

CITY COMMISSION MEETING MINUTES

MAY 2, 2017

(DRAFT)

5/2/2017 - Minutes

1. INVOCATION

Dr. Jim Moyer 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, City Attorney; Jennifer Nanek, Assistant to the City Manager

5. PROCLAMATIONS AND AWARDS

6. PRESENTATION/REPORT

7. CITY CLERK

7.I. Plaque Award - Pete Perez, Jonathan Thornhill

Plaques of Appreciation were presented to outgoing Commissioners Pete Perez and Jonathan Thornhill.

Commissioner Perez commented that he was glad of his time on the commission. He advised the new commission members to beware of violating the Sunshine Law. He thanked everyone for their support.

Deputy Mayor Thornhill said there were up and downs over the 8 years. He tried to do his best for the City. He got a lot of things done but not as much as he wanted. He said that many projects are ongoing that he hoped to see finished. The city is moving in the right direction. He thanked the other Commission members for working with him and staff for their work. He hopes people know he did his best for the city.

7.II. OATH OF OFFICE: Curtis Gibson

Jennifer Nanek, Interim City Clerk, administered the oath of office to Commissioner Curtis Gibson.

7.III. OATH OF OFFICE: Flora "Tonya" Stewart

Jennifer Nanek, Interim City Clerk, administered the oath of office to Commissioner Flora "Tonya" Stewart.

7.IV. OATH OF OFFICE: Eugene L. Fultz

Jennifer Nanek, Interim City Clerk, administered the oath of office to Mayor Eugene Fultz.

7.V. Group Picture

8. Roll Call

COMMISSIONERS PRESENT: Flora "Tonya" Stewart, Robin Gibson, Terrye Howell, Curtis Gibson, Eugene Fultz, Mayor.

9. COMMUNICATIONS AND PETITIONS

Greg Massey, both resident and non-resident, asked the commission to revisit the beer and wine ordinance that the City has. He says a lot has changed in the North west section. There is no legal establishment for people to hang out. He is working with the Police Department, Code Enforcement, and has spoken with the City Manager. He understands that there should be rules to prevent loitering or selling of drugs but not everyone who hangs out does that. He would like the commission to revisit this so

that there can be a bar on Lincoln Avenue. Mr. Fields said that they have begun looking at some of the issues he has raised and see what can be changed to accommodate new businesses without intruding on residential areas. They will look at the whole area and see what can be fixed. Mayor Fultz said he has been down in that area and sees the need for a safe place to go and hang out.

Ronald Cain, resident, said he is an Eagle Scout and suggested that the City needs a city Flag. He distributed a possible design with green and orange stripes with Bok Tower on it. The Mayor said that this is a good idea and asked the City Manager to review this idea. Mr. Fields said they can look into it and develop a process for public input and ideas. The Mayor thanked Mr. Cain for his idea.

Sam Pennant, Mayor of Dundee, introduced other representatives from the Town of Dundee. Mr. Pennant commended Mr. Thornhill for his service to the Commission and the Ridge League of Cities saying that he will be missed. He congratulated the new commission members and that they look forward to working together on many areas of common interest. They wish the best for Lake Wales.

Angeline Hawkins, resident, requested sidewalks on Chalet Suzanne Road as many walk along that street to Publix and the bus stops. Kenneth Fields, City Manager, explained that is a county road and that he agrees with the need for sidewalks and the City has applied to the county for sidewalks but he was told that it is low on the priority list. They are working with Duke Energy to get lights along that road. If all efforts fail the City can take back the road and install sidewalks.

Commissioner Curtis Gibson read a statement thanking his supporters and family for help in his campaign. He said that he will be a positive, respectful Commissioner. He will represent the whole community not just one section. He will do what he believes is right. He wants to encourage economic development, historic preservation, and increased community participation. His top priority is recreation to enhance our quality of life. He would like to see more open government and transparency. An advisory commission was recommended for this.

Commissioner Stewart thanked the residents for their vote of confidence. She introduced her family and supporters. She said that this city has her heart. She looks forward to working with the staff and residents to move forward.

Mayor Fultz thanked the new commissioners for their willingness to serve and encouraged them to stick with it even during controversy.

10. CONSENT AGENDA

The Mayor asked that 10.1 be pulled from the agenda.

Commissioner Howell asked about the time of the Farm Share program. The application says they will close the roads at 6am but the event flyers say it starts at 10am. Jennifer Nanek, Assistant to the City Manager, explained that the extra time was for set up of tables and booths. Mayor Fultz explained the FarmShare event sponsored by State Representative Mike LaRosa to distribute free produce to residents

Commissioner Howell made a motion to approve the Consent agenda except items 10. 1 and 10.2. Commissioner Curtis Gibson seconded the motion.

Voice Vote

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Commissioner Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.1. Purchase Authorization – MUSCO Lighting

(Begin Agenda Memo)

SYNOPSIS

The City Commission will consider authorizing staff to expend funds for the installation of additional field lights at the Soccer Complex.

RECOMMENDATION

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

1. Authorize staff to expend funds in the amount of \$119,500 for the installation of additional field lights.
2. Authorize staff to piggyback MUSCO Lighting's pricing with the Clay County Board of County Commissioners (RFP #13/14-8).
3. Authorize a budget amendment in the amount of \$44,500.

BACKGROUND

Staff is requesting Commission approval to purchase and install additional field lights at the soccer complex located on Hunt Brothers Rd. Currently, only 37.5% of the complex is estimated to be illuminated, which poses a tremendous challenge for users of the complex, particularly during the Fall and Winter seasons when daylight is reduced and most soccer seasons begin. In addition to the Lake Wales Soccer Club, which has grown to over 600 players annually, the following entities also regularly use the complex:

- The Lake Wales High School boys and girls soccer teams (Varsity and JV) use the complex for practices.
- The Bok Academy boys and girls soccer teams (Varsity and JV) use the complex for practices and home games.
- An adult Ultimate Frisbee group uses the complex for pickup games.
- An adult soccer group uses the complex for pickup games.

The majority of the complex is unusable during evening hours and scheduling among the various groups for the lighted portions of the complex is extremely difficult. Additionally, the fields that are currently lit are overused, accelerating the decline of the Bermuda grass and increasing the maintenance costs of those fields.

Staff recommends a phased, multi-year approach, for installing the remainder of the field lights at the complex. If this next phase is approved by the City Commission, approximately 62.5% of the complex will be illuminated.

The attached Exhibit A outlines both the existing and proposed lighted areas at the soccer complex. The cost for this next phase of the light installation is \$119,500, as provided by MUSCO Lighting. The City Commission approved \$75,000 in the FY16/17 CIP budget for expanding the field lights at the soccer complex, leaving a deficit of \$44,500.

The Lake Wales Soccer Club, Lake Wales High School, Bok Academy and various citizens have donated funds toward this deficit and have raised \$25,000 for the installation of additional field lights, reducing the deficit to \$19,500 (LWSC \$10,000, LWHS \$5,000, Bok Academy \$5,000, Other donations \$5,000). Staff is requesting the Commission to approve a budget amendment in the amount of \$44,500 for the installation of the additional field lights, with \$25,000 coming from the community donations and \$19,500 coming from available Parks Impact Fees.

MUSCO Lighting manufactured and installed the current field lights of the soccer complex. The proposal submitted by MUSCO Lighting is based on an awarded bid by the Clay County Board of County Commissioners (RFP #13/14-8) and staff is requesting approval to piggyback the pricing in the RFP. Section 2-404 of the City Code exempts the City from the competitive seal bid requirement outlined in our Purchasing Ordinance when piggybacking another public entity's previously competitively bid contract.

Should the Commission choose not to approve the staff recommendation, another option would be to install a reduced number of lights for \$77,500, which would light only an additional 12.5% of the complex. If the Commission chooses to move forward with this option, staff requests a budget amendment of \$2,500 to cover the difference.

Staff has pursued multiple grant opportunities for additional field lights, but has been unsuccessful in obtaining any grant funding thus far.

OTHER OPTIONS

- 1) The Commission may elect to install a reduced number of field lights for \$77,500.
- 2) The Commission may choose to defer the installation of additional field lights.

FISCAL IMPACT

The project cost \$119,500, with \$94,500 of the funding coming from Parks Impact Fees and \$25,000 coming from community donations.

(end agenda memo)

Mayor Fultz asked for clarification on where the money is coming from. James Slaton, Public/Support Services Director, said that a member of the Lake Wales Soccer Club was present to explain. Ron Boyer, non-resident, said that he is with the Lake Wales Soccer Club in place of Robbie Shields. Mr. Boyer reviewed the past efforts behind the development of the

soccer complex, the various users of the park and where some of the funds, in the amount of \$25,000, for the lights are coming from. They hope to get additional contributions from the Board of County Commissions. This would allow more use of the fields and more participation in soccer. Mayor Fultz said some money was also budgeted for the lights. This vote approves an additional \$19,000 for the lights.

Commissioner Robin Gibson made a motion to approve the Purchase Authorization with Musco Lighting. Commissioner Howell seconded the motion.

Voice Vote

Commissioner Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Commissioner Robin Gibson commented that this is a perfect example of what works best in Lake Wales where many who live outside the City benefit from City services and these same residents work to contribute to Lake Wales. He commended Robbie Shields, a non-resident, for his efforts in getting the soccer field built, raising funds and all he does.

- 10.II. Purchase - Clairfier Covers
This agenda item was pulled.

- 10.III. Airport Ground Lease - Phoenix Air, Inc

(Begin Agenda memo)

Synopsis

The City Commission will consider lease agreements 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 a lease agreement between Phoenix Air, Inc. and the city for 4,375 square feet of airport ground space.

Background

Chapter 3-Airport, Section 3-30 of the City of Lake Wales Code of Ordinances allows the city to lease hangars, pasture lands and other airport property to individuals, firms or corporations. Phoenix Air, Inc. is requesting to lease land for a temporary storage building at the rate of .25 (twenty five cents) per square foot per annum (\$1,093.75). The lease shall run for a period of 2 (two) years. The tenant shall be fully responsible for the payment of survey, taxes, license fees, permit fees, improvements, decorations and furnishings, including but not limited to fencing, lighting, roadways and any apron area located inside the premises, automobile parking, drainage, necessary finishes, electrical, telephone, communication conduit and accessories piping, duct work, equipment and fixtures as required by the tenant in the conduct of business.

The tenant will hereby lease the premises subject to and in compliance with, as applicable, all building codes, zoning regulations, and municipal, county, state and federal laws, ordinances and regulations governing or regulating the premises or its uses. All covenants, easements and restrictions of record, governmental permits applicable or affecting the premises now and in the future, such as stormwater and other environmental permits. Airport rules and regulations, city's airport minimum development standard, the minimum standards for commercial aviation operators and the airport security and emergency plans.

Fiscal Impact

The leases will generate \$1,093.75 in annual revenue for the airport.

Other Options:

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

(End Agenda Memo)

10.IV. Special Event Application: Farmshare Event On May 20, 2017

(Begin Agenda Memo)

SYNOPSIS

This is a Special Event Permit Application from the Lake Wales Charter School to host a Farm Share event sponsored by State Representative Mike LaRosa on Saturday May 20 from 6:00 a.m. - 4:00 p.m. The Farm Share event is where produce and other items will be distributed for free.

RECOMMENDATION

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

- Approve the Special Event Permit application for the FarmShare event to take place on Saturday, May 20, 2017 from 6:00 a.m.-4:00 p.m.
- Approve the request to close Central Avenue from First Street to Market Street.

BACKGROUND

State Representative Mike LaRosa in conjunction with the Lake Wales Charter Schools are hosting the 3rd Farm Share event at the Charter Schools office on Central Avenue. This event includes the distribution of free food and other donated items.

