

# Commission Workshop Minutes

April 27, 2022

(APPROVED)

4/27/2022 - Minutes

## 1. CALL TO ORDER & ROLL CALL

**Members Present:** Robin Gibson, Mayor Eugene Fultz, Terrye Howell  
**Members Absent:** Jack Hilligoss, Daniel Williams

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

Mayor Fultz called the meeting to order at 2:00 p.m.

## 2. City Manager Comments

James Slaton, City Manager, said that there will be a tree planting at Crystal Lake Park on Friday at 11:00 a.m. for Arbor Day. This is in partnership with Lake Wales Heritage. The City will also be partnering with Lake Wales Heritage on Olmsted Day in the Park Saturday at Lake Wailes Park.

Mr. Slaton announced that the City has been awarded \$1.2 million in CDBG-CV funds for sidewalks and tree plantings in the northwest area. This was discussed.

## 3. Retirement Reimbursement Correction

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approval of a corrected retirement reimbursement plan for the Police Chief.

**RECOMMENDATION** It is recommended that the City Commission approve the recommended corrected retirement reimbursement plan for the Police Chief.

**BACKGROUND** On April 19, 2022 the City Commission approved a Pension Retirement Reimbursement Payment Plan for the Police and Fire Chiefs. After a final review by the City's Actuarial firm, it has been determined that the preliminary date provided to City staff by the Police Officers' Pension Board Plan Administrator was incorrect.

Below is a summary based on the final review and audit of the Police Chief's credited service, salary, contributions and how total Credited Service Years are applied to the cap calculation.

The date the \$75,000 cap was actually reached pursuant to the Police Officer's Pension Board Policy was 6/18/2016 and not 1/01/2019 as initially indicated by the Police Officer's Pension Board administrator.

The cost to reimburse the Police Chief for the time period beginning 6/18/2016 and ending 12/31/2018 is \$37,368.00. Staff is recommending a three-year reimbursement plan which will increase the amount previously approved by \$12,344.78 annually. The Fire Chief's retirement reimbursement information was

audited and found to be correct.

**OTHER OPTION** Decline to reimburse employee.

**FISCAL IMPACT** The cost for FY 21'22, 22'23 and 23'24 is an additional \$12,344.78 annually

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Howell said she was not happy that they were provided with incorrect information previously. This should have been done correctly before. Mr. Slaton agreed.

#### 4. Commission Member Appointments

[Begin Agenda Memo]

**SYNOPSIS** This is a discussion of what appointments to put on meeting agenda for Commission member appointments made by the Mayor.

**RECOMMENDATION** Staff recommends that the Mayor-elect and Commission members give direction to staff as to what Commission appointments to put on the agenda for new appointments and reappointments by the Mayor. There are three options:

1. Only those being vacated by Mayor Fultz or are currently vacant.
2. Those that are vacant plus those that a current Commissioner wishes to step down from.
3. All Appointments to be appointed by a new Mayor.

#### **BACKGROUND**

There are several boards and positions that the Mayor appoints a Commissioner, with approval of the Commission, to serve on. They are currently as follows:

Housing Authority Board: Terrye Howell; appointed 5/16/17

Ridge League of Cities Board: Regular Member Terrye Howell, appointed 8/17/21

Polk Transportation Planning Organization (TPO): Eugene Fultz; appointed 8/17/21

Polk Transit Authority Board of Directors: Jack Hilligoss; appointed 8/17/21

General Employees Retirement Board: Robin Gibson appointed 5/3/2016

Airport Authority Daniel Williams appointed 5/4/2021

Polk County Joint Airport Board: Curtis Gibson term expired 5/7/2019

Polk Regional Water Cooperative: Eugene Fultz appointed 5/7/2019 Alternate: Daniel Williams appointed 5/4/2021

**OTHER OPTIONS** Do not make any new appointments

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Hillgoss said most of the current appointments are fine. Commissioner Williams suggested that someone new take over Airport Authority representative. He said to put on the agenda the Airport ones and the Polk Regional Water Coop. The Commission members agreed.

5. ORDINANCE 2022-16 Repealing The City's Ordinances Dealing With Charitable Solicitation (Panhandling) Which Allegedly Run Afoul Of The Constitution's First Amendment Free Speech Provisions

[Begin Agenda memo]

**SYNOPSIS:**

On April 18, 2022, the City received correspondence from Southern Legal Counsel asserting that §§15-14 and 20-3 of the Lake Wales Code of Ordinances run afoul of the free speech provisions of the United States Constitution. The letter cites numerous recent cases which have found Code provisions similar to those of the City which are unconstitutional.

**RECOMMENDATION:** That the City Commission adopt Ordinance 2022- to rescind §§15- 14 and 20-3 of the Lake Wales Code of Ordinances to allow for subsequent re-enactment of provisions which will not impact free speech as alleged.

**FISCAL IMPACT:** None.

[End Agenda Memo]

Albert Galloway, Jr., City Attorney, reviewed this item. He said he is working on alternatives for this ordinance.

Deputy Mayor Gibson said he has heard from downtown merchants that are concerned about this. He recommended leaving the Ordinance we have in place until we have something to replace it with. Mr. Galloway said he is fine with this approach.

Commissioner Williams agreed. He reported on people asking for money in the middle of SR 60. He is concerned about safety. Can we do something about this?

There was a question about why this was challenged. Mr. Galloway said for attorneys fees which can be substantial on issues like this. This would only be true if we seek to contest. He recommended we keep going until something happens.

