

City Commission Meeting Minutes
October 2, 2018
(APPROVED)

10/2/2018 - Minutes

1. INVOCATION

Dr. 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. COMMUNICATIONS AND PETITIONS

Jimmy Nelson, non-resident, has a business in Lake Wales and said he wanted to update the City Commission on the effort by the Charter Schools to take over McLaughlin. He reported on a constructive meeting at the School District with the Superintendent and the Chair of the board. They have strayed from the purpose of the Charter and are drawing students from places outside Lake Wales and other schools and district suffers. They presented a proposal that identified areas where they can clean up and be better partners with the county. The proposal was well received. They will have a cap with Lake Wales kids and limit outside students. If a student wants to attend Lake Wales Schools the family should move to Lake Wales. They will share this proposal with the Commission members before the next Commission meeting when they will discuss the resolution.

6. CONSENT AGENDA

Commissioner Curtis Gibson commended the staff for finding grants to be used first.

Commissioner Howell made a motion to approve the consent agenda. Deputy Mayor Robin Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

6.I. Minutes - September 17, 2018 And September 19, 2018

6.II. Piggyback Agreement With Texas Aquatic Harvesting, Inc.

[Begin Agenda Memo]

Synopsis:

The City Commission will consider authorizing a piggyback agreement with Texas Harvesting, Inc. for removal of various types of vegetation from lakes within the city's jurisdictional area.

Recommendation

Staff recommends that the City Commission take the following action:

1. Authorize the piggyback agreement with Texas Aquatic Harvesting, Inc.
2. Authorize the City Manager to execute the piggyback agreement on behalf of the City.

Background

The City's Recreation department is requesting Commission approval to enter into a piggyback agreement with Texas Aquatic Harvesting, Inc. for the removal of various types of vegetation in lakes within the city's jurisdictional area. This practice will improve the overall health of the lakes by removing the vegetation from the lakes instead of the spraying method used in the past which allowed the vegetation to die and build up on the lake bed.

The piggyback is based on a competitively bid contract with the South Florida Water Management District for similar services and staff is requesting approval to piggyback the contract. Section 2-404 of the City Code and F.S. §287.057 exempts the City from competitive seal bid requirements when piggybacking another public entity's previously competitively bid contract.

Fiscal Impact

Funds are available for this service in the adopted FY 18/19 budget.

Other Options

The City Commission may direct staff to solicit sealed proposals in lieu of utilizing a piggyback agreement with Texas Aquatic Harvesting, Inc.

[End Agenda Memo]

6.III. Special Event Application: House Of Prayer Octoberfest October 27, 2018

[Begin Agenda Memo]

SYNOPSIS:

Approval of the special event permit application will allow the House of Prayer Church to hold their annual October Fest on Saturday October 27, 2018 and allow for the temporary closing of Seminole Avenue

RECOMMENDATION:

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

Approve the special event permit application from the House of Prayer Church for their Annual October Youth Festival event to be held Saturday October 27, 2018

Approve the temporary street closing of Seminole Avenue from First Street to Scenic Highway between the hours of 12:00 p.m. and 5:00 p.m.

BACKGROUND:

The House of Prayer Church submitted a special event permit application for their annual Church October Youth Festival event to be held on Saturday October 27, 2018 at 506 North First Street.

This application also includes a request for the temporary closing of Seminole Avenue from Scenic Highway (SR17) to First Street between the hours of 12:00 a.m. and 5:00 p.m.. The House of Prayer will be having a Bounce House, carnival booths, kids games, and food at their Activity Center located across the street on Seminole Avenue.

In the past the church has requested from the City Commission the temporary closing of Seminole Avenue for this event held each year. This prevented vehicular traffic from entering this area and presenting a serious safety issue for the children and parents crossing Seminole to reach the Activity Center. The closure of Seminole Avenue for this event will eliminate this possibility.

Staff has reviewed the application and has no issues with the street closing. The church is handling all site set ups, sanitary facilities, trash receptacles and trash clean up. Insurance is being provided as required.

OTHER OPTIONS:

Do not approve the event or street closing.

FISCAL IMPACT:

There is no cost to the City for this event.

[End Agenda Memo]

7. Edward Byrne Memorial State And Local Law Enforcement Assistance Grants

[Begin Agenda Memo]

Synopsis:

Approval of this item will allow the police department to submit for and receive grant funding then purchase subcompact handguns and holsters with JAG-C funds and hand held speed measurement lasers with JAG-D funds in FY18/19.

