

The meeting of the Lake Wales City Commission was held on May 19, 2015 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Fultz at 6:05 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; Jonathan Thornhill; Pete Perez; Eugene Fultz, Mayor

COMMISSIONERS ABSENT:

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

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

MAYOR

Agenda Item 5. PROCLAMATION: National Safe Boating Week; May 17-23, 2015

Mayor Fultz presented a proclamation establishing May 17-23 2015 as "National Safe Boating Week." Gilbert Thomas from the USCG Auxiliary accepted the proclamation. Gilbert Thomas presented a certificate of appreciation to Mayor Fultz thanking the City for its partnership regarding this issue.

PROCLAMATION: National Public Works Week; May 17-23, 2015

Mayor Fultz read a proclamation establishing May 17-23 as "National Public Works Week." Tom Moran, Utilities Director, accepted the proclamation.

Agenda Item 6. Florida Water Environment Association (FWEA) Phelps Award

Mayor Fultz announced that the City of Lake Wales Wastewater Division received the runner-up Phelps Award from the Florida Water Environment Association.

[Begin agenda memo]

The FWEA presents a Phelps Award yearly to recognize those facilities throughout the state of Florida that have maintained the highest removal of major pollution causing constituents prior to discharging the treated effluent to the receiving water and to recognize superior secondary and upgraded secondary facilities. The City of Lake Wales, Samuel P. Robinson Reclaimed Water Treatment Plant was selected to receive the runner-up award for an advanced secondary treatment facility for the year 2015. The award was presented at a FWEA luncheon and awards ceremony held in Orlando on May 5, 2015.

Ted Long, the City's wastewater division supervisor, received the award on behalf of the entire wastewater division team.

[End Agenda Memo]

Tom Moran, Utilities Director, introduced Ted Long, Senior Plant Operator, Daniel Branck, Plant Operator and Chris Jackson, Plant Operator and explained that this award is statewide which is a good show for Lake Wales.

ANNUAL REPORT

Agenda Item 7. Annual Report: Recreation Commission

Keri Hunt, Chair of the Recreation Commission, presented the report to the Commission. She said they are pleased with many of the recent improvements such as the play parks, trail and exercise stations among others. They have a good board now and they are pleased with the attendance and help of staff and improved communication. Nancy Furland has been working with the committee to help improve the condition of the lakes. Commissioner Thornhill and Mayor Fultz both said that they have received many positive comments regarding the trail and other improvements. Ms. Hunt said the maintenance of facilities has improved. Commissioner Thornhill asked about the quorum issues and what we can do. He suggested changing the rules concerning the quorum. He said the staff memo said that the board had no quorum for the last six months but monthly minutes are placed in his box. Ms. Nanek said she still holds the meeting although there is no quorum. The Board doesn't vote on anything.

Mayor Fultz passed on a recommendation for additional trash containers along the trail.

PRESENTATIONS

COMMUNICATIONS AND PETITIONS

Mimi Reid Hardman said that the Historic Lake Wales Society is a member of the Recreation Commission and works hard to get the trails. She hopes the museum will reopen soon.

Gary Gose, VFW Post 2420, shared about upcoming programs on Memorial Day on May 25th at 11am at Lake Wales Cemetery and 10am at Willow Lawn Cemetery, both will be short.

David Smith, 111 Britton St in Babson Park, asked for an update on the C Street Project. Mr. Fields, City Manager, explained that Phase I was complete and that Phase II will start later this year when the cash is lined up. Completion is scheduled for a year and half.

Sue Smith, 919 Carlton Avenue, spoke about the recent fire assessment fee presentation and identified concerns in the formulas used. The fee may disproportionately affect and burden lower income. She expressed concern about new debt being taken on. The high vacancy rate may contribute to the low amount for commercial structures. She asked if the vacancies fill up does that change the formula in the future and what criteria was used in the study. Mayor Fultz said there will be a response and discussion later in the meeting when that item is discussed.

