

CITY COMMISSION MEETING MINUTES
JUNE 6, 2017

6/6/2017 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Eugene Fultz called the meeting to order at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

4. ROLL CALL

Commissioners Present: Curtis Gibson, Robin Gibson, Terrye Howell, Flora "Tonya" Stewart, Eugene Fultz, Mayor.

Commissioner Absent:

City Representatives Present: Kenneth Fields, City Manager; Albert C. Galloway, City Attorney; Jennifer Nanek, Assistant to the City Manager/Acting City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Code Enforcement Officer's Appreciation Week

Code Compliance Officer Jose Lozada accepted the proclamation.

5.II. PROCLAMATION - Pledge To Slow Down

Ryan Kordek from Polk County's Transportation Planning Organization and William Roll from Kimley Horn Associates accepted the proclamation.

6. PRESENTATION/REPORT

6.I. PRESENTATION - Chamber Of Commerce/EDC

Kevin Kieft, CEO of the Chamber of Commerce and EDC gave a powerpoint presentation and a quarterly update. He reviewed the backgrounds of the Chamber of Commerce and EDC and the differences, the similarities, the goals and more. He shared the current financial report. He shared employment statistics regarding the State of Florida and the local area. Unemployment is at 4.4% down from 5% last April. There are about 75 permits for new home construction in 2017. He said that HWY 27 and Thompson Nursery Road Area is the hot bed of development and they are trying to help the struggling Eagle Ridge Mall which is a common problem. There is activity going on at the Commerce and Technology Park (formerly Longleaf) and West HWY 60. They are still working on trying to help downtown and is pleased that the hotel is still moving forward. He hopes to see a full-time Main Street director soon. He reviewed some handouts that he distributed to the Commission. They raised \$6000 from the Silent Auction at the Awards Gala.

7. COMMUNICATIONS AND PETITIONS

Bill, resident, said that the property at 1128 Druid Circle, looks terrible, has several code violations and it is a health hazard. These need to be addressed. Commissioner Howell asked if staff will look into it. Kathy Bangley, Planning Director, said she will look into it.

8. CONSENT AGENDA

Commissioner Howell moved that the Consent Agenda be approved. Deputy Mayor Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"
Commissioner Stewart "YES"
Commissioner Curtis Gibson "YES"
Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes

Special Commission Meeting minutes of APRIL 25, 2017
Budget Workshop Minutes of MAY 9, 2017
Commission Meeting Minutes of MAY 16, 2017

8.II. Special Event Application: Lake Wales Public Library Touch-A-Truck Event

[Begin Agenda Memo]

SYNOPSIS

The Lake Wales Public Library is requesting a special event permit for a Touch a Truck event to be held on July 20th, 2017 from 10:00 a.m. - 12:00 p.m. This event will close Cypress Garden Lane.

RECOMMENDATION

Staff recommends approval of the special event permit for the Touch a Truck event and for Cypress Garden Lane to be closed from 10:00 a.m. - 12:00 p.m.

BACKGROUND

As part of their summer programming the Lake Wales Public Library is hosting a Touch-a-Truck event on Thursday July 20th from 10:00 a.m. - 12:00 p.m. This will involve several large trucks being on site. This will require that Cypress Garden Lane, where the library is located be closed during the event. The parking lot west of the Library will also be closed.

OTHER OPTIONS

Do not approve the event permit or the road closure.

FISCAL IMPACT

None

[End Agenda Memo]

8.III. Consent Agreements With The U.S.E.P.A

[Begin Agenda Memo]

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approval of the Administrative Compliance Order on Consent (ACO) and the Administrative Consent Agreement and Final Penalty Order (CAFO) issued by the U.S. Environmental Protection Agency.

RECOMMENDATION

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

1. Approve the ACO and CAFO as requested by the U.S.E.P.A.
2. Authorize the City Manager to execute the documents of behalf of the City

BACKGROUND

State and Federal environmental resource permits are required for construction activities affecting waters of the United States. Specifically, section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except in compliance with a permit issued under, inter alia, Section 404 of the Clean Water Act, 33 U.S.C. § 1344. Wetland environments are considered "waters of the United States" under the current Federal definition outlined in the Clean Water Act.

