

**City Commission Meeting Minutes**  
**July 18, 2017**

7/18/2017 - Minutes

1. INVOCATION

Dr. Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

The Mayor called the meeting to order at approximately 6:00 p.m. after the invocation and pledge of allegiance.

4. ROLL CALL

**Commissioners Present:** Curtis Gibson, Robin Gibson, Deputy Mayor; Eugene Fultz, Mayor; Flora "Tonya" Stewart, Terry Howell

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

5. SETTLEMENT AND STRATEGY SESSION - The City Commission Will Recess For A Settlement And Strategy Session

The Commission recessed for a a Settlement and Strategy Session concerning the City's Eminent Domain Actions for State Road 60 Utility Expansion immediately following Roll Call at approximately 6:03 p.m. **Litigation Settlement and Strategy Session Pursuant to Section 286.011(8), Florida Statutes. This Session is not open to the Public.**

Those in attendance were:

Mayor Eugene Fultz  
Deputy Mayor Robin Gibson  
Commissioner Terrye Y. Howell  
Commissioner Flora "Tonya" Stewart  
Commissioner Curtis Gibson  
City Manager Kenneth Fields  
City Attorney Albert C. Galloway, Jr.  
Thomas Drage, Jr., Special Counsel

The meeting was reconvened at approximately 6:20 p.m.

6. PROCLAMATIONS AND AWARDS

7. PRESENTATION/REPORT

8. COMMUNICATIONS AND PETITIONS

None

9. CONSENT AGENDA

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

The motion was passed 5 -0.

9.I. Minutes

The City Commission Minutes for July 5, 2017

9.II. Lease Agreement - Pitney Bowes, Inc

[Begin Agenda Memo]

**RECOMMENDATION**

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

1. Approve the 48-month lease of the postage machine.
2. Authorize the City Manager to execute the document on behalf of the City.

**BACKGROUND**

The City's current postage machine lease has reached expiration and staff is requesting Commission approval to enter into a lease agreement with Pitney Bowes, Inc. to replace the machine. The postage machine is utilized by multiple departments within the organization to mail a variety of packages, letters, and other correspondents.

Staff obtained a State of Florida Contract quote (Contract# 600-760-11-1) from Pitney Bowes, Inc. for a replacement postage machine. The proposed lease obligation to Pitney Bowes, Inc. is \$5,255.00 annually. Purchases made from State of Florida Contracts allow the City to capitalize on the State's economy of scale and reduces the timeline of acquisition.

Product support, including software upgrades and hardware maintenance, is included in the proposed lease agreement for the entire term of the lease.

Pitney Bowes, Inc. has been the City's postage machine vendor for the last eight years and has provided a reliable product with excellent customer support.

**OTHER OPTIONS**

Do not approve the State Contract purchase and direct staff to utilize a competitive bid process.

**FISCAL IMPACT**

Within the FY 2016/17 annual budget, the City Commission approved \$5,255 for a postage machine lease.

[End Agenda Memo]

9.III. Lease Agreements - Ricoh USA, Inc

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission will consider entering into lease agreements with Ricoh USA, Inc. for 12 standard multifunction copiers and 1 wide-format multifunction copier.

**RECOMMENDATION**

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

1. Approve the 48-month lease with Ricoh USA, Inc. for 12 standard multifunction copiers.
2. Approve the 60-month lease with Ricoh USA, Inc. for 1 wide-format multifunction copier.
3. Authorize the City Manager to execute the necessary documents on behalf of the City.

**BACKGROUND**

The City's leases on the existing multifunction copier fleet and wide format multifunction copier have expired.

Ricoh USA, Inc. is the City's current multifunction copier provider. The proposed leases are based on the University of South Florida's competitively bid contract (#1972-40/ITN9G-13) and include toner and maintenance for the entire term of the leases.

Section 2-404 of the City Code exempts the City from competitive bid requirements when piggybacking another public entity's previously competitively bid pricing. Utilizing the piggyback option will allow the City to capitalize on USF's economy of scale.