The first event was held in October 2014 and was very popular and the second one was in spring 2016.

Due to the large turnout that is expected the Lake Wales Charter Schools requests the closing of Central Avenue from 1st Street to Market Street for the safety of the public as well as for additional space to allow for other vendors and displays. Market Street will remain open.

OTHER OPTIONS

Do not approve the Special Event Permit.

FISCAL IMPACT

None. All costs will be the responsibility of the sponsor.

11. OLD BUSINESS

12. NEW BUSINESS

12.I. National League Of Cities (NLC) Service Line Program

(begin agenda memo)

SYNOPSIS

Staff recommends approval of allowing Utility Service Partners (USP), Inc. d/b/a Service Line Warranties of America (SLWA) to offer the National League of Cities (NLC) Service Line Program with the aim at offering property owners cost effective service line protection.

STAFF RECOMMENDATION

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

1. Approve and authorize for the City Manager to sign the Marketing License Agreement which allows the National League of Cities (NLC) Service Line Program to be offered to the City of Lake Wales service area.

BACKGROUND

Utility Service Partners (USP), Inc. d/b/a Service Line Warranties of America (SLWA) is a privately held company which administers the National League of Cities (NLC) Service Line Program which is offered nationally on a voluntary basis to help cities assist their residents by providing an affordable solution for sewer and water line repair or replacement as well as an educational aspect to homeowners to notify them of their responsibility for the aforementioned utility lines on the property of the homeowners. The NLC Service Line Program provided by USP d/b/a SLWA is being instituted by the City of Lake Wales to allow owners of property in the Lake Wales service area to enroll in a home warranty in connection with the City of Lake Wales partnership with the program. If a property owner chooses to participate, the repairs and replacements of these utility lines are funded solely by USP d/b/a SLWA. The

City of Lake Wales has selected the NLC Service Line program Administered by USP d/b/a SLWA to provide administration for the program.

The benefits to the property owner include:

- Only property owners who choose to participate in the program will pay anything and they will only pay those monthly or annual amounts defined by the program and localized so that all eligible homeowners pay the same price.
- In today's economic environment, many homeowners only have a few hundred dollars available in savings. This program offers up to \$4,000.00 worth of coverage on the lateral line itself, per occurrence, at a reasonable rate.
- Claims service is available 24/7/365. Homeowners may make as many calls as needed to file claims with no limits on occurrences.
- The property owner can choose to pay monthly or annually. They may also elect to have recurring automatic payments processed.
- Homeowners can gain additional information and access to their account at any time through SLWA's website.

The benefits to the City/Town/Village include:

- The City may initiate and withdraw from this program at any time and at no expense to the City. All financial matters surrounding this program, including marketing and servicing of claims, are paid by USP d/b/a SLWA.
- The City may elect to receive a royalty per warranty per month enrolled – thereby receiving funds to assist with local infrastructure efforts – while committing virtually no staff time to administer the program.
- While offered as an NLC Enterprise program, NLC membership is not required to initiate or continue the Service Line Program. The program uses local contractors in order to ensure that local code is met in cases of repair and in order to keep those funds spent on repairs within the community.

Staff recommends the Commission take the following action, approve and authorize for the city manager to sign the Marketing License Agreement which allows the NLC Service Line Program to provide homeowners with an affordable warranty solution as offered by USP d/b/a SLWA. The City of Lake Wales can withdraw from the program at any time.

OTHER OPTIONS

There is no obligation for the commission to approve any action at this time. By not approving the resolution the citizens lose out on an opportunity to utilize this much needed service.

FISCAL IMPACT

There are no expenditures associated with the approval of the resolution or master service agreement. All fees to be paid by the property owners that chose to participate in this program.

(End Agenda Memo)

Sarah Kirkland, Utilities Director, introduced the representative from the National Service Line Program who is here to speak about the program and answer questions. She said staff does support this as it is a good opportunity for homeowners who choose to participate.

