

The meeting of the Lake Wales City Commission was held on February 2, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Pete Perez; Christopher Lutton; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Jonathan Thornhill

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

5. MAYOR

Agenda Item 5.I. PROCLAMATION: Restaurant Appreciation Day

Mayor Fultz read a proclamation proclaiming February 2, 2016 as "Restaurant Appreciation Day." He read individual proclamations to the restaurants that were present to receive a proclamation: Anita's Restaurant, Bill's Café Restaurant, Brocks Restaurant, Family Restaurant, Fire Restaurant, Lincontros Restaurant, and Sizzling Grill.

6. PRESENTATION/REPORT

Agenda item 6.I. Status Report on the Lake Wales Depot Museum

Robert Connors, secretary to the Lake Wales Museum Association, Inc., gave a status report on the Lake Wales Depot Museum. The report provided an overview of the Lake Wales Museum Site and Facilities Master Use Plan prepared by the Association that he distributed before the meeting. He said thanks to Mimi Hardman the museum has been an asset to the City and it is their goal to include that asset in a major magnificent way and establish it as a future resource for the City. Mr. Connors said that at the request of the City they have remained involved over the course of the year to keep it as a public-private partnership. During that time they incorporated a new organization, The Lake Wales Museum Association, Inc., and have applied for a 501(c)(3) status. They stayed very busy and active over the year and have had numerous meetings, which Monica Pierce played a major role in by facilitating the entire process. They developed a membership program and a schedule of membership contributions in different tiers. Although they have a temporary brochure and are already recruiting members, Webber University is going to participate in developing a professional brochure. The Association also developed a special events schedule, which they perceive employing at the museum through the course of the year. They perceive this as an educational resource that will keep the museum very active. Mr. Connors asked the Commission to take the time to read through the Plan and understand the potential and opportunity that is presented in that facility and how the space there can be employed to fully serve the community to the highest and best purposes such educational classroom facilities, meeting facilities, a small video theatre, etc. They also want to use the exterior space as well for educational purposes. Achieving the goals set forth in this plan will result in increased visitation and recognition of the Museum as tourist and educational destination, and align with and enhance efforts to re-invigorate the economic climate of Lake Wales. The primary focus which is the very critical is to understand the Plan.

Commissioner Perez asked if a timeline and a budget had been established. Mr. Connors said in back of

the Plan are some improvement phase timelines they want to do to the museum properties which include making it fully handicap accessible and some budgets they put together for that. They envision utilizing the larger southern parking lot and eventually having a caterer's kitchen installed in hopes of hosting large groups with meal service in the old freight room. He said this is long-range planning that will not happen overnight. We currently do not have a civic center so we are very limited in terms of public meeting spaces. To have additional facility for dedicated educational purposes will be a tremendous asset to the City, which is one of biggest things they would like to accomplish. He said it is up to the Commission to help develop a budget to give what support it can because it deserves to have a major role in the City's activities here. They too intend to arrange for funding to be available to make that happen, which will not happen overnight.

Commissioner Lutton said he understands that the Pullman car will cost a lot of money to repair but it is kind of a nice unique square footage. Mr. Connors said the car is pretty rough with broken windows, it suffered a lot of water damage over the years, and it would be very expensive to restore. He said he would rather spend the time and money restoring the caboose instead because it is in far better shape although it needs quite a bit of work too. The caboose could be restored relatively affordably, it is sort of a logo in essence to the museum, and the kids would love it. He said unfortunately the locomotive has no direct historic connection to Lake Wales but the scrap value of it is significant. As time passes, that value continues to decrease. Mr. Fields said the locomotive is currently being auctioned.

Mr. Fields asked the initial target date for the opening of the Depot Museum. Ms. Monica Pierce, Depot Museum Director, said they are hoping to open by the end of May. Mr. Connors said they plan to provide the Commission with a more in-depth report sometime in April that includes an audio visual presentation.

7. COMMUNICATIONS AND PETITIONS

Peggy Hawkins, representing the VFW, provided an update on upcoming events that the VFW has planned.

Jill Wiltshire Howell, non-resident and member of the Dr. Wiltshire Foundation, said it was brought to her attention today that the organization constantly does not follow certain guidelines when it comes to planning their events. She said they were not aware of that, but did make the correction. Ms. Howell invited everyone to attend their first Friday activity at the James P. Austin Community Center.

Mr. Fields explained that the Dr. Wiltshire Foundation reserved the James P. Austin Community Center for the first Friday of each month. The organization was not aware that they could not charge admission fees but they are allowed to accept donations. That has been clarified.

Mayor Fultz said the Dr. Wiltshire Foundation does great work in this City helping young people and they have an annual health fair event at the Austin Center.

