

**City Commission Minutes**  
**August 6, 2019**  
**(APPROVED)**

8/6/2019 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order at approximately 6:00 p.m. after the invocation and the pledge of allegiance.

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Curtis Gibson, Robin Gibson -Deputy Mayor, Terrye Howell, Al Goldstein

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION: Water Professionals Month

Mayor Fultz presented a proclamation establishing August as Water Professionals Month to Utilities Director Sarah Kirkland.

6. COMMUNICATIONS AND PETITIONS

7. CONSENT AGENDA

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 Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 4-0.

7.I. Minutes - July 16, 2019

7.II. 2020 Census Complete Count Committee

[Begin Agenda Memo]

## **SYNOPSIS**

This is the establishment of a 2020 Census Complete Count Committee.

## **RECOMMENDATION**

Staff recommends that:

- 1) the Commission establish a Complete Count Committee and
- 2) Provide staff with recommendations of 2-3 individuals from their respective districts to serve on the temporary committee designed to encourage a good response from Lake Wales residents.

## **BACKGROUND**

In 2020 the US Census Bureau will conduct its decennial census of the population of the United States. These results determine the apportionment of Congressional representatives to each state, as well as funding allocations in various areas such as education, transportation, welfare, health care, recreation and many other needs. Each person counted brings in approximately \$1500 to a community.

In 2000 Polk County had a 57% response rate, Lake Wales had a 53% response rate. In 2010 Lake Wales and Polk County each had a Complete Count Committee who worked to encourage all residents to participate raising our response rate to approximately 75%. In order to improve upon this, the City of **Lake Wales** has been asked by the Census Bureau to establish a committee again to essentially encourage our community to complete their census forms.

This committee would consist of approximately 10-12 members from different communities around Lake Wales. The Committee would meet once a month, at a day and time of their choosing, until June 1, 2020. This committee could include representatives from different organizations such as the Chamber of Commerce, the Care Center, churches, homeowner associations, media and other key businesses.

Interested persons would fill out an application as for other city boards and committees as a matter of record. Meetings and events will be coordinated by City staff, and will be open to the public.

## **OTHER OPTIONS**

Do not establish a committee

## **FISCAL IMPACT**

None.

[End Agenda Memo]

### 7.III. Special Event Permit Application: LWHS Homecoming Parade September 19, 2019

[Begin Agenda Memo]

## **SYNOPSIS:**

Approval of the special event permit application and the request for street closings will allow the Lake Wales High School Homecoming Parade to be held on Thursday, September 19, 2019.

## **RECOMMENDATION**

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

- Approve the special event permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, September 19, 2019 from 5:00 pm to 6:30 pm.
- Approve the request for the road closing of First Street from SR 60 to Central Avenue, Central Avenue from First Street to Lake Shore Boulevard, and Lake Shore Boulevard from Central Avenue to North Wales Drive at Legion Field, and Orange Avenue and N 5th Street to Sessoms Avenue.

## **BACKGROUND**

Ms. Donna Dunson, Principal of the Lake Wales High School submitted a special event permit application for the Homecoming Parade to be held on Thursday, September 19, 2019 between the hours of 5:00 pm and 6:30 pm. Parade line up begins at 4:00 p.m. in the parking lot of Polk Avenue Elementary School and on south First Street with the parade starting at 5:00 p.m. The requested temporary street closings will involve the following streets;

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

The crossing of Scenic Hwy (SR 17) requires a road closing permit from the Florida Department of Transportation. This permit request will be submitted to the FDOT office in Bartow upon approval be the City Commission. All Departments have reviewed the application and have approved the event. The Charter Schools have provided the required proof of liability insurance.

## **OTHER OPTIONS**

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

## **FISCAL IMPACT**

In-kind service from the City is estimated to be \$1,710 for FY2019/2020. Lake Wales High School is responsible for 25% of the total cost or approximately \$428.

