommends that the City Commission waive the indemnification provision included in the lease agreement between the City of Lake Wales and the Florida Midland Railroad Company. This is necessary in order for the City of Lake Wales to complete the installation of the water and sewer mains to be installed on airport road to aid in the expansion of utilities to the State Road 60 W corridor. Ordinance 2008-18 prohibits contracts providing indemnification, which this lease agreement has. Section two of the ordinance offers provisions for the City Commission to waive this prohibition if it is deemed to be in the best interest of the public. This lease is necessary for the completion of this project.

OPTIONS

None. If the commission chooses not to approve the lease agreements, the expansion of the utilities to the SR 60 W corridor comes to a standstill.

FISCAL IMPACT

The cost of the lease is \$ 844.48 paid annually per lease. Both water and wastewater would budget this expense in the annual budgets going forward.

[End Agenda Memo]

Agenda Item 9.V. Award of Bid to Allied Universal Corporation for the Purchase of Sodium Hypochlorite

[Begin Agenda Memo]

SYNOPSIS

The City's Utilities Department made a request for bid for the purchase of sodium hypochlorite, which is a necessary chemical to aid in the water and waste water treatment process. Commission approval is being sought for the award of bid for this purchase. \$75,000.00 is placed in the FY 15-16 Operating Budget for Wastewater Operating Supplies – Chemicals. The portion of the budget set aside for this chemical purchase is \$38,000.00. \$34,000.00 is placed in the FY 15-16 Operating Budget for Water Operating Supplies – Chemicals for this purchase.

STAFF RECOMMENDATION

It is recommended that the City Commission:

1. Award the bid to Allied Universal Corporation for the purchase of Sodium Hypochlorite.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this purchase.

BACKGROUND

Disinfection technology and chemical treatment for wastewater and water has been consistent with the use of Chlorine as the standard chemical to safely and effectively treat both water and wastewater media. Delivery of chlorine to the flow stream ranges from gaseous, liquid and carrier chemical agents. Today, through the development and realization towards improving safety and reducing risk, Sodium Hypochlorite (NaOCl) has commonly been used in various applications where disinfection or sterilization of both

wastewater and water are needed. NaOCl is becoming more and more popular based on its inherent chemical characteristics of being a safer, less costly, lower risk chemical and still an effective means to treat wastewater media. Sodium hypochlorite is essential in the treatment of both water and wastewater processing, killing pathogens that could prove to be harmful to humans.

Staff made a request for bid for the purchase of chlorine, with a bid open date of September 16, 2015. There were two responsive bidders, Odyssey Manufacturing, Inc and Allied Universal Corporation, with Allied Universal Corporation being the apparent low bidder at \$0.507 per gallon. Therefore, staff requests commission approval to award the bid for purchase of bulk Sodium Hypochlorite to Allied Universal Corporation. The initial contract terms as stated in the attached agreement calls for the initial contract period to begin on October 1, 2015 and expire on September 30, 2016, if approved by the Commission. This agreement will renew annually on October 1 of each year for up to two (2) additional one (1) year periods. It is also stated in the original agreement, that if either party elects not to renew the agreement that party will endeavor to provide thirty (30) days written notice.

OPTIONS

None at this time. This chemical is necessary in the water and wastewater treatment process.

FISCAL IMPACT

\$75,000.00 is placed in the FY 15-16 Operating Budget for Wastewater Operating Supplies – Chemicals. The portion of the budget set aside for this chemical purchase is \$38,000.00.

\$34,000.00 is placed in the FY 15-16 Operating Budget for Water Operating Supplies – Chemicals for this purchase.

[End Agenda Memo]

Agenda Item 9.VI. Award of Bid - Lift Station 16 C Street Sewer Improvements-Phases 2

[Begin Agenda Memo]

SYNOPSIS

Staff requests commission approval to enter into a contract with Killebrew Construction, Inc. to provide construction services for the Lift Station 16 C Street Sewer Improvements Phase 2 at a cost of \$4,757,972.60.

RECOMMENDATION

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

1. Approve staff to enter into a construction services contract with Killebrew Construction, Inc for the Lift Station 16 C Street Sewer Improvements Phase 2 project in the amount of \$4,757,972.60.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

As a result of sewer system back-ups and historical operation and maintenance difficulties experienced by City staff, the City of Lake Wales commissioned an engineering study conducted by Envisors (EVI) in 2010. The study evaluated the suspected substandard sanitary sewer system contributing to Lift Station No. 16, which is located near the center of the City's utility service area. EVI's engineering study determined that the sewer system for this defined area was substandard due to substandard pipe slopes,

pipe materials, and pipe cover. It was also suspected that a significant amount of inflow and infiltration (I/I) was also occurring throughout the system due to the substandard pipe materials and deteriorating manholes.

