

The meeting of the Lake Wales City Commission was held on March 3, 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; Betty Wojcik, Jonathan Thornhill

**COMMISSIONERS ABSENT:** None

**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**

#### **ANNUAL REPORT**

#### **PRESENTATIONS**

**Agenda Item 5. Quarterly Report Presentation – Progress on the Economic Development Programs & Activities by Kevin Kieft, Executive Director of the Lake Wales Area Chamber of Commerce and Economic Development Council (10-15 minutes)**

Kevin Respress, President of the Lake Wales Area Chamber of Commerce and Economic Development Council, gave the report in place of Mr. Kieft who was stuck in traffic. There have been 28 leads, some of which are active. The list is reviewed at each meeting. Mr. Respress reviewed the finance report which included some brochures and other marketing. He showed photos of new businesses that have opened recently. He reported on Long Leaf Business Park which is now being marketed actively. He showed a slide of county projects in process that affect Lake Wales. Kenneth Fields, City Manager, read some of the projects on the list. They have developed a two-year action plan which includes marketing and a retention plan for new businesses. They now have an automated tracking system to follow leads. They have some new billboards and brochures for people. Mr. Respress shared a list of shows and events that Lake Wales will be at. There is now a quarterly newsletter being widely distributed. Mr. Kieft is now a certified economic developer, this certification is like a bar exam. We are lucky to have a certified Economic Development Director here in Lake Wales. The EDC meetings are positive and exciting.

Mr. Fields explained that Mr. Kieft is raising the visibility of Lake Wales is very important and he is building a network of relationships which is a long process with not a lot of short term results but will be beneficial long term. Long Leaf Business Park is now very much in play and can be developed tomorrow.

Commissioner Howell asked about the possibility of new restaurants. Mr. Fields reported that they are getting a Steak & Shake in Lake Wales soon and other middle range restaurants, like Applebees, are being sought. These types could do very well here, but we need to explain our story to the site selectors.

#### **COMMUNICATIONS AND PETITIONS**

Sandra Davis, Human Resources Director, reported on a letter commending the streets department and a good job done on a recent project that was completed. Mayor Fultz said that he has gotten letters commending employees as well and he appreciates the public recognition.

**CONSENT AGENDA**

**Agenda Item 6. APPROVAL OF MINUTES: February 3, 2015, regular meeting (revised)  
February 17, 2015, Regular Meeting  
February 20, 2015, Special Meeting**

**Agenda Item 7. Appointment of Election Workers for the April 7, 2015 Municipal Election**

[Begin Agenda Memo]

**SYNOPSIS**

It is necessary that the City Commission appoint election workers to keep the polling places open from 7:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, April 7, 2015 at the Municipal Administration Building.

**RECOMMENDATION**

It is necessary for the City Commission to appoint the following registered voters chosen by Precinct Clerk Patricia "Tish" Pike to serve as election workers in the April 7, 2015 Municipal Election:

- Patricia "Tish" Pike – Precinct Clerk
- Connie Watkins, Voter Information Specialist
- Marietta Burbank, Voting Equipment Operator
- Robert Lansford, Deputy
- Doris Powell, Book Inspector
- Elina Reveron, Book Inspector
- Lori Hudson, Book Inspector
- Daniel Watkins, Book Inspector
- Diana Rivera, Alternate
- William Rapp, Alternate
- Patricia Jilson, Alternate
- H. Borden Deane, Alternate

**BACKGROUND**

On February 3, 2004, the City Commission approved the consolidation of 7 polling locations into one (1) polling location in the Municipal Administration Building for City elections only. It is necessary that the City Commission appoint election workers to keep the polling places open from 7:00 a.m. to 7:00 p.m. for the Municipal Election to be held on Tuesday, April 7, 2015. The persons chosen by the Precinct Clerk to serve are registered voters, have expressed an interest to serve as election workers, and will receive all the necessary training from the Supervisor of Elections prior to Election Day.

**OTHER OPTIONS**

None

**FISCAL IMPACT**

The necessary funds covering the cost of election workers are provided for in the FY2014-2015 Budget.

[End Agenda Memo]

**Agenda Item 8.           Movie Night Under the Stars**

[Begin Agenda Memo]

**SYNOPSIS**

This Special Event Application is for the Movie Night Under the Stars hosted by the Lake Wales Main Street on March 21, 2015 in the Downtown Marketplace.

