

**City Commission  
Agenda Work Session  
Meeting Minutes  
September 2, 2020  
(APPROVED)**

**This meeting was conducted partially via teleconference  
Pursuant to Executive Order No. 20 -69, issued by the Office of Governor Ron Desantis on March  
20,  
2020, extended via Executive order no. 20-112, and further extended by Exectutive Orders 20-114,  
20-150 and 20-179, municipalities may conduct meetings of their governing boards without having a  
quorum of its members present physically or at any specific location, and utilizing communications  
media  
technology such as telephonic or video conferencing, as provided by Section 120.54 (5)(b)2, Florida  
Statutes.**

**The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting  
Web/Teleconference service.**

9/2/2020 - Minutes

1. CALL TO ORDER & ROLL CALL

**Commissioners Present:** Curtis Gibson, Al Goldstein, Robin Gibson, Mayor Eugene Fultz

**Staff Present:** James Slaton, Interim City Manager; Jennifer Nanek, City Clerk

Mayor Fultz called the meeting to order at 3:00 p.m.

Mayor Fultz read a statement:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, extended by Executive Order 20-112, and further extended by Executive Orders No 20-114, 20-150, and 20-179 municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. Procedures for public participation will be explained by the City Attorney shortly.

Albert Galloway, Jr., City Attorney, read a statement on Procedures for this partial virtual Public Meeting.

Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

2. City Manager Comments

James Slaton, Interim City Manager, said the City has completed our assessment of our impact fees to be sure they are adequate and appropriate.

3. Presentation - Impact Fee Study

Tony Hairston & Shawn Ocasio from Raftelis gave a presentation on the results of their Impact Fee Study.

Tony Hairston reviewed the history of the City's impact fees and their purpose. They will review the Impact Fees for Police and Fire as they are the most complicated, the Library and Parks and then Water and Sewer the largest of the Impact Fees. They are recommending a slight increase of 1-3% for most of the fees. The fees are about \$8600 in total for single family residential. They are recommending about \$100 increase. There needs to be a realignment of the fees in some areas. They were last adjusted in 2011. He then reviewed Florida Statutes on Impact Fees. Changes to impact fees go into effect 90 days after the Ordinance is passed. Impact Fees can only be used for certain expenses related to growth.

Shawn Ocasio explained that they developed a forecast on future development and explained what information was used to determine that forecast. First they reviewed the Police impact fees and level of service. The Police Department will need to add 4 officers between now and 2024 to maintain the same level of service. There's about \$1.5 million planned investment in the Police Department over the next few years including vehicles and equipment. He explained how they arrived at that estimate. They recommend an increase from \$533.68 to \$564 or 6% for a single family unit and a \$26 increase for multi-family dwelling unit or \$467.99 to \$494. There are non-residential classes that usually pay fees applied on a square-foot basis with some exceptions.

Mr. Ocasio then reviewed the analysis for Fire and EMS services. He reviewed the past investments and plans for the future. They recommend combining the north and south fees into one fee as it is an interconnected system. He recommended a decrease to \$488 for single family units from \$683 in the north and \$549 in the south area. The recommended decrease is similar for multi-family units. This nets out the increase on the police side.

For Parks and Recreation they use a different methodology to calculate impact fees. They looked at existing investment in parks and in the future and future population. The recommended fees for a single family unit \$1787 and for a multi-family unit \$1542. This is an increase. Our current fees are below average. Many cities are increasing their focus on Parks and increasing fees.

An overview of the Library Service, the current inventory and services offered. Current and future planned investments were reviewed compared to current and future population. Recommended fees are \$323 for a single family unit and \$278 for multi-family. He shared a comparison of fees to other cities.

For Water and Wastewater services they look at treatment capacity and capacity for growth. They also looked at level of service and planned future investment. Existing Water impact fees are \$2,191 and they recommend an increase to \$2,438 for single family homes and for multi-family an increase from \$1,075 to \$1,828. On the wastewater side they recommend a change from \$3,592 to \$3,091 for homes and they recommend similar for non-residential. Combined the current fee for a single family home is \$5,784 and the proposed changes would decrease the total amount to \$5,529. This is in line with other areas.

Tony Hairston reviewed a summary of the proposed changes. The total increase of fees would be \$93. If approved these would go into effect in December.

Commissioner Goldstein noted that there are lots of plans for new residential and other development over the next few years. Does that affect the forecast? Mr. Hairston if the City grows faster then they collect more fees. The City should not wait more than 5 years to update the plan.

