

**City Commission Meeting Minutes
December 18, 2018
(APPROVED)**

12/18/2018 - 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, Terrye Howell, Robin Gibson - Deputy Mayor, Flora "Tonya" Stewart

Staff Present: Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PRESENTATION/REPORT

Congressman Darren Soto gave an update on a recent Farm bill passed by Congress and efforts to provide more services to Veterans. He announced several appointments to the US military academies and reported on recent visits to troops in the Middle East. He reported on efforts to thank Vietnam Veterans with a special service pin and he presented one to the Mayor and thanked him for his service.

5.I. PRESENTATION - PACE Program

Devesh Nirmul, with Counterpoint Energy Solutions, and Kate Wesner with Ygrene Energy, gave a presentation on the Pace program to help local property owners with upgrades to make buildings be more energy efficient and stronger against hurricanes. Mr. Nirmul said that all properties can benefit from the Pace Program including residences, businesses, non-profits and churches. Improvements can include doors, windows, roofing, solar panels, generators and more. Wind protection is what most of the funds are spent on. These projects can lead to job creation, help businesses reduce costs and encourage new businesses to open. PACE covers 100% of the costs up front. An assessment is put on the property and there are fixed interest rates. The Financing terms can go up to 30 years. Ms. Wesner explained that the assessment is on a property owner's tax bill and must be repaid. The expense can be paid off prior to the sale of the property, it can be transferred with the sale and payments can be included with a mortgage payment. Mr. Nirmul reviewed the benefits and described how the PACE program works. He said that they work with reputable contractors in the area and handle all the payments to the contractor.

5.II. PRESENTATION - Polk Vision Smart Communities

Mr. Eric Labbe, Planning Manager for the City of Winter Haven and co-chair of the Polk Vision Smart Communities team, presented the Polk Vision Smart Communities Broadband Plan. Mr. Labbe reviewed elements of their plan and implementation strategies. He also discussed about the importance

of broadband infrastructure in Polk County, which he explained, improved high-speed internet access is important for economic growth. Mr. Labbe said that the Polk Vision Smart Communities team is comprised of many cities, companies and other entities, that are working together to address the need for high speed internet access in Polk County. He shared maps showing where access is and isn't and where fiber optic networks have been laid.

Mayor Fultz said that he applauds this effort as it is a giant undertaking.

6. COMMUNICATIONS AND PETITIONS

George O'Neill, Jr., non-resident, reported on a meeting last week with staff regarding to the Airport and how to move forward with private hangars. He reported that the skydivers and paramotors have agreed to move their operations and drop zones to the north. He said it was a productive meeting and some of the ideas need to be reviewed by the city's consultant Hoyle Tanner. Bobby Barden, non-resident, said we are on the right path on improving safety issues among the different groups using the airport. They want to all increase activity at the airport and improve safety.

Chris Lutton, resident, asked about a rumor concerning moving City Hall. He expressed concern about costs of the move. Mr. Fields said that a local church is interested in the Municipal building property and their is a property downtown that the City could move into. It would provide more traffic downtown. He said the idea is very preliminary and they will look at costs. Nothing is definite yet.

7. CONSENT AGENDA

Commissioner Curtis Gibson asked for Items #3 & #4 to be pulled.

Commissioner Howell made a motion to approve the consent agenda except Items 7.3 and 7.4. Commissioner Stewart seconded the motion.

by Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.i. Minutes - December 4, 2018

7.ii. Authorization – Mid Florida Diesel

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider authorizing staff to expend funds for the installation of a generator at the James P. Austin Community Center.

RECOMMENDATION

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

1. Authorize staff to expend funds in the amount of \$40,680.00 for the installation of a generator at the James P. Austin Community Center.
2. Authorize Mid Florida Diesel to complete the work.

BACKGROUND

The City's Recreation department is requesting Commission approval to expend funds and approve the proposal submitted by Mid Florida Diesel to install a generator at the James P. Austin Community Center.

Mid Florida Diesel was awarded a contract for generator repair, preventative maintenance and load bank testing of all the city's portable and stationary generators by the City commission during the October 16, 2018 regular City Commission meeting (ITB 18-454).

