

City Commission Work Session Minutes

December 15, 2020

(APPROVED)

12/15/2021 - Minutes

1. CALL TO ORDER & ROLL CALL

Members Present:

Mayor Eugene Fultz, Robin Gibson, Jack Hilligoss, Daniel Williams, Terrye Howell

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

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

2. City Manager Comments

James Slaton, City Manager, introduced Eric Marshall as Marketing and Communications specialist. Mr. Marshall introduced himself and said he was looking forward to promoting the City's projects.

Mr. Slaton gave an update on the Grand Hotel. He gave background on the City's recent actions to date. There will be an agenda item on the Commission meeting Tuesday to make decisions on the next steps.

3. Presentation: Frontier - Fiber Optic Network

Dan Collins, Engineer with FTH program. He introduced William Mistasiack, Director of Construction, and Earl Dowdy with Engineering and Project Management. Mr. Collins said few have heard about this project. They are going to neighborhoods and residential homes with an all fiber network. They are doing this on a large scale. Each home will have a dedicated fiber strand. Our network can revive rural communities and help with those working from home and taking classes at home. Its super fast speeds. Fiber optic technology does not have issues during bad weather. He asked for help expediting permitting. They would like to work with the City to not interfere with other construction projects. They need help answering questions and concerns from the public. We need open lines of communication with the City and residents. They can answer any questions or concerns and help our City grow and succeed. He shared a map showing the proposed lines and where they are starting and the timeline. He shared pictures of proposed equipment. Mr. Collins explained some of their efforts to educate the community about work in their neighborhood. He then shared proposed price levels.

Mayor Fultz asked where the work will begin. Mr. Dowdy said around Burns Avenue. Mr. Collins said he could get a schedule to the Commission. Mayor Fultz said this is a great enhancement to our infrastructure.

Commissioner Howell asked how far south they are going. Mr. Dowdy said Highland Park and Babson Park. Commissioner Howell asked if a person could have both Comcast and Frontier. Mr. Dowdy said yes. They do have TV options but they are focusing on bandwidth right now. This will improve a person's internet experience.

Deputy Mayor Gibson said we are a community partner as they are in the Right of way.. Deputy Mayor

Gibson asked if they offer voice, internet and TV. Mr. Collins said they offer all three. Deputy Mayor Gibson asked about competitors. Who are they? Mr. Collins said Brighthouse, Spectrum and Comcast. Deputy Mayor Gibson said this is a service provided to the community by providing competition to Comcast.

James Slaton, City Manager, said we have needed this for a long time so that Comcast is not the only game in town. Mayor Fultz said this offers residents a choice.

Deputy Mayor Gibson asked how long this will take. Mr. Dowdy said they hope to start soon.

Mayor Fultz asked why they are coming to Lake Wales now? Mr. Collins said they see the growth opportunity here.

Commissioner Hilligoss asked if these lines are only for Frontier to use. Mr. Dowdy confirmed this. Commissioner Hilligoss asked if this is a monopoly. Mr. Collins said some communities do exclusive agreements but anyone can put lines down. This allows customers to choose. Mr. Collins said they don't require a contract for their services.

4. Agreement With The Lincoln Community Development Corporation

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider entering into an agreement with the Lincoln Community Development Corporation (LCDC) granting \$25,000 for services to be provided as described in Exhibit A.

RECOMMENDATION It is recommended that the City Commission consider the following action(s): 1. Approve the agreement with the Lincoln Community Development Corporation 2. Authorize the City Manager to execute the appropriate documents on the City's behalf

BACKGROUND The LCDC is seeking a grant in the amount of \$25,000 to provide services to the Northwest Neighborhood Community. Key services to be provided include:

LCDC Committee Budgeted Items Budget

Events and Recreation 1. Street Festivals (Juneteenth, MLK)

2. Open Market Street Vending Events

3. Business Showcase Events

4. Community Events/Workshops 3,000

Business & Economic Development 1. Financial Literacy Training

2. Business Development Training

3. Micro-grants (Business Incentives) \$7,000

Property & Land Development

1. Heirs Property and Other Housing Programs

2. Land Banking

3. Community Projects 15,000

The LCDC shall present reports to the CRA at the request of its Executive Director identifying completed activities and the related expenditure of public funds and shall maintain books and records in a form that may be reviewed and audited by the CRA in order that the CRA may ensure that the activities and services to be provided have been performed

OPTIONS 1. The City Commission may choose not to grant the funds to the LCDC

FISCAL IMPACT The agreement calls for the City to pay: An initial grant of \$25,000

[End Agenda memo]

James Slaton, City Manager, reviewed this item.

5. Agreement With The Lake Wales Arts Council (LWAC)

[Begin Agenda Memo]

SYNOPSIS:

Council granting \$50,000 to provide enhanced performing arts programs for the City of Lake Wales and its surrounding areas for the benefit of the community.

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

1. Approve the agreement with the Lake Wales Arts Council
2. Authorize the City Manager to execute the appropriate documents on the City's behalf

BACKGROUND

The LWAC has expressed a willingness to provide enhanced performing arts programs for the City of Lake Wales and its surrounding areas for the benefit of the community and its citizens. Staff has determined that a public purpose would be met by providing public funds to facilitate the operation of the LWAC for the purpose of providing enhanced performing arts programming. The LWAC shall present reports to the City at the request of the City Commission or the City Manager identifying completed activities and the related expenditure of public funds and shall maintain books and records in a form that may be reviewed and audited by the City.

OPTIONS 1. The City Commission may choose not to grant the funds to the LWAC

FISCAL IMPACT The agreement calls for the City to pay: - An initial grant of \$50,000

[End Agenda Memo]

James Slaton, City Manager, reviewed this item. They will be asked to give a report on how funds are spent.

Mayor Fultz said they have quality concerts there.

6. Scenic Bluff Phase II Final Plat Approval

[Begin Agenda Memo]

SYNOPSIS: Clayton Properties Group, Inc., owner, requests approval of the Scenic Bluff Phase II Final Plat.

RECOMMENDATION Staff recommends approval of the Final Plat. Neither a recommendation from the Planning Board, nor a public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the City Commission is a formality.

BACKGROUND

The subject property is located on the south side of City Limits Road, just west of Lake Wales High School, and adjacent to Scenic Bluff Phase I which was platted in 2018. Homes in Phase I are under construction.

The Scenic Bluff Phase II 55-lot preliminary subdivision plat was approved by the Planning and Zoning Board on February 25, 2020 as a standard subdivision that does not deviate from the R-1D zoning district requirements. In September of 2020, site construction plans were submitted to the City, and were approved in March of 2021.

Pursuant to Section 23-223.4 of the City's Land Development Code, the City accepted a performance bond in July of 2021 in lieu of constructing certain improvements prior to approval of the final plat. The performance bond was reviewed by the City Attorney in October, prior to acceptance.

FISCAL IMPACT Approval of the final plat enables the construction of 55 new single-family homes. Conservatively estimating a taxable value of \$200,000 per unit, it could potentially result in over \$11 million in taxable value, and generate \$74,000 in ad valorem taxes. *Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End agenda memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Gibson asked if they have City infrastructure. Mr. Bennett said yes.

7. Ordinance 2021-28 Vacation Of A Portion Of Gibson Avenue Right-Of-Way

[Begin Agenda Memo]

SYNOPSIS: Peterson & Myers, P.A., agent for Hunt Bros Inc., has petitioned for the vacation of a portion of Gibson Avenue located south of 249 West State Road 60.

RECOMMENDATION Approval at first reading, following a public hearing, to vacate the Gibson Avenue right-of-way (ROW) described in Ordinance 2021-28.

BACKGROUND The subject ROW is located south of State Road 60 West, and southeast of Lime Avenue and Sharp Street. Petition for vacation was initially received by the City in 2019; however, it was placed on hold by the petitioner until this year.

The ROW was originally platted to provide an additional East-West ROW between Miami Street and Sharp Street prior to the Development of state Road 60. Since the completion of the state highway, this ROW has created a complex intersection among State Road 60, Twin Lake Boulevard, and Gibson Avenue. Hunt Bros Inc. is the owner of all land abutting to the north and south of the ROW; therefore, the ROW is no longer necessary to afford access to the properties it serves. No Impacts of Closure have been identified.

Documentation of approval from public and private utilities has been provided, and no property will be deprived of public access by its vacation.

FISCAL IMPACT Vacation of the ROW would enable the future development of this property and the potential increase in property value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

8. Ordinance D2021-15 – Amendments To The Comprehensive Plan –2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Development Services Staff requests the approval of City Commission to amend the City of Lake Wales Comprehensive Plan to include a revised Future Transportation Network Map, and a proposed Property Rights Element.

RECOMMENDATION Staff recommends adoption at second reading, following a public hearing, for the following:

A revised Future Transportation Network Map Proposed Property Rights Element Following approval at first reading, the proposed amendments were transmitted to DEO for review.

The review was completed with no objections.

BACKGROUND Future Transportation Network Map

The City of Lake Wales recently updated the Comprehensive Plan based on the Evaluation and Appraisal Report (EAR), with a new planning timeline to the year 2040. During the compliance review of the updated Plan, the Florida Department of Economic Opportunity (DEO) staff identified a need for Future Transportation Network Map.

While the adopted map identified collector and arterial roadways, it did not show the lane types (2 lane vs 4 lane, divided vs. undivided). DEO found the updated amendment to be in compliance. However, to address their concerns, the proposed change to the Future Transportation Network Map is suggested.

Property Rights Element House Bill 59 became law on June 29, 2021, adding Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government must adopt a property rights element in its comprehensive plan by its next plan amendment initiated after July 1, 2021. Staff has opted to utilize the following Property Rights Element language prepared by the Regional Planning Council:

POLICY: Consistent with Section 163.3177(6), Florida Statutes, the City of Lake Wales shall consider the following private property rights in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift. On August 31, 2021, the Planning Board recommended approval of the amendments.

FISCAL IMPACT None.

[End Agenda memo]

Mark Bennett, Development Services Director, reviewed this item.

9. Ditch Witch Purchase

[Begin Agenda Memo]

SYNOPSIS: Witch of Florida and Plant City for the purchase of a machine to locate underground utilities.
STAFF

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

1. Approve expending funding for \$28,814.12 for the purchase of a ditch witch-locating machine.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

Locating utilities can avoid outages and disruptions. Unknowingly cutting a line could cause a home, neighborhood, or even an entire section of the city to lose the ability to have utilities.

While human safety is paramount, there is a significant risk of causing a service outage when digging without locating utilities. Accurate information regarding the existing underground utilities is required when excavation is planned. Lack of knowledge on this may result in fatality and catastrophic damages of existing underground utilities and disruption to utility services. The locator that staff is currently using will not locate utilities that are not marked with some type of metal locator wire. It will not locate clay pipe, which is the pipe that was typically installed for the sewer system. The ditch witch locates by using ground-penetrating radar. Staff recommends the commission approve to expend funds for \$28,814.12 for the purchase, and authorize the City Manager to execute any documents on the City's behalf. Staff did not chose the lowest cost machine, due to all types of city piping would not be able to be located using that particular locator.

OTHER OPTION The Commission could chose not to approve this purchase.

FISCAL IMPACT The 2021-2022 Capital Improvements Plan has budgeted \$181,500.00 for the purchase of miscellaneous equipment. The Ditch Witch locator will subtract \$28,814.12 from the amount referenced above.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

10. Infiltration And Intrusion Testing And Repair By USSI, LLC

[Begin Agenda Memo]

SYNOPSIS: LLC to perform infiltration and intrusion testing and repairs to various lift stations and their respective service areas.

STAFF RECOMMENDATION It is recommended that the City Commission consider taking the following action: 1. Approve expending funding for \$226,460.00 to perform infiltration and intrusion testing and repair on various lift stations and their respective service areas. 2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

Infiltration and intrusion is when groundwater enters the sanitary sewer system through faulty pipes or manholes. These pipes might have cracks or leaks that let the water in. This can happen because of age, design, installation or maintenance issues or even tree root intrusion. Inflow and infiltration water is referred to as "clear water" distinguishing it from sanitary sewage water. When clear water gets into the wastewater and sewer system, it gets treated. When it is treated, it cost the city money. It also takes up valuable capacity within the collection system and the wastewater treatment facility.

Several indicators indicate there is an infiltration problem within the sanitary system:

- Lift station pumps run for a long time after a rain event or it has a large number of starts and stops after it rains. This means storm water has entered the sanitary sewer system and is on its way to be treated.
- Pipes back-up. Manholes spill wastewater onto roadways or green space.
- Significant spikes in flow is seen at the wastewater treatment plant corresponding to precipitation events or high groundwater conditions.

Staff is seeing some of these same indicators happening within the City sanitary sewer system. The Commission at the December 15, 2020 commission meeting approved entering into a piggyback agreement with USSI, LLC and approved the first phase of testing and repairs. Staff is ready to proceed with the second phase of infiltration and intrusion testing and repairs. Staff recommends the commission approve to expend funds for \$226,460.00 to perform infiltration testing and repairs on various lift stations and their respective service areas, and authorize the City Manager to execute any documents on the City's behalf.

OTHER OPTION The delay in testing the specified area will continue to allow groundwater to continue to infiltrate the sanitary sewer system causing extended wear and tear on all sanitary sewer system components.

FISCAL IMPACT The 2021-2022 Capital Improvements Plan has budgeted \$223,000 to address this problem system wide. The total for the areas identified in the attachments is \$226,460.00. A budget transfer for \$3,460.00 would be required to be able to fund the project totally.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

11. City Manager Performance Evaluation

Deputy Mayor Gibson said they can't comment on his relationship with staff. This should not be on the evaluation form. Commissioner Williams agreed. Mayor Fultz said he had no problem answering that as he has been around longer. Deputy Mayor Gibson said that he has an office in the building and knows something of this. Mayor Fultz said he noticed morale has picked up. Mayor Fultz said there are some 3s in some areas and asked if there are any suggested improvements. Mr. Slaton said he is open to suggestions for improvements. Mr. Slaton he is open to any comments from the Commission. Mayor Fultz asked about a bonus or increase in pay. Mr. Slaton said thank you but as merit raises for employees have been cut he is not requesting an increase at this time.

Mayor Fultz asked the Commission if we need to change the forms. Ms. Davis said she can provide other forms for review.

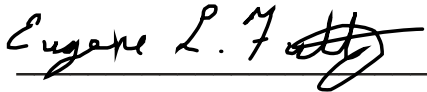
12. CITY COMMISSION AND MAYOR COMMENTS

James Slaton, City Manager, said there will be another item on the agenda Tuesday.

Stephanie Edwards, Support Services/Recreation Manager, reported that an item will be on the agenda concerning the purchase of Aviation Fuels from Titan Aviation Fuels for 3 years. Mr. Slaton asked to confirm that this was competitively bid. Ms. Edwards confirmed it was.

13. ADJOURN

The meeting was adjourned at 3:14 p.m.



Mayor

ATTEST:

City Clerk