Recommendation:

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to apply for and accept funding through the JAG-C and JAG-D Edward Byrne Memorial State and Local Law Enforcement Assistance Grants and purchase subcompact handguns, holsters and speed measurement lasers.

Background:

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local

Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. Although the federal government approved the JAG budget in FY17/18, they did not award the funding until mid-September.

This year, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount for the JAG-C is \$13,170.00 and \$3,807.00 for the JAG-D. If approved, these amounts will be included in an amended 2018/2019 budget.

The Lake Wales Police Department proposes to utilize JAG-C funds to purchase thirty (30) subcompact handguns with holsters for sworn law enforcement officers. A subcompact firearm is smaller than our standard firearm and offers several benefits to law enforcement. First, they will provide officers the ability to carry a defensive weapon in a safe, professional looking holster when operating in a plain-clothes assignment. Next, they are easy to conceal when working in a capacity where the firearm must remain hidden for officer safety and operational purposes. Finally, they will enable officers to carry a uniform firearm in a concealed manner while off duty for their protection and the protection of the public.

The Lake Wales Police Department proposes to utilize JAG-D funds to purchase four (4) hand held speed measurement lasers. Due to increased growth and traffic congestion, the number of traffic related complaints and crashes have steadily increased throughout our jurisdiction. Additionally, the number of traffic fatalities has increased from two (2) in 2017 to six (6) thus far in 2018. The department created a traffic enforcement unit in mid-2018 and has since added an additional officer to meet the demands presented by this increase.

The patrol section also increased their traffic enforcement efforts but require this additional equipment in order to be more effective at reducing crashes and increasing public safety. This equipment will provide law enforcement officers a portable, reliable, accurate and court-approved method of monitoring vehicular speeds and conducting traffic education and enforcement.

Matching funds are not required for these projects; however, Police Forfeiture funds are available for any additional expenses if necessary.

The costs of this equipment are as follows:
JAG-C (30) Subcompact Firearms - \$12,270.00
JAG-C (30) Firearm Holsters - \$ 900.00
JAG-A (4) Speed Measurement Lasers - \$3,807.00

Other Options:

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grants or purchase this equipment.

Fiscal Impacts:

The Finance Department has reviewed this application.

[End Agenda Memo]

Deputy Mayor Robin Gibson noted that this was not approved. He made a motion to approve these grant applications. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8. OLD BUSINESS

9. NEW BUSINESS

9.I. Resolution 2018-21, Supplemental Joint Participation Agreement-G0B57 (Corrective)

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider the adoption of Resolution 2018-21 (corrective) to correct a scrivener's error.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

1. Adopt Resolution 2018-21 (corrective)

BACKGROUND

On September 19, 2018 the City Commission adopted Resolution 2018-21, a supplemental joint agreement to accept additional funding from the Federal Department of Transportation (FDOT) for the runway extension project at the Lake Wales Municipal Airport.

Due to a scrivener's error the financial project number and description was listed incorrectly.

FISCAL IMPACT

There is no change to impact

OPTIONS

None

[Thanks]

Jennifer Nanek, City Clerk, read **RESOLUTION 2018-21 (corrective)** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA), TO AMEND FUNDING FOR JOINT PARTICIPATION AGREEMENT (JPA) ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 438921-1 (RELATED ACTIVITIES NECESSARY FOR THE CONSTRUCTION PHASE TO REHABILITATE AND EXTEND RUNWAY 06/24) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

Teresa Allen, Public Services Director, reviewed this item.

Commissioner Howell made a motion to adopt **RESOLUTION 2018-21 (corrective)**. Commissioner Curtis Gibson seconded the motion.

by Roll Call vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. RESOLUTION 2018-23: Opposition To Amendment 1

[Begin Agenda Memo]

SYNOPSIS

Resolution 2018-23 opposes Amendment 1 on the 2018 ballot.

RECOMMENDATION

Staff recommends approval of Resolution 2018-23.

BACKGROUND

At the September 19, 2018 City Commission meeting Commissioners asked staff to prepare a Resolution concerning Amendment 1 to the Florida Constitution that will be on the November 6th Ballot. As requested by members of the Commission this resolution is from the Florida League of Cities.

OTHER OPTIONS

Do not approve Resolution 2018-23.

FISCAL IMPACT

There is no Fiscal Impact to Resolution 2018-23.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2018-23** by title only.

RESOLUTION 2018-23

A RESOLUTION OF THE CITY OF LAKE WALES CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION, WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE

EXPENSE OF OTHER TAXPAYERS.

Mayor Fultz reviewed this item. He said it was important to educate the public on this issue.

