

The regular meeting of the Lake Wales City Commission was held on January 6, 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

**COMMISSIONERS ABSENT:** Jonathan Thornhill

**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**

Mayor Fultz read a letter from the Governor designating January 5-9 as "First Responders Appreciation Week."

#### **ANNUAL REPORT**

#### **PRESENTATIONS**

#### **COMMUNICATIONS AND PETITIONS**

Kevin Respress, 41 Seminole Road, asked if there are specific criteria set by the commission for the update of the hotel forthcoming in February to help make a decision on going forward. Kenneth Fields, City Manager, said that the commission asked for evidence of physical changes taking place in a meaningful way. Mr. Respress asked about financial commitment or proof of funds. Mr. Fields said they can't require financial information but they would like to see a financial plan. Commissioner Wojcik said they do expect a financial plan. Mr. Respress asked if this will be part of the decision making process. Mr. Fields explained that it will be up to the commission at that time.

Sue Smith, 919 Carlton Avenue, said according to the contract the City does have the right to ask financial information but the City has chosen not to enforce it. She further said that Mr. Brown is not a licensed contractor or project manager and is being investigated by the state.

Narvelle Petersen, 415 E Street, expressed concerns about route changes by Republic Services, especially the pickup moving to the front of the house instead of the back. He said the pickup has been reduced from twice a week to once a week. Many people will leave their bins at the curb and animals will get in it which will be unsightly in the neighborhood. He also expressed concerns that code enforcement does need to be improved as far as people leaving trash bins at the curb. Mr. Fields explained that alleys are too narrow for modern garbage equipment so for safety reasons and cost reasons trash pickup is being moved to the front. Mr. Fields agreed with the concerns about Code Enforcement and the City looks to expand staff and to become more aggressive on improving compliance and not necessarily revenue from fines.

Commissioner Howell expressed concern about blocking traffic. Mr. Fields said the pickups are generally early in the morning but that problem exists everywhere.

Commissioner Wojcik asked about the current contract, if these changes will result in cost savings to the City and the citizens. Kenneth Fields, City Manager, explained that there was some cost savings to begin with but now Republic Services has been absorbing the costs so there won't be now. This will keep costs down. There will be a period of adjustment but there will be costs savings over the long-run. He will review and confirm this in the contract. Commissioner Lutton said not everyone has alleyways. Those without alleyways should not subsidize those who have alleyways. Commissioner Howell said she is doing more with her trash than ever and expressed fears that costs will go up anyway.

Debbie Mullen, Republic Services, explained about their education efforts regarding the changes and said that each section of the City will be picked up on a different day. She explained that the alleyways are in poor condition thus leading to damage to the trucks and other safety concerns. Additional bins are available if needed. Mr. Fields said there will be adjustments as this change moves forward. As problems are identified they can be addressed.

Mimi Hardman, 300 S. Lake Shore Blvd., distributed copies of articles on the Depot Museum and she emphasized importance of Depot Museum to Lake Wales. She said she hopes the museum will not be closed. Mimi encouraged the possible sale of the train cars.

### **CONSENT AGENDA**

**Agenda Item 5.                    APPROVAL OF MINUTES:                    December 16, 2014, regular meeting**

**Agenda Item 6.                    Marketing of Longleaf Business Park Property**

[Begin Agenda Memo]

### **SYNOPSIS**

The City Commission will consider approval of the contract with Coldwell Banker Commercial Real Estate Brokers to market the remaining City owned parcels at Longleaf Business Park.

### **RECOMMENDATION**

It is recommended that the City Commission authorize the City Manager to execute the attached Agreement with Coldwell Banker Commercial Real Estate to represent the city and market the city owned parcels in the Longleaf Business Park.

### **BACKGROUND**

The undeveloped parcels in the Longleaf Business Park are still owned by the City of Lake Wales but the City has no way of actively marketing them except by referrals from the Economic Development Council. By listing these properties with the largest commercial real estate broker in the area, the city will gain access to the Coldwell Banker network and gain additional visibility for these valuable commercial/industrial parcels. Giving Coldwell Banker the opportunity to represent the City will also allow confidential inquiries to be made from interested parties which can increase the number of potential buyers. Coldwell Banker is also an active participant in the Economic Development Council. I believe this justifies awarding this contract on a sole source basis.

