

The meeting of the Lake Wales City Commission was held on February 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:**

**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. Community Volunteers Presentation by James Slaton, Public/Support Services Director**

James Slaton, Public/Support Services Director, presented a slideshow on various community workdays over the past year and what they accomplished.

#### **Agenda Item 6. Community Service Recognition Day Proclamation; February 3, 2015**

Mayor Fultz presented a proclamation to Rob Quam from the Lake Wales Care Center and John Kimbrough and Kevin Respress from the Business, Civic, and Ministry Coalition commending them for organizing these workdays and their commitment to volunteer service.

Mayor Fultz introduced the new class of the Citizens Police Academy and thanked them for their service.

#### **COMMUNICATIONS AND PETITIONS**

Rev. Marshall Kirchik, Manager of the Blue Star Lodge, shared that he had recent problems with certain passersby disturbing his guests. With the help of the Police Department this problem has been alleviated and presented a certificate of appreciation to Police Chief Velasquez.

Sue Smith, 919 Carlton Avenue, asked about the status of the Grand Hotel report. Kenneth Fields, City Manager, said the report will be presented at the next meeting.

#### **CONSENT AGENDA**

**Agenda Item 7. APPROVAL OF MINUTES: January 20, 2015, regular meeting**

**Agenda Item 8.           Municipal Election Administration Agreement with Polk County Supervisor of Elections**

[Begin Agenda Memo]

**SYNOPSIS**

The approval of the Agreement allows the Supervisor of Elections to provide for the administration of the City's 2015 Election.

**RECOMMENDATION**

The City Clerk, Chief Elections Officer, recommends that the City Commission take the following actions:

1. Approve the Municipal Election Administration Agreement with Lori Edwards, Supervisor of Elections of Polk County, Florida for the administration of the City's Election to be held on Tuesday, April 7, 2015.
2. Approve the cost of postage, envelopes, secrecy sleeves and inserts for absentee ballots mailed on behalf of the City at a rate of 95 cents for each ballot mailed. Total absentee ballots requested as of January 15, 2015 is 1,412 ( $1,412 \times .95 = \$1,341.40$ ). This number is expected to change.

**BACKGROUND**

Pursuant to the commitment of Lori Edwards, Polk County Supervisor of Elections, to assist cities holding their elections on Municipal Election Day, it is necessary to approve the "Municipal Election Administration Agreement" with the Polk County Supervisor of Elections for the administration of the City Election on April 7, 2015. This agreement stipulates the administrative duties that will be performed by the Elections Office and by the City.

In the past the Supervisor of Elections Lori Edwards did not charge the city for the postage, envelopes, secrecy sleeves and inserts for absentee ballots mailed on behalf of the city. The City will now be required to reimburse this cost at 95 cents for each ballot mailed. The number of absentee ballots requested as of January 15, 2015 is 1,412 ( $1,412 \times .95 = \$1,341.40$ ). This number is expected to change.

**OTHER OPTIONS**

If the City Commission chooses not to approve the Municipal Election Administration Agreement with the Supervisor of Elections, the City will be responsible for all costs involved that would otherwise be provided in the agreement at no charge to the City.

**FISCAL IMPACT**

The additional costs incurred for mailing absentee ballots might require a budget amendment to the FY2014-2015 City Commission budget. The additional costs incurred for each election will be provided for in the annually budget.

[End Agenda Memo]

**Agenda Item 9.           Fourth of July Festival Event**

[Begin Agenda Memo]

**SYNOPSIS**

The approval allows the 4<sup>th</sup> of July Festival to take place on the shores of Lake Wailes.

### **RECOMMENDATION**

Staff recommends approval of permit for the 4<sup>th</sup> of July Festival. The event will be held on Saturday, July 4<sup>th</sup> from 2pm to 9pm.

### **BACKGROUND**

The 4<sup>th</sup> of July Festival will include music and games from Parties by Robert and food and craft vendors. Staff is in the process of arranging additional attractions and events such as bounce houses, the bloodmobile, pony rides and others. The festival will end at 9pm with the fireworks.