Deputy Mayor Robin Gibson asked how these increases compare to the cost of living increases over the past nine years. Mr. Hairston said you do want to keep pace with inflation so you don't get fees where you don't need them. Deputy Mayor Robin Gibson said we need the same purchasing power as we did 9 years ago. Deputy Mayor Robin Gibson talked about needs in the downtown. Is there any incentive help to attract infill construction in our historic core. Mr. Hairston said Community Development funds could be used to offset impact fees. A separate area could be carved out with separate policies but would take more work. Deputy mayor Robin Gibson said we need to be competitive there. Mr. Slaton said that we are looking into this.

Commissioner Curtis Gibson said he wanted to be competitive with other cities. Can we lower our fees? Mr. Hairston recommended they could phase in the increases over time.

Commissioner Howell asked what happened if we still have impact fees left over? Mr. Hairston said that those resources can wait until another year as the City keeps growing. Commissioner Howell asked about incentives for development. Mr. Hairston said a City can suspend impact fees but the fees are not a tipping point. Developers want cities that are serious about growth and building infrastructure.

Commissioner Curtis Gibson said some of the figures in the presentation are not the same in the copies the Commission were given. Mark Bennett, Development Services Director, they will get the correct amounts to the Commission.

#### 4. Ordinance 2020-22 Impact Fee Study 1st Reading

[Begin Agenda Memo]

##### **SYNOPSIS**

Impact fees are charged by the City to cover the capital costs of services to new development. Impact fees must be updated periodically to reflect the most recent and localized data used as a basis for the fees. Fees were last updated in 2011. The "Development Impact Fee Study" completed by Raftelis recommends increases in some impact fees, and reductions in others, as shown in the attached presentation prepared by Raftelis. Passage of the ordinance will adopt the impact fee study including the fee changes. Recommended adjustments in fees will be effective 90 days following notification requirements of state law.

##### **RECOMMENDATION**

Staff recommends approval of Ordinance 2020-22 upon first reading. A public hearing is not required for a first reading, but a hearing was advertised to provide public notice of changes in the fees.

##### **BACKGROUND**

Ordinance 2020-22 adopts the Impact Fee Study prepared by Raftelis including a new fee schedule, altering the impact fees based upon the City's current capital improvements plan and costs for providing facilities to serve new development.

Recommended adjustments proposed will take effect in December in order to comply with the state's 90-day notice requirement for fee increases.

The impact fee study is presented to the City Commission by Shawn Ocascio with Raftelis.

Specific changes proposed in the ordinance:

Section 1 – Adopts the impact fee study update by Raftelis and the revised impact fee schedule.

- Consolidation of north and south fire-EMS services areas on the Impact Fee Schedule.  
from 50% to 75%.

Section 2 – Changes the annual rate adjustment from June 1 to October 1, to be consistent with the date that other City fees are adjusted.

Section 3 – Changes the number of years that a property can be vacant in order to be exempt from the payment of impact fees upon redevelopment from three years to five years. This is consistent with the County.

Section 4 – Severability clause (standard language for this type of ordinance).

Section 5 – Effective dates. The proposed changes in fees will become effective in December, ninety days after the first advertisement of the ordinance, as required under state statute.

##### **FISCAL IMPACT**

The new fees reflect the City's costs based upon current and local conditions. Maintaining current fees is not justified by the study.

For easy reference on a summary basis the combined changes for a standard single family home with a ¾" meter (based on the preliminary fees) are as follows:

Single Family Per Unit Rate

Fee Type	Existing	Proposed	Net Change
Police	\$533.68	\$564.00	\$30.32
683.68	488.00	(195.68)	Fire
Parks	1,092.80	1,787.00	694.20
Library	503.70	326.00	(177.70)
Water	2,191.26	2,438.00	246.74
Wastewater	3,592.94	3,091.00	(501.94)
\$8,598.06	\$8,694.00	\$95.94	Total

**OTHER OPTIONS**

None

**ATTACHMENT**

Draft Ordinance 2020-22

Presentation: Development Impact Fee Study; September 2, 2020 by Raftelis.

[End Agenda memo]

Commissioner Goldstein asked for comparison figures with Haines City and Frostproof. He asked what are we not doing to draw in businesses like Frostproof and Haines City. Albert Galloway, Jr., City Attorney, said some of the businesses in Frostproof are actually in the County. Deputy Mayor Robin Gibson said the County's impact fees are higher.

James Slaton, Interim City Manager, said he hears them and will look into this issue.

5. Resolution 2020-32 CDBG Enabling Resolution

[Begin Agenda Memo]

**SYNOPSIS:** The City of Lake Wales is applying for a CDBG Housing Grant. Resolution 2020-32 authorizes the City to apply for the grant and for the Mayor and City Manager to sign necessary documentation as appropriate.

**RECOMMENDATION**

Staff recommends that the City Commission Adopt Resolution 2020-32.

