

**City Commission Meeting Minutes  
September 9, 2020  
(APPROVED)**

**This meeting was be 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 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.**

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

9/9/2020 - 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.

Mayor Fultz read a statement:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, and extended by Executive Order No. 20 -112, and further extended by Executive Orders No. 20 -114, No. 20-150, and No. 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 Virtual Public Meetings.

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.

4. ROLL CALL

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

**Staff Present:** James Slaton, Interim City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

6. PRESENTATION/REPORT

6.I. Steve Giordano - Boys And Girls Clubs Of Polk County

This presentation was postponed.

6.II. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, reported that there have been 735 cases in Lake Wales and broke them down by zip codes. The positive rate for Polk County is 6.46%. The average for the past 14 days is 7.43%. Polk County is at 480 deaths.

7. COMMUNICATIONS AND PETITIONS

Dr. Virgil Ullom, non-resident, shared a prayer on Biblical principles in government and against sin.

Terry Christian, resident, shared concerns about police activities in the Northwest area. There needs to be more representation of blacks in the Police Department. He shared concerns regarding a recent resignation from the Police Department. Commissioner Curtis Gibson explained that the Commission is not involved in personnel issues. He encouraged mr. Christian to continue to work with the City Manager regarding his concerns.

Joseph Richardson, non-resident, said in response to Dr. Ullom's comments that this nation is not a Christian nation and was not founded on Biblical principles.

Sarah Ray, non-resident, said the comments earlier are not appropriate for the Commission Meeting. This meeting is for governing. This is a core principle of separation of religion and government.

8. BUDGET HEARINGS

Mayor Fultz read this statement:

TRIM compliance requires that this statement must be read publicly at the Commission meetings **before the adoption of the millage levy ordinance:**

The City of Lake Wales is the taxing authority and the proposed millage rate to be levied for Fiscal Year 2020-2021 is 6.7974 mills, which is the rolled-back rate.

Thank you

8.I. Ordinance 2020-11, Adoption Of FY2020-21 Millage Rate – 1st Reading & Public Hearing

[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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-11** by title only.

**ORDINANCE 2020-11**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, FOR FISCAL YEAR 2020-21; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Curtis Gibson said he is glad to go to roll back rate this year. He commended the Finance staff for all their hard work.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2020-11** after 1st Reading and Public Hearing. Commissioner Curtis Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0 at 6:26 p.m.

8.II. Ordinance 2020-12, Adoption Of FY2020-21 Budget – 1st Reading & Public Hearing

[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**

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**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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-12** by title only.

**ORDINANCE 2020-12**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY, AND ALL NECESSARY AND ORDINARY EXPENSES OF SAID CITY FOR THE 2020-21 FISCAL YEAR, APPROPRIATING ALL FUNDS TO BE RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES & BALANCES FOR SAID FISCAL YEAR, AND THE REPEALING OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Curtis Gibson made a motion to approve **ORDINANCE 2020-12** after 1st Reading and Public Hearing. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0 at 6:28 p.m.

8.III. Ordinance 2020-13 Five-Year Capital Improvement Plan FY2020/21 - FY2024/25 – 1st Reading

[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.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-13** by title only.

## **ORDINANCE 2020-13**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING A 5-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2020/21 THROUGH 2024/25; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Curtis Gibson asked if the one he mentioned previously was changed. Dorothy Abbott, Finance Director, said it was.

Commissioner Howell asked about adding bodycams in the future. Mr. Slaton said that it will be on a future agenda for discussion.

Commissioner Howell made a motion to approve **ORDINANCE 2020-13** after 1st Reading.  
Commissioner Curtis Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0 at 6:30 p.m.

#### 8.IV. 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-31** by title only.

## **RESOLUTION 2020-31**

### **Final Assessment Resolution (FY 2020-2021)**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF LAKE WALES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, Interim City Manager, said the Commission has 2 versions of the Resolution in front of them. One with a 2.5% increase and one without.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Curtis Gibson said he has heard from former and current fire fighters that this increase is not necessary. He does not want to add even a small burden to people's pockets. He is favor of adopting the one with no increase.

Commissioner Goldstein said a raise won't help the fire department that much. We can use the reserves to cover the loss.

Deputy Mayor Robin Gibson asked what staff recommendation is. Mr. Slaton said the budget was balanced with the increase. The estimated income would be \$144,000. Dorothy Abbott, Finance Director, said whatever the commission decides is fine. We will be okay. The change is clerical for us. Commissioner Curtis Gibson confirmed that there is no staff recommendation. Mr. Slaton confirmed this. He said that it was a Commission decision.