In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of Category 1 (\$20,000) require City Commission approval before funds can be expended.

OTHER OPTIONS

- 1) The City Commission may elect to defer the proposed work.

FISCAL IMPACT

The cost of installation is funded in the current Recreation department facilities maintenance and repair budget.

[End Agenda Memo]

7.III. Purchase Authorization – SEMCO Construction, Inc.

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider authorizing staff to expend funds for the replacement of two baseball dugouts at the Northwest complex.

RECOMMENDATION

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

1. Authorize staff to expend funds in the amount of \$41,950.00 for the replacement of two baseball dugouts at the Northwest complex.
2. Authorize SEMCO Construction, Inc. to complete the work.

BACKGROUND

The replacement of the six baseball dugouts at the Northwest complex was phased to have two dugouts replaced each year over a three-year period. Approval of this installation will complete the process. SEMCO Construction, Inc. was awarded a contract for Licensed General/Building Contractor Services by the City commission during the December 20, 2016 regular City Commission meeting (RFP 16-423). SEMCO Construction, Inc. installed the four previous dugouts.

In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of

Category 1 (\$20,000) require City Commission approval before funds can be expended.

OTHER OPTIONS

1) The City Commission may elect to defer the proposed project.

FISCAL IMPACT

This project is funded in the current CIP budget.

[End Agenda Memo]

Commissioner Curtis Gibson asked if this has to go out to bid as it is over \$35,000. James Slaton, Assistant City Manager, said yes that projects over \$35,000 have to go out to bid but we have done that work. The contract for Contractor Services was approved in December 2016. Kenneth Fields, City Manager, said this concept of these kinds of contracts are not unique to Lake Wales other cities do this and businesses do this. It saves money and time to have long term contracts. Mr. Slaton says that we have these kinds of contracts in many areas. We do due diligence to be sure we get the best value on these contracts. Deputy Mayor Robin Gibson said the process regarding bids for subcontracts concerned him that when they, SEMCO, submit bids to do work themselves. SEMCO should have a third person open the bids to protect against appearance of impropriety. Mr. Slaton said he will work on this. Commissioner Curtis Gibson asked if we should fix this issue first and table this. Mr. Fields said he would not want to hold this up as the dugouts need to be replaced.

Commissioner Howell made a motion to approve the Purchase Authorization. Deputy Mayor Robin Gibson suggested amending the motion that the Purchase Authorization be approved with the condition that the contract be amended on this issue by two commission meetings from now. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

7.IV. Purchase Authorization – Federal Contracts Corp

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider authorizing staff to expend funds for the purchase of a Haulotte electric scissor lift and a Felling trailer to transport the lift.

RECOMMENDATION

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

1. Authorize staff to expend funds in the amount of \$22,857.30 (\$17,651.00-electric scissor lift, \$5,206.30-trailer).
2. Authorize the purchase from Federal Contracts Corp.

BACKGROUND

The City's Facilities department is requesting Commission approval to expend funds and approve the proposal submitted by Federal Contracts Corp for the purchase of a Haulotte electric scissor lift and a Felling trailer.

The proposal from Federal Contracts Corp is through the Florida Sheriffs Association contract number: FSA18-VEH16.0.

In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of Category 1 (\$20,000) require City Commission approval before funds can be expended.

OTHER OPTIONS

- 1) The City Commission may elect to defer the proposed purchase.

FISCAL IMPACT

This project is funded in the current Facilities Department CIP budget.

ATTACHMENTS

Proposal

[End Agenda Memo]

Commissioner Curtis Gibson said that he knows that the City has rented the scissor lifts in the past. He asked if there are enough projects to have a scissor lift. Teresa Allen, Public Services Director, explained that we have rented it for years and sometimes the lift is unavailable and a list of projects have to be done within a certain time while we have the list. The lift is normally rented a week at a time for \$700 for projects in the gym, Austin Center and sometimes in the Administration Building. Deputy Mayor Robin Gibson requested a financial analysis of the costs of renting versus purchase. Mayor Fultz said that having our own would be safer for City staff. James Slaton, Assistant City Manager, said a lot more could be accomplished if we had our own. Mr. Fields said we can table this until next time for a financial analysis.