CONSENT AGENDA

**Agenda Item 8. APPROVAL OF MINUTES: May 5, 2015, Regular Meeting
May 7, 2015, Strategic Planning Session**

Agenda Item 9. Award of Bid to Misiano Skateparks

[Begin Agenda Memo]

SYNOPSIS

Staff is requesting Commission approval of the vendor selection of Misiano Skateparks for the purchase and installation of additional skate elements in Kiwanis Park.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Award of Bid to Misiano Skateparks.
2. Authorize the City Manager to execute the contract on behalf of the City.

BACKGROUND

Phase 1 of the City's skatepark was completed in 2008, but no further improvements have been made to the park since the original construction. The City was awarded \$50,000 in grant funds from the Florida Recreation Development Assistance Program (FRDAP) in 2007 to build the skatepark, but the funds were only sufficient to provide minimal skate elements within the park. The 10,000 SF concrete slab the skatepark is built on was donated by Jahna Industries which allowed the City to focus every grant dollar on the skate park elements during the initial construction. City staff submitted FRDAP grant applications each subsequent year after Phase 1 of the skatepark was completed, but the City was not awarded another grant to complete the next phase of the skatepark until 2014. Last year the City was finally awarded an additional \$50,000 in non-matching FRDAP grant funds to complete the next phase of the skatepark and the project is included in the City's FY14/15 adopted budget.

City staff advertised a Request for Proposals (#15-394) to solicit vendors for the design and installation of additional skatepark elements and received two proposals: Misiano Skateparks and American Ramp Company. The proposals were evaluated using the following criteria:

1. Quality (Experience, Reputation, and References)
2. Project Approach (Flow, Uniqueness, Play Value, Creative Design, Use of Space, Meeting User Needs and the Number of Components)
3. Budget Containment

Misiano Skateparks was ranked the highest firm after evaluation by City staff members. Misiano Skateparks provides custom poured-in-place concrete skate elements whereas ARC provides modular steel skate elements. Research, including speaking with local skateboarders, has shown that poured-in-place concrete skate elements are preferred over modular steel skate elements by both end users and maintenance personnel.

Every dollar of the grant funds will be focused on the actual skate elements within the park to enhance the recreational experience of the public. In addition to the grant funds, the City Commission appropriated \$20,000 in the FY14/15 adopted budget for other improvements to the skatepark, most of which will be used for the installation of a picnic shelter/shade structure near the skatepark.

OTHER OPTIONS

The City Commission may choose not to award the bid to Misiano Skateparks and may select the other vendor's proposal.

FISCAL IMPACT

None. This City will be reimbursed 100% of the expenditure by the FRDAP.

[End Agenda Memo]

Agenda Item 10. Disposal of Surplus Property

[Begin Agenda Memo]

SYNOPSIS

Staff is seeking approval to dispose of surplus property – vehicles.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Classify the property as surplus.
2. Authorize staff to dispose of the property.

BACKGROUND

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function or purpose.

The equipment outlined in the attachment no longer serves any useful purpose to City. The items to dispose of include obsolete vehicles.

This property may be sold at public auction or to the highest bidder after the solicitation of sealed bids. In some cases the property may be recycled, donated to other non-profit or government entities or traded for fair market exchange of goods or services.

OTHER OPTIONS

Do not authorize the disposal of the listed property.

FISCAL IMPACT

Proceeds from any sales will be deposited into the general fund.

[End Agenda Memo]

Agenda Item 11. Law Enforcement Mutual Aid Agreement

[Begin Agenda Memo]

RECOMMENDATION

Staff recommends the City Commission authorize the Mayor to execute the Mutual Aid Agreement and Memorandum of Understanding between the Lake Wales Police Department and the Tampa Bay Multi-Agency Gang Task Force.

BACKGROUND

A multi-jurisdictional response to unlawful activity is a vital part of the justice system because of the increasing number of criminal activities that extend through more than one jurisdiction. Florida Statutes recognize the need for and authorizes mutual aid agreements between law enforcement agencies throughout the state. The Tampa Bay Multi Agency Gang Task Force (MAGTF) was formed approximately 20 years ago. The MAGTF has monthly intelligence meetings for law enforcement to discuss gang activity, trends and concerns. They also provide law enforcement support in dealing with, but not limited to, gang and disruptive group activity, and gang and disruptive group related crime.