In August 2010, a City Commission approved, contract with Envisors was executed to design and permit the project area in order to come into compliance with existing directives. In December 2010, the commission approved the preparation of a Community Development Block Grant (CDBG) application, which was subsequently awarded, to start work on the project. The CDBG phase comprised approximately 15% of the total project area. This phase was started by Killebrew Inc. in August 2013, and was completed in the first half of 2015.

Staff is now at a point and ready to begin the construction portion of phase 2. Staff has obtained a Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) loan to fund phase 2 of the project area. A request for bid was posted with a bid open date of October 7, 2015 for the phase 2 portion of the project, for which there was one responsive bidder. Staff recommends commission approval to enter into a contract and for the award of bid to be issued to Killebrew Construction, Inc in the amount of \$4,757,972.60. There is a total amount budgeted of \$6.8 million to cover the cost of phase 2 and 3 of the project, which spans the period of two fiscal years. Staff also recommends the commission authorize the city manager to execute the appropriate documents associated with this contract.

FISCAL IMPACT

This contract is for a total of \$4,757,972.60. There is a total of \$4 million budgeted in the Wastewater Division's FY 15'-16' Capital Improvements Plan with another \$2.8 million in the FY 16'-17' Capital Improvements Plan. The budgeted amount is to cover the cost of construction and engineering associated with the completion of the project.

OTHER OPTIONS

Chose not to complete these much needed repairs at this time and experience further deterioration of the infrastructure currently serving the delineated phase 2 of the project area.

[End Agenda Memo]

Deputy Mayor Thornhill made a motion to approve the Consent Agenda excluding Agenda Item 9.II. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Commissioner Lutton "YES"
Mayor Fultz "YES"

The motion carried 5-0

Commissioner Howell recused herself as she is on the Board of Directors of the Green and Gold Foundation.

Mr. Fields reviewed Agenda Item 9.II.

Commissioner Lutton said it would be great if in about six months the Commission received an update from the organization on how everything is going.

Roscoe Williams, President of the Green and Gold Foundation, thanked the City for its support. He said when he previously addressed the Commission their financial water was very low but now due to the support of the City and others such as Bok Tower, the Lake Wales Care Center, and Florida's Natural Growers that level has increased. He told of activities that take place in the Center and said they are offered mostly to the Northwest section of the community. Mr. Williams invited the City to visit the Center and witness the services in operation.

Commissioner Lutton made a motion to approve Agenda Item 9.II, funding letter for the Green & Gold Foundation. Deputy Mayor Thornhill seconded the motion.

By Voice Vote:

Commissioner Lutton	"YES"
Deputy Mayor Thornhill	"YES"
Commissioner Perez	"YES"
Commissioner Howell	"Recused"
Mayor Fultz	"YES"

The motion carried 4-0.

10. OLD BUSINESS

There was no old business to consider.

11. NEW BUSINESS

Agenda Item 11.I. Blueway Community Designation - MOU With Florida Paddling Trails Association

[Begin Agenda Memo]

SYNOPSIS

This Memorandum of Understanding will designate Lake Wales as a Blueway Community.

RECOMMENDATION

Staff recommends approval of the Memorandum of Understanding between the Florida Paddling Trails Association and the City of Lake Wales, Florida.

BACKGROUND

On November 14th at 10 a.m. there will be an event celebrating the designation of the Buster Island Loop at Lake Kissimmee State Park as a state paddling trail. According to the Florida Paddling rails Association we now qualify to be designated as a Blueway Community. Even though Lake Kissimmee State Park is not in the City of Lake Wales we are the closest community to the paddling trail and it has a Lake Wales mailing address. The State Park is considered a part of the greater Lake Wales economic community. This designation will allow both the Florida Paddling Trails Association and the City to promote Lake Wales as a Blueway Community and attract more eco-tourism to our area.

A Blueway is defined as a water path or trail with launch points, camping and picnic locations and points of interest for paddlers. Blueways are typically developed to encourage recreation, education and community development. Blueways do not just include streams, but also include lakes. The Florida Paddling Trails Association, a 501(c)(3) organization, established the Florida Paddling Trails Blueway Community Program to help communities develop locations of interest to both in-state paddlers and out-of-state tourists.