In late 2015, the City made safety area improvements to the airport and re-aligned taxiway Alpha in response to safety violations reported by the Florida Department of Transportation. The project required both State (SWFWMD) and Federal (Army Corps of Engineers) environmental resource permits as portions of the project affected wetland areas. The City applied for both permits and received the State permit without issue; however, the ACOE requested additional information prior to issuance, which the City promptly responded with. No further action was required by the ACOE at that time. The ACOE experienced a high rate of turnover during the processing of the City's permit application and it was never issued. The City, our consultants and the Army Corps of Engineers eventually lost track of the Federal permit application as the process spanned a period of approximately two years.

The City moved forward with the safety area improvements and taxiway re-alignment without knowledge that the Federal permit was never issued. In February 2016, a permit officer with the ACOE eventually contacted the City in reference to the permit application, two years after the date of the application, but construction was already underway.

The ACOE has jurisdiction over the waters of the United States, but the USEPA enforces violations of the Clean Water Act. The ACOE has been aware of the violation since early 2016, but did not turn it over to the USEPA for enforcement until March of 2017. City staff and our consultants have been in constant contact with the ACOE and USEPA since the initial notice of violation to rectify the issue.

From the outset, the City met all of the Federal permit requirements and even exceeded the Federal requirements for mitigation credits. This has been confirmed upon review of the violation by the USEPA. The City was set to begin construction of the 0624 runway extension in March of 2017, but could not proceed as the project also required a Federal environmental resource permit from the ACOE, which has been held in abeyance until the previous permit violation is resolved.

If approved, the two consent agreements from the USEPA will authorize the ACOE to issue the City an after-the-fact permit for the safety area improvements project and will authorize the ACOE to issue the new permit for the runway extension project.

The Administrative Compliance Order on Consent essentially outlines the USEPA's findings of fact and defines the terms of the agreement.

The Administrative Consent Agreement and Final Penalty Order essentially defines the penalties assessed by the USEPA, which are \$8,500. The City's engineering consultants on the safety area improvements project, Hoyle, Tanner & Associates, will bare 50% of the costs associated with the penalty.

OTHER OPTIONS

1) The Commission may not accept the terms outlined in the consent agreements and may appeal the USEPA's findings and/or penalties.

FISCAL IMPACT

The cost to the City is \$4,250.

[End Agenda Memo]

8.IV. Award Of ITB 17-427 Clarifier Covers

[Begin Agenda Memo]

SYNOPSIS

Staff recommends approval of the award of bid for ITB17-427 for the purchase of launder covers to be installed at the wastewater treatment plant.

STAFF RECOMMENDATION

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

1. Approve and authorize for the City Manager to sign all documents related to the award of bid for ITB17-427 in the amount of \$84,370.00

BACKGROUND

There are two significant maintenance and operations issues that can affect clarifier performance:

- Algae growth in the clarifier effluent launder channel.
- Odors generated in the clarifier as the effluent breaks over the clarifier weir.

Both of these problems can be dealt with effectively by covering the effluent launder channel with one of several types of Launder Covers. Algae growth on launder trough and weir surfaces is a continuous operations and maintenance problem at the treatment plant. At its most benign, algae is an unsightly nuisance that requires frequent cleaning by plant personnel. This is a costly, never-ending process that robs valuable time of maintenance personnel. Unchecked, algae growth can also disrupt weir overflow, clog filter screens and pump mechanisms. Launder covers for controlling algae generally consist of 1) a fixed mounting section that serves as the base for the Cover, and 2) a hinged cover section that opens to provide access for inspection and maintenance. Together, these two sections extend from the tank wall over the trough and weir to a point just on the inboard side of the scum baffle, completely covering the launder, weir and scum baffle from sunlight. The large, hinged portion of the cover opens for inspection and maintenance access to the launder trough.

The launder covers would eventually eliminate the algae. They don't simply brush it into the effluent to create a problem for processes downstream. Staff recommends the Commission take the following action, approve the award of bid for ITB 17-427 and authorize for the city manager to sign all documents related to this purchase.