7.V. Consent Of Lease Assignment To Jump Florida Skydiving, LLC.

[Begin Agenda Memo]

Synopsis:

Staff is requesting Commission approval of the reassignment of the current lease with Phoenix Air, Inc. to Jump Florida Skydiving, LLC.

Recommendation:

Staff recommends that the City Commission approve the following action:

1. Approve the attached Consent of Lessor to Assignment of the Lease.

Background:

On March 7, 2017 the City Commission approved a lease reassignment between Lake Wales Aviation, Inc. and Phoenix Air, Inc. for leased space in the Airport Administration Building.

Attached is a proposed Assignment and Assumption of Lease from Phoenix Air, Inc. of its interest in the lease for a portion of the Airport Administration Building and other real property at the Lake Wales Municipal Airport, to Jump Florida Skydiving, LLC., a related entity.

Betty Hill is the owner of Phoenix Air, Inc., has requested the reassignment of the lease from Phoenix Air, Inc. to Jump Florida Skydiving, LLC. City staff supports Mrs. Hill's request as the airport facilities leased under the current agreement are used for Mrs. Hill's skydiving business.

Fiscal Impact:

None

Other Options:

Paragraph 22 of the original Lease provides that approval of an assignment may not be unreasonably withheld. City staff is unaware of any basis to withhold the approval of the requested assignment.

[End Agenda Memo]

7.VI. RFP NO. 18-457 Mobile Fleet Maintenance

[Begin Agenda Memo]

SYNOPSIS:

The acceptance of the response to RFP NO. 18-457 would allow the Fire Department to enter in to an agreement with Rush Truck Centers of Florida, Inc. for mobile fleet service and repairs of fire department vehicles.

RECOMMENDATION

It is recommended that the City Commission accept the response of RFP NO. 18-457 by Rush Truck Centers of Florida, Inc. and authorize the city manager to execute the contract.

BACKGROUND

The purchasing department posted RFP NO. 18-457 Mobile Fleet Maintenance in order to find a vendor that could provide mobile preventive maintenance and repair services for fire department vehicles. Due to the specialized certifications needed to perform work on fire department vehicles Rush Truck Centers of Florida, Inc. was the only responsive bidder.

OTHER OPTIONS

Rush Truck Centers of Florida, Inc. was the only responsive bidder to the RFP and the only mobile fleet maintenance provider that we have found with the required Emergency Vehicle Technician certifications.

FISCAL IMPACT

The fire department has \$43,776 in the current budget for contracted fleet services. The amount actually spent will depend on the amount of repairs that are needed during the fiscal year.

[END AGENDA MEMO]

7.VII. Lease Agreement With Mears Motor Leasing/The Bancorp

[Begin Agenda Memo]

SYNOPSIS:

Staff is requesting Commission approval to lease-purchase seven (7) vehicles and equipment for various City departments through the City's master lease agreement with Mears Motor Leasing/The Bancorp.

RECOMMENDATION

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

1. Approve the sixty (60) month lease-purchase of the vehicles and equipment listed on the attached Schedule A's from Mears Motor Leasing/The Bancorp.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.
3. Classify the obsolete equipment listed on the Disposal Schedule as surplus.
4. Authorize staff to dispose of the surplus equipment.

BACKGROUND

The City Commission approved funds for the vehicle and equipment lease-purchases within the FY2019 adopted budget. The proposed new vehicles are as follows:

1. Quantity three (3) 2019 Ford F150 pickup trucks for the Parks and Streets departments.
2. Quantity one (1) 2019 Ford F350 pickup truck for the Water department.
3. Quantity one (1) 2019 Kubota backhoe/loader for the Cemetery department.
4. Quantity one (1) 2019 John Deere backhoe/loader for the Streets department.
5. Quantity one (1) 2019 John Deere utility tractor for the Streets department.