Florida's climate, natural surroundings and vast navigable waterways make our state an ideal destination. Currently we have over 40 designated paddling trails on various rivers and streams

While most of our lakes in the city and in the area do not have camping on their shores, they do have boat ramps and accessibility to the various RV Parks and the tourists who stay in the area hotels. Paddling is an activity done by locals as well as tourists on these bodies of water. Crooked Lake and Lake Wailes are particularly accessible. OTHER OPTIONS Do not approve the Memorandum of Understanding.

FISCAL IMPACT

None

[End Agenda Memo]

Ms. Nanek reviewed Agenda Item 11.1.

Deputy Mayor Thornhill made a motion to approve the Memorandum of Understanding between the Florida Paddling Trails Association and the City of Lake Wales. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Lutton "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Mayor Fultz thanked Commissioner Howell volunteering to read the proclamation and deliver the MOU. He said it is a big deal. The City is the closest city to them and every activity they offer will be a tribute to Lake Wales because now Lake Wales is a Blueway community.

Agenda Item 11.II. Ordinance 2015-12, Amending Schedule Of Construction Meter Fees - 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider Ordinance 2015-12 amending the Lake Wales Code of Ordinances, Chapter 21, Section 21-172. - Miscellaneous charges for water system services. The increase in the deposit requirement for construction/hydrant meters eliminates the City's out of pocket cost to replace these meters.

RECOMMENDATION

Staff recommends that the City Commission approve the following action: 1. Approval of Ordinance 2015-12 after first reading.

BACKGROUND

On September 3, 2015, the City Commission approved Ordinance 2015-07 which amended the water and sewer rates including the deposits for these services. There was an oversight and deposits for construction/hydrant meters were not changed at this time. As with all other deposits the yearly increase of

the deposit amount is to keep up with the rates for the services they are to cover. When contractors request a construction/hydrant meter, the deposit that is paid is to cover the cost of the meter in the event the meter is damaged, not returned, or stolen while in the contractor's possession. In years past the deposit was \$500.00 which was insufficient enough to cover the cost of replacement and the city had to eat the cost to replace these lost, damaged or stolen meters. That cost of replacement has been approximately \$1500.00 per meter. Staff wants to raise the deposit requirement for these meters to \$1500.00, which is the cost to cover replacement. Staff recommends the commission approve Ordinance 2015-12 an ordinance of the City of Lake Wales, Polk County, Florida, amending Lake Wales code of ordinances Chapter 21 Utilities, Section 21-172 amending the schedule of construction meter fees; providing for severability; providing for an effective date.

FISCAL IMPACT

The increase in the deposit requirement for construction/hydrant meters eliminates the city's out of pocket cost to replace these meters. OTHER OPTIONS Do not approve Ordinance 2015-12. The city would continue to pick up the cost to replace damaged, stolen, or not returned meters from the contractor.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2015-12 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE SCHEDULE OF CONSTRUCTION METER FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Interim Utilities Director Sarah Kirkland reviewed Agenda Item 11.II.

OPENED TO PUBLIC COMMENT

There was no comment made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Lutton made a motion to approve Ordinance 2015-12 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Commissioner Lutton	"YES"
Commissioner Howell	"YES"
Commissioner Perez	"YES"
Deputy Mayor Thornhill	"YES"
Mayor Fultz	"YES"

The motion carried 5-0

Agenda Item 11.III. Ordinance 2015-13, FY14'15 Budget Amendment #1 - 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the final budget amendment for FY 14'15 that was adopted on September 16, 2014.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2014-15 after first reading.

BACKGROUND

Ordinance 2014-11 estimating revenues and appropriating funds for Fiscal Year 2014'15 was adopted by the City Commission September 16, 2014. We are presenting for first reading an amendment of Ordinance 2015-13 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibit A and B provide the detail for the proposed amendment. This budget amendment is based on unaudited financial reports for the accounting period ending on 09/30/2015.

OTHER OPTIONS

This is a required budgetary amendment which must be adopted no later than November 29, 2015 per Florida State Statute 166.241(4).

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2015-13

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2015-13 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2014-15 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2014-2015 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Dorothy Ecklund reviewed Agenda Item 11.III. She said this is a housekeeping item both for State Statute and City Charter. She said the Finance Department tried to include explanation for any line items that changed, most of which came before the Commission such as the \$2 million loan that was taken out last year and some sinking fund transfers that were required. She said revenues came in higher than expected and several times last year the City Manager did let the Commission know that we didn't have a problem with our revenues or our expenditures. We tried pointing out those items as the year went on.