[End Agenda memo]

### 7.IV. Special Event Permit - YMCA Turkey Trot 5K November 28, 2019.

[Begin Agenda Memo]

## **SYNOPSIS:**

The approval of the special event permit application will allow the Lake Wales YMCA to hold their Annual "Turkey Trot 5K" on Thanksgiving Day, November 28, 2019 and allow for the temporary closing of a portion of the Marketplace downtown and several city intersections.

## **RECOMMENDATION**

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

1. Approve the special event permit application from the Lake Wales YMCA to hold the

annual "Turkey Trot 5K" on Thanksgiving Day, November 28, 2019 between the hours of 8:00 a.m. and 9:00 a.m.

2. Approve the temporary closing of a portion of the Marketplace on Park Avenue for staging of the event between 7:00 a.m. and 8:00 a.m. and for the closing ceremonies beginning at 9:00 a.m. to approximately 10:00 a.m.

3. Approve the temporary closing of several intersections along the route as the runners approach, the temporary closing of a city street and the route as follows:

Park Avenue from 1st Street to Scenic Highway, Scenic Highway to Cypress Gardens Lane, Cypress Gardens Lane to Crystal Avenue to North 3rd Street, 3rd Street at Crystal Avenue to Park Avenue and east to Lakeshore Blvd. crossing Lakeshore to Lake Wailes Park, following the bike path (Lake Wailes Trail) to 8th Street crossing over to Lakeshore Blvd. and following Lakeshore to Polk Avenue, Polk Avenue to 5th Street, 5th Street to Johnson Avenue to 4th Street, 4th Street to Central Avenue to 3rd Street and then to Stuart Avenue, Stuart Avenue to 1st Street and back to the Marketplace on Park Avenue where the 5K ends.

### **BACKGROUND**

The Lake Wales YMCA submitted a special event permit application to hold the annual "Turkey Trot 5K" on Thanksgiving Day, November 28, 2019 between the hours of 8:00 a.m. and 9:00 a.m. This application includes a request for the temporary closing of a portion of the Marketplace on Park Avenue to allow for the staging of the event which will begin at 7:00 a.m. to 8:00 a.m. with the 5K beginning at 8:00 a.m. At the conclusion of the event there will be a closing ceremony in

the Marketplace at 9:00 a.m. to approximately 10:00 a.m. The YMCA has also requested the temporary closing of several intersections along the route for the protection of the runners as they approach and the temporary closing of Lakeshore Blvd. from 8th Street to Polk Avenue. The route and streets involved will include the following:

Park Avenue from 1st Street to Scenic Highway, Scenic Highway to Cypress Gardens Lane, Cypress Gardens Lane to Crystal Avenue to North 3rd Street, 3rd Street at Crystal Avenue to Park Avenue and east to Lakeshore Blvd. crossing Lakeshore to Lake Wailes Park, following the bike path (Lake Wailes Trail) to 8th Street crossing over to Lakeshore Blvd. and following Lakeshore to Polk Avenue, Polk Avenue to 5th Street, 5th Street to Johnson Avenue to 4th Street, 4th Street to Central Avenue to 3rd Street and then to Stuart Avenue, Stuart Avenue to First Street and back to the Marketplace on Park Avenue where the 5K ends

City departments have reviewed the permit application and approved the event. There will be no cost to the City for in-kind services. The Lake Wales Police Department will use off-duty officers to be positioned on the route at intersections where runners will cross. Lake Wales Police Department VOICE and cadets will also be assisting with this event. The sponsor will be responsible for all costs associated with this event and providing sanitary facilities and clean up services along the route and at the Marketplace. Certificate of Liability Insurance is provided as required.

### **OTHER OPTION**

Do not approve this special event permit application or the temporary intersection closings

### **FISCAL IMPACT**

There will be no cost to the City for in-kind services associated with this event. The sponsor will pay 100% of the cost for off-duty officers and provide all clean up services.

[End Agenda Memo]

[Begin Agenda Memo]

**Recommendation:**

Staff recommends that the Honorable Mayor and City Commission authorize the police department to dispose of 20 DPMS patrol rifles through S.S.D. International and replace them with 44 new Smith and Wesson M&P 15T .223 caliber rifles.