These agreements define the responsibilities of each party with respect to the provision/receipt of mutual aid assistance. If executed, the proposed renewal agreement will expire on May 30, 2020 unless terminated sooner by written notice of either party.

OTHER OPTIONS

The Commission may choose not authorize the Mayor to execute this agreement.

FISCAL IMPACTS

None

[End Agenda Memo]

Agenda Item 12. Lake Wales High School Homecoming Parade Event & Street Closings

[Begin Agenda Memo]

SYNOPSIS

The approval of the special event permit application and the request for street closings will allow the Lake Wales High School Homecoming Parade to be held on Thursday, October 29, 2015.

RECOMMENDATION

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

1. Approve the special event permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, October 29, 2015 from 4:00 pm to 6:00 pm.;
2. Approve the request for the road closing of First Street from SR60 to Central Avenue, Central Avenue from First Street to Lake Shore Boulevard, and from Lake Shore Boulevard to North Wales Drive at Legion Field;
3. Approve the closing of Orange Avenue and North 5th Street to Sessoms Avenue

BACKGROUND

Ms. Donna Dunson, Principal of the Lake Wales High School, submitted a special event permit application for the Homecoming Parade to be held on Thursday, October 29, 2015 between the hours of 4:00 pm and 6:00 pm. Parade line up begins at 4:00 p.m. in the parking lot of Polk Avenue Elementary School and on south First Street with the parade starting at 5:00 p.m. The requested temporary street closings will involve the following streets;

First Street from State Road 60 north to Central Avenue, east on Central Avenue crossing SR 17 and continuing to Lake Shore Blvd., north on Lake Shore Blvd. to North Wales Drive, Orange Avenue to N 5th Street, N 5th Street to Sessoms Avenue

The crossing of Scenic Hwy (SR 17) requires a road closing permit from the Florida Department of Transportation. This permit request has been submitted to the FDOT office in Bartow. All Departments have reviewed the application and have approved the event. Lake Wales Police Department and VOICE will be available to provide escort for the parade and for traffic control. The Streets Department will be providing assistance with the barricades for the street closings and will take care of street cleaning on Friday. The school will provide the required proof of liability insurance.

OTHER OPTIONS

Do not approve the request for the Homecoming Parade and the road closings for the event.

FISCAL IMPACT

In-kind service from the City is estimated to be \$1,501.93 for FY2015/2016. Lake Wales High School is responsible for 25% of the total cost or \$375.48.

[End Agenda Memo]

Agenda Item 13. Church and Family Fun Day Event & Street Closings

[Begin Agenda Memo]

SYNOPSIS

The approval of the special event permit application will allow the House of Prayer Pentecostal Holiness Church to hold their annual Church and Family Fun Day on May 30, 2015 and allow for the temporary closing of Seminole Avenue.

RECOMMENDATION

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

1. Approve the special event permit application from the House of Prayer Pentecostal Holiness Church for their Church and Family Fun Day event to be held Saturday May 30, 2015;
2. Approve the temporary street closing of Seminole Avenue from First Street to Scenic Highway between the hours of 11:00 p.m. and 2:00 p.m.

BACKGROUND

The House of Prayer Church submitted a special event permit application for their annual Church and Family Fun Day to be held May 30, 2015 at 506 North First Street. This application also includes a request for the temporary closing of Seminole Avenue from Scenic Highway (SR17) to First Street between the hours of 11:00 a.m. and 2:00 p.m. The House of Prayer will be having a Bounce House, carnival booths, kids games, hot dogs, hamburgers, chips, desserts and sodas at their Activity Center located across the street on Seminole Avenue.

In the past the church has requested from the City Commission the temporary closing of Seminole Avenue for this event held each year. This prevented vehicular traffic from entering this area and presenting a serious safety issue for the children and parents crossing Seminole to reach the Activity Center. The closure of Seminole Avenue for this event will eliminate this possibility.

