

City Commission Meeting Minutes

April 18, 2017

The meeting of the Lake Wales City Commission was held on April 18, 2017 in the Commission Chambers at the Municipal Administration Building.

4/18/2017 - Minutes

1. INVOCATION

Commissioner Thornhill gave the Invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Eugene Fultz called the meeting to order at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

4. ROLL CALL

Commissioners Present: Pete Perez, Robin Gibson, Terrye Howell, Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor.

City Representatives Present: Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, Assistant to the City Manager

5. SETTLEMENT AND STRATEGY SESSION - The City Commission Will Recess For A Settlement And Strategy Session

5.I. Settlement And Strategy Session Concerning The City's Eminent Domain Actions For State Road 60 Utility Expansion

The Commission meeting recessed for a Shade meeting not open to the public.

Those in attendance will be:

Mayor Eugene Fultz

Commissioner Jonathan Thornhill

Commissioner Terrye Y. Howell

Commissioner Pete Perez

Commissioner Robin Gibson

City Manager Kenneth Fields

City Attorney Albert C. Galloway, Jr.

Thomas Drage, Jr., Special Counsel

6. MAYOR

6.I. Proclamation: VOICE And Cadet Appreciation Week; April 23-29, 2017

Mayor Fultz presented the proclamation to the various VOICE members and Cadets present.

6.II. Proclamation: Building Safety Month; May 2017

The Mayor presented the proclamation to the Code Compliance Officers.

6.III. Proclamation: Aviation Appreciation Month In Florida By Governor Rick Scott; April 2017

Mayor Fultz read the proclamation from Governor Rick Scott.

7. PRESENTATION/REPORT

7.I. Presentation Of Comprehensive Annual Financial Report 9/30/2016

(Begin Agenda Memo)

SYNOPSIS:

STAFF RECOMMENDATION

Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2016 and independent auditors' report as presented.

BACKGROUND

In the independent auditors' report for the fiscal year ending September 30, 2016, the auditors (Cherry Bakert LLP, CPAs & Advisors) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2016, and the respective changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City utilized the professional services of Mike Brynjulfson, CPA for compilation of the annual audit. Mr. Brynjulfson will be attending the April 18th presentation of the annual report and be available to answer any questions relating to technical reporting requirements. This is the eight year that the City has prepared a comprehensive annual financial report (CAFR).

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources of the city exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year \$47,374,294 (net position). As of September 30, 2016, the City reports an unrestricted net position deficit of \$547,415 as compared to a deficit of \$1,499,502 in the prior year.
- The City's total net position increased by \$2,682,142 because of operations. The results of operations of the governmental activities and business-type activities increase their respective beginning restate net position by 6%.
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$5,614,411; an increase of \$1,061,185 for the year. Approximately 52% is available for spending at the government's discretion (unassigned).

(End Agenda Memo)

Dorothy Ecklund, Finance Director, presented the annual financial report. She introduced Ron Conrad, Cherry Bakert LLP, CPAs & Advisors. She said that our assets are up, the capital assets are up, your fund balances or retained earnings have increased. Mr. Conrad reviewed the financial report and the different sections. There is a positive trend throughout. There is no material weaknesses or deficiencies. Every thing was in compliance, it was a clean report. It has been submitted to the Government Finance Officers Award Association for recognition.

Commissioner Gibson asked if there is anything the Commission should know. Mr. Conrad said there was nothing significant to report. There are many improvements over the past several years. The City is on the right track. Commissioner Gibson asked if this included the CRA. Mr. Conrad confirmed that the CRA was part of the audit. Mr. Gibson asked if it included the sale of Longleaf lots. Kenneth Fields said the sale closed in November so that will be part of next year's audit.

Commissioner Howell made a motion to accept the financial report. Deputy Mayor Thornhill seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Thornhill "YES"

Commissioner Perez "YES"

Commissioner Gibson "YES"

Mayor Fultz "YES"

The motion carried 5 -0.

8. COMMUNICATIONS AND PETITIONS

Sue Smith, resident, brought up her concerns regarding the City Clerk issue. Mayor Fultz asked Ms. Smith to wait until that issue on the agenda.

