

**City Commission Meeting Minutes**  
**January 2, 2019**  
**(DRAFT)**

1/2/2019 - Minutes

1. INVOCATION

Mayor Fultz 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, Robin Gibson -Deputy Mayor, Flora "Tonya" Stewart

**Commission Members Absent:** Terrye Howell

**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

8. CONSENT AGENDA

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

8.I. Minutes - December 18, 2018

8.II. Special Event Application: Main Street Mixer

[Begin Agenda Memo]

### **SYNOPSIS**

This is a request by Main Street to have a Main Street Mixer in the Marketplace on Thursday night January 24, 2019 from 6:30 p.m. – 8:30 p.m. The event will include alcohol in the Marketplace and Market Street between Central Avenue and Stuart Avenue. This event will require the closing of Market Street between Central Avenue and Stuart Avenue.

### **RECOMMENDATION**

Staff recommends

1. That the City Commission approve the permit request to close Market Street between Central Avenue and Stuart Avenue on Thursday January 24, 2019 from 3:00 p.m. – 9:30p.m.
2. That the City Commission approve the serving of alcohol in the Marketplace and Market Street between Central Avenue and Stuart Avenue on Thursday January 24, 2019 from 6:30 p.m. – 8:30 p.m.

### **BACKGROUND**

Lake Wales Main Street is planning to host an Annual Meeting event called a Main Street Mixer on Thursday January 24, 2019 from 6:30 p.m. – 8:30 p.m. This event will include a night time Farmer's Market and the serving of alcohol.

This was originally scheduled for September 27 but was canceled due to several conflicts.

### **OTHER OPTIONS**

Do not approve the Special Event Permit.

### **FISCAL IMPACT**

None.

[End Agenda Memo]

8.III. Special Event Application: Lake Wales Live

### **SYNOPSIS**

This is a request from the City of Lake Wales Recreation Department to host Music in the Park events, called Lake Wales Live, in the Tina Peak gazebo and along the Downtown Walking Trail. These events would be held on the 3rd Friday of every month beginning February 15th, 2019. These events include serving alcohol and closing Cypress Garden Lane.

### **RECOMMENDATION**

Staff recommends

1. That the City Commission approve the permit request to close Cypress Garden Lane from 2pm – 11pm on the 3rd Fridays of February – December of 2019.

2. That the City Commission approve the serving of alcohol at the event.

### **BACKGROUND**

City of Lake Wales Recreation has applied to host Lake Wales Live events on the third Friday of every month in 2019 beginning February 15th from 6pm -10pm. This event will feature live music, food trucks and alcohol sales. This event will include the closure of Cypress Garden Lane between the two driveways to the Lake Wales Public Library. Alcohol will be served by a vendor.

The event dates will be February 15, March 15, April 19, May 17, June 21, July 19, August 16, September 20, October 18, November 15, and December 20 all in 2019.

### **OTHER OPTIONS**

Do not approve the Special Event Permit.

### **FISCAL IMPACT**

None. Cost of off-duty officers will be covered by alcohol vendor.

[End Agenda Memo]

#### 8.IV. Special Event Application: Mardi Gras

[Begin Agenda Memo]

### **SYNOPSIS:**

Approval of the Special Event Permit Application for the Lake Wales Mardi Gras Celebration, Parade and 5K Run on Friday and Saturday, March 1-2, 2019.

### **RECOMMENDATION**

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

- Approve the Special Event Permit application for the 2019 Lake Wales Mardi Gras Celebration to take place on Friday evening, March 1, 2019 from 6:00 p.m. until 12:00 a.m. and on Saturday, March 2, 2019 from 11:30 a.m. until 11:00 p.m. in Lake Wailes Park with set-up beginning 7:00 a.m. on Friday March 1, 2019.

- Approve the serving of alcohol in Lake Wailes Park during the Mardi Gras Event.

- Approve the request for the temporary closing of Central Avenue from First Street to Second Street beginning at 10:00 a.m. until the parade on Saturday March 2, 2019 for a performance at Polk State College JD Alexander Center.

- Approve the Mardi Gras 5K Run to be held on Saturday morning, March 1, 2019 from 10:00 a.m. to 11:00 a.m. which will include use of Sunset Drive and Lake Shore Blvd.

- Approve the temporary street closings on Saturday, March 2, 2019 between the hours of 2:00 p.m. and 5:00 p.m. for the Mardi Gras parade.

West Park Avenue at Sharp Street to Scenic HWY, Scenic HWY to Stuart Avenue, Stuart Avenue to First Street, First Street to Central Avenue Central Avenue east to Lake Shore Blvd. then to Lake Wailes Park where parade will end.

- Approve the temporary closing of Sharp Street at West Park Avenue at 11:30 a.m.on Saturday March 2nd for parade line-up.