### **OTHER OPTIONS**

Do not approve the event permit.

### **FISCAL IMPACT**

Fireworks - \$10,000

Other expenses (Parties by Robert, Portolets) - approximately \$1,000

In-kind allocation costs for staff, police and field operations - \$2,643

[End Agenda Memo]

### **Agenda Item 10. Family Fitness Day Event - March 14, 2015**

[Begin Agenda Memo]

### **SYNOPSIS**

The Polk County Family Fitness Initiative, Inc. has submitted a Special Event Permit Application to host a Family Fitness Day on Saturday March 14<sup>th</sup> from 9am-5pm at Lake Wailes Park

### **RECOMMENDATION**

Staff recommends approval of the Family Fitness Day Special Event Permit for March 14, 2015 in Lake Wailes Park from 9am-5pm.

### **BACKGROUND**

Polk County Family Fitness Initiative, Inc. has hosted previous Family Fitness Days back in 2009 and 2010. This will be an event that promotes health and fitness.

The event has been approved by staff with the following stipulations:

- The designated parking area for the public must be clearly identified on site.
- No additional water spigots or electrical outlets will be installed. Vendors must use what is available in Lake Wailes Park or provide generators.
- No vehicles shall be parked within 15 feet of the trunk of any trees within the park. No vehicles shall drive or park on the bike path or cross the bike path
- Sanitary facilities and dumpsters are the responsibility of the sponsor.
- Tent permits are required in advance by the sponsor and can be obtained from the City's Planning

Department so that inspections can be completed by the Fire Marshall during set up times.

- A certificate of liability insurance is required and must be submitted to the City no later than March 9, 2015.

#### **OTHER OPTIONS**

Do not approve the Special Event Permit Application for Family Fitness Day.

#### **FISCAL IMPACT**

None. No in-kind services will be required from the police department and any site preparation or clean up costs will be 100% the responsibility of the sponsor.

[End Agenda Memo]

#### **Agenda Item 11. Lake Wales Art Show Event – Amendment to Special Event Permit**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval will revise the previously approved Special Event Permit for the 44<sup>th</sup> Annual Lake Wales Art Show to be held in Lake Wailes Park on Friday, February 27, 2015 to Sunday, March 1, 2015 to allow for a designated area for alcohol consumption on Friday night.

#### **RECOMMENDATION**

It is recommended that the City Commission approve the amendment to the Special Event Permit Application request to allow for a designated area for alcohol consumption.

#### **BACKGROUND**

On January 6, 2015, the City Commission approved a special event permit for the Lake Wales Art Council's 44<sup>th</sup> Annual Lake Wales Art Show to be held February 27 to March 1, 2015 in Lake Wailes Park. This event will begin on Friday, February 27, 2015 at 5:00 p.m. with a barbeque and musical entertainment for the entire family and conclude at 8:00 p.m.

The revision to the event permit will allow for a designated area to sell and consume alcohol during the Friday night event.

The Art Council will utilize services of off-duty officers from the Lake Wales Police Department each evening during the entire event. This will be paid by the Art Council.

#### **OTHER OPTIONS**

Do not approve the Special Permit Revision.

#### **FISCAL IMPACT**

The cost incurred for off-duty officers will be the responsibility of the event sponsors.

[End Agenda Memo]

#### **Agenda Item 12. Lincoln Avenue Basketball Court Dedication - February 10, 2015**

[Begin Agenda Memo]

## **SYNOPSIS**

This Special Event Application is for the dedication of the new Lincoln Avenue Basketball Court to take place Tuesday, February 10, 2015 from 3:30pm-6:00pm.

## **RECOMMENDATION**

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

1. Approve the special event permit application for the Lincoln Avenue Basketball Court dedication to take place on February 10, 2015 from 3:30pm-6:00pm
2. Approve one-way westbound traffic only on Lincoln Avenue from E Street to G Street and close alleys to that portion of Lincoln Avenue.

