

**City Commission Meeting Minutes**  
**February 18, 2020**  
**(Approved)**

2/18/2020 - Minutes

1. INVOCATION

Burney Hayes gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order at approximately 7:07 p.m. after the invocation and pledge of allegiance.

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Curtis Gibson, Terrye Howell, Al Goldstein, Robin Gibson

**Staff Present:** Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. COMMUNICATIONS AND PETITIONS

Virgil Ullom, non-resident, spoke out against Pride Week. He said many pastors in Lake Wales oppose this. He said a city employee was afraid to sign a petition as she might lose her job. We need to be on God's side.

Steve Livingston, Pastor of New Harvest Worship Center, said he was in opposition of Pride Week in Lake Wales. He do not need this influence on our families.

Sue Marino, resident, said she opposed religion being discussed at the meeting. She said God loves everyone.

James Wells, resident, said drivers go too fast in his neighborhood on their way to Citrus World on Miami Street. We have kids in that neighborhood. We need signs on that street. He also expressed opposition to Pride Week. Mayor Fultz asked Mr. Fields if he made note of the speed limit concern. Mr. Fields indicated that he did.

Durinda Wells, resident, echoed the concern about the speed limit. She requested that the roads in the cemetery be repaired. They are in bad shape. Mayor Fultz said that Mr. Fields made note of that issue.

Terry Christian, non-resident, asked about feedback from the recent workshop. Mayor Fultz said that the Commission directed staff to look into the issue of body cams. There will be a vote when the information comes back. Mr. Christian expressed support for dash and body cams.

John Melbourne, non-resident, said regarding the gay pride event that always the worst elements of the Gay community comes out. We don't need lewd or lascivious behavior here. We should not separate people. This is not necessary.

Kat Gates-Skipper, non-resident, announced the date for her induction into the Veterans Hall of Fame which is March 9.

6. Board Appointment: Code Enforcement

[Begin Agenda Memo]

**SYNOPSIS:**

Appointments to fill vacancies due to expiration of terms and resignations.

**RECOMMENDATION**

Staff recommends that the Mayor and Commission to make the following appointments as deemed appropriate.

1. Julia Paul to the Code Enforcement Board for a term to expire on July 1, 2020 and for another term to end July 1, 2023

**BACKGROUND**

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).

There are three vacancies on the Code Enforcement Board due to resignations and expiration of terms.

Julia Paul has applied to serve on the Code Enforcement board.

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor. Members must be residents. (3-year term) 2 alternates can also be appointed.

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, resident; 2 alternate seats

Current Members: Dwight Wilson, resident 12/18/18 – 07/01/21 1  
Wilena Vreeland, resident 07/01/18 – 07/01/21, P+3  
Rodney Cannon, resident 02/04/2020 – 07/01/2021, 2  
Ralph E. Marino, 07/01/19 – 07/01/2022 P  
Bruce Austell, 02/04/2020 – 07/01/2021 1  
Ron Wheat 12/05/17 – 07/01/20 P  
Sara Jones, resident 10/16/18 – 07/01/21 1

Applying for Appointment: Julia Paul to finish out a term which ends on July 1, 2020 and for another term to expire July 1, 2023.

**OPTIONS**

Do not appoint those that have applied.

**FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Julia Paul to the Code Enforcement Board for a term to expire on July 1, 2020 and for another term to end July 1, 2023.

Commissioner Howell made a motion to approve the appointment. Deputy mayor Robin Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 7. CONSENT AGENDA

Commissioner Howell made a motion to approve the Consent agenda. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

### 7.1. Purchase Authorization-Fields Equipment Company/Deere & Company

[Begin Agenda Memo]

#### **SYNOPSIS:**

The City Commission will consider authorizing staff to expend funds for the purchase of two (2) John Deere diesel mowers.

#### **RECOMMENDATION**

1. Authorize the expenditure of \$40,511.90.
2. Authorize two (2) 2007 Toro mowers be classified as surplus equipment for disposal.

#### **BACKGROUND**

The City's Public Services department is requesting Commission approval to expend funds for the purchase of two John Deere diesel mowers in the amount of \$40,511.90.

This purchase replaces two (2) mowers that are no longer operational that staff is requesting the commission to classify as surplus equipment for disposal.

The mowers that staff is requesting to be classified as surplus equipment for disposal are:

- 2007 Toro/Kabota, Z-Master, asset number:7210031
- 2007 Toro/Kabota, Z-Master, asset number:7210032

In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of Category 1 (\$20,000.00) require City Commission Approval.