Lee Zell, National League of Cities Service Line Program, explained who the National League of Cities is and described the Program and the benefits. The program is 11 years old and has taken off a lot. This helps homeowners with aging infrastructure. Participation is voluntary. This can help with expenses if there is a water line break on their personal property. Mr. Fields said they did due diligence on this. This does not cost the City anything. Participation is voluntary and can save some citizens money. Commissioner Howell asked if these details will be explained to citizens. Mr. Fields confirmed this. Mr. Zell reported on various other cities that participate. Many participate after upgrades to water and sewer systems begin as this brings the issue to a homeowners attention.

Commissioner Howell made a motion to approve the Marketing License Agreement with the National League of Cities Service Line Program. Commissioner Curtis Gibson seconded the motion.

Voice Vote

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Commissioner Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

12.II. Appointment Of Deputy Mayor

Mayor Fultz asked Commissioner Robin Gibson if he will serve as Deputy Mayor. Commissioner Robin Gibson agreed.

Mayor Fultz made a motion to appoint Robin Gibson as Deputy City Mayor. Commissioner Howell seconded the motion.

Voice Vote

Mayor Fultz "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Commissioner Robin Gibson "YES"

Motion passed 5 - 0.

12.III. Appointment Of An Alternate To Polk County Water Cooperative

Mayor Fultz recommended that Commissioner Stewart serve as the Alternate to the Polk County Water Cooperative. Mr. Fields and Mayor Fultz described the board, its purpose and meeting details. Commissioner Stewart agreed.

Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "Yes"

Commissioner Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

The appointment was approved 5 - 0.

12.IV. Appointment Of Representative To Ridge League Of Cities

Mayor Fultz volunteered to serve as the representative. Mayor Fultz described the function of the Ridge League of Cities and the monthly dinners. The commission consented to this appointment.

13. CITY MANAGER

Kenneth Fields, City Manager, welcomed the two new commissioners and said they can call him at anytime with questions. Mr. Fields reported on the status of hiring a private investigator and said that he and the Mayor should step out of it as they are involved. He suggested turning the matter over to Deputy Mayor Gibson. Deputy Mayor Gibson recommended that the contract should be between the investigator and the Commission and volunteered to take the lead on this matter. He has heard of Mr. AL Smith but not worked with him before. He had good quality work on a previous case. Cost is \$75 an hour plus expenses. He will interview all involved and submit a written report with his findings to the commission. He is glad we are having an investigation, the truth will come out and there will be consequences. He doesn't want anything slowing our momentum and potential. He requested authority to contract with the investigator.

Commissioner Howell made a motion to authorize the Deputy Mayor to contract with the investigator. No recorded second was made.

Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "Yes"

Commissioner Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

The motion was approved 5 - 0.

13.I. Tracking Report

13.II. Social Media Tracking Report

13.III. City Commission Meeting Calendar

Mr. Fields reviewed the budget workshop schedule. The first workshop is next Tuesday May 9, 2017 at 6pm where Commissioner priorities will be discussed. Commissioner Howell asked if all the department heads will be present at the workshop. Mr. Fields confirmed they would.

Mr. Fields said they will schedule individual meetings with each commissioner and the CRA consultant to get their feedback. There will be public hearings for public input. Mr. Fields reported that he will be out of town Thursday through Monday but is still reachable by phone.

14. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson asked about something on the three year terms. Mr. Fields said that will be coming soon. Deputy Mayor Robin Gibson asked about the contract with Main Street and if Main Street will accept the position with some of the person's time devoted to the CRA. Mr. Fields said he sent the business terms to Main Street but they haven't been agreed to yet. As soon as they are they will move forward.

15. MAYOR COMMENTS

Mayor Fultz encouraged the Commission to get feedback from the citizens and meet with them to encourage more public participation. He would love more participation.

16. ADJOURNMENT

The meeting was adjourned at 7:33 p.m.

Mayor/Deputy Mayor

ATTEST:

Interim City Clerk Jennifer Nanek