### **OTHER OPTIONS**

Do not approve the contract with Coldwell Banker and therefore not be able to as effectively market the remaining Longleaf properties to prospective buyers.

### **FISCAL IMPACT**

There are no costs associated with giving Coldwell Banker the representation agreement. They will receive a fee from the purchase or rental of any of the City owned parcels in Longleaf Business Park.

[End Agenda Memo]

**Agenda Item 7. 2015 Lake Wales Art Show at Lake Wailes Park Event**

[Begin Agenda Memo]

**SYNOPSIS**

Approval of this Special Event Application will allow the 44<sup>th</sup> Annual Lake Wales Art Show to be held in Lake Wailes Park Friday, February 27, 2015 to Sunday, March 1, 2015.

**RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

1. Approve the Special Event Permit Application for the 44<sup>th</sup> Annual Lake Wales Art Show to be held February 27 – March 1, 2015 in Lake Wailes Park
2. Approve the hours as follows: February 27 - set up at 10:00 a.m. and evening festivities beginning at 5:00 p.m. and ending at 8:00 p.m., February 28 and March 1 – 10:00 a.m. to 5:00 p.m.
3. Approve the request for set up by the artists on Friday February 27, 2014 at approximately 10:00 a.m.

**BACKGROUND**

The Lake Wales Art Council, Inc. submitted a Special Event Permit Application for the 44<sup>th</sup> Annual Lake Wales Art Show to be held February 27 to March 1, 2015 in Lake Wailes Park. This event would begin on Friday evening, February 27, 2015 at 5:00 p.m. with a barbeque and musical entertainment for the entire family and it will conclude at 8:00 p.m. On Saturday and Sunday the day's activities will begin at 10:00 a.m. and end at 5:00 p.m. The Special Event Permit Application includes a request for the artists to set up on Friday, February 27 at approximately 10:00 a.m. In prior years the artists have been given permission to park RV's for overnight camping on the south side of the park near the retention areas. This year the RV's will be parked at the Methodist Church parking lot.

The Art Council will be using the services of off-duty officers from the Lake Wales Police Department from 6:00 p.m. to 6:00 a.m. during the entire event. This will be paid at 100% by the Art Council. The Field Operations Division will be providing clean up services on Saturday and Sunday with the Art Council paying 25% of those costs. The Arts Council will also be responsible for site set up, obtaining tent permits, providing licensing for food vendors, acquiring sanitary facilities and dumpsters and providing liability insurance for the event.

**OTHER OPTIONS**

Do not approve the event

**FISCAL IMPACT**

In-kind services provided by the City were budgeted for FY14-15 in the amount of \$635.00. The Arts Council will be responsible for 25% or \$158.75. Private security will be provided by the Lake Wales Police Department and will be paid at 100% by the Arts Council.

[End Agenda Memo]

Commissioner Wojcik asked if the marketing of Longleaf Business Park is Larry Bossarte. The City Manager confirmed it was Larry Bossarte who he said will also be the agent of record. The Mayor and Commissioner Wojcik commented Mr. Bossarte that he does a good job.

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

By Voice Vote:

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

The motion carried 4-0.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **Agenda Item 8. Ordinance 2015-01, Amending Chapter 16, Pension & Retirement – General Employees' Pension Plan – 1<sup>st</sup> Reading**

[Begin Agenda Memo]

## **SYNOPSIS**

The Commission will consider amending the General Employees' Pension Ordinance to allow employees in pay grades 119(a) – 300 and who participates in the 401(a) plan to opt in to the General Employees Pension Plan.

## **RECOMMENDATION**

The General Employee's Pension Board and staff recommend that the City Commission approve Ordinance 2015-01 after first reading.