Chris Velasquez, Police Chief, reported on the challenges of enforcing this similar to the noise ordinances. We have to be careful how this is enforced. We can use state statute to enforce these at times. He recommended caution in retaining and acting on the current ordinance as other problems or charges may arise. Its a delicate balancing act. Everything is a case by case basis.

6. RESOLUTION 2022-07 Support Of A Lighted Intersection At Lake Ashton

[Begin Agenda Memo]

**SYNOPSIS:**

The proposed Resolution will demonstrate the City of Lake Wales' support of the Board of County Commissioners proposal to install a light at the Lake Ashton project entrance to Thompson Nursery Road.

**RECOMMENDATION** Staff recommends that the City Commission adopt the Resolution.

**BACKGROUND** It has come to the attention of City staff that the Board of County Commissioners is proposing to install a lighted intersection at the Lake Ashton project entrance to Thompson Nursery Road. Given the increased traffic along this road, because of new development within both the City of Winter Haven and unincorporated Polk County, this improvement is needed. To demonstrate support of this project, Resolution 2202-07 is proposed.

**OTHER OPTIONS** Decline to approve the Resolution.

**FISCAL IMPACT** None.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

7. Resolution 2022-12 – Support Of The Regional Community Council's Efforts To Advocate For Transportation Improvements.

[Begin Agenda Memo]

**SYNOPSIS:** The proposed Resolution will demonstrate the City of Lake Wales' support of the Regional Community Council's efforts to advocate for transportation improvements on Thompson Nursery Road and County Road 653.

**RECOMMENDATION** Staff recommends that the City Commission adopt Resolution 2022-12.

**BACKGROUND** In recent meetings with the Lake Ashton Community Action Committee, staff has been made aware that a group, called the Regional Community Council, has been formed. This group, which is comprised of representatives from the numerous developments in the Thompson Nursery Road/County Road 653, has organized to advocate for transportation improvements in this area.

The Council will soon appear before the Board of County Commissioners to advocate for transportation improvements in the Thompson Nursery Road/County Road 653 area. In conjunction with this request, the Lake Ashton Community Action Committee has requested support from the City of Lake Wales. To demonstrate support for these group's efforts, Resolution 2202-12 is proposed.

**OTHER OPTIONS** Decline to approve the Resolution.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Gibson said he supposed the new commissioner would support this. Commissioner-Elect Krueger said most likely.

Commissioner Howell said she has no problem with the resolution but asked why the county wants a light there now? We can't usually get the county to do things. James Slaton, City Manager, said the County does do traffic studies on this. Mr. Bennett said this affects neighborhoods in Winter Haven and the county as well. Mr. Slaton said many more houses are coming soon.

Mr. Bennett said he will invite a representative from the committee to attend Tuesday night.

Mr. Krueger said there are more houses in Lake Ashton than a few years ago.

8. RESOLUTION 2022-13 Revised FDOT Agreement

[Begin Agenda Memo]

**Synopsis:** The City Commission will consider approving Resolution 2022-13, authorizing the City Manager to execute a revised Traffic Signal Maintenance and Compensation agreement with the Florida Department of Transportation (FDOT).

**RECOMMENDATION**

1. Approve Resolution 2022-13, authorizing the City Manager to execute a revised Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT).

**BACKGROUND** In 2016 the Commission approved a Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT). On an annual basis the listing of devices, locations and compensation schedules were updated and agreed upon through amendments executed by both parties. FDOT desires to enter into a revised long-term agreement for the maintenance of signalized intersections and other traffic control devices. The City is agreeable to providing ongoing maintenance services in accordance with the schedule and compensation proposed by FDOT.

**FISCAL IMPACT** The current maintenance agreement will become invalid.

**OTHER OPTIONS** The City has already approved the Traffic Signal Maintenance agreement with FDOT.

[End Agenda Memo]

Teresa Allen, Public/Support Services Director, reviewed this item.

9. Purchase And Installation Of An Isolation Valve From Rangeline

[Begin Agenda Memo]

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**RECOMMENDATION**

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**FISCAL IMPACT** The current maintenance agreement will become invalid.

**OTHER OPTIONS** The City has already approved the Traffic Signal Maintenance agreement with FDOT

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

10. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Hilligoss said he looks forward to the next meeting and thanked Mayor Fultz for all he has done for Lake Wales.

Commissioner Williams commended the staff on getting the grant award. He thanked Mayor Fultz and said he will be missed.

Commissioner Howell agreed and welcomed Commissioner Hilligoss as he becomes Mayor and Commissioner Krueger.

Commissioner Howell referred to a citizen complaint letter from a citizen about how loud it is in Lake Wales and she agreed. She asked if anything can be done. Chris Velasquez, Police Chief, said yes they can do something. The current Ordinance does not have as much teeth as before but there are things they can go. Mr. Slaton said the concerns in the letter are being addressed with additional patrols in the area. Chief Velasquez said the problem is everywhere. Commissioner Howell said this needs to be addressed. Jennifer Nanek, City Clerk, said the music at events will be addressed.

Deputy Mayor Gibson commended Mayor Fultz on the forthcoming transition. He has get a good pace for leadership.

Deputy Mayor Gibson asked that when our water tower gets repainted he would like to see "Go Highlanders" on it to boost morale.

Mayor Fultz thanked everyone for putting up with him. He said he is sure that Mayor Hilligoss will do a good job.

11. ADJOURN

The meeting was adjourned at 2:45 p.m.



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Mayor

ATTEST:

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City Clerk