Commissioner Curtis Gibson made a motion to adopt **RESOLUTION 2020-31** with no increase. Commissioner Goldstein seconded the motion.

by Roll call vote:

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "NO"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "NO"

Motion passed 3-2.

8.V. 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-30** by title only.

**RESOLUTION 2020-30**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING BROOKSHIRE STREET LIGHTING ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **RESOLUTION 2020-30**. Deputy Mayor Robin Gibson seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 9. CONSENT AGENDA

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

By Voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 9.I. Minutes - July 15, 2020 And July 21, 2020

#### 9.II. Agreement Renewal With The BoCC Fleet Management Division

[Begin Agenda Memo]

#### **SYNOPSIS:**

Staff is requesting Commission approval to renew our existing maintenance agreement with the BoCC for an additional twelve month period.

#### **RECOMMENDATION**

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

1. Approve the agreement to extend the existing contract for an additional twelve month period.
2. Authorize the City Manager to execute the agreement on behalf of the City.

## BACKGROUND

In August of 2009, the City entered into an agreement with the Polk County Board of County Commissioners for fleet maintenance services. Per the agreement, BoCC's Fleet Management Division provides maintenance services on all City-owned vehicles and equipment at the City's fleet facility located on Crystal Avenue. The initial term of the agreement was for a twelve month period with the option to renew annually upon mutual agreement between the City and the BoCC. The agreement has been renewed each consecutive fiscal year since the initial agreement in 2009.

Under the terms of the agreement, Polk County Fleet Management provides:

- All labor, parts and outsourced services related to routine, breakdown and/or preventative maintenance. Repairs related to accidents and/or abuse are included but are not within PCFM's basic rate structure.
- Management of accident and/or abuse related repairs in coordination with CLW management personnel.
- Tire maintenance, replacement and/or repairs.
- Service and/or breakdown support, 24 hours/day/ 7 days/week.
- Repair and/or maintenance of allied tools, equipment and/or small engine machinery.
- Maintenance reporting through the current PCFM automated Fleet Management Information System [FMIS].
- Access to and service from all PCFM's network of garage facilities Countywide.
- Repair and/or maintenance of CLW owned generators, when requested.
- Repairs to shop equipment owned by the CLW if the failed equipment was rendered inoperative due to PCFM.

The Polk County Fleet Management Division provides the City with a fixed-rate fee schedule for maintenance services prior to the beginning of each fiscal year. These fees are based on historical equipment repair costs incurred by Polk County Fleet Management throughout the previous year.

Prior to the agreement with Polk County Fleet Management, the City operated its own Fleet Maintenance Department.

A five-year summary of the City's total fleet maintenance costs are outlined below:

Fiscal Year Actual (Pre-County Contract 2004-2009)

Salaries	M&R Vehicles	Operating Supplies	Vehicles	M&R Vehicles Refurbishment
Fleet Operating Budget		Total		
5-Year Average	126,744	153,571		33,928
3,808		49,778	367,829	

Fiscal Year Actual (Post- County Contract 2015- 2020)

M&R Fleet Contract

Operating Supplies Vehicles/M&R Fleet Non-Contract (budget)

M&R Vehicles Refurbishment

Fleet Operating Budget	Total				
2015/2016 326,607	N/A	290,142	22,300	0	14,165
2016/2017 357,412	N/A	318,029	22,300	0	17,083
2017/2018 338,889	N/A	295,006	22,300	0	21,583
2018/2019 346,127	N/A	300,014	22,300	0	23,813
2019/2020 289,768	N/A	249,641	22,300	0	25,827
5-Year Average 331,761	N/A	290,566	22,300	0	20,494

**OTHER OPTIONS**

The City Commission may choose not to enter into this agreement and 1) direct staff to develop a request for proposal for fleet maintenance services or 2) direct staff to assume the responsibility of our own fleet maintenance services.

**FISCAL IMPACT**

The annual maintenance fee for FY20/21 is \$218,519.64. This fee is a decrease of \$31,122 from FY 19/20.

[End Agenda Memo]

9.III. Contract Award: 1916 Seaboard Airline Freight Station Rehabilitation

[Begin Agenda Memo]

**SYNOPSIS:**

A final bid recommendation for city commission approval subsequent to ITB #20-474 to Paul Weaver Construction.

