

The meeting of the Lake Wales City Commission was held on May 5, 2015 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor 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: Terrye Howell; Christopher Lutton, Eugene Fultz, Mayor; Jonathan Thornhill, Betty Wojcik

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. PROCLAMATIONS: Community Action Month; May 2015

Mayor Fultz presented a proclamation establishing May 2015 as "Community Action Month." Pa Houa Lee-Yang, Economic Development Director, Agricultural and Labor Program, Inc. (ALPI) accepted the proclamation.

ANNUAL REPORT

PRESENTATIONS

COMMUNICATIONS AND PETITIONS

Gary Gose, VFW Post 2420, shared some upcoming events on Mother's Day and Memorial Day as well as others. He thanked the Commissioners for their service.

OLD BUSINESS

Agenda Item 6. APPROVAL OF MINUTES: April 21, 2015, Regular Meeting

Commissioner Wojcik made a motion to approve the minutes. Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

CITY MANAGER

Agenda Item 7. AWARDING OF PLAQUE: Betty Wojcik

Kenneth Fields, City Manager, presented outgoing Commissioner Betty Wojcik a plaque commemorating her service on the commission. Commissioner Wojcik spoke to the audience reviewing the accomplishments during her term and thanked the Commission and staff for working with her and the good job they do.

CITY CLERK

Agenda Item 8.

**OATH OF OFFICE: Mayor Eugene Fultz
 Commissioner Pete Perez
 Commissioner Jonathan Thornhill**

City Clerk Clara VanBlargan administered the Oath of Office to Eugene Fultz for a new term as Mayor, to Pete Perez as a new Commissioner, and Jonathan Thornhill for a new term as Commissioner.

Mayor Fultz thanked everyone for their support.

Agenda Item 10. GROUP PICTURE

A group photo of the new City Commission was taken.

CITY COMMISSION

Agenda Item 9. ROLL CALL

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

COMMISSIONERS ABSENT:

Agenda Item 11. APPOINTMENT OF DEPUTY MAYOR

Commissioner Howell made a motion appointing Commissioner Thornhill as Deputy Mayor. Commissioner Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

CONSENT AGENDA

Agenda Item 12. Charter School Reception - Kirkland Gymnasium

[Begin Agenda Memo]

SYNOPSIS

The approval will allow the Lake Wales Charter Schools to host a reception for the 100th Anniversary of Public Education at the Albert Kirkland Sr. Gymnasium on Thursday, May 28, 2015 from 6pm-8pm. The event will include alcohol.

RECOMMENDATION

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

- Approve the Special Event Permit application for the Lake Wales Charter School event to take place on Thursday, May 28, 2015 from 6pm-8pm.
- Approve the request to serve and consume alcohol in the Albert Kirkland Sr. Gymnasium during the reception.

BACKGROUND

The Lake Wales Charter Schools is organizing a reception to celebrate 100 years of public education in Lake Wales. They would like to hold the event in the 1939 high school gymnasium and serve and consume alcohol as part of the event.

The sponsor will coordinate with the Citrus Center Boys & Girls Club and City Staff on issues regarding set-up, clean-up and parking as needed.

OTHER OPTIONS

Do not approve the Special Event Permit.

FISCAL IMPACT

None. All costs will be the responsibility of the sponsor.

[End Agenda Memo]

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

By Voice Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 13. Presentation: Fire Assessment Program by Government Services Group

Kenneth Fields, City Manager, reviewed the purpose behind this study. He said that the county has informed us that they are dropping the OPA (Outside Protection Agreement) next year which will result in a loss of \$260,000 of revenue for our fire department as the county will now cover areas outside the City. We still need to maintain the two fire stations. This Fire Assessment will replace the loss of the money from the

County. The county and other cities have a Fire Assessment. The City passed an ordinance to authorize a fire assessment a few years ago but did not move forward with implementing a fire assessment. We have contracted with GSG, Government Services Group, to do an analysis of our budget and call data and develop a proposed structure for a fire assessment if the City chooses to go that route. This presentation will show what a fire assessment will look like. A schedule for implementation will also be reviewed. At the next meeting a resolution for a fire assessment will be before the commission. This begins the process that will end in the fall when it goes to the taxpayers. He introduced Camille Tharpe with Government Services Group.