The new vehicles will be replacing:

1. Quantity two (2) 1995 Ford F150 pickup truck
2. Quantity one (1) 1995 Ford F350 pickup truck
3. Quantity one (1) 1990 CASE backhoe/loader
4. Quantity one (1) 1986 Case backhoe/loader

Three of the new vehicles and equipment are not replacements, but are additions needed due to a shortage of vehicles or equipment that existed within a department.

Staff recommends the lease-purchase of these vehicles for the following reasons:

If these new vehicles were purchased outright under the Florida Sheriff's Association or the Charlotte County, Florida contracts, the total purchase price would be \$298,972. Under the Mears Motor Leasing/Bancorp agreement, these vehicles can be financed at an annual cost of \$66,634. An outright purchase would result in a current-year decrease in cash flow of \$298,972 compared to \$66,634.

- If these vehicles are replaced, the annual maintenance cost assessed by Polk County Fleet Management will be reduced by \$9,380.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. All of the vehicles and equipment will be purchased under the Florida Sheriff's Association or Charlotte County, Florida contracts. Purchases made from the Florida Sheriff's Association and Charlotte County, Florida contracts are exempted from the competitive sealed bid requirement outlined in our Purchasing Ordinance, Sec. 2-418, which allows the City to capitalize on the State's economy of scale and reduces the timeline of acquisition.

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete or the continued use of which is uneconomical or inefficient or which serves no

useful function or purpose.

The surplus vehicles will be sold at public auction or to the highest bidder after the solicitation of sealed bids.

OTHER OPTIONS

- 1) An outright purchase would result in a current year decrease of cash flow of \$298,972.
- 2) Retain the existing vehicles and equipment.

FISCAL IMPACT

If the City Commission approves the vehicle lease agreements, the City is committed to yearly lease payments totaling \$66,634. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the individual departments would suffer the loss of the vehicles and equipment.

[End Agenda Memo]

8. OLD BUSINESS

8.1. Ordinance 2018-05 Amendment To The Charter On Length Of Terms 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS:

The subject Ordinance was requested by the City Commission for the purpose of extending the terms of office of the city commissioners and mayor from two years to three years. Ordinance 2017-10 was initially adopted for this purpose but was rescinded by adoption of Ordinance 2018-04 after it was determined that no municipal election was required in 2018 to fill seats on the City Commission.

RECOMMENDATION:

Adoption of Ordinance 2018-05 as presented. If adopted, the City Commission will be required to determine whether the proposed Charter revision will be considered by the electorate at the next regular municipal election or at a special election called for the purpose of consideration of the proposed amendment.

BACKGROUND:

Concern was expressed that the current two year terms for city commissioner and mayor were too short to operate effectively. Concern was also expressed as to having three seats up for election at the same time. The proposed amendment serves to address both of these concerns.

FISCAL IMPACT:

None unless a special election is called for.

OTHER OPTIONS:

The Commission may decide to maintain the status quo and decline to adopt the Ordinance. The Commission may decide to request a revision to the Ordinance as proposed.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2018-05** by title only.

ORDINANCE 2018-05

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 3.03 AND 3.05(a) OF THE CHARTER OF THE CITY OF LAKE WALES RELATING TO THE LENGTH OF TERMS OF OFFICE FOR THE MAYOR AND CITY COMMISSIONERS; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2019 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Kenneth Fields, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2018-05** after second reading and public hearing. Commissioner Stewart seconded the motion.

by 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.

Albert Galloway, Jr, City Attorney, asked the commission to now decide whether this issue should be voted on during the next election or call a special election.

Commissioner Howell made a motion that this issue be put on the next election ballot in April. Deputy Mayor Robin Gibson seconded the motion.

by Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

9. NEW BUSINESS

9.I. ORDINANCE 2018-11: Amending The Airport Authority First Reading

[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.

Commissioner Curtis Gibson said that the Airport Authority approves this change and he does as well.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2018-11** after first reading. Commissioner Curtis Gibson seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. Polk Vision Smart Communities Resolution 2018-30

[Begin Agenda Memo]

SYNOPSIS:

Adoption of Resolution 2018-30 declares the City's support for the Polk Vision Smart Communities Team and the Vision Statement of the Polk County Broadband Plan.

