

The meeting of the Lake Wales City Commission was held on January 20, 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:**

**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**

#### **COMMUNICATIONS AND PETITIONS**

Jack Van Sickle, 4060 Ashton Club Dr. asked that Consent Agenda Item #6 be pulled for additional review as there is insufficient backup data published in the agenda packet on the website. He would like to better understand what they are trying to do.

Jack Neal, 435 E. Central Avenue, expressed his opposition to the fire assessment fee as it would hurt businesses downtown and not help the City at all.

Leon Weech, 1229 Triangle Drive, thanked all City employees for their efforts during the Martin Luther King Day event as it went very well.

#### **CONSENT AGENDA**

**Agenda Item 5. APPROVAL OF MINUTES: January 6, 2015, regular meeting**

**Agenda Item 6. Piggyback Contract with Government Services Group, Inc. – Update/Development of a Fire Services Special Assessment Program**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval will allow Government Services Group (GSG) to conduct a fire assessment fee study.

#### **RECOMMENDATION**

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

1. Approve a piggyback agreement with Government Services Group (GSG) to conduct a fire assessment fee study for \$28,500.00.
2. Authorize the City Manager to execute the appropriate documents.

## **BACKGROUND**

The Lake Wales Fire Department has been providing fire protection to property owners in areas outside of the City since 1976. Each year the city enters into an Outside Fire Protection Agreement (OPA) with Polk County. As part of the agreement, the City receives 50% of the fire assessment fees collected for all residential and commercial property within the contract area. Currently, this agreement provides for additional general fund revenues in the amount of \$257,577.00.

The City was notified in August of this year that Polk County would not seek an OPA with the City of Lake Wales beyond the current fiscal year. The County has subsequently reaffirmed this decision for all the cities in the county that had OPA agreements. The result of the county's decision is a reduction of \$257,577.00 in general fund revenues for **next** year. While there may be a slight reduction in the City's cost of fuel and wear and tear on vehicles, the City will not be able to reduce its overall costs enough to offset the loss of county funding.

The City adopted a fire assessment fee ordinance in 2008, but did not adopt a final assessment resolution which would set the rate of the fire assessment fee. As a result of the County's decision many of the municipalities in the county which have not implemented fire assessments are now in the process of considering doing so. GSG will determine the maximum amount of fire assessment fees that can be collected and provide a legally defensible method of apportioning the assessments. The City Commission will be able to set an actual rate or none at all as part of the budget process for 2016 once this analysis is completed.

GSG is currently performing the necessary analysis for Polk County and other local governments and is therefore familiar with the available data, has the necessary relationships with the affected County offices and has been awarded contracts under competitively bid processes. The City will therefore be able to "piggy back" on those contracts.

## **OTHER OPTIONS**

Do not approve the contract with GSG and not have the option to implement a fire assessment for the 2016 budget year.

## **FISCAL IMPACT**

\$28,500.00 in study costs. These costs are an eligible expense to be included in the assessment and are therefore recoverable if an assessment is implemented.

[End Agenda Memo]

Kenneth Fields, City Manager, reviewed Item #6.

Deputy Mayor Lutton said he wasn't sure how to make up this shortfall as many buildings currently don't pay taxes. Last time a stumbling block was the groves which don't need fire services. He asked if we will respond to only addresses inside the city. Mr. Fields confirmed that we will respond to addresses only in the city unless we are closer. Mr. Fields further explained that the study will review and provide all options. The city cannot reduce fire services.

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

By Voice Vote:

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

The motion carried 5-0.

## **OLD BUSINESS**

### **Agenda Item 7. Ordinance 2015-01, Amending Chapter 16, Pension & Retirement – General Employees' Pension Plan – 2<sup>nd</sup> Reading & Public Hearing**

[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 2<sup>nd</sup> reading & public hearing.

#### **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 Agenda Item 7.

## **OPENED PUBLIC HEARING**

There was no comment.

## **CLOSED PUBLIC HEARING**

Commissioner Thornhill made a motion to adopt ORDINANCE 2015-01 after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

## **Agenda Item 8. Public Hearing: Renaming Washington Avenue**

[Begin Agenda Memo]

## **SYNOPSIS**

A public hearing is required under Sec.18-30 of the City's Code of Ordinances whenever the City Commission is considering the renaming of a City street.

## **BACKGROUND**

The City has received a request from Branch 5109 of the NAACP, in Lake Wales, to rename "Washington" Avenue in the corporate limits of the City of Lake Wales to "Barack Obama" Avenue.

A public hearing is required under Sec.18-30(b)(1) of the City's Code of Ordinances whenever the City Commission is considering the renaming of a City street. City staff will bring this street renaming request back to the Commission for a final vote during the regularly scheduled City Commission meeting on February 3, 2015.

City staff advertised the date, time and location of the public hearing in the Lake Wales News 30 days prior to the hearing and mailed notices of the hearing to each residence or business with an address on the subject street.

Washington Avenue is partially within the corporate limits of the City of Lake Wales, partially within unincorporated Polk County, and it crosses a State highway (Hwy 27). The Polk County BoCC has also received a street renaming request from NAACP Branch 5109 for the section of Washington Avenue that lies within their jurisdiction. To date, the BoCC has not approved the street renaming request, but administrators with the BoCC have indicated that they would move forward with their street renaming process if the Lake Wales City Commission ultimately approved the renaming of the section of Washington Avenue that is within the city limits of Lake Wales. Though the intersection of Washington Avenue and Hwy 27 is on a State highway, Polk County is the maintaining agent of the traffic control devices and signage in that intersection and would be responsible for requesting any street sign changes from FDOT.

This street renaming request would affect a total of 61 properties. There are a total of 37 properties on Washington Avenue in the Lake Wales city limits and 24 in unincorporated Polk County. A list of every affected residence and business is included as an attachment to this memo.

The City does not have a policy for distributing the costs associated with a street renaming request and will incur any costs associated with the request, e.g., new street signs, poles, or other items. The total cost to the City for all materials related to changing the street name is \$1,390. This amount includes: 12 new 6" street signs/posts and two 186" x 42" next-signal signs on Hwy 27. In addition to changing the street signage within the City's jurisdiction, renaming Washington Avenue would require changing 8 street signs in unincorporated Polk County and changing 2 lighted overhead signs at the intersection of Washington Avenue and Hwy 27. Polk County does have a policy where the requestor of a street name change bears the costs associated with the renaming. Polk County's materials estimate to change the street signage is \$584 and \$4,512 for the overhead lighted signs at the intersection of Washington Avenue and Hwy 27 (signage only, installation would be performed by Polk County Traffic Operations).

NAACP Branch 5109 initially requested to rename "Washington" Avenue to "President Barack Obama" Avenue, which exceeded street name character limitations within Polk County's street naming ordinance. They have since amended the request to "Barack Obama" Avenue.

City staff has received four correspondences from the public regarding the street renaming request and each are included as attachments to this memo.

#### **FISCAL IMPACT**

The City's fiscal impact would be \$1,390.  
NAACP Branch 5109's potential financial impact, due to estimated reimbursements to Polk County, could be \$5,096.

[End Agenda Memo]

Mayor Fultz reminded the audience that this is a public hearing for discussion only and a vote will be taken at the next Commission meeting on February 3<sup>rd</sup>.

James Slaton, Public Services Director, reviewed Agenda Item 8.

### **OPENED PUBLIC HEARING**

Sue Smith, 919 Carlton Avenue, said that the City should amend the ordinance to prevent street named after our founding fathers from being changed. This change is a sign of disrespect.