OTHER OPTIONS

Choose not to purchase the launder covers. This option would require the maintenance staff to continue to have the plant off line for cleaning of the algae that accumulates due to being exposed to the elements.

FISCAL IMPACT

The amount placed in the 2016-2017 Capital Improvement Plan is \$80,000. The cost to install the launder covers is \$84,370.00 A budget transfer will be performed to cover the remaining \$4,370.00 needed for this purchase.

[End Agenda Memo]

8.V. CBDG - Grant Award Agreement

[Begin Agenda Memo]

SYNOPSIS

This is a Grant Award Agreement to accept \$650,000 in grant funds from CDBG program and Resolution 2017-13 authorizing SRF funds to be used as match.

RECOMMENDATION

Staff recommends that the City Commission take the following action:

1. Approve the CDBG Grant Award Agreement, accepting \$650,000 in grant funds for commercial revitalization projects from the Department of Community Affairs. This agreement must be returned within 30 days.
2. Approve Resolution 2017 - 13 authorizing SRF funds (local match) to be combined with CDBG funds in order to fund the full cost of phase 3 of the project.

BACKGROUND

On February 16, 2016, the City Commission approved a grant application to the Small Cities Community Development Block Grant Program for \$650,000. On February 16, 2016, the City Commission approved Resolution 2016-03 authorizing the City to use SRF funds as a local match for the application totaling \$936,664 (Total estimated project cost of \$1,496,664). On June 6, 2017, due to increased project costs, the City Commission will be presented with Resolution 2017-13 authorizing the City to use SRF funds as a local match for the application totaling \$1,424,948 (Total estimated project cost of \$2,074,948).

This grant will be used to fund phase 3 of the C Street Sewer Project. This is the 3rd and final phase of the project. Sewer line replacement activities will occur north of Dr. J. A. Wiltshire Avenue in the vicinity of A Street, B Street and C Street and along the portions of Lincoln Avenue, Washington Ave and Harding Avenue that are located east of C Street. These streets comprise Service Area 3. CDBG funds will also be used for sewer line replacement activities along Carver Drive and Crescent Circle (Service Area 3A). The CDBG funds will be combined with \$936,664 in State Revolving Loan Funds in order to complete the planned sewer line replacement activities.

OTHER OPTIONS

Do not approve the grant award agreement.

FISCAL IMPACT

Phase 3 of the C Street Project has an estimated construction cost of \$2,074,948. The \$650,000 CDBG grant will help to lower the total amount of funds that need to be borrowed from the SRF program

[End Agenda Memo]

8.VI. Resolution 2017-10 Supplemental JPA

[Begin Agenda Memo]

SYNOPSIS:

The adoption of Resolution 2017-10 authorizes the execution of an agreement with the Florida Department of Transportation (FDOT) for the next phase of funding to rehabilitate and extend Runway 06/24 at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

- 1. Adopt Resolution 2017-10 authorizing the execution of Supplemental Joint Participation Agreement G0B57 by the Mayor with the Florida Department of Transportation (FDOT) in the amount of \$460,402.00.

BACKGROUND

In 2014, the City Commission adopted Resolution 2014-14, which provided additional funding from FDOT to complete the construction phase of airfield improvements to rehabilitate airport road, perform runway 24 safety improvements and to realign taxiway A.

Then in 2015, the City Commission adopted Resolution 2015-20 which provide funding of \$485,000.00 to update the environmental assessment, mitigation, permitting, design update, and related activities necessary to bid the runway 6/24 rehabilitation and extension project.

Then in 2016, the City Commission adopted Resolution 2016-15 which provided funding of \$488,000.00 to rehabilitate and extend Runway 06/24.

Resolution 2017-10 will provide the next phase of funding in the amount of \$460,402.00 to rehabilitate and extend Runway 06/24. Funding from FDOT will be in phases to complete their funding share.

