

City Commission Meeting Minutes

June 15, 2021

(Approved)

6/15/2021 - Minutes

1. INVOCATION

Dr. Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order after invocation and pledge of allegiance.

4. ROLL CALL

Commission Members Present: Mayor Eugene Fultz, Deputy Mayor Robin Gibson, Terrye Howell, Kris Fitzgerald

Commission Member Absent: Daniel Williams

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Lakes Appreciation Month

Mayor Fultz proclaimed July Lakes Appreciation Month. Danny Kushmer from LEAD the Lakes Education Action Drive accepted the proclamation.

5.II. PROCLAMATION - JUNETEENTH DAY

Mayor Fultz proclaimed June 19 as Juneteenth Day in Lake Wales. Dorothy Wilson accepted the proclamation.

6. PRESENTATION/REPORT

7. COMMENTS AND PETITIONS

Mayor Fultz said that for the benefit of those attending who wish to speak about Commissioner Kris Fitzgerald he asked Albert Galloway, Jr., City Attorney, to speak on the matter. Mr. Galloway explained that the Governor can suspend a Commissioner who has been charged with a felony. He shared contact information for the Governor's Office. Mayor Fultz said the Commission cannot suspend a Commissioner only Governor DeSantis can do that.

Daniel Kregar, resident, recommended that Commissioner Fitzgerald resign to save Lake Wales further embarrassment. He recommended former Commissioner Al Goldstein for appointment if a vacancy comes

up. He has never been arrested or threatened anyone with a gun.

Glenda White, Winter Haven resident, recommended Al Goldstein be appointed if the seat becomes vacant. He cares for the citizens of Lake Wales and the nation.

Jack Zellsman, Winter Haven Resident, from the 9/12 organization. He said that Mr. Goldstein is an officer and a gentleman. He would be good for Lake Wales.

William Young, resident of Lake Wales, said they feel strongly that the appointment of Al Goldstein would be an intelligent decision. The best will be put forth.

Pete Perez, resident, said we are putting the horse before the cart. The charges against Commissioner Fitzgerald need to be addressed first. One thing at a time.

Terry Christian, resident, said the Commissioner was accused similar to his daughter. She is innocent until proven guilty. Let's let this go through the process. He is concerned about our Deputy Chief leaving after 27 years and if he has been replaced yet. Mayor Fultz suggested he contact staff for updates on this. Mr. Christian also expressed concern about the small number of black officers.

Brenda Watkins Kennedy said that she is Commissioner Fitzgerald's mother. She said she is innocent until proven guilty. She said not all the facts are known. The truth will come out. She will stand by her daughter. Mayor Fultz said some comments about the case should be limited as it goes through the process.

Al Goldstein, resident, offered sympathy to Commissioner Fitzgerald and her family. He thanked his supporters. We need to see how the case plays out. He would like to be back on the Commission. he does not want to sacrifice the young lady. The courts will handle the matter.

Greg Massey, resident, said he has been accused before. He knows this issue makes the City look bad but there are a lot of things that make the City look bad. If she is removed we will need a special election. He asked people to stop being judge and jury. let the process run its course.

Brandon Alvarado, Lake Wales Arts Council, shared about their events over the summer. He introduced Derrick Epps. Mr. Epps, Lakeland resident, shared his background and announced about the Beats and Brushes exhibit at the Arts Center. There will be a festival Saturday night 5pm -10pm on Park Avenue and at the Ranch Taproom.

Catherine Lewis, resident, spoke against the upcoming proposed development near Lake Belle. The development will negatively affect the environment and wildlife. She can get a petition to stop this. Mayor Fultz invited her to speak on this again when the item is on the agenda.

8. CITY CLERK

8.1. Board Appointments - Airport Authority, Code Enforcement

[Begin Agenda Memo]

SYNOPSIS: Appointments to fill vacancies on the Airport Authority and Code Enforcement boards

RECOMMENDATION

Staff recommends that the Mayor and Commission make the following appointments and reappointments

as deemed appropriate.

1. Reappoint Herb Gillis to the Airport Authority to a new term to expire July 1, 2024
2. Reappoint Sara Jones to the Code Enforcement Board to a new term to expire July 1, 2024.
3. Reappoint Dwight Wilson to the Code Enforcement Board to a new term to expire July 1, 2024.
4. Appoint Courtney Schmitt to the Code Enforcement Board to a term to expire July 1, 2024.

BACKGROUND

On July 1st many terms on the various boards, Commissions and Authorities are expiring. Here are those applying for appointment or 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).

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term)

The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 Vacancies due to expiring terms

Current Members: John Lodge, non-resident 10/03/12--07/01/21, P+2
Herb Gillis, non-resident, 02/05/19--07/01/21 P=1
Clarke Gerard, non-resident chair
Charles
06/05/18--07/01/22
N. Clegg, resident 07/19/16--07/01/19, 2
Rudy Engholm, resident 11/17/20--07/01/21, P
Phillip Weikert, non-resident 11/17/20--07/01/23, 1
Barbara Pelisek, non-resident
07/01/20--07/01/22, P+2

Commissioner Curtis Gibson, non-voting member 05/07/19 - 05/04/21,

The Airport Authority has recommended Herb Gillis for reappointment.

Applying for reappointment: Herb Gillis, non-resident for a term expiring on 7/1/2023.

There are three vacancies on the Code Enforcement Board due to expiration of terms.

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general

contractor, a subcontractor, and a realtor. Members must be residents. (3-year term) 2

alternates can also be appointed.

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies, residents; 2 alternate seats

Current Members: **Dwight Wilson, resident** 12/18/18 – 07/01/21 1

Wilena Vreeland, resident 07/01/18 – 07/01/21, P+3

Rodney Cannon, resident 02/04/2020 – 07/01/2021, 2

Ralph E. Marino, 07/01/19 – 07/01/2022 P

Bruce Austell, 02/04/2020 – 07/01/2021 1

Julia Paul 02/18/20 – 07/01/23 P

Sara Jones, resident 10/16/18 – 07/01/21 1

Applying for Appointment:

Dwight Wilson has applied to be reappointed to a term expiring on July 1, 2024

Sara Jones has applied to be reappointed to a term expiring on July 1, 2024

Courtney Schmitt has applied to be appointed to a term expiring on July 1, 2024

Deanna Joyner has applied to be appointed to a term expiring on July 1, 2024

OPTIONS

Do not appoint those that have applied.

FISCAL IMPACT

None. These are volunteer boards.

[End Agenda Memo]

Deputy Mayor Robin Gibson asked Herb Gillis why he wished to serve again on the Airport Authority.

Mr. Gillis said there are exciting things going on at the Airport and he can help make it safe and productive.

Commissioner Fitzgerald made a motion to approve Herb Gillis' reappointment to the Airport Authority to a term to expire July 1, 2024. Commissioner Howell seconded the motion.

By voice vote:

Commissioner Fitzgerald "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Approved 4-0.

Deputy Mayor Gibson asked Sara Jones why she wants to continue to serve.

Sara Jones said she has enjoyed her time on the board. They work to enforce the code and help people bring their property into compliance and not lose their property. They do a good job and she would like to continue to do this.

Deputy Mayor Gibson made a motion to approve the appointment of Sara Jones to the Code Enforcement Board for a new term to expire July 1, 2024. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

Jennifer Nanek, City Clerk, said that Dwight Wilson could not attend.

Deputy Mayor Gibson made a motion to approve the reappointment of Dwight Wilson to the Code Enforcement Board for a new term to expire July 1, 2024. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

Deputy Mayor Gibson asked Courtney Schmitt why she wanted to serve on this board. The position is very important. Ms. Schmitt said she has attended a few meetings. She likes the way the board gives owners a chance. They look at the whole picture as to why they can't come into compliance.

Deputy Mayor Gibson made a motion to approve the appointment of Courtney Schmitt to the Code Enforcement Board for a new term to expire July 1, 2024. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

Mayor Fultz encouraged citizens to apply for seats on our boards that will become available as of July 1, 2021.

9. CONSENT AGENDA

Deputy Mayor Gibson made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

9.I. Minutes - April 28, 2021; June 1, 2021; June 9, 2021

9.II. Community Firework Display – 4th Of July

[Begin Agenda memo]

SYNOPSIS: The City Commission will consider a piggyback agreement to the Village of Palm Springs contract for 4th of July Fireworks Display.

RECOMMENDATION

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

1. Approve the piggyback agreement.
2. Authorize the City Manager to execute the piggyback agreement on behalf of the City.
3. Approve a budget amendment in the amount of \$5,500.

BACKGROUND

The City of Lake Wales has identified a need to select a vendor to provide the firework display for the City's annual 4th of July Fireworks event that will be held Sunday, July 4, 2021 at Lake Wailes Park. Due to lack of availability by other vendors such as Zambelli Firework Manufacturing Company and Sky Candy Fireworks, the City recommends the piggyback agreement with Exposhow, Inc.

The City has previously used East Coast Pyrotechnics, Inc., based out of North Carolina. In 2019, the City was informed East Coast Pyrotechnics would no longer be able to serve the City of Lake Wales.

OTHER OPTIONS

The Commission can choose not to approve the piggyback agreement with Exposhow, Inc.

FISCAL IMPACT

\$16,500 was approved by the City Commission for FY'20-21. City Staff is asking for a budget

amendment in the amount of \$5,500 to increase the firework show from a 12 minute show to an 18-minute show with a

2-minute grand finale.

[End Agenda memo]

9.III. Special Event Permit: Northwest Community Market Junteenth Edition

[Begin Agenda Memo]

SYNOPSIS:

A special event permit application to sponsor a Northwest Community Market on June 19, 2021. This event will require the closing of Lincoln Avenue and B Street from 7:00 a.m. to 4:00 p.m.

RECOMMENDATION

Staff recommends approval of the Special Event permit for the Northwest Community Market on June 19, 2021 and the closure of Lincoln Avenue and B Street.

BACKGROUND

The Lincoln Community Development Corporation has submitted a special event permit application to sponsor a Northwest Community Market on June 19, 2021. Event hours are 9:00 a.m. –

3:00 p.m. Set up will begin at 7:00 a.m.

This event will require the closing of Lincoln Avenue from C Street to A Street and a portion of B Street from 7:00 a.m. to 4:00 p.m.

The event will include a DJ, live music, vendors, food, and a kids area.

OTHER OPTIONS

Do not approve the permit.

FISCAL IMPACT

As this is a new unbudgeted event, the Lincoln Community Development Corporation will reimburse the City 100% of Public Services and Police costs.

[End agenda Memo]

9.IV. Financial Services For Federal Grants

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider entering into an agreement with Government Services Group, Inc. (GSG) for Financial Services for Federal Grants.

RECOMMENDATION

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

1. Approve the agreement with Government Services Group, Inc.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND

The American Rescue Plan (ARP) Act of 2021 was signed into law on March 11, 2021.

As a unit of government with a population under 50,000 residents, the City of Lake Wales ("City") qualified to receive an allocation of the Coronavirus State and Local Fiscal Recovery Fund ("CSLFRF") monies under the ARP Act of 2021.

The ARP Act specifically requires that payments from the CSLFRF may only be used as follows:

- (A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel, and hospitality;
- (B) to respond to workers performing essential work during the COVID-19 public

health emergency by providing premium pay to eligible workers of the City that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such city due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the City, prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

As a recipient of ARP Act of 2021 funding, the City is solely responsible for the reimbursement of all monies including those allocated to subrecipients. Should the U.S. Inspector General determine during an audit procedure that any reimbursements, whether by the City or a subrecipient, fail to conform to U.S. Treasury guidelines, the funds identified to be in violation of the ARP Act of 2021 becomes a debt of the City.

Approval of this agreement will authorize Government Services Group, Inc. to perform CARES Act eligibility determination, project management, appeals preparation, grant management, financial recovery, financial and project progress reporting, insurance reconciliation, grant monitoring and compliance, grant closure, and audit preparation, defense, and appeals.

OTHER OPTIONS

Commission can choose not to approve contract with Government Services Group, Inc.

FISCAL IMPACT

For services to be provided hereunder by GSG, GSG shall work under a lump sum professional fee arrangement for Phase One described in the Scope of Services in Appendix A.

Except as noted below, this lump sum fee includes reimbursement for all out-of-pocket expenses.

Phase Two fees will be based on a "not to exceed" and the estimate is based on the level of effort required to implement the options the City selects to implement at the completion of Phase One.

GSG proposes to use our State Term Contract Hourly Rates for the ARP Project.

The lump sum fee for professional services does not include any on-site visits by GSG staff to the City. Any on-site meetings may be arranged at our standard hourly rates provided below. All expenses related to additional meetings will be billed in accordance with section 112.061, Florida

Statutes. If necessary, in lieu of on-site visits, periodic telephone conference calls may be scheduled to discuss project status.

The standard hourly rates for GSG are as follows:

GOVERNMENT SERVICES GROUP, INC.

Senior Advisor	\$285
Vice President/Managing Director	\$285
Assistant Director	\$235
Project Manager/Project Coordinator.....	\$185
Database Analyst/Technical Services.....	\$150
Lead Project Analyst	\$100
Project Analyst	\$ 90
Administrative Support	\$ 75

The City is responsible for any and all social media posting, technology enhancements or hosting fees, newspaper publications, including, but not limited to, making arrangements for publications and any costs associated therewith.

[End Agenda Memo]

9.V. Lake Wales Ground Storage Tank Construction And Water Main Replacement Amendment 1 To Loan Agreement DW531301

[Begin Agenda memo]

SYNOPSIS: The construction of a new ground storage tank at water treatment plant #3 and water main replacement project is now complete and the State Revolving Loan Fund (SRF) agreement DW531301 has to be closed out. Amendment 1 to loan agreement DW531301 finalizes

the loan proceeds taken for the purchase.

RECOMMENDATION

Staff recommends the City Commission consider taking the following action:

1. Approve Amendment 1 to Loan Agreement DW531301 for construction of a new ground storage tank at water treatment plant #3 and water main replacement for a total amount of \$2,240,579.45.

2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

The Commission, at its December 4, 2018 city commission meeting approved submitting an application

and signing of the loan agreement to the state revolving loan fund program. The City had two water projects that made up loan application DW531301 for a total of \$4,618,811. These two projects were the construction of an additional ground storage tank at Water Treatment Plant #3, which is located at 1050 5th Street North and water main replacement of approximately 14,000 feet of 6"-8" galvanize water main, located in various locations in the city.

The total amount awarded is reduced by \$1,822,747.00, due to bids for both projects came in lower than anticipated. This reduced the total amount awarded to \$2,796,064.00. Of this amount, the City received an additional \$559,212.68 in loan forgiveness. Along with capitalized interest and fees, the City's final loan amount is \$2,240,579.45. Staff recommends the commission authorize Amendment 1 to SRF contract DW531301, and authorize the Mayor to execute the appropriate documents associated with the close out of agreement DW531301.

FISCAL IMPACT

Agreement DW531301 Amendment 1 finalizes the funds the City received from SRF for construction of both projects. The semiannual payment amounts to \$62,038.23 for a term of 20 years (40 payments).

OTHER OPTIONS

None.

[End Agenda memo]

9.VI. Lift Station #1 Diesel Pump Purchase

[Begin Agenda Memo]

SYNOPSIS: Staff is recommending the commission approve the expenditure of funds in the amount of \$54,579.00 for the purchase of a diesel pump to be installed at lift station 1 (LS#1).

STAFF RECOMMENDATION

Staff recommends the City Commission consider taking the following action:

1. Approve the expenditure of funds for \$54,579.00 for the purchase of a diesel utilizing State Contract #FSA20-EQU18.0.

BACKGROUND

The city of Lake Wales proposes to install a bypass pump at a critical need lift station located at 166 1/2 Twin Lakes Boulevard (LS#1). The city of Lake Wales have already received a quote from a sole-source vendor (Thompson Pump) utilizing State Contract # FSA20-EQU18.0. During significant hurricane, power is oftentimes lost to utility assets in the affected region. For example, a storm as large as Hurricane Irma, even areas that were not directly impacted from the eyewall of the storm lost power due to sustained winds throughout the state. In Polk County during Irma, over 80% of the county lost power for sustained amounts of time. Power was not restored to the entire county for over a week after the Hurricane struck. Since Hurricane Irma impacted the entire state from the Keys through the panhandle, power restoration crews were stretched thin and unable to restore service to the lift station for a significant amount of time. Lake Wales was among the utilities that did not recover power quickly and had the majority of its lift stations go down as a result. All the water treatment plants have generators onsite. Therefore, they continued to supply water to the community, which in turn led to the community filling the lift stations with waste. The City of Lake Wales has 39 lift stations, but only ten have permanently mounted generators. The city of Lake Wales has a small number of portable generators, but since the storm was so widespread, staff had to maneuver those generators between all of the lift stations that do not have a stand-by generator. The purpose of this project is to provide permanent protection for the lift station during future storm or hazard events. As previously stated, this particular lift station is deemed critical infrastructure due to the source of its inflow and it cannot afford to go offline. Since loss of the lift station would result in an overflow and contamination of the surrounding area and groundwater, continued operation of the lift station is critical to the community.

Staff is recommending the City Commission authorize the expenditure of funds in the amount of \$54,579 for the purchase of a diesel pump to be installed at LS#1.

OTHER OPTION

The risks to the environment and community would remain in the event of a storm or hazard event.

FISCAL IMPACT

\$150,000 is budgeted in the Wastewater Division's FY '20-'21 Capital Improvements Plan Budget for this purpose. Funding source for this activity is the utilities operating revenue.

[End Agenda memo]

10. OLD BUSINESS

10.I. ORDINANCE 2021-11, 2nd Reading And Public Hearing

[Begin Agenda memo]

SYNOPSIS: The City Commission will consider Ordinance 2021-11 amending the Lake Wales Code of Ordinances, Chapter 21, Section 21-27. – Connection to Sewer System and Section 21- 71 Connection to Water System.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Adopt Ordinance 2021-11 after second reading and public hearing.

BACKGROUND

Construction is on the rise and the City limits continue to expand as the Commission approves requests for annexations. This amendment is necessary to ensure that developers connect to the City's utilities system. Current provisions call for connection to be made if public utilities are within a 1/4 mile, however, this has caused the potential for inside City limit residential developments to develop without public access. Due to the minimal distance requirement, development continues to prosper and the possibility for septic tank installations increase placing the cost of sewer maintenance on the homeowner. Requiring land developers to connect to the sewer system enables the City to expand its sewer system and make public access sewer available to new development and existing water only customers.

In an effort to be consistent with the distance requirement for connecting to the public utility system staff has elected to amend the distance requirement for connection to the water system. Distance for both water and sewer connection availability will now reflect one mile (five thousand two hundred and eighty (5,280) feet) of an existing public utility.

Staff recommends the commission approve Ordinance 2021-11 an ordinance of the City of Lake Wales, Polk County, Florida, amending Lake Wales code of ordinances Chapter 21 Utilities, Section 21-27 and 21-71 amending the Connection to Sewer System and Connection to Water System; providing for severability; providing for an effective date.

The City Commission approved Ordinance 2021-11 after first reading on June 1, 2021.

FISCAL IMPACT

No fiscal impact. The land developer will incur the cost of extending the sewer system.

OTHER OPTIONS

Do not approve Ordinance 2021-11. The city would continue to expand and the number of septic systems within our city limits will continue to increase posing a hazard to our precious water source.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-11** by title only.

ORDINANCE 2021-11

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE REQUIREMENT FOR CONNECTION TO THE SEWER SYSTEM; AMENDING THE REQUIREMENT FOR CONNECTION TO THE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2021-11** after 2nd Reading and Public Hearing. Commissioner Howell seconded the motion.

By roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

10.II. ORDINANCE 2021-12 Repealing 2020-15 Wearing Masks 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider adopting ORDINANCE 2021-12 repealing Ordinance 2020-15 requiring face coverings in certain public places.

RECOMMENDATION

Staff recommends the City Commission adopt Ordinance 2021-12 after 2nd reading and Public Hearing.

BACKGROUND

On August 18, 2020, the City Commission of the City of Lake Wales approved and adopted Ordinance 2020-15 requiring persons that live, work, visit or do business in the City of Lake Wales, Florida, wear

face coverings in certain public places to stop or slow the spread of COVID-19.

On May 3, 2021, the Governor of the State of Florida entered Executive Order 21-102 which eliminated and superseded any existing emergency order or ordinance of a county or municipality which imposed restrictions or mandates due to the COVID-19 emergency.

At the workshop on May 26, 2021 City Commission directed staff to put an Ordinance on the agenda to repeal Ordinance 2020-15 as it is no longer in effect.

On June 1, 2021 The Commission approved Ordinance 2021-12 after 1st reading.

OTHER OPTIONS

Do not approve Ordinance 2021-12

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-12** by title only.

ORDINANCE 2021-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO PUBLIC HEALTH; REPEALING ORDINANCE 2020-15 REQUIRING PERSONS THAT LIVE, WORK, VISIT OR DO BUSINESS IN THE CITY OF LAKE WALES, FLORIDA, TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONA VIRUS DISEASE 2019 (COVID-19); MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Mayor Fultz thanked citizens for cooperating and wearing masks during this difficult time. He is glad for the high attendance tonight. He hopes that all are fully vaccinated.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2021-12** after 2nd Reading and Public Hearing. Commissioner Howell seconded the motion.

By roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

11. NEW BUSINESS

11.I. ORDINANCE 2021-08 Amending The Charter As Approved By The Electors.

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2021-08 modifies the Charter in accordance with the changes approved by the Electors in April 2021.

RECOMMENDATION

Staff recommends approval of ORDINANCE 2021-08 to modify the charter in accordance with the amendments approved by the voters in April 2021.

BACKGROUND

On April 6, 2021 7 Charter Amendments were put before the voters all of which were approved. Ordinance 2021-08 officially changes the charter in accordance with the amendments that were approved.

OTHER OPTIONS

None. These changes were approved by the voters.

FISCAL IMPACT

None

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-08** by title only.

ORDINANCE 2021-08

[as approved by electors of the City of Lake Wales, 4/6/2021]

AN ORDINANCE AMENDING THE LAKE WALES CHARTER IN THE FOLLOWING MANNERS: BY INCLUDING A MISSION STATEMENT; BY REVISING THE QUALIFICATIONS OF MEMBERS; BY REVISING THE PROCEDURE FOR FILLING A VACANCY ON THE COMMISSION; BY REVISING APPOINTMENT OF CITY MANAGER; QUALIFICATIONS; BY REVISING POWERS AND DUTIES OF THE CITY MANAGER; BY REVISING CAPITAL PROGRAM; BY REVISING FUNCTIONS AND POWERS OF MAYOR; PROVIDING FOR AN EFFECTIVE DATE.

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2021-08** after 1st Reading. Commissioner Howell seconded the motion.

By roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

11.II. Resolution 2021-06 – Resolution To Utilize The Uniform Method Of Collecting Non- Ad Valorem Assessments And Adopting The Special Assessment Roll.

[Begin Agenda memo]

SYNOPSIS: Resolution 2021-06 declares the City's intent to utilize the uniform method of collecting non-ad valorem assessments and adopts the assessment roll for 2021.

RECOMMENDATION

Staff recommends adoption of Resolution 2021-06 after a public hearing, as required by Florida Statutes.

Public notice requirements have been met.

BACKGROUND

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.

OTHER OPTIONS

Decline the adoption of Resolution 2021-06

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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-06** by title only.