Staff has reviewed the application and has no issues with the street closing. The church is handling all site set ups, sanitary facilities, trash receptacles and trash clean up. Insurance is being provided as required.

OTHER OPTIONS

Do not approve the event or street closing.

FISCAL IMPACT

There is no cost to the City for this event.

[End Agenda Memo]

Agenda Item 14. Latandra Ellington Life of Justice Event

[Begin Agenda Memo]

SYNOPSIS

Approval of the special event permit application will allow the Justice and Remembrance for Latandra Ellington Association to hold the Latandra Ellington Life of Justice Event at Stuart Park on Saturday June 13, 2015.

RECOMMENDATION

It is recommended that the City Commission approve the special event permit application to allow the Justice and Remembrance for Latandra Ellington Association to hold the Latandra Ellington Life of Justice Event at Stuart Park on Saturday June 13, 2015 from 3pm -8pm with setup beginning at 10am.

BACKGROUND

The Justice and Remembrance for Latandra Ellington Association has submitted a special event permit application for the Latandra Ellington Life of Justice Event to be held in Stuart Park on Saturday June 13th from 3pm -8pm. Set up will begin at 10am. Parking for the event will be along 1st Street. The event will include music and dance performances, DJ, political speakers, food vendors, exhibitors, and inflatable bounce houses. There will be no alcohol.

The applicant originally requested Lincoln Avenue but due to its current use as a detour for the work on Scenic HWY/SR 17, the applicant agreed to hold the event at Stuart Park instead.

OTHER OPTIONS

Do not approve the event.

FISCAL IMPACT

There is no cost to the City for this event. All costs from Public Services and Police Department will be reimbursed at 100% by the sponsor.

[End Agenda Memo]

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

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

Agenda Item 15. Resolution 2015-08, Initial Assessment Resolution for Fire Protection Assessments

[Begin Agenda Memo]

SYNOPSIS

The adoption of Resolution 2015-08 establishes the methodology used to calculate the fire assessment rate and sets the maximum assessment fee. The resolution is necessary to move forward with establishing a fire assessment rate.

RECOMMENDATION

It is recommended that the City Commission set the maximum Fire Protection Assessment rate and adopt Initial Assessment Resolution 2015-08, providing for Fire Protection Assessments for fiscal year beginning October 1, 2015.

BACKGROUND

Since 1976, the City of Lake Wales has entered into annual Outside Protection Agreements (OPA) with Polk County. Under the OPA the City of Lake Wales Fire Department provides fire protection services to areas of unincorporated Polk County that Polk County Fire Rescue is unable to serve. The current OPA pays the City of Lake Wales \$257,577 for providing this service. The amount of money paid to the City is 50% of the total fire assessment fee collected by Polk County for the areas identified in the OPA. The City of Lake Wales was notified during the current OPA period that Polk County would not be seeking additional OPA at the end of the current fiscal year.

Chapter 10.5 of the Lake Wales Code of Ordinances, Fire Protection Assessments, was established by Ordinance 2008-26. Chapter 10.5 allows the city to collect fire assessment fees after the adoption of an initial rate resolution and a final rate resolution. Adoption of Resolution 2015-08 is the first step in the process of implementing a rate for fire assessment fees.

Resolution 2015-08 identifies the fire protection costs to be apportioned among the assessed parcels and establishes the methodology used to calculate the rate of assessment. In addition, the resolution provides for the creation of the initial assessment roll, the mailing and publication of the notice regarding property assessments, and the public hearing scheduled for June 16, 2015.

If the City Commission adopts Resolution 2015-08, additional steps must occur in the process before the fire assessment rates are actually adopted; i.e., property owner notification, public hearing and adoption of final rate resolution.

If Resolution 2015- 08 is adopted, the City will mail an individualized notice to each property owner stating the proposed assessment for the owner's specific parcel(s) and the date of the public hearing for receiving public comment on the proposed assessment. In addition, a notice of public hearing will be published in the Lake Wales News by May 26, 2015.