**STAFF RECOMMENDATION:**

1. Approve the award for contract subsequent to ITB #20-474 to Paul Weaver Construction LLC.
2. Authorize the Interim City Manager to execute the contract on behalf of the City.

**BACKGROUND:**

The Lake Wales History Museum is restoring the 1916 Seaboard Air Line Freight Station and repurposing this building as the Mimi Hardman Collections and Research Center. It was conceived more than one year ago to recognize the museum's late founder by naming the building in her honor, rehabilitate the historic 1916 Seaboard Air Line Freight Station, and open the building as a

permanent community repository and resource center for the museum's collections.

The exterior rehabilitation needed to complete this project includes repairing and replacing the wood siding, insulation, and decking.

The City of Lake Wales CRA approved \$29,705 towards this projects, which will be matched with \$29,705 private funds raised by the Friends of the Museum for a total of \$59,410 allocated towards this project. The exterior restoration will be part of this total project budget.

City of Lake Wales staff advertised a request for sealed bids, and received four proposals on August 17, 2020.

Each firm was independently evaluated by staff with the following criteria: Completeness of proposal

Qualifications of company Price of services

The proposals were ranked as follows:

1st – Paul Weaver Construction - \$42,358.33 2nd – Raymond Construction - \$43,900.00 3rd – SEMCO Construction - \$49,900.00

4th – Premier Engineering, Inc. - \$55,988.00

**OTHER OPTIONS:**

The City of Lake Wales Commission may select an alternative vendor to perform the project.

**FISCAL IMPACT:**

Project cost of \$42,358.33

[End Agenda Memo]

9.IV. Lease And Operating Agreement – Fun Flight Training, LLC.

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider a lease/operating agreement for space at the Lake Wales Municipal Airport FBO building.

**RECOMMENDATION**

1. Authorize the mayor to execute a lease/operating agreement between Fun Flight Training, LLC and the City for 172 square feet of airport office space.

**BACKGROUND**

Chapter 3-Airport, Section 3-30 of the City of Lake Wales Code of Ordinances allows the city to lease hangars, pasture lands and other airport property to individuals, firms or corporations.

Fun Flight Training, LLC is requesting to lease space within the FBO building for flight training instruction and consultation at a rate of .23 (twenty- three cents) per square foot (\$39.56) per month (\$474.72) per annum.

Fun Flight Training, LLC also agrees to pay the city a flight instruction fee of \$5.00 per hour of flight instruction and an aircraft ferry fee of \$50.00 per aircraft ferry.



The lease shall run for a period of twelve (12) months with a renewal clause of two (2) additional twelve (12) month periods subsequent to its initial term upon mutual agreement of the parties.

**OTHER OPTIONS**

The City Commission may choose not to authorize the execution of the lease agreement at this time.

**FISCAL IMPACT**

Airport revenue of \$474.72 annually, \$5.00 per hour for flight instruction and \$45.00 dollars per aircraft ferry.

[End Agenda Memo]

10. OLD BUSINESS

10.I. ORDINANCE 2020-17 - Amending Personnel Administration Policies – Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider amending Sections 2-233 and 2-234 of the City Code relating to employee pay and classification.

**RECOMMENDATION**

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

1. Adopt Ordinance 2020-17 after second reading and public hearing.

**BACKGROUND**

The City adopted a pay and classification plan in 1994 to govern the compensation of employees. Staff is requesting the Commission to amend Sections 2-233 and 2-234 of the City Code to remove any ambiguity that exists. The pay and classification schedule has been provided to the Commission each year as part of the City's annual budget to meet the requirements of Sections 2-233 and 2-234 of City Code.

Based on the current Code, the City Manager is authorized to approve pay adjustments for employees where such adjustments fall within the approved salary ranges in the pay and classification plan. As prescribed in the City's Charter, the City Commission is responsible for creating City departments. The City Manager is responsible for administration of the departments, for making personnel decisions, and for establishing employee salaries.

The intent of this amendment is to ensure straightforward compliance with City Code and to provide a concise policy based on a guidance from the City Commission.

**OTHER OPTIONS**

Direct staff to bring forth other items for Commission consideration.

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-17** by title only.

**ORDINANCE 2020-17**

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES;  
AMENDING THE ESTABLISHMENT OF THE PAY AND CLASSIFICATION TO THE PAY AND CLASSIFICATION PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Curtis Gibson said this gives the City Manager the ability to adjust the pay ranges with justification without bringing it to the Commission. He said he will monitor this. James Slaton, Interim City Manager, said that the pay ranges will still be a part of the budget process for the Commission to review. Commissioner Curtis Gibson noted that the City Manager will have to do his homework to justify changes.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE 2020-17** after second reading and public hearing. Commissioner Howell seconded the motion.

