

City Commission Meeting Minutes
August 15, 2017
(Approved)

8/15/2017 - Minutes

1. INVOCATION

Rob Quam 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; Flora "Tonya" Stewart

Commissioners Absent: Terrye Howell

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

5. Status Of Commissioner Curtis Gibson

Mr. Fields announced that as Commissioner Howell could not attend for medical reasons he recommended tabling this item and Agenda Item 12.1 Status of the City Clerk until a special meeting on Wednesday August 23rd 6:30 p.m. The Mayor agreed. Deputy Mayor Gibson said that if Commissioner Howell still cannot make it then we should go ahead and get these matters behind us.

6. PROCLAMATIONS AND AWARDS

6.I. PROCLAMATION - Peace Corps Volunteers

Kirby Quam and Emilie Lamar Quam accepted the proclamation.

7. PRESENTATION/REPORT

Mayor Fultz read a letter commending Sarah Kirkland and the Utilities Department for their help in fixing a broken water pipe.

8. COMMUNICATIONS AND PETITIONS

Michael Cabral, non-resident, presented a petition that entertainers be paid less and working members of the community such as police officers making more and asked for the Mayor's support.

Sue Smith, resident, brought up the issue of the hotel. She distributed copies of the hotel contract to Commission members. She would like to know why the City does not enforce the provisions of the contract. Specifically the \$30,000 promised to the Historic Lake Wales Society. Why wasn't this paid or forgiven? The Mayor said he wasn't here when that was voted on. Mr. Fields said that the property is now in private hands and is not the City's concern. She asked him to get back to her on this. Mr. Fields agreed.

9. CONSENT AGENDA

Mr. Galloway said that in the Andy Easton contract paragraph R provides for prevailing party attorney's fees. Our policy is that this be changed to provide that each party bear its own respective fees and costs. Mr. Easton agreed to the change.

Deputy Mayor Robin Gibson made a motion to approve the consent agenda as amended. Commissioner Stewart seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "Yes"

Motion passed 4-0.

9.I. Minutes - August 1, 2017

9.II. Recommendation From The Audit Selection Committee - Professional Auditing Services

[Begin Agenda Memo]

SYNOPSIS:

Acceptance of Cherry Bekaert CPAs & Advisors professional auditing services for fiscal year ending September 30, 2017, with the option to renew for two additional years.

RECOMMENDATION:

The Audit Selection Committee recommended that the City Commission approve:

1) Cherry Bekaert CPAs & Advisors for professional auditing services.

Staff recommends that the City Commission:

1) Approve the firm of Cherry Bekaert CPAs & Advisors for professional auditing services for fiscal year ending September 30, 2017, with the option to renew for two additional years; and

2) Authorize the City Manager to execute the Auditing Engagement Letter between the City of Lake Wales and Cherry Bekaert CPAs & Advisors., after approval by the City Attorney.

BACKGROUND

The Audit Selection Committee members selected the firm of Cherry Bekaert CPAs & Advisors to be recommended for approval by the City Commission. 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 Selection Committee met on July 19, 2017 to:

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.

The audit selection committee members who evaluated the firms were:
Joseph Jenkins, Board Member of the Fire Pension Plan and Fire Chief
Sandra Davis, Human Resource Director
Sarah Kirkland of General Employee Pension Plan
Katherine Roberts, Board Member of the Airport Authority

The audit selection committee top three firms, in order of preference, were:

- 1) Cherry Bekaert CPAs & Advisors
- 2) Purvis Gray & Company LLP
- 3) Mauldin & Jenkins

Evaluation factors included the firm's experience/performance on comparable government engagements, Quality of firm's professional personnel to be assigned to engagement, Price quote for service, adequacy of audit approach, approach to the management letter, and familiarity with Certificate of Achievement in Financial Reporting.

FISCAL IMPACT

The all-inclusive maximum price for audits fee for the City audit report and interim work will not exceed \$65,700 for FY 2016'17 audit. The next two years have all-inclusive maximum annual price \$67,950 (FY 2017'18) and \$68,200 (FY 2018'19), respectively.

[End Agenda Memo]

9.III. Grant Administration Agreement - Andy Easton And Associates

[Begin Agenda Memo]

SYNOPSIS

Staff is seeking approval of a new contract with Andy Easton and Associates for CDBG Grant Administration Services.

RECOMMENDATION

Staff recommends approval of the contract with Andy Easton and Associates for CDBG Grant Administration Services for \$43,000 and authorizing the Mayor to sign the agreement.

BACKGROUND

At the June 6, 2017 meeting the City Commission approved the CDBG Grant Award agreement for phase 3 of the C Street Sewer Project. The City then solicited proposals for Grant Administration Services. Andy Easton and Associates was the only firm to submit a proposal.

This proposal was approved by the Department of Economic Opportunity as required when only one proposal is submitted. Our review found that the proposal was reasonable for services to be provided.

OTHER OPTIONS

Administer the grant ourselves.