**BACKGROUND**

The City of Lake Wales is considering an application to the Florida Department of Economic Opportunity (DEO) for a \$750,000 grant under the Community Development Block Grant (CDBG) program in the Housing Rehabilitation Category. The grant application deadline is October 5, 2020. If the grant is awarded, housing rehabilitation activities will need to be completed within 30 months of grant award. The rehabilitation activities will take place only within the Lake Wales city limits. The aim of the grant is to rehabilitate (or demolish and replace) up to eleven (11) very low, low, and low to moderate-income owner occupied homes.

The amount allocated for rehabilitation activities is \$634,200 for at least 11 houses to be rehabilitated. In addition, each CDBG assisted household will be paid a \$300 allowance to help with their temporary relocation costs. The total amount budgeted for temporary relocation assistance is \$3,300. The amount budgeted for administration is \$112,500. About 60% of this fee is paid to the CDBG housing rehabilitation

specialist who manages the bidding and construction process. The remaining 40% of the fee is used for regular CDBG consultant administration activities.

Resolution 2020-32 authorizes the City to apply for the grant and for the Mayor and City Manager to sign documents as appropriate.

**OTHER OPTIONS**

Do not adopt Resolution 2020-32 and do not apply for the grant.

**FISCAL IMPACT**

See attached Fiscal Impact Statement

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Deputy Mayor Robin Gibson said full steam ahead.

6. Resolution 2020-34 Match For CDBG Grant

[Begin Agenda Memo]

**SYNOPSIS:** The City has the option of providing up to \$50,000 to the CDBG project as local match which helps to make the grant application more competitive.

**RECOMMENDATION**

Staff recommends the City Commission adopt Resolution 2020-34 Local Match for CDBG grant.

**BACKGROUND**

The City of Lake Wales is considering an application to the Florida Department of Economic Opportunity (DEO) for a \$750,000 grant under the Community Development Block Grant (CDBG) program in the Housing Rehabilitation Category. The grant application deadline is October 5, 2020.

If the grant is awarded, housing rehabilitation activities will need to be completed within 30 months of grant award. The rehabilitation activities will take place only within the Lake Wales city limits. The aim of the grant is to rehabilitate (or demolish and replace) up to eleven (11) very low, low, and low to moderate-income owner occupied homes. The amount allocated for rehabilitation activities is \$634,200 for at least 11 houses to be rehabilitated. In addition, each CDBG assisted household will be paid a \$300 allowance to help with their temporary relocation costs. The total amount budgeted for temporary relocation assistance is \$3,300. The amount budgeted for administration is \$112,500. About 60% of this fee is paid to the CDBG housing rehabilitation specialist who manages the bidding and construction process. The remaining 40% of the fee is used for regular CDBG consultant administration activities.

**OTHER OPTIONS**

Do not approve Resolution 2020-34 or modify it to pledge a lower amount.

**FISCAL IMPACT**

\$50,000 in the 2020-21 Budget.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Deputy Mayor Robin Gibson said we don't pay this unless the grant is awarded. Mr. Slaton confirmed this.

7. CDBG Housing Assistance Plan (HAP)

[Begin Agenda Memo]

**SYNOPSIS:**

The Housing Assistance Plan (HAP) must be adopted to submit the CDBG Grant Application for Housing Rehabilitation.

**RECOMMENDATION**

Staff recommends the City Commission adopt the CDBG Housing Assistance Plan (HAP).

**BACKGROUND**

The City of Lake Wales is considering an application to the Florida Department of Economic Opportunity (DEO) for a \$750,000 grant under the Community Development Block Grant (CDBG) program in the Housing Rehabilitation Category. The grant application deadline is October 5, 2020.

If the grant is awarded, housing rehabilitation activities will need to be completed within 30 months of grant award. The rehabilitation activities will take place only within the Lake Wales city limits. The aim of the grant is to rehabilitate (or demolish and replace) up to eleven (11) very low, low, and low to moderate-income owner occupied homes. The amount allocated for rehabilitation activities is \$634,200 for at least 11 houses to be rehabilitated. In addition, each CDBG assisted household will be paid a \$300 allowance to help with their temporary relocation costs. The total amount budgeted for temporary relocation assistance is \$3,300. The amount budgeted for administration is \$112,500. About 60% of this fee is paid to the CDBG housing rehabilitation specialist who manages the bidding and construction process. The remaining 40% of the fee is used for regular CDBG consultant administration activities.

The Housing Assistance Plan (HAP) describes the procedures that the City and Rehabilitation Specialist will follow when implementing the housing rehabilitation activities. The HAP is required in order to submit the CDBG grant application.

**OTHER OPTIONS**

Do not approve the Plan and do not apply for the CDBG Grant.

**FISCAL IMPACT**

None.

[End Agenda Memo]

Andy Easton, Grant Administrator, reviewed this item.