- FY 2015 \$ 485,000.00
- FY 2016 \$ 488,000.00
- FY 2017 \$ 151,450.00
- FY 2017 \$ 460,402.00
- FY 2018 \$1,000,000.00

FISCAL IMPACT

Funding is in the current FY 16/17 budget:

Invoices pertaining to the runway 06/24 extension will be funded as follows:

FDOT: 80%

City: 20%

OPTIONS

The City Commission has already accepted the grant offer from the Federal Aviation Administration (FAA) and

the Florida Department of Transportation (FDOT) for the engineering design phase and construction phase for

the safety improvements to 6/24, realignment of taxiway A, the update of the environmental assessment, mitigation, permitting, and design update phase of the 6/24 runway extension project.

Adopting Resolution 2017-10 provides funding for the next phase of the extension project.

[End Agenda Memo]

8.VII. Outdoor Seating On Public Property Market Place – Brooke Stegall

[Begin Agenda Memo]

Synopsis:

An indemnification agreement for outdoor seating on public property is being presented for the Market Place Café.

Recommendation:

Staff recommendation approval and authorization for the Mayor to execute the agreement.

Background:

In 2008, City Commission granted permission for the establishment of a seating area for the Market Place Café on public property. At that time there was not a specific provision for the transfer of ownership of the café to include the seating arrangement.

In May of 2017 the café changed hands and staff with consultation with the City Attorney reached out to the new owner to renew the agreement. A certificate of insurance naming the City will also be provided by the owner.

Outdoor cafes are encouraged in the downtown, provided they are not detrimental to the general public's use of the City's property. The seating arrangement has worked very well in this area for nine years.

Fiscal Impact: None to the City.

[End Agenda Memo]

9. OLD BUSINESS

9.I. ORDINANCE 2017-09 - Candidate Oath - 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS:

The subject Ordinance serves to conform the language of the Candidate's

Oath published in the Lake Wales Code of Ordinances, Chapter 8, Elections, Article III, Section 8-40, Candidate's Oath, with the language of the Candidate's Oath published in Section 99.021(1)(a), Florida Statutes.

RECOMMENDATION:

Adoption of Ordinance 2017-09 as presented.

BACKGROUND:

The Lake Wales Candidate's Oath includes a phrase not found in the Candidate's Oath set forth in the Florida Statutes. The additional phrase which is shown as deleted in the proposed Ordinance can serve to prohibit a candidate from running for city commissioner or mayor in the event of an inadvertent violation of the State's Elections Code. Candidates for state or county office are not precluded from running for elective office due to such a possible inadvertent error. The Ordinance also serves to include male and female gender as published in the Florida Statutes.

FISCAL IMPACT: None.

OTHER OPTIONS: The Commission may choose to leave the language of the Candidate's Oath as currently published in the Lake Wales Code of Ordinances.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE 2017-09** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 8, ELECTIONS, ARTICLE III, SECTION 8-40, CANDIDATE'S OATH, TO CONFORM WITH THE LANGUAGE OF SECTION 99.021(1)(a), FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

Kenneth Fields, City Manager, reviewed this item.

OPENED PUBLIC HEARING

No Comment

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2017-09** after second reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

Roll Call Vote

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. ORDINANCE 2017-10 - Extending Terms Of Office - 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS:

The subject Ordinance was requested by the City Commission for the purpose of extending the terms of office of the city commissioners and mayor from two years to three years.

RECOMMENDATION:

Adoption of Ordinance 2017-10 as presented. If adopted, the City Commission will be required to determine whether the proposed Charter revision will be considered by the electorate at the next regular municipal election or at a special election called for the purpose of consideration of the proposed amendment.

BACKGROUND:

Concern was expressed that the current two year terms for city commissioner and mayor were too short to operate effectively. Concern was also expressed as to having three seats up for election at the same time. The proposed amendment serves to address both of these concerns.

FISCAL IMPACT: None unless a special election is called for.

OTHER OPTIONS: The Commission may decide to maintain the status quo and decline to adopt the Ordinance. The Commission may decide to request a revision to the Ordinance as proposed.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE 2017-10** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 3.03 AND 3.05(a) OF THE CHARTER OF THE CITY OF LAKE WALES RELATING TO THE LENGTH OF TERMS OF OFFICE FOR THE CITY COMMISSIONERS AND MAYOR; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2018 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Kenneth Fields, City Manager, reviewed this item.