RECOMMENDATION

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

1. Adopt Resolution 2018-30.

BACKGROUND

The Polk Vision Smart Communities Team is comprised of both Public and Private sector Information Technology professionals whom are working together toward meeting the primary goals of the Polk County Broadband Plan. The Vision of the Polk County Broadband Plan is "to facilitate opportunity, innovation, and efficiency by ensuring that every individual, corporation, non-profit, visitor, government entity, and community partner in Polk County has access to affordable high-speed Internet service". By adopting Resolution 2018-30 the City is effectively acknowledging support for the Vision of the Polk County Broadband Plan and recognizing that broadband Internet access is a vital to component to a prosperous community. The City will encourage future planning activities to take into consideration broadband internet access and needs.

OTHER OPTIONS

The Commission may elect not to adopt Resolution 2018-30.

FISCAL IMPACT

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2018-30** by title only.

RESOLUTION 2018-30

A Resolution of the City of Lake Wales, Florida, Declaring its Support for the Polk Vision Smart Communities Team and the Vision Statement of the Polk County Broadband Plan and a Call to Action

Kevin Sunderland, IT Manager, reviewed this item.

Mayor Fultz said that he thinks this is worthwhile. He has sat in on some of these meetings. We need to start putting in this infrastructure.

Deputy Mayor Robin Gibson made a motion to approve **RESOLUTION 2018-30** after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.III. Resolution 2018-31, PACE Program Participation

[Begin Agenda Memo]

SYNOPSIS

Resolution 2018-31 establishes a Property Assessed Clean Energy (PACE) program in the City and associated interlocal agreements with the Florida Green Finance authority, The Green Corridor PACE District, Florida Resiliency and Energy District and the Florida PACE Funding Agency.

RECOMMENDATION

Staff recommends that Commission adopt Resolution 2018-31 and authorize the Mayor to execute the associated interlocal agreements.

BACKGROUND

Pursuant to Section 163.08, Florida Statutes, a local government may establish a PACE program to offer non ad-valorem financing for commercial or residential qualified improvements, which will be paid back by the owner with interest through a special assessment on their property taxes. The program may be self-administered or administered by a third party via interlocal agreement between multiple Florida governments.

There are currently four (4) PACE districts in the State of Florida. Each of the PACE districts is administered by the following third parties.

Florida Green Finance Authority – Renew Financial

The Green Corridor PACE District – Ygrene Energy Fund

Florida Resiliency and Energy district – Renovate America

Florida PACE Funding Agency – Alliance NRG (residential) and Counterpointe SRE (commercial)

Qualified improvements offered per statute include energy conservation and efficiency (ex. Pre-approved high-efficiency HVAC system), renewable energy (solar), and wind resistance improvements (such as reinforced roofs). Participation in the assessment is voluntary by the property owner. The improvements installed on the owner's property are financed by the individual PACE agencies and secured by a voluntary assessment levied on the owner's property. Property owners who wish to participate in PACE

agree to repay the financing as a non ad-valorem assessment collected on their annual regular tax bill. The PACE program will benefit the citizens of Lake Wales by offering alternative financing to otherwise high priced qualifying improvements while promoting economic development and increasing property values.

The interlocal agreements provided in Exhibits A, B, C, and D of Resolution 2018-31 provide for the following:

1. Establish the City's membership in the respective PACE District.
2. Provide for each respective PACE District to provide financing of qualifying improvements within the corporate limits of Lake Wales.
3. Incorporates the City's corporate limits into the respective PACE District.
4. Establishes the respective PACE District's ability to enter into financing agreements with individual property owners and establishment of non ad-valorem assessments.
5. Authorizes the respective PACE Districts to enter into separate agreements with the Polk County Tax Collector and Polk County Property Appraiser.

6. Establishes the term of the respective agreement.

Resolution 2018-31 approves the establishment of the PACE program, approves the interlocal agreements with the four (4) PACE Districts, and authorizes the use and display of the City logo solely for communicative purposes associated with the PACE program as determined by the City Manager.