Jolene Lake, resident, said she learned that the Lake Wales Villas and the Lake Wales Gardens do not have handicap accessible sidewalks. Some of the sidewalks are as high as 4-1/2 inches to 7 inches high, which make it hard for the residents that have motorized wheel chairs, non-motorized wheelchairs, canes, and walkers to get up onto the sidewalks. They have to use the streets instead of the sidewalks, which create a safety problem for them and vehicles. There are four curbs that need to be corrected: two in front of the Lake Wales Villas on Third Street and the other two in front of Lake Wales Gardens on Third Street. Two of the curbs have a storm drain which might make it difficult to be corrected. She asked the Commission if they could evaluate the feasibility of making the sidewalks in front of Lake Wales Villas and Lake Wales Gardens handicap accessible so that the residents can visit the surrounding businesses safely and without getting onto the road.

Mr. Fields said he will have Public Works and Code Enforcement go and evaluate the sidewalks to see what can be done in that area. There are usually grants available for ADA accessibility.

Commissioner Lutton asked if a letter could be sent to the two housing complexes asking how many people they have living in the complexes that are wheelchair bound. Because of the limited funds we can prioritize

and do the one that has more residents first. Ms. Lake explained the problem with that. Mr. Fields said he will have the various departments look at that and prioritize them based on the number of people. Commissioner Lutton said we could evaluate all of them in the City to see which ones could be done first. Sidewalks provide access to their stores.

Mr. Fields said we went through an ADA audit and Planning and Development Director Kathy Bangley said she thought that the audit was only for buildings and not necessary sidewalks. Mr. Fields said he thought FDOT conducted an audit on the sidewalks, but he would look at those specific locations and see if there are grant monies available to address that.

Jackie Jackson, resident, complained about the poor lighting on East Polk Avenue between First and Third Streets and said that she had complained about it before. James Slaton, Public/Support Services Director, said Duke Energy already approved putting up the lighting there and they will be installing them.

Mimi Hardman, resident, suggested that the City send a letter thanking the people that gave the train cars and the Depot Museum buildings to the City. She thanked the City for the opportunity of allowing her to get them from CSX and helping to make the City a better place to live.

8. CONSENT AGENDA

Agenda Item 8.1. APPROVAL OF MINUTES: January 19, 2016 Regular Meeting

Agenda Item 8.II. Special Event Application: Mardi Gras Carnival

[Begin Agenda Memo]

SYNOPSIS

This approval of the Special Event Permit Application will allow the American Legion to host a Kid's Carnival during the Mardi Gras activities, allow for the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue.

• RECOMMENDATION

- The American Legion Post 71 requested that the City Commission take the following action:
- Approve the Special Event Permit application for the American Legion Post 71 to host a Kids' Carnival beginning Thursday, February 4, from 10:00 a.m. -11:00 p.m. and ending Sunday, February 7, at 11:00 p.m.
- Approve the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue for the carnival to be set up beginning on Wednesday, February 3, 2016. The carnival will tear down on Monday February 8, 2016.
- Approve the waiver of the business tax of \$750.00 for the carnival as the American Legion is non-profit and the tax can be waived by the commission.

BACKGROUND

Ira Anderson, Commander for the American Legion Post 71 submitted a Special Event Permit Application to host the Florida Carnival and More Inc.'s Carnival during the Lake Wales Mardi Gras event. They are requesting the temporary closing of the City lot near SunTrust bank at the intersection of First Street and Tillman Avenue beginning on February 3, 2016 for the setup of the carnival and continuing until February 8,

2016 when the rides and games will be taken down and removed.

The carnival, if approved, will be from 10:00 a.m. to 11:00 p.m. on Thursday, February 4 to Sunday, February 7, 2016.

The American Legion is also requesting a waiver from the City Commission for the business tax for the carnival (per Chapter 14, Sec. 14-114) for \$750.00 (per Chapter 19, Sec. 19-130). Chapter 14, Sec. 14-114 provides for an exception when the event is sponsored by a local nonprofit civic, professional, educational, or religious organization. The local business tax may be waived with prior approval of the city commission. City staff has reviewed the application and has found no issues with its approval as long as certain conditions are met as follows:

- The American Legion will be responsible in providing a dumpster and sanitary facilities at the site.
- The American Legion will be responsible in making sure that Florida Carnival and More Inc. has the required permit from the State of Florida Division of Hotels and Restaurants and an annual permit from the State of Florida Department of Agriculture Division of Consumer Services.
- A Certificate of Liability insurance is required naming the city as additionally insured.
- The American Legion is responsible in making sure that Florida Carnival and More Inc. cleans up the trash during and at the end of the day, and that the city lot is cleaned of all trash when the carnival is concluded. The Streets Division will place trash containers at this location, however, the City will not be providing clean up services.