The proposal from Fields Equipment Company is through the State of Florida Agriculture & Lawn Equipment contract 21100000-15-1 (PG F2 CG 22).

### **OTHER OPTIONS**

The City Commission may direct staff to solicit proposals for this purchase in lieu of utilizing the State of Florida contract with Fields Equipment Company.

### **FISCAL IMPACT**

The project cost is \$40,511.90. \$40,000.00 is currently budgeted in the adopted FY20 CIP for equipment.

The amount of \$511.90 will be taken from the City's parks department operating budget.

[End Agenda Memo]

## 7.II. Special Event Permit: Hops Shop & Stroll, March 27, 2020

[Begin Agenda Memo]

### **SYNOPSIS**

This is a request by Main Street to have a wine walk event called Hops, Shop & Stroll on Friday, March 27, 2020 from 5:00 p.m. – 11:00 p.m. The event will include alcohol served in the marketplace from 9:00 p.m.-11:00 p.m.

### **RECOMMENDATION**

Staff recommends

1. That the City Commission approve the permit request to allow Main Street to host an event in the downtown between Orange Avenue and Central Avenue and Scenic HWY and First Street to include the serving of alcohol on Friday March 27, 2020 from 5:00 p.m. – 11:00 p.m.

### **BACKGROUND**

Lake Wales Main Street is planning to host its second wine walk type of event on Friday March 27, 2020 from 5:00 p.m. – 11:00 p.m. This event, Hops, Shop & Stroll, will include the serving of alcohol inside various businesses only between 5:00 p.m. – 9:00 p.m. There will be an after party from 9:00 p.m. – 11:00 p.m. in the Marketplace only. Attendees will not be walking around outside through the downtown with alcohol.

Police officers will be present for the event. No streets will be closed.

### **OTHER OPTIONS**

Do not approve the Special Event Permit.

### **FISCAL IMPACT**

None. Lake Wales Main Street will cover the cost of off-duty officers.

[End Agenda Memo]

### 8. OLD BUSINESS

### 9. NEW BUSINESS

#### 9.I. Ordinance D2020-01 – Text Amendment To The Land Use Element Of The Comprehensive Plan

[Begin Agenda Memo]

### **SYNOPSIS**

The amendment is to create a Mixed-Use policy to accommodate unified mixed use development on large pieces of property.

### **RECOMMENDATION**

Staff recommends approval of Ordinance D2020-01 after first reading and public hearing.

### **BACKGROUND**

Staff has been working with a large landowner and their development team to establish a new land use category to facilitate large scale mixed-use development. In the coming months land use regulation amendments to support the new category will also be forthcoming.

The primary function of the Mixed Use (MU) category is to establish centers of master planned suburban/urban activity, in areas with a high level of public facility availability and intended to develop with a horizontal or vertical mix of residential and nonresidential uses, achieving internal trip capture and the development of a high quality environment for living, working, or visiting. The policy also lays out criteria required to develop under this category.

After first reading this ordinance will be transmitted to the Department of Economic Opportunity for review prior to coming back to Commission for Adoption.

### **FISCAL IMPACT**

This action has no direct fiscal impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2020-01** by title only.

### **ORDINANCE D2020-01**

**(Comprehensive Plan text amendment to add Mixed Use)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO ESTABLISH A MIXED USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangle, Assistant City Manager, reviewed this item. She introduced Jack Brandon from Peterson & Myers law firm, Diane Chadwick from Sandtek, and Philip Angel from Winter Haven Corp Properties. Jack Brandon, Peterson & Myers law firm, introduced himself and said he represents the Winter Haven Corporation. He explained about the plans for this 1800 acres. He reviewed the project and the history of the property. He shared a slide show describing the project and why we need this new designation. He described the next steps of a lengthy process to accommodate this project. Mr. Angel reviewed the history and purpose of the Winter Haven Corporation. They did not want to break up this land into pieces. They aren't developers. Mr. Brandon said there will be more approvals needed as this goes on.

Diane Chadwick introduced herself and said she has been doing this 40 years. She explained why a new designation is needed. Lake Wales Code designations are all for smaller projects. With this we can have a high quality development. She showed a potential plan and the different features. The final version will look different. She said this is attractive as there is less traffic and everything is together. This can feature trails and schools. She shared some nearby examples. She then described the upcoming steps.