FISCAL IMPACT

There is no fiscal impact as a result of adopting Resolution 2018-31.

OTHER OPTIONS

Commission could choose not to adopt Resolution 2018-31.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2018-31** by title only.

RESOLUTION 2018-31

A RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE CITY OF LAKE WALES BY PARTICIPATING IN THE PACE PROGRAMS OF THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA PACE FUNDING AGENCY, THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT, AND THE FLORIDA RESILIENCY AND ENERGY DISTRICT TO PROVIDE A MECHANISM FOR THE VOLUNTARY FINANCING OF ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY, A NON- EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY, A NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT, AND A NON-EXCLUSIVE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT, PURSUANT TO WHICH SUCH ENTITIES OR THEIR ADMINISTRATORS WILL ADMINISTER THEIR RESPECTIVE VOLUNTARY PACE FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN OF THE CITY OF LAKE WALES; AUTHORIZING AND DIRECTING CITY OFFICIALS, OFFICERS, AND EMPLOYEES TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Kathy Bangley, Planning Director, reviewed this item. Kenneth Fields, City Manager, said that if this is

approved we will be the first city in Polk County to have the program. Hopefully the other cities and the county will follow.

Deputy Mayor Robin Gibson made a motion to approve **RESOLUTION 2018-31** after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.IV. Board Appointment: Code Enforcement Board And Historic District Regulatory Board

[Begin Agenda Memo]

SYNOPSIS:

Appointments to the CODE Board and Historic District Regulatory Board

RECOMMENDATION

Staff recommends:

1. The Mayor appoint Dwight Wilson to the Code Enforcement Board for a term ending 7/1/2021 and that the Commission consent to the appointment.
2. The Mayor appoint Donald King to the Code Enforcement Board as an alternate for a term ending 7/1/2021 and that the Commission consent to the appointment.
3. The Mayor appoint John Turly and Brandon Alvarado to terms on the Historic District Regulatory Board ending 7/1/2021 and that the Commission consent to the appointments.

BACKGROUND

There are three vacancies on the Code Enforcement Board due to resignations and expiration of terms.

Dwight Wilson and Donald King have applied to serve on the Code Enforcement board.

Donald King is out of state for several months of the year and so wishes to be appointed as an alternate. The Chair of the Code Enforcement Board and Code Enforcement staff recommend their appointments.

There are three vacancies on the Historic District Regulatory Board due to expiration of terms. John Turly and Brandon Alvarado have applied to serve on the Historic District Regulatory Board.

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).

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members.

Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

Members must be residents. (3-year term) 2 alternates can also be appointed.

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies, resident; 2 alternate seats

Current Members: Melissa Konkol, resident 01/19/10 – 07/01/18, 3

Wilena Vreeland, resident 07/01/18 – 07/01/21, P+3

Murray Zacharia, resident 06/18/13 – 07/01/19, 2

Ralph E. Marino, 11/01/16 – 07/01/19, P

Angela Knapstein, 03/07/17 – 07/01/19

Ron Wheat 12/05/17 – 07/01/21

Sara Jones, resident 10/16/18 – 07/01/21

Applying for Appointment: Dwight Wilson, resident, for a term expiring 7/1/2021

Donald King, resident as an alternate for a term expiring 7/1/2021

Current Meeting Schedule: 2nd Monday @ 5:00 PM; Commission Chamber

Powers (City Code Sec. 2-57) - The Code Enforcement Board imposes administrative fines and other noncriminal penalties to enforce city health and sanitation, local business tax receipt, fire, building, zoning and sign ordinances when it finds that a pending or repeated violation continues to exist.

In accordance with F.S. 162.08, The Code Enforcement Board has the power to:

1. Adopt rules for the conduct of its hearings.
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.
3. Subpoena evidence to its hearings.
4. Take testimony under oath.
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Historic District Regulatory Board

? An interview process is necessary for new applicants only.