By roll call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "NO"

Commissioner Goldstein "NO"

Mayor Fultz "YES"

Motion passed 3-2.

Commissioner Goldstein said that he voted against this because while he has confidence in Mr. Slaton, if we get a new City Manager he may not trust his decisions quite yet.

Deputy Mayor Robin Gibson said the Ordinance as previously written was never followed. It had the Commission involved in Personnel issues and the Commission has no business involved in that. The Commission oversees the City Manager and the overall budget. This change sets matters straight the way they should be.

Commissioner Curtis Gibson said that the salary ranges are still part of the budget process and the Commission needs to do its due diligence.

10.II. 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 has been further modified to take in only the area of the Lake Wales local community as suggested at the Commission's Agenda Study Session held on September 2, 2020. 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). The local area limitation is in line with the decision of the United States Supreme Court in *Town of Greece, New York v. Galloway*, 572 U.S. 565 (2014).

**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.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **RESOLUTION 2020-27** by title only.

#### **RESOLUTION 2020-27**

#### **A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING A POLICY REGARDING INVOCATIONS AT MEETINGS OF THE CITY COMMISSION OF THE CITY OF LAKE WALES; PROVIDING AN EFFECTIVE DATE**

#### **OPENED FOR PUBLIC COMMENT**

Sarah Ray, non resident, shared statistics that those who are non-religious conceal their religious identities. The numbers of those who are non-religious are growing. She said she was from a small town and can identify with being marginalized. She urged the Commission to consider those folks and move to a moment of silence instead.

Charlene Bennett, resident, spoke in opposition to the ordinance as it limits the speakers to one chaplain, one religion and to clergy in Lake Wales. She told the City Clerk back in March that she expressed interest in giving a secular invocation. The proposal will not allow her to do this in the future. This disrespects the 40% of residents with different beliefs. She reviewed the history behind the reason for the establishment clause of the 1st Amendment. It would be best to do away with invocation. The Commission should represent everyone.

Joseph Richardson, non-resident, said there are non-Christians out there. He shared his personal experience with religion. The list will exclude some in Lake Wales. This will reject the minority in Lake Wales. We need to give everyone equal access.

Dr. Virgil Ullom, non-resident, said some places in the world religion is restricted. We have freedom. We believe in freedom of speech. We need to keep the invocation to honor our creator. He said Separation of Church and State is not in our Constitution.

#### **CLOSED FOR PUBLIC COMMENT**

Deputy Mayor Robin Gibson said this is a difficult issue. This issue has been pushed upon him. He reviewed some of the history of this issue. He said he preferred a moment of silence for an invocation.

He wishes he didn't have to vote on this.

Commissioner Curtis Gibson said this was forced on them. We have to make tough decisions. The invocation the way we have done it for years was never a problem. He said our City Attorney feels confident that this is within the law. This does not exclude anyone from doing the invocation. Anyone in Lake Wales can get put on the list. And during Communications and Petitions anyone can get up and speak on anything. We aren't forcing anything on anyone or excluding anyone.

Commissioner Goldstein asked if Charlene Bennett can get on the list. Commissioner Curtis Gibson said she can ask the City Clerk. Ms. Bennett said the Resolution says clergy and she is not clergy. Mr. Galloway said if she represents a group she can get on a list. Ms. Bennett said she is not part of a group. Mr. Galloway said the invitation is going out to religious communities.

Commissioner Goldstein suggested if our chaplain can't do it nor the police chaplain then we could have silent prayer. Someone in the Lake Wales zip codes can be an invocational speaker.

Commissioner Goldstein shared his religious background and doesn't want religion and traditions destroyed. He is fine if Ms. Bennett wants to give an invocation. So many things in our community are tearing us apart. We don't need anything else.

Commissioner Curtis Gibson made a motion to approve **RESOLUTION 2020-27**. Commissioner Howell seconded the motion.

By roll call vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "NO"

Mayor Fultz "YES"

Motion Passed 4-1.

## 11. NEW BUSINESS

### 11.I. CDBG Application 2nd Presentation And Public Hearing

[Begin Agenda Memo]

#### Project Description

Proposed CDBG- Housing Rehabilitation Project Grant Application Deadline is October 5, 2020

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.