Following the public hearing on June 16, 2015, the Final Assessment Resolution will be considered. This resolution will establish the final fire assessment rates, approve the final assessment roll, and authorize certification of the final assessment roll.

OTHER OPTIONS

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs.

FISCAL IMPACT

The Fire Protection Assessment will create a dedicated funding source for fire protection services. While the Fire Protection Assessment will not completely fund fire protection services, it will afford the City Commission the option of a millage rate reduction.

[End Agenda Memo]

City Clerk, Clara VanBlargan, read **RESOLUTION 2015-08** by title only.

RESOLUTION 2015-08

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; PROVIDING AUTHORITY, PURPOSE, AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; DESCRIBING THE METHOD OF ASSESSING FIRE SERVICES ASSESSMENT COSTS AGAINST PROPERTIES WITHIN THE CITY OF LAKE WALES; DETERMINING THE FIRE ASSESSMENT COST AND INITIAL FIRE SERVICES ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREFOR; PROVIDING SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Kenneth Fields, City Manager, reviewed the resolution. He recommended a reduction in the millage rate once the assessment rate is set, which can be determined through the budget process. The methodology used is based on actual fire calls. Whether a property is vacant or not is irrelevant as they can all burn. A new study can be done again with the rates reviewed every 5 year or sooner if the commission prefers.

Commissioner Perez asked what number would cover the loss of \$260,000 from the County's OPA. Commissioner Lutton said that the income would be closer to \$1 million. The county residents have paid a fee, currently \$168, for years. This captures properties that are tax exempt and currently don't pay anything. If we add more commercial property in the next five years then they may take more of the burden. Mr. Fields agreed that more properties would pay the assessment; non-profits that are of a commercial nature will pay the assessment.

Commissioner Perez asked how he should know what rate to set. Joe Jenkins, Fire Chief, explained that now they are setting a cap and later they can set the actual rate. Mr. Fields said the staff recommendation is 64.5%, the current county rate. This will give the Commission the flexibility to lower the millage rate and offset the county loss. Commissioner Lutton said we need to be sure we do a millage reduction and not let it go to too many other things.

Commissioner Howell asked what happens if the fire assessment is not passed. Mr. Fields said we will lose the \$260,000 and money for fund balances. We will be in a bigger hole at the beginning of the fiscal year. It is a new revenue source and after the \$260,000 it is up to the commission what to do with the rest. A millage rate reduction will make us more competitive among the cities in Polk County. Commissioner Perez asked how we will cover their areas now. Chief Jenkins explained that we won't cover out of city areas. We were getting 50% of the fire assessment from those properties but the county will now cover those areas. Commissioner Howell asked if this was legal. Chief Jenkins explained that is why we have a consultant to be sure its legal and based on actual data. The apportionment can change in five years. Commissioner Lutton said we can put in an annual increase of like 2.5% for example. Commissioner Thornhill said that some are afraid the commission won't drop the millage as promised. He went on record that they will drop the millage.

Dorothy Ecklund, Finance Director, explained the need for these funds as the loan will need to be repaid, reserves are at zero, and the commission has identified several priorities such as a replacement policy for vehicles and equipment, new technology for records and commission meetings, and the alleys and streets need work. Some of this money will be needed for capital projects. She encouraged the commission to

keep these things in mind. Mr. Fields said that a significant millage reduction and capital projects are possible with the assessment. Ms. Ecklund clarified that they can always reduce the assessment fee so long as the apportionment remains the same without doing a new study.

OPENED FOR PUBLIC COMMENT

Gordon Dean, 4136 Deerfield Loop in Lake Ashton, asked about churches and schools being exempt from the fee. Mr. Fields said currently they are exempt. Mr. Dean said that as the Fire Department would respond to a fire anywhere then everyone, churches and schools, should pay. Mr. Fields explained that whether or not we assess the churches or other non-profits is up to the commission. If we assess schools they do not have to pay the fee.