Camille Tharpe, Government Services Group, reviewed what a fire assessment was, what is included and the requirements. The assessment must be fairly allocated to all property owners. The methodology used to determine assessment has been used for 30 years. There is one rate for residential structures regardless of size. Larger facilities are capped at 125,000 sq. ft. as that is the limit of water availability in the City. There are 5 buildings larger than 125,000 sq ft, Wal-Mart, Lowes, the High School, a Shopping Center and Dillard's. This only applies to properties within the City limits. The City has a contract with The Village of Highland Park and they pay separately for their fire protection. The City can only fund first responder calls, no EMS. She reviewed the call data for the past year which doesn't change much from year to year. They reviewed the budget for the next 5 years; the average we can fund with a five year average budget is \$2,547,690. She reviewed the different properties in Lake Wales, residential, commercial, industrial/warehouse, institutional which is non-profit properties like churches, non-profits, schools, etc. Mr. Fields explained that properties are categorized by use, not ownership. Ms Tharpe agreed sharing an example like a non-profit that has a thrift store, the store is commercial. She reviewed what each property might pay depending on the choice of the commission. Maximum rate for residential property at 100% is \$261, for commercial is \$.13 a sq ft. Different percentage possibilities reviewed. The county does about 75% currently. Ms. Tharpe showed some graphs reflecting the proportionality of the properties, and the schedule for adoption. The schedule allows for public notice and the adoption an assessment rate in June before millage rate is adopted so that information could be included in the millage decision which could be lower. Mr. Fields explained that this income must first be applied to lost revenue from the county, and then it could go towards a millage reduction. Our high millage rate works against economic development efforts. Most other cities either have a fire assessment or in the process of adopting one. This would be a steadier source of income. Agriculture and vacant land is not included in this formula. Mr. Fields reviewed the process for implementation and the next steps. Ms. Tharpe said that government property should not be included in this. It will be up to the commission to what extent if at all to charge institutional property; this is done many different ways across the state. Mr. Fields said we will come back at the next meeting to get direction from the commission.

Commissioner Lutton said that this will not cover all the costs of the fire department. Public safety is very expensive.

Commissioner Howell clarified that this is to replace the \$260,000 the county is no longer giving us. Mr. Fields confirmed this and said that if the millage rate is reduced, many families will save money. Commissioner Lutton suggested that a lower millage rate and an improved fire department could be attractive to new residents. Mr. Fields concurred with this.

Agenda Item 14. Preliminary Financial Statements for March 31, 2015

[Begin Agenda Memo]

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of March 31, 2015.

The unaudited financial statements for the City of Lake Wales for the Period Ending March 31, 2015 are presented to the City Commission for review. At the end of March 2015 the City was 50% into the fiscal year.

General Fund (001), page 1:

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

However, due to low unrestricted cash balances, the low balance of the emergency sinking fund, and various capital projects in Fiscal Year 2014'15, the Finance Department has recommended debt issuance for a period of two years for cash flow purposes. At the end of March, the General Fund cash balances are \$557,778 less than the prior year compared to the same time period.

Transportation Fund (102), page 6:

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

CRA Fund (105), page 11:

The CRA fund appears to be materially on target with revenue and expenditure expectations.

Library Fund (110), page 16:

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

However, the Library Fund also has low unrestricted cash balances. This fund might also need use of the line of credit referenced under the General Fund.

Capital Projects Fund (330), page 23:

The Cemetery Addition in 2013 obtained \$500,000 in finance but cost projects have increased to \$671,934.30 (as of 3/31/2015). The capital projects fund will require funding from the General Fund.

Utility System Fund (403), page 26:

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

However, due to settlement cost of the Lake Belle litigation, in 2014 of \$828,124, and various capital projects being completed within the Utility Fund, this Fund requires use of the debt issuance referenced under the General Fund. As of 3/31/2015, the Utility fund has borrowed \$710,774 from the General Fund. At the end of 3/31/2015, the Utility Fund cash and investment balances are \$942,165 less than the prior year compared to the same time period.