### **BACKGROUND**

Mr. Joshua Curchy, President and Katie Kinloch, Treasurer of the Lake Wales Mardi Gras has submitted a Special Event Permit Application for the 2019 Lake Wales Mardi Gras Celebration, Parade

and 5K Run to be held Friday, March 1, 2019 and Saturday, March 2, 2019 in Lake Wailes Park. This application includes a request to hold a 5K Run on Saturday morning from 10:00 a.m. to 11:00 a.m. and for the temporary closing of several streets in the downtown area for the parade.

The events of Mardi Gras such as the food, vendors, children's activities and alcohol will take place in Lake Wailes Park this year. The parade will go through downtown streets.

Activities for the 2019 Lake Wales Mardi Gras are proposed as follows:

1. Friday evening, March 1, 2019, 6:00 p.m. to 12:00 a.m. - food and craft vendors, alcohol and musical entertainment will be in Lake Wailes Park. Set up of the dumpster and sanitary facilities would begin on Thursday, February 28, 2019 and set up of the tents and vendors will begin on Friday March 1, 2019 at 7:00 a.m.

2. Saturday Morning, March 2, 2019, 10:00 a.m. to 11:00 a.m. - 5K Run beginning at the Basketball Court in Lake Wailes Park. The route goes around Lake Wailes including Sunset Drive and Lake Shore Blvd.

3. Saturday, March 2, 2019 - the activities will continue in Lake Wailes Park beginning at 11:30 a.m. with craft and food vendors. Kids' activities, musical entertainment and alcohol sales will take place in Lake Wailes Park. These activities will conclude at 11:00 p.m.

4. Saturday, March 2, 2019 - the Mardi Gras Parade will begin at 3:00 p.m. which will start at Sharp Street and West Park Avenue and make its way through the downtown area concluding at Lake Wailes Park at approximately 5:00 p.m.

The parade route involves the following streets:

West Park Avenue at Sharp Street to Scenic HWY, Scenic HWY to Stuart Avenue, Stuart Avenue to First Street, First Street to Central Avenue, Central Avenue east to Lake Shore Blvd. then to Lake Wailes Park where parade will end.

The Police Department, VOICE and the Streets Department will coordinate control of vehicular and pedestrian traffic for the parade. The Streets Department will handle all street closings. Trash barrels with bags will be placed along the parade route and in the areas of the pre-parade and after parade activities in Lake Wailes Park. Sanitary facilities, dumpsters, site set up, tent permits, certificates of liability insurance, FDOT road closing permits and the alcohol beverage permit from the Department of Alcohol Beverage & Tobacco will be the responsibility of the Lake Wales Mardi Gras Executive Committee. Off duty officers will be scheduled for the street crossings for the 5K Run and these costs will be paid by the Lake Wales Mardi Gras.

The 2019 event will end an hour later on Friday and Saturday night than previous years as was done in 2016. The Mardi Gras Committee has agreed to cover 50% of the extra staff time as opposed to the standard 25%.

## **OTHER OPTIONS**

Do not approve the two day event, 5K Run or street closings.

## **FISCAL IMPACT**

In-Kind services from the City were budgeted in the FY2018/2019 budget in the amount of \$10,300. The Lake Wales Mardi Gras Committee is responsible for 25% or \$2575. The additional 2 hours will cost the city approximately \$1150 and the Lake Wales Mardi Gras Committee will be responsible for 50% of this. Any off duty officers requested will be paid at 100% by the sponsor.

[End Agenda Memo]

## 9. OLD BUSINESS

### 9.I. ORDINANCE 2018-11: Amending The Airport Authority Second Reading And Public Hearing

[Begin Agenda Memo]

## **SYNOPSIS**

Ordinance 2018-11 amends the Airport Authority to require that at least 2 members of the Airport Authority be residents of Lake Wales.

## **RECOMMENDATION**

Staff recommends that the City Commission approve Ordinance 2018-11 after first reading.

## **BACKGROUND**

At the City Commission Meeting of August 21, 2018 the City Commission discussed possible changes to the residency requirements of the Airport Authority at the request of the Airport Authority. The Commission recommended that only 2 seats be required to be reserved for residents. Currently 4 seats must be filled by residents. At their meeting on December 3, 2018 the Airport Authority recommended that the City Commission approve Ordinance 2018-11.

## **OTHER OPTIONS**

Do not approve of Ordinance 2018-11.

## **FISCAL IMPACT**

There is no fiscal impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2018-11** by title only.