Jennifer Nanek, City Clerk reported that a public hearing will be held for this on the 9th.

8. ORDINANCE 2020-16 Candidate Qualifying

[Begin Agenda Memo]

**SYNOPSIS:**

Ordinance 2020-16 modifies language in our Code of Ordinances to comply with Florida State Statutes concerning when a potential candidate may begin their campaign.

**RECOMMENDATION**

Staff recommends the City Commission approve Ordinance 2020-16 after first reading.

**BACKGROUND** In the Lake Wales Code of Ordinances Chapter 8 Elections, Article III potential candidates are to file the form for appointing a campaign treasurer and designating of a campaign depository during qualifying.

This is inconsistent with Florida State Statute that says: 106.021: Each candidate for nomination or election to office shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to office shall appoint a campaign treasurer and designate a primary campaign depository before qualifying for office. This Ordinance brings our Code into compliance with this section of the statute.

**OTHER OPTIONS**

Do not pass Ordinance 2020-16 or recommend additional modifications.

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Curtis Gibson said that this will allow campaigns to get started earlier.

9. ORDINANCE 2020-11 Millage Rate FY 2020-21

[Begin Agenda Memo]

**SYNOPSIS:**

The Commissioners will consider adopting a millage rate of 6.7974 mills for Fiscal Year 2020-21. The Commissioners will also consider adopting the proposed operating budget.

**RECOMMENDATION**

After first reading and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2020-11, adopting a millage rate of 6.7974 mills for FY2020-2021;
2. Approve Ordinance 2020-12, adopting an operating budget for FY2020-2021.

**BACKGROUND**

In accordance with Florida Statutes and the City Charter, Ordinances 2020-11 and 2020-12 are presented for first reading and public hearing. Ordinance 2020-11 establishes the millage rate for FY20'21, and Ordinance 2020-21 adopts the proposed FY20'21 budget. These ordinances must have separate public

hearings and must be voted upon individually.

The proposed FY20'21 budget document includes the revenue and expenditure details for the General Fund, CRA Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund, Airport Fund and Stormwater.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter, which requires that the budget provide a complete financial plan of municipal funds and activities. Estimated current year ending fund balances have been considered and are included in the budget.

**PROPERTY TAX** On July 21, 2020, the City Commission adopted an Interim Millage Rate of 7.0974. The proposed budget was balanced on a Millage Rate equal to the roll-back rate of 6.7974 millage rate per \$1,000 taxable valuation.

**BUDGETARY CHANGES IN GENERAL FUND “REVENUE SOURCES & TRANSFERS IN” FOR FY20'21 COMPARED TO FY19'20:** General Fund revenues in FY20'21 (\$12,224,848 + 1,552,522 – 53,522 impact fee reimbursement – 0 financing/leases = 13,723,848) are projected to be \$309,615 less than budgeted in FY18'19 (\$13,999,789 + 1,538,322 – 211,322 impact fee reimbursement – 1,293,326 financing/leases = 14,033,463). **An expected decrease of \$154,715 is mainly due to the following items:**

- Increase in ad valorem tax of \$125,226
- Decrease in sales and use taxes of \$170,150 due to allocation needed for debt service leased vehicles.
- Decrease in licenses and permits of \$320,500 due to \$170,500 decrease in franchise fees and \$150,000 decrease in building permits.
- Increase in special assessments of \$245,000 due to increase in fire special assessment.
- Decrease in intergovernmental revenues of \$263,332 mainly due to \$213,000 decrease in state revenue sharing and \$50,332 grants for the Museum/Depot ( Pioneer Day Advertisement)
- Increase in charges for services of \$95,041 mainly due to garbage fees.
- Decrease in fines and forfeitures of \$22,000 mainly due to code enforcement fines.
- Decrease in miscellaneous revenue of \$16,000 mainly due to \$13,000 for Ridge League Dinner, \$3,000 facility rentals.
- Increase in transfers of \$172,000

**BUDGETARY CHANGES IN GENERAL FUND “OPERATING EXPENDITURES” FOR FY20'21 COMPARED TO FY19'20:**

General Fund “operating” expenditures in FY20'21 are projected to be \$14,168,517, which is \$511,392 less than budgeted in FY19'20 \$14,679,909.

**GOVERNMENTAL FUND BALANCE** As of September 30, 2019, the City's governmental funds reported combined ending fund balances of \$8,168,273 (page 13 of the CAFR). An increase of \$193,953 for the year. Approximately 40% (\$3,253,113) of total funds balance is available for spending at the government's discretion (unassigned) At the end of September 30, 2019, unassigned fund balance of the General Fund was \$3,253,113, while total fund balance reached \$4,281,310. In 2011, the City established a reserve policy for the General Fund equal to 15% - 20% of total operating costs. As of September 30, 2019, the general fund's unassigned fund balance represented 21% of total general fund expenditures, while total fund balance represents 20% of the same amount.