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2018-23**. 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.

9.III. RESOLUTION 2018-24: Support For Amendment 4

[Begin Agenda Memo]

SYNOPSIS

Resolution 2018-24 expresses support for Amendment 4 on the 2018 ballot.

RECOMMENDATION

Staff does not have a recommendation concerning Resolution 2018-24.

BACKGROUND

Mayor Fultz asked that this Resolution from the Florida Black Caucus of Local Elected Officials be placed on tonight's agenda.

OTHER OPTIONS

Do not approve Resolution 2018-24.

FISCAL IMPACT

There is no Fiscal Impact to Resolution 2018-24.

[End Agenda Memo]

RESOLUTION 2018-24

A RESOLUTION OF THE CITY OF LAKE WALES IN SUPPORT OF THE PASSAGE OF AMENDMENT TO ARTICLE VI, SECTION 4, FLORIDA CONSTITUTION – VOTING RIGHTS RESTORATION FOR FELONS INITIATIVE (2018)

Commissioner Howell made a motion to adopt **RESOLUTION 2018-24**. Commissioner Curtis

Gibson seconded the motion.

by Roll Call vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.IV. Special Event Permit Application - Orange Blossom Revue Nov 30-Dec 1, 2018

[Begin agenda Memo]

SYNOPSIS:

Approval of this request will allow the Noon Rotary Club to hold its fourth annual "Orange Blossom BBQ" event in Lake Wailes Park on Friday, November 30 and Saturday, December 1, 2018, allow a designated area for wine and craft beer sales, and allow the set up to begin on Thursday, November 29, 2018.

RECOMMENDATION

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

1. Approve the Special Event Permit Application from the Noon Rotary Club to hold an "Orange Blossom BBQ" in Lake Wailes Park December 1 and 2, 2017 with set up beginning on Thursday, November 29, 2018
2. Approve the hours as follows:
 - Thursday, November 29, 2018 - Begin set up at 8:00 a.m.
 - Friday, November 30, 2018 – The event will be open to the public at 4:00 p.m. and end at 10:30 p.m.
 - Saturday, December 1, 2018 - The hours will be 11:00 a.m.–10:30 p.m.
 - Sunday December 2nd and Monday December 3rd - Clean up and removal of tents and booths will take place
3. Approve the request from the noon Rotary to have wine and craft beer sales and consumption in an enclosed designed area in the Park on both Friday and Saturday.
4. Approve the request for RV's and tent campers to set up in the areas approved and designated by City staff on Friday.

BACKGROUND

The Lake Wales Noon Rotary Club submitted a Special Event Permit Application to hold its fourth annual "Orange Blossom BBQ" in Lake Wailes Park. This event features the Florida BBQ Association's sanctioned barbecue competition, the Florida Tastemakers Marketplace with a gathering of artists and vendors from across the state, kid's tents, and live music. There will also be a designated area for wine and craft beer sales and consumption.

New this year is an area for tent campers. There will be 15 tent sites available for rent to the attendees. The sponsor has met with staff from the Fire Department, Police Department and Public Services to address possible concerns with this.

The event has been approved by staff with the following stipulations:

- The RV's and tent campers will be parked in the designated area only.
 - The designated parking area for the public must be clearly identified on site.
 - No vehicles shall be parked within 15 feet of the trunk of any trees within the park. No vehicles shall drive or park on the bike path or cross the bike path
-
- The Rotary Club is responsible for ensuring that the vendors and artists bringing in RV's and campers adhere to the conditions for parking.
 - Sanitary facilities and dumpsters are the responsibility of the sponsor. A separate dumpster will be required for disposal of ash by the vendors.
 - Tent permits are required in advance by the sponsor and can be obtained from the City's Planning Department so that inspections can be completed by the Fire Marshall during set up times.
 - The alcohol permit application must be completed by the sponsor and submitted to the Planning Department for review and approval before submitting to the Department of Alcohol Beverage & Tobacco. Once the final permit is obtained, a copy must be provided to the City no later than November 19, 2018.
 - The required Certificate of Liability Insurance with an alcohol insurance rider has been received by the City.
 - In-Kind Services will be provided by the City's Field Operations Divisions for clean up services on Saturday and Sunday and costs associated with these services will be paid by the sponsor at 25%. Off-duty officers from the Lake Wales Police Department will be hired by the sponsor for security purposes.

OTHER OPTIONS

Do not approve the event.