**OTHER OPTIONS**

Don't approve the lease with Ricoh USA, Inc. and direct staff to utilize an RFP process to seek an alternative provider.

**FISCAL IMPACT**

The combined annual lease cost of the proposed Ricoh USA, Inc. equipment is \$20,697.24 (\$1,724.77/monthly)

[End Agenda Memo]

10. OLD BUSINESS

11. NEW BUSINESS

11.I. Certification Of 2017 Taxable Value, Interim Millage & FY17'18 Budget Hearing Dates

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission will consider approval of the Polk County property appraiser's certification of taxable value for 2017, set the interim millage rate, and set the dates for the public hearings to adopt the final millage rate and the FY17'18 budget.

## **RECOMMENDATION**

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

1. Approve the Property Appraiser's Certification of Taxable Value for 2017.
2. Set the interim millage rate at 7.3273 mills.
3. Set the dates for the required public hearings for the final millage rate and adoption of the FY17'18 Budget as Thursday, September 7 and Tuesday, September 19.

## **BACKGROUND**

### **Certification of Taxable Values**

Attached for your review and approval is the Polk County property appraiser's Certification of Taxable Value for 2017. As indicated, the City's gross taxable value for operating purposes is \$691,045,729. Lake Wales has experienced an increase in taxable value of \$51,930,601, since the 2016 certification. The certification for 2017 is 8.13% above 2016's final gross taxable value of \$639,115,128. It is recommended that the City Commission approve the Certification of Taxable Value for 2017.

### **Interim Millage Rate**

In order for the property appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2017 millage rate and the FY17'18 budget.

The current year rolled-back rate is 7.0438, however staff is recommending that the interim millage rate be set at 7.3273. The current year proposed rate of 7.3273 is a 4.02% increase over the rolled-back rate of 7.0438. Remaining at the millage rate of 7.3273 compared to rolled-back rate of 7.0437 would be a tax increase and would generate an additional \$195,911.

The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and 2) unpaid delinquent taxes. Staff estimates Ad Valorem for budget purposes at 97%, \$190,101 (\$144,327 General Fund, \$14,755 Library Fund and \$190,101 CRA Fund) revenue above the rolled-back rate.

**The final adopted millage rate may not exceed the interim millage rate, but it may be lower than the interim millage rate.**

### **Date and Time for Public Hearings:**

State law requires that the county property appraiser notify each property owner of the interim millage rate and the dates of the meetings for adoption of the millage and budget. To give time for the mailing of this notice to the property owner, the City must, by law, adopt an interim millage rate no later than August 4.

Florida Statutes stipulate that the first public hearings can be held no sooner than 65 days after the Certification of Taxable Value by the Property Appraiser or July 1, whichever is later. Certification occurred on July 1, therefore the first public hearings can be held no sooner than Thursday, September 3 (65 days after July 1).

This year, the Board of County Commissioners has scheduled its public hearings on Monday, September 11 and Monday, September 18. The School Board's final public hearing is scheduled for

Tuesday, September 5.

We are recommending the first public hearings for the millage and budget be set for Thursday September 7, 2017. We are also recommending that the second public hearings be set for Tuesday September 19, 2017.

#### OTHER OPTIONS & FISCAL IMPACT

Taxes levied by the various options are as follows:

adoption	2017 millage rate	2017 ad valorem taxes levied	2017 taxes over (under) 2016 taxes	Minimum
4,682,988 current vote	7.3273	5,063,499	380,511	3-2
rolled-back vote	7.0438	4,867,588	184,600	3-2

**Note:** The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and 2) unpaid delinquent taxes. A 3% reduction is included within budget calculations for ad valorem tax revenues. The 3% reduction has not been applied to the data table listed above.

The City Commission is not required to make a decision on the final millage rate at this meeting. The final decision should be made after we thoroughly review and discuss the budget and all of its implications; however, we do have to make a decision on the interim millage rate at this meeting.

[End Agenda Memo]

Kenneth Fields, City Manager, reviewed this item.

Commissioner Howell made a motion to approve the Property Appraiser's Certification of Taxable Value for 2017, set the interim millage rate at 7.3273 mills and to set the dates for the required public hearings for the final millage rate and adoption of the FY17'18 Budget as Thursday, September 7 and Tuesday, September 19. Commissioner Stewart seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

The motion was passed 5 -0.

- 11.II. Ordinance 2017-12 – 2nd Reading And Public Hearing Amendments To Chapter 12 – Health Sanitation, Nuisances, And Minimum Property Maintenance Standards

[Begin Agenda Memo]

## **SYNOPSIS**

This ordinance addresses housekeeping items regarding penalties and placarding in Chapter 12.

## **RECOMMENDATION**

Staff recommends the adoption of Ordinance 2017-12 after second reading and public hearing.

## **BACKGROUND**

In the course of doing the job Code Compliance has found a couple of places where cross references need to be updated based on changes in other areas of the code. Also staff is recommending a wording change related to placarding buildings that are unsafe or uninhabitable.

## **FISCAL IMPACT**

The amendments have no identifiable fiscal impact themselves.

## **OTHER OPTIONS**

City Commission may modify the proposed amendments as determined appropriate.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE 2017-12**

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 12 HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; AMENDING ARTICLE I IN GENERAL, SECTION 12-8 PENALTIES; ARTICLE II NUISANCES, DIVISION I GENERALLY; ARTICLE III CODE ENFORCEMENT, DIVISION 3 SUPPLEMENTAL ENFORCEMENT PROCEDURES, SECTION 12-222 APPLICABILITY, AND DIVISION 4 MINIMUM PROPERTY MAINTENANCE STANDARDS, SECTIONS 12-230 UNSAFE STRUCTURES AND EQUIPMENT, 12-230.8 PLACARDING, 12-230.8.1 PLACARD REMOVAL, 12-230.9 PROHIBITED OCCUPANCY, AND SECTION 12-230.13 PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:

Kathy Bangley, Planning Director, reviewed this item.

## **OPENED PUBLIC HEARING**

None.

## **CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to adopt **ORDINANCE 2017-12** after second reading and public hearing. Commissioner Curtis Gibson seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

The motion was passed 5 -0.

- 11.III. Ordinance 2017-13 – 2nd Reading And Public Hearing Amendments To Chapter 7 Buildings And Building Regulations, Chapter 13 Housing And Chapter 14 Licenses And Business Regulations

[Begin Agenda Memo]

#### **SYNOPSIS**

This ordinance addresses housekeeping items in each of the chapters.

#### **RECOMMENDATION**

Staff recommends the adoption of Ordinance 2017-13 after second reading and public hearing.

#### **BACKGROUND**

The amendment to Chapter 7 provides clarity to when a building permit is required. The Chapter 13 amendment updates the edition of the Southern Standard Housing Code to the "latest edition." The Chapter 14 amendment moves the requirement for a business tax receipt from Article III to Article I. General so that it is clear that it pertains to all businesses.

#### **FISCAL IMPACT**

The amendments have no identifiable fiscal impact themselves.

#### **OTHER OPTIONS**

City Commission may modify the proposed amendments as determined appropriate.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **ORDINANCE 2017-13** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 7 BUILDINGS AND BUILDING REGULATIONS, ARTICLE I. IN GENERAL; CHAPTER 13 HOUSING, ARTICLE II HOUSING CODE, SECTION 13-26 HOUSING CODE – ADOPTED; CHAPTER 14 LICENSES AND BUSINESS REGULATIONS, ARTICLE I IN GENERAL AND ARTICLE III AMUSEMENT CENTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:

Kathy Bangle, Planning Director, reviewed this item.

#### **OPENED PUBLIC HEARING**

None.

#### **CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to adopt **ORDINANCE 2017-13** after second reading and public hearing. Commissioner Curtis Gibson seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

The motion was passed 5 -0.

11.IV. Resolution 2017-14 – Resolution To Establish A Uniform Fine Schedule

[Begin Agenda Memo]

**SYNOPSIS**

Resolution 2017-14 establishes a Uniform Fine Schedule for the supplemental enforcement procedures per Chapter 12, Division 3.

**RECOMMENDATION**

Staff recommends adoption of Resolution 2017-14.

**BACKGROUND:**

The City's code of ordinances provides for a Code Enforcement citation system. This system was established to provide a supplemental means for enforcing city codes and ordinances. A uniform fee schedule must be adopted by resolution in order to use the supplemental enforcement procedure.

**FISCAL IMPACT:** This is not intended as a revenue source, but will provide some revenue on payment of citations issued.

[End Agenda Memo]

Jennifer Nanek, Interim City Clerk, read **RESOLUTION 2017-14** by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA ADOPTING A UNIFORM FEE SCHEDULE FOR THE CODE ENFORCEMENT CITATION SYSTEM; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangley, Planning Director, reviewed this item.

**OPENED PUBLIC HEARING**

None.

**CLOSED PUBLIC HEARING**

Deputy Mayor Robin Gibson made a motion to approve **RESOLUTION 2017-14**. Commissioner Howell seconded the motion.



By roll call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

The motion was passed 5 -0.

## 12. CITY MANAGER

Mr. Fields said the budget is looking good. We are waiting on final numbers including insurance. The next budget workshop is scheduled for August 8th and we will see if we will need one on August 22. The first budget hearing will be Thursday September 7. Some of the state numbers came in higher than anticipated.

Mr. Fields thanked all the Commissioners and members of the public who attended the CRA plan workshop last week. There was good turnout with a good cross section of the community represented. It was a positive sign and he has heard many positive comments on it. We are continuing to move forward on the revision.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Schedule

12.IV. Other Meetings & Events Calendar

## 13. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson shared that there was a story in the Quality Cities magazine on the Depot Museum written by Monica Drake-Pierce. She is to be commended on doing a good job with the museum.

Deputy Mayor Robin Gibson shared an answer from the Florida Ethics Commission about his request about whether or not votes about Bok Academy North would be a conflict of interest. An analysis by one of the attorneys says that it is a conflict of interest. He is not sure if this applies to just the possible upcoming vote or if he has to give up either the Commission or the Charter Schools. He said it would be difficult to choose one if he has to. Mayor Fultz says he may have a conflict of interest.

Commissioner Curtis Gibson asked about the status of the City Clerk investigation. Mr. Fields said the investigator was sick for awhile but was finishing his last interviews this week so we should have a report soon.

Commissioner Stewart said the CRA meeting went well. She learned alot including that the city really wants a water park, pool or splash pad.

Commissioner Stewart asked about what was going on with the City flag that was presented to the Commission awhile back. Zaillet Suri, Interim Deputy City Clerk, said she can call the person and follow up.

Commissioner Howell asked about picking up of furniture or bulk pickup by Republic Services. Ms. Bangley

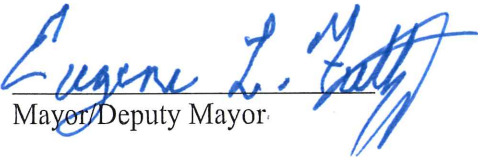
said this is an ongoing issue. They are meeting with Mr. Fields and Republic Services to address this.

14. MAYOR COMMENTS

Mayor Fultz reported on the opening of the Wal-Mart ecommerce center in Davenport to compete with Amazon. It is huge and will hire 1000+ people. Its a great facility in Polk County.

15. ADJOURNMENT

The Commission meeting was adjourned at approximately 6:41 p.m.

  
\_\_\_\_\_  
Mayor/Deputy Mayor

ATTEST:

  
\_\_\_\_\_  
Jennifer Nanek, Interim City Clerk