OPENED TO PUBLIC COMMENT

There was no comment made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Lutton made a motion to approve Ordinance 2015-13 after first reading. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

Commissioner Lutton "YES"
Deputy Mayor Thornhill "YES"
Commissioner Perez "YES"
Commissioner Howell "YES"

Mayor Fultz "YES"

The motion carried 5-0

Agenda Item 11.IV. Ordinance 2015-14, Amending Chapter 16, Pension & Retirement, General Employees' Pension Plan - 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The Commission will consider amending the General Employees' Pension Ordinance to comply with Internal Revenue Code, and provide authorization to the IRS for a Favorable Determination Letter.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2015-14 after first reading.

BACKGROUND

Ordinance 2015-14 is housekeeping in nature and will bring the city into compliance with the Internal Revenue Code (IRC) requirements. The first proposed amendment is to Section 16-46 Benefit Amounts and Eligibility and will change the not to exceed dollar limit of a members accrued benefit from \$5,000 to \$1,000 per the IRC 401(a)(31)(B). The second proposed amendment is to Section 16-61 Eligible rollover Distributions and will update the language as recommended by the IRS. The proposed amendments are not benefit enhancement and have been recommended by the Internal Revenue Service.

OTHER OPTIONS

None.

FISCAL IMPACT

There is no fiscal impact to bring us into compliance with the Internal Revenue Code

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2015-14 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; AMENDING SECTION 16-46 BENEFIT AMOUNT AND ELIGIBILITY; AMENDING SECTION 16-61 TO RESTATE ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Dorothy Ecklund reviewed Agenda Item 11.IV. She explained this is a housekeeping item and that it actually began in 2011. The general, fire, and police pension plans sent in a determination request to the IRS and four years later we are hearing back from them recommending a few minor changes to the plans that have no fiscal impact to the plans but do bring them into compliance with IRS statute requirements. There is no dollar cost to the City.

OPENED TO PUBLIC COMMENT

There was no comment made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Howell made a motion to approve Ordinance 2015-14 after first reading. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"
Deputy Mayor Thornhill "YES"
Commissioner Perez "YES"
Commissioner Lutton "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Agenda Item 11.V. Ordinance 2015-15 American Garden Perlite LLC, Airport Road – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2015-15 proposes the annexation of approximately 10.62 acres located at 31 S. Airport Road and contiguous to the incorporated City limits.

RECOMMENDATION

Staff recommends approval on first reading of Ordinance 2015-15, providing for the annexation of approximately 10.62 acres located at 31 S. Airport Road. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. No public hearing is required for the first reading of an annexation ordinance. Upon approval of first reading, a public hearing will be advertised for the next regular City Commission meeting.

BACKGROUND

Mr. Bart Allen, Petersen & Myers, agent for the property owners, American Garden Perlite, LLC has requested annexation of the property. Industrial redevelopment is proposed.

An ordinance assigning Zoning and Future Land Use Map designation will be forth coming to Commission in the near future.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its south boundary to the Municipal Airport.

Surrounding land uses:

North: County – IND Industrial
South: City – IND Industrial and CON Conservation
East: County – BPC- 2 Business Park Center
West: County – BPC- 2 Business Park Center

OTHER OPTIONS

Decline to annex the property.

FISCAL IMPACT

The annexation will add to the City's tax roll.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2015-15 by title only.

(Annexation – American Garden Perlite, LLC, 31 S. Airport Road)

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 10.62 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 11.V and explained that the property is an existing industrial building that has been vacant for several years. They produce the tiny Styrofoam balls that go in potting soil. She said this item is before the Commission because they want to make some improvements to the building and they would like to do that under the City's jurisdiction and not that of the county so we have moved to annexation. She said the annexation did not require any recommendation by the Planning & Zoning Board so it is being presented directly to the Commission. We are recommending that their land use and zoning reflect similar to the county's like for like kind of change. That will probably come before the Commission in December after it's been before the Planning & Zoning Board. Staff felt this is the best way to proceed with this.

Mr. Fields said when the company bought this building we were in the process of doing the airport improvements. Originally, we thought that the extra railroad signing across Airport Road would probably have to be removed but the company said they wanted to keep the railroad signing as part of their business. As a result, we were able to work with them. They piggybacked on the City's contract and upgraded the railroad crossing and put their sign in as well as the City one. A significant amount of money was saved by them by utilizing an existing contract. This facilitates their business which is another example of the City's ability to work with a private business that benefits both of us because they will be bringing jobs and taxes to the area. Because we are bringing utilities down Airport Road is another attraction to this company. This is the first kind of tangible evidence we are seeing of investment the City is making that is going to pay off with a new company locating within the boundaries of the City with jobs and tax dollars.