Rev. JJ Pierce, Sr., Pastor of First Institutional Baptist Church, said he is there representing the Lake Wales Ministerial Alliance as well as his church. There have been 44 presidents over 239 years of this country. It should be understandable why they are being asked to name a street in a black neighborhood after the first black president. The commission should listen to the residents of this community. As they have several streets in their neighborhood named after Presidents, they should have one for a black president, President Obama. President Obama is now a part of history that should be recognized. Dr. Pierce suggested using another street for Washington Avenue.

Pastor Steve Livingston, New Harvest Worship Center, said the person should merit this recognition. When the street was changed to Dr. Martin Luther King Jr. Blvd., Dr. King was worthy of that recognition. President Obama has done nothing worthy of this recognition, is a poor leader and is weak around the world. This has nothing to do with race as many of his congregation and church leadership is black. Obama has done nothing to help our nation and he does not want to drive Hwy. 27 every day and see a street named after him.

Becky Wynkoop, #109 La Casa Condos, said that beauty is in the eye of the beholder, some people see a lot of accomplishment when others don't. Some communities have named streets after President Reagan. It is no problem to name a street after a president regardless of the accomplishments.

James Wells, 312 Sunrise Parkway in Lake Wales, said that being elected to two terms is quite an accomplishment equal to Washington. In addition to other streets named after Presidents why not have one after Obama.

Minister Janice Denmark, New Hope Free Will Baptist Church, read a letter from their church on Washington Avenue expressing their support for the name change as this will be a positive move.

Charlene Gillespie, 1167 S. Lake Shore Blvd. read a letter from the Allen Temple AME Church, at 221 C Street that they have no objections to the renaming of the street.

Delton Hayes, 402 Pearl Street, read a letter from a property owner on Washington Avenue in support of the name change. He said he is in favor of the name change as Obama is now part of our history whether we like him or not. He said all opinions matter, but suggest that the city commission listen to the residents of that neighborhood. This will give kids something to grasp and hold onto as a stepping stone for the future. Another street could be used for Washington Avenue.

Commissioner Wojcik asked why replace Washington with Obama Ave. Why not name another street such as B Street then the B Street Community Center's name can be changed as well. Mr. Hayes explained that it is a main thoroughfare and is a business area.

Rev. Jeffery Johnson, Connections Church, 674 SR 60 W., explained that Washington Avenue is a main street that outlines the African-American neighborhood. The decision should reflect the wishes of those that live in that community. He said that many are watching what we are doing, that this can be a catalyst of change in this country and show that this community is inclusive. He said that they should not listen to those that do not live there.

Barbara Smith, 324 E. Central Ave., said she works at Florida's Natural and is from California. She said she is bothered by the upsetting of the historical balance by Washington, a founding father, being usurped. She said that other opportunities should be discussed.

Linda Kimbrough, 307 Florida Avenue, said she is a property owner on Washington Avenue. She said she is not in favor of the name being changed.

David Smith, President of the Lake Wales Branch of NAACP and resides at 111 Britton Street in Babson Park. He reviewed the process by which their request for this name change was submitted. Mr. Smith said that the B Street Community center serves all the community and that Obama was elected by not just blacks, but white and groups. There are two Washington streets in Lake Wales, the other one is in South Lake Wales. Washington Avenue is only seven blocks and connects to two black neighborhoods. He has been on Washington all his life and the ones who live there should make the choice.

John Kimbrough, 754 Tartan Loop, said this was a difficult decision regarding two divisive issues regarding race and politics. He said that maybe we should wait until Obama's body of work is complete or make this a ballot issue and put it in the hands of the citizens.

Howard Jenkins, 515 West Lake Wales Road, said that Washington Avenue has been around a long time. He is the first president of the United States as well as a veteran. He agreed with the earlier suggestion to wait until we know the outcome of his presidency.

Charlene Bennett, 929 Carlton Avenue, said that in most cases if a group of residents wanted a street name change it would probably be granted. It means a lot to people in that community and no real harm is being done. She suggested taking a pulse of the community and the City as a whole.

