

**City Commission Meeting Minutes**  
**June 5, 2018**  
**(APPROVED)**

6/5/2018 - 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

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

Charlie Lab, resident, Mr.Lab said he has a pole in his yard left over from Hurricane Irma. He said he appreciated the help of city staff with this issue but wonder what could we do to dissolve this. Deputy Mayor Robin Gibson recommended that the City just remove the pole. Mr.Fields said we researched the ownership of the pole and it belongs to Frontier. Zaillet Suri, Deputy City Clerk, said she checked with Frontier and they refused to remove it because it's on private property. Deputy Mayor Robin Gibson recommended removing the pole and sending Frontier the bill. Mr.Fields said that if he have consensus from the Commission that he would go ahead and take care of this. Mr.Lab thanked the Commission for their help. Commissioner Howell asked that the Commission be notified when this is completed.

Mr.Lab reported on the condition of the house behind him that is located at 1146 S Lakeshore Blvd. He said the house has been vacant for over an year and has overgrown and in disrepair. He distributed pictures to the Commission members. He said that there is a tree that has fallen over onto the house and garage this is not easily visible from the front. Mayor Fultz said that Code Compliance will look into it.

Reverend Roscoe Williams, non resident, said he was there on behalf of Ray Brown the owner of the Dixie Walesbilt hotel. He said that this is Ray Browns' dream and the City shouldn't stop him from completing his dream.

Albert C. Galloway Jr., City Attorney, said that we have been contacted by Ray Browns attorneys and this issue will go into litigation and advise the Commission members not to speak on this issue.

Roger Kooser, non resident, said he was there on behalf of Mr.Brown. He shared a similar experience elsewhere in Florida. He encourages the city to support the restoration of then hotel.

Manuel Alvarez, non resident, said that he passes throughout Lake Wales on a regular basis and supports

the restoration effort on the hotel.

Ray Brown, owner of the Dixie Walesbilt hotel, reported on recent Code Enforcement actions against his project causing work to cease. He reported that there is a lot of public support for the restoration of the hotel. He asked that the City Commission honor their commitment to the hotel.

## 8. CONSENT AGENDA

Deputy Mayor Robin Gibson asked to pull Agenda Item 8.III. from the Consent Agenda.

Commissioner Howell made a motion to approve the Consent Agenda. Commissioner Stewart seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - April 25, 2018, May 8, 2018

8.II. Grant Application - Florida Humanities Council For Speaker Series

[Begin Agenda Memo]

### **SYNOPSIS:**

A grant application to the Florida Humanities Council for \$5000. The grant would require a 1:1 matching city contribution of \$5,000 in fiscal year 2018-2019.

### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission approve a grant application to the Florida Humanities Council for funding that will be allocated to the new 2018 -2019 Speaker Series. The FHC Speaker Series will feature six engaging talks with expert historians, storytellers, researchers, and authors. The program provides funding, promotional support, and capacity-building opportunities for organizations interested in hosting. The grant will provide funds to underwrite speaker fees, travel, postcards and posters.

### **BACKGROUND:**

The Florida Humanities Council sponsors community based projects, facilitates important conversations among Floridians, and shines a spotlight on Florida's history, art, and culture. Established in 1973, FHC is an independent, nonprofit affiliate of the National Endowment for the Humanities. For over forty years we have developed and funded public programs that tell the stories of both Florida and those unique individuals that call this state their home. FHC is funded by the State of Florida, Department of State, Division of Cultural Affairs.

If our application is approved, the grant money will be used to help underwrite all speaker fees, travel and a portion of promotional items to advertise the speaker series. These funds would help support the museum's programmatic expenses.

The grant program is an annual award from September 1, 2018 – May 31, 2019. Any grant funds received from this application would be applicable for the 2018 – 2019 fiscal year. The grant requires a minimum 1:1 match of funds. The Museum will cover the cost of the match from monies allocated towards museum staffing, marketing and a portion of museum supplies.

**OTHER OPTIONS:**

Do not apply for this grant. No appropriations needed.

**FISCAL IMPACT:**

Staff is requesting to host a series of speakers at the Lake Wales Museum in 2018 – 2019. Funds to carry out the speaker series would come from the Florida Humanities Council. All of the funds allocated to this project will be spent on public programming.

[End Agenda Memo]

8.III. Firing Range Expansion

[Begin Agenda Memo]

**SYNOPSIS:**

Staff is requesting Commission approval to expand and enhance the capability of the current indoor firing range utilizing existing Police Service Impact Fees.