Commissioner Goldstein asked about the possibility of Polk Parkway going through the area. Mr. Brandon said that is a possibility but the plans for that road are not fixed in stone. Commissioner Goldstein said this is a great idea as it will grow our city and tax base. There are other developments planned nearby and is concerned about the roads in that area which aren't prepared for the traffic and other issues. Mr. Brandon said they plan to work with Polk County as part of the planning process. Commissioner Goldstein said he hopes Mr. Brandon will keep on the county. Mr. Brandon said the planning process will take over a year and he looks forward to working with the City and County on these issues.

Commissioner Curtis Gibson expressed support for this. This will provide more rooftops and bring in more restaurants.

Ms. Bangle reported that the Planning and Zoning Board approved this at their meeting last month.

Kenneth Fields, City Manager, said there will be additional public hearings required as this project moves forward. He has met with the County and Winter Haven to discuss the problem of this road. Hopefully the widening of Thompson Nursery Road can get on the 5-year plan for the County.

Mayor Fultz said this is one of the biggest projects that they have had as a Commission. This will be a big expansion of the City. This will be a quality plan.

#### OPENED PUBLIC HEARING

Ralph Marino, resident, asked about water and natural resources. He supports this but can we accommodate this. Mayor Fultz said the Polk County Water Cooperative is looking to find more water supplies. We still have more water allocated to the City. Commissioner Goldstein said he is on that board and we won't let this issue get away.

Burney Hayes, resident, said this is a marsh or wetland. Is there a concern about sinkholes. Ms. Bangle said there are environmental studies being done first. Its possible that about a third of the property may not be developed for that reason. Commissioner Goldstein said Lake Ashton next door said they haven't had a problem. Mr. Hayes asked about the roads. What kind of expansion will we do? Ms. Bangle said there will be all new roads in there varying in size. Thompson Nursery will need help.

Kathryn Gates-Skipper said she hopes this development brings in good restaurants.

Commissioner Howell asked about the location of this. Ms. Bangle described the location and the boundaries.

Mayor Fultz said a big plus is that its already in the City.

## CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2020-01** after first reading.  
Commissioner Curtis Gibson seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5-0

- 9.II. Ordinance 2020-06 Zoning Amendment – Chapter 23 Zoning, Land Use And Development Section 23-358 Mobile Food Vending/Mobile Food Dispensing Vehicles

[Begin Agenda Memo]

### **SYNOPSIS**

This amendment establishes rules and regulations for mobile food vending in the City of Lake Wales.

### **RECOMMENDATION**

Staff recommends approval of Ordinance 2020-06 after first reading.

### **BACKGROUND**

Staff has been working with a large landowner and their development team to establish a new land use category to facilitate large scale mixed-use development. In the coming months land use regulation amendments to support the new category will also be forthcoming.

The primary function of the Mixed Use (MU) category is to establish centers of master planned suburban/urban activity, in areas with a high level of public facility availability and intended to develop with a horizontal or vertical mix of residential and nonresidential uses, achieving internal trip capture and the development of a high quality environment for living, working, or visiting. The policy also lays out criteria required to develop under this category.

After first reading this ordinance will be transmitted to the Department of Economic Opportunity for review prior to coming back to Commission for Adoption.

### **FISCAL IMPACT**

This action has no direct fiscal impact.

### **OTHER OPTIONS**

Commission could choose not to approve the ordinance.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-06** by title only.

**ORDINANCE 2020-06**

**(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; ESTABLISHING SECTION 23-358 MOBILE FOOD VENDING/MOBILE FOOD DISPENSING VEHICLES; AMENDING TABLE 23-421 PERMITTED AND SPECIAL EXCEPTION USES ALLOWED IN ZONING DISTRICTS TO ADD MOBILE FOOD VENDING; AND AMENDING SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Assistant City Manager, said that the memo with this item is not correct and asked that this item be postponed to a later meeting so that more accurate information will be available as this is a lengthy topic of discussion. She gave an overview of this process. This would make the process easier to have food trucks in Lake Wales. The Commission agreed to postpone this item to March 17.

Commissioner Howell asked about the monthly food truck event. Jennifer Nanek, City Clerk, reported that the Chow Down Food Trucks have canceled their permit but we have a new event sponsor for the Lake Wales Food Truck Rally on 2nd Thursdays of the month.