RESOLUTION 2021 - 06

**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 CALENDAR YEAR 2020; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Commissioner Howell said in the past some of these charges were unfair or too high. She asked if everyone on the list if these total costs are going on their taxes? James Slaton, City Manager, said yes but we have less of them than in years past. Commissioner Howell said the costs for mowing some of the lawns are too high. Is this for one mowing. Mr. Slaton said this is what the costs were. The firm that the City contracted with to clean up lots lowered their costs after renegotiation. Deputy Mayor Gibson asked if the contract was bid out or renegotiated. Mr. Slaton said it was bid out originally but the company lowered the cost at the request of the City. Commissioner Howell said the cost is still high. Mr. Slaton said all of these have been through the process.

Deputy Mayor Gibson said property owners could clean up their property themselves and not pay anything. We have followed the process. Mr. Galloway said these are not fines they are reimbursement of costs to the city.

Mark Bennett, Development Services Director, said these services are more than mowing but also clearing of debris. They can provide documentation of each property.

Greg Massey, resident, shared his experiences with code Compliance. In the past he was charged \$500 every time for a mow. He is not on the list tonight.

Commissioner Howell asked how the amount is determined. Albert Galloway, Jr., City Attorney, said it is by square footage.

Commissioner Fitzgerald said she needed additional information. Mr. Slaton said he can provide bid documents for the Commission to review. This item was tabled until July 6th meeting.

11.III. RESOLUTION 2021-14 - Final Assessment Resolution For Fire Protection Assessments

[Begin Agenda Memo]

SYNOPSIS: Preliminary Rate Resolution for Fire Protection Services Assessment

RECOMMENDATION

It is recommended that City Commission adopt Resolution No. 2021-14 providing the Preliminary Rate Resolution for Fire Protection Services Assessment.

BACKGROUND

It is recommended that the City Commission set the Preliminary Fire Protection Services Assessment rate and adopt Preliminary Fire Protection Service Assessment Resolution 2021-14 providing for Fire Protection Services Assessments for fiscal year beginning October 1, 2021.

Staff is recommending the following rate scenario:

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

OTHER OPTIONS

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

FISCAL IMPACT

The estimated net revenue is \$1,341,263. Initial fire protection assessment rates are 45.25% of assessable costs.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-14** by title only.

RESOLUTION 2021-14

(Preliminary Assessment Resolution)

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 THEREOF; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Deputy Mayor Gibson made a motion to adopt **RESOLUTION 2021-14**. Commissioner Howell seconded the motion.

By roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

11.IV. RESOLUTION 2021-15 Brookshire Street Lighting Assessment

[Begin Agenda Memo]

SYNOPSIS: Preliminary Rate Resolution for the Brookshire Street Lighting District

RECOMMENDATION

It is recommended that City Commission adopt Resolution 2021-15 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 \$13,485. 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 2021-15** by title only.

RESOLUTION 2021-15

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.

Commissioner Howell made a motion to adopt **RESOLUTION 2021-15**. Deputy Mayor Gibson seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Approved 4-0.

12. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that the attorney for Mr. Kebabjin said they will file a motion for rehearing and amend affirmative defenses. He is confident that it will come out in our favor but the process is ongoing.

13. CITY MANAGER

James Slaton, City manager, reported on the upcoming Ribbon cutting and Splash Party at the YMCA this Friday.

Saturday there will be a Juneteenth Celebration from 9am -3pm. An artist named Andy Garcia will unveil a new art project for Stuart Park.

13.I. Tracking Report

13.II. Commission Meeting Calendar

14. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson expressed concern about mass shootings. Vigilance and community awareness is important. Grant funding will be available to help.

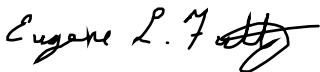
Commissioner Fitzgerald thanked everyone for their concern and prayers for her and her daughter. She has hired an attorney and they will make a public statement at a later date. For now she will focus on issues of concern to our City.

15. MAYOR COMMENTS

Mayor Fultz thanked everyone who came and participated. Things may not move fast in government. We need patience before making decisions. Every citizen is innocent until proven guilty.

He has heard a lot of good reports about Lake Wales from people. We don't do everything right but lets work together to make this the best city. We need to follow rules and regulations to make it happen.

16. ADJOURNMENT



Mayor

ATTEST:

City Clerk