**GRANT APPLICATION DEADLINE:** 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.

**LOCATION OF GRANT ACTIVITIES:** 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.

**NATIONAL OBJECTIVE:** Using CDBG funds for the purpose of housing rehabilitation will address the CDBG program's national objective of "benefit to low and moderate-income persons".

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

**PROGRAM BUDGET:** 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.

**HOUSING REHABILITATION SPECIALIST TASKS:**

- Solicit housing assistance applications from City residents
- Review applications, select applications for field visit
- Conduct field visits, develop estimates, select applications for final ranking
- Present rehabilitation recommendations for City Commission to approve (after review by CATF)
- Refer houses that are 50 years or older to the State Bureau of Historic Preservation
- Prepare all Deferred Payment Loan (DPL) documents for the homeowner. The DPL is a no interest loan for the cost of the rehabilitation activities. The loan does not need to be repaid unless the property owner ceases to use the property as their primary residence.
- Manage the construction process: solicit contractors, prepare cost estimates, and bid documents, evaluate bids, recommend award of bids, undertake inspection, change orders, payment, disputes, and contract termination.

[End Agenda Memo]

Andy Easton, Grants Administrator, reviewed the proposed project.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

11.I.i. 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-32** by title only.

## **RESOLUTION 2020-32**

**RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, FLORIDA, AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR APPROVAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT SPONSORED BY THE CITY OF LAKE WALES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Commissioner Howell made a motion approving **RESOLUTION 2020-32**. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11.I.ii. Resolution 2020-34 Local Match For CDBG Application

[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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-34** by title only.

**RESOLUTION 2020-34  
RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA,  
AUTHORIZING THE USE OF  
NON-CDBG FUNDS TO BE USED AS LOCAL MATCH FOR THE CITY'S PROPOSED FFY  
2019 COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG), HOUSING REHABILITATION GRANT  
APPLICATION;**

**PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Commissioner Howell made a motion approving **RESOLUTION 2020-34**. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11.I.iii. 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, Grants Administrator, reviewed this item.

Commissioner Howell made a motion approving **RESOLUTION 2020-32**. Commissioner Goldstein seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 11.II. 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, read **ORDINANCE 2020-16** by title only.

**ORDINANCE 2020-16**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 8, ELECTIONS, ARTICLE III, SECTION 8-44(a)(3) CAMPAIGN TREASURER AND CAMPAIGN DEPOSITORY, TO CONFORM WITH THE PROVISIONS OF SECTION 106.021, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Howell made a motion approving **ORDINANCE 2020-16** after first reading. Commissioner Goldstein seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11.III. Ordinance 2020-22 Impact Fee Study - 1st Reading

[Begin Agenda memo]

**SYNOPSIS**

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.

**RECOMMENDATION**

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

**BACKGROUND**

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.

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 was presented to the City Commission by Shawn Ocasio with Raftelis at the Commissioners Workshop on Wednesday, September 2. During the workshop, commissioners inquired about

impact fees in relation to the CRA. Provisions exist in the City's impact fee regulations which address impact fees in the CRA. Section 23-767 provides for the following exemptions:

- ? Non-residential structures within a CRA are exempt from police and fire fees
- ? National Historic Register District – The construction, alternation, or expansion of any structure within this type of district is exempt from police/fire/parks & library fees
- ? Core Improvement Area – Any development/redevelopment in the Core Improvements Area (as shown on the attached map is exempt from payment of all City impact fees (except water and sewer) and all county impact fees.
- Single-family affordable housing on infill lots (as defined by the Code) is exempt from impact fees.

These exemptions serve as an incentive for development to occur in the CRA/Core area.

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.
- Change multi-family ERC factor 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
Fire	683.68	488.00	(195.68)
Parks	1,092.80	1,787.00	694.20
Library	503.70	323.00	(177.70)
Water	2,191.26	2,438.00	246.74
Wastewater	3,592.94	3,091.00	(501.94)
Total	\$8,598.06	\$8,694.00	\$95.94

**OTHER OPTIONS**

None

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-22** by title only.