**RECOMMENDATION**

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

1. Approve the special event permit application for the Movie Night Under the Stars to take place on Saturday March 21, from 5pm -8:30pm.
2. Approve closing of the Marketplace Parking lot at 5pm on Friday night March 20<sup>th</sup> for set up of children's activities.
3. Approve closing of the alley through the Marketplace during the event for pedestrian safety.

**BACKGROUND**

The Lake Wales Main Street will host a movie night with additional children's activities on Saturday March 21<sup>st</sup>. The event will include vendors, Kids Zone from Impact Church who will bring a jump house and a showing of the movie "Big Hero 6". Lake Wales Main Street will secure the licensing rights to show the movie.

To prepare for set-up staff recommends closing the Marketplace parking lot on the Friday evening before to allow for set up the next day.

**OTHER OPTIONS**

Do not approve the special event application.

**FISCAL IMPACT**

No police are required for this event.

As this was unbudgeted the sponsors will cover 100% of Public Services for the event.

[End Agenda Memo]

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

By Voice Vote:

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

The motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**Agenda Item 9. Ordinance 2015-02, Zoning Amendment, PDP Building Setbacks - 1st Reading**

[Begin Agenda Memo]

**SYNOPSIS**

Minimum building setbacks in residential Planned Development Projects (PDPs) are proposed for amendment to allow more flexibility in designing developments.

**RECOMMENDATION**

At its December 10, 2014 meeting, the Planning Board voted to recommend the changes in Sec. 23-443.1 subsec. (e) 1 & 2 as set forth in Ordinance 2015-02. Staff recommends an additional change by adding subse. (e) 3.

No public hearing is required for a 1st Reading of this ordinance.

**BACKGROUND**

Amendments to the PDP minimum building setbacks were prompted by the Planning Board's review of the Planned Development Project (PDP) Leoma's Landing in 2014. The minimum building setbacks for residential PDPs were found to be too large for some single-family lots. As part of the approval of Leoma's Landing, the City Commission voted to make adjustments to the minimum requirements as suggested by the Planning Board to allow flexibility. Setbacks on a number of lots in Leoma's Landing were "pre-approved," pending an amendment to the ordinance.

Following is condition #8 for Leoma's Landing, approved May 20, 2014 by City Commission:

**SETBACK FROM PROJECT PROPERTY LINES**

In addition, the Planning Board recommends that sec. 23-443.1.e. of the zoning regulations be amended to reduce the required setback (now 35 feet) from project property lines for single-family dwellings in PDPs. The Board further recommends that the setbacks from project property lines as proposed by the developer for lots along the eastern property line of Leoma's Landing be accommodated in the amendment, provided the houses are limited to one story:

For lots 61 through 78 rear setback of 25 feet (abutting Dinner Lake Shores)

For lots 81 through 90 rear setback of 24 feet (abutting Dinner Lake Shores)

For lots 1 through 7 rear setback of 19 feet (at C. F. Kinney Rd. entrance)

As shown on plan dated March 14, 2014 and reviewed by the Planning Board.

The amendments proposed in the ordinance will accommodate the setbacks pre-approved for Leoma's Landing and will apply to all new residential PDPs. Waivers can only be granted as part of a PDP approval by City Commission.

In making its recommendation, the Planning Board considered the following points:

1. The amendment will allow limited waivers for minimum setbacks in residential PDPs. The minimum setbacks were enacted to buffer adjacent properties from developments not meeting standard subdivision requirements. As the code reads now, the minimum design standards (in section 23-443.1) cannot be waived.

2. The distinction between small and large developments is no longer necessary if waivers are allowed.
3. Lots meeting area and width requirements will be exempt from the PDP setbacks.
4. The new language allows waivers for one-story single-family houses if the reduction not detrimental to abutting properties. Setbacks cannot be reduced below the zoning district requirements.
5. If passed, the standards will apply to all residential PDPs. The setback reductions in Leoma's Landing listed in Condition #8 will be considered approved.

Staff recommends an additional provision allowing waivers of the front setback on a lot in a residential PDP to allow for a neo-traditional development.

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE 2015-02** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE MINIMUM BUILDING SETBACK REQUIREMENTS FOR RESIDENTIAL PLANNED DEVELOPMENT PROJECTS IN THE LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Margaret Swanson, Director of Planning and Development, reviewed the Ordinance.

**OPENED PUBLIC COMMENT**

No comment from the public.