OTHER OPTIONS

Do not approve the carnival, the temporary closing of the city lot or the waiver of the business tax.

FISCAL IMPACT

This event was not budgeted in FY15/16 for in-kind services. The American Legion Post 71 will pay in-kind services that might be provided by the City at 100%.

[End Agenda Memo]

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

By Voice Vote:

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

The motion carried 4-0.

9. OLD BUSINESS

10. NEW BUSINESS

Agenda Item 10.I Ordinance 2016-03, FY15'16 Budget Amendment #1 – 1ST Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the first Amendment of FY 15'16 Budget that was adopted on September 15, 2016.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-03 after first reading.

BACKGROUND

Ordinance 2015-09 estimating revenues and appropriating funds for Fiscal Year 2015-16 was adopted by the City Commission September 15, 2015.

We are presenting Ordinance 2016-03 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B. Detail budgetary changes have been provided in Exhibit C.

OTHER OPTIONS

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

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

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2016-03 in the Commission agenda file.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-03 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2015-09 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2015-2016 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Dorothy Ecklund reviewed Agenda Item 9.I, explained the changes made to the budget, and said she put notations by the significant items that were changed.

Mr. Fields said we tend to be very conservative in our budgeting estimation at the beginning of the year because if any minor glitches occur during the year we can ride over them.

Commissioner Perez asked who determines what additional revenue the City needs to acquire. Mr. Fields said staff is responsible and as city manager he always challenges them to look at ways in obtaining more money such as through grants, surplus equipment that we can get rid of, etc., and encourages them to come up with new ways of doing things, to be entrepreneurial. Staff does free up money in their budget that allow us to do other things we wanted to do but had put it off a year or two in the future.

Commissioner Lutton recommended touting the horn when finding another source to complete a project and highlight that to the Commission each time when bringing forward a purchase request because that shows the citizens they are getting their money's worth and that staff is really looking to find ways in saving money and still do the same job.

OPENED PUBLIC COMMENT

There were no comments made by the public.

CLOSED PUBLIC COMMENT

Commissioner Lutton made a motion to approve Ordinance 2016-03 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

Agenda Item 10.II. Appointment – Board of Zoning Adjustment and Appeals

[Begin Agenda Memo]

SYNOPSIS

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc. These are volunteer citizen boards.

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.

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) – The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies

Applying for Appointment: Sue Marino, resident, for a partial term expiring on 07/01/16.

Current Members: James Boterf, resident	10/04/11 – 07/01/17, 2
Harold Weigand, resident	06/20/06 – 07/01/17, 4-Final
Vacant, resident	– 07/01/16,
Vacant, resident	- 07/01/16
Vacant, resident	- 07/01/16

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber
[The meeting time can be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;
3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;
4. Perform any other duties which are lawfully assigned to it by the city commission.

OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for the boards to obtain a quorum until vacancies are filled.

FISCAL IMPACT

None. These are volunteer citizen boards.

[End Agenda Memo]

Mayor Fultz appointed Sue Marino to serve as a member to the Board of Zoning Adjustment and Appeals for a partial term expiring on 7/1/2016 and a regular term expiring on 7/1/2019. Commissioner Lutton made a motion consenting to the Mayor's appointment and Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

10. NEW BUSINESS

11. CITY CLERK

Agenda Item 11.I. 2016 Municipal Election & Canvassing Board Information

[Begin Agenda Memo]

2016 MUNICIPAL ELECTION INFORMATION

The regular Municipal Election of the City of Lake Wales is Tuesday, April 5, 2016 to elect a Commissioner for Seat 3 (District 122) and a Commissioner for Seat 5 (District 28) to serve a term of two (2) years. Members of the City Commission must be registered voters and residents of the City of Lake Wales for at least one year preceding their date of election.

The Commissioner elected to Seat 3 must reside in District 122, and the Commissioner elected to Seat 5 must reside in District 28.

The qualifying period for a person to qualify as a candidate is from 12:00 p.m., noon, Monday, February 15 through 12:00 p.m., noon, Friday, February 19. Candidate packets are available in the City Clerk's office beginning Friday, February 5. This packet contains qualifying papers, nominating petitions, and other necessary information and instructions to qualify as a candidate.

The deadline for submitting the ballot containing all names of the persons that qualify as candidates to the Supervisor of Elections is 5pm, Friday, February 19, the day qualifying ends. The City Clerk will prepare the ballot language for City Commission approval at a special meeting to be held at 4:00 p.m. that day. A quorum must be present. The scheduled special meeting date is also listed on the City Commission Calendar under the City Manager portion of the Agenda.