[End Agenda Memo]

9.IV. Special Event Application: Homecoming Parade Sept 28, 2017

[Begin Agenda Memo]

SYNOPSIS:

Approval of the special event permit application and the request for street closings will allow the Lake Wales High School Homecoming Parade to be held on Thursday, September 28, 2017.

RECOMMENDATION

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

Approve the special event permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, September 28, 2017 from 5:00 pm to 6:30 pm.

Approve the request for the road closing of First Street from SR 60 to Central Avenue, Central Avenue from First Street to Lake Shore Boulevard, and Lake Shore Boulevard from Central Avenue to North Wales Drive at Legion Field, and Orange Avenue and N 5th Street to Sessoms Avenue.

BACKGROUND

Ms. Donna Dunson, Principal of the Lake Wales High School submitted a special event permit application for the Homecoming Parade to be held on Thursday, September 28, 2017 between the hours of 5:00 pm and 6:30 pm. Parade line up begins at 4:00 p.m. in the parking lot of Polk Avenue Elementary School and on south First Street with the parade starting at 5:00 p.m. The requested temporary street closings will involve the following streets;

First Street from State Road 60 north to Central Avenue, east on Central Avenue crossing SR 17 and continuing to Lake Shore Blvd., north on Lake Shore Blvd. to North Wales Drive, Orange Avenue to N 5th Street, N 5th Street to Sessoms Avenue

The crossing of Scenic Hwy (SR 17) requires a road closing permit from the Florida Department of Transportation. This permit request has been submitted to the FDOT office in Bartow. All Departments have reviewed the application and have approved the event. Lake Wales Police Department and VOICE will be available to provide escort for the parade and for traffic control. The Streets Department will be providing assistance with the barricades for the street closings and will take care of normal street cleaning on Friday. The Charter Schools have provided the required proof of liability insurance.

OTHER OPTIONS

Do not approve the request for the Homecoming Parade and the road closings for the event.

FISCAL IMPACT

In-kind service from the City is estimated to be \$1,694 for FY 2017/2018. Lake Wales High School is responsible for 25% of the total cost or approximately \$424.

[End Agenda Memo]

9.V. Write-Off Uncollectible Receivable Accounts

[Begin Agenda Memo]

SYNOPSIS:

The City Commission is asked to authorize the write-off of uncollectible accounts receivables totaling \$49,440.31 for utility and solid waste services.

RECOMMENDATION

It is recommended that City Commission authorize the Finance Director to write-off a total of \$49,440.31 in 197 uncollectible accounts receivables for utility and solid waste services for the period of 10/01/15 through 6/30/16.

BACKGROUND

The Utilities Fund and General Fund list accounts receivable as an asset. These amounts are the total unpaid billing of utility and waste disposal services. These Funds also list an offsetting account called Allowance for Uncollectible Accounts, which is an estimate of uncollectible accounts based upon accounts receivable balances past 90 days old. The Allowance for Uncollectible Accounts is adjusted annually by an offsetting adjustment to bad debt expense. If the write-off is approved, each account's balance will be adjusted off and each account will be coded as a write-off. Applications for new service are checked against our current database. If the applicant has a coded write-off account in our system, the applicant must pay the old debt before new service is activated.

Open accounts prior to June 30, 2016 have been sent to Penn Credit, the collection agency for the City. Penn Credit will continue to attempt collection efforts relating to these accounts.

FISCAL IMPACT

Accounts receivables will be reduced by \$49,440.31 but this will have no impact on the City's bottom line because the amount has been accruing in the Allowance for Uncollectible Accounts.

[End Agenda Memo]

9.VI. State Road 60 Westerly Utility Expansion - Approval Of Settlements

[Begin Agenda Memo]

SYNOPSIS:

There are two Mediated Settlement Agreements and one Stipulated Settlement Agreement related to the acquisition of easements for the installation of infrastructure for the subject utility expansion project which require approval by the City Commission.

RECOMMENDATION:

Approve the Settlement Agreements.

BACKGROUND:

The City has acquired the necessary easements for the project which is proceeding. Acquisition of some of the project easements has required additional effort to reach agreement as to the value of the easement taken for the project.

FISCAL IMPACT: The impacts are set forth separately in each of the Agreements.

OTHER OPTIONS: None that would not result in the necessity of separate trials and the

additional associated costs and fees of additional litigation. The settlement strategies were previously discussed by the Commission in a meeting held in accordance with the provisions of §286.011(8), Florida Statutes.

[End Agenda Memo]

10. OLD BUSINESS

11. NEW BUSINESS

- 11.I. Ordinance D2017-02 – CPA/Zoning 1st Reading And Public Hearing First Christian Church Of Lake Wales – Sunset Dr And Buck Moore Rd

[Begin Agenda Memo]

SYNOPSIS

This ordinance will amend land use designation on the Future Land Use Map (Comprehensive Plan) and the Zoning Map for the First Christian Church of Lake Wales property, 15.9 acres on the northwest corner of Sunset Drive and Buck Moore Road.