**CLOSED PUBLIC COMMENT**

Commissioner Howell made a motion to approve **ORDINANCE 2015-02** after first reading. Commissioner Wojcik seconded.

By Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 10. Ordinance D2015-01, Comp Plan Amendments – EAR-Based, Future LU, Sewer and Water – 1<sup>st</sup> Reading & Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS**

Amendments to the Future Land Use Element and Sanitary Sewer and Potable Water Elements of the Comprehensive Plan are recommended by the Planning & Zoning Board to address issues in the Evaluation and Appraisal Report (EAR). Other amendments are recommended to allow for a density bonus for affordable housing in multi-family districts, to eliminate the RRD-Rural Residential Development land use classification, and to update, reorganize, and improve wording of various policies.

## RECOMMENDATION

At their meeting January 14, 2015, the Planning & Zoning Board held a public hearing on EAR-based and other amendments to the Comprehensive Plan and voted unanimously to recommend amendments as set forth in Ordinance D2015-01.

A public hearing is required. Public notice requirements have been met.

If approved on first reading, the ordinance will be transmitted to the state for review. Following completion of state review, a 2nd reading and adoption hearing will be scheduled. Changes may be required or suggested based on the state's review.

The Planning Board's recommendations are shown in an underline/strike-out format in Attachments A and B of the ordinance. Notes explaining individual changes are included in the text of the attachments. These notes will be removed for the 2nd reading. The types of changes are summarized below.

## BACKGROUND

The proposed amendments include both EAR-based and non-EAR based amendments to the Goals, Objectives, and Policies of the Comprehensive Plan.

The amendments involve the "Future Land Use" Element and the sanitary sewer and potable water sections of the "Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge" Elements.

The Evaluation and Appraisal Report is attached for your reference.

### Summary of Recommended Amendments:

The **EAR-based amendments** address the following issues:  
Curbing Urban Sprawl  
Providing Potable Water and Wastewater Services for Growth  
Encouraging Infill and Redevelopment

Many of the changes called for in the EAR have been carried out over the last several years through amendments to land use and utility regulations in the City's Code of Ordinances, but have not been included in the Comprehensive Plan itself.

As you are probably aware, the City is overdue in adopting the EAR-based amendments. After the adoption of the report in 2010, work began on a complete revision of the plan, including data and analysis. In 2011, major changes were made in state statutes regarding requirements for comprehensive plans. Ultimately, efforts on the complete revision became bogged down.

Staff has been discussing compliance with the staff of the state's Department of Economic Opportunity. They have agreed that submission of EAR-based amendments at this time will put us back on track with requirements of the Growth Management Act. If there are deficiencies, they can be addressed at a later date. Staff hopes, however, that the EAR has been addressed adequately in the proposed ordinance.

One change called for in the EAR is to update the 5- and 10-Year Urban Services Area maps. The Urban Services Area map concept was re-evaluated after the EAR preparation. Mapping where future growth will occur was found to be problematic. Under policies of the Plan and the development regulations (Chapter 23 of Code), concurrency management and capital improvements planning are used to ensure urban services are available when needed. Policies 5.06, 5.07, 5.08, and 5.09 referring to the Urban Services map are eliminated in favor of concurrency management policies under Objective 4.

**Non-EAR amendments** include the following:

- Affordable housing density bonus - See Policy 2.12 Future Land Use Element:  
Under the MDR-Medium Density Residential land use classification, affordable housing developments could be granted up to a 33% density bonus (units/acre) if they meet certain conditions. In MDR, the maximum density is 6 units per acre. With the bonus, 8 units per acre could be allowed. (Recommended in response to a request from the Housing Authority.)

The language proposed to be added to the policy:

A density bonus of up to 33% may be granted through the planned development process for an affordable housing development meeting current federal criteria for affordability in Polk County, provided that the development is located in a multi-family zoning district, has in excess of 12 units, and provided the requirements for open space, recreation, buffers, pervious area and parking are not reduced.

- Elimination of the RRD-Rural Residential Development classification - See Policy 2.18.  
This policy applies only to the RR-Rural Residential areas, limited in Lake Wales to the Winter Haven Corp. property between Lake Ashton and US 27. RRD allows 5% of the gross land area to be neighborhood commercial. The Planning Board's view is that neighborhood commercial nodes should be identified on the Future Land Use Map and located strategically to serve outlying residential areas.