## SUMMARY OF ALL FUNDS

General Fund 16,077,270

CRA Fund 5,551,300

Special Revenue Funds 2,723,223

Debt Service Fund 2,448,912

Capital Projects Fund 1,481,000

Cemetery (LWMG) 484,706

Utility System Fund 30,082,050

Airport Fund 905,217

Stormwater Fund 500,000

TOTAL 60,253,678

The expenditure total of \$47,973,859 is comprised of operating costs in the amount of \$27,455,251 and capital outlay in the amount of \$20,518,608. Transfers in the amount of \$2,702,062 bring total expenditures plus transfers to \$50,675,921. Note: Capital expenditures proposed for FY20'21 are itemized in "Schedule C" within the budget document.

**CONCLUSION** The local economy, as well as the global economy, has struggled in 2020 due to the Covid-19 pandemic. As the Governor directed all non-essential services to close for the month of April, the resulting business closures led to a jump in the State unemployment rate and a decline in State Revenue sharing of sales tax and gasoline taxes. As Americans stay home, Florida's tourist economy has suffered, exemplified by the lower than expected visitors to Florida. Economists have failed to agree on the length of the current economic downturn. Some economists are optimistic a vaccine for Covid-19 will be approved before the end of the year and in wide circulation by the end of 2021 which in turn will lead the economy returning to a more stable status. Other economists are forecasting the Covid-19 pandemic to continue through to 2023. While forecasting the future economy is extremely difficult, for the FY2020-2021 budget, staff has taken the conservative approach relating to the economic effects of the Covid-19 pandemic. As such, staff has taken a conservative methodology approach to appropriations relating to revenues and expenditures. City staff will continue throughout next year to watch for changes in the economy.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Commissioner Curtis Gibson said he is glad we are going to rollback rate again. He asked if this was several years in a row. Ms. Abbott agreed except for one year. Commissioner Curtis Gibson commended staff for this.

### 10. ORDINANCE 2020-12 Budget FY 2020-21

[Begin Agenda Memo]

#### **SYNOPSIS:**

The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2020/21

through 2024/25.

## **RECOMMENDATION**

It is recommended that the City Commission approve after first reading Ordinance 2020-13 adopting the Five-Year Capital Improvement Plan for fiscal years 2020/21 through 2024/5

## **BACKGROUND**

In accordance with section 6.05 of the City Charter, Ordinance 2020-13 adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY2020/21 through FY2024/25. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY20'21 operating budget, as are appropriation of funding sources necessary to implement Year 1 of the plan. The 5-Year CIP document includes all capital facility and infrastructure improvements which staff believes should be undertaken during the next five years and supporting information to explain the necessity for the improvements. In addition, the CIP includes all capital equipment proposed for acquisition during this period. Cost estimates, method of funding and time schedule for the proposed improvements and equipment acquisitions are identified in the document. The proposed 5-Year CIP totals \$87,412,089 and includes \$300,000 in land acquisition, \$4,565,981 in building improvements/acquisitions, \$62,615,700 in infrastructure and recreation improvements, \$14,096,500 in equipment acquisition, and \$5,833,908 in other capital outlay. Schedule "C", within the 5- year CIP, provides a detail listing of each asset type. Improvements and equipment needs for the next 5 years were submitted by department heads with a justification of necessity and a recommended time schedule for completion or acquisition. These requests were prioritized by the City Manager in view of the available funding resources and urgency of need.

## **FISCAL IMPACT**

Funding of the CIP will be accomplished through utilization of existing cash surpluses and current year operating revenues, future grants, private contributions, leases/debt service issuances, and impact fees. Growth related improvements will be funded by impact fees. Costs of all capital improvements and equipment acquisitions are distributed over 5 years as follows:

Year 1 - FY2020/21 20,518,608

Year 2 - FY2021/22 19,477,966

Year 3 - FY2022/23 22,240,383

Year 4 - FY2023/24 17,574,132

Year 5 - FY2024/25 7,601,000

5 Year Total 87,412,089

All items scheduled for Year 1 are included in the proposed FY20'21 operating budget presented to the City Commission for consideration.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Commissioner Howell asked about getting body cams and adding those. Dorothy Abbott, Finance Director, said there's always ways to find the money either through a lease, a loan, or reserves. Mr. Slaton said he is working on this issue. Commissioner Curtis Gibson said that he would like to see real numbers on the cost of body cams. Mr. Slaton said he will have this on a future workshop. Commissioner Goldstein said the workshop should not include public comment as we heard that at the January workshop. Commissioner

Howell said we don't need a Police department presentation either. Mr. Slaton said he will work on this. Mayor Fultz said that we need information on costs, implementation and maintenance. Mr. Slaton said he will get started on that.