Al Hawkins, he said he is from Lake Wales and his family has been here and around Washington Avenue for 5-6 generations and shared his family's history. About 40 years ago a portion of property near Washington became industrial. He asked why not change the name? He is a graduate of Roosevelt and is proud of it and Washington Avenue and goes to church off Washington. He doesn't live there but this change would make the people proud.

Carl Fish, 4913 Avon Street, said that he lives outside of Lake Wales and is Christian and Republican. This is not a religious or political matter but a historical matter. We have our freedoms today because of Washington who gave us this freedom. We name streets after people to honor and remember them. Black people and children should have a street named after Obama but not changing the name of Washington. If there was a street named after Obama no one would want that changed years later as he agrees black history should be preserved. The City Commission should preserve history and not change the street.

Leon Weech, 1229 Triangle Drive, said he was thinking about another street but many in the community explained to him why they prefer Washington as it is an artery that connects the neighborhood to the highway. He wouldn't poke holes in the records in either Washington's or Obama's record. He said that Obama is the first black president and that won't change. This is the right street and the right time.

Dale Fields, born and raised in Lake Wales and went to Roosevelt, said that Washington gave some people freedom but not all. In most black communities there are names of Presidents like Washington and Jackson on their streets. Blacks did not and still don't have power to decide what the street names are. We are all Americans and there are all kinds of people in our country, many have died so we can call ourselves Americans. This man deserves a street name after him.

## **CLOSED PUBLIC HEARING**

Mayor Fultz asked the commissioners if they had any statements to make.

Commissioner Wojcik stated that the public does have the right to suggest this change and the commission will consider all comments said tonight. She said it is great to have the public come out and suggest this change that matters so much to them.

Deputy Mayor Lutton said he had a lot of comments on this issue. Many did not want to rename Washington Avenue. He said that he did not believe it is a race issue as was suggested. We don't need reconciliation like South Africa. A street named after Barack Obama is nice it will be considered after other input is received.

Commissioner Thornhill said this was the calmest public hearings he's been in since election. He appreciated the civility of the comments offered. They will listen, consider the issue and hopefully do the right thing. He will do the best he can; whichever way he votes he is not disrespecting anyone.

Commissioner Howell said she has had a lot of comments from both sides of this issue. If someone wants Washington on their street they can change it. She said she has seen it in many places where the black communities have a lot of streets named after presidents and not sure why. She said this should be a community's decision and it should not be personal.

Mayor Fultz thanked everyone for their heartfelt comments. He said the decision should not be based on race or a political agenda. We should stand for any initiatives that are for the good of all of Lake Wales and we should make an informed decision.

Kenneth Fields, City Manager, said that a resolution will be on the next agenda for a vote on this matter.

## **NEW BUSINESS**

### **CITY MANAGER**

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

Kenneth Fields, City Manager, reported that work has begun on a new website which should be complete by May. Surplus properties recently approved for sale were sold for a total of \$24,000. This was four properties all together some of which are planned for redevelopment. Deputy Mayor Lutton asked about Habitat for Humanity to see if they can use some of the vacant lots. Mr. Fields confirmed that they are planning on talking with them to see if other houses can be built here.

Mr. Fields reported that the Airport is moving forward, the former ponds have been filled in. The trail project is nearing completion with some punch list items that needs to be completed. The cemetery is also nearing completion.

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

Mr. Fields reminded the commission that they are required to have 4 hours of ethics training a year. A Saturday session is coming up in Winter Haven and they will be sure they get the information and encouraged them and senior staff to attend.

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

### **CITY COMMISSION COMMENTS**

Deputy Mayor Lutton suggested two questions next time on the street name change. One question about whether to name a street after Obama and the second on whether or not to change Washington Avenue to Obama.



**CITY MANAGER COMMENTS**

**MAYOR COMMENTS**

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

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Mayor/Deputy Mayor

ATTEST:

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City Clerk Clara VanBlargan, MMC