#### **Other changes:**

- Organizational changes - Policies have been moved from one objective to another to better fit. For instance, several policies under Objective 5 Desired Pattern of Urban Growth (Future Land Use) that are more appropriate under Objective 4 Concurrence are moved there. Other policies have been grouped. For example wetland policies were all moved to Policy 3.07 (Future Land Use).
- Updates - A number of policies were updated to indicate that tasks have been accomplished or regulations have been enacted and will continue to be enforced. Updates have also been made to reflect changes in state or other regulations and programs related to a policy.
- Rewording - Changes have been made throughout to improve the clarity of policies.

#### **Status of Comprehensive Plan Amendments**

The proposed amendments address the major growth management issues facing the City by focusing on the policies in the Future Land Use and utilities sections of the Plan. However, the policies of several other sections of the Plan remain to be updated.

A new Future Land Use Map Series has been prepared and is close to being ready for adoption. The Future Land Use Map itself, showing land use classifications for property in the City, was extensively revised in 2005 and a computerized map on GIS-Geographic Information System was completed two years ago. No changes are proposed other than requests we may receive from individual property owners; these can be changed by ordinance as they come in.

The other required maps in the Future Land Use Map series have also been redone on GIS and have been recommended by the Planning Board for adoption. However, staff would like to review them further for some of the finer points before bringing them to City Commission for adoption. These include: natural resources, transportation, bus routes, conservation, utilities, soils and minerals.

The adopted Future Land Use Map and the draft FLU series maps can be seen on the City's web site under Planning & Development/Land Use/Comprehensive Plan Draft Amendments.

#### **FISCAL IMPACT**

No direct fiscal impact.

#### **OTHER OPTIONS**

City Commission may delay action or make changes to the ordinance. If the transmission of the EAR-based amendments is delayed, the City will not be in compliance with the Growth Management Act, Ch. 163 F.S.

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE D2015-01** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO MAKE AMENDMENTS TO THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE SANITARY SEWER AND POTABLE WATER SECTIONS OF THE PLAN BASED ON THE ADOPTED EVALUATION AND APPRAISAL REPORT; TO MAKE NON-EAR-BASED AMENDMENTS TO THE FUTURE LAND USE ELEMENT TO ALLOW A DENSITY BONUS FOR AFFORDABLE HOUSING AND ELIMINATE THE RPD-RURAL PLANNED DEVELOPMENT LAND USE CLASSIFICATION; AND TO MAKE NON-EAR BASED AMENDMENTS UPDATING AND REORGANIZING VARIOUS GOALS, OBJECTIVES AND POLICIES IN THE FUTURE LAND USE AND SANITARY SEWER AND POTABLE WATER SECTIONS OF THE PLAN.**

Margaret Swanson, Director of Planning and Development, reviewed the Ordinance.

#### **OPENED PUBLIC HEARING**

There was no public comment.

#### **CLOSED PUBLIC HEARING**

Commissioner Lutton asked about changing specific dates for things and getting away from using concurrency. Ms. Swanson said the dates have been enacted in the Code and will stay in the Code as it is required. The dates are not needed in the ordinance.

Commissioner Howell made a motion to approve **ORDINANCE D2015-01** after first reading and public hearing. Commissioner Wojcik seconded.

By Roll Call Vote:

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

The motion carried 5-0.

#### **Agenda Item 11. Ordinance D2015-02, Small Scale CPA and Zoning, Sunshine Agriculture, Inc. Property – NE corner of US27 and Hunt Bros. – 1<sup>st</sup> Reading**

[Begin Agenda Memo]

#### **SYNOPSIS**

Sunshine Agriculture, Inc. is requesting amendments to the Future Land Use Map (FLUM) and Zoning Map designations for property in the City, located on the northeast corner of US 27 and Hunt Brothers Road.

#### **RECOMMENDATION**



At their February 24, 2015 meeting, the Planning Board voted to recommend the amendments to the FLUM and Zoning Map designations as set forth in Ordinance D2015-02 and shown on Attachment A. No public hearing is required for a 1st Reading of a Small Scale Comprehensive Plan amendment.

## **BACKGROUND**

The property is located on the northeast corner of US 27 and Hunt Brothers Road. A ten (10) acre parcel is being sold to LOVE'S Travel Stop for the development of a truck stop. The land use and zoning designation lines do not currently align with the property to be sold. This is the result of the configuration established through the master plan for the now defunct Mayfair development.

It is the desire of the property owner to swap designations on two equal 2-acre portions of property to align the land use and zoning designations with the parcel boundaries.