11. Ordinance 2020-13 CIP FY2020-21

[Begin Agenda Memo]

**SYNOPSIS:**

The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2020/21 through 2024/25.

**RECOMMENDATION**

It is recommended that the City Commission approve after first reading Ordinance 2020-13 adopting the Five-Year Capital Improvement Plan for fiscal years 2020/21 through 2024/5

**BACKGROUND**

In accordance with section 6.05 of the City Charter, Ordinance 2020-13 adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY2020/21 through FY2024/25. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY20'21 operating budget, as are appropriation of funding sources necessary to implement Year 1 of the plan.

The 5-Year CIP document includes all capital facility and infrastructure improvements which staff believes should be undertaken during the next five years and supporting information to explain the necessity for the improvements. In addition, the CIP includes all capital equipment proposed for acquisition during this period. Cost estimates, method of funding and time schedule for the proposed improvements and equipment acquisitions are identified in the document.

The proposed 5-Year CIP totals \$87,412,089 and includes \$300,000 in land acquisition, \$4,565,981 in building improvements/acquisitions, \$62,615,700 in infrastructure and recreation improvements,

\$14,096,500 in equipment acquisition, and \$5,833,908 in other capital outlay. Schedule "C", within the 5- year CIP, provides a detail listing of each asset type.

Improvements and equipment needs for the next 5 years were submitted by department heads with a justification of necessity and a recommended time schedule for completion or acquisition. These requests were prioritized by the City Manager in view of the available funding resources and urgency of need.

**FISCAL IMPACT**

Funding of the CIP will be accomplished through utilization of existing cash surpluses and current year operating revenues, future grants, private contributions, leases/debt service issuances, and impact fees.

Growth related improvements will be funded by impact fees.

Costs of all capital improvements and equipment acquisitions are distributed over 5 years as follows:

Year 1 - FY2020/21	20,518,608
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Year 2 - FY2021/22	19,477,966
Year 3 - FY2022/23	22,240,383
Year 4 - FY2023/24	17,574,132
Year 5 - FY2024/25	7,601,000
5 Year Total	87,412,089

All items scheduled for Year 1 are included in the proposed FY20'21 operating budget presented to the City Commission for consideration.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Commissioner Curtis Gibson asked about items for the Airport and said he always will advocate for the airport. Mr. Slaton said the Master Plan for the Airport is in this year's CIP and will be funded mostly by a grant from the FAA.

12. Resolution 2020-31 Final Assessment Resolution For Fire Protection Assessments

[Begin Agenda Memo]

**SYNOPSIS:** Adoption of Resolution 2020-31 will set the final fire assessment rates.

**RECOMMENDATION**

It is recommended that the City Commission adopt Final Assessment Resolution 2020-31 providing for Fire Protection Assessments for fiscal year beginning October 1, 2020.

**BACKGROUND**

On June 16, 2020, the City Commission adopted Resolution 2020-17 that set the preliminary fire assessment rates with a 5% increase from the prior year. During the August budget workshop, the City Commission requested that the final fire assessment rate resolution only increase a 2.5% increase from the prior year.

For the Fiscal Year beginning October 1, 2020, the estimated Fire Protection Assessed Cost to be assessed is \$1,390,147.00. The Fire Protection Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2020, are hereby established as follows:

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	\$154.00
Multi-Family	\$76.00
Mobile Home	\$137.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.06
Industrial/Warehouse	\$0.01
Institutional	\$0.08

## **OTHER OPTIONS**

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs. Failure in adopting Resolution 2020-31 will result in a loss of \$1,390,147 in estimated net revenue dedicated to the fire department budget. This money would then have to come from the general fund.

## **FISCAL IMPACT**

The Fire Protection Assessment will create a dedicated funding source for fire protection services.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Commissioner Curtis Gibson said we should keep the fire assessment where it is and not increase it. A little bit can still hurt some pockets. Dorothy Abbott, Finance Director, asked the Commission to have a consensus so they can do the advertising for the correct amount. Deputy Mayor Robin Gibson advocated for the 2.5% increase. Commissioner Goldstein said he hates taking money from the reserves but this could hurt some pockets. Commissioner Howell said she is concerned about having money in the reserves should a hurricane or other emergency come up. Mayor Fultz said he shared the concern about the reserves. We are in uncertain times. Commissioner Curtis Gibson said our reserves our fine. The \$144,000 from the reserves will not hurt us should there be a crisis. We are in hard times now.

Commissioner Curtis Gibson said that the presentation on impact fees does not need to be shown again at the regular meeting. mr. Slaton said it will not be on the agenda.