## **ORDINANCE 2018-11**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE "LAKE WALES AIRPORT AUTHORITY" ORDINANCE AS LAST AMENDED AND ADOPTED BY ORDINANCE 2016-10 TO REVISE THE MEMBERSHIP REQUIREMENTS SET FORTH IN SEC. 2-41 (d)(1) THEREOF; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Curtis Gibson made a motion to adopt **ORDINANCE 2018-11** after second reading and public hearing. Commissioner Stewart seconded the motion.

by Roll Call Vote:

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

Albert Galloway, Jr., City Attorney, reminded the Commission to confirm the appointment of Travis Burns to the Airport Authority. Commissioner Curtis Gibson made a motion to confirm the appointment of Travis Burns to the Airport Authority. Commissioner Stewart seconded the motion.

by Voice Vote:

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

## 10. NEW BUSINESS

### 10.I. Ordinance 2019-01, Adding Section 21-97 Chapter 21 "Utilities" – 1st Reading

[Begin Agenda Memo]

#### **RECOMMENDATION**

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

1. Approve Ordinance 2019-01 after first reading.

#### **BACKGROUND**

A present need exists within Lake Wales to rehabilitate the existing stormwater infrastructure and to construct additional infrastructure to manage stormwater runoff. Currently, stormwater operations are funded out of the City's transportation budget, the same budget that funds street and sidewalk maintenance operations and capital improvement projects. The reality is that local option gas tax revenues are insufficient to fund both transportation and stormwater operations, leaving both operations underfunded. A stormwater fee program will provide a dedicated revenue stream to address the City's stormwater needs while directing all of the local option gas tax revenue back into street and sidewalk projects.

In addition to the transportation fund the general fund is funding some level of stormwater activity as well. Having a dedicated source of revenue for stormwater services will further diversify the City's revenue base and will help to ensure the City's core services are provided regardless of fluctuations in housing and other markets.

Pursuant to Chapter 166 and section 403 of the Florida Statutes, the City is authorized to construct, reconstruct, repair, improve and extend stormwater management systems and to establish just and equitable rates, fees and charges for the services and facilities provided by the stormwater system.

In October, 2017 the City Commission authorized GSG, Inc. to perform the necessary tasks associated with the development of preliminary assessment rates (Phase 1) and to perform the specific work required to implement a stormwater fee if the City Commission so chose (Phase 2). GSG's work product was presented to the City Commission during the FY19 budget workshop held in August, 2018 and the consensus of the City Commission was for staff to bring forth an ordinance to create a stormwater fee program. The report created by GSG, Inc. is included as an attachment to this memorandum.

Ordinance 2019-01 will establish a funding mechanism for activities related to the collection, storage,

treatment and conveyance of stormwater within the city of Lake Wales. A stormwater fee will be imposed upon each and every parcel within the city, as classified into three distinct customer categories: (1) Single Family Residential Parcels, (2) Condominium Parcels, and (3) General Parcels. Parcels with utility connections will be billed for stormwater services with the regular monthly utility bill. Parcels without an established utility account will be billed separately on a determined fixed cycle.

Areas within the City that will not receive a direct benefit from stormwater service fees will be exempted from the fee assessment. Areas that receive only partial benefits can be offered credits commensurate with the level of stormwater service benefits actually received.

#### OTHER OPTIONS

The Commission may elect to not adopt Ordinance 2019-01.

#### FISCAL IMPACT

Fees and/or rates associated with Ordinance 2019-01 will be established by a separate Resolution of the City Commission.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-01** by title only.

#### **ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 21 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES, BY ADDING SECTION 21-97 "STORMWATER CHARGES", RELATING TO THE IMPLEMENTATION AND COLLECTION OF STORMWATER UTILITY RATES, FEES, AND CHARGES FOR THE PROVISION OF SERVICES AND CAPITAL FACILITIES FOR STORMWATER MANAGEMENT WITHIN THE CITY OF LAKE WALES; PROVIDING DEFINITIONS AND FINDINGS; ESTABLISHING A STORMWATER UTILITY AND PROVIDING ITS RESPONSIBILITIES; ESTABLISHING A STORMWATER UTILITY FUND; AUTHORIZING THE IMPOSITION AND COLLECTION OF STORMWATER UTILITY FEES TO FUND THE COST OF PROVIDING SERVICES AND CAPITAL FACILITIES FOR STORMWATER MANAGEMENT; PROVIDING FOR ASSIGNMENT OF ERU'S TO CLASSIFICATIONS OF DEVELOPED PROPERTY; PROVIDING CREDIT FOR PRIVATE MITIGATION FACILITIES; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF STORMWATER UTILITY FEES; PROVIDING FOR REVISIONS, PROCEDURAL IRREGULARITIES, AND APPLICABILITY; PROVIDING THAT THIS ORDINANCE IS AN ADDITIONAL AND ALTERNATIVE METHOD; PROVIDING FOR ADJUSTMENTS AND APPEALS; PROVIDING NO LIABILITY FOR FLOODING; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

James Slaton, Assistant City Manager, reviewed this item.

Commissioner Curtis Gibson thanked Mr. Slaton for reviewing this issue with him and for the study which was well done.