The Mayor said this goes to show that our planning of carrying those utilities up there is paying off already.

OPENED TO PUBLIC COMMENT

There was no comment made by the public.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to approve Ordinance 2015-15 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Commissioner Lutton "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Agenda Item 11.VI. Appointment to The Historic District Regulatory Board

[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.

Lake Wales Code of Ordinances Sec. 2-26 (3). Limit on Consecutive Terms:

- (a) Except as provided in paragraph (b) below, no person shall serve more than three (3) consecutive terms on a single board, commission or committee except that a person appointed to a partial term that is less than one-half (½) of the normal term for that particular board, commission or committee shall be permitted to serve three (3) consecutive terms in addition to the partial term. Members appointed before July 1, 1989, may be permitted to serve three (3) additional consecutive terms. This limit on consecutive terms may be waived for members of regulatory boards (i.e., planning and zoning board, board of appeals, code enforcement, etc.) with the recommendation of the city manager where, in the sole discretion of the city manager, special circumstances exist which warrant the appointment of a particular member to an additional term.
- (b) There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan.

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, resident or own property within the City; 1 expired term

Current Members: Lawrence (Larry) Bossarte, business owner 11/01/11 – 07/01/17, 2
Leah Bartholomay, resident 05/06/14 – 07/01/15, P
Diane Armington, owns property in the City 03/15/11 – 07/01/16, 2
Erika Schindler 10/06/15 – 07/01/18, 1
Vacant – 07/01/18

Applying for Reappointment, term expiring on 7/1/2018: Leah Bartholomay, resident

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

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]

The Mayor reappointed Leah Bartholomay to serve on the Historic District Regulatory Board for a term expiring on 7/1/2018. Commissioner Howell made a motion affirming the appointment made by the Mayor and Commissioner Thornhill seconded the motion.

By Voice Vote:

Commissioner Howell "YES"
Deputy Mayor Thornhill "YES"
Commissioner Perez "YES"
Commissioner Howell "YES"
Mayor Fultz "YES"

The motion carried 5-0

12. CITY ATTORNEY COMMENTS

City Attorney Chuck Galloway said this is a follow-up on the memorandum of law that he provided to each of the Commission members concerning the two petitions that were circulated in the community. As mentioned in that memorandum there is several legal flaws in the petitions that were circulated to the public. Some of the flaws are in the salary cap petition which was pointed out by the Supervisor of Elections Office. They provided an email to that effect that is appended to that memorandum. Mr. Galloway said he spoke with Lori Edwards, the Elections Supervisor, who advised him that her office needs an affirmative resolution

from this Commission before she can put the matter on the ballot. Within the past few days Mr. Bowlin has without recirculating his petition for new signatures submitted revised ballot summaries to the City Clerk with his advice that no resolutions are needed from this body, which is incorrect or at least it is incorrect to the standpoint of the Supervisor of Elections. These two matters require a judicial resolution. In Mr. Bowlin's letter that was published on October 14, 2015 in the Lake Wales News he stated that if it is necessary he will file another lawsuit against the City to make these matters go on the ballot. Mr. Galloway said he thought the Commission should refrain from doing anything and allow him to do so.

The City Commission provided consensus.

13. CITY MANAGER

Agenda Item 13.1 City Commission Tracking Report:

Mr. Fields announced that starting November 20, on the third Friday of each month, we are doing a Family Movie Night at the Austin Center [James P. Austin Community Center]. This program is taking advantage of the new audio visual equipment that was purchased and installed there. We are going to try it and see what kind of turnout we get. The movies will be family oriented and we will get the word out to the public about that to let people know that this will be another service the City is providing at no cost.

Commissioner Lutton asked if there will be enough chairs and Mr. Fields said yes and he does not see any objection to kids sitting on blankets on the floor since it is family movie night.

Commissioner Lutton asked if somebody would be manning concessions. Mr. Fields said we will probably seek non-profit groups who would like to do that as a fundraising activity. We will just provide the movie and the space. He said kudos to staff for coming up with something innovative at a very low cost. He said this is an additional service without any real significant impact to the City.