## **BACKGROUND**

At the General Employees' Pension Board's November 19, 2014 meeting, the Board approved submitting the proposed Ordinance to the City Commission for adoption.

On September 21, 1999, the City Commission approved Ordinance 99-11 allowing employees in certain defined pay grades (currently pay grades 119(a)-300) to opt-out of the General Employees' Defined Benefit Plan and participate in a 401(a) Defined Contribution Plan.

Ordinance 2015-01 provides an opportunity for these employees to now opt into the General Employees Pension plan under certain conditions. The conditions being:

- 1) Any current 401(a) member will need to submit a one-time written election to join the Plan;
- 2) Upon joining the Plan, the member shall be transferred from the City's defined contribution plan into the General Employees' Pension Plan (defined benefit plan);

- 3) Upon entry into the Plan, opt-out members shall have the option to purchase prior creditable service with the City;
- 4) The member shall be required to pay the full actuarial cost of the prior service for any service purchased;
- 5) The member shall reimburse the Plan for the cost of the actuary's individual service buyback calculation - \$100.00;
- 6) Payment in full for the cost of the prior service buyback must be submitted when the actuarially determined calculation is provided to the employee.

#### **OTHER OPTIONS**

Make no change.

#### **FISCAL IMPACT**

Foster & Foster, Inc., the General Employees' Pension Board's Actuarial Consultants, have determined that adopting the Ordinance will have no impact on the assumptions used in determining the funding requirements of the program.

All costs to join the plan will be paid by the employee.

The City will discontinue contributing to the employee's 401(a) plan (defined contribution plan) and begin contributing to the General Employees' Pension Plan (defined benefit plan). The contribution is calculated as a percentage of salary. The percentage is the same for both plans.

[End Agenda Memo]

City Clerk Clara VanBlargan read ORDINANCE 2015-01 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; AMENDING SECTION 16-41 TO DEFINE MEMBER AS INCLUDING OPT-OUT EMPLOYEES WHO MAKE AN ELECTION TO JOIN THE PLAN; AMENDING SECTION 16-42 TO PERMIT A WRITTEN ELECTION TO JOIN THE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Sandra Davis, Human Resources Director, reviewed ORDINANCE 2015-01.

#### **OPENED FOR PUBLIC COMMENT**

There was no comment.

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

City Attorney Chuck Galloway said the ordinance heading needed to be revised before advertising for second reading. The words "City Commission" must be removed from the first sentence. Instead of "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES," it must state, "AN ORDINANCE OF THE CITY OF LAKE WALES" because it is a City of Lake Wales ordinance and not that of the City Commission.

Commissioner Howell made a motion to approve ORDINANCE 2015-01 after first reading to include the change stated by the City Attorney. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

#### **Agenda Item 9. Agreement - City of Lake Wales/Lake Wales Professional Firefighters**

[Begin Agenda Memo]

#### **SYNOPSIS**

The City Commission will consider ratifying the Collective Bargaining Agreement between the City and Lake Wales Professional Firefighters.

#### **RECOMMENDATION**

It is recommended that the City Commission ratify the proposed amendments to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, Local #3538, International Association of Firefighters.

#### **BACKGROUND**

On January 21, 2014, the City Commission approved the collective bargaining agreement between the City of Lake Wales and Local #3538, International Association of Firefighters, and "Lake Wales Professional Firefighters" for the period October 1, 2013 through September 30, 2014. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the fire department bargaining unit of which all firefighters except the chief, fire marshal, fire captain, fire prevention/ safety specialist and deputy chiefs are members.

Management staff and the Fire Department union representatives have reached an agreement for the period October 1, 2014 through September 30, 2015.

**NOTE:** The amendments are presented to the City Commission for ratification at this time. The change to the existing agreement is highlighted below:

#### **Proposed Contract Changes**

15.4 (a) Effective with the first pay-period in October 2014 employees shall receive a 1% pay increase and any raise in pay or cost of living adjustment provided to other employees during this contract period. Any increase shall be negotiated annually in accordance with paragraph 15.2 of this Article.

~~Effective October 1, 2004, the employee's rate of contribution to the pension fund will be 5%. shall increase from 5.5% of total annual compensation. Effective October 1, 2002, the employee's rate of contribution to the pension fund shall increase from 5.5% of the total annual compensation to 7% of total annual compensation. Effective October 1, 2003 the employees contribution rate shall be reduced by one-half percent (½) per year until said contribution rate is 5% to total annual compensation on October 2006.~~

Effective Date	Employee- Contribution Rate
October 1, 2001	5.5%
October 1, 2002	7.0%
October 1, 2003	6.5%
October 1, 2004	6.0%
October 1, 2005	5.5%
October 1, 2006	5.0%

- 20.6 If a holiday occurs during an employee's vacation, holiday pay shall be granted at the employee's regular rate, and vacation leave shall not be charged. (for example, if an employee is already on vacation during the week of a holiday, there is no need to use vacation leave for the day of the holiday).
- 24.4 Sick leave hours may only be converted to vacation if and to the extent that vacation, optional holiday, safety day and compensatory time accruals are not sufficient to cover non-sick leave time off in the current or next bi-weekly pay period. The sick leave will be converted as vacation leave is used. (in other words, an employee can only convert sick leave to vacation when all other leave has been exhausted.)
31. (a) Upon position vacancy, the Fire Chief shall post a notice of the date or dates of the written test and oral interview/exam for the position of Lieutenant ~~or Captain~~. The notice will include the minimum qualifications and will be posted fourteen (14) days before the test is administered.
- Only employees who hold the position of Firefighter II or Firefighter III, and possess Fire Officer 1 state certification, are eligible to test for Lieutenant. ~~Employees wishing to test for Captain must have also held the position of lieutenant for a minimum of one (1) year.~~
- 38.1 This Agreement shall become effective upon ratification by the bargaining unit members and approval and ratification by the Lake Wales City Commission and shall continue in full force and effect until midnight of September 30, 20145.

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Kenneth Fields  
City Manager  
City of Lake Wales

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Paul Byrd  
Lake Wales Professional Firefighters  
I.A.F.F., Local #3538

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~~Brian Draper~~ Christopher Whidden  
Lake Wales Professional Firefighters  
I.A.F.F., Local #3538

This Agreement approved and ratified by the City Commission of the City of Lake Wales on \_\_\_\_\_, 2015 and effective on October 1, 2013~~4~~.

#### **FISCAL IMPACT**

The cost of a 1% increase is included in 14'15 budget.

#### **OTHER OPTIONS**

Do not ratify the changes.

[End Agenda Memo]

Sandra Davis, Human Resources Director, reviewed the agreement and what was changed.

#### **OPENED FOR PUBLIC COMMENT**

There was no comment.

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

Commissioner Lutton made a motion to approve the proposed amendments to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, Local #3538, International Association of Firefighters. Commissioner Howell seconded the motion.

By Voice Vote:

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

The motion carried 4-0.

#### **Agenda Item 10. Reauthorization of Citizens Advisory Task Force (CATF)**

[Begin Agenda Memo]

#### **SYNOPSIS**

The City Commission needs to reauthorize the Citizens Advisory Task Force (CATF) to provide public input for the forthcoming CDBG application.

#### **RECOMMENDATION**

Staff recommends that the City Commission take the following action:

1. Reauthorize the Citizens Advisory Task Force (CATF)
2. Reappoint two past members to the Citizens Advisory Task Force (CATF) that are still interested in serving: Clinton Horne and Linda Kimbrough are recommended
3. Appoint new members Geraldine Anderson and Durinda Wells who live in that neighborhood and are willing to serve.



## **BACKGROUND**

In May 2011, the City Commission authorized the CATF to review the CDBG grant application and to provide input. The last meeting was held in July 2011. Those members consisted of Cliff Tonjes, Jerome Mack, Linda Kimbrough, Murray Zacharia and Clinton Horne. In order to apply for a CDBG grant in March, this task force must be reauthorized. This group would meet in January to review and comment on the proposed application.

The CATF must have at least 3 members, all of which must be residents of the City. At least three members must be low to moderate income and live near the project area that will be addressed by the grant. Also, none can be elected officials and no more than one can be a City employee.

## **OTHER OPTIONS**

None.

## **FISCAL IMPACT**

None.

[End Agenda Memo]

Jennifer Nanek, Assistant to the City Manager, reviewed the purpose of the task force and recommended also Ervin Stoudemire to serve on it.

## **OPENED FOR PUBLIC COMMENT**

No comment from the Public

## **CLOSED FOR PUBLIC COMMENT**

Commissioner Howell made a motion to reauthorize the Citizens Advisory Task Force with Clinton Horne, Linda Kimbrough, Geraldine Anderson, Durinda Wells and Ervin Stoudemire to serve on it. Commissioner Lutton seconded the motion.

By Roll Call Vote:

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

The motion carried 4-0.

## **Agenda Item 11. Legislative Delegation Hearing – January 13, 2015**

[Begin Agenda Memo]

## **SYNOPSIS**

This is a discussion on topics to be presented at the Legislative delegation hearing on January 13, 2015.

## **RECOMMENDATION**

Staff recommends that the City Commission discuss possible topics or requests to be presented to the Polk County Legislative Delegation at its hearing on January 13.

## **BACKGROUND**

Each year before session the Polk County Legislative Delegation holds a hearing to listen to the requests and concerns of the county, its municipalities, and the public before session begins.

Mayor Fultz will attend and present a list of issues of concern to the City of Lake Wales. Staff is seeking direction from the commission on what topics should be presented.

Possible discussion items suggested by staff include:

- Support funding of FRDAP Grants as the City of Lake Wales has submitted a grant for lighting at the Soccer Park. Also thanks for their support of the skate park grant.
- Funding Support for Florida's Libraries

## **OTHER OPTIONS**

Do not make a presentation to the delegation.

## **FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, Assistant to the City Manager, reviewed this item. Mayor Fultz suggested that the list be more concise. Ms. Nanek said this will be written for succinctly.

## **OPENED FOR PUBLIC COMMENT**

Mimi Hardman, 300 S Lake Shore Blvd., encouraged support for the Special Category Historic Preservation Grants.

## **CLOSED FOR PUBLIC COMMENT**

Kenneth Fields, City Manager, suggested support for additional funding for water related projects including the well field. Mayor Fultz said concerns about water quality have come up at other events he has attended. Importance of water projects discussed.

## **CITY MANAGER**

### **Agenda Item 13. City Commission Tracking Report:**

Kenneth Fields, City Manager, reported that all projects are on schedule. The Scenic Hwy project was on hold over the holidays but is now in process. The cemetery will be completed soon despite a hiccup.

### **Agenda Item 14. City Commission Calendar**

Next commission meeting will have a public hearing on the street renaming proposal on January 20<sup>th</sup>.

### **Agenda Item 15. Annual Reporting – Boards, Commissions, and Committees**

**CITY COMMISSION COMMENTS**

Deputy Mayor Lutton expressed concern about the intersection of Mt. Lake Cut-off Road and Scenic Hwy. Kenneth Fields, City Manager, said that they met with FDOT and it does not meet criteria for a stoplight but they are looking into some engineering issues that could be improved.

Commissioner Howell asked about the cemetery naming process if anyone could make a suggestion. Mr. Fields said yes, anyone could make a suggestion. Mayor Fultz said the commission will have the final say.

**CITY MANAGER COMMENTS**

Kenneth Fields, City Manager, said they are beginning to work with the Recreation [Recreation Commission] and the Parks board [Parks & Community Appearance Advisory Board] on input for the Recreation Master Plan. The first draft will be brought to Commission.

**MAYOR COMMENTS**

The meeting was adjourned at 7:00p.m.

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Mayor/Deputy Mayor

ATTEST:

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City Clerk Clara VanBlargan, MMC