

City Commission Meeting Minutes
April 17, 2018
(APPROVED)

4/17/2018 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

The Mayor called the meeting to order at approximately 6:00 p.m. after the invocation and pledge of allegiance.

4. ROLL CALL

Commission Members Present: Eugene Fultz - Mayor, Curtis Gibson, Flora "Tonya" Stewart, Terrye Howell, Robin Gibson - Deputy Mayor

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Child Abuse Prevention Month

Mayor Fultz Proclaimed April 2018 as Child Abuse Prevention month. Andrea Hagan, Heartland for Children accepted the Proclamation.

5.II. PROCLAMATION - Community Action Month

Mayor Fultz Proclaimed April 2018 as Community Action Month. Pa Houa Lee-Yang with ALPI accepted the proclamation.

5.III. PROCLAMATION - Aviation Appreciation Month

Mayor Fultz proclaimed April 2018 as Aviation Appreciation Month. Commissioner Curtis Gibson, Liaison to the Airport Authority, accepted the proclamation.

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

David Barzoli, resident, said he is concerned about the high frequency of sirens going by at all hours on HWY 60. The noise is excessive and affects the quality of life. Mr. Fields said he will provide the Commission information on our siren policy.

Andrew Domini, part-time resident, requested a computer in the library dedicated to those seeking jobs. He also asked that the 2 hour restriction on computer usage be lifted if there is no one else waiting. Mr. Fields introduced him to Tina Peak, Library director, to speak with him.

8. CONSENT AGENDA

Commission Howell made a motion to approve the Consent Agenda. Deputy Mayor Robin Gibson seconded

the motion.

Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5 -0.

8.I. Minutes - April 3, 2018

8.II. Purchase Authorization-Game Time, C/O Dominica Recreation Products, Inc.

[Begin Agenda memo]

Synopsis:

The City Commission will consider authorizing staff to expend funds for the purchase and installation of a playground system.

Recommendation

Staff recommends that the City Commission take the following action:

1. Authorize the expenditure of \$25,000.00.
2. Authorize the piggyback agreement with Game Time, c/o Dominica Recreation Products, Inc.
3. Authorize the City Manager to execute the piggyback agreement on behalf of the City.

Background

The City's Recreation department is requesting Commission approval to expend funds for the purchase of a playground system for Mobley Park. 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 submitted by Game Time, c/o Dominica Recreation Products, Inc. is based on a competitively bid contract with Clay County for similar services and staff is requesting approval to piggyback the contract. Section 2-404 of the City Code and F.S. §287.057 exempts the City from competitive seal bid requirements when piggybacking another public entity's previously competitively bid contract. Game Time, c/o Dominica Recreation Products, Inc. provides various equipment and amenities for parks and playgrounds to multiple companies and municipalities around the state.

Fiscal Impact

The project cost of \$25,000.00 is currently budgeted in the adopted FY17/18 CIP.

Other Options

The City Commission may direct staff to solicit sealed proposals for the purchase and installation of the playground system in lieu of utilizing the piggyback agreement with Game Time, c/o Dominica

Recreation Products, Inc.

[End Agenda Memo]

8.III. PROPOSAL - Boat Ramp Rehabilitation

[Begin Agenda Memo]

Recommendation

Staff recommends that the City Commission take the following action:

1. Authorize the expenditure of \$23,537.00.
2. Award the proposal to rehabilitate the boat ramp at Lake Wailes to SEMCO Construction, Inc.

Background

The City's Recreation department is requesting Commission approval to expend funds and approve the proposal submitted by SEMCO Construction, Inc. to rehabilitate the boat ramp at Lake Wailes. 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. SEMCO Construction, Inc. was awarded a contract for Licensed General/Building Contractor Services by the City Commission during the December 20, 2016 regular City Commission meeting (RFP 16-423).

Fiscal Impact

The project cost of \$23,537.00 is currently budgeted in the adopted FY17/18 CIP.

