

City Commission Meeting
July 19, 2016

The meeting of the Lake Wales City Commission was held on July 19, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Commissioner Terrye Y. Howell.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Terrye Y. Howell; Robin Gibson; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT:

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

5. MAYOR

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

Terry Christian, member of Lake Wales Lodge #880, said he attended a meeting that was called by Code Enforcement but led and directed by the Police Department. He was disappointed that he was not invited to that meeting because it was concerning his lodge. Negative allegations were made against the Lodge about them not doing anything for the community and that it is just a club. Mr. Christian explained the good things the Lodge is doing for the community such as doing things for the families and the children like summer tutoring. He said the Police Department said they received calls that they are disturbing the peace, parking in people's driveways, etc. which are not true. He said that since 2012, they have been trying to purchase some lots on B Street from the City so they can put in a nice parking lot to avoid any parking problems. The cost of mowing maintenance that the City does there in a year is more than what that property is worth so he does not understand why that is not materializing. The Police Department had printed some pages from off someone's Facebook page and was blaming him for what was said on there. He said they help the community and when it comes license renewal time they want to renew that and keep doing what they are doing. Mr. Christian said the code enforcement guy has been with the City only five months and he scheduled a meeting with the state president of the organization and complained about the Lodge and he has never met the guy. He said they do summer tutoring which was mentioned at the meeting and Lt. Joe Elrod said the children do not need tutoring in the summer time so he thought since the City Manager was present at that meeting he would have contacted the police chief and put him on administrative leave until they evaluated him for making such statement. Education is the key to answering all these bad decisions that people make in the world. The Lodge is doing their part and the Police Department and the other departments should join hands and help them so a lot would get done.

Commissioner Howell said the Commission has heard this before and asked the City Manager to explain what is happening now. Mr. Fields said they did meet with the state president of their Lodge about the issues concerning the operations there and he does not recall Lt. Elrod making any statement about kids not needing tutoring. At that meeting, there were a number of code issues raised and certain actions that Mr. Christian would have to take. There is a problem with Facebook advertising about the events that are going on there continuously and some of which Mr. Christian does not have control of but it is his responsibility for what does go on at the Lodge and if there is an issue we have to enforce the law or close it appropriately. If he can control what goes on there he can operate. Mr. Fields said they are happy to sit down with Mr. Christian at any time and talk about the operation of the Lodge and the issues there. The meeting held was called as a response to complaints about the issues taking place at the Lodge. As long as

they stay within the rules of what zoning allows and what the Club allows he is fine but if things start happening that go beyond that we have to take some kind of action. It has required significant police presence at times although there have been no major incidents and nothing has happened on the Club grounds of that nature. It is a situation that requires constant monitoring on the City's part.

Commissioner Howell said if Mr. Christian is in the wrong then he needed to straighten that out but if we are working on past discussion things then we needed to make sure that we are not in the wrong. Mr. Fields said we have to monitor the situation but he does want to make sure we are not harassing him either. He is happy to sit down with Mr. Christian again in terms of any recent issues that have risen at the Club. Since the meeting they had with him was some time ago he had to refer to his notes to see what was said there but there were some things that Mr. Christian was supposed to do as a result of that meeting but he does not know where we stand as a result of that. Commissioner Howell said whether he did or did not he needs to be accountable for that and we need to make sure we are also accountable so Mr. Christian does not have to come back before the Commission talking about the same stuff.

The Mayor said a specific date and time needed to be set for that since it is not on the agenda because we will not go back and forth discussing it at this time and said he would love to have Commissioner Howell at that meeting since it is in her district and Commissioner Howell said she did not have a problem with that. Mr. Fields said he will have a meeting set up with Mr. Christian and he will give a report to the Commission on where thing currently stand.