Airport Authority (404), page 29:

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

However, due to the low cash balance of the General Fund, the additional cash requirements of the Cemetery Addition Project within the Capital Projects Fund, and the cash flow needs of the Utility Fund, the matching requirement of the Airport Improvements will require use of the debt issuance referenced under the General Fund.

[End Agenda Memo]

Dorothy Ecklund, Finance Director, reviewed the Preliminary Financial Statements.

Agenda Item 15. Appointment – Planning & Zoning 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.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least six (6) members must reside in the City and one (1) member must either reside in or own real property in the City. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 residents

Current Members: Joanne Fuller, resident	09/19/06 – 07/01/15, 3-Final
Mark Bennett, resident	05/07/13 – 07/01/15, 1
Charlene Bennett, resident	02/16/10 – 07/01/16, 2
Vacant, resident	– 07/01/16
Sharon Allen, resident	07/01/04 – 07/01/17, P+4-Final
Vacant, resident	– 07/01/17
John Gravel, property owner	05/06/14 – 07/01/16, 1

Applying for Appointment: Curtis Gibson, resident

Mr. Gibson was interviewed by Charlene Bennett, Chairman of Planning & Zoning Board, and Margaret Swanson, Planning & Development Director, and his appointment to the board is recommended.

Recommendation: The recommendation is for the Mayor to appoint Curtis Gibson to serve on the Planning & Zoning Board for a term expiring on 07/01/2017 and for the City Commission to consent to the appointment made by the Mayor.

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its **membership** one (1) member to serve as chairman and one (1) to serve as vice-chairman.

- a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.
- b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.
- c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the City. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the City commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;
2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the City commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. 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 stated that this appointment has been postponed at this time.

CITY MANAGER

Agenda Item 12. City Commission Tracking Report:

Kenneth Fields, City Manager, reported that the work on Scenic Hwy is continuing and detours are in place. Many capital projects are wrapping up such as the Cemetery and the C Street Project. The Airport project is moving along nicely. The FAA is optimistic about future funding.

Agenda Item 13. City Commission Calendar

Kenneth Fields, City Manager, reported that there will be a workshop on Utility rates on May 19th and a CRA meeting at 5:30pm concerning properties available for sale.

Mr. Fields announced a SWFWMD public meeting for elected officials on June 1st, 4:30pm, at the Chain of Lakes Complex in Winter Haven concerning the Central Florida Water Initiative, a joint effort of several Orlando area Water Management Districts to coordinate water supply issues in Central Florida. Future projects must be regional in the future. A regional organization or cooperative will be encouraged.

Mr. Fields reminded the commission about the strategic planning meeting on Thursday to set priorities for the next few years. There are also budget workshops scheduled for the future.

Mr. Fields reported that the final appeal to the PRM insurance for reimbursement regarding the Lake Belle settlement failed, they will examine options on whether to pursue the matter and will come back with a recommendation.

Mr. Fields recommended pursuing reimbursement for legal costs regarding the 7 ethics complaints filed against the commission and staff that were recently dismissed. The Commission members consented to the effort to pursue reimbursement of these costs.

Mr. Fields announced that updated flood maps were released by FEMA and have contacted affected properties; one property owner may appeal to FEMA.

Agenda Item 14. Annual Reporting – Boards, Commissions, and Committees

Mr. Fields encouraged the Commission to find new members for the boards that have a lot of vacancies.

CITY COMMISSION COMMENTS

Commissioner Thornhill commended the EDC and how it is going and is pleased with its progress thus far. Mr. Thornhill confirmed that the Historic Society is still the main sponsor of Pioneer Days and suggested adding the Depot Museum to the tracking report.

Mayor Fultz agreed with comments concerning the EDC, and asked for patience as economic development takes time. He said that we will be pleased with the results.

Commissioner Perez expressed concern about the status of the Grand Hotel project and requested definitive plans and weekly updates. He also encouraged additional attention for the downtown area and a plan to improve that area. He thanked his family and neighbors for their support.

MAYOR COMMENTS

The meeting was adjourned at 7:23p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk Clara VanBlargan, MMC