9.III. Purchase Of The Park Water Company

[Begin Agenda Memo]

**SYNOPSIS**

The City Manager seeks approval to enter into negotiations for the purchase of the Park Water Company.

**RECOMMENDATION**

It is recommended that the City enter into negotiations for the purchase of the Park Water Company.

**BACKGROUND**

The Park Water Company is the water provider for a service area south of County Road 640 on both sides of US 27 south of the City of Lake Wales. This area is not contiguous to the City but the City does have a backup interconnect to this water system. The Park Water Company informed the City last fall that it would be willing to consider selling itself to the City. Since then, the City has been performing a due diligence review as to the condition of the physical plant of the Park Water Company, impact on current operations, as well as analysis of the financial impacts to the City of such a purchase.

At this time City staff believes it has sufficient information and seeks approval of entering into formal negotiations with the owners of Park Water Company for a final purchase price. If a purchase can be negotiated, final approval of a sales contract would require the approval of the City Commission.

**OTHER OPTIONS**

Do not open negotiations with Park Water Company for its purchase by the City.

**FISCAL IMPACT**

At this time, staff does not believe there would any negative impact on the City's water utility revenues.



Any positive impact would depend on the negotiated sale price. Purchase of Park Water Company could facilitate future annexations into the City improving the tax base.

[End Agenda memo]

Kenneth Fields, City Manager, reviewed this item.

Mayor Fultz said he thinks that this is something well worth looking into. We need to find out the price, the ramifications and how we can expand. Mr. Fields clarified that this is the water utility only not sewer.

Commissioner Goldstein asked about the condition. Mr. Fields said this was an issue a few years ago. It was not in good shape. It has been improved since then so now its feasible.

Commissioner Curtis Gibson asked why they are selling now. Mr. Fields said its a family owned company. Commissioner Curtis Gibson asked what the negative feedback is or if they are involved in litigation. Mr. Fields said he is not aware of any. That will be part of the due diligence and negotiation process. Commissioner Curtis Gibson asked about the cost and how we will pay for it. Mr. Fields said we could get a loan for this.

Deputy Mayor Robin Gibson said the question right now is if we are will negotiate the sale of this. He is in favor of exploring this.

Deputy Mayor Robin Gibson made a motion to authorize the City Manager to enter into negotiations for the purchase of the Park Water Company. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mr. Fields said that we have seen positive benefits of expanding our Utilities west on HWY 60 with people interested in connecting to our system and signing binding annexation agreements.

#### 9.IV. Evaluation Of City Attorney

[Begin Agenda Memo]

**SYNOPSIS:** Commissioners will discuss the performance evaluation of the City Attorney and the potential to go out for an RFP.

Performance evaluation forms were completed by the City Commissioners and returned to staff as requested. Evaluation forms completed by the Commissioners are available for review in the Human Resources Department. This process provides for a yearly review of the City Attorney's performance and summarizes the entire Commission's experience with the Attorney during the past year.

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

[End Agenda Memo]

Mayor Fultz said he would open the floor for public comment on both the evaluation of the City Manager and City Attorney.

#### OPENED PUBLIC COMMENT

Ellis Hunt, non-resident, said he is a past president and current board member of the Chamber of Commerce, a board member of Main Street, and board member on the Economic Development Council. He expressed support for the City Manager and City Attorney. We are going in a good direction and we need to continue. Everything is going well and there is no reason to change things.

Delton Hayes, resident, said at certain points that we need a change. Sometimes a person gets too comfortable in a position. Its time for the City to look in another direction.

Greg Massey, resident, said that the City Attorney has been here 19 years and has overlooked some things such as with the YMCA that may have cost us money. There is nothing wrong with looking for new eyes or new situations. City Commissioners have to run for re-election every few years. As for Mr. Fields its time for that to change and to go in a new direction.

Jack Brandon, Non-resident but lived in Lake Wales for 30 years, he represents only himself. He said he has worked well with Chuck Galloway. He is knowledgeable on local government law. He would like to see him continue in the position. No one is more committed to Lake Wales. If they have a complex issue that our attorney doesn't have experience with then the City can bring in those with more expertise. He said that Chuck Galloway is reasonable in his cost. He also has worked well with Ken Fields. He is smart and good with numbers. He has a good sense of where Lake Wales is going. Maybe his diplomacy could be improved as he tells it like he sees it.

Burney Hayes, resident, said that the City Manager doesn't know the community very well and encouraged Mr. Fields to get to know the community better so he can know our plight.