Johnny Robertson, non-resident, said that he has property in the City. He explained that he has received a citation. He met with the City Manager who could not explain the issue to him. He said the Code Enforcement stated that the building is one unit but he understood that the store and apartment were separate. He asked for help in understanding this issue. Kathy Bangley,

Planning Director, explained that he received a notice of Violation, not a citation, and he can contest it at the Code Enforcement Board. She can meet with Mr. Robertson and go over the notice and procedure.

9. CONSENT AGENDA

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

Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Thornhill "YES"

Commissioner Perez "YES"

Commissioner Gibson "YES"

Mayor Fultz "YES"

Motion Carried 5-0.

9.I. Approval Of Minutes: April 4th, 6th, & 13th, 2017 Canvassing Board Meeting Minutes

9.II. Disposal Of Surplus Property

(Begin Agenda Memo)

SYNOPSIS

Staff is seeking approval to dispose of surplus property – mowers.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Classify the property as surplus.
2. Authorize staff to dispose of the property.

BACKGROUND

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function or purpose.

The equipment outlined in the attachment no longer serves any useful purpose to City. The items to dispose of include obsolete lawn mowers.

This property may be sold at public auction or to the highest bidder after the solicitation of sealed bids. In some cases the property may be recycled, donated to other non-profit or government entities or traded for fair market exchange of goods or services.

OTHER OPTIONS

Do not authorize the disposal of the listed property.

FISCAL IMPACT

Proceeds from any sales will be deposited into the general fund.

(end Agenda Memo)

9.III. Polk County Tourism And Development Council Grant

(Begin Agenda Memo)

SYNOPSIS

A grant application to the Polk County Tourism and Development Council Grant for \$3,500

STAFF RECOMMENDATION:

Staff recommends that the City Commission approve a grant application to the Polk County Tourism and Development Council for money that will be allocated to the 2018 Exhibit and Presentation Series. The series will feature scholars in their field talking about the history and heritage of Florida as well as exhibits that focus on the history and culture of the Lake Wales.

BACKGROUND:

The Arts and Cultural Committee (ACC) of the Tourist Development Council, is designated by the Polk County Board of County Commissioners as the official committee that oversees Arts and Cultural related marketing initiatives and makes recommendations to the TDC regarding funding for arts and culture special events and marketing initiatives. If our application is accepted, the grant money will be used to develop an exhibit and presentation series to be held at the Lake Wales Museum in 2018.

The grant requires at minimum a 1:1 match. The Museum will cover the cost of the match from monies allocated towards programming in its 2018-19 budget.

OTHER OPTIONS:

Do not apply for this grant

FISCAL IMPACT:

See attached statement.

(End Agenda Memo)

9.IV. Modification And Ratification Of Airport Ground Lease

(Begin Agenda Memo)

Synopsis

The City Commission will consider modifying the lease agreement with Phoenix Air, Inc./Betty Hill for ground space at the Lake Wales Municipal Airport.

Recommendation:

Staff recommends that the City Commission approve the following action:

- 1. Authorize the mayor to execute the Modification and Ratification of the ground lease between the City of Lake Wales and Phoenix Air, Inc/Betty Hill.

Background:

The City and the tenant's predecessor, Lake Wales Aviation, Inc. entered into a lease dated May 16, 2016 and the lease was assigned to , Phoenix Air, Inc., by an Assignment and Assumption of Lease dated February 20, 2017. The tenant desires to include additional area in the lease to provide parking for an aircraft.

Fiscal Impact:

All other terms of the tenant's lease agreement remain the same.

Other Options:

The Commission may choose not to authorize the modification of the lease agreement at this time.

(End Agenda Memo)

9.V. SR 60 Duke Energy Encroachment

(Begin Agenda Memo)

SYNOPSIS

To facilitate the expansion of the city's utilities to the west, easements had to be acquired. Duke Energy has an existing easement on Parcel No. 1936 that the city would need to install utility lines in to continue the expansion of utilities to the western boundary.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the signing of the SR 60 Duke Energy Encroachment Agreement.

BACKGROUND

In order for the City to expand its utilities to the City's western boundaries, water and sewer mains have to be installed. Typically these mains would have been placed in the Department of Transportation's right of way. In this case the right of way is already crowded with electrical and gas mains. Staff then took the option to purchase easements to facilitate the expansion of these mains to the cities western boundaries. One such easement involved approaching Duke Energy to acquire an encroachment easement on Parcel No. 1936. The City's Special Council provided all the requested information to Duke Energy and negotiated with Duke Energy to allow the installation of these much needed water and sewer mains on Duke Energy's easement on Parcel No. 1936.

Staff recommends the commission take the following action of approving the signing of the Duke Energy encroachment agreement for Parcel No 1936 for the installation of water and sewer mains associated with the SR 60 Western Utilities Expansion project.

OTHER OPTIONS

The Commission could chose not to approve the signing of the encroachment agreement and possibly delay the continuation of the installation of the water and sewer mains.

FISCAL IMPACT

There is no fiscal impact associated with the approval of this agreement.

(End Agenda Memo)

10. OLD BUSINESS

- 10.I. Ordinance 2017-05 – 2nd Reading And Public Hearing Zoning And Land Use Regulations For Medical Marijuana Dispensaries

(Begin Agenda Memo)

SYNOPSIS

Ordinance 2017-05 proposes Medical Marijuana Dispensaries as a conditional use in the PF – Professional and C-3 Highway Commercial zoning districts.

RECOMMENDATION

Staff recommends adoption of Ordinance 2017-05 after second reading and public hearing. Notice requirements have been met.

The Planning and Zoning Board held a public hearing on February 28, 2017 and recommended approval of Ordinance 2017-05.

BACKGROUND

At its regular meeting of March 21, 2017 the City Commission considered ordinance 2017-05 after first reading. During discussion and subsequently included in their motion was the reduction of the distance for proximity to a hospital or urgent care facility from three thousand (3,000) feet to two thousand (2,000) feet. This change is reflected in the ordinance for second reading.

Wording was also added to proposed Sec. 23-356(c) as follows: State requirement as may be amended from time to time.

In 2014 the Legislature authorized low-THC marijuana for medical use. The City was approached by GrowHealthy (who was pursuing one of the licenses offered by the State) about locating their operation here. They subsequently bought an abandoned factory (Sealy) building located in the I-1 Industrial zoning district. They began

improvements to the building while the licensing application process was underway. GrowHealthy was finally granted a license by the State in late 2016. Renovation to the facility is back on the fast track to meet State required timelines. This facility will provide 40-60 well paying jobs when fully operational.

In November of 2016 the voters of Florida approved Amendment 2 which expanded the medical conditions that qualify for using medical marijuana and also approved other strength levels. Currently there are seven (7) license holders in the State. These licenses cover cultivation, processing and dispensing. All medical marijuana activity in the State is directly linked to one of these license holders.

The proposed ordinance sets dispensaries up as a conditional use such as alcohol sales or a day care center. As with other types of businesses licensed by the State, no entity will be approved for location in Lake Wales without proof State licensure has been obtained.

At their regular meeting of February 28th, the Planning Board discussed the proposed criteria for the conditional use provision. They recommended increasing the proximity to a hospital or urgent care facility from one thousand five hundred (1,500) feet to three thousand (3,000) feet. The distance from schools was discussed with staff explaining that they were proposing the same rules as those which pertain to alcohol sales in State and local code.

OTHER OPTIONS

Commission could modify the conditional use criteria.

(End Agenda Memo)

Jennifer Nanek, Acting City Clerk, read **ORDINANCE 2017-05** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 23 ZONING, LAND USE AND DEVELOPMENT REGULATION; AMENDING ARTICLE III GENERAL DEVELOPMENT REGULATIONS, DIVISION 2 CONDITIONAL USE REGULATIONS BY ADDING SECTION 23-356 MEDICAL MARIJUANA DISPENSARIES AND TREATMENT CENTERS; AMENDING ARTICLE IV DISTRICT REGULATIONS, DIVISION 2 STANDARD ZONING DISTRICT REGULATIONS, SECTION 23-421 PERMITTED AND SPECIAL EXCEPTION USES ALLOWED IN ZONING DISTRICTS; AMENDING ARTICLE VIII DEFINITIONS, SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:

Kathy Bangle, Planning Director, reviewed this agenda item and noted the recommended change. She reported that according to the Compassionate Use Department and we now have 9,051 patients registered and 726 physicians in the State of Florida.

OPENED PUBLIC COMMENT

No comments

CLOSED PUBLIC COMMENT

Commissioner Howell made a motion to adopt **ORDINANCE 2017-05** on 2nd Reading and Public Hearing. Deputy Mayor Thornhill seconded the motion.

Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Thornhill "YES"

Commissioner Gibson "YES"

Commissioner Perez "YES"

Mayor Fultz "YES"

The motion passed 5 -0.

City Limits Road

(Begin Agenda Memo)

SYNOPSIS

The request for re-zone is being made by the owner, Ag Investments of Polk County to rezone approximately 9.13 acres located at the southeast corner of Old Scenic Highway and City Limits Road from R-1B single family residential to R-1D single family residential zoning designation.

RECOMMENDATION

Staff recommends adoption of Ordinance 2017-06 after 2nd Reading and Public Hearing. City Commission approved Ordinance 2017-06 after first reading at their regular meeting of March 21, 2017.

The Planning and Zoning Board held a public hearing on February 28, 2017 and voted unanimously to recommend a change in zoning designation on the subject property from City of Lake Wales designation R-1B single family residential to R-1D single family residential. A public hearing is required. Notice requirements have been met.

BACKGROUND

The Future Land Use Map (FLUM) of the Comprehensive Plan provides a general guide for designation of zoning districts. Generally, the zoning should be a classification compatible with the FLUM classification. In this case, the FLUM classification of MDR-Medium Density Residential does not correspond with the proposed R-1D zoning. (See Table 23-405 "Correspondence of Zoning Districts to Comprehensive Plan Land Uses.") However, development under the R-1D zoning designation would be in keeping with the neighborhood that is immediately adjacent to the property.

Surrounding zoning designations:

North: County – A/RR – Agriculture/Rural-Residential

South: City – R-1D Residential

East: City – R-1B Residential

West: City – I-1 Industrial

(End of Agenda Memo)

Jennifer Nanek, Acting City Clerk, read **ORDINANCE 2017-06** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP ESTABLISHED UNDER THE LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, TO CHANGE THE ZONING DESIGNATION OF 9.13 ACRES LOCATED SOUTHEAST CORNER OF OLD SCENIC HIGHWAY AND CITY LIMITS ROAD NORTH FROM R-1B SINGLE-FAMILY RESIDENTIAL TO R-1D SINGLE-FAMILY RESIDENTIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangley, Planning Director, reviewed this item.

OPENED FOR PUBLIC COMMENT

No Comments

CLOSED FOR PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to adopt **ORDINANCE 2017-06** on 2nd Reading and Public Hearing. Commissioner Thornhill seconded the motion.

Roll Call Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"

Commissioner Gibson "YES"

Commissioner Perez "YES"

Mayor Fultz "YES"

The motion passed 5 -0.

10.III. Ordinance 2017-08 Annexation – 2nd Reading And Public Hearing 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 adoption on second reading and public hearing 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.

Public notice requirements have been met.

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)

Jennifer Nanek, Acting City Clerk, read **ORDINANCE 2017-08** by title only.

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, Planning Director, reviewed this item.

OPENED FOR PUBLIC COMMENT

No Comments

CLOSED FOR PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to adopt **ORDINANCE 2017-08** on 2nd Reading and Public Hearing. Commissioner Howell seconded the motion.

Roll Call Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"

Commissioner Gibson "YES"

Commissioner Perez "YES"

Mayor Fultz "YES"

The motion passed 5 -0.

10.IV. Ordinance 2017-07, Amending Ordinance 2001-08 Personnel Administration Policies – 2nd Reading & Public Hearing

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 second reading and public hearing.

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)

Jennifer Nanek, Acting City Clerk, read **ORDINANCE 2017-07** by title only.

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

OPENED FOR PUBLIC COMMENT

No Comments

CLOSED FOR PUBLIC COMMENT

Commissioner Howell made a motion to adopt **ORDINANCE 2017-07** on 2nd Reading and Public Hearing. Deputy Mayor Thornhill seconded the motion.

Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Thornhill "YES"

Commissioner Gibson "YES"

Commissioner Perez "YES"

Mayor Fultz "YES"

The motion passed 5 -0.

11. NEW BUSINESS

11.I. Resolution 2017-08, Supplemental Joint Participation Agreement-G0658

(Begin Agenda Memo)

SYNOPSIS

The adoption of Resolution 2017-08 authorizes the execution of an agreement with the Florida Department of Transportation (FDOT) to amend the funding for JPA-G0658 to perform environmental assessment, mitigation, permitting, design updates and related activities necessary to bid the Runway 6/24 rehabilitation and extension project at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

1. Adopt Resolution 2017-08 authorizing the execution of Supplemental Joint Participation Agreement G0658 by the Mayor with the Florida Department of Transportation (FDOT) in the amount of \$121,160.00.

BACKGROUND

In 2015, the City Commission adopted Resolution 2015-20, which provided funding of \$388,000.00 from FDOT to update the environmental assessment, mitigation, permitting, design update, and related activities necessary to bid the runway 6/24 rehabilitation and extension project.

The cost of the mitigation credits required for the project could not be determined at the time of the grant application, therefore the cost was included as an estimate. Resolution 2017-08 will provide funding of \$121,160.00 to cover the project cost overage to complete the project.

FISCAL IMPACT

Original Funding was as follows: As Amended: Net Change:
City: \$ 97,000.00 (20%) City: \$127,290.00 (20%) \$ 30,290.00
State: \$ 388,000.00 (80%) FDOT:\$509,160.00 (80%) \$121,160.00
Project total: \$485,000.00 Project total: \$636,450.00 \$151,450.00

OPTIONS

Adopting Resolution 2017-08 provides funding to complete Joint Participation Agreement contract G0658.

(End Agenda Memo)

Jennifer Nanek, Acting City Clerk, read **RESOLUTION 2017-08** by title only

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA), TO AMEND FUNDING FOR JOINT PARTICIPATION AGREEMENT (JPA) ITEM-SEGMENT-PHASE SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 438920-1-94-01 (ENVIRONMENTAL ASSESSMENT, MITIGATION, PERMITTING, DESIGN UPDATES AND RELATED ACTIVITIES NECESSARY TO BID THE RUNWAY 6/24 REHABILITATION AND EXTENSION PROJECT) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

Teresa Allen, Assistant Director of Public Services, reviewed the item.

Commissioner Gibson asked what the purpose of the mitigation credits are. Ms. Allen explained the process and that we have to purchase mitigation credits almost anytime wetland areas are disturbed.

Deputy Mayor Thornhill made a motion to adopt **RESOLUTION 2017-08** on 2nd Reading and Public Hearing. Commissioner Howell seconded the motion.

Roll Call Vote:

Deputy Mayor Thornhill "YES"

Commissioner Howell "YES"

Commissioner Gibson "YES"

Commissioner Perez "YES"

Mayor Fultz "YES"

The motion passed 5 -0.

11.II. Resolution 2017-09 – Annexation Agreement Between Atlantic Funding Ltd., LLC And The City.

(Begin Agenda Memo)

SYNOPSIS

Resolution 2017-09 authorizes the Mayor to execute a binding annexation agreement between Atlantic Funding Ltd., LLC and the City for property not currently contiguous to the city limits.

RECOMMENDATION

Staff recommends adoption of Resolution 2017-09 and subsequent execution of the annexation agreement.

BACKGROUND

Atlantic Funding Ltd., LLC owns approximately 274 acres of property on the East side of US Highway 27 just South of CR 640. They are proposing a mixed use development to include commercial along the US Highway frontage transitioning to multi-family and then single family residential. The property is currently in the County. The County is unable to supply wastewater service to the property. Park Water will supply potable water to phase 1 but will be unable to supply fire flow and possibly potable to any subsequent phases. Phase 1 is a convenience store with gas.

Atlantic Funding is asking for the City to allow them to connect to existing wastewater line for phase 1. They will provide improvement at their cost to the existing lift station to accommodate their development. The agreement covers all of the property proposed for development in the future. The existing line is the one that provides service to Oakley.

Recordation in the Official Record Book of Polk County will insure that once the property is contiguous annexation can be enacted without further permission from the property owner(s).

(End Agenda Memo)

Jennifer Nanek, Acting City Clerk, read **RESOLUTION 2017-09** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA), TO AMEND FUNDING FOR JOINT PARTICIPATION AGREEMENT (JPA) ITEM-SEGMENT-PHASE SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 438920-1-94-01 (ENVIRONMENTAL ASSESSMENT, MITIGATION, PERMITTING, DESIGN UPDATES AND RELATED ACTIVITIES NECESSARY TO BID THE RUNWAY 6/24 REHABILITATION AND EXTENSION PROJECT) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

Kathy Bangley, Director of Planning, reviewed this item. The Mayor asked for clarification that the property is not contiguous to the City right now but this happens when it becomes contiguous. Ms. Bangley confirmed this explaining when the property becomes contiguous it will automatically be annexed in all 274 acres.

Mr. Fields commented that this shows the power of having utilities available as it will help our City to grow.

Commissioner Gibson made a motion to adopt **RESOLUTION 2017-09** on 2nd Reading and Public Hearing. 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.III. Appointment - Charter School Board Of Trustees

11.IV. Status Update On Building Inspection

(Begin Agenda Memo)

Synopsis

An update for City Commission on how Staff is handling the provision of Building Division Services.

Recommendation:

No action required at this time.

Background:

Previous building official quit without notice on March 20, 2017. Subsequent to that action the two part-time inspectors employed by the City tendered their resignations as of March 23, 2017. Under the provision of Sec. 2-447 – Emergency Conditions the Planning Director at the direction of the City manager pursued contract services to keep the building division moving forward. Staff has struck a deal with Universal Engineering Sciences for building official, building inspection and plans examination services through June 2017. Initially inspection services were for twice a week. However, our work load requires more time and as of Monday, April 17 we will have those services Monday through Thursday.

We have negotiated a fee of \$85 per hour at 32 hours a week not to exceed \$36,000 through June. Since this has been such a fluid situation staff wanted to provide an update and will be back with formal documentation at the next meeting.

We are currently advertising for a full-time building official. We have conducted two phones interviews and one face-to-face. We are scheduling to have second interviews with two of the candidates.

We are also going to hire an additional plan's examiner. A gentleman who retired from Winter Haven a couple of years ago reached out to us after seeing the news article. He is looking to do some part-time work and is qualified to do all types of plan's examination.

If we find ourselves in a position to need contractual services past June we will come back before Commission.

(End Agenda Memo)

Kathy Bangley, Planning Director, reviewed this item.

Mayor Fultz asked if we were falling behind. Ms. Bangley said that they can't be as timely as before but we are not falling behind. We are being transparent with contractors as to what the current status is.

12. CRA MEETING - The City Commission Will Recess And Conduct A CRA Meeting.

The Commission recessed to conduct a CRA meeting. The CRA Meeting was called to order by Chair Jonathan Thornhill at approximately 7:13 p.m.

12.I. Approval Of Contract With S&ME For The Update Of The Community Redevelopment Plan

(Begin Agenda Memo)

SYNOPSIS

A contract with S&ME of Orlando, Florida for \$56,298.00 is recommended to update the city's Community Redevelopment Plan. The last plan was written in 1999 with revisions in 2002, 2003, 2006 and 2007.

RECOMMENDATION

Staff recommends that S&ME be awarded a contract for \$56,298.00 to update the city's Community Redevelopment Plan.

BACKGROUND

The 1999 CRA Plan identified several redevelopment Goals and Objectives that were sorted into the following groups: Infrastructure, Economic Development, Facilities, Parks and Recreation. All of this will be reviewed to determine what level of attainment was achieved and its impact on the community.

Staff sought Requests for Qualification (RFQ) from qualified firms with CRA plan experience. We received five respondents to our request. There was a three person evaluation and ranking committee. S&ME was the first choice of all committee members with a score of 291 out of 300.

(End Agenda Memo)

Kathy Bangley, Planning Director, reviewed this item.

OPENED FOR PUBLIC COMMENT

No Comments

CLOSED FOR PUBLIC COMMENT

Mr. Fields explained that this is a six month process with a heavy public participation component. A focus of the plan is downtown but the plan will include all of the CRA.

Commissioner Gibson made a motion to approve the contract. Mayor Fultz seconded the motion.

Voice Vote:

Commissioner Gibson "YES"

Mayor Fultz "YES"

Commissioner Howell "YES"

Commissioner Perez "YES"

Chair Thornhill "YES"

The motion passed 5 -0.

The CRA meeting was adjourned and the Commission meeting reconvened at 7:16 p.m.

13. CITY CLERK MATTER

Mr. Fields reported on the agreement that was reached on April 18 where the City Clerk resigned her position and signed a release. This was reached after numerous discussions between the City and Ms. VanBlargan. She will receive all that she is due under the personnel policy. She will also receive a lump sum payment of \$23,624. She will release the City of all claims against us. We will provide a letter of reference. Mayor Fultz explained that as part of the agreement they cannot discuss the incident that led to this.

OPENED FOR PUBLIC COMMENTS

Sue Smith, resident, said that comments made at the last meeting against Clara VanBlargan were inappropriate. She said that the City Manager should not take the word of Ed Bowlin over Ms. VanBlargan. She suggested that this is a personality conflict. She suggested that this is be tabled and the matter more fully investigated so that Ms. VanBlargan not lose her position over hearsay.

Charlene Bennett, resident, said she is not sure what all is going on. She said that \$23,000 is a pittance and recommended that it be increased given her years of service.

Clara VanBlargan, resident, said the agreement allows her to rescind the agreement within 7 days and she would like to do that. She distributed a statement to that effect.

Mr. Fields withdrew the item from consideration.

CLOSED FOR PUBLIC COMMENTS

Commissioner Gibson said that the public needs to understand what the issues are. Everyone should have the facts. The City Clerk is hired and fired by the City Commission but is under the supervision of the City Manager. Politics should be kept out of the Administration of the City. He suggested an independent investigation to get the facts. He does not like suspicion or rumors.

Mayor Fultz suggested that other people need to be here for this discussed publicly. Mr. Fields said that we will set a special meeting with the labor attorney present to discuss the issue further.

Commissioner Perez asked where we stand currently. Mr. Fields explained that Ms. VanBlargan is currently suspended with pay which he has legal authority to do. In the interim he asked the City Commission to appoint Deputy City Clerk Jennifer Nanek as Interim City Clerk and Zaillet Suri as Deputy City Clerk.

Commissioner Gibson made a motion to appoint Deputy City Clerk Jennifer Nanek as Interim City Clerk and Zaillet Suri as Deputy City Clerk. Commissioner Perez seconded the motion.

Voice Vote:

Commissioner Gibson "YES"

Commissioner Perez "YES"

Commissioner Howell "YES"

Deputy Mayor Thornhill "YES"

Mayor Fultz "YES"

The motion passed 5 -0.

14. CITY MANAGER

Mr. Fields reported that after a recent theft at the soccer park, a woman sent the City a check to help the soccer club cover their losses. This woman, Elizabeth Bogdan, is not a resident and should be publicly recognized and thanked.

14.I. Tracking Report

14.II. Social Media Tracking Report

14.III. City Commission Meeting Calendar

15. CITY COMMISSION COMMENTS

Commissioner Gibson said he was going to bring up something related to the resolutions related to the fire fee but will defer it to the next meeting. He also brought up a need for a contract between Main Street and the City regarding the staff person. Mr. Fields confirmed that we do need that, and they are working on it. When its ready he will send a copy to the Commissioners.

16. MAYOR COMMENTS

17. ADJOURNMENT

The meeting was adjourned at 7:35 p.m..

Mayor/Deputy Mayor

ATTEST:

Interim City Clerk Jennifer Nanek