Jack Neal, 435 E. Central Ave., expressed concern that we haven't agreed to pay a fee before they agree on a rate. He hasn't heard about this anywhere else. He doesn't think one is necessary; the City should cut costs elsewhere. He prefers a higher millage rate to a fire fee.

Mayor Fultz emphasized the need to drop the millage as that is a concern he hears most frequently.

CLOSED FOR PUBLIC COMMENT

Commissioner Lutton suggested going along with a 75% rate, similar to the county, but city residents get a better deal with a better fire department. Commissioner Howell restated that this is the top, we can't go higher but we can bring it down and use the money to pay for things we need and reduce the millage rate. With a lower millage rate more business may come in.

Commissioner Lutton made a motion to set the fire assessment rate at 75% and adopt **RESOLUTION 2015-08**. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Commissioner Thornhill asked for a breakdown showing an amount for a house on low end scale and high end scale, so people can see what the differences will be. Mr. Fields will prepare some scenarios for the next meeting.

Agenda Item 16. Resolution 2015-11, Tax Refund Incentive Program

[Begin Agenda Memo]

SUBJECT

Resolution Magician 2—recommends Project Magician 2 approval as a Qualified Target Industry (QTI) Business pursuant to Section 288.106, Florida Statutes and providing for local monetary financial support in the total amount of \$11,700, which is one-half of the twenty (20%) percent total required QTI local financial match.

RECOMMENDATION

It is recommended that the City Commission adopt Resolution 2015-11.

BACKGROUND

Section 288.106, Florida Statutes, regarding a Tax Refund Program for Qualified Target Industry Businesses, provides a tax refund incentive for companies that create high wage jobs in high impact sectors and value-added industries. This incentive program referred to as the QTI Tax Refund Incentive Program ("Program") includes refunds on corporate income, sales, ad valorem, intangible personal property, insurance premium, and certain other taxes that are paid by such eligible companies. Pre-approved applicants who create jobs in Florida receive tax refunds of \$3,000 per net new Florida full-time equivalent job created. The local community where the company locates contributes twenty (20%) percent of the total tax refund. No more than twenty-five (25%) percent of the total local financial support comprising the eligible tax refund approved may be received in any single fiscal year. New or expanding businesses in selected targeted industries or corporate headquarters are eligible.

The Program, which is administered by Enterprise Florida at the state level, in cooperation with the Central Florida Development Council (CFDC) and the Lake Wales Economic Development Council (LWEDC) at the local level, has been used numerous times since the Program was established. For qualified businesses located in unincorporated Polk County, the County contributes the required twenty (20%) percent local share. For qualified projects located within incorporated municipalities, Polk County requests the municipality contribute one-half of the twenty (20%) percent share or ten (10%) percent and the County contributes ten (10%) percent. The LWEDC has been working closely with an area business that is planning to expand its investments to the City of Lake Wales. Enterprise Florida recently confirmed the eligibility of the business to receive QTI incentives for its intended investment in Lake Wales and requested the LWEDC secure the City of Lake Wales' local support. This business qualifies as a Target Industry under the provisions of Section 288.106, F.S. and is expected to bring 39 new manufacturing and engineering jobs, paying at least 115% of the 2013 Polk County average annual wage and a capital investment of \$3,120,000.

In order for a qualified business to receive this incentive, Enterprise Florida must certify the jobs created on an annual basis prior to any disbursement of funds to the business. Based on the requirement that no more than twenty-five (25%) percent of the local financial support comprising the eligible tax refund may be paid in any single fiscal year, the incentive funds will be disbursed over at least a four year period potentially beginning in the spring of 2016.

FINANCIAL IMPACT

Approval of this Resolution will require a cash contribution by the City not to exceed \$11,700. Based on the requirement that a maximum of 25 percent of the local financial support comprising the eligible tax refund may only be paid in any single fiscal year, the maximum amount the City would have to pay would be \$2925.00 per year for four years, expected to begin in FY 2015/16. This amount could be less in any fiscal year since it is based on the number of jobs created and could take more than four (4) fiscal years to pay the total amount of \$11,700.00. This amount would be required to be included in the City budget for each of the ensuing fiscal years in order to fulfill this obligation and until the total amount of \$11,700.00 is paid.