Mayor Fultz confirmed that Mr. Fields is open to any invitation to come speak to groups. Mr. Fields confirmed he is.

#### CLOSED PUBLIC COMMENT

Commissioner Howell asked for copy of comments made on the evaluation for City Manager by other Commissioners. Sandra Davis, Human Resources Director, said she can provide that.

Commissioner Curtis Gibson said he had nothing personal against Mr. Galloway. He has had a contract with the City of Lake Wales for over 20 years. It is our job as Commissioners to do due diligence to be sure money is being spent appropriately. We need to explore options. He said Mr. Galloway can still submit a proposal as well as anyone else. He may still be the best option out there.

Commissioner Goldstein said he has only been on the Commission nine months but he can see that Mr. Galloway is well versed in our business. He said he understands where Commissioner Curtis Gibson is coming from but he doesn't want to put Mr. Galloway through that as he is doing a good job. Sometimes maturity is good to have. He reviewed the costs of other City Attorneys around Polk County and his price is competitive and lower than most.

Commissioner Curtis Gibson said we need the best advice to help make the best decision. He has seen some things since he has been here that makes him question things. We should see what is out there.

Commissioner Howell asked Mr. Galloway to speak up more often during commission meetings with both legal advice as well as his opinion. She could follow his opinion or not but would like to have it. Last year was the first time they evaluated the City Attorney so now she has something to grade him on.

Deputy Mayor Robin Gibson said that he agrees that Mr. Galloway is knowledgeable on local government law and is helpful when answering questions. There have been instances with contracts, things not typical of local government, where his experience of 20 years really stands out. Our Ordinances are well done. There were some things the City did that troubles him. One example is when the CRA boundaries was contracted and Longleaf taken out depriving funds from the CRA. The vote when the Grand Hotel was deeded over because \$1million was supposedly spent on the hotel. The contract said that the title would be transferred if there was \$1million increase in the value of the hotel. The Economic Development Director and Mr. Galloway said that the documentation was acceptable. Not too long after the owner of the Grand Hotel went bankrupt. In the Main Street contract the terms confused General revenue funds and CRA Trust funds. So he rewrote the contract. He should not vote on a contract he wrote. Its bad policy. Then the issue with the YMCA contract. He wants to take full advantage of his 20 years experience and expertise. But we need some sort of system where those mistakes don't happen. He is conflicted about this. Mr. Galloway said we can get more expertise over more complex issues as Mr. Brandon suggested that hasn't been offered to him before. Deputy Mayor Robin Gibson said he doesn't mind helping review contracts but he shouldn't write the contracts. He is in favor of getting additional help when needed.

Kenneth Fields, City Manager, commended Mr. Galloway as one of the better lawyers that he has worked with in the area of municipal law. There is a distinction between the business terms of a contract and the legal terms of a contract. Mr. Galloway's responsibility is to be sure that the legal terms of the contract are correct. The business terms such as who pays and how much is the responsibility of who is negotiating that contract such as city management. Some of the examples cited are the fault of City management and what they were willing to give up and not Mr. Galloway. Sometimes the City was not protected economically if legally it was okay. Mr. Galloway is the institutional memory of the City and has been though 5-6 city managers in that time. If the City Commission does go out for RFP then it will be the Commission's job to review the proposals not staff as the Commission does the hiring of the City Attorney. We do use outside counsel for some things such as Risk Protection Orders and easements for the C Street project. He has had no problems working with Mr. Galloway and his interpretations of the law.

Commissioner Curtis Gibson said that this isn't personal. The airport issue was a concern. The Commission needs to be in the loop. Mr. Galloway needs to say something if he needs more expertise. He said he hopes whatever the Commission decides it is not a personal thing. He won't be upset and will work with Mr. Galloway. He hopes mistakes can be corrected.

Mayor Fultz said that Mr. Galloway is a man of integrity. He has made mistakes, costly mistakes, he wants forgiveness for mistakes. He forgives others' mistakes. Mr. Galloway is doing his due diligence for Lake Wales. We should let him continue and redeem himself. Mr. Galloway has always been available to answer questions and give advice as needed. Mayor Fultz asked for a motion.

Commissioner Curtis Gibson made a motion to issue an RFP for attorney services. Commissioner Howell seconded the motion.

by Roll Call vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "NO"

Commissioner Goldstein "NO"

Deputy Mayor Robin Gibson "NO"

Mayor Fultz "NO"

Motion failed 4-1.