**Background:**

The police department currently utilizes the DPMS RFA2 L16 (18) and the DPMS LR308(2) patrol rifles chambered in .223 and .308 respectively. These firearms have been in use since 2009, are carried daily in the field and used regularly in training. Although they continue to function, they are due for maintenance and they do not allow for the proper fitting of optics (non-magnifying). The optics fitted to the new patrol rifles can help increase accuracy under stressful situations and reduce the likelihood of unintentional injury to innocent bystanders.

The cost of a new patrol rifle is \$684.00 and the cost for a Vortex SPARC-AR Red Dot Sight optic is \$120.00. The outright purchase of the needed 44 rifle packages total \$36,096.00. The police department has sought competitive bids to purchase our current patrol rifles and provide the greatest reduction in overall expense for this upgrade. Of those that responded, S.S.D. International provided the highest trade in offer of \$6,300.00 based on the model, caliber and overall condition of each firearm. If approved, the total expense for this upgrade will be \$29,796.00 after trade in.

**Other Options:**

The Commission may choose not to authorize the replacement of police patrol rifles.

**Fiscal Impacts:**

The total cost to the city will be \$29,796.00, which will come from the existing police department budget.

[End Agenda Memo]

7.VI. Scenic Bluff Phase I – Final Subdivision Plat Residential Development

[Begin Agenda Memo]

**Recommendation:** Approval of plat as submitted

No recommendation from the Planning Board or public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the City Commission is a formality.

**Background:**

Developer, AG Investments of Polk County, was granted subdivision plan approval from the Planning Board, including a recommendation of approval to City Commission, for a phased, 38- lot subdivision on 9.17 acres fronting on Old Scenic Highway, City Limits Road North, and Summit Avenue. Phase One includes 9 – 7,500 square-foot lots and 1 – 10,800 square-foot corner lot, fronting on Summit Avenue.

Summit Avenue is currently up to City local road standards, and a sewer line extension project has been completed by the developer to serve Phase One. Phase One of Scenic Bluff Subdivision is ready for final plat approval.

The requirements for approval of the final subdivision plat are:

- Consistency with the approved preliminary plat (confirmed)
- Compliance with zoning district standards for lot dimensional requirements (confirmed)
- Completion of infrastructure to city standards (confirmed)
- Approval of the plat and survey by the city's consulting surveyor (completed)
- Approval of the homeowners' association documents and title opinion by the city attorney (completed)

[End Agenda Memo]

## 8. OLD BUSINESS

## 9. NEW BUSINESS

### 9.I. Board Appointments: Planning & Zoning And Code Enforcement

[Begin Agenda Memo]

#### **SYNOPSIS:**

Appointments to fill vacancies due to expiration of terms. Most terms expire on July of each year and must be renewed.

#### **RECOMMENDATION**

Staff recommends that the Mayor and Commission to make the following appointments as deemed appropriate.

1. Appoint Kyra Love to a new term on the Planning and Zoning Board expiring on July 1, 2021.
2. Reappoint Murray Zacharia to a new term on the Code Enforcement Board for a term expiring July 1, 2022

#### **BACKGROUND**

As of July 1, 2019 terms will have expired on many of our boards. These are those applying for appointment or reappointment to new terms.

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).

**Planning & Zoning Board (City Code Sec. 23-205.2)** – The board consists of seven (7) members. At least four (4) members must reside in the City and three (3) members must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies, must reside in or own real property in the City

Applying for Appointment: Kyra Love to a term that will expire 07/01/21

Staff and the Chair, Chris Lutton, interviewed Ms. Love, and they recommend her appointment.

Current Members: Joanne Fuller, resident 09/19/06 – 07/01/18, 4-Final

Diane Sims, resident 02/19/19 – 07/01/21, 1

Charlene Bennett, resident 02/16/10 – 07/01/16, 2

Narvell Petersen, resident 07/05/17 – 07/01/20, 1

Christopher Lutton, resident 07/05/17 – 07/01/20, 1

John Gravel, property owner 05/06/14 – 07/01/16, 1

Linda Bell, property owner 08/01/2017 - 07/01/21, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its membership one (1) member to serve as chair and one (1) to serve as vice-chair.

a. The term of the chair and vice-chair named by the planning board shall be for a period of one (1) year with eligibility for re-election.

b. The planning board shall hold regular meetings at the call of the chair on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice.

c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;

2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;

3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;

4. To perform any other duties which are lawfully assigned to it by the city commission

**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: Dwight Wilson, resident 12/18/18 – 07/01/21, 1  
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 1  
Ron Wheat 12/05/17 – 07/01/21 P+1  
Sara Jones, resident 10/16/18 – 07/01/21 1  
Donald King (alternate) 12/18/18 -07/01/21 1

Applying for re-appointment: Murray Zacharia, resident, for a term expiring 7/1/2022

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.

## **OPTIONS**

Do not appoint those that have applied.

## **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

For the Planning and Zoning Board the Mayor appointed Kyra Love to a term that will expire 07/01/21. Commissioner Howell made a motion to approve the appointment. Commissioner Curtis Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Mayor Fultz reappointed Murray Zacharia to a new term on the Code Enforcement Board expiring July 1, 2022. Commissioner Howell made a motion to approve the appointment. Commissioner Goldstein seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that he has heard nothing further about litigation regarding Airport restroom facilities. He said that there was a disagreement with a local builder about state legislation regarding using private providers of inspection services. This dispute was settled.

#### 11. CITY MANAGER

Kenneth Fields, City Manager, reported on a new business, a manufacturer of aviation equipment, will be moving into the Commerce and Technology Park and will bring 30-40 well paying jobs to the area. They will support Polk County's aviation industry.

The East Ridge Cities group met with Congressman Soto regarding the extension of SunRail into Polk County and is looking for support from Cities. A resolution concerning this will be forthcoming.

An update on the Water coop is that they are looking at financing options for the Southeast well field project. This may include a county-wide assessment. Mr. Fields will keep the commission updated on this.

Mr. Fields reported that as School starts this week the Police Department will be out monitoring the school zones.

The light is working now at Hunt Brothers Road and the Truck Stop will be open soon.

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Schedule

Kenneth Fields, City Manager, reminded the Commission of the CRA meeting on August 13 at 5:00 p.m. and a Budget Workshop following that at 6:00 p.m.

11.IV. Other Meetings And Special Events

12. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson expressed concerns about the two recent mass shootings and asked about efforts to identify persons who may pose a threat. Mr. Fields reported on efforts to implement Florida's red flag law in Lake Wales and monitor social media sites. Chris Velasquez, Police Chief, reported that they are working together with other law enforcement agencies in Polk County doing what they can to identify threats and address them. He reported on some of the measures they are taking to stay on top of these things. These things need to be discussed among our families and coworkers. If we see something odd we need to identify it. Deputy Mayor Robin Gibson said it is important that the public is aware that steps are being taken. He said the important thing is that people be aware. Commissioner Goldstein said that the public needs to be trained for these situations such as how to get out of a building. He encouraged people to be prepared. The Mayor said he hopes our legislators will act to give law enforcement the tools they need to protect us. He hopes that training has been provided in our schools. Mr. Fields said we could push out information to the community on these issues. These issues impact us and will continue to do so.

Commissioner Curtis Gibson reported on a NLC Conference of the NBC-LEO in Jackson Mississippi. It was a good conference and he looks for ideas to bring back to Lake Wales. He sent information from another City Commissioner to the City Manager about the 2020 Fitness Campaign. He thought it might be a good idea for Lake Wales. He was offended that Mr. Fields said that this is a sales pitch and questioned his intelligence. He said he was not trying to undermine the procurement process. The vendor was not at the Conference. We need to bring back information from these conferences to share ideas with other commissioners to benefit Lake Wales. He wanted to correct that information with the Commission as that email was shared with everyone. Mayor Fultz recommended talking with the City Manager personally to work this out.

13. MAYOR COMMENTS

14. ADJOURNMENT

The meeting was adjourned at 6:40 p.m.



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Mayor/Deputy Mayor

ATTEST

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City Clerk