Terrance Horne, non-resident, said he is with an organization called "Make A Difference Foundation, Inc." and he is also with another Lodge called "St. Paul Lodge, 77" out of Lake Wales and he would love to see the City become a part of the Obama program called, "My Brother's Keeper" because it changes the lives of young men. We have to find a way that we can get a grass root effort in this town that can help children of all nationalities and he would love to see something started here. He explained the program and gave some examples. The Mayor said Mr. Horne already has a community meeting set up and asked him to let us know when that will be and said getting the buy-in from the community will be the key to actually reaching those young people and actually doing something with that. Mr. Horne said the meeting will be held at the James P. Austin Community Center on July 29 at 7:00 p.m. He said he wanted it to be a town hall meeting in the northwest section for everyone to come and not just those residing in the northwest section. It will be an opportunity to get dialogue and come together with solutions. Commissioner Howell said July 29th is on a Friday and not many people will attend on a Friday. She asked if the meeting could be changed to a Monday instead. Mr. Horne explained why he did not want to have it on a Monday and said he would try and see what other day would work. The Mayor asked Mr. Horne to keep the City informed if the meeting date should change.

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: July 5, 2016, Regular Meeting

Commissioner Howell made a motion to approve the Consent Agenda. Deputy Mayor Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

9. OLD BUSINESS

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2016-09, FY15'16 Budget Amendment #3 – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the third amendment of FY 15'16 Budget that was adopted on September 15, 2016, modified on February 16, 2016 Ordinance 2016-03, modified on April 16, 2016 Ordinance 2016-05.

BACKGROUND

Ordinance 2015-09 estimating revenues and appropriating funds for Fiscal Year 2015-16 was adopted by the City Commission September 15, 2015, modified February 16, 2016 by ordinance 2016-03, April 16, 2016 by ordinance 2016-05.

We are presenting Ordinance 2016-09 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

OTHER OPTIONS

This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT

The fiscal impact is shown in Exhibit A and Exhibit B of Ordinance 2016-09.

[End Agenda Memo]

Finance Director Dorothy Ecklund reviewed Agenda Item 10.I.

City Clerk Clara VanBlargan read Ordinance 2016-09 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2015-09 AS AMENDED BY ORDINANCE 2016-03 AND ORDINANCE 2016-05 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2015-2016 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.

City Commission Meeting
July 19, 2016

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Howell made a motion to approve Ordinance 2016-09 after first reading. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.II. Resolution 2016-17, Certification of 2016 Taxable Value, Interim Millage & FY16'17 Budget Hearing Dates

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the Polk County property appraiser's certification of taxable value for 2016, set the interim millage rate, and set the dates for the public hearings to adopt the final millage rate and the FY16'17 budget.

RECOMMENDATION

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

1. Approve Resolution 2016-17.
2. Approve the Property Appraiser's Certification of Taxable Value for 2016.
3. Set the interim millage rate at 7.3273 mills.
4. Set the dates for the required public hearings for the final millage rate and adoption of the FY15'16 Budget as Wednesday, September 7 and Tuesday, September 20.

BACKGROUND

Certification of Taxable Values

Attached for your review and approval is the Polk County property appraiser's Certification of Taxable Value for 2016. As indicated, the City's gross taxable value for operating purposes is \$641,350,463. Lake Wales has experienced an increase in taxable value of \$20,959,384, since the 2015 certification. The certification for 2016 is 3.38% above 2015's final gross taxable value of \$620,391,079. It is recommended that the City Commission approve the Certification of Taxable Value for 2015.

Interim Millage Rate

In order for the property appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2016 millage rate and the FY16'17 budget.

City Commission Meeting
 July 19, 2016

We are recommending that the interim millage rate be set current year rolled-back rate of 7.3273. The final adopted millage rate may not exceed the interim millage rate, but it may be lower than the interim millage rate.

Date and Time for Public Hearings:

State law requires that the county property appraiser notify each property owner of the interim millage rate and the dates of the meetings for adoption of the millage and budget. To give time for the mailing of this notice to the property owner, the City must, by law, adopt an interim millage rate no later than August 4.

Florida Statutes stipulate that the first public hearings can be held no sooner than 65 days after the Certification of Taxable Value by the Property Appraiser or July 1, whichever is later. Certification occurred on July 1, therefore the first public hearings can be held no sooner than Thursday, September 3 (65 days after July 1).

This year, the Board of County Commissioners has scheduled its public hearings on Monday, September 12 and Monday, September 19. The School Board's final public hearing is scheduled for Tuesday, September 6.

We are recommending the first public hearings for the millage and budget be set for Wednesday September 7, 2016. We are also recommending that the second public hearings be set for Tuesday September 20, 2016.

OTHER OPTIONS & FISCAL IMPACT

Taxes levied by the various options are as follows:

	2016 millage rate	2016 ad valorem taxes levied	2016 taxes over (under) 2015 taxes	Minimum adoption requirement
			4,568,436	
current	7.3638	4,722,777	154,341	3-2 vote
rolled-back	7.3273	4,699,367	130,931	3-2 vote

Note: The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and 2) unpaid delinquent taxes. A 2% reduction is included within budget calculations for ad valorem tax revenues. The 2% reduction has not been applied to the data table listed above.

The City Commission is not required to make a decision on the final millage rate at this meeting. The final decision should be made after we thoroughly review and discuss the budget and all of its implications; however, we do have to make a decision on the interim millage rate at this meeting.

City Clerk Clara VanBlargan read Resolution 2016-17 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE FOR THE LEVY OF AD VALOREM TAXES FOR FISCAL YEAR 2016-2017 ON ALL TAXABLE PROPERTY LOCATED WITHIN THE CITY OF LAKE WALES; SETTING THE DATE FOR THE TENTATIVE BUDGET HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Dorothy Ecklund reviewed Agenda Item 10.II.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to adopt Resolution 2016-17. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.III. Appointment – Airport Authority 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 appointments as deemed appropriate.

BACKGROUND

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

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least four (4) voting members must be qualified electors of the City (3-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: 2 vacancies, resident

Current Members: Charles Keniston, resident	03/06/12 - 07/01/18, 2
Katherine Rogers, resident, chairman	09/18/12 - 07/01/18, 2
Ryan Michalkiewicz, resident	06/21/16 - 07/01/19, 1
Dale Marks, resident	06/17/08 - 07/01/17, 3
Erick Farewell, resident	08/18/15 - 07/01/18, 1
Vacant, resident	- 07/01/17, partial
Vacant, resident	- 07/01/19,
Commissioner Perez, non-voting member	05/19/15 - 05/02/17, 1

Applying for Appointment: Charles N. Clegg, resident, term expiring 07/01/19
Travis Burns, resident, partial term expiring 07/01/17

Airport Manager (City Code Sec. 2-41(f)(5)) – Alexander Vacha, employee, City Manager appointed

Meetings (City Code Sec. 2-41(r)) - The Lake Wales Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

Current Meeting Schedule: - 1st Monday @ 5:30 PM; Commission Chamber

Duties/Powers (City Code Sec. 2-41(f)) - The Lake Wales Airport Authority exercises its powers and jurisdiction over the property known as the Lake Wales Airport and properties in addition to the Lake Wales Airport so long as they are exercised pursuant to contract with other governmental entities for the operation and supervision of other airports, airfields, and related facilities. The Lake Wales Airport Authority, subject to approval by the Lake Wales City Commission, is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure
3. To maintain an office at such place or places as may be designated by the City of Lake Wales.
4. To sue and be sued in its own name, plead, and be impleaded.
5. To provide oversight of airport operations for the purpose of input and advice to the city manager in his capacity as Airport Manager.
6. To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport which may be located on the property of the authority. Nothing in Ordinance 2007-07 shall exempt the Lake Wales Airport Authority from the provisions of chapter 333, Florida Statutes.
7. To issue bonds of the authority, as hereinafter provided, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.
8. To issue refunding bonds of the authority as hereinafter provided.
9. To fix and revise from time to time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by any airport facilities or tenant.
10. To acquire in the name of the authority by gift, purchase, or the exercise of the right of eminent domain, in accordance with the laws of the state which may be applicable to the exercise of such powers by municipalities, any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, or operation of any airport facilities, and to hold and dispose of all real and personal property under its control.
11. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Ordinance, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants, and attorneys, and such employees and agents as may, in the judgment of the authority, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Ordinance.
12. To accept grants or money or materials or property of any kind for any airport or other facilities from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.
13. To issue revenue certificates of the authority as hereinafter provided.
14. To do all acts and things necessary or convenient to carry out the powers granted by this Ordinance.

15. To contract with other governmental entities to operate airports, airfields, and other related facilities and services, including providing all personnel, tools, equipment, supervision, and other materials and services required therefore.

OPTIONS

None

FISCAL IMPACT

These are volunteer boards

[End staff agenda memo]

Commissioner Howell made a motion to appoint Charles N. Clegg to serve as a member to the Airport Authority for a term expiring 07/01/19 and Travis Burns to serve as a member to the Airport Authority for a partial term expiring 07/01/17. Deputy Mayor Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

Commissioner Gibson said when looking at the agenda item on the website he did not see the background information on the applications but that information is listed on the copies made available to him at the meeting so he must have missed that somehow. He said he hoped that we go out and get qualified people to serve on the various boards, commissions, and committees as opposed to people just applying. He suggested going after the qualified people. The Mayor said the individuals that apply for the boards are interviewed by those boards and that is where the determination is made as to whether they are qualified or not to serve on that board. Commissioner Gibson said in accordance with the City Charter the Mayor makes the appointments with the approval the Commission and the Mayor said that just happened on this. Commissioner Gibson said the boards can nominate and not appoint.

Commissioner Gibson explained why the City needed qualified people to serve. He said these are very important positions and many of which are not filled. The Mayor said he has talked to many people and encouraging them to serve they were not interested or had the time to spend serving on them.

The City Manager said he hoped the Commission would continue encouraging more people to serve on the various boards especially on the policy making ones. Some positions are limited to city residents and we are looking into broadening the membership requirement on some of the boards and that we are currently doing that for the Airport Authority to allow persons to serve that have aviation experience and those that are business owners and property owners in the City.

Commissioner Gibson said this is a community where some of the people that reside outside the City limit consider themselves part of the community and we need to take full advantage of their expertise. He said he would like to look at the board descriptions and memberships so he can try doing something about that and asked where that information could be located. The City Manager said the City Clerk can provide that and the City Clerk said the information is also made part of every regular Commission agenda packet and posted on the City's website. The Mayor said it is important that we let the ones serving on the boards know

City Commission Meeting
July 19, 2016

they are important and necessary and the City recently did that by hosing its first annual board appreciation dinner recent and we will continue doing that annually.

Commissioner Gibson suggested having a roster of people with expertise and qualifications to serve on the various boards, commissions and committees that we can pull from to fill the vacancies. The City administration can put that list together and the Mayor said that all the Commissioners can help put that list together. Commissioner Gibson said we can start with the people that are already serving on the boards and City administration can ask each one of them if they know anybody that would like to serve that has the same expertise and qualifications as they do.

Agenda Item 11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

City Manager Kenneth Fields reported on the FDOT project going on at the Vanguard School where utility lines are being relocated. The project has started and we ran into some problems but we are working with FDOT on that and on some other projects going on although FDOT does not move as fast as we want them to. We do have a good working relationship with them and we are continuing to make progress.

Agenda Item 11.II. City Commission Meeting Calendar

Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. City Boards Meeting Schedule

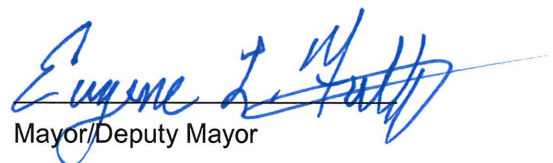
Agenda Item 11.V. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

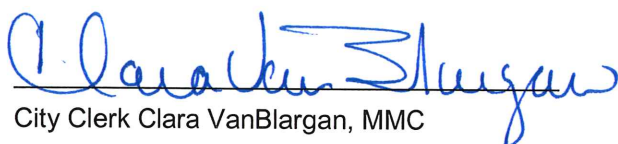
13. MAYOR COMMENTS

The Mayor said because of the kind of questions being asked and some of the things being said at the town hall meetings already taking place around town that Mr. Horn mentioned he would like us to have a quarterly district town hall meeting as well. Every quarter a Commissioner can have a town hall meeting in their district and invites everyone to come, not just the people living in that district and talk about anything going on in the City. He said he will be attending one each month because if each Commissioner has a meeting every quarter, there will be a meeting held each month. The City Manager said it is worth giving it a try because we can get feedback from the community regarding a recreation facility, the downtown etc.

The meeting was adjourned at 6:43 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC