

CITY COMMISSION MEETING MINUTES
APRIL 5, 2017

4/5/2017 - Minutes

1. INVOCATION

Dr. James Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

The meeting of the Lake Wales City Commission was held on March 21, 2017 in the Commission Chambers at the Municipal Administration Building. Mayor Eugene Fultz called the meeting to order at approximately 6:02 p.m. following the Invocation and the Pledge of Allegiance.

4. ROLL CALL

COMMISSIONERS PRESENT: Terrye Howell, Pete Perez; Robin Gibson; Jonathan Thornhill, Deputy Mayor;
Eugene Fultz, Mayor

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Jennifer Nanek, Assistant to City Manager; City Attorney Albert C. Galloway, Jr.

5. CITY CLERK

5.1. Announcement: The Unofficial Results Of The City Of Lake Wales April 4, 2017 Municipal Election

Clara VanBlargan, City Clerk, announced that Eugene Fultz was elected again as Mayor, Seat 1 at large. Curtis Gibson won in Seat 2, District 19, and Flora Stewart won Seat 4, District 27.

The unofficial results:

Seat 1:

Ed Bowlin 559 votes

Eugene Fultz 951 votes

Seat 2:

Jacob Clifton 605 votes

Curtis Gibson 855 votes

Seat 3:

Flora Stewart 889 votes

Lloyd J. Van Sickle 634 votes

5.II. City Of Lake Wales Canvassing Board Meetings & Precinct Change Notice
Clara VanBlargan, City Clerk, announced that the next meeting of the Canvassing Board of the City of Lake Wales will convene at 5:00 p.m. on Thursday, April 6, 2017 at the Municipal Administration Building in the Commission Chambers, 201 W. Central Avenue, Lake Wales, for the purpose of certifying the results of ballots received in the April 4, 2017 Municipal Election. This is open to the public. The Canvassing Board will also randomly select a race that appears on the Ballot for the purpose of conducting a manual audit of the voting system used in the April 4, 2017 Municipal Election on Thursday, April 13, 2017 at 1:30 p.m. This meeting will take place at the elections office in Winter Haven.

6. MAYOR

6.I. Proclamation: Florida Water Professionals Month; April 2017
Mayor Fultz presented the Proclamation to Sarah Kirkland, Utilities Director.

6.II. Proclamation: Water Conservation Month; April 2017
Mayor Fultz presented the Proclamation to Sarah Kirkland, Utilities Director.

7. PRESENTATION/REPORT

Dr. James Moyer gave a report on Warner Cares Day where the students, faculty, staff and other volunteers gathered and contributed volunteer hours to 46 different projects around the city including City sites, the schools, the Care Center, non-profits and other areas. Over 1200 volunteer hours were given to the City. James Slaton, Public/Support Services Director shared a slide show of the various projects that were done at city sites including the parks, Library, Airport, and other areas. Mayor Fultz commended and thanked Warner University for saving tax dollars and making the City look better.

8. COMMUNICATIONS AND PETITIONS

Michael Cabral, 5035 Avon Street Lake Wales, said he had a petition concerning the Savings and Loans that take advantage of the poor. We need to be simple and basic again. He will leave the petition with the Commission for their consideration.

Betty Bent, the owner of Highland Academy at 144 E. Orange Avenue, she has been their a year as of May. She is concerned about her fence. She reviewed an email about a meeting with such short notice that she could not attend. She is open to a resolution to a fence matter and get it taken care of so she can concentrate on her business. She requests a variance as the location of the fence is not her fault. The location of the fence it was approved by the building department. She asks to be allowed to fill out a variance to allow the fence to stay where it is. She keeps the area cleaned up. The fence does not block the view from the stop sign. The Mayor advised her to communicate to Ms. Banglely to reschedule the meeting. Ms. Bent confirmed that she will do that so this can be resolved. Commissioner Gibson reminded Ms. Bent and the audience that the Commission can not direct staff, the Commission cannot go over the authority of the City Manager. Ms. Bent said that some of the parents are coming to testify to the good work that her company does. Commissioner Howell asked the City Manager to help ensure this issue gets resolved. Mr. Fields said they will resolve this issue.

Sue Smith, resident, asked about the possibility of adding term limits to be voted on by the citizens when they put extending the terms on the ballot. Mayor Fultz asked if term limits were already in place. Mr. Galloway said that term limits were not in the charter. Commissioner Howell asked if term limits were discussed by the Charter Review committee. Commissioner Gibson said they decided that voters could replace commissioners at any time. Ms. Smith said that both the County and State have term limits and that they might be good on the City level as well. Mayor Fultz said that could be looked at as well.

Sarah Middleton, Lakeland Resident, works for Compassionate Care Hospice as volunteer coordinator and is in need of volunteers. She has flyers and is available to speak to groups if needed. Mayor Fultz suggested talking to Lake Ashton residents. Ms. Middleton said she has but they work with another hospice. Jennifer Nanek, Assistant to the City Manager, offered to post her flyers to the City's social media.

9. CONSENT AGENDA

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

By Voice Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"
Commissioner Gibson "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 5-0.

9.I. Approval Of Minutes: March 21, 2017, Regular Meeting

10. OLD BUSINESS

11. NEW BUSINESS

11.I. National League Of Cities (NLC) Service Line Program
This item was tabled until a later meeting.

11.II. Ordinance 2017-08 Annexation – 1st Reading Southwest Corner Thompson Nursery Road And U.S. Highway 27

(Begin Agenda Memo)

Synopsis:

Ordinance 2017-08 proposes the annexation of approximately 5.2 acres located at the southwest corner of Thompson Nursery Road and U.S. Highway 27 and contiguous to the incorporated City limits.

Recommendation:

Staff recommends approval on first reading of Ordinance 2017-08, providing for the annexation of approximately 5.2 acres located at the southwest corner of Thompson Nursery Road and U.S. Highway 27.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. No public hearing is required for the first reading of an annexation ordinance. Upon approval of first reading, a public hearing will be advertised for the next regular City Commission meeting.

Background:

Palmetto Capital Group, LLC, owners are requesting annexation into the corporate city limits of Lake Wales.

An ordinance assigning Zoning and Future Land Use Map designation will be presented at a later date Commission consideration.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its north and east boundaries.

Surrounding land uses:

North: City – RAC Regional Activity Center

South: County – CE – Commercial Enclave

East: City – RAC Regional Activity Center

West: County – CE – Commercial Enclave

Other options: Decline to annex the property.

Fiscal Impact: The annexation will add to the City's tax roll.

(End Agenda Memo)

Clara VanBlargan, City Clerk, read **ORDINANCE 2017-08** by title only.

ORDINANCE 2017-08

(Annexation – Southwest corner of Thompson Nursery Road and US Highway 27)
AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 5.2 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangle, Director of Planning and Development, reviewed this agenda item.

Commissioner Perez asked if no additional utilities will be needed. Ms. Bangle said they have to annex in order to connect to our utilities. Commissioner Perez asked if there is an expense for the city. Ms. Bangle said no they pay to connect. No cost on our part. Kenneth Fields, City Manager, said this is the power of having utilities available as this property has huge development potential and is a huge addition to the City's tax base. Ms. Bangle said there is a potential developer already. Commissioner Gibson asked if our utilities are in the State Road easements. Sarah Kirkland, Utilities Director, confirmed they are. Mr. Fields said they are in the state right-of-way. Ms. Bangle said the road will not impair contiguity. Mr. Fields explained that this property is contiguous on multiple sides. The properties that are contiguous to the city were detailed. Deputy Mayor Thornhill asked about the nearby hotel. Ms. Bangle said a portion of the hotel is in the City and a portion is in the county, we will not issue a demolition permit until the county does.

Deputy Mayor Thornhill made a motion to approve ORDINANCE 2017-08 after first reading.
Commissioner Howell seconded
the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"

Commissioner Gibson "YES"

Commissioner Perez "YES"

Mayor Fultz "YES"

The motion carried 5-0.

(Begin Agenda Memo)

SYNOPSIS:

Ordinance 2017-07 is being presented to include vaping with e-cigarettes into existing smoking policy.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2017-07 upon First reading.

BACKGROUND

Most tobacco laws were adopted before the use of e-cigarettes. As the e-cigarette industry has become increasingly large, local governments have dealt with it in different ways. Staff proposes to amend the smoking policy to include vaping with e-cigarettes. Ordinance 2017-07 will prohibit smoking, vaping and the use of all tobacco products from City buildings, facilities, or vehicles.

FISCAL IMPACT

There is no cost resulting from this amendment.

(End Agenda Memo)

Clara VanBlargan, City Clerk, read **ORDINANCE 2017-07** by title only.

ORDINANCE 2017-07
AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES; AMENDING THE SMOKING POLICY TO INCLUDE VAPING; PROVIDING FOR AN EFFECTIVE DATE.

Sandra Davis, Human Resources Director, reviewed this item.

Commissioner Gibson made a motion to approve **ORDINANCE 2017-07** after first reading. Commissioner Howell seconded the motion.

Roll Call Vote:

Commissioner Gibson "YES"

Commissioner Howell "YES"

Commissioner Perez "YES"

Deputy Mayor Thornhill "YES"

Mayor Fultz "YES"

The motion passed 5 - 0.

11.IV. 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 amendment to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, (Local #3538, International Association of Firefighters.)

BACKGROUND

On December 1, 2015, the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Lake Wales Professional Firefighter, (Local #3538, International Association of Firefighters) for the period October 1, 2015 through September 30, 2016. 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, 2016 through September 30, 2017. The amendments are presented to the City Commission for ratification at this time. Proposed changes to the existing agreement are highlighted below:

Article 15 Salary

15.4 A. Effective with the first pay-period in October 2016, employees shall receive a 1% pay increase and a 1% increase in April 2017. (the same as other city employees)

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, 2017

FISCAL IMPACT

The cost of the salary increases are included in the 16'17 budget.

(End Agenda Memo)

Sandra Davis, Human Resources Director, reviewed this item.

Deputy Mayor Thornhill made a motion to approve the Collective Bargaining Agreement. Commissioner Howell seconded the motion.

Voice Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"

Commissioner Perez "YES"

Commissioner Gibson "YES"

Mayor Fultz "YES"

The motion passed 5 - 0.

- 11.V. Resolution 2017-06, Resolution Commending The Florida Association Of City Clerks For Its 45th Anniversary

(Begin Agenda Memo)

SYNOPSIS

Resolution 2017-06 commends the Florida Association of City Clerks for the celebration of its 45th Anniversary as an organization.

RECOMMENDATION

The Florida Association of City Clerks requested that the City Commission adopt Resolution 2017-06.

BACKGROUND

A fellow Municipal Clerk who needed assistance and found that a state organization did not exist for a city clerk profession formed the Florida Association of City Clerks (FACC) in 1972. Because of all the leaders who gave willingly and unselfishly to FACC over the years our vision, goals, and objects have materialized. The organization promotes, develops the educational and professional status of Florida city clerks, help increase the efficiency of their functions, increase cooperation, and assistance with city administrators, gather, and disseminate information to improve procedures, and improve the efficiency of the administration of municipal government. FACC also works in conjunction with the International Institute of Municipal Clerks to provide Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) certification for city clerks.

Now, FAA stands mightily as a 500+-member organization representing Florida's 411 municipalities. In light of this celebration year, the organization requested that the City of Lake Wales City commission adopt a resolution noting this distinction and to join them in celebrating all year long.

OTHER OPTIONS

None

FISCAL IMPACT

None

(End Agenda Memo)

Clara VanBlargan, City Clerk, read **RESOLUTION 2017-06** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES COMMENDING THE FLORIDA ASSOCIATION OF CITY CLERKS FOR ITS 45TH ANNIVERSARY.

Clara VanBlargan, City Clerk, reviewed this item.

Deputy Mayor Thornhill made a motion to approve **RESOLUTION 2017-06**. Commissioner Howell seconded the motion.

Roll Call Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"

Commissioner Perez "YES"

Commissioner Gibson "YES"

Mayor Fultz "YES"

The motion passed 5 - 0.

12. CITY MANAGER

Albert C. Galloway, Jr., City Attorney, explained that a shade meeting is needed to discuss settlement strategies with our attorney Thomas Drage about the City's efforts to acquire easements for the State Road 60 Utilities project. Those present will be the City Commission, Mr. Fields, Mr. Drage and himself. This meeting will not be open to the public pursuant to **Section 286.011(8), Florida Statutes**. Mr. Fields explained that this meeting will happen at the beginning of the April 18th meeting right after it begins. This will be on the next agenda.

Kenneth Fields, City Manager, reported on an article in Florida Trend on Spook Hill. Deputy Mayor Thornhill asked about the status of a new sign for Spook Hill. James Slaton, Public/Support Services Director, said a new sign is in the budget for this year. Jennifer Nanek reported that the sign that James Hahn proposed will not happen. The popularity of Spook Hill was discussed.

Mr. Fields reported on an accusation was made against himself, the City Attorney, and the Mayor during the last campaign. At the next Commission meeting he will have on the agenda an item concerning the termination of the City Clerk. The City Commission hires and fires the City Clerk who serves under his direction. The accusations that were made were not tolerable. He wanted to give the commission notice about it.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Meeting Schedule - City Commission

12.IV. Other Meetings & Events Calendar

13. CITY COMMISSION COMMENTS

Commissioner Gibson said he had difficulty accessing the attachments to the agenda and voted blindly on the minutes.

Commissioner Gibson expressed concern about the legislation regarding eliminating CRAs. He has communicated to the legislators his objection to that bill. He asked if the City Commission could approved a resolution to show support for CRAs. Mr. Fields agreed and said a letter could be drafted for the Mayor's signature and sent to our legislators right away so there is no delay.

Commissioner Gibson made a motion that a letter be drafted, signed, and communicated to the legislature in opposition to this bill. Commissioner Howell seconded the motion.

Voice Vote:

Commissioner Gibson "YES"

Commissioner Howell "YES"

Commissioner Perez "YES"

Deputy Mayor Thornhill "YES"

Mayor Fultz "YES"

The motion passed 5 - 0.

Mayor Fultz reported on his lobbying efforts with Representative Mike LaRosa and others against the proposed legislation. The need for CRAs was further discussed. Mr. Fields said they are watching this bill and the Florida League of Cities is fighting against it. Other bills of concern were discussed.

Commissioner Gibson asked about the status of the CRA consultant. Mr. Fields said the contract will be on the forthcoming CRA agenda which will be April 18, 2017 and hopes to be able to move forward with Main Street director position.

Commissioner Gibson said he would like to see the three year terms issue move forward to be on next year's ballot and he said he wants to change the candidates oath as well. He expressed concerns about inconsistencies concerning these issues in the charter.

Deputy Mayor Thornhill suggested putting term limits on the ballot too.

14. MAYOR COMMENTS

Mayor Fultz thanked Warner University for their partnership and their help with all the projects they worked on today.

He congratulated the two new Commissioners-Elect (Commissioners-Elect Stewart & Gibson were present) and announced that a new Deputy Mayor needs to be selected at the first meeting in May when the new Commissioners are sworn in. Mr. Fields cautioned the Commissioners-Elect that they are now covered by the Sunshine Law. The Mayor echoed these sentiments and thanked them for stepping up to run.

15. ADJOURNMENT

The meeting was adjourned at 7:06 p.m.

Mayor/Deputy Mayor

ATTEST:

Interim City Clerk Jennifer Nanek