Mr. Fields said we are seeking citizen input into updating the recreation master plan. Feedback can be made on the City's website and the citizens can also provide feedback to the Recreation Commission that meets on regular bases. The Recreation Department contact information is available on the website for anyone wanting to find out when the Recreation Commission meets.

Mr. Fields reported that the CDBG grant the City got in the prior year we will not be getting this year because we did not rank high enough. We do plan on reapplying for the CDBG grant for next year and will be bringing forward to the Commission authorization for a contract with our grant coordinator as we have done in the past. Ms. Nanek said we already approved it.

Mr. Fields commented that the Pioneer Days event was fantastic and successful in terms of attendance, the number of vendors, and the weather, and complemented staff for their hard work in making that possible. He said there were downsides that the Commission needed to be aware of. One, there were people using the good name of the Historic Lake Wales Society and destroying Mimi Hardman's historic reputation in this community. Mr. Fields said this was only a cover up as an attempt to sabotage the City's effort in getting things going and making Pioneer Days a success. He explained that instead of vendor checks being turned over to the City someone sent a letter out on Historic Lake Wales Society letterhead to each of the vendors that applied for vendor status through the Historic Society telling them their check was being returned to them. Mr. Fields said it is a shame that the organization's prior success was used this time as attempt to smear the City. Secondly, in a recent court hearing the Historic Society agreed to turn over a computer that supposedly contained a lot of data. When the computer was delivered to the office of the Historic Society's attorney our IT staff went over to retrieve the information and found that all the data on the hard drive had been erased. Mr. Fields requested that the City Commission authorize the City Attorney to seek an attempt order against those individuals involved in the Historic Society that might have deleted the information on the computer or done whatever as an attempt to prevent the City from obtaining it since it was under a judge's order that the computer be returned for retrieval of the information and since it was clearly indicated that the information was on the computer prior to the judge's order. Mr. Fields said it is very necessary that

we get the Museum up and operating, etc. He commented that all we are trying to do is make the Museum a success and hopefully provide a lasting legacy for Ms. Hardman and not have other people using her name or the Historic Society's name in an attempt to sabotage the City's efforts.

The Mayor said we need to give our City Attorney a consensus to do that because the documents on the computer showed ownership of different items that were donated to the Museum, the items given, and when they were given. Now, there is no way to track that. We need to find out what happened to it and give our City Attorney the opportunity to do that for us. The City Commission provided consensus. The City Attorney thanked to Commission for its consensus.

Mr. Fields reported he will be out of the office at the end of the week attending FCCMA Fall Symposim and doing a site visit to the Deland airport to see how they operate their skydiving operation.

Agenda Item 13.II. City Commission Calendar

Agenda Item 13.III. Other Meetings & Events Calendar

Agenda Item 13.IV. Boards, Commissions, and Committees Information

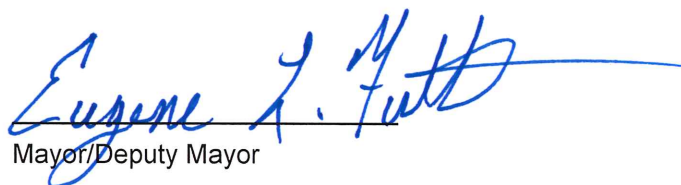
14. CITY COMMISSION COMMENTS

15. MAYOR COMMENTS

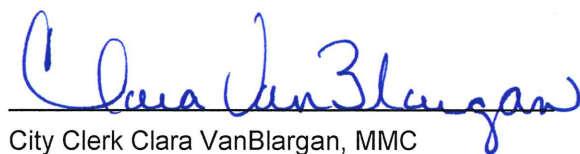
The Mayor apologized for not attending the last Commission meeting and said that he and his wife were away on a cruise for their 47th wedding anniversary. He told of other non-city related events recently attended, which included a trip to Honduras, and a future trip he will be taking to Honduras.

Agenda Item 13.V. Legislative Issues

The meeting was adjourned at 7:03 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Howell - Terrye - Y.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lake Wales City Commission</i>	
MAILING ADDRESS <i>1011 Carver 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>November 3, 2015</i>		NAME OF POLITICAL SUBDIVISION:	
		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 inures 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.

IF 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, Terrye Y. Howell, hereby disclose that on November 18, 3, 20 15:

(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:

I am an Executive Board Member of the Green & Gold Foundation (B St. Center) that asked for funding from the city.

11-18-15
Date Filed

Terrye Y Howell
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 A CIVIL PENALTY NOT TO EXCEED \$10,000.