OPENED PUBLIC HEARING

No Comment

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2017-10** after second reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

Roll Call Vote

Commissioner Howell "YES"
Deputy Mayor Robin Gibson "YES"
Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"
Mayor Fultz "YES"

Motion passed 5-0.

10. NEW BUSINESS

10.I. Resolution 2017-11 Initial Assessment Resolution For Fire Protection Services

[Begin Agenda Memo]

SYNOPSIS:

The adoption of Resolution 2017-11 will establish the methodology used to calculate the fire protection services assessment rate. Adoption of Resolution 2017-11 will set the initial fire protection services assessment rate. A final assessment resolution will have to be adopted before the Fire Protection Services Assessment is implemented for the fiscal year beginning October 1, 2017.

RECOMMENDATION

It is recommended that the City Commission set the initial Fire Protection Services Assessment rate and adopt Initial Fire Protection Services Assessment Resolution 2017-11 providing for Fire Protection Services Assessments for fiscal year beginning October 1, 2017. Staff is recommending the following rate scenario:

45.25% funding \$1,024,904 estimated net revenue

| Property Category | Assessment Rate |
|--------------------------|-------------------------|
| Single-Family | Per dwelling unit \$146 |
| Multi-Family | Per dwelling unit \$72 |
| Mobile Home | Per dwelling unit \$129 |

| Property | Category Assessment Rate |
|----------------------|---------------------------------|
| Commercial | Per Sq Ft \$.06 |
| Industrial/Warehouse | Per Sq Ft \$.01 |
| Institutional | Per Sq Ft \$.08 |

BACKGROUND

The above rate scenario added two additional residential categories for fiscal year beginning October 1, 2016. All categories with the exception of Industrial/Warehouse saw a reduction in fire protection services assessment rates. The overall reduction in total estimated net revenue was \$249,524.

OTHER OPTIONS

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs.

FISCAL IMPACT

The Fire Protection Services Assessment will create a dedicated funding source for fire protection services. While the Fire Protection Services Assessment will not completely fund fire protection services, it will fund 45.25% of the fire department's budget.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **RESOLUTION 2017-11** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; PROVIDING AUTHORITY, PURPOSE, AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSMENT COSTS AGAINST PROPERTIES WITHIN THE CITY OF LAKE WALES; DETERMINING THE FIRE PROTECTION ASSESSED COST AND INITIAL FIRE PROTECTION ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREFORE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Joe Jenkins, Fire Chief, reviewed this agenda item.

Deputy Mayor Robin Gibson asked about the reduction in net revenue of \$249,000. He asked what period of time this was. Chief Jenkins said it was over the 1st year the fire assessment was adopted or FY 15-16. This was a result of changing of categories and reducing some rates. Deputy Mayor Gibson asked what the institutional exemptions were. Chief Jenkins explained that non-profits whose facilities are used for non-profit purposes are exempt. Places like thrift stores, offices, parsonages do pay but not church sanctuaries. Mr. Fields said it depended on the use of the property. Deputy Mayor Gibson asked to confirm that this will pay 45% of the budget. Chief Jenkins explained that it was 45.25% of the accessible budget as some things cannot be funded with the fire assessment such as medical calls. Deputy Mayor Gibson asked what the percentages were elsewhere. Chief Jenkins answered that the County is somewhere around 96 or 97%, Bartow is 25%, Frostproof is 100% which is a volunteer department, Haines City is 100% of their assessable value. Mr. Fields said that this is the initial assessment rate which sets the cap for next year. There will be a second resolution later where the final rate will be set that will go out on the trim notice to residents. The final rate cannot be higher than the initial rate. Deputy Mayor Gibson asked if the rate is that percentage. Chief Jenkins answered that there is a chart in the resolution that shows what the different properties will pay and reviewed. Chief Jenkins explained that those numbers are based on service experience or how often they service those properties. Mr. Fields said that these numbers are reviewed every few years. Staff is not recommending any change at this time but this may change next year. Options for dealing with additional homestead exemption next year were discussed. Mr. Fields said this issue can be part of the budget process this year.

Commissioner Howell made a motion to approve **RESOLUTION 2017-11**. Deputy Mayor Robin Gibson seconded the motion.

Roll Call Vote

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion was approved 5 -0.

10.II. Resolutions No. 2017-12, Preliminary Rate Resolution – Brookshire Street Lighting District.

[Begin Agenda Memo]

SYNOPSIS:

Preliminary Rate Resolution for the Brookshire Street Lighting District

RECOMMENDATION

It is recommended that City Commission adopt Resolution No. 2017-12 providing the Preliminary 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 \$13,050. The estimated annual charge per plated lot is \$150.

OTHER OPTIONS

Do not approve Brookshire Street Lighting District special assessment.

FISCAL IMPACT

Annual estimated assessment revenue of \$13,050 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, Interim City Clerk, read **RESOLUTION 2017-12** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE FUNDING OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; DESCRIBING THE METHOD OF ASSESSING STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Dorothy Ecklund, Finance Director, reviewed this item.

Deputy Mayor Gibson made a motion to approve **RESOLUTION 2017-12**. Commissioner Howell seconded the motion.

Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion was approved 5 -0.

10.III. Ordinance 2017-11 Annexation – 1st Reading Northwest Corner Sunset Drive And Buck Moore Road (CR 17-B)

[Begin Agenda Memo]

Synopsis:

Ordinance 2017-11 proposes the annexation of approximately 15.99 acres located at the northwest corner of Sunset Drive and Buck Moore Road and contiguous to the incorporated City limits.

Recommendation:

Staff recommends approval on first reading of Ordinance 2017-11, providing for the annexation of approximately 15.99 acres located at the northwest corner of Sunset Drive and Buck Moore Road.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. No public hearing is required for the first reading of an annexation ordinance. Upon approval of first reading, a public hearing will be advertised for the next regular City Commission meeting.

Background:

First Christian Church of Lake Wales, owners are requesting annexation into the corporate city limits of Lake Wales.

An ordinance assigning Zoning and Future Land Use Map designation will be presented at a later date for Commission consideration.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its north and east boundaries.

Surrounding land uses:

North: City – LDR Low Density Residential

South: County – RR Rural Residential

East: City – LDR Low Density Residential

West: County – RR Rural Residential

Other options: Decline to annex the property.

Fiscal Impact: The annexation will not add to the City's tax roll.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE 2017-11** by title only.

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 15.99 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangley, Planning Director, reviewed this item.

Commissioner Howell made a motion to approve **ORDINANCE 2017-11** on first

reading. Commissioner Curtis Gibson seconded the motion.

Roll Call Vote

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion was approved 5 -0.

11. CRA MEETING - The City Commission Will Recess And Conduct A CRA Meeting.

Mayor Fultz recessed the Commission meeting. Chair Robin Gibson called the meeting of the CRA to order at 7:03 p.m.

ROLL CALL

COMMISSIONERS PRESENT: Flora "Tonya" Stewart; Robin Gibson, Chair; Eugene Fultz; Terrye Y. Howell; Curtis Gibson

COMMISSIONERS ABSENT: None

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, Interim City Clerk

Approval of Minutes: Commissioner Howell moved for the approval of the minutes of April 18, 2017. Mayor Fultz seconded the motion.

Roll Call Vote:

Commissioner Howell "YES"

Mayor Fultz "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Chair Robin Gibson "Yes"

Motion passed 5-0.

COMMUNICATIONS AND PETITIONS:

NONE

11.1. Declaration Of Restrictive Covenant - Former Ridge Fertilizer Property

[Begin Agenda Memo]

STAFF RECOMMENDATION:

It is recommended that the Chairman of the Lake Wales Community Redevelopment Agency be authorized to execute the attached Declaration of Restrictive Covenant (the "Covenant").

BACKGROUND:

The Lake Wales Community Redevelopment Agency ("CRA") holds title to a parcel of real property located on Scenic Highway, a portion of which was found to be contaminated as set forth in the Covenant. The site was formerly the location of Ridge Fertilizer. The Covenant is an agreement between the CRA and the Florida Department of Environmental Protection ("FDEP") regarding remediation of the soil contamination. The Covenant was previously approved and executed by Jonathan Thornhill as the then Chairman of the CRA. The Covenant was submitted to FDEP but additional site work was required before FDEP would approve the Covenant. FDEP approval is now in place. Upon execution, the Covenant will be provided to the Southwest District Site Manager for FDEP for execution and recording.

OTHER OPTIONS:

None

FISCAL IMPACT:

Cost associated with the FDEP requirement that the executed Covenant be provided by a courier delivery service that provides a tracking number.

[End Agenda Memo]

Albert C. Galloway, Jr., City Attorney, reviewed this item.

Chair Robin Gibson asked why this property was transferred to the CRA. Mr. Fields suggested that it was probably for ease of marketing purposes. Mr. Galloway said it was easier for the CRA to sell it than the City. The CRA can transfer it easier than the city. Mr. Gibson asked who is paying the remediation costs the city or CRA? Mr. Fields said the City has been paying it but it hasn't been that expensive. Mayor Fultz said that this property can be declared a "brownfield" which makes it eligible for grants. Mr. Fields said that tax credits are a possibility as well. What can be done with the property was then discussed. James Slaton, Public/Support Services Director, explained that the soil has been built up but remediation still isn't complete. Not all the soil was removed and we are not required to. Mr. Fields said we can build on top of it. Mr. Slaton said this remediation will have to be done if any construction is done. Mr. Fields said that we have met with DEP about Brownfield grants and will investigate those.

Commissioner Howell moved to approve the restrictive covenant. Mayor Fultz seconded the motion.

Roll Call Vote:

Commissioner Howell "YES"

Mayor Fultz "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Chair Robin Gibson "Yes"

Motion passed 5-0.

The CRA meeting was adjourned. The City Commission meeting was reconvened at 7:17 p.m.

12. CITY MANAGER

Mr. Fields reported on the progress of the update of the CRA plan. The consultant has been meeting with various community stakeholders and everything is on schedule.

The Florida League of Cities Annual Meeting is in August. Mr. Fields said he will forward the program information to the Commission members should any wish to attend. Mr. Fields said someone needs to be chosen as a voting delegate. Commissioner Curtis Gibson said that he was planning to attend. The Mayor asked if he would be the voting member. Commissioner Curtis Gibson agreed to serve in that role.

12.I. Tracking Report

12.II. Other Meetings & Events Calendar

12.III. Social Media Tracking Report

12.IV. City Commission Meeting Calendar

Mr. Fields reminded the Commission that next Tuesday night is the Budget workshop where the focus will be on Capital Items.

13. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said that he is concerned about any possible conflict of interest regarding any future votes concerning the use of the 1919 school complex by the Charter Schools as Bok Academy North. He said he contacted the State Commission on Ethics and so he is submitting a form explaining that he will abstain from future votes on this issue. The Mayor said that he may be in the same position as he is on the Charter School Board as a voting member so he may have to abstain from such votes. Mr. Galloway explained that the City's ethics rules are more stringent than the State's where if a person is on two boards has a voting conflict. Mr. Fields said both of those possible conflicts will be reviewed before a vote comes up.

Commissioner Curtis Gibson suggested expanding the time between qualifying and the election to give candidates more time to get the word out. Mr. Fields said we will look into that.

14. MAYOR COMMENTS

Mayor Fultz said that the legislature is not representing us very well with the veto of \$5 million from Lake Wales and efforts to impose mandates. He said the county canceled Polk County Days. He said Lake Wales will get through this.

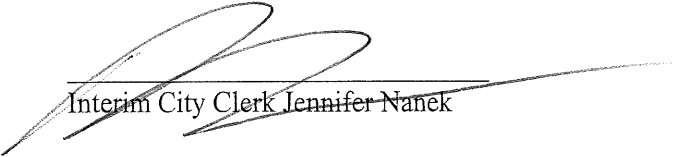
15. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.



Mayor/Deputy Mayor

ATTEST:



Interim City Clerk Jennifer Nanek