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

? Current Vacancies: 1 vacancy, resident or own property in City; 1 expiring term

Current Members:

Lawrence (Larry) Bossarte, business owner 11/01/11 – 07/01/17, 2

Diane Armington, owns property in the City 07/01/16 – 7/1/2019, 3

Leah Bartholomay, resident 05/06/14 – 07/01/18, P+1

Erika B. Schindler, business owner 10/06/15 - 07/01/18, 1

Christopher Lutton, resident 06/21/2016 – 07/01/18

Applying for Appointment: John Turly, resident, for a term expiring on 07/01/21

Brandon Alvarado, resident, for a term expiring on 7/01/2021

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the

code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

OPTIONS

Do not make these appointments.

FISCAL IMPACT

There is no cost to these appointments

[End Agenda Memo]

The Mayor appointed Dwight Wilson to the Code Enforcement Board for a term ending 7/1/2021. Commissioner Howell made a motion to approve the appointment. Commissioner Stewart seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

The Mayor appointed Donald King to the Code Enforcement Board as an alternate for a term ending 7/1/2021. Commissioner Howell made a motion to approve the appointment. Commissioner Stewart seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

The Mayor appointed John Turly and Brandon Alvarado to terms on the Historic District Regulatory

Board ending 7/1/2021. Commissioner Howell made a motion to approve the appointment. Commissioner Stewart seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10. CITY MANAGER

Kenneth Fields, City Manager, reported that the City Administration Building will be closed on Christmas Eve but will be open New Year's Eve.

Mr. Fields announced that our website and domain name will change to lakewalesfl.gov. Everyone will have new email addresses and will need new business cards.

10.I. Tracking Report

10.II. Social Media Tracking Report

10.III. Commission Meeting Schedule

10.IV. Other Meetings & Events Calendar

11. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson reported that the Lake Wales Police Department quickly handled an armed burglary in his neighborhood. The suspect was arrested within 3 hours and was in jail. He commended the quality of service received from the Lake Wales Police Department.

Deputy Mayor Robin Gibson said he was concerned about a lack of a quorum at the Recreation Commission meetings. Some changes to the board may be needed.

Deputy Mayor Robin Gibson said he saw in the Airport Authority meetings where the City was sued over public records and that the City lost the suit. He was concerned that the Commission was not informed about this litigation. He also said that he was concerned about the loss of a local paper to cover these things. Commissioner Curtis Gibson said that he agrees that the Commission needs to be informed about litigation. Mr. Fields said that the issue with the public records is not access but the costs. He said that a shade meeting can be called to brief the commission on this lawsuit and discuss it.

Deputy Mayor Robin Gibson asked about the status of the hotel. Kathy Bangley, Planning Director, said that currently nothing is going on. There are no open permits, no applications, and no work being done. She also gave an update on the Estes building. There will be a walk through tomorrow. Deputy Mayor Robin Gibson asked what can be done regarding the hotel. Ms. Bangley said there is not much to CODE him on except possibly the fence but she can work on it. Mayor Fultz asked if the owner has purchased other properties. Ms. Bangley said he purchased a building on 1st Street near railroad tracks and old American

Legion building on Park Avenue.

Commissioner Howell asked if we are getting more bleachers at the gymnasium. Ms. Teresa Allen, Public Works Director, said yes we are.

Commissioner Curtis Gibson said he was glad to go to three grand openings this past week and is glad to see the growth going on. He asked about treating the 1919 building for termites. Mr. Fields said not yet. We have been approached by 2-3 people who are interested in the building. We may put out an RFP for it. Commissioner Curtis Gibson said we should move forward and treat the building in the meantime.

Commissioner Curtis Gibson announce that he is on the National League of Cities' Community and Economic Développement Committee. He said he was glad for the opportunity to attend these events on behalf of the City and promote the City.

12. MAYOR COMMENTS

Mayor Fultz said that he was glad to see WaWa's and Aldi's are open and doing well.

Mayor Fultz announced his Chat and Chew tomorrow at the mall at 6:00 p.m.

13. ADJOURNMENT

The meeting was adjourned at 7:54 p.m.



Mayor

ATTEST:



City Clerk