**RECOMMENDATION**

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

1. Approve the purchase/installation of enhanced range ventilation equipment from Refrigeration & Electric Service, Inc. and purchase/installation of enhanced bullet trap, acoustical/safety material by En.Range, Inc. and Meggeitt Training Systems Inc. These vendors are sole source providers and specialize in unique indoor firing range systems.
2. Authorize a budget amendment in the amount of \$160,754.09.

**BACKGROUND**

As the result of increased business and residential growth within the city over the last 25 years, the police department has increased the number of officers and added specialized weapons to protect the public and ensure officer safety. As a result, the current firing range is inadequate to handle the increased volume of activity and requires expansion.

Expanding the capability of the department's indoor firing range will fulfill the needs realized by the department due to growth in several ways. By adding a fourth lane to the firing range, four officers will be able to qualify at the same time rather than three. The current firing range was designed when the department was half its current size. At that time, the department only issued officers a sidearm although they could sign out a shotgun for their tour of duty. Currently, the department issues a sidearm, shotgun and rifle. The current bullet trap only allows for handgun and shotgun training, however the upgraded system will stop rifle rounds up to a .308 caliber. This will allow the department to provide

transition training from one firearm to another without having to travel to another range. Furthermore, the current trap was designed for stationary shooting only. The expanded and enhanced system will allow the department to provide the most current type of training by incorporating movement while shooting.

## **OTHER OPTIONS**

The City Commission may choose not to fund the expansion of the indoor firing range.

[End Agenda Memo]

Deputy Mayor Robin Gibson said that other Law Enforcement agencies may want to use our facility and asked about charging others to use it. Mr. Fields said that he would look into this. Deputy Chief Troy Schultz said that he can look into that but as far as he knows all the agencies in the area use each others' ranges at no cost. Commissioner Curtis Gibson said that this expansion is needed over at the Police Department.

Deputy Mayor Robin Gibson made a motion to approve the fire range expansion. Commissioner Howell seconded that.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 9. OLD BUSINESS

## 10. NEW BUSINESS

### 10.I. Resolution 2018-13 Donation Of Property To Florida Department Of Transportation

[Begin Agenda Memo]

## **SYNOPSIS**

Resolution 2018-09 proposes to transfer twenty-seven (27) square feet of property from the City to FDOT as part of the SR 60 and US 27 Interchange project.

## **RECOMMENDATION**

Staff recommends the adoption of Resolution 2018-13 and the authorization for the Mayor to execute the documents associated with the transfer as prepared by FDOT and approved as to form by the City Attorney.

## **BACKGROUND**

FDOT is working on the right-of-way acquisition phase of the Interchange project. During their due diligence, it was revealed that the City owned a small triangular piece of property, twenty seven (27) square feet in the project area. The property is not buildable due to size and shape and has no identified future purpose for the City.

### **FISCAL IMPACT**

There is no impact as the property is not on the tax rolls currently.

### **OTHER OPTIONS**

Decline to transfer the property.

[End Agenda Memo]

City Clerk, Jennifer Nanek, said that **Resolution 2018-13** did not have a title to be read.

Kathy Bangley, Planning Director, reviewed this agenda item.

Deputy Mayor, Robin Gibson, made a motion to approve **Resolution 2018-13**. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 10.II. Resolutions No. 2018-14, Preliminary Rate Resolution – Brookshire Street Lighting District.

[Begin Agenda Memo]

### **SYNOPSIS:**

Preliminary Rate Resolution for the Brookshire Street Lighting District

### **RECOMMENDATION**

It is recommended that City Commission adopt Resolution No. 2018-14 providing the Preliminary Rate Resolution for the Brookshire Street Lighting District.

### **BACKGROUND**

In 2010, the City of Lake Wales received a petition requesting the creation of a Street Lighting District for the Brookshire subdivision. The District includes the thirty-one (31) decorative street lighting poles. Eighty-seven (87) platted lots are within the street lighting district and the estimated annual street lighting costs are \$13,485. The estimated annual charge per plated lot is \$155.

## **OTHER OPTIONS**

Do not approve Brookshire Street Lighting District special assessment.

## **FISCAL IMPACT**

Annual estimated assessment revenue of \$13,485 is expected to pay all street lighting costs relating to the services, facilities and programs within the Brookshire Street Lighting District.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2018-14** by title only.

## **RESOLUTION NO. 2018-14**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE FUNDING OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; DESCRIBING THE METHOD OF ASSESSING STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Dorothy Ecklund, Finance Director, reviewed this agenda item. The history of this assessment was discussed.

Commissioner Howell made a motion to approve **RESOLUTION 2018-14**. Deputy Mayor, Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 10.III. RESOLUTION 2018-15 - Preliminary Assessment Resolution For Fire Protection Services Assessment

[Begin Agenda Memo]

### **SYNOPSIS:**

The adoption of Resolution 2018-15 will establish the methodology used to calculate the fire protection services assessment rate. Adoption of Resolution 2018-15 will set the preliminary fire protection services assessment rate. A final assessment resolution will have to be adopted before the Fire Protection Services Assessment is implemented for the fiscal year beginning October 1, 2018.

## RECOMMENDATION

It is recommended that the City Commission set the Preliminary Fire Protection Services Assessment rate and adopt Preliminary Fire Protection Services Assessment Resolution 2018-15 providing for Fire Protection Services Assessments for fiscal year beginning October 1, 2018. Staff is recommending the following rate scenario:

45.25% funding \$1,024,904 estimated net revenue  
Property Category Assessment Rate  
Single-Family Per dwelling unit \$146  
Multi-Family Per dwelling unit \$72  
Mobile Home Per dwelling unit \$129  
Property Category Assessment Rate  
Commercial Per Sq Ft \$.06  
Industrial/Warehouse Per Sq Ft \$.01  
Institutional Per Sq Ft \$.08

## BACKGROUND

This is the same funding ratio passed by the commission for the current budget year.

## OTHER OPTIONS

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs.

## FISCAL IMPACT

The Fire Protection Services Assessment will create a dedicated funding source for fire protection services. While the Fire Protection Services Assessment will not completely fund fire protection services, it will fund 45.25% of the fire department's budget.

[End Agenda Memo]

City Clerk, Jennifer Nanek, read **RESOLUTION 2018-15** by title only.

## **RESOLUTION 2018-15 (Preliminary Assessment Resolution)**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; PROVIDING AUTHORITY, PURPOSE, AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSMENT COSTS AGAINST PROPERTIES WITHIN THE CITY OF LAKE WALES; DETERMINING THE FIRE PROTECTION ASSESSED COST AND INITIAL FIRE PROTECTION ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREFOR; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Joe Jenkins, Fire Chief, reviewed this agenda item.

Commissioner Howell made a motion to approve **RESOLUTION 2018-15**. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 10.IV. Resolutions No. 2018-16, Approval Of The Amendment Of The Interest Rate On Its Outstanding Redevelopment Revenue Note, Series 2007.

[Begin Agenda Memo]

**SYNOPSIS:**

Approval of the Amendment of the Interest Rate on its Outstanding Redevelopment Revenue Note, Series 2007.

**RECOMMENDATION**

It is recommended that the City Commission approve the amendment of the interest rate to 4.3362% on its outstanding Redevelopment Revenue Note, Series 2007, effective April 1, 2018.

**BACKGROUND**

The CRA approved a \$9,500,000 Note issued on December 24, 2007 to Bank of America (the "Bank"). The current outstanding principal amount is \$5,572,674.50. The Note provides that it shall bear interest at a rate of 3.7735% until its maturity date of October 1, 2027 so long as the maximum corporate tax rate is 35%. It further provides that in the event of a change in the maximum corporate tax rate, the Bank shall have the right to adjust such interest rate in order to maintain the same after-tax yield.

The maximum corporate tax rate was recently lowered from 35% to 21% and the Bank has adjusted the interest rate on the Note to 4.5862% (81.27 basis point increase = \$240,255 increase over the remaining term of the Note). Through negotiation, City staff and the Bank have proposed an interest rate of 4.3362% (56.27 basis point increase = \$166,347 over the remaining term of Note).

**OTHER OPTIONS**

Do not approve the proposed interest rate of 4.3362%, and the Bank's new interest rate shall be 4.5862%.

**FISCAL IMPACT**

The reduction in the interest rate from 4.5862% to 4.3362% would be a savings to the CRA of \$73,908 over the remaining term of Note.

[End Agenda Memo]

City Clerk, Jennifer Nanek, read **RESOLUTION 2018-16** by title only.

Dorothy Ecklund, Finance Director, reviewed this agenda.

Commissioner Howell made a motion to approve **RESOLUTION 2018-16**. Commissioner Stewart seconded that.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10.V. Appointment - Airport Authority

##### **SYNOPSIS:**

Appointment to fill a vacancy due to resignation

##### **RECOMMENDATION**

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

Staff recommends the Mayor make the appointment with the consent of the City Commission

##### **BACKGROUND**

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc.

**Airport Authority (City Code Sec. 2-41)** – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least four (4) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, or are airport tenants, with general aviation experience. (3-year term)

The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **1 Vacancy**

##### **Current Members:**

John Lodge, non-resident 10/03/17--07/01/18, P

Katherine Rogers, resident, chair 09/18/12--07/01/18, 2  
Ryan Michalkiewicz, resident 06/21/16--07/01/19, 1  
Charles N. Clegg, resident 07/19/16--07/01/19, 1  
Eric Farewell, resident 08/18/15--07/01/18, 1  
Barbara Pelisek, non-resident 12/20/16--07/01/20, 1  
Robert Ohlinger, non-resident 07/05/17 – 07/01/20, 1  
Commissioner Curtis Gibson, non-voting member 05/02/17--05/07/19, 1

Applying for Appointment: Clarke Gerard, non-resident, Business Owner in Lake Wales for a term to expire 7/01/19

Ryan Michalkiewicz has resigned from the Airport Authority.

**Airport Manager (City Code Sec. 2-41(f)(5))** – Jared DeLong, employee, City Manager appointed

**Meetings (City Code Sec. 2-41(r))** - The Lake Wales Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

**Current Meeting Schedule:** - 1st Monday @ 5:30 PM; Commission Chamber

**Duties/Powers (City Code Sec. 2-41(f))** - The Lake Wales Airport Authority exercises its powers and jurisdiction over the property known as the Lake Wales Airport and properties in addition to the Lake Wales Airport so long as they are exercised pursuant to contract with other governmental entities for the operation and supervision of other airports, airfields, and related facilities. The Lake Wales Airport Authority is hereby authorized and empowered in accordance with the Airport Authority Ordinance:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure
3. To maintain an office at such place or places as may be designated by the City of Lake Wales.
4. To sue and be sued in its own name, plead, and be impleaded.
5. To provide oversight of airport operations for the purpose of input and advice to the city manager in his capacity as Airport Manager.
6. To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport which may be located on the property of the authority. Nothing in Ordinance 2007-07 shall exempt the Lake Wales Airport Authority from the provisions of chapter 333, Florida Statutes.
7. To issue bonds of the authority, as hereinafter provided, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.
8. To issue refunding bonds of the authority as hereinafter provided.
9. To fix and revise from time to time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by any airport facilities or tenant.
10. To acquire in the name of the authority by gift, purchase, or the exercise of the right of eminent domain, in accordance with the laws of the state which may be applicable to the exercise of such powers by municipalities, any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, or operation of any airport facilities, and to hold and dispose of all real and personal property under its control.
11. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Ordinance, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants, and attorneys, and such employees and agents as may, in the judgment of the authority, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this

Ordinance.

12. To accept grants or money or materials or property of any kind for any airport or other facilities from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.

13. To issue revenue certificates of the authority as hereinafter provided.

14. To do all acts and things necessary or convenient to carry out the powers granted by this Ordinance.

15. To contract with other governmental entities to operate airports, airfields, and other related facilities and services, including providing all personnel, tools, equipment, supervision, and other materials and services required therefore.

For a complete listing of duties and responsibilities of the Airport Authority see City Code Section 2-41 attached.

## **OPTIONS**

None

## **FISCAL IMPACT**

These are volunteer boards.

[End Agenda Memo]

Commissioner Curtis Gibson made a motion to approve the appointment Clarke Gerard to the airport authority for a term ending 7/1/19. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 11. CITY MANAGER

Kenneth Fields, City Manager, said that the city flag is now on the dais and are available for sale. Eventually, these will be in front of all city buildings.

Mr. Fields reported that he had a meeting with the Executive Director of the Housing Authority and looks forward to working with them in the future.

Mr. Fields said that FDOT is working on the redesign of US HWY 27 and Thompson Nursery road but nothing will be done until the Aldis is in.

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 getting rid of the weeds in the Twin Lakes. Teresa Allen, Public Services Director, said that spraying is not the most effective method and they are calling in a company to develop a better plan to address the weeds. This project was discussed.

Commissioner Curtis Gibson asked Kathy Bangley about the Estes building. Kathy Bangley, Planning Director, received plans for demolition and reconstruction of the building and they are under review. We are seeing movement in a positive direction with that project.

13. MAYOR COMMENTS

Mayor Fultz, reported on his Chat & Chew event saying it went well. He has another one scheduled for June 13th at Eagle Ridge Mall.

14. ADJOURNMENT

The meeting was adjourned at 6:59 p.m.

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Mayor/Deputy Mayor

ATTEST:

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City Clerk