FISCAL IMPACT

This BBQ event is part of the FY18/19 special events budget. In-Kind services will cost the City approximately \$1,598 with the sponsor paying 25% of the cost or \$400. Off-duty officers from the Lake Wales Police Department will be hired for security and will be paid by the sponsor.

[End Agenda Memo]

Reid Hardman, resident and Co-Chair of the Orange Blossom Revue, reviewed this item. He explained that they wish to add tent camping for guests to rent. He said that he has reviewed concerns about this with the Fire and Police Departments and other staff members. Mayor Fultz expressed concern about excessive alcohol and drug use. Mr. Hardman said that there will be overnight security and rules that campers must follow. There will be safety procedures in place including fire extinguishers.

Commissioner Curtis Gibson said this event is one of the reasons we need a stage at Lake Wailes. He said he is in support of this.

Mr. Fields asked if this will have any effect with the TDC grant. Mr. Hardman said he has not discussed this with the TDC but there is no language against this.

Commissioner Howell asked if they would add additional spaces if requested. Mr. Hardman said there is some flexibility but not a lot. Commissioner Howell said she enjoyed helping out at the event last year.

Mayor Fultz said he was in support of the event and their investment in Lake Wales.

Commissioner Curtis Gibson made a motion to approve the special event permit for the Orange Blossom BBQ Revue on November 30 - December 1, 2018. Commissioner Howell seconded the motion.

by Roll Call vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.V. RESOLUTION 2018-22: Support Of Lake Wales Charter Schools

[Begin Agenda Memo]

SYNOPSIS

Resolution 2018-22 expresses supports for the takeover of McLaughlin Middle School by the Lake Wales Charter Schools.

RECOMMENDATION

Staff does not have a recommendation concerning approval of Resolution 2018-22.

BACKGROUND

At the September 19, 2018 City Commission meeting Commissioners asked staff to bring forth a Resolution concerning the possible takeover of McLaughlin Middle School by the Lake Wales Charter Schools. This resolution was provided to City staff.

OTHER OPTIONS

Do not approve Resolution 2018-22.

FISCAL IMPACT

There is no Fiscal Impact to Resolution 2018-22.

[End Agenda Memo]

Mayor Fultz announced that this item has been tabled until October 16th.

10. CITY MANAGER

Kenneth Fields, City Manager, reminded the Commission that there will be changes to our trash pickup forthcoming. Residents will be getting new recycling bins and everything including trash, recycling, and yard waste will be picked up on the same day. Information on this is being sent to the residents and posted to our website and social media.

Mr. Fields reported on recent trip to the International Conference of City Managers in Baltimore with Assistant City Manager James Slaton. He said it was a good conference that they learned a lot and he received his 35 year pin.

10.I. Tracking Report

10.II. Social Media Tracking Report

10.III. Commission Meeting Schedule

Mr. Fields said he wants to schedule another recreation workshop at the Austin Center later this month and a CRA meeting in November as there are things that require formal action.

10.IV. Other Meetings & Events Calendar

11. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said he investigated the Zillow comment made at the last meeting. He said that indeed Zillow does not list the Lake Wales Charter Schools as an option in the area. Zillow gets their information from the district. We may have lost potential residents because of this. This needs to be fixed and he and Kevin Kieft from the Chamber of Commerce will work on correcting this.

Deputy Mayor Robin Gibson said that it isn't always clear when the public can comment on an item on the agenda. Some Resolutions or Ordinances require a Public Hearing and some don't. Mayor Fultz noted that there is an opportunity for public comment at the beginning and the end of the meeting. Mr. Fields reviewed what items require a public hearing. He said we could be clearer about when a public hearing is required. Mayor Fultz said that he could be clearer on what can be discussed during public comments and that a member of the public can request an item be pulled from the consent agenda as well as Commission members.

Commissioner Howell said that she agrees that all schools should be represented on the website including for Charter Schools. The Charter Schools need to be inclusive and make effort to remember the public schools too. Mayor Fultz said he liked the idea that students who wish to attend Lake Wales Charter Schools should move to Lake Wales. Commissioner Stewart said that she agrees that Lake Wales students should have priority in the Charter Schools. The school system in Lake Wales was discussed.

Commissioner Stewart said that along with good schools we need more recreation for students.

Deputy Mayor Robin Gibson asked that the purchase of the YMCA be added to the tracking report.

12. MAYOR COMMENTS

Mayor Fultz asked about a possible polling place in Lake Ashton. Jennifer Nanek, City Clerk, said she would look into that after the upcoming general election.

13. ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of October 2, 2018 as approved by the Lake Wales City Commission.

ATTEST: