

The meeting of the Lake Wales City Commission was held on July 5, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Terrye Y. Howell; Robin Gibson; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT:

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Albert C. Galloway, Jr., City Attorney

5. MAYOR

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: June 14, 2016, Special Meeting

Agenda Item 8.II. Approval of Minutes: June 14, 2016, Budget Workshop Meeting

Agenda Item 8.III. Approval of Minutes: June 21, 2016, Regular Meeting

Commissioner Gibson asked that Agenda Item 8.II be pulled for separate discussion and vote.

Deputy Mayor Thornhill made a motion to approve the Consent Agenda excluding Agenda Item 8.II. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Gibson "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Commissioner Gibson requested a change on page 7 of the budget workshop minutes. He said the two sentences before the last sentence in the next to the last paragraph where he talks about the 84% graduation rate gives the wrong impression that 84% graduation rate is not good. The goal is 90% so he would like those two sentences deleted: "Lake Wales is as far off the charts as the rest of the high schools in Polk County. Only 84% of the kids that enter the schools graduate." and replaced with "Lake Wales is a leader in Polk County with an 84% high school graduation rate."

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Deputy Mayor Thornhill made a motion to approve Agenda Item 8.II with the change recommended by Commissioner Gibson. Commissioner Perez seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"
Commissioner Perez "YES"
Commissioner Gibson "YES"
Commissioner Howell "YES"
Mayor Fultz "YES"

The motion carried 5-0.

9. OLD BUSINESS

10. NEW BUSINESS

Agenda Item 10.I. Request for Donation to LW High School Band Volunteers

[Begin Agenda Memo]

SYNOPSIS

The approval will allow a donation to the Lake Wales High School Band students for their volunteer assistance during the 2016 National Sky Diving Competition event.

BACKGROUND

The City of Lake Wales encourages partnerships that benefit our entire community.

Partnerships with civic organizations, schools and other recognized groups who provide volunteer assistance to the City of Lake Wales during special events eases the burden on City staff and shows a high level of community involvement.

Such a partnership occurred at the 2016 USPA National Parachuting Competition held Memorial Day weekend at the Lake Wales Municipal Airport.

During the event the City parked 155 vehicles collecting \$775.00. The Lake Wales High School Band stepped forward to provide entertainment for guests. The band performed for the crowds several times on Saturday and Sunday and even coordinated synchronized songs with American Flag bearing sky divers. Due to their professionalism and commitment, this event proved to be a huge success.

It is with this in mind that the Airport Manager requests the City Commissions' consideration of a donation of \$300.00 to the Lake Wales High School Band in honor of the students who provided service to their community during their holiday weekend.

OTHER OPTIONS

Not give the donation.

FISCAL IMPACT

The donation money will come out of the \$775.00 collected during the 2016 USPA National Parachuting Competition event.

[End Agenda Memo]

Airport Manager Alex Vacha said the 2016 National Sky Diving Competition event held on Memorial Day weekend, May 27 through May 29 was a success. The Lake Wales JROTC had 10 of their cadets help park about 155 vehicles during the event at \$5.00 per car and with the four food truck vendors \$975 was collected for the City. The Lake Wales High School Band volunteered and provided entertainment to all the guests. They performed for the crowds several times on Saturday and Sunday and even coordinated synchronized songs with American Flag bearing sky divers. Due to their professionalism and commitment this event proved to be a huge success. He requested that \$300 of the money raised be donated to the Lake Wales High School Band students.

City Manager Ken Fields commented that Alex organized the event in 10 days with no advance notice or advertising. He said because it is a multi-day event we will be applying for TDC funding to increase the amount of advertising next year to attract more people here, and that he can see it becoming a major kind of attraction for Lake Wales.

Commissioner Gibson commended Alex for getting the Lake Wales High School Band students involved in the event and said the work they can do for us benefits both the City and the airport.

Mayor Fultz commented that the high school band is phenomenal especially the jazz ensemble. They sound very professional and it is done in a very professional manner and he was sure it is because of their music director.

Commissioner Gibson made a motion to approve the \$300 donation to the Lake Wales High School Band students. Commissioner Howell seconded the motion.

By Roll Call Vote:

Commissioner Gibson	"YES"
Commissioner Howell	"YES"
Deputy Mayor Thornhill	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Agenda Item 10.II. Resolution 2016-16, Resolution to utilize the Uniform Method of collecting non-ad valorem assessments and adopting the special assessment roll

[Begin Agenda Memo]

SYNOPSIS

Resolution 2016-16 declares the City's intent to utilize the uniform method of collecting non-ad valorem assessments and adopts the assessment roll for 2016.

RECOMMENDATION

Staff recommends adoption of Resolution 2016-16 after public hearing as required by Florida Statutes. Public notice requirements have been met.

BACKGROUND

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In February 2013, City commission adopted Ordinance 2013-04 – Abatement and Violation Assessment (Chapter 17.5), providing for the uniform method of collecting non-ad valorem special assessment for service liens. The City's intent is to collect service liens that are the result from services provided by the City to clean properties, repair or demolish buildings and the like, such services being a special benefit to the property owner. This does not include fines or administrative liens.

Ordinance 2013-04 established the City of Lake Wales in its entirety, as its city boundaries exist on the date of enactment and as they may be expanded or contracted from time to time as the special assessment district for the purposes of abatement and violation correction.

The resolution has been noticed per Florida Statute at least twenty (20) days in advance of the public hearing.

Staff published a potential list of properties in the notice and provided by first class mail a letter to every property owner that may be affected by this action. As a result we have had some property owners come forward and pay their outstanding liens. This year's roll has approximately fifty properties on it as this is the first time we have utilized this and we are collecting for a period from 2002 through 2014. Moving forward we will do this on an annual basis.

FISCAL IMPACT

This will provide for reimbursement of funds expended in the course of abating and correcting violations of the municipal code.

[End Agenda Memo]

Planning & Development Director Kathy Bangle reviewed Agenda Item 9.I.

City Clerk Clara VanBlargan read Resolution 2016-16 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; ADOPTING THE SPECIAL ASSESSMENT ROLL FOR ABATEMENT OF CODE VIOLATIONS FOR FISCAL YEARS 2002 – 2015; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Planning & Development Director Kathy Bangle reviewed Agenda Item 10.II. She said the resolution is specifically for service liens on properties where the City conducted cleanup and demolition and then placed liens on the properties for the cost of those activities. The enabling ordinance was passed in 2013 and we have not taken advantage of it until now. She said there are approximately 45 properties on this list and on the list that was advertised and on the mailing that went to each property owner by first class mail there were approximately 57 properties. Since the advertisements several liens were paid for, one was released that was gifted to a church by a commissioner who passed. They came in and talked to us about it and since there have been no code violations on the property since the church took possession of it, we felt

the right thing to do was release that lien. The remaining properties on the revised list are only service liens because administrative liens do not qualify to be on the list.

Commissioner Howell said she talked to the city manager about a concern she had that might have been resolved. Ms. Bangley said it was a very old case that has been removed from the list because we could not locate the backup documentation as to why the lien was recorded at the time. They spoke to the property owners and made them aware so we are in good resolution with that and will continue working with them on it.

OPENED PUBLIC HEARING

There were comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell asked if the lien money when collected goes into the general fund or in the demolition fund. Mr. Fields said it comes in now as miscellaneous revenue but could be designated in the future.

Deputy Mayor Thornhill made a motion to adopt Resolution 2016-16. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Commissioner Gibson "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Agenda Item 11. CITY MANAGER

City Manager Kenneth Fields reported that the railroad crossing at Central Avenue has been a long time problem and was finally repaired last week. He said people needed to understand that the City has to ask the railroad for permission to cross their railroad tracks and pay for the repair of them partly because the railroads were there before the roads and the City. This repair was very successful and we received positive feedbacks regarding it.

Mr. Fields said just as we distribute a tracking report in the agenda packet we are also going to distribute a social media tracking report in the agenda packet to make the Commission aware of what is going on. It is a way to communicate and get feedback from the citizens on the announcements we put out.

Mr. Fields reminded the Commission of next week's budget workshop meeting and said it is in advance of the next regular Commission meeting where we have to set the not-to-exceed millage rate. The official numbers that came out on July 1 show that our property tax revenues only changed slightly so the number is almost the same as it was on June 1. We picked up a little more revenue from the ½ cent sales tax. He said an agenda packet for the budget workshop meeting should be out by the end of this week. It will give a status to where we are next year and he is confident that we can hold the millage at the current roll back rate and have a balanced budget for next year and still accomplish great things in terms of service and new projects.