Mayor Fultz asked everyone to review Mr. Galloway's scores. His overall rating was 3.2 which is listed as meets expectations.

Commissioner Goldstein requested a recess. Mayor Fultz recess the meeting at 9:13 p.m.

#### 9.V. City Manager Performance Evaluation

[Begin Agenda Memo]

**SYNOPSIS:** Commissioners will discuss the performance evaluation of the City Manager. Performance evaluation forms were completed by the City Commissioners and returned to staff as requested. Evaluation forms completed by the Commissioners are available for review in the Human Resources Department.

Based upon the results of the annual evaluation, the City Commission may, in its sole discretion, grant a salary increase, bonus and/or grant additional benefits to the City Manager effective with his anniversary date.

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

[End Agenda Memo]

The meeting was reconvened at 9:16 p.m.

Commissioner Goldstein says he meets with Mr. Fields regularly to ask questions and discuss issues. The lowest mark he gave him was leadership in the community and higher marks in other areas. He has learned that fields is not to be the face of the community. His job is to be the nerve of the community working on the finances behind the scenes. Mayor is the face of the community. He said that Mr. Fields does a good job. We are really starting to grow with the opportunity discussed earlier. We are moving forward with Dover-Kohl Plan. He does not want to start over with someone new.

Commissioner Curtis Gibson said the public would like to see more of their City Manager at community events. He needs to build more relationships and keep communication. The City is going in a good direction bringing in businesses, selling Longleaf, the Dover Kohl plan and the project they discussed tonight was exciting. The food incentive program and efforts downtown are good. Even though his ratings are low he said to keep doing what you are doing.

Commissioner Howell said that things are going great for the overall City of Lake Wales but is neglecting certain areas. in the beginning he was going well and making things look better. Some things in the Northwest area are not changed or improved. Her conversations with him in private are not the same as what he says in public. She said he double talks people. He should not look over things that he is asked to do. He works for the Commission not others. He needs to do the right thing if he likes being here. Both communities are represented and all of Lake Wales needs to matter. During evaluations next year she would like to see previous years scores along with the current year's scores to see if there is improvement.

Deputy Mayor Robin Gibson said his evaluation has been consistent. The community has benefitted from Mr. Field's financial management. The community is in much better shape than when he got here. We have a good staff and he has made some good additions to it. He is troubled by the recent flap

about misleading the City Commission on retirement contributions. He doesn't know that this has happened but this causes division in the community. We need to get to the bottom of it and deal with it. He is on the Pension Board and had to learn a lot. We have to be careful about our Pensions. We get good value from his salary. There are different pension plans involved. He needs objective advice concerning this. We need to avoid rumors and opinions. He recommended getting an actuary to tell us how things are supposed to work. We should hire the actuary. This will be between the Commission and the actuary. The City Attorney can serve as liaison. We need full disclosure on topics so we can make good decisions. We can review past minutes to see how the information was presented. Mr. Fields asked what he is being accused of. Deputy Mayor Robin Gibson said he was not accusing Mr. Fields of anything. He wants full disclosure for a good decision. He would like to be shown where everything is accurate.

Mayor Fultz said he gave the highest marks because he spends the most time with Mr. Fields in various situations. He said its important for he and Mr. Fields to work together. If they are not working together well our City could miss out on money and resources we need. He keeps arguments in the office. He wants to keep a unified appearance. He appreciates his leadership with the Polk County Water Cooperative something he had never dealt with before. He is doing the job he was hired for. His overall rating is 3.56 which puts him in the average category towards the above average category.

Commissioner Howell said Mr. Fields is doing great for Lake Wales but not in her neighborhood. For downtown Lake Wales he is doing a great job but not for everywhere.

Commissioner Goldstein said residents of the Northwest have now been challenged to provide more input and then we should give Mr. Fields a chance to respond. Commissioner Howell said residents are tired of the same old things. Commissioner Goldstein said some of that may be the fault of the Commission. We need to address some of these issues. Lets move forward. This should not be about personalties. We are learning more as we go.