The Municipal Election will be held at the Municipal Administration Building, 201 W. Central Avenue, Lake Wales on Tuesday, April 5, 2016, 7 a.m. to 7 p.m.

Contact the Supervisor of Elections at 863-534-5888 to request an absentee ballot. Voter registration deadline is March 7, 2016.

Oath of Office Ceremony

Commissioner Seat 3 & Seat 5
Tuesday, May 3, 2016, regular City Commission meeting

CANVASSING BOARD INFORMATION

While the Supervisor of Elections and the City Clerk may perform many of the tasks necessary to conduct the election, the City Commission serves as the Municipal Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. It is necessary to review the responsibilities well in advance to prevent calendar conflicts because 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.

Per Florida Statute, Canvassing Board members are required to attend the following meetings.

Pre-election Logic and Accuracy Testing of Tabulating Equipment

Election Headquarters, SOE, Bartow – 4:00 p.m., Tuesday, March 29, 2016
(*The Canvassing Board may designate the City Clerk to represent them, who is a required attendee*). At its March 1, 2016 meeting, the City Commission may choose to designate the City Clerk to represent them at the L&A Testing.

Election Night Canvassing of Ballots

Election Headquarters, SOE, Bartow - Tuesday, April 5, 2016, time to be scheduled by SOE
(A quorum must be present and must remain until all ballots are tabulated.)

Certification of Election

City of Lake Wales Municipal Administration Building – 5:00 pm, Thursday, April 7, 2016
(A Quorum must be present)

Post-Election Manual Audit

Election Headquarters, SOE – Date and Time to be scheduled by SOE
(A Quorum must be present)

Run-off Election – Same requirement as above

Election Headquarters, SOE - To be held in case of tie vote

If a lack of a quorum is created on the Canvassing Board due to this rule or any other unavoidable cause, the City Commission may appoint the city manager, city attorney, or resident/s to serve in the absence of that commission member/s (Sec. 8-26, Lake Wales Code of Ordinances). At its first meeting in March, the City Commission may choose to appoint an additional member to serve on the Canvassing Board to avoid a possible lack of quorum.

[End Agenda Memo]

City Clerk Clara VanBlargan reviewed Agenda Item 11.I. She pointed out a special meeting scheduled for Friday, February 19, 2016 at 4:00 p.m. to approve the ballot language to be sent to the Supervisor of Elections by 5:00 p.m. that day.

Mayor Fultz explained that he received a letter from the Circle of Friends Foundation requesting that the City donate another police car to the organization and thanking the City for what it had done for them in the

past. Mr. Fields said the City Code allows for the donation and asked for a motion to approve it. Commissioner Howell made a motion approving that and Commissioner Lutton seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

12. CITY MANAGER

Agenda Item 12.I City Commission Tracking Report

Mr. Fields reported that the current travel procedure updated or written in 1993 does not currently conform to state law. It is state law that controls what we pay for travel and reimbursement, etc. He asked for a motion for the Commission to say that we should be following state statute and to modify our procedures in that regard to match that. Commissioner Perez a motion approving that and Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

Mr. Fields reported the following:

- We are continuing our negotiations at the airport and negotiations are going very positively. We are in the final stages and an agreement might be brought to the Commission sometime in March for approval. This should be a win-win for everybody.
- The Commission has the forms to do his evaluation and those are due next Monday, and that he plans to sit down with each of the Commissioners individually after that.
- He will be in Lakeland attending a professional meeting between this Thursday and Friday morning and will be back in the office that day.

Agenda Item 12.II. City Commission Meeting Calendar

Agenda Item 12.III. Other Meetings & Events Calendar

Agenda Item 12.IV. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

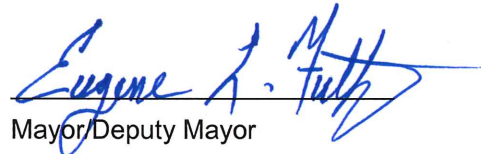
Commissioner Perez asked the status of the clothing donation box issue. Planning & Development Director Kathy Bangley said they have not made a presentation yet to the Commission but have done some

research. It will probably be recommended to consider them accessory structures and handle them under the code as the way it is already written and then provide that notification to all the box owners. That should be brought to the Commission either at the second meeting in February or the first meeting in March.


13. MAYOR COMMENTS

The Mayor said the Ridge Advocacy Committee that he is a member of has been lobbying the Legislators in Tallahassee over unfunded mandates that they are pushing down on our municipalities over things that will not be very good for us financially. He also gave an update on the Polk Regional Water Cooperative meetings that he and the city manager are involved in.

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


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC