

**City Commission Meeting Minutes**  
**August 1, 2017**  
**(Approved)**

8/1/2017 - 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

**Commissioners Present:** Curtis Gibson, Robin Gibson, Deputy Mayor; Eugene Fultz, Mayor;

**Commissioners Absent:** Flora "Tonya" Stewart, Terrye Howell

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

Albert Galloway, City Attorney, spoke about the recent arrest of Commissioner Curtis Gibson. He offered options including that Commissioner Curtis Gibson voluntarily resign, and they could direct him to recommend to the Governor's office that he be suspended until the matter is resolved. The suspension lasts until the matter is resolved. The vacancy can then be filled in the meantime. Mayor Fultz stated that he would prefer to follow the law and recommend suspension to the Governor's Office. Deputy Mayor Robin Gibson asked if Commissioner Curtis Gibson is planning to resign.

Commissioner Curtis Gibson stated that the allegations are false and that he is innocent until proven guilty. He will not resign.

Deputy Mayor Robin Gibson said that is all we can do. If this comes back as an action item the Commission can think this through and everyone can be present. Mayor Fultz agreed.

5. MAYOR

6. PRESENTATION/REPORT

6.I. PRESENTATION - Public Transit/Lakeland Area Mass Transit District.

Erin Killebrew, Director of Government Affairs for Citrus Connection, gave a brief slide show about transit in Polk County and how much is being asked of Lake Wales this year. The different transit entities merged two years ago and took over all transit routes for Polk County including those previously served by the Winter Haven Area Transit (W.H.A.T.). In previous years the City of Lake Wales paid \$5,433 while it costs half a million dollars to operate Lake Wales. They are asking all cities to pay 20% of the costs within next three years. They are asking \$34,626 for the fiscal year 2017-2018. Mayor Fultz asked about grant money that is gone now. Ms. Killebrew confirmed that a federal grant went away three years ago that helped fund transit services. They have been operating on reserves since then. Mayor Fultz asked about the ridership in Lake Wales. Ms. Killebrew said that Lake Wales has 9 trips per hour this includes rides at the mall to Winter Haven. Kenneth Fields, City Manager, said that Legoland subsidizes some transit services in Lake Wales for employees who work in Legoland. He also

said this amount is budgeted for in next year's budget. Deputy Mayor Robin Gibson asked if riders pay anything. Ms. Killebrew that they have arrangements with various companies including the Polk County School Board for staff and students to ride for free so it depends. Deputy Mayor Robin Gibson recommended an arrangement with the Lake Wales Charter Schools for their students. Ms. Killebrew said they can work on that. Commissioner Curtis Gibson asked why the amount increases each year for the next three years. Ms. Killebrew said those amounts will get the City up to 20% in three years. Mr. Fields said each city's share is based on actual ridership. Transit funding is a problem in Polk County.

## 6.II. PRESENTATION - LAKE WALES CHARTER SCHOOLS

Dr. Jesse Jackson, Superintendent of Lake Wales Charter Schools, gave a presentation on Bok Academy North. He described their desire to expand their middle school program into the historic school complex. He said that there is a waiting list to get into Bok Academy. He reviewed the history of Lake Wales and its education system from 1914. He emphasized the benefits of the Charter Schools having the money here and spending it here.

Scott Crews, Parlier & Crews Architects, showed diagrams of the old school campus and shared possible plans for using it as a school. He showed how the buses and cars would come through for drop-off and pick-up and what each building would be used for. They will stay away from the parking area used by the Gym and Little Theater.

Damien Moses, principal of Bok Academy, said they can only take 200 students at a time. He shared some statistics of students that are accepted and the demographic make up of their students.

Brian Fisher, CFO/Treasurer for Lake Wales Charter Schools, reviewed the estimated costs of this project and compared it to past projects. He explained that they have raised approximately \$2 million in grants and private donations for this project.

Dr. Jackson addressed the Boys & Girls Club on the property. He said their goal is to work together. They want to put more classroom space in their building. The cafeteria could be used by the Boys and Girls Club once completed while the other building is being worked on. Most of the work they have been doing has been in Tallahassee securing funds.

Mayor Fultz thanked the Charter School representatives for the presentation and encouraged them to meet with City staff to work out the logistics of this so we can move closer to getting this done. Mr. Fields said that staff is available to work with them.

## 6.III. PRESENTATION: Spook Hill Sign

James Slaton, Public/Support Services Director, showed a few slides on two possible alternative signs for Spook Hill. This included a banner sign across the road as was there many years ago. The Commission picked their preference, Option 1, and agreed that they would like the overhead sign as well. Mr. Slaton confirmed that he will move forward on both. Mayor Fultz commented that we are well known for Spook Hill and we should help it stand out.

## 7. COMMUNICATIONS AND PETITIONS

Jack Van Sickle, resident, expressed support for the Charter Schools to use the old school complex and remove the burden of those buildings from the City.

Bob Kelly, resident, was concerned that the Mayor and Deputy Mayor may not be eligible to serve on the board and if their past votes were valid. He also expressed concern about a commercial truck parked in a residential area. Mr. Galloway confirmed that both the Mayor and Deputy Mayor are serving legitimately and there are no problems with any of their past votes. Mr. Fields clarified that there is a concern about votes regarding the Charter Schools. Deputy Mayor Robin Gibson explained the possible conflict of interest for him and the Mayor regarding the votes over the Charter Schools. He reviewed the current status of this question with the state ethics board. We are waiting to see what the Commission of Ethics says. Mr. Kelly

said he is concerned about the morale and rumors downtown. Mayor Fultz said this is a good time to get the correct information out there. Mayor Fultz said he has resigned from the Charter School Board so that he no longer has a conflict of interest. He will appoint a citizen instead of a commissioner to represent the City. Deputy Mayor Robin Gibson said that is allowed by the Charter Schools by-laws.

Wanda Howard, resident, said she is a volunteer at the Boys and Girls Club and asked the commission to take the welfare of the children into consideration before conversing with the Charter Schools about any changes that would upset their program. She invited the commission and the City Manager to attend the upcoming NAACP Banquet on August 19.

## 8. CONSENT AGENDA

Deputy Mayor Robin Gibson made a motion to approve the consent agenda with the minutes of July 11, 2017 as corrected. Commissioner Curtis Gibson seconded the motion.

Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 3-0.

### 8.I. Minutes

The minutes of the budget workshop on July 11, 2017 and the Commission meeting on July 18, 2017.

Deputy Mayor Robin Gibson recommended a correction in the budget workshop minutes of July 11, 2017 that all places where it says Commissioner Gibson be changed to Commissioner Curtis Gibson to distinguish which Commissioner Gibson is speaking. The Commission consented to this change.

### 8.II. Grant Application: Lake Wales Museum 2018 Presentation Series

[Begin Agenda Memo]

#### **SYNOPSIS:**

A grant application to the Florida Humanities Council for \$5000 to develop the Lake Wales Museum 2018 Presentation Series.

#### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission approve a grant application to the Florida Humanities Council for \$5000 to develop the Lake Wales Museum 2018 Presentation Series.

#### **BACKGROUND:**

Under the guidance of the Florida Humanities Council (FHC), this initiative supports the development of a presentation series that features professional speakers and academicians approved by and listed on the Florida Humanities Council Speaker Series Roster.

If our grant application is accepted, the FHC will invest \$5,000 for honorarium payments, mileage and lodging for each speaker. The fiscal impact for this particular grant will be \$3,000 of the Lake Wales Museum's FY17/18 budget. The grant requires a 1:1 match; however, \$2,000 of this has already been

secured through a grant from the Polk County Tourism and Development Council.

**OTHER OPTIONS:**

Do not apply for this grant

[End Agenda Memo]

8.III. Fair Share Agreement - Citrus Connection

[Begin Agenda Memo]

**SYNOPSIS**

This service agreement provides transit service to Lake Wales by the District for \$34,626.96 for the period of one year.

**RECOMMENDATION**

Staff recommends approval of the Service Agreement with the Lakeland Area Mass Transit District to provide transit services to Lake Wales.

**BACKGROUND**

The Lakeland Area Mass Transit District operates public transportation in Polk County including the former Winter Haven Area Transit which has contracted with Lake Wales the past several years to transportation services to Lake Wales residents. This agreement will cover costs of transit services for the next year.

**OTHER OPTIONS**

Do not approve the agreement with the Lakeland Area Mass Transit District.

**FISCAL IMPACT**

The cost of this agreement is \$34,626.96

[End Agenda Memo]

8.IV. Purchase: Lift Station Pump Replacement

**SYNOPSIS:**

Staff requests commission approval to purchase replacement pumps for lift stations 1,17,21,22, and 25 from Barney's Pumps, the local sole source supplier.

**STAFF RECOMMENDATION**

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

1. Approve the purchase of replacement pumps for 5 lift stations in the City's collection system from Barneys Pumps in the amount of \$91,940.00.

**BACKGROUND**

The City owns, operates, and maintains thirty-nine lift stations. The majority of the older lift stations are in the central part of the City around Lake Wailes. In recent years the city has generally grown to the north and south along the US Highway 27 corridor and the east along the S.R. 60 corridor. Hence the newer lift stations are generally located along these routes. Out of the thirty-nine lift stations located in the city, there are nine lift stations that receive and re-pump flow from other lifts stations to the city's waste water treatment plant.

In 2008 city staff contracted with Boyle Engineering (AECOM) to perform an evaluation of the city's collections system, which includes its lift stations. Based on the information from this evaluation, it was determined that the listed stations are now in need of rehabilitation. Following these recommendations has allowed for staff to create and maintain a rehabilitation program. The stations that are marked for rehabilitation in the 2016-2017 Fiscal year are listed above.