RECOMMENDATION

Staff recommends approval after first reading and public hearing.

The Planning and Zoning Board held a public hearing on the proposed amendment to the Future Land Use and Zoning Maps for the subject property on June 27, 2017 and gave a positive recommendation to amendment as set forth below:

15.9 acres located on northwest corner of Sunset Dr and Buck Moore Rd

Polk County Future Land Use Map designation RS-Residential Suburban to City of Lake Wales Future Land Use Map designation LDR-Low Density Residential and Zoning map designation R1-B Residential.

A public hearing is required. Public notice requirements for the hearing have been met.

BACKGROUND

The property was recently annexed at the request of the owner for the purpose of building a new church campus.

The property is located on the northwest corner of Sunset Drive and Buck Moore Road. Recommended land use designation is in keeping with adjacent designations and uses. Since the recommended land use and zoning are residential projected impacts are presented for that type of development. However, a church campus would probably present lesser impacts.

Surrounding land use designations:

North: City LDR Low density residential

East: City LDR Low density residential

South: County RS Residential Suburban

West: County RS Residential Suburban

Projected impacts upon public services:

Potable water: Total 13,664 GPD

Current available capacity: approximately 1.6 MGD

Estimated volume of potable water usage:
2.4 persons x 47 DU = 112 people
112 people x 122 GPCD = 13,664 GPD

Wastewater: Total 11,200 GPD
Current available capacity: approximately 1.3 MGD
Estimated volume of wastewater flow
2.4 persons x 47 DU = 112 people
112 people x 100 GPCD = 11,200 GPD

Solid waste @ 7.3 lbs/person/day: 817.6 pounds per day
LOS standard: 7.3 lbs per person per day. Projected 2.4 persons per unit, 112 total people.

This ordinance will be transmitted to the State Land Planning Agency following first reading.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE D2017-02** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE THE LAND USE DESIGNATION ON 15.9 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF SUNSET DRIVE AND BUCK MOORE ROAD, POLK COUNTY DESIGNATION RS RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION LDR LOW DENSITY RESIDENTIAL AND ZONING DESIGNATION R-1B RESIDENTIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangle, Planning Director, reviewed this item.

OPENED PUBLIC HEARING

No comments

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE D2017-02** on first reading and public hearing. Commissioner Curtis Gibson seconded the motion.

By Roll Call Vote

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 4-0.

11.II. Board Appointments: Library 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. This is an application for appointment to a new term.

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- 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, resident, due to an expired term

Current Meeting Schedule: 2nd Wednesday @ 4:00 p.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members: Jolene Lake, outside 08/02/16 -07/1/21, 1
Donna Geils, resident 12/02/14 – 07/01/17, 1
Michalkiewicz, Brystal, resident 08/04/15 - 07/01/21, P+1
Jacquie Hawkins, resident 06/21/16 - 07/01/18, 1
Margaret Swanson, resident 06/21/16 – 07/01/19, 1
Applying for Appointment: Paula Alford, resident 08/15/17 - 07/01/22, 1

OPTIONS

Do not appoint those that have applied.

[end agenda memo]

Mayor Fultz appointed Paula Alford to the Library Board for a term to expire July 1, 2022.

Commissioner Stewart made a motion to approve the appointment of Paula Alford to the Library Board for a term to expire July 1, 2022. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

12. CITY MANAGER

Kenneth Fields, City Manager, asked Fire Chief Joe Jenkins to report on the smoke in the area that many saw. Chief Jenkins reported that it was from a controlled burn at Grassy Lake Preserve. They were unaware of this but there will be better communication on these in the future.

12.I. Status Of The City Clerk

This item was tabled to Wednesday August 23rd 6:30 p.m.

12.II. Tracking Report

12.III. Social Media Tracking Report

12.IV. City Commission Meeting Calendar

12.V. Other Meetings & Events Calendar

13. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson expressed interest in having a City Flag. Ideas for a flag was discussed. Mr. Fields said he could solicit ideas via social media and see what we come up with.

Commissioner Curtis Gibson passed on a need from the Airport Authority for a port-a-potty at the airport. Mr. Fields said that as we get water and sewer out there we can put permanent facilities out there.

Commissioner Stewart asked if we could get a final report for the meeting on the 23rd instead of the draft. Mr. Fields agreed that we now have time to get that.

14. MAYOR COMMENTS

The Mayor read a letter appointing former Commissioner Pete Perez to represent the City on the Charter School Boards.

Deputy Mayor Robin Gibson said that this appointment should be approved by the board as others are. Mayor Fultz agreed.

Deputy Mayor Robin Gibson made a motion to approve the appointment of Pete Perez to the Charter School Board. Commissioner Stewart seconded the motion.

By Voice Vote

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

15. ADJOURNMENT

The meeting was adjourned at approximately 7:30 p.m.

Mayor/Deputy Mayor

ATTEST:

Jennifer Nanek, Interim City Clerk