Mr. Fields said in regards to the Northwest community. The priorities identified by the community in the Dover-Kohl were a master plan, affordable housing, revitalize Lincoln Avenue with cultural additions for the North west. The Master Plan was done and we are working on affordable housing now. The advisory group is going off in different directions now. There was a walk through the area with Dover Kohl and architectural students to see what can go on Lincoln. The advisory group has focused on the traffic circle at Burns Avenue which is not on the list for a 5 or 6 years. Police Community relations has nothing to do with the revitalization of Lincoln Avenue. The City will respond to what the public wants. He needs consistency from the representatives of the advisory group. We need to focus on the identified goals. If we want to change them we need to decide that. Commissioner Curtis Gibson said that he may need to attend their meetings and provide some guidance and listen to what they need. Commissioner Howell said there are many voices from the Northwest area. We need more opinions from the people that actually live there. Commissioner Goldstein suggested a meeting with the community members, the Commission and staff to discuss priorities. Mayor Fultz said maybe that would be a good idea to see if priorities have changed. He has not heard anything different. He hopes we can find a way forward. Mr. Fields said he is open to talking to any group that wants to talk to him. He is not running for office. He responds to the 5 Commissioners only. We can't do everything all at once. He can't be everywhere but he listens to the commission and to staff to tell him what goes on.

Mr. Fields said that we have accomplished a lot in the 6 years he has been here. many of the staff were here when he got here. He has tried to provide leadership to get staff to do more than they did 6 years ago. He takes pride in this. It is to the staff's credit that we are doing a lot of positive things moving to the future.

#### 9.V.i. Sixth Amendment Of The City Manager's Contract

[Begin Agenda Memo]

#### **SYNOPSIS**

The City Manager's annual review date allows for the renewal and modification of his contract, in

addition to providing for an annual increase and/or bonus. The City Manager is requesting that there be no change in salary or bonus; that he be provided the option of purchasing his past Lake Wales and other Florida local government service time at no cost to the City if that is approved in accordance with the rules of the Lake Wales General Employee Pension Fund.

### **RECOMMENDATION**

It is requested that the City Manager's contract be amended as requested in light of his past service to the City and his desire to continue his employment relationship into the future.

### **BACKGROUND**

The City Manager's initial contract provided that the City Manager would not be provided with health insurance by the City and the City Manager would not participate in the City General Employee Pension Fund. Instead, the City contributes to its 401(a) retirement programs on his behalf in addition to the 5% employee contribution required under City policy up to the IRS maximum allowed amount. The City Manager is requesting that if the General Employee Pension Fund is modified to provide for the purchase of prior service time in other Florida local governments, he be given the option to purchase, entirely at his expense such prior time along with his prior service time with the City of Lake Wales. Allowing the City Manager to join the General Employee Pension Plan would reduce the City's retirement contribution by approximately \$40,000 annually and create no additional pension liability since the prior service time would be paid entirely by the City Manager.

### **OTHER OPTIONS**

Make no change in the current contract.

### **FISCAL IMPACT**

If the City Manager joins the General Employee Pension Plan and purchases entirely at his cost his prior service time there would be an annual savings of approximately \$40,000 from the reduced City retirement contribution. Additionally, if the City Manager enters the DROP program there would be an additional savings of approximately \$11,000 per year.

[End Agenda memo]

Mayor Fultz reviewed this item.

Deputy Mayor Robin Gibson recommended deferring this to be sure the accusations of misleading for personal gain are not true. Commissioner Howell agreed with bringing the actuary here to be sure things are done correctly. Commissioner Curtis Gibson said this is a complex issue we need to know the full details. Commissioner Goldstein said it won't hurt to wait a couple of weeks to do this.

Deputy Mayor Robin Gibson made a motion to table this item. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, thanked the Commission for their comments. He will take them to heart and find a way to apply them.

11. CITY MANAGER

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Calendar

Jennifer Nanek, City Clerk, reminded the Commission of the special meeting on the 21st at 4pm to approve the ballot.

11.IV. Other Meetings And Events

12. CITY COMMISSION COMMENTS

Commissioner Goldstein said he is feeling positive about the City and its future. He feels that a workshop in the northwest area and listen to whoever wants to speak.

Commissioner Curtis Gibson said he has to keep his cell phone on due to having three children at home. He said he has not violated any ethics rules by keeping his phone on.

Mayor Fultz said he attended a recent ethics workshop where it was advised that Commissioners turn off cell phones during a meeting.

13. MAYOR COMMENTS

Mayor Fultz announced the Ribbon Cutting of Exquisite Designs downtown Friday. 4:30 p.m.

14. ADJOURNMENT

the meeting was adjourned at approximately 10:14 p.m.

---

Mayor/Deputy Mayor

ATTEST:

---

City Clerk