Deputy Mayor Robin Gibson said that this will help improve the water quality in our lakes and provide funds for streets. Mr. Slaton gave examples of projects that could be addressed. He explained that they have plans to address resurfacing of streets.

Mayor Fultz said this could be a good start to getting a public beach at Lake Wailes.

Deputy Mayor Robin Gibson said that this can improve the quality of life.

Commissioner Stewart said that improved streets can attract new businesses.

Commissioner Curtis Gibson said that other cities have them. Mr. Slaton Confirmed that most of the other cities in Polk County have them.

Mr. Slaton explained that not all citizens pay this only those that directly benefit will pay the assessment.

Deputy Mayor Robin Gibson made a motion to approve Ordinance 2019-01 after first reading. Commissioner Stewart seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

#### 10.II. Public Records Information

[Begin Agenda Memo]

##### **SYNOPSIS**

This is a report on the Public Records requests for fiscal year 2017-2018.

##### **RECOMMENDATION**

Staff recommends that the City Commission review information concerning public records requests from the past fiscal year.

##### **BACKGROUND**

Due to past discussions by members of the Commission about providing public records in a timely manner this information was compiled from the public records log.

In the 2017-2018 fiscal year the City Clerk's Office received 119 public records requests mostly via email but also via letter, phone, and in person.

- 88 or 74% were completed within 48 business hours of receipt of the request.
- 13 or 11% took more than a week to complete.
- 4 or 3% were withdrawn or were not applicable to the City.

The most common request, 53 or 45% of them, related to purchasing records. Routine requests include copies of police reports, background checks, lien information, copies of permits and purchasing information. Of the 118 official public records requests 20 were non-routine or out of the ordinary requests that usually came from the public. Of these 13 were answered in 48 business hours.

[End Agenda Memo]

Mayor Fultz said this memo looks like we are doing well on public records despite the one issue. Commissioner Curtis Gibson said that it is a good report but we can do better. Mr. Fields asked for a



vote that this was received. Deputy Mayor Robin Gibson said this vote is unnecessary as it is now public record.

## 11. CITY MANAGER

### 11.I. Tracking Report

### 11.II. Social Media Tracking Report

### 11.III. Commission Meeting Schedule

### 11.IV. Other Meetings & Events Calendar

Mr. Fields announced about the upcoming Main Street Mixer on January 24th.

He reported that the Depot Museum had a nice article in the newspaper on their current exhibit.

## 12. CITY ATTORNEY

### 12.I. Request For Litigation Strategy Meeting

Albert Galloway Jr., City Attorney, requested a Shade meeting during the next Commission meeting to discuss legal action between the City and Aviator PPG. He reviewed the process of the meeting.

Deputy Mayor Robin Gibson said that the minutes will eventually be made to the public. Mr. Fields confirmed this. Once the case is resolved the minutes will be available to the public.

## 13. CITY COMMISSION COMMENTS

Commissioner Curtis Gibson asked if the public will be able to voice their opinions at the Education Forum. Mayor Fultz said there will be opportunities for questions to be submitted but no comments will be taken from the public to save time. Mr. Fields reviewed the agreed upon format. Each side will make a presentation about the relevant issues and answer questions but it is not a public hearing. Commissioner Gibson said that the point of the forum is to find out what the community thinks. Mr. Fields said that when the Resolution comes back to the City Commission then people can come and share their opinions. Mr. Fields said he will talk to both sides and see if time can be added at the end for people to voice opinions. Mr. Fields said that both sides have been cooperative in this process. Mayor Fultz said at the end he will ask both sides if comments from the audience will be welcome. Mayor Fultz said that this forum is called the Mayor's Forum because this is part of his job as Mayor. Commissioner Curtis Gibson said that the Mayor voted in favor of the resolution and this forum should be for the people not the Mayor. Mayor Fultz said being in favor of the resolution does not infringe on his ability to do his job. Deputy Mayor Robin Gibson said this is an information forum to provide information to the public. It is not meant to be a debate or become an argument. Commissioner Curtis Gibson said that what is important is the education of our children. This is a tough decision.

Deputy Mayor Robin Gibson said he was troubled that the Commission was not informed of the lawsuit regarding a public records request. He suggested that the City Attorney be on the agenda to make a report on the status of any legal issues that are current or upcoming. Mayor Fultz agreed. Mr. Fields said he would add the City Attorney to the agenda.

Commissioner Stewart asked about the status of the sale of City Hall. Mr. Fields said that they are still working on the numbers to see if its feasible. There are two parties interested in the property.

## 14. MAYOR COMMENTS

Mayor Fultz encouraged everyone to attend Mardi Gras on March 1-2.

He reminded the public that there is an election in April and encouraged interested persons to run.

15. ADJOURNMENT

The meeting was adjourned at 6:46 p.m.

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Mayor/Deputy Mayor

ATTEST

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City Clerk/Deputy City Clerk