Ms. Abbott asked if there should be a change to the advertised version. After discussion it was decided to publish the current version with the increase.

### 13. Resolution 2020-30 - Final Rate Resolution Brookshire Street Lighting District

[Begin Agenda Memo]

**SYNOPSIS:** Final Rate Resolution for the Brookshire Street Lighting District

## **RECOMMENDATION**

It is recommended that City Commission adopt Resolution No. 2020-30 providing the Final Rate Resolution for the Brookshire Street Lighting District.

## **BACKGROUND**

In 2010, the City of Lake Wales received a petition requesting the creation of a Street Lighting District for the Brookshire subdivision. The District includes the thirty-one (31) decorative street lighting poles. Eighty-seven (87) platted lots are within the street lighting district and the estimated annual street lighting costs are \$13,485. The estimated annual charge per plated lot is \$155.

## **OTHER OPTIONS**

Do not approve Brookshire Street Lighting District special assessment.

## **FISCAL IMPACT**

Annual estimated assessment revenue of \$13,485 is expected to pay all street lighting costs relating to the services, facilities and programs within the Brookshire Street Lighting District.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

14. Resolution 2020-27 Invocation Policy

[Begin Agenda Memo]

**Synopsis:** Resolution 2020-27 has been modified to address concerns about its ability to withstand constitutional scrutiny if challenged. It includes appointment of Dr. James Moyer as the City's volunteer Chaplain, but also includes a rotational list should Dr. Moyer be unavailable for a Commission meeting. The rotational list provisions are similar to those upheld by the United States Court of Appeals for the Eleventh Circuit in *Atheists of Florida, Inc., v. City of Lakeland, Florida*, 713 F.3d 577 (2013).

**Recommendation:** That the City Commission approve the adoption of Resolution 2020- 27.

**Background:** A Resolution to provide a formal written policy concerning Invocations delivered prior to meetings of the City Commission was requested.

**Fiscal impact:** None

**Alternatives:** The proposed Resolution can be further modified should the Commission so desire, but I believe that this Resolution adequately addresses the concerns which prompted its preparation.

[End Agenda Memo]

Albert Galloway, Jr., City Attorney, reviewed this item. This version could stand up under scrutiny.

Commissioner Goldstein said in regards to the list someone will complain of exclusion. He suggested adding the Police and Fire Department Chaplains as backups on the list.

Commissioner Curtis Gibson agreed with appointing the Chaplain and asked if Dr. Moyer could get a replacement from the list and keep the City out of it. Mr. Galloway said the City will never be out of it. Its more appropriate for the City Clerk to do it. Commissioner Curtis Gibson asked if this takes the Commissioners out of having to do the invocation. Mr. Galloway said yes.

Commissioner Curtis Gibson agreed with adding the chaplains from the Police and Fire Departments.

Mayor Fultz asked if using just the chaplains if that removed us from possible litigation. Mr. Galloway said he is unsure but with what he is comfortable with the list from being challenged.

Commissioner Curtis Gibson suggested the list be limited to Lake Wales. Mr. Galloway said ok. Commissioner Goldstein said he was concerned about creating the list.

Deputy Mayor Robin Gibson said anything could be challenged but the likelihood of losing can discourage challenges. He said he likes the idea of a moment of silence but will go along with whatever the group wants.

Commissioner Curtis Gibson said he supports this with the change to Lake Wales and that he is not worried about a lawsuit. Commissioner Howell agreed and said this could be the greater Lake Wales area. Deputy Mayor Robin Gibson suggested something definable such as the Lake Wales High School attendance zone. Mr. Galloway recommended the three Lake Wales zip codes. Commissioner Howell and Commissioner Curtis Gibson agreed.

15. RESOLUTION 2020-33 Extending The Declared State Of Emergency

[Begin Agenda Memo]

**SYNOPSIS:**

Resolution 2020-33 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from September 9, 2020 until October 9, 2020.

**RECOMMENDATION**

Staff recommends adoption of Resolution 2020-33 State of Emergency Declaration from September 9th 2020 until October 9th 2020.

**BACKGROUND**

In response to the threat of COVID-19 Mayor Fultz issued a State of Emergency on March 13th for seven days and issued three more 7 day States of Emergency after that. The current state of emergency was extended twice more at the beginning of April and again in May, June, July and August. The current State of Emergency which was approved by the City Commission on August 7th expired September 7th.

According to Chapter 9 in our Code of Ordinances, the City Commission must approve a State of Emergency to last 30 days.

**OTHER OPTIONS**

Do not approve Resolution 2020-33.

**FISCAL IMPACT**

There is no fiscal impact from the resolution itself. There will be some costs to the City as we respond to this threat. These costs are being tracked. A declared State of Emergency will allow the City to seek possible reimbursement for those costs.