[End Agenda Memo]

City Clerk, Clara VanBlargan, read **RESOLUTION 2015-11** by title only.

RESOLUTION 2015-11

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, RECOMMENDING PROJECT MAGICIAN 2 TO BE DESIGNATED AS A QUALIFIED TARGET INDUSTRY PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AFFIRMING THIS IS A HIGH IMPACT SECTOR EMPLOYER;

PROVIDING FOR LOCAL MONETARY FINANCIAL SUPPORT; SEVERABILITY; REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Kenneth Fields, City Manager, reviewed the resolution.

Commissioner Lutton asked if the money would be paid at the end of the year. Mr. Fields explained yes, if they meet their jobs goals. Commissioner Lutton asked if we pay that money out after they pay their taxes. Mr. Fields confirmed yes.

Mayor Fultz noted these jobs will bring in more income than we will pay out. The cost for the City is \$2,900 a year for 4 years. Commissioner Lutton noted that training costs will be paid as well.

OPENED FOR PUBLIC COMMENT

Sue Smith, 919 Carlton Ave., asked about the nature of the business. Mayor Fultz explained that is confidential as the business does not want anyone to know yet. Ms. Smith asked why this is confidential. Mr. Fields said this is allowed under State Law and explained that this agreement will be made when they go public.

CLOSED FOR PUBLIC COMMENT

Commissioner Lutton made a motion to adopt **RESOLUTION 2015-11**. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 17. 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 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.

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: 1 regular member; 1 commission member, non-voting member

Current Members: Charles Keniston, resident	03/06/12 - 07/01/15, 1
Jack Neal, resident	09/19/06 - 07/01/15, 3-Final
Katherine Rogers, resident, chairman	09/18/12 - 07/01/15, 1
Charles Loomis, resident	11/03/10 - 07/01/16, 2
Robert Kelly, resident	07/03/07 - 07/01/16, 3-Final
Dale Marks, resident	06/17/08 - 07/01/17, 3
Vacant	- 07/01/17
Vacancy, Commission member, non-voting member	- 05/02/17

Airport Manager (City Code Sec. 2-41(f)(5)) - City Manager

Applying for Regular Appointment: Robert N. Wood, resident (The Airport Authority Board approved the appointment of Mr. Wood at its meeting on Monday, May 4, 2015).

Appointment of City Commission member: The appointment of a City Commission member is necessary for a term expiring on 05/02/17.

This appointment is for a citizen member for a term expiring on 07/01/17 and a non-voting commission member for a term expiring on 5/2/17.

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

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 appointed Robert Wood to the Airport Authority for a term expiring July 1, 2017.

Commissioner Perez volunteered to serve on the Airport Authority as the Commission member.

Commissioner Howell made a motion to approve the appointments of Robert Wood for a term expiring July 1, 2017 and Commissioner Perez to serve as the non-voting Commission member for the duration of his term as a commissioner. Commissioner Thornhill seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

CITY MANAGER

Agenda Item 18. City Commission Tracking Report:

Kenneth Fields, City Manager, reported that the Skate Park project will be done this summer.

Mr. Fields announced that on June 1st SWFWMD is hosting a workshop in Bartow on the Central Florida Water Management District which will review water problems over the next few years. Commissioner Lutton cautioned that water is going to get expensive in years to come.

Agenda Item 19. City Commission Calendar

Mr. Fields noted the upcoming budget workshops that are scheduled.

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

CITY COMMISSION COMMENTS

MAYOR COMMENTS

Mayor Fultz granted two minutes to Mimi Hardman.

Mimi Hardman read a letter from the Governor who re-appointed her to the Florida Historical Commission. She expressed concern about the status about the Depot Museum. Mayor Fultz explained that the Depot Museum will be discussed at a future meeting.

The meeting was adjourned at 7:25p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk Clara VanBlargan, MMC