

**City Commission Meeting Minutes**  
**December 19, 2017**  
**(APPROVED)**

12/19/2017 - 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, 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

Burney Hayes, resident, with Police Athletic League (PAL) requested additional time in the gym. There are many groups that use it and they need more opportunity for practices. Their group is more than sports. They encourage athletes to do well in school and go to college. They help children and young people stay out of trouble. He said that these young people need more jobs in the area. Commissioner Howell asked what the progress was to see if the gym at Roosevelt can be used. Mayor Fultz reported that he spoke with the principal at Roosevelt Academy and that Lake Wales High School will be using the gym as the gym floor at the high school is messed up. The Mayor said that he would like to give more time to PAL but he is not in charge of scheduling and they can't disenfranchise other groups. Additional basketball and recreation facilities are needed. Commissioner Howell suggested Mr. Slaton and Curtis from the Boys & Girls Club to review the schedule. James Slaton, Assistant City Manager, said that he will speak with Mr. Hayes further as he thought this matter was resolved. The PAL can play games in there but need more practice time. Mr. Slaton said that this is a unique situation this year due to unavailability of the high school gym. Mayor Fultz said that our new Recreation Coordinator Ms. Edwards is getting a handle on the schedule and will be sure it is adhered to.

Jason Hodge, non-resident, said that he is a PAL kid and shared his involvement and positive experiences with PAL and how it has benefitted him. He asked for any help or support for PAL possible. Mayor Fultz thanked him for coming and said that the youth are important and we will work on this problem and resolve it. Commissioner Stewart said that she played basketball and that sports do help provide structure for young people. She said that we do need to encourage young people to come back and live and work here.

8. CONSENT AGENDA

Commissioner Howell moved to approve the consent agenda. Commissioner Curtis Gibson seconded the motion.

Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - November 7, 2017

8.II. Special Event Application: Highland Crest HOA Christmas Block Party

[Begin Agenda Memo]

**SYNOPSIS:**

Approval of the special event permit application will allow the Highland Crest Homeowners Association (HOA) Christmas Block Party on Saturday December 23, 2017 and allow the temporary closing of a city street.

**RECOMMENDATION:**

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

Approve the special event permit application from the Highland Crest HOA to host a Christmas Block Party on December 23, 2017 from 6:00 p.m. – 9:00 p.m.

Approve the temporary street closing of Highland Crest Loop for the event between the hours of 5:00 p.m. and 9:15 p.m.

**BACKGROUND:**

The Highland Crest HOA has submitted a special event permit application to host a Christmas Block Party on Saturday December 23, 2017 from 6:00 p.m. – 9:00 p.m. This event request includes closing a portion of Highland Crest Loop. Staff has reviewed the application and approved the street closing. The Streets Department will be providing the barricades and closing the road. Site preparation, sanitary facilities, insurance and trash clean up will be the responsibility of the sponsor. Sponsor will also be required to notify the affected residents.

**OTHER OPTIONS:**

Do not approve the request for the road closing.

**FISCAL IMPACT:**

The organizer will be responsible for all costs associated with his event.

[End Agenda Memo]

## 9. OLD BUSINESS

- 9.i. Ordinance 2017-22: Updating The Current Fats, Oils, And Grease (FOG) Ordinance 2nd Reading And Public Hearing

[Begin Agenda Memo]

### **SYNOPSIS:**

Staff recommends the commission approve Ordinance 2017-22 authorizing the update of the City's current FOG program ordinance. The changes made are necessary to establish a more uniform procedure for reporting and consistent maintenance.

### **STAFF RECOMMENDATION**

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

1. Approve Ordinance 2017-22, Updating the City's Fats' Oils, and Grease Ordinance section 21-52 in the City's Code of Ordinances.

### **BACKGROUND**

In 2013, the City Commission approved the first FOG ordinance to be established by the Utilities Department. It becomes necessary from time to time to review and update these ordinances which sets the guidelines and procedures for ensuring the city is adhering to the current state and federal regulations. These changes allow for new technical updates and allows staff to make adjustments as necessary. New requirements by regulatory agencies have a strong influence as to how often changes are required.

An added change by staff was to establish a procedure to become a "Preferred Hauler" and a standard maintenance program. Once haulers have been properly trained on the reporting requirement of the ordinance, tracking and compliance by the waste water division will become less cumbersome. All documents, to become a preferred hauler, will be placed on the city's website in the Utilities Development Standards for hauler accessibility. Staff recommends the Commission take the following action; approve Ordinance 2017-22, updating section 21-52: Fats, Oils and Grease.

### **OTHER OPTION**

Choose not to approve these updates to the FOG program, and continue to not have a set standard to regulate the haulers and the reporting method of the Fats, Oils, and Grease.

### **FISCAL IMPACT**

None. These changes set out what is required of the FOG hauler and procedures for turning in documentation.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2017-22** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE FAT'S, OIL'S AND**

**GREASE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell moved to adopt **ORDINANCE 2017-22** after 2nd reading and public hearing.  
Commissioner Curtis Gibson seconded the motion.

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.

**10. NEW BUSINESS**

- 10.I. Resolution 2017-23 - Retirement Facilities Revenue Bonds (Waters Edge Of Lake Wales LLC Project), Series 2008A

[Begin Agenda Memo]

**SUBJECT:**

Resolution 2017-23, Retirement Facilities Revenue Bonds (Waters Edge of Lake Wales LLC Project), Series 2008A

**SYNOPSIS:**

The City Commission will consider adopting Resolution No. 2017-23 authorizing certain amendments and the reissuance of Retirement Facilities Revenue Bonds (Waters Edge of Lake Wales LLC Project), Series 2008A in an amount not to exceed \$15,170,000.