[End Agenda Memo]

16. Board Appointments: Historic District Regulatory Board And Planning And Zoning

[Begin Agenda Memo]

**SYNOPSIS:** Appointment to fill a vacancy on the Historic District Regulatory Board.

**RECOMMENDATION**

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

1. Appoint Jonathan Kaufman to a term on the Historic District Regulatory board for a term expiring July 1, 2022.
2. Reappoint Christopher Lutton to a new term on the Planning and Zoning Board for a term expiring July 1, 2023

## BACKGROUND

As of July 1, 2020 terms will have expired on many of our boards. These are those applying for 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).

### Historic District Regulatory Board

**Historic District Regulatory Board** (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

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

#### Current Members:

Lawrence (Larry) Bossarte, business owner	02/04/20 – 07/01/22, 1
Mark Bennett, resident	06/17/20 – 7/1/2022, P
John Turley, resident	12/18/18 – 07/01/21, 1
Brandon Alvarado, resident	12/18/18 - 07/01/21, 1
Ronni Wood, resident	02/05/19 – 07/01/21, 1

Applying for Appointment: Jonathan Kaufman, resident, for a partial term expiring on 07/01/22  
Staff has interviewed the applicant and recommends his appointment.

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

**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 Re-Appointment: Christopher Lutton to a term that will expire 07/01/23

Current Members: Kyra Love, Resident 8/6/2019 – 7/1/21 1

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 chairman and one (1) to serve as vice-chairman.

a. The term of the chairman and vice-chairman 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 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.

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

## **OPTIONS**

Do not appoint those that have applied.

## **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

### 17. Polk County Fleet Maintenance Services Agreement

James Slaton, Interim City Manager, reviewed this item. He explained that the cost is \$31,000 less from last year. The cost has been going down as the city has updated its fleet.

### 18. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Goldstein recommended modifying the language on the agenda concerning public comment as we are not accepting comments. Commissioner Curtis Gibson agreed that the language should be changed. Mr. Slaton said he will modify that language.

Deputy Mayor Robin Gibson said he is glad how the workshops are running. They are not sweeping issues under the rug, they are addressing them head on.

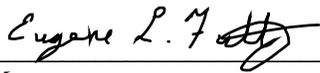
Commissioner Curtis Gibson said he agreed on the need for transparency. He said that he thinks the City should be reopened as other City Hall's have reopened. Mr. Slaton said that we are taking a more conservative approach during this emergency. There is only one City Government and we are providing all necessary services to the public as when we were open. In many way we have increased services. There is no reason to open doors and risking entire departments getting infected. Commissioner Curtis Gibson said that life doesn't stop. We can implement precautions to keep staff safe. There was a citizen outside the other day that had questions about their bill. Our staff could get infected going on vacation or to the store. Mr. Slaton said that we are not getting many complaints about being closed. Commissioner Curtis Gibson said he has heard complaints. He prefers to conduct business face to face rather than over the phone. He believes we should open up. Does this need to be a Commission decision? Mr. Slaton said he understood and suggested that we should wait awhile and see what the trends are as far as infections. Mr. Slaton asked Chief Jenkins for his comments. Chief Jenkins said we had a positive trend down but then we went back up. This is a result of schools reopening. This week is a holiday and people will gather. So far we have had 20% of employees test positive for COVID-19. If one of our customer service staff tests positive then all of the staff may have to quarantine for two weeks and then there will be no one to answer the phones. They have set up an adjunct window at the front door for people to come to to request extensions. All our services are available for the public. Commissioner Curtis Gibson said some measures could be taken to keep staff safe. Deputy Mayor Robin Gibson said its frustrating for the public to come here and find the door closed. He suggested a phone out there to call into Customer Service. He said that 20% of staff testing positive is scary. Commissioner Goldstein said businesses in other cities suffered from having a mask mandate. He expressed concern about the businesses downtown. He said we need to work with our merchants. We need to get back to business. We need to go back to in-person meetings as we aren't getting much public participation.

Commissioner Howell asked if there was a curfew in Lake Wales. Mr. Slaton said there wasn't. Commissioner Howell said some Police Officers are saying that there is an 8:00 p.m. curfew. Mayor Fultz said he heard this and that he heard he was to blame. Mr. Slaton said he did not put that in place and doesn't have that authority. Deputy Mayor Robin Gibson agreed saying the commission would have to do that. Commissioner Howell said our police need to be visible and be professional.

Mayor Fultz said that he is concerned about the COVID. He does not want to gamble with his life as he has several risk factors. We need to be concerned about the lives of our citizens as well. He agreed with the need for an outdoor phone in case there are people that come with questions. He is glad that the City is still meeting the needs of our residents.

19. ADJOURN

The meeting was adjourned at 5:33 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

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