#### **OTHER OPTION**

None. The purchases of these pumps are necessary to ensure the above lift stations continue to function at the appropriate levels.

#### **FISCAL IMPACT**

\$100,000 has been placed in the 2016-2017 Wastewater Capital Improvements Budget for this purchase.

[End Agenda Memo]

#### 8.V. Force Main Cleaning

##### **SYNOPSIS:**

The commission will consider entering into a piggyback contract with Professional Piping Services for force main cleaning and accepting the quote of \$40,624.82 for the force main cleaning services for the area serviced by the south side force main.

##### **RECOMMENDATION**

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

1. Approve entering into a piggyback contract with Professional Piping Services using the pricing from the TOHO Water Authority annual contract.
2. Approve the quote from Professional Piping Services for the Force Main Cleaning in the amount of \$40,624.82.

##### **BACKGROUND**

The Southside force main requires cleaning on a periodic basis due to the distance this line must travel to reach the wastewater treatment plant, the low flow conditions, and the drastic topographical changes that exist in the south side force main service area. Sediment such as sand, plastics and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. The method proposed for the cleaning of the force main is called the progressive poly pig procedure.

Staff recommends the commission take the following action, approve staff to piggyback on the Toho Water Authority Annual contract with Professional Piping Services and accept the price quote submitted by Professional Piping Services in the amount of \$40,624.82 for the necessary cleaning of the force main.

##### **FISCAL IMPACT**

\$70,000 was budgeted in the Wastewater Division's FY16'17 M&R Lines and Mains operating budget for this purpose.

## **OTHER OPTIONS**

None. Without this required annual cleaning, the force main would become plugged and become inoperable. This in turn would cut off the sewer service for the subdivisions being serviced by this forcemain

[End Agenda Memo]

## 9. OLD BUSINESS

## 10. NEW BUSINESS

### 10.I. Board Appointments: Planning & Zoning Board

[Begin Agenda Memo]

#### **SYNOPSIS:**

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc.

#### **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).

The Mayor is asked to make the appointments as deemed appropriate.

#### **BACKGROUND**

As of July 1, 2017 many terms will expire on many of our boards. These are those applying for reappointment or appointment to new terms.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least four (4) members must reside in the City and three (3) members must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.

- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 1 vacancy, must reside in or own real property in the City

Applying for Appointment: Linda Bell to a term that will expire 07/01/19

Current Members: Joanne Fuller, resident 09/19/06 – 07/01/18, 4-Final

Mark Bennett, resident 05/07/13 – 07/01/18, 2

Charlene Bennett, resident 02/16/10 – 07/01/16, 2

Narvell Petersen, resident 07/05/17 – 07/01/20, 1

Christopher Lutton, resident 07/05/17 – 07/01/20, 1

John Gravel, property owner 05/06/14 – 07/01/16, 1

Matt Cain, property owner - 07/01/19, P + 1 (resigned)

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4

th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its membership one (1) member to serve as chairman and one (1) to

serve as vice-chairman.

a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.

b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;
2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. To perform any other duties which are lawfully assigned to it by the city commission

#### OPTIONS

Do not appoint those that have applied.

[End Agenda Memo]

Mayor Fultz appointed Linda Bell to the Library Board and asked the commission to approve the appointment.

Deputy Mayor Robin Gibson made a motion to approve the appointment Linda Bell to the Library Board. Commissioner Curtis Gibson seconded the motion.

Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 3-0.

#### 11. CITY MANAGER

Kenneth Fields, City Manager, reported on an article in Florida Trend magazine on Kegel Industries who are in our business park. They were identified as a great company to work for.

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Schedule

Mr. Fields suggested possibly moving the meeting scheduled for the week of Thanksgiving as it is not a good day for most people.

Mr. Fields said they got information from the state on shared revenues. They are up. They will be able to make the roll back rates and possibly add in COLA increases for employees. These increases will be 1% in October and 1% in April. He recommended canceling the two budget workshops in August. The commission members consented to this recommendation. Mayor Fultz said it was wonderful that we can balance the budget, do the roll back rate and offer COLA raises to employees.

11.IV. Other Meetings & Events Calendar

12. CITY ATTORNEY

12.I. Discussion - City Attorney Evaluation Forms

Sandra Davis, Human Resources Director, provided samples of City Attorney evaluations. Staff recommends the two page sample form with the heading "Evaluation of Legal Services for Council Members" because it was the simplest to use. The commission agreed with staff recommendation. Mr. Fields asked when they would like to do this. Deputy Mayor Robin Gibson suggested that the City Manager and City Attorney be done at the same time. Mr. Fields said his is in February. The Commission members agreed to do both at that time.

13. CITY COMMISSION COMMENTS

14. MAYOR

Mayor Fultz said that he was mentioned in Polk life commending him and his wife on their long marriage.

15. ADJOURNMENT

The City Commission meeting was adjourned at 7:30 p.m.

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Mayor/Deputy Mayor

ATTEST:

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Jennifer Nanek, Interim City Clerk