

**CITY COMMISSION MEETING MINUTES**  
**MAY 16, 2017**  
**(APPROVED)**

5/16/2017 - Minutes

1. INVOCATION

Mayor Fultz 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:** Curtis Gibson, Robin Gibson, Terrye Howell, Eugene Fultz, Mayor.

**Commissioner Absent:** Flora "Tonya" Stewart

**City Representatives Present:** Kenneth Fields, City Manager; Albert C. Galloway, City Attorney; Jennifer Nanek, Assistant to the City Manager/Acting City Clerk

5. MAYOR

5.I. PROCLAMATION - National Public Works Week May 21-27, 2017

This Proclamation was presented to Utilities Director Sarah Kirkland.

5.II. PROCLAMATION - National Safe Boating Week May 20-26, 2017

This Proclamation was presented to David Williams of the US Coast Guard Auxiliary.

6. PRESENTATION/REPORT

6.I. PRESENTATION - B Street Community Center Update

Mr. Narvell Petersen, incoming President of the B Street Community Center, explained that he takes over in July and that there is a need for their facility. They need help to stay open and continue their programs.

Janice Snell, staff at the B Street Community. requested inclusion in the upcoming budget. She reviewed the different programs that the B Street Community Center offers. She also reviewed their fundraising efforts and other partnerships. Information on their expenses was distributed. She said thanks for the \$12,500 last year and requested \$30,000 to keep them going.

Alison Synder reported on the importance of the B Street Center both to local residents and ones that have to drive a bit.

Mayor Fultz asked about fundraising activities discussed the last time. Roscoe Williams, outgoing President, reported on fundraising efforts and partnerships that they explored. Much of it didn't work out. They looked into a partnership with the Charter Schools and Care Center and they are looking into having more gala type fundraisers. Deputy Mayor Robin Gibson asked about the Polk Works program if

they work with them. Janice Snell reviewed the help they get from Polk Works including volunteer help. Ms. Snell emphasized that they help everyone not just residents in one area. Commissioner Curtis Gibson reviewed some of the history of the Center. He asked how many come in a month. Ms. Snyder said the information is on the handout. Roscoe Williams invited the Commission to come and tour the facility. Mayor Fultz said he has been there and is impressed with all they do. Mr. Fields said that this is a good program and said he will look into budgeting funds for next year. He said its possible to use the Small Cities CDBG grants to help fund it in the future. Ms. Snell said she would provide any additional information they may need.

## 7. COMMUNICATIONS AND PETITIONS

Sue Smith, resident, welcomed the new commissioners. She said she was troubled by the comments and conduct at the special meeting on April 25. She said accountability is important and citizens should be allowed to ask questions. She asked the commission to examine their conduct that may not make them look good. She said the Mayor's behavior did not make him look good. Ideas should be exchanged in a civil and respectful manner.

Becky Wynkoop, non-resident, asked about a berm for the expansion of Dinner Lake Shores. Kathy Bangle, Planning Director, confirmed that the landscape buffer will continue. She asked about notifications of projects in a certain area to neighbors. Mr. Fields explained that Planning Board Agendas are posted and notifications can be sent out to those who sign up for them.

## 8. CONSENT AGENDA

Deputy Mayor Gibson moved that the Consent Agenda be approved. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

### 8.I. Minutes

The minutes of the April 5, 2017 and May 2, 2017 meetings were reviewed.

Deputy Mayor Robin Gibson asked about the minutes as some have not been completed. Jennifer Nanek, Interim City Clerk, explained that there have been delays in getting all the minutes completed due to the election and city clerk issues and they will be put on the agenda as they are finished.

### 8.II. Contract With Universal Engineering Sciences

[Begin Agenda Memo]

## Synopsis

Contract for building division services with Universal Engineering Sciences through June 30, 2017

**Recommendation:** Approve contract

### 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. Contract has been approved as to form by the City Attorney.

[End Agenda Memo]

Deputy Mayor Robin Gibson asked about the status of the building inspector. Kathy Bangley, Planning Director, reported that they have offered the job of building inspector to someone who will start June 5. Once he completes his exam and other requirements he will become the building official. In the meantime Universal will continue to assist with inspections during the transition. We are not falling behind on any projects. Mr. Fields said they have a part-time plans reviewer to help in the meantime as well.

Commissioner Curtis Gibson asked where our jobs are posted. Sandra Davis, Human Resources Director, listed the different sites where the job openings were posted. Commissioner Curtis Gibson asked if we thought about working with the County on this issue. Kathy Bangley, Planning Director, said she reached out to the County and they could help with building officials but not inspections. She further explained that it is a statewide problem finding building inspectors. This is a difficult position to fill and she explained some of the challenges to be an inspector.

## 8.III. Preliminary Financial Statements For March 31, 2017

[Begin Agenda Memo]

### SYNOPSIS:

The preliminary financial statements report revenues received and expenditures made through the end of March 31, 2017.

The unaudited financial statements for the City of Lake Wales for the Period Ending March 31, 2017 are presented to the City Commission for review. At the end of March 31, 2017 the City was 50% into the fiscal year.

### **General Fund (001), page 2:**

The General Fund appears to be materially on target with revenue and expenditure expectations.

### **Transportation Fund (102), page 7:**

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

### **CRA Fund (105), page 12:**

The CRA fund appears to be materially on target with revenue and expenditure expectations except for a significant land sale. On 11/16/2016 the City received net proceeds of \$967,738.22 relating to property owned by the CRA.

**Library Fund (110), page 17:**

The Library Fund appears to be materially on target with revenue and expenditure expectations.

**Utility System Fund (403), page 27:**

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

**Airport Authority (404), page 29:**

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End Agenda Memo]

Commissioner Curtis Gibson pointed out an error on page 3 where the date says 2011 in one column. Dorothy Ecklund, Financial Director, said that she can correct that error. Commissioner Curtis Gibson requested that a column be added showing the differences between this year and last year. He asked what non-departmental expenses were. Ms. Ecklund said that those expenses don't belong to any department and can provide the commission a list of what those expenses include. Commissioner Curtis Gibson asked about the Capital Projects Fund. Are we paying into that and how much? Mr. Fields explained that the expenses for Capital projects come from that fund but we transfer from the General fund into that fund or impact fees. These items are specifically budgeted.

8.IV. Audit Selection Committee

[Begin Agenda Memo]

**SYNOPSIS**

Section 218.391, Florida Statutes, requires that the governing body of a municipality prior to entering into a written contract for procurement of auditing services, except for contract renewal, shall establish of an audit committee to assist the governing body in selecting an auditor to conduct the annual financial audit.

**RECOMMENDATION**

Staff recommended that the City Commission approve:

- 1) The establishment of an audit committee for providing assistance to the governing body in selecting an auditor to conduct the annual financial audit.
- 2) Approve Sandra Davis, Sarah Kirkland, Joseph Jenkins, and Katherine Rogers as members of the audit committee.
- 3) Terminate the audit committee once selection for professional auditing services has been completed by the City Commission.

**BACKGROUND**

Every three years, the City of Lake Wales issues a request for proposal for professional auditing services. In compliance with state statute, municipalities prior to entering into a written contract for procurement of auditing services are required by Florida Statute 218.391 to establish an audit committee. The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit. The audit committee shall:

- 1) Evaluate proposals provided by qualified firms.
- 2) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established within the RFP.

[End of Agenda Memo]

Deputy Mayor Robin Gibson asked about the possibility of using a local firm. Mr. Fields explained that there are certain state requirements for the auditors and our local preference ordinance can't be used here. He then said that there are specific qualifications involved in doing government auditing. Dorothy Ecklund, Finance Director, reviewed the process for selecting an auditing firm and that the Commission can choose a local firm over the committee's recommendation. The RFPs will go out to local firms who will have a chance to submit a proposal.

Commissioner Curtis Gibson asked if a citizen can serve on this board. Ms. Ecklund said yes, they Commission could appoint anyone they choose. The Mayor said that this committee is only for the purpose of selecting an auditing firm. Ms. Ecklund said that there is a representative from the pension boards and Airport Authority as well as the City. Mr. Fields said that Katherine Rogers, chair of the Airport Authority, is a citizen and is proposed for the committee.

#### 9. OLD BUSINESS

#### 10. NEW BUSINESS

##### 10.I. ORDINANCE 2017-09 - 1st Reading Candidate Oath

[Begin Agenda Memo]

#### **SYNOPSIS:**

The subject Ordinance serves to conform the language of the Candidate's Oath published in the Lake Wales Code of Ordinances, Chapter 8, Elections, Article III, Section 8-40, Candidate's Oath, with the language of the Candidate's Oath published in Section 99.021(1)(a), Florida Statutes.

**RECOMMENDATION:** Adoption of Ordinance 2017-09 as presented.

#### **BACKGROUND:**

The Lake Wales Candidate's Oath includes a phrase not found in the Candidate's Oath set forth in the Florida Statutes. The additional phrase which is shown as deleted in the proposed Ordinance can serve to prohibit a candidate from running for city commissioner or mayor in the event of an inadvertent violation of the State's Elections Code. Candidates for State or County office are not precluded from running for elective office due to such a possible inadvertent error. The Ordinance also serves to include male and female gender as published in the Florida Statutes.

**FISCAL IMPACT:** None.

#### **OTHER OPTIONS:**

The Commission may choose to leave the language of the Candidate's Oath as currently published in the Lake Wales code of Ordinances.

[End Agenda Memo]

Kenneth Fields, City Manager, read **ORDINANCE 2017-09** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 8, ELECTIONS, ARTICLE III, SECTION 8-40, CANDIDATE'S OATH, TO CONFORM WITH THE LANGUAGE OF SECTION 99.021(1)(a), FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

Kenneth Fields, City Manager, reviewed this item.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2017-09** on first reading. Commissioner Curtis Gibson seconded the motion.

Roll Call Vote

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

The motion passed 4 -0.

#### 10.II. ORDINANCE 2017-10 - 1st Reading Extending Terms Of Office

[Begin Agenda Memo]

##### **SYNOPSIS:**

The subject Ordinance was requested by the City Commission for the purpose of extending the terms of office of the city commissioners and mayor from two years to three years.

##### **RECOMMENDATION:**

Adoption of Ordinance 2017-10 as presented. If adopted, the City Commission will be required to determine whether the proposed Charter revision will be considered by the electorate at the next regular municipal election or at a special election called for the purpose of consideration of the proposed amendment.

##### **BACKGROUND:**

Concern was expressed that the current two year terms for city commissioner and mayor were too short to operate effectively. Concern was also expressed as to having three seats up for election at the same time. The proposed amendment serves to address both of these concerns.

**FISCAL IMPACT:** None unless a special election is called for.

##### **OTHER OPTIONS:**

The Commission may decide to maintain the status quo and decline to adopt the Ordinance. The Commission may decide to request a revision to the Ordinance as proposed.

[End of Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE 2017-10** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 3.03 AND 3.05(a) OF THE CHARTER OF THE CITY OF LAKE WALES RELATING TO THE LENGTH OF TERMS OF OFFICE FOR THE CITY COMMISSIONERS AND MAYOR; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2018 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Kenneth Fields, City Manager, reviewed this item. The staggering of the terms were discussed. Mr. Fields explained that the next elections would be for three years and the Mayor will be extended one year so that there will be 2 on one ballot, 2 on another, and then 1.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2017-09** on first reading. Commissioner Howell seconded the motion.

Roll Call Vote

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

The motion passed 4 -0.

10.III. Airport Authority Appointment

Commissioner Curtis Gibson volunteered to serve on the Airport Authority.

10.IV. Appointment To Polk County Joint Airport Zoning Board

Kathy Bangley, Planning Director, reviewed the details of this board. Mayor Fultz asked Commissioner Curtis Gibson to take this on as well. Commissioner Curtis Gibson agreed.

10.V. General Employees Retirement Board Appointment

Deputy Mayor Robin Gibson volunteered for this appointment.

10.VI. Housing Authority Appointment

Commissioner Howell volunteered for this one. Mayor Fultz asked Commissioner Howell to request an update from the Housing Authority from the director.

11. CITY MANAGER

Kenneth Fields, City Manager, explained that due to the TRIM Schedule the 1st budget hearing will be Thursday September 7 instead of Wednesday September 6.

Mr. Fields announced the Centennial Celebration on Sunday May 28.

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

Commissioner Howell asked about trash issues and who to call. Mr. Fields said they should call the front desk and those issues will be passed onto Republic Services. They are very responsive to these concerns. She asked about how citizens are notified about holiday changes. Mr. Fields said we can do better about posting changes to the website and social media.

13. MAYOR COMMENTS

Mayor Fultz commended Police Chief Velasquez on the swearing in ceremony held earlier that evening. The Mayor commended the Chief on how he trains his officers and on his department's efforts to build better relationships in Lake Wales.

14. ADJOURNMENT

The Commission meeting was adjourned at 7:22 p.m..

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Mayor/Deputy Mayor

ATTEST:

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Interim City Clerk Jennifer Nanek