Other Options

The City Commission may direct staff to solicit sealed proposals for the rehabilitation of the boat in lieu of utilizing our existing contract with SEMCO Construction, Inc.

[End Agenda Memo]

8.IV. Easement For Duke Energy On City Limits Road

[Begin Agenda Memo]

Synopsis:

The City Commission will consider granting Duke Energy Florida, Inc. a 10-foot easement for the City property located at City Limits Road.

RECOMMENDATION:

Staff recommends that the City Commission take the following actions:

1. Grant Duke Energy Florida, Inc. a 10-foot distribution easement for the City property located at City Limits Road (right-of-way).

BACKGROUND

Duke Energy Florida, Inc. informed the City of Lake Wales that they needed a 10-foot distribution easement along the North 10-foot adjacent to City Limits Road North right-of-way in order to replace the overhead electrical facilities.

FISCAL IMPACT

None

OTHER OPTIONS

None

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. Ordinance 2018-01 – 2nd Reading And Public Hearing Amendments To Zoning, Land Use And Development Regulations

[Begin Agenda Memo]

SYNOPSIS

In 2017, the State Legislature passed the Advanced Wireless Infrastructure Deployment Act substantially amending F.S. 337.401. This ordinance facilitates those amendments by creating requirements for communications facilities to be placed in public rights-of-way.

RECOMMENDATION

Staff recommends the adoption of Ordinance 2018-01 on second reading and public hearing. Public notice requirements have been met.

BACKGROUND

In 2017, the State Legislature passed the Advanced Wireless Infrastructure Deployment Act substantially amending F.S. 337.401. This ordinance facilitates those amendments by creating requirements for communications facilities to be placed in public rights-of-way.

The ordinance creates a new section dedicated to the regulation of the wireless facilities as a conditional use. The regulation includes registration, permitting, administrative variances, inspections, annual fee for each wireless facility.

FISCAL IMPACT

A fee of at least \$150.00 per facility is being proposed, this is the maximum currently allowable by Florida Statute. The city may also charge the applicable building permit fees that may be associated with the installation of a facility.

OTHER OPTIONS

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2018-01** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CREATING SECTION 23-355 FOR THE PURPOSE OF ESTABLISHING REQUIREMENTS FOR COMMUNICATIONS FACILITIES IN CITY RIGHTS-OF-WAY; PROVIDING FOR PERMITTING, REGISTRATION, ADMINISTRATIVE VARIANCES, INSPECTIONS, ABANDONMENT AND MOVING, ALTERING OR

RELOCATING EQUIPMENT AND FACILITIES; RENUMBERING SEC 23-356 YARD SALES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangley, Planning Director, reviewed this item and said the change requested by the Commission last time is included.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commission Howell made a motion to approve **ORDINANCE 2018-01** after second reading and public hearing. Commissioner Curtis Gibson seconded the motion.

Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5 -0.

10. NEW BUSINESS

10.I. Ordinance 2018-03, FY17'18 Budget Amendment #1, 1st Reading

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approval of the second amendment of FY 17'18 Budget that was adopted on September 19, 2017.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2018-03 after first reading.

BACKGROUND

Ordinance 2017-16 estimating revenues and appropriating funds for Fiscal Year 2017'18 was adopted by the City Commission September 19, 2017.

We are presenting Ordinance 2018-03 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

OTHER OPTIONS

This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2018-03

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2018-03** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2017-16 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2017-2018 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Kenneth Fields, City Manager, reviewed this item. He said that this amendment includes increase in debt service payments from CRA which is a result of federal tax law changes. The debt costs will increase \$86,000 from the CRA. Other loans will have to be adjusted as well.

Deputy Mayor Robin Gibson asked if these loans are tax-free before and after the tax legislation. There is an impact and wanted to know what the change of interest rates are. Mr. Fields says they raise their rates to make up for loss from other debts a hidden consequence of the recent tax legislation. On second reading he will have the information on before and after interest rates. Mayor Fultz said that we are now members of the National League of Cities who will advocate for us at the Federal Level.

Commissioner Howell made a motion to approve **ORDINANCE 2018-03** after first reading. Commissioner Stewart seconded the motion.

Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5 -0.

10.II. Resolution 2018-09 Transfer Of Property From The City To The Lake Wales Community Redevelopment Agency

[Begin Agenda Memo]

SYNOPSIS

Resolution 2018-09 proposes to transfer six (6) properties from the City to the Lake Wales Redevelopment Agency to facilitate redevelopment of blighted properties.

RECOMMENDATION

Staff recommends the approval of approval of Resolution 2018-09

BACKGROUND

The six subject properties have potential for redevelopment. The City has the ability to transfer property to another governmental agency. Commission has expressed a desire to facilitate the redevelopment of blighted properties. The Lake Wales Community Redevelopment Agency is better able to facilitate redevelopment of blighted properties.

FISCAL IMPACT

There is no immediate impact as the properties will remain tax exempt. However, they may return to the tax rolls through redevelopment.

OTHER OPTIONS

Decline to transfer the property.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2018-09** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE CONVEYANCE OF SIX PARCELS OF REAL PROPERTY OWNED BY THE CITY AND LEGALLY DESCRIBED IN ATTACHMENTT "A" APPENDED HERETO TO THE LAKE WALES COMMUNITY REDEVELOPMENT AGENCY

Kathy Bangle, Planning Director, reviewed this item. Mr. Fields explained that the CRA has more flexibility to address these properties than the City. Deputy Mayor Robin Gibson said this puts these properties in the right place to be redeveloped. Commissioner Stewart asked if we have ideas or goals for some of these properties. Ms. Bangle said the Hardman Complex could be sold and proposals will accepted for reuse of that property. There will be public process for this. For some properties they could be donated to Habitat for Humanity for new houses. Mr. Fields said we can add a reverter clause to these properties to ensure they are redeveloped as intended. Mayor Fultz said that this is a perfect place for these properties to be.

Commission Howell made a motion to approve **RESOLUTION 2018-09**. Commissioner Stewart seconded the motion.

Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5 -0.

11. CITY MANAGER

Kenneth Fields shared the final city flag design and said we are getting quotes on getting the flags made. Deputy Mayor Robin Gibson said that he hopes the flags will be available to the public for purchase and that he would like to see the flags all over town.

Mr. Fields reported that Eagle Ridge Mall has sold to a proactive firm who can move these properties forward. Deputy Mayor Robin Gibson asked what the price is. Mr. Fields said he didn't know but will get back with them on details as soon as he knows.

Mr. Fields said that the City was invited to attend the NAACP banquet and asked interested Commissioners let the City Clerk know if they'd like to attend.

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Schedule

11.IV. Other Meetings & Events Calendar

12. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said that the tracking report states that the Downtown trail should be done by now. Once the CRA Plan is adopted he hopes we move forward quickly on the streetscape improvements and other elements of the plan.

Commissioner Howell said that the Food Truck event went well last night and the people are enjoying it.

Commissioner Curtis Gibson said that he would like to see the Hardman complex preserved. He asked to be kept informed of different events so he can be out there. He said that he appreciated Karen and her efforts downtown.

Commissioner Stewart said she was glad to see young people in the audience.

13. MAYOR COMMENTS

Mayor Fultz invited the leader of the Pathfinders group to speak. Brian Hanson, Pathfinders, introduced himself and his group of students and described what they do.

Mayor Fultz commended the men's weightlifting team for an excellent season and that he will present a proclamation to them on May 1st.

Jennifer Nanek, City Clerk, reminded the Commission that at the next Commission meeting we will be the swearing in of the new Commissioners and taking a new photo.

14. ADJOURNMENT

The commission meeting was adjourned at 6:48 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk/Deputy City Clerk