**ORDINANCE 2020-22**

**(Adoption of updated impact fee study and impact fee schedule)**

**AN ORDINANCE AMENDING ARTICLE VII, DIVISION 4, PUBLIC FACILITIES IMPACT FEES OF CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, LAKE WALES CODE OF ORDINANCES, BY ADOPTING THE 2020 STUDY ENTITLED "DEVELOPMENT IMPACT FEES, CITY OF LAKE WALES, FLORIDA"; AMENDING THE SCHEDULE OF IMPACT FEES TO BE ASSESSED FOR THE CAPITAL COSTS OF PROVIDING POTABLE WATER, SANITARY SEWER, POLICE, FIRE/RESCUE, PARKS, AND LIBRARY SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Curtis Gibson asked if the corrections were made that were identified at the workshop. James Slaton, Interim City Manager, said yes they were just typos.

Commissioner Howell made a motion approving **ORDINANCE 2020-22** after first reading. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 11.IV. RESOLUTION 2020-33 Extended State Of Local 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-33** by title only.

##### **RESOLUTION 2020-33**

##### **EMERGENCY RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE WALES EXTENDING THE DECLARED A STATE OF EMERGENCY RELATING TO CORONAVIRUS DISEASE COVID-19**

Commissioner Howell made a motion approving **RESOLUTION 2020-33** after first reading. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "NO"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-1.

#### 11.V. Board Appointments: Historic District Regulatory Board, Planning And Zoning Board

[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]

Mayor Fultz appointed Jonathan Kaufman to a term on the Historic District Regulatory board for a term expiring July 1, 2022.

Commissioner Goldstein said that prospective appointees should attend the Commission meetings so that the Commission can know who they are.

Commissioner Howell made a motion to approve the appointment. The motion died for a lack of a second.

Mayor Fultz reappointed Christopher Lutton to a new term on the Planning and Zoning Board for a term expiring July 1, 2023

Commissioner Howell made a motion to approve the appointment. The motion died for a lack of a second.



12. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said there are no threatened claims that he is aware of.

13. CITY MANAGER

James Slaton, Interim City Manager, asked Jennifer Nanek, City Clerk, to review the procedure for board appointments. Ms. Nanek explained that applications are turned into her which are then shared with the departments or boards. A recommendation is made to the Mayor. The Mayor appoints the applicant, the appointment is then confirmed by the Commission. The mayor said he made two appointments but they were not confirmed by the commission as the motions died for a lack of a second.

13.I. Tracking Report

13.II. Social Media Tracking Report

13.III. Commission Meeting Calendar

Mr. Slaton said that next week on the 15th is the CRA meeting and the 16th is the Agenda Review Work Session. The Charter Review Committee will meet tomorrow at 6:00 p.m.

14. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said we have addressed a lot of tough issues lately. One big one that should be addressed is the Grand Hotel. There were promises made and broken. We need to face this issue. He asked Mr. Slaton to evaluate the issues with the hotel. He is concerned about inaction.

Commissioner Howell asked if the Pool at the YMCA is open. Mr. Slaton said yes.

Commissioner Howell asked if we are still working on replacing lights around the City. Zaillet Suri, Deputy City Clerk, said yes. Mr. Slaton said he is working on a lighting assessment.

Commissioner Howell asked if we should reestablish a lakes group as she sees flowers growing in the lake again. Maybe we can contact Nancy Furland and get a lakes group again.

Commissioner Howell asked about the Citizens and Police board if they had started meeting yet. Mr. Slaton said not yet. Commissioner Howell said she is curious what they come up with. Things are happening there and wants everyone on board.

Commissioner Goldstein said if the YMCA pool is open then the Library and City Hall should be open. We need the public to come in and offer insight on these tough issues. We need to get back to work the City. He said we need to consider the whole city and not just downtown or northwest area. The mall is having lots of issues that need to be addressed.

Commissioner Curtis Gibson said we are elected to address tough issues. He agreed that the City Administration Building could be opened. We can probably allow more to sit in the Chambers. He has seen people waiting outside for thirty minutes.

Commissioner Curtis Gibson said we need more lights on Burns Avenue. Its a county road so we need to contact the county on this.

Commissioner Curtis Gibson said the issues at the Police Department need to be addressed. He knows these things take time.

Commissioner Curtis Gibson said he is organizing a clean-up on Burns Avenue on September 26 with keep Polk County Beautiful and other partners. We want to make our City beautiful and keep it clean. He will have a flyer ready soon.

15. MAYOR COMMENTS

Mayor Fultz announced that the SBDC has recognized the City as a resource partner.

He thanked Polk Vision for electing him to a seat on the Board of Directors. This seat was filled by Jerry Miller who recently passed away.

16. ADJOURNMENT

The meeting was adjourned at 7:59 p.m.