Deputy Mayor Thornhill said people told him that our Facebook only allows people to access articles on there about five times. Ms. Nanek said there is limited access to Lakeland Ledger articles during a certain

period if you are not a regular subscriber even if you are on the City's page. Mayor Fultz encouraged everyone to share the City's articles with their friends on Facebook.

Mr. Fields reported on the success of the Fourth of July celebration held at Lake Wailes and said City staff did a great job putting that together.

Agenda Item 11.II. City Commission Meeting Calendar

Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. City Boards Meeting Schedule

Agenda Item 11.V. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

Commissioner Gibson said we are supposed to be coming up with something on the news racks and Mr. Fields said it will be done in an ordinance. Commissioner Gibson thanked the City Attorney for the information he sent him and said with a little research he found that the City does have some leeway and requested that when doing an ordinance we pay attention to the language in the Supreme Court opinions that say, "within bounds it is left to the governmental decision makers to judge what manner of regulation that may best be applied" and elsewhere that say, "the city's safety and esthetic interest could be adequately protected by regulating the size, shape, number or placement of such devices." We could make a distinction between a conventional newspaper and free giveaway advertisements. Although the Supreme Courts say we might can do that he would recommend not trying to thread that needle because they talk about the fact that there is advertising in the newspapers the same as in what used to be called handbills. He said the right thing to do is to treat them together and that he hopes to see reflected in the ordinance the critical language he just mentioned, which is some of the discretion we do have.

Mr. Fields said the giveaway there is that the news rack manufacturers themselves provide coin operated bins to those that charge for advertisements and free bins to those that do not charge for advertisements. So they recognize that you cannot limit the number of bins. Commissioner Gibson said he did not see anything in the opinions although he did not read all of them that would keep a City from saying they had to buy their bins and not the City. We can regulate what kind of bins to be used which has to be the same for the freebees and the conventional newspapers which is reasonable and we can even specify the type of box and even acquire them ourselves and sell them at cost to have some uniformity. He did not read anything that would prohibit that.

Commissioner Howell asked if the scouts that were in attendance needed to be recognized. The Mayor said we should always recognize our scouts because they are a great entity in our community. He asked the leader of the group to come forward and introduce the troop which he did. The city attorney said they are Troop 593.

Deputy Mayor Thornhill asked the status of the donation bins because he noticed some of them still around. Ms. Bangley said every bin has been tagged with a bright green sticker which included information that they needed to be picked up. The 45-day deadline to do that is August 26. She said some bins have been removed, some areas have been cleaned up, and staff had conversations with some of the bin controllers who were disappointed that the City chose to ban the bins and not regulate them etc. Currently, compliance doesn't appear to be a huge issue. She and Mr. Fields had a meeting with one of the companies and he indicated that in the first six months of the year they picked up over 60,000 pounds of stuff in their nine bins in town so the question then becomes if we've got 27 bins and we are averaging 10,000 pounds per bin per month which is 270,000 pounds of stuff although our goal is to remove the blight and everything do we also need to consider what happens when we don't have bins? She explained to the gentleman that she would hate to throw the baby out with the bathwater but in this particular case the Commission felt that the management of their bins caused more difficulty. Ms. Bangley said as we monitor this and look at it they

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may want to bring back to the Commission all the collected information for discussion if felt necessary. She said one of the companies provided us with an opinion out of the federal sixth circuit court that a charitable donation bin is protected by the first amendment and said we never talked about charitable donations; we only talked about unmanned donations. There are other court cases underway so they are monitoring it and that information may be brought to the Commission. Deputy Mayor Thornhill said the whole point is to keep the areas clean.

13. MAYOR COMMENTS

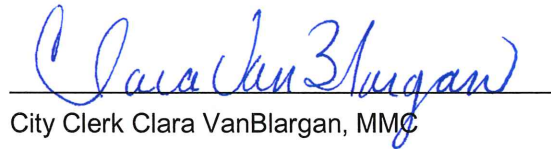
The Mayor encouraged everyone to attend the candidate interviews taking place on July 20 and July 27 from 9:00 a.m. to 1:00 p.m. at the Auburndale Recreation Center for the individuals running for House District 40 and 41 and Senate District 20. He said although these individuals are not over our district they make very important decisions in Tallahassee so it is important that we get out and meet them and make sure we get the right candidates in the right place.

The meeting was adjourned at 7:32 p.m.



Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC