

The meeting of the Lake Wales City Commission was held on April 15, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at 6:00 p.m. following the invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Mayor Eugene Fultz.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Michael S. Carter; Jonathan Thornhill; Betty Wojcik; Christopher Lutton; Eugene Fultz, Mayor

COMMISSIONERS ABSENT:

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; 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: Fibromyalgia (FM), Mialgic Encephalomyelitis (ME) and Multiple Chemical Sensitivity (MCS) Awareness Day; May 12, 2014

Mayor Fultz presented a proclamation honoring May 12, 2014 as Fibromyalgia (FM), Mialgic Encephalomyelitis (ME) and Multiple Chemical Sensitivity (MCS) Awareness Day. No one was present to accept the proclamation.

Civility Month; May 2014

Mayor Fultz presented a proclamation honoring May 2014 as Civility Month. City Attorney Albert C. Galloway accepted the proclamation.

National Music Week; May 4-10, 2014

Mayor Fultz presented a proclamation honoring May 4-10, 2014 as National Music Week. No one was present to accept the proclamation.

National Library Week; April 13-19, 2014

Mayor Fultz presented a proclamation honoring April 13-19, 2014 as National Library Week. Library Director Tina Peak accepted the proclamation.

Mayor Fultz recognized the Pentecostals of Lake Wales for donating the flowers that sat on the floor by the Commission Chamber podium.

PRESENTATIONS

Agenda Item 6. ANNUAL REPORT: CRA Citizen Advisory Committee

Mr. Fields announced that Agenda Item 6 would be rescheduled because no one from the CRA Citizen Advisory Committee was able to attend the meeting.

ADDENDUM – Presentation regarding a City Volunteer Work Day on April 5, 2014

Public Support/Services Director James Slaton presented a presentation showing before and after pictures of the progress made by over 120 local church volunteers on April 5, 2014. The primary work performed

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was landscape maintenance behind the Depot Museum, and landscape maintenance and painting of city buildings at Crystal Lake Park. Mr. Slaton said he hoped to have a volunteer workday about every 90 days in different locations of the city. The City Commission commended Mr. Slaton on a job well done.

COMMUNICATIONS AND PETITIONS

There were no comments made by the public.

CONSENT AGENDA

Agenda Item 7. APPROVAL OF MINUTES: April 1, 2014, Regular Meeting

Agenda Item 8. Special Event Permit Application and Road Closing – Allen Temple A.M.E. Church

[Begin agenda memo]

SYNOPSIS:

The special event permit application will allow the temporary closing of a portion of Washington Avenue between C Street and D Street on May 3, 2014 for the Allen Temple A.M.E. Church May Day Festival.

RECOMMENDATION

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

1. Approve the special event permit application from the Allen Temple A.M.E. Church for the May Day Festival to be held on May 3, 2014 at 241 C Street; and
2. Approve the temporary street closing of a portion of Washington Avenue on May 3, 2014 between C Street and D Street from 9:00 a.m. and 5:00 p.m.

BACKGROUND

Pastor Herbert Hollingsworth submitted a Special Event Permit Application for the May Day Festival to be held May 3, 2014 at the Allen Temple A.M.E. Church located at 241 C Street. The church is having numerous activities across the street on their property. These activities include food and craft vendors, a bounce house, face painting, cake and BBQ contest, musical and vocal entertainment and other activities for the entire family on the church property.

Although this event will be held on private church properties, a request has been made by the church for the temporary closing of a portion of Washington Avenue between C Street and D Street from 9:00 a.m. to 5:00 p.m. This request is made for the safety of the parents and children attending this event who will be crossing Washington Avenue to enjoy the activities across the street from the church.

City Staff has reviewed the application and approved the street closing. The Lake Wales Police Department and Streets Division have both determined that the requested street closing will not hinder the flow of traffic on C Street, D Street or Washington Avenue beyond the point of closure. There will be no in-kind services provided by the Police Department or the Streets Division. Barricades will be dropped off to the church on Friday, May 2, 2014 and they will be responsible for closing off a portion of Washington at 9:00 a.m. and reopening the street at 5:00 p.m. the day of the festival.

The Allen Temple A.M.E. Church is responsible for parking, trash clean up, sanitary facilities, tent permits if needed, county permits for food vendors, and liability insurance.

OTHER OPTIONS

Do not approve the request for the road closing.

FISCAL IMPACT

The City of Lake Wales will not be providing any in-kind services for this festival. The Allen Temple A.M.E. Church is responsible for any costs associated with this event.

[End agenda memo]

Agenda Item 9. Award of bid to GameTime c/o Dominica Recreation Products, Inc.

[Begin agenda memo]

SYNOPSIS

The approval authorizes the vendor selection of GameTime c/o Dominica Recreation Products, Inc. for the purchase and installation of an additional play system in Crystal Lake Park.

RECOMMENDATION

The recommendation is for the City Commission to award the Bid to GameTime c/o Dominica Recreation Products, Inc. for the purchase and installation of an additional play system in Crystal Lake Park.

BACKGROUND

It is evident after the installation of the new play system in Crystal Lake Park that there is substantial available space to add an additional play system in the playground. The Crystal Lake Park playground is used heavily by the community and could benefit by the addition of a second, larger play system.

GameTime c/o Dominica Recreation Products, Inc. submitted a bid in the amount of \$29,996.62.

The remaining bids were:

Miracle/Miller Recreation Equipment and Design	\$31,175.08
Playmore Recreation Products and Services	\$48,398.62

OTHER OPTIONS

The City Commission may choose not to award the bid to Gametime and select one of the other vendors.

FISCAL IMPACT

The cost of the playground equipment is \$29,996.62. Funds for this project were approved by the Commission in the first budget amendment of FY2013/14 (Ordinance 2014-01).

[End agenda memo]

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

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 10. Ordinance 2014-04, Dissolving Depot Advisory Commission – 2nd Reading & Public Hearing

[Begin agenda memo]

SYNOPSIS

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

BACKGROUND

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

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

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

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

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

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

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

At the February 18, 2014 City Commission meeting, the chairperson and President of the Historic Lake Wales Society, Mimi Reid Hardman, presented an annual report on behalf of the Depot Advisory Commission. After a discussion about the dual role of the Depot Advisory Commission and the Historic

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Lake Wales Society Board, City Manager Kenneth Fields confirmed that the City Commission could sunset the Depot Advisory Commission, and that an ordinance could be drafted for that purpose.

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

FISCAL IMPACT

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

[End agenda memo]

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

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

OPENED FOR PUBLIC HEARING

There were no comments from the public.

CLOSED FOR PUBLIC HEARING

Commissioner Wojcik made a motion to adopt Ordinance 2014-04 after second reading and public hearing. Commissioner Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 11. Ordinance 2014-06, Vacation of portions of Owens and Ray Martin Roads – 2nd Reading & Public Hearing

[Begin agenda memo]

SYNOPSIS

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

RECOMMENDATION

Staff recommends that the City Commission adopt Ordinance 2014-06 following second reading and public hearing. Public notice requirements have been met.

BACKGROUND

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

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

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

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

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

OTHER OPTIONS

Decline to grant the vacation.

FISCAL IMPACT

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

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-06 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING, AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC, EXCEPT FOR ACCESS TO PUBLIC FACILITIES BY OFFICIALS OF THE CITY OF LAKE WALES AND POLK COUNTY, TO THOSE PORTIONS OF RAY MARTIN AND OWENS ROADS AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED FOR PUBLIC HEARING

There were no comments from the public.

CLOSED FOR PUBLIC HEARING

Commissioner Wojcik made a motion to adopt Ordinance 2014-06 after second reading and public hearing. Commissioner Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

There was no new business to consider.

CITY MANAGER

Agenda Item 12. City Commission Tracking Report:

Kenneth Fields, City Manager, reported updates to the City Commission Tracking Report.

Agenda Item 13. City Commission Calendar

Mr. Fields said the City Commission Calendar lists the revised budget workshop meetings as requested by the City Commission.

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

Mr. Fields said the CRA Citizen Advisory Committee Annual Report would be rescheduled.

CITY COMMISSION COMMENTS

None.

CITY MANAGER COMMENTS

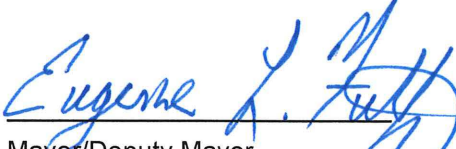
Mr. Fields, in accordance with this contract with the City, reported that he would be out of town Easter weekend from noon, Thursday, April 17 through noon, Monday, April 21.

MAYOR COMMENTS

Mayor Fultz made the following announcements:

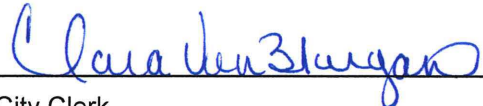
- April 19 Easter Egg Hunt at Stuart Park from 9:00 a.m. to 10:00 a. m.
- April 20 Easter Program and Easter Egg Hunt at Lake Wailes Park from 8:00 a.m. to 9:00 a.m.
- April 29 Ribbon Cutting and Open House at the new fire station on Chalet Suzanne Road at 5:30 p.m.

The meeting was adjourned at 6:16 p.m.



Mayor/Deputy Mayor

ATTEST:



City Clerk