## **BACKGROUND**

The City of Lake Wales in partnership with the Amar'e Stoudemire Foundation has recently completed construction a new basketball court in the park on Lincoln Avenue. A dedication event is planned on February 10<sup>th</sup> when Mr. Stoudemire is planning to be in town so that he may attend. The event will begin at 3:30 pm, after Roosevelt Academy buses have cleared out, and end at 6:00 pm. The event is proposed to be a family event with music, bounce house, BBQ and ice cream. The new sign will also be unveiled.

City staff recommends allowing one-way west bound only traffic on Lincoln Avenue and closing the adjacent alleys to improve management of traffic and parking for this event.

This event is hosted by the City of Lake Wales in partnership with the Amar'e Stoudemire Foundation which is covering the costs of the vendors, bounce house, port-o-lets and DJ.

## **OTHER OPTIONS**

Do not approve the special event application.

## **FISCAL IMPACT**

The city will cover 100% of the costs for Police and Public Services for the event.

[End Agenda Memo]

Commissioner Thornhill asked about the fireworks cost of \$10,000, that it has been the same amount for years. Kenneth Fields, City Manager, agreed to look at that for the next budget year and possibly ask for help from the private sector.

Mr. Fields announced the Stoudemire Basketball court opening event to be held Tuesday, February 10, 2015 at 3:30pm. Mayor Fultz expressed a hope that young people would be there.

Commissioner Thornhill made a motion to adopt the Consent Agenda. 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.

## **OLD BUSINESS**

### **Agenda Item 13. Resolution 2015-01, Renaming Washington Avenue to Barack Obama Avenue**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval of Resolution 2015-01 will change the name of Washington Avenue to Barack Obama Avenue.

#### **BACKGROUND**

The City 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 was held on January 20, 2015 to seek public input on the street renaming request, in accordance with Sec. 18-30 of the City’s Code of Ordinances.

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. The section of Washington Avenue within the city limits runs between B and G Streets. 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.

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, posts, or other items. The total cost to the City for all materials related to changing the street name is \$707. This amount includes: 12 new 6” street signs and posts. In addition to changing the street signage within the City’s jurisdiction, renaming Washington Avenue would require changing 8 residential street signs in unincorporated Polk County, changing two 186” x 42” next-signal signs on Hwy 27, 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 change. Polk County’s materials estimates are

\$584 for the new residential street signage and approximately \$5,195 for the next-signal and lighted overhead signs at the intersection of Washington Avenue and Hwy 27 (signage only, installation costs are unknown).

City staff has received eleven 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 will be \$707.
- NAACP Branch 5109's potential fiscal impact, due to estimated reimbursements to Polk County, could be \$5,779.
- There will be a minor fiscal impact to any businesses or residents on Washington Avenue who might need change their address on checks, letterheads, etc.

[End Agenda Memo]

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

### **A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE RENAMING OF WASHINGTON AVENUE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAKE WALES TO BARACK OBAMA AVENUE.**

Commissioner Wojcik suggested that if this passes the name be just Obama Avenue rather than Barack Obama Avenue as no other streets named after a president include a first name.

### **OPENED PUBLIC COMMENTS**

David Smith, 111 Britton Street, Babson Park and President of the Lake Wales Branch of the NAACP, said those living along that street are supportive of the change and it gives students walking to school someone to be proud of. If another street should be selected he recommends either 1<sup>st</sup> Street or Central Avenue, but would prefer Washington Avenue.

Mike Carter, 515 East Sessoms Avenue, expressed his opposition to this change as it sends the wrong message to the nation that Washington's legacy is unimportant. He recommended changing the name of B Street to Obama Street and the name of the community center. He encouraged the Commission to represent the entire community.

Cesar Guerra, 851 Hillside Avenue, suggested that we would be the first to change the name of Washington Avenue to Obama Ave. and recommended a referendum for everyone to vote on it.

David Jones, 1106 Lake Shore Blvd, said he was supportive of this proposal as President Obama and has supported the civil rights of all people. This does not dishonor President Washington. President Obama was a first and should be honored. Many things are already named after Washington. This will put Lake Wales on the map.

Pastor Steve Livingston, 35 Stembridge Road, with New Harvest Worship Center, emphasized the importance of legacy. He reviewed a biography of President Washington who handed down a strong legacy. He opposes changing the name recognizing the contributions of President Washington.

Dr. Virgil Ullom, 245 Babson Drive, we need to respect our founding president, without which there would be no United States of America. Every person has value, bigotry is unacceptable. President Obama would not want the name changed. We need to pray for the president and his decisions. Obama's legacy is not consistent with the Bible.

Sue Smith, 919 Carlton Avenue, encouraged the Commission to choose another street as she is related to President Washington and reviewed that history. She said we should not disrespect President Washington.

#### **CLOSED PUBLIC COMMENTS**

Commissioner Wojcik commended everyone who came out to share their opinions. This is not an easy decision but they have to vote their conscience. She is supportive of a street named after Obama. She does support listening to residents and that another street should be chosen but was not sure where. She does not want to rename Washington Avenue to honor the first African American president. B Street would be a possibility as it is well-traveled. Florida Avenue might also be a good alternative as it goes out to SR 17 and is parallel to Washington Avenue. She agreed to the idea of two votes, to vote on a street name and then on Washington Avenue and maybe vote on another possibility.

Deputy Mayor Lutton said the other Washington Street is not in the City of Lake Wales and that the Commission should represent all citizens. He encouraged using local heroes to encourage children and acknowledges that President Obama would be inspirational to children. He said streets named for Dr. Martin Luther King Jr., Blvd. and John F. Kennedy were done quickly because they made the ultimate sacrifice. He feels it is wrong to rename Washington to Obama because it sends the wrong message. He suggested a lettered or numbered street as no one would object.

Commissioner Howell said she was surprised at the amount of controversy from this request. This does not disrespect our first president. She disagreed with renaming B Street as Obama as she did not want bad news with that street name. The people who want a Washington Street name can suggest another street for Obama. The residents of Washington Street want it renamed.

Commissioner Thornhill expressed concern about a bad precedent that could be set by changing one name for another. Changes can come up all the time after this. Obama Avenue should not be changed 10 years later. He supports changing a letter or number street.

Mayor Fultz agreed with the concern about setting a bad precedent. He supports a street after Obama but maybe not taking honors from someone else such as President Washington.

Commissioner Wojcik made a motion to name a street in Lake Wales, particularly in the Northwest community, after President Obama. Commissioner Lutton seconded the motion.

By Roll Call Vote:

Commissioner Wojcik	"YES"
Deputy Mayor Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Howell	"NO"
Mayor Fultz	"YES"

The motion carried 4-1.

Commissioner Howell asked for clarification on the vote. Kenneth Fields, City Manager, said the motion was on any street not "a" street.

Commissioner Howell made a motion to approve Resolution 2015-01.

The motion died for lack of a second.

Commissioner Wojcik made a motion to change Florida Avenue to Obama Avenue.

The motion died for lack of a second.

Commissioner Lutton proposed asking the residents of the Northwest community to provide a short list for the Commission to decide on which to rename. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

### **NEW BUSINESS**

#### **Agenda Item 14. Resolution 2015-02, Establishing the Name of the New Municipal Cemetery**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval of Resolution 2015-02 will establish the name of the new municipal cemetery located on Hunt Brothers Road.

#### **RECOMMENDATION**

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

1. Select a name for the cemetery from the list provided.
2. Approve Resolution 2015-02.

#### **BACKGROUND**

City staff solicited suggestions from the public for the name of the new municipal cemetery. A total of 70 name suggestions were submitted to City staff by the public and staff is now requesting the selection of the official cemetery name by the City Commission.

City staff provided each Commission member with the complete list of suggested names and asked each Commission member to submit their top ten name selections back to staff. Staff has compiled a shortlist of the most suggested names based on the frequency of selection among the City Commissioners' top ten lists and included the one name suggestion provided by a City Commissioner.

The top name suggestions by order of frequency in the City Commissioners' top ten lists are:

1. Lake Wales Memorial Gardens (5)
2. Ridge Memorial Gardens (4)
3. Crown Ridge Cemetery (4)
4. Memorial Groves of Lake Wales (3)
5. South Lake Wales Cemetery (2)

6. Wales Memorial Cemetery (2)
7. Jewel Ridge Cemetery (2)
8. Longleaf Memorial Gardens (Commissioner suggestion)

#### **OTHER OPTIONS**

The City Commission may choose another name from the complete list of suggestions or they can direct staff to solicit more names from the public.

[End Agenda Memo]

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

#### **A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A NAME FOR THE NEW MUNICIPAL CEMETERY LOCATED ON HUNT BROTHERS ROAD.**

James Slaton, Public/Support Services Director, reviewed the agenda item and said the name "Lake Wales Memorial Gardens" appeared on all Commission members' short list.

Commissioner Thornhill made a motion to name the cemetery "Lake Wales Memorial Gardens." Commissioner Lutton seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

#### **Agenda Item 15. CDBG 1<sup>st</sup> Public Hearing & Fair Housing**

[Begin Agenda Memo]

#### **SYNOPSIS**

This is a first public hearing required by the Small Cities Community Development Block Grant (CDBG) program.

#### **RECOMMENDATION**

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

1. Approve preparation of a CDBG application in one of the four CDBG grant categories: Housing, Neighborhood Revitalization, Commercial Revitalization or Economic Development.
2. Approve Tuesday, March 3, 2015 as the date for the 2nd CDBG public hearing.
3. If the Neighborhood Revitalization category is approved, the CDBG funds will be used to continue the sewer line improvements in the C Street area. Also, the CDBG funds will be combined with the State Revolving Loan funds that have already been approved for the sewer projects.

## **BACKGROUND**

In conjunction with the FFY 2014 CDBG grant application, the City's grant consultant, Andy Easton, will be present to conduct the required CDBG first public hearing. The City of Lake Wales is eligible to receive up to \$750,000 in CDBG funds through the Small Cities Program. These funds must be used for one of the following purposes:

1. To benefit low and moderate income persons;
2. To aid in the prevention or elimination of slums or blight; or
3. To meet other community development needs of recent origin having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

The categories of activities for which these funds may be used are: housing, neighborhood revitalization, commercial revitalization, or economic development including such improvement activities as acquisition of real property, loans to private-for-profit business, purchase of machinery and equipment, construction of infrastructure, rehabilitation of houses and commercial buildings, and energy conservation.

At the Commission meeting, Mr. Easton will lead a discussion on the following issues:

- Summarizing the issues that were discussed at the recently held Citizen Advisory Task Force
- Submitting an application in one of the four CDBG grant categories: Housing, Neighborhood Revitalization, and Commercial Revitalization or Economic Development Future meetings for the grant application process

## **OTHER OPTIONS**

Do not apply for a FFY 2014 Small Cities Program grant. Since the City has missed the deadline for reentering the County's program, no CDBG funds would be forthcoming from the County's CDBG program this fiscal year.

## **FISCAL IMPACT**

The City is eligible to apply for up to \$750,000 in CDBG funding and may apply for less than this amount if it improves the competitiveness of the grant application. If the Commission decides to apply for the Neighborhood Revitalization funding category, and the CDBG grant is funded, the CDBG funds will be combined with loan funds from the State Revolving Loan fund that has already been approved for the project. The CDBG grant will help to lower the total amount of funds that need to be borrowed from the SRF program.

[End Agenda Memo]

Andy Easton, Grant Administrator for CDBG Grant, reviewed the grant program and plans to apply for the C Street grant. This is part of a series of Public Hearings required by the CDBG program. Another requirement is a sign-in sheet that Mr. Easton passed around for everyone to sign. He reported that the City Commission recently appointed the Citizens Advisory Task Force that have met and approved the priority of the Sewer Project. He described the different categories that the City could apply for.

## **OPENED PUBLIC HEARING**

There were no comments.

## CLOSED PUBLIC HEARING

Mr. Easton cautioned that these were very competitive and limited funds available.

Commissioner Howell made a motion to approve applying for a CDBG grant in the Neighborhood Revitalization Category towards the C Street Sewer project. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

Andy Easton announced that the second public hearing will take place in April.

Mr. Easton explained that we need an informational hearing on Fair Housing. He explained the requirements, that the City has a Fair Housing ordinance and tracks any complaints submitted. He said it is illegal to discriminate in housing on the basis of race, color, national origin, religion, disabilities, or family status.

### **Agenda Item 16. Board Appointment – Police Officers' Retirement Board**

[Begin Agenda Memo]

#### **SYNOPSIS**

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc.

#### **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.

**Police Officers' Retirement Board (City Code Sec. 16-233)** – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The **fifth** trustee member is chosen by a majority of the previous four members and as a ministerial duty, such person is appointed by the City Commission. (4-year term)

1. There is no interview process requirement for applicants applying for appointment to this board.
2. Members are required to file an annual Form 1, Statement of Financial Interests
3. Current Vacancies: 5<sup>th</sup> Trustee Member

**Current Members:** \*\*\*Vacant\*\*\*, 5<sup>th</sup> Trustee - 09/30/15, partial term  
Leon Weech, resident 04/17/12 - 09/30/18  
Anthony Elrod, resident 04/01/14 - 09/30/18  
Joseph VanBlarcom, police officer 09/16/14 - 09/30/18  
William Raebig, police officer 05/05/14 - 09/30/18

**Current Meetings** – Quarterly @ 4p.m.; Fire Department meeting room

**Applying for re-appointment:**

**Applying for appointment:** Joe Elrod

Joe Elrod is related to Police Officers' Retirement Board trustee Anthony Elrod. Relatives are not prohibited from serving on the same board as long as they do not discuss board business without complying with the requirements F. S. 286.0111 AGO 89-06.

**Recommendation:** As a ministerial duty, the City Commission appoints the fifth trustee member. Joe Elrod was appointed by the Police Officers' Pension Board on January 26, 2015 to serve as the "fifth trustee" member for a partial term expiring on 09/30/15.

## 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]

Deputy Mayor Lutton reminded the City Commission that Joe Elrod had stepped off the board so his son could serve on the board. Now, the Police Officers' Retirement Board voted for Joe Elrod to serve on that Board again. Commissioner Thornhill said that the Retirement Board chooses the person and as a ministerial duty the City Commission appoints the applicant.

Commissioner Howell made a motion to appoint Joe Elrod to serve as a member to the Police Officers' Retirement Board for partial term expiring on 09/30/2015. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell "YES"  
Commissioner Thornhill "YES"  
Commissioner Wojcik "YES"  
Deputy Mayor Lutton "NO"  
Mayor Fultz "YES"

The motion carried 4-1.

## Agenda Item 17. City Manager Performance Evaluation

[Begin Agenda Memo]

## **SYNOPSIS**

The City Commission will discuss the performance evaluation of the City Manager.

## **BACKGROUND**

On July 19, 2013, the City executed an Employment Agreement with the City Manager. In accordance with Section 3, Paragraph 3.2, of the Agreement, "the City Commission shall evaluate the performance of the City Manager at least once annually no later than 30 days prior to the City Manager's Anniversary Date. Based on the results of the annual evaluation, the City Commission may, in its sole discretion, grant a salary increase and/or grant additional benefits to the City Manager effective with his anniversary date.

Performance evaluation forms were completed by each City Commission member and returned to staff as requested. The completed Evaluation forms are available for review in the Human Resources Department.

Ratings in the various evaluation categories have been compiled in a chart which is provided with this memorandum.

**NOTE:** Mr. Fields' current contract requires negotiations for renewal to begin 180 days before its expiration (August 4, 2015), or Thursday, February 5, 2015. Please authorize the Mayor and/or the City Attorney to renegotiate the Agreement which will be placed on the February 20<sup>th</sup> Agenda for discussion and/or approval.

[End Agenda Memo]

Human Resources Director Sandra Davis said this item is only presented to be stated for the record that the City Manager's evaluation has been done.

Mayor Fultz stated for the record that the City Manager's evaluation has been done.

The City Manager Kenneth Fields said he appreciated the comments from all the Commission members. He said someone once told him that there is always room for improvement, things we can do better, and more to strive for. His first 18 months have been successful and it has been a joy, the City Commission is great to work for, and he looks forward to serving the City of Lake Wales for a very long time.

Mr. Fields said as stated in the memo, his current contract requires negotiations for renewal to begin six months before its expiration. He said he would like a vote to have that done and to bring something back to the City Commission at the next meeting for a vote on an amendment to the contract and whether to grant a salary adjustment.

Deputy Mayor Lutton said since the City Commission did not get a chance to read each other's evaluation comments, he would like all the comments put together in a typed format to be discussed at the next meeting and to come up with a compromised priority list.

Commissioner Wojcik asked Mr. Fields if he was still planning a long-term planning workshop and he said yes, sometime after the election when the new Commission is seated, this same group or whoever that might be.

Commissioner Thornhill made a motion to authorize the Mayor and the City Attorney to renegotiate the City Manager's Agreement which will be placed on the February 20, 2015 Commission agenda for discussion and/or approval. 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.

Deputy Mayor Lutton said it always seems odd that one person does the negotiating when the City Commission as a whole has input. Mr. Fields said it is not unusual for a contract to go through a second or third round. The City Commission still has to approve the contract. Commissioner Wojcik said the Commission can still change something if they want.

### **CITY CLERK**

#### **Agenda Item 18. 2015 Municipal Election Information**

The City Clerk reviewed Agenda Item 18.

#### **Agenda Item 19. Ethics Training for Elected Officials**

The City Manager reviewed Agenda Item 19.

### **CITY MANAGER**

#### **Agenda Item 20. City Commission Tracking Report:**

The City Manager reviewed the City Commission Tracking Report and provided updates and asked Fire Chief Jenkins to share some good news that just came in today.

Chief Jenkins said he was pleased to announce that the City retained its ISO 3 rating with the City. The City serves the OPA area of the County. That went from a split 4/9 to a 3/3Y. Because there are not many hydrants in the county area that's what made improving the rating in the OPA hard. He said the utilities department played a big part in this rating because without water we can't put out fires.

Mr. Fields said the American Legion applied for a special events permit to have a carnival in conjunction with the Mardi Gras Festival event. It application came in too late to put on the agenda, so he will approve it on his authority so the American Legion can go forward with the event and bring it back to the commission after the fact for approval at its next meeting. The event is the same as last year.

Mr. Fields said in addition to the grand hotel status report being on the next City Commission agenda, the Historic Lake Wales Society Citizens Advisory Task Force will also provide a report on their recommendations for the operation of the Depot Museum. The Task Force has met with him to go over some of the items and they are greatly concerned about the current state of the Depot Museum, its collections, and its ongoing inability to keep it maintained. He said at their request and at his recommendation to the City Commission is that we immediately close the Depot Museum to the public and to begin reconstituting the process of the Historic Society in going forward with a professional director. The Task Force will give their full report at the next Commission meeting. Mr. Fields said the Historic Lake Wales Society Board has diminished and there are not a significant number of volunteers to really keep the operation going.

Mr. Fields said Ms. Mimi Hardman over the years has done a fantastic job with that organization and with that Museum and to ask her to continue putting in all the number of hours that she puts in and to continue

carrying the organization forward basically by herself is not fair to her and it is unfair to the other people that have tried. Mr. Fields asked the City Commission to give the chance to catch our breaths, reconstitute, and rethink on how to move forward. He said the Depot Museum is a major asset as he also said in the downtown meeting two weeks ago; it attracts a significant number of visitors and could be a potential tourism answer for the downtown. But, we really have to move forward, which is what the Task Force recommendation is going to be. Right now, there are not enough people involved to run the operation of the Depot Museum, to make sure everything is accounted for and in the right place so that everyone will know that there stuff is protected.

Mr. Fields said his recommendation to the City Commission is to lock the building, let the City take responsibility of maintaining the building and its security, and to allow 60 days or 90 days to come up with a new way in going forward. He said with the City Commission's blessing he will do that. This basically lets Ms. Hardman take a well deserved vacation for awhile, lets her get her breath back and rest up for when the Depot Museum is reopened, and to hear the recommendations from the Task Force in two weeks. Mr. Fields said if he can get a consensus from the City Commission to do that, it would be appreciated.

Commissioner Thornhill said he is okay with it, but he wanted to make sure that when we put something down there, that we let the people know it is for the betterment, it is a temporary closing; it is for their improvement, etc. Mr. Fields said that is clearly the intent and to let them know we will be coming back with something bigger and better than ever before. That operation is clearly a major asset and with the right approach with the recommendation of the Task Force we can get the Museum where it should be. Commissioner Thornhill asked if anybody that has something in there could get it back. Mr. Fields said yes, arrangements will be made for people to get their things. It will be opened to everybody on a controlled access basis as opposed to being open every day.

Commissioner Wojcik said she didn't have a problem with closing the Depot Museum to protect the assets and so forth. However, that collection is managed by an organization and she understood that the Board of that organization is clearly not functioning. She asked if the City had a legal right to go in the Museum and catalogue, reconstitute, etc. Mr. Fields said he was not proposing that the City be the one to do that, but as the owner of the building to take responsibility for safe guarding the building and its contents. It's the recommendation of the Task Force that the Historical Lake Wales Society Board reconstitute its organization to a fully functioning organization, which currently it is not. Their recommendation is that they would like to get some funding from the City to assist them in hiring a professional executive director that will get curatorial people of that nature. The Task Force will give the full report at the next meeting. Commissioner Wojcik said she is in favor then.

The Mayor said, as these Commissioners have stated, to make it perfectly clear to everyone that the closing of the Depot Museum is not permanent. This is giving the Board time to get themselves together to reconstitute, do the right thing, and get it back open as the City Manager had said, bigger and better than ever before.

Mr. Fields said the Historic Lake Wales Society had already defaulted in its lease with the City on these properties. We have already taken back two of the buildings that were part of the complex, not the Depot Museum itself. So from a legal perspective, they are in default in their lease, so he didn't see any problems going forward in that respect. Mr. Fields said we are protecting the City's assets which are the buildings and we are in the process of safe guarding its contents.

City Attorney Chuck Galloway said the City Commission needed to voice its consensus. The Mayor said they did that already and then asked who all was in favor:

All "AYE; None "NAY," the consensus carried 5-0.

Sue Smith commented that she thought the City Commission was out of order because the closing of the Depot Museum was not on the Agenda and the consensus was made after Mimi left the room. The Mayor commented to Ms. Smith that she was out of order at that point.

**Agenda Item 21. City Commission Calendar**

**Agenda Item 22. Annual Reporting – Boards, Commissions, and Committees**

**CITY COMMISSION COMMENTS**

Deputy Mayor thanked Mr. Slaton for his volunteer presentation. He said the paint colors put on the buildings may not be the best color scheme for our City, but we are looking at rebranding a little bit of our City anyhow. We can spend thousands of dollars coming up with a color scheme, but it looks great the way it is and all the facilities in the City look wonderful. He applauded all the volunteers and all the leadership guys for getting those volunteers to help.

Commissioner Thornhill said he received several comments to not forget the hotel issue. They expected some answers given at the next meeting when the status report on the grand hotel is given and that the City Commission needed to take responsibility in moving forward in the way it should based on that report. Several people said they have seen no visible changes, which is the #1 complaint he has heard over and over. Commissioner Thornhill said he was not sure what the turnout would be at the next meeting, but he is expecting a report that is ready.

Deputy Mayor Lutton commented that his son Dale got selected to be one of the people to go with the governor to push the button and light the midway at the Florida State Fair this Thursday. He asked everyone to check out the news channels to see that.

**MAYOR COMMENTS**

Mayor Fultz thanked all the citizens and interested parties that spoke on the issue of the renaming of Washington Avenue. He said with all the television cameras in the room, everyone was respectful and civil.

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