**RECOMMENDATION**

It is recommended that the City Commission consider the following actions:

1. Adopt Resolution 2017-23, authorizing the amendments and the reissuance of the City of Lake Wales, Florida Retirement Facilities Revenue Bonds (Waters Edge of Lake Wales LLC Project), Series 2008A in an amount not to exceed \$15,170,000.
2. Authorize the Mayor to execute the appropriate documents on the City's behalf.

**BACKGROUND**

The City has previously issued its Retirement Facility Revenue Bonds (Water's Edge of LakeWales, LLC Project), Series 2008A (the "Series 2008A Bonds") and Retirement Facility Revenue Bonds

(Water's Edge of Lake Wales, LLC Project), Series 2008B (the "Series 2008B Bonds"). The Series 2008A Bonds are currently being reissued to be outstanding in the aggregate principal amount of \$15,170,000. The Series 2008B Bonds have been paid in full and redeemed on December 15, 2017 and are no longer outstanding.

The 2008A Bonds were issued to finance and refinance the costs of acquiring, constructing and equipping of senior care facilities including, but not limited to, 12 single-story duplex villas, a three-story building containing 63 independent living apartments, a two-story building containing 30 assisted living units, 16 memory support (dementia) assisted living units, six respite/rehabilitation assisted living units, and related common areas located in Lake Wales, Florida (the "Project"). The Project has now been constructed and placed in service. The Series 2008A Bonds are being reissued by the City in order to revise, supplement and amend certain terms and payment obligations to be effective upon the reissuance of the Series 2008A Bonds on December 22, 2017.

The City, Polk County, Florida, the State of Florida or any political subdivision or agency of the State of Florida, shall not be liable or obligated (generally, specially, morally or otherwise) to pay the principal of this Series 2008A Bond or the Premium, if any, or interest thereon except, with respect to the City, solely from the sources identified in the Bond Indenture and Loan Agreement, and neither the faith and credit nor the taxing power of the City, Polk County, Florida, the State of Florida or any political subdivision or agency thereof is pledged to the payment of the principal of premium, if any, or interest on this Series 2008A Bond.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2017-23** by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA APPROVING THE FORMS OF A SECOND AMENDMENT AND SUPPLEMENT TO INDENTURE OF TRUST AND SECOND AMENDMENT AND SUPPLEMENT TO LOAN AGREEMENT, RESPECTIVELY, IN EACH CASE TO AMEND CERTAIN PROVISIONS OF AN INDENTURE OF TRUST AND LOAN AGREEMENT, AS PREVIOUSLY AMENDED, AND AUTHORIZING THE REISSUANCE AND RESTRUCTURING OF THE CITY OF LAKE WALES, FLORIDA RETIREMENT FACILITY REVENUE BONDS (WATER'S EDGE OF LAKE WALES, LLC PROJECT), SERIES 2008A; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL OTHER RELATED INSTRUMENTS; PROVIDING CERTAIN MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

Kenneth Fields, City Manager, reviewed this item.

Grace Duniap, from Bryant, Miller and Olive who are bond counsel for the city, also reviewed this item.

Commissioner Howell moved to approve **RESOLUTION 2017-23**. Commissioner Stewart seconded the motion.

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.II. Approval Of Stipulated And Mediated Settlement - State Road 60 Westerly Utility Expansion

[Begin Agenda Memo]

**SYNOPSIS:**

An additional Stipulated Settlement Agreement and an additional Mediated Settlement have been entered into related to the acquisition of easements for the installation of infrastructure for the subject utility expansion project which requires approval by the City Commission.

**RECOMMENDATION:**

Approve the Stipulated Settlement Agreement reached with Margaret S. Crosby a/k/a Margaret G. Crosby as to Parcel 1934 and approve the Mediated Settlement reached with J. Glenn Wright and Michelle D. Wright as to Parcel 1923.

**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 impact is set forth separately in each of the subject Agreements.

**OTHER OPTIONS:**

None that would not result in the necessity of a trial 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]

Kenneth Fields, City Manager, reviewed this item.

Commissioner Howell moved to approve the stipulated settlement agreement and the mediated agreement. Commissioner Stewart seconded the motion.

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.

11. CITY MANAGER

Kenneth Fields, City Manager, reported on plans to move forward on a Recreation Master Plan. Many recreation groups need more facilities. He is glad to see our city growing.

In the first quarter of next year many of the long discussed projects will get started.

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

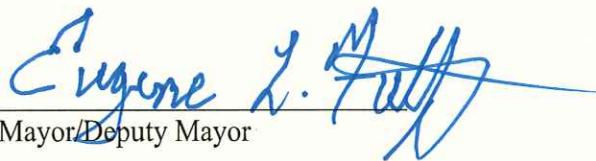
Deputy Mayor Robin Gibson said it does seem like everything is coming together. He reported on the Community Leadership Council. Their top 5 projects include the Hotel and downtown revitalization, the downtown trail, need for recreation and a community civic center. We will be busy and can make a difference around here.

13. MAYOR COMMENTS

Mayor Fultz agreed that we need more young people to come back and build business and give back. He commended people like Commissioner Stewart and Albert Hawkins who served at the B Street Center and has recently deceased.

14. ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

  
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Mayor/Deputy Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