As illustrated in "Attachment A" the parcels involved in the amendment are triangular in shape and approximately 2 acres a piece in size. The parcel located to the north of the parcel to be sold and designated BPC/C-3 will be re-designated MDR/R-1A to match the remainder of the parcel identified as PID# 27-30-14-000000-031000. The other is a portion of the property to be sold and located directly east of the existing land use and zoning designation line. This portion will be re-designated from MDR/R-1A to BPC/C-3.

This is a Small Scale Amendment as total acreage included in the re-designation is less than 10 acres. This type of amendment is adopted by the city without review by the state according to the 2011 amendments to Ch. 163 of FL statutes.

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE D2015-02** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 4 ACRES OF LAND IN TWO PARCELS LOCATED EAST OF US HIGHWAY 27 AND NORTH OF HUNT BROTHERS ROAD, ONE PARCEL FROM MEDIUM DENSITY RESIDENTIAL MDR/R-1A TO BUSINESS PARK CENTER BPC/C-3 AND THE OTHER FROM BUSINESS PARK CENTER BPC/C-3 TO MEDIUM DENSITY RESIDENTIAL MDR/R1-A; AND PROVIDING FOR AN EFFECTIVE DATE.**

Margaret Swanson, Director of Planning and Development, reviewed the Ordinance.

Commissioner Lutton confirmed that the swap of parcels is the north side of the property with the one that backs up to the pond. Kathy Bangley, Assistant Planning and Development Director, confirmed this. Ms. Swanson said that was what was requested. Commissioner Lutton confirmed that the pond abuts the soccer fields. Ms. Swanson confirmed that it is close. Commissioner Lutton asked if Sunshine would still own that. Ms. Bangley confirmed they would and the remaining 300 acres. Commissioner Lutton expressed hope that the area might be cleaned up. Ms. Bangley responded that they will pass that inquiry along.

Commissioner Wojcik asked about updating the future land use map or zoning map and asked how we do that as we don't have staff for in-staff changes. Ms. Swanson said that we will need a consultant to help with some of the changes. In the meantime Ordinances are posted to the website explaining recent changes. Commissioner Wojcik asked if the map is reprinted periodically. Ms. Bangley said that it is on the website and was just updated in 2014. Commissioner Wojcik asked about maps that show sanitation lines and water lines. Ms. Swanson explained that Utilities has those kinds of maps and their maps are independent of zoning maps. Maps with these various layers could be done in the future. The map on Commissioner Wojcik said that errors could not be corrected.

## OPENED PUBLIC COMMENT

There was no public comment.

## CLOSED PUBLIC COMMENT

Commissioner Lutton asked about the room at the intersection, is there a lot of room there? Ms. Swanson said it is long. Ms. Bangley said the driveway is as far east as possible away from the intersection about 400 feet from the existing property line. Commissioner Lutton said a similar turn in Haines City was brutal.

Commissioner Thornhill made a motion to approve **ORDINANCE D2015-02** after first reading. Commissioner Howell seconded.

By Voice Vote:

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

The motion carried 5-0.

Mr. Fields reported on an ongoing emergency that had just taken place where two police officers had been shot. One was protected by his belt, and the other was injured but the wounds are not life threatening. Both officers are okay and the suspect is in custody.

**Agenda Item 12. Resolution 2015-03, Amendment One to Interlocal Agreement between Polk County and the City of Lake Wales to extend a 30-year Interlocal Agreement that governs the division and distribution of the Six-Cent Local Option Gas Tax**

[Begin Agenda Memo]

## SYNOPSIS

The approval of Amendment One to the Interlocal Agreement, through the adoption of Resolution 2015-03, provides support to Polk County for its consideration of extending a 30-Year Interlocal Agreement for the division and distribution of the Six-Cent Local Option Gas Tax for thirty additional years.

## RECOMMENDATION

Polk County Manager Jim Freeman is requesting that the City Commission take the following action:

1. Adopt Resolution 2015-03 approving Amendment One to the Interlocal Agreement between Polk County and the City of Lake Wales to extend the 30-Year Interlocal Agreement expiring on August 31, 2017, governing the division and distribution of the Six-Cent Local Option Gas Tax for an additional thirty (30) years from September 1, 2017, through August 31, 2047.

## BACKGROUND

In 1987, in accordance with Section 336.025 (3)(a)(1), Florida Statutes, the City of Lake Wales entered into a 30-Year Interlocal Agreement with Polk County providing for the division and distribution of proceeds of the six-cent local option gas tax. This agreement is due to expire on August 31, 2017. Polk County is considering extending this agreement for an additional thirty (30) years.

The six-cent local option gas tax has been a critical part of the funding stream for county and city road programs, and therefore, it is necessary that Polk County consider extending the agreement. The first step in the process requires that each municipality enter into an Interlocal Agreement with Polk County. Resolution 2015-03 is presented to the City Commission for that purpose.

**OPTIONS**

Do not adopt Resolution 2015-03.

**FISCAL IMPACT**

None

[End Agenda Memo]

City Clerk Clara VanBlargan read **RESOLUTION 2015-03** by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES SUPPORTING THE DECISION OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS TO CONSIDER EXTENDING A 30-YEAR INTERLOCAL AGREEMENT GOVERNING THE DIVISION AND DISTRIBUTION OF THE SIX-CENT LOCAL OPTION GAS TAX BY APPROVING AMENDMENT ONE TO THE INTERLOCAL AGREEMENT BETWEEN POLK COUNTY AND THE CITY OF LAKE WALES.**

Kenneth Fields, City Manager, reviewed this item.

Deputy Mayor Lutton asked about the redistribution of the tax. Mr. Fields explained that its distributed based on road mileage. On this one we get approximately \$300,000 a year.

**OPENED FOR PUBLIC COMMENT**

There was no comment.

**CLOSED FOR PUBLIC COMMENT**

Deputy Mayo Lutton made a motion to adopt **RESOLUTION 2015-03**. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 13. Resolution 2015-04, Polk County Board of County Commissioners Library Municipal Services Taxing Unit**

[Begin Agenda Memo]

**SYNOPSIS**

The adoption of Resolution 2015-04 urges Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

#### **RECOMMENDATION**

Staff recommends that the City Commission adopt Resolution 2015-04 requesting the Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

#### **BACKGROUND**

In 1997, thirteen Polk County cities entered into an Interlocal Agreement with the Polk County Board of County Commissioners to provide public library services to residents of unincorporated Polk County. There are no public libraries in unincorporated Polk County. The 1997 Interlocal Agreement stipulated that library service to non-city residents provided by the 16 municipally funded public libraries.

Revenues from the Polk County BOCC for the operation of the Polk County Library Cooperative totaled \$600,000 annually for the first three years. Minimal increases in funding followed, but the per capita support from the Polk County BOCC fell drastically behind what city residents in all 13 municipalities were assessed per capita.

In 2005, Polk County BOCC took action and instituted a Library Municipal Services Taxing Unit on unincorporated residences in Polk County. The Library millage rate was set at .25 by the BOCC, and then rolled back to .2109 two years later in 2007.

The Lake Wales Library Board requests that the Lake Wales City Commission adopt the attached Resolution supporting the Polk County Board of County Commissioners return to a minimum of .25 mils assessed for the Library Municipal Services Taxing Unit.

Staff recommends approval.

#### **OTHER OPTIONS**

None

#### **FISCAL IMPACT**

\$76,296.25 from Library Impact Fee funds

[End Agenda Memo]

City Clerk Clara VanBlargan read **RESOLUTION 2015-04** by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES OPPOSING CONTINUED REDUCTION IN THE LIBRARY MUNICIPAL SERVICES TAXING UNIT FROM THE 2007 ROLLBACK AND SUPPORTING THE REINSTATEMENT OF THE POLK COUNTY LIBRARY MUNICIPAL SERVICES TAXING UNIT ON UNINCORPORATED RESIDENCES TO THE PRE-ROLL BACK LEVEL OF .25 MILS TO CREATE A MORE EQUITABLE FUNDING COMMITMENT FOR POLK COUNTY LIBRARY SERVICES TO ALL POLK COUNTY, FLORIDA RESIDENTS.**

Tina Peak, Library Director, said she is available for questions. Referring to a previous question by Commissioner Lutton about other cities doing this, she said she wasn't sure of others, but the Lakeland Library Director has asked for a copy of our resolution.

Commissioner Wojcik identified a typo in the first paragraph, last line of the memo.

Ms. Peak said that the Library Association President received a letter from County Commission Chairman Lindsey which was not very positive but we can try.

Commissioner Wojcik asked about getting the public to support this. Ms. Peak said a letter was sent to all the Friends of the Library members asking them for their support. Commissioner Wojcik suggested putting this on the website. Ms. Peak said she will put it on their website.

**OPENED FOR PUBLIC COMMENT**

There was no comment.

**CLOSED FOR PUBLIC COMMENT**

Commissioner Thornhill made a motion to adopt **RESOLUTION 2015-04**. Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 14. Reschedule 1<sup>st</sup> Commission Meeting in April for the Municipal Election**

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission serves as the Canvassing Board. Rescheduling the first regular City Commission meeting in April allows for the Canvassing Board to canvass absentee envelopes and precinct returns on April 7 at the Election Headquarters in Bartow.

**RECOMMENDATION**

It is recommended that the City Commission reschedule its first regular commission meeting in April from Tuesday, April 7 to Monday, April 6 or Wednesday, April 8 so the Canvassing Board may canvass the election on Tuesday, April 7. The City Commission serves as the Canvassing Board.

**BACKGROUND**

The County Elections Office will be mailing and receiving each city's absentee ballots. As part of the City's Administrative Agreement with the Supervisor of Elections, the canvassing board will meet in Bartow on April 7 at Election Headquarters, 250 South Broadway Avenue, to begin the canvass of the absentee ballots and precinct returns. The Canvassing Board will remain until unofficial results are documented. The meeting time has not yet been scheduled.

This will require rescheduling the April 7 Commission meeting.

**OPTIONS**

There is no option.

**FISCAL IMPACT**

None

[End Agenda Memo]

The City Commission rescheduled its Tuesday, April 7<sup>th</sup> meeting to Wednesday April 8th.

**Agenda Item 15. Canvassing Board Meeting Schedule**

[Begin Agenda Memo]

**LAKE WALES  
CANVASSING BOARD MEETING SCHEDULE**

[Canvassing Board meetings are Open to the Public & Noticed)

The City Commission serves as the Canvassing Board for Lake Wales Municipal Elections. The Municipal Election is April 7, 2015.

**Tuesday, March 31, 2015; 4:00 p.m.**

L&A (Testing of Automatic Tabulating Equipment)  
Election Headquarters  
(City Clerk or City Clerk & at least 1 Commissioner)

**Tuesday, April 7, 2015; Time to be scheduled by SOE**

Canvassing of Absentee Ballot & Precinct Returns  
Election Headquarters  
(A quorum must be present and must remain until all ballots are tabulated)

**Thursday, April 9, 2015; 5:00 p.m.**

Certification of Election; Race Selection  
Commission Chambers  
(A quorum must be present)

**Date & Time to be scheduled by SOE**

Post Election Manual Audit  
Election Headquarters  
(A quorum must be present)

**The following rules apply to all members of the Canvassing Board:**

No member can serve if he or she is a candidate with opposition in the election being canvassed or is *actively participating* in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an intentional effort to demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07.

Election Headquarters  
Supervisor of Elections  
250 South Broadway Avenue  
Bartow, Florida 33830

City of Lake Wales  
Commission Chambers  
201 W. Central Avenue  
Lake Wales, Florida 33853

[End Agenda Memo]

Mayor Fultz said that this was information only, but the City Commission needed to appoint the City Clerk to represent them, as the Canvassing Board in Bartow. Mayor Fultz said that Commissioner Thornhill has volunteered to attend with the City Clerk as he has no opposition. The City Commission provided consensus.

**Agenda Item 16. City Manager Employment Agreement Renewal**

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission can approve an amendment to the City Manager's Employment Agreement renewing it for a period of two years, adjusting the salary and making other changes.

At its meeting of February 3, 2015 the City Commission performed its annual Performance Review of the City Manager and authorized the Mayor and/or the City Attorney to negotiate a renewal of his Employment Agreement. The existing Employment Agreement requires negotiations for renewal to begin 180 days before its expiration (August 4, 2015), or Thursday, February 5, 2015. This proposed First Amendment to the Employment Agreement provides for extending the term of the Employment Agreement for two years to August 5, 2017 as well as the following changes: an increase in salary of three percent (3.0%) effective February 1, 2015; a one time performance/retention bonus of five percent of salary payable upon approval of the Employment Agreement amendment; allowing the Manager to participate in the City paid dental insurance program if he so desires; placing the Manager in employee Category 3 for vacation accrual purposes (9.424 hours per pay period); and providing for a forty-five day paid suspension period if the Commission desires to terminate the Manager without cause. Other language changes are proposed to reflect that this is a renewal amendment and not an initial Employment Agreement.

Also attached are the City Manager Performance Objectives for the next year as provided by each City Commissioner as part of the City Manager's Performance Review.

**FISCAL IMPACT**

The salary adjustment will result in increased city expenditures of \$4,497.27 for ongoing salary, deferred compensation and retirement costs. The onetime bonus shall cost \$6,439.38.

[End Agenda Memo]

Kenneth Fields, City Manager, reviewed this item.

Deputy Mayor Lutton asked about vacation time, if there's a "use it or lose it" policy. Sandra Davis, Human Resources explained that an employee can accrue up to 2 years worth of vacation time before it is lost. Deputy Mayor Lutton asked Mr. Fields to be sure he actually uses his vacation time. Mr. Fields confirmed that he will and will also encourage the employees to do the same.

**OPENED FOR PUBLIC COMMENT**

Linda Kimbrough, 307 Florida Avenue, asked who drew up the contract. The Mayor said that was worked on between him, City Attorney with help of Sandra Davis. She asked about employees' raises and said that some needed a raise as many haven't gotten raises. She said that Mr. Fields isn't that friendly and other employees deserved raises too. Deputy Mayor Lutton said that employees have gotten raises and that the City was sure to keep everyone employed during the recession. City salaries are comparative to those

around the county. Commissioner Wojcik said we can look at employees raises next year. Mayor Fultz agreed that this will be looked at again this year. Mr. Fields said that the employees have gotten a 3% raise over the past 18 months and this 3% raise was part of the 5% raise most employees get at 6 months but was delayed.

Albert Galloway Jr, City Attorney, reviewed the process on how this was drafted, the Mayor and Mr. Fields were given permission to discuss what Mr. Fields' desire was, the information was given to him in writing and he approved it as to form.

Jessica Bray, 33 North Lake Shore Blvd., said that she has worked with Mr. Fields the past six months in regards to the Depot Museum and the Woman's Club. She said that although she doesn't agree with everything he does, she commended him for taking on tough challenges that have been around for awhile that others wouldn't tackle. She said there was good synergy between the Commission and City Manager at this time. She agreed with the suggestion that Mr. Fields be friendlier. Mayor Fultz agreed that we are moving in the right direction.

#### **CLOSED FOR PUBLIC COMMENT**

The Mayor asked for a voice vote: All in favor?

All "AYE"; None "NAY"

#### **CITY MANAGER**

##### **Agenda Item 17. City Commission Tracking Report:**

Mr. Fields said all projects are moving forward. The cemetery is nearing completion and will be open soon after some minor issues are resolved.

The Scenic Hwy project is moving along. FDOT is doing a good job on notifying businesses concerning detour.

##### **Agenda Item 18. City Commission Calendar**

Mr. Fields said that he is working with Rich Thompson on setting up a day for a strategic planning session. After discussion it was decided to take a weekday to hold the meeting. Mr. Fields said the meeting would be in early May.

##### **Agenda Item 19. Annual Reporting – Boards, Commissions, and Committees**

#### **CITY COMMISSION COMMENTS**

Deputy Mayor Lutton asked about the building survey for the former Adult Day Care property. Mr. Fields explained that some issues were being addressed through the community workdays. Mr. Fields said they would get an update to the Commission before the budget.

Albert Galloway Jr, City Attorney, reported on the discussion at the County Commission meeting. The county decided to declare the land as surplus. They own the building and property, but the City owns the parking and retention areas. He suggested that the City declare those areas surplus so that possibly those parcels could be sold together and this could move forward. Commissioner Howell asked if they could sell to anyone. Mr. Fields said they have some veto power, but the City and county interests are aligned for now. They do not want to give the property away.

Deputy Mayor Lutton shared dates in June he planned to be out of town.



**MAYOR COMMENTS**

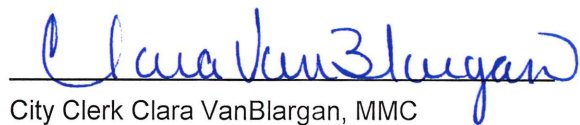
Mayor Fultz thanked the Deputy Mayor for filling in for him during the Art Show this past weekend.

Mayor Fultz announced Polk County Days in Tallahassee on March 13-14. He and Mr. Fields planned to attend and several appointments with legislators and officials have been set up.

The meeting was adjourned at 7:20p.m.

  
Mayor/Deputy Mayor

ATTEST:

  
City Clerk Clara VanBlargan, MMC