

# City Commission Meeting Minutes

March 7, 2023

(APPROVED)

3/7/2023 - Minutes

## 1. INVOCATION

Rev JJ Pierce gave the invocation.

## 2. PLEDGE OF ALLEGIANCE

## 3. CALL TO ORDER

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

## 4. ROLL CALL

**Commissioners Present:** Robin Gibson, Terrye Howell, Danny Krueger, Mayor Jack Hilligoss, Daniel Williams

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

## 5. PROCLAMATIONS AND AWARDS

### 5.I. PROCLAMATION - Irish Heritage Month

Mayor Hilligoss proclaimed March as Irish American Heritage month. Greg Sean Canning with the Ancient Order of Hibernians accepted the proclamation.

## 6. COMMENTS AND PETITIONS

Cathy Blocker, non-resident, expressed concerns about the ADS plant. She is concerned about possible contamination of water, noise and additional traffic. The fumes can cause health problems in residents. It is too close to our neighborhood.

Matt Para, resident, shared a photo of a house that burned down awhile ago. He is concerned about the house still being there and safety concerns.

Bruce Francis, non-resident, spoke against the ADS plant. This project needs a review for compatibility. This needs more study on impacts to the nearby residents.

Diane Border, non-resident, spoke against the ADS plant. It should not be near her neighborhood.

Cassandra Richards, non-resident, spoke against the ADS plant. She is concerned about the risks of contamination and exposure to chemicals that could damage the health of residents. She suggested it be built near the downtown.

Juanita Zwaryczuk, resident and President of AAUW, expressed disagreement for the refusal to present the Equal Pay Proclamation. The AAUW is a Lake Wales organization. She explained the significance of Equal Pay Day and said it should meet the criteria for a proclamation.

Charlene Bennett, resident, expressed concerns about recent opinions from City Attorney Galloway on several recent issues. Does the public and commission have confidence in the City Attorney. She said she had concerns about the Chamber leader's report on the ADS plant.

Catherine Price, resident, expressed concern about the improper notice of public meetings. The community should be able to get information on the ADS project. The planning department should be the ones doing the fact finding. The Commission should hold staff accountable.

Richard Evans, non resident, spoke on the ADS plant. He opposes the location. He is concerned about plastics breaking down.

Christine Link, non-resident, spoke against the ADS plant. It could cause health problems and contaminate the property. She would like to keep the orange groves.

Becky Wynkoop, resident, spoke on the ADS plant. She expressed concern about additional traffic and pollution.

Al Goldstein, resident, spoke against the insults to the Commission, attorney, and staff. We need a paper to provide more information to the public.

Terry Christian, property owner, spoke on the ADS plant and said many people are concerned about health and their families. He spoke against the aggression of the Police Department.

Jamilia Highsmith, non-resident, spoke on the ADS plant. She said the money that might be brought in isn't worth our lives. We don't want the pollution.

Skip Alford, President and CEO of the Chamber of Commerce and EDC, spoke in favor of the ADS plant. He toured the plant in Sebring and described how the pipes are made. There is minimal noise. The traffic will be better with pipes instead of citrus. There will be no smokestacks. He encouraged everyone to get the facts. This is light industry. It will bring in \$46 million in economic development benefits.

## 7. CITY CLERK

### 7.1. Board Appointment To Code Enforcement Board [Begin Agenda Memo]

**SYNOPSIS:** Appointments to fill vacancy on the Code Enforcement Board

**RECOMMENDATION** Staff recommends that the Mayor and Commission make the following appointments and reappointments as deemed appropriate.

1. Appoint Mark Bennett to the Code Enforcement Board to a new term to expire July 1, 2025.

**BACKGROUND** 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: 1 alternate seat There is a vacancy on the Code Enforcement Board due to resignation.

Current Members:

Dwight Wilson, resident 07/01/21 – 07/01/24 2

Courtney Schmitt, resident 07/01/21 – 07/01/24, 1

Curtis Gibson, resident 07/01/2022 – 07/01/2025, 1

Ralph E. Marino, resident 07/01/22 – 07/01/2025

Bruce Austell, resident 02/04/2022 – 07/01/2025 P+1

Julia Paul, resident, 02/18/20 – 07/01/23 P

Sara Jones, resident 07/01/21 – 07/01/2024 1

Bueford "Bud" Colburn (alternate) 07/01/22 – 07/01/25 1

Rodney Cannon 07/01/22-7/1/2025

Applying for Appointment: Mark Bennett has applied to serve and staff recommends that he be appointed to serve as an alternate for a term to expire July 1, 2025.

FISCAL IMPACT None. These are volunteer boards

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Mayor Hillgoss appointed Mark Bennett to the Code Enforcement board as an alternate for a term that expires on July 1, 2025.

A motion was made and seconded by Deputy Mayor Gibson to approve the appointment.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

## 8. 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 Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

### 8.I. Minutes - February 21, 2023 And March 1, 2023

### 8.II. Appointment Of Alternate Canvassing Board Members [Begin Agenda Memo]

**SYNOPSIS:** It is necessary for the Commission to appoint alternate members to serve on the City of Lake Wales Canvassing Board.

**RECOMMENDATION** It is recommended that the City Commission take the following action:

1. Appoint residents Al Goldstein, Jennifer Anderson-Leeks and Eugene Fultz to serve as alternate members to the Lake Wales Canvassing Board.

2. Designate the City Clerk and/or Deputy City Clerk to represent the Canvassing Board at the Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A) on Tuesday, March 28, 2023 at 3:30 p.m. The City Clerk is required to attend the L&A Testing but if unavailable it is necessary to authorize a person to attend on behalf of the City Clerk if a Canvassing board member is unavailable to attend the L&A Testing.

### **BACKGROUND**

The City Commission serves as the Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. However, there are legal rules that apply. No member can serve if they are a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an intentional effort to

demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07.

There are two seats up for election and one of the Commission members is running in the election so those members do not qualify to serve on the Canvassing Board. Three members are necessary for a quorum. Even with four members it is still necessary for the Commission to appoint alternate members to serve on the Canvassing Board if a lack of a quorum is created on the Canvassing Board due to the legal rules that applies or any other unavoidable cause. In accordance with Sec. 8-26, Lake Wales Code of Ordinances, the City Commission may appoint the city manager, city attorney, or a resident/s to serve as a member to the Canvassing Board in the absence of the Commission member creating the lack of quorum.

Al Goldstein, Eugene Fultz, and Jennifer Anderson Leeks have served as canvassing board members previously and on other City boards. The City Clerk recommends their appointment.

Per Florida Statute, Canvassing Board members are required to attend the following meetings. Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A) Tuesday, March 28, 2023; 3:30 p.m. Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway).

**-At least 1 member of the Canvassing Board or representative must attend the L&A Testing.**

Election Night Canvassing of Ballots Tuesday, April 4, 2023, time to be scheduled by SOE (5:00 p.m.) Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

**-A quorum must be present and must remain until all ballots are tabulated.**

Certification of Election City of Lake Wales Municipal Administration Building Thursday, April 6, 2023; 5:00 p.m.

**-A Quorum must be present.**

Post-Election Manual Audit Date & Time to be determined – Tuesday April 11, 2023 Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

**-A quorum must be present.**

[End Agenda Memo]

### 8.III. Rescheduling First City Commission Meeting In April

[Begin Agenda memo]

**SYNOPSIS:** It is necessary for the City Commission to reschedule its first meeting in April due to the April 4, 2023 Municipal Election

**RECOMMENDATION** It is recommended that the City Commission take the following action:

1. Reschedule the first City Commission meeting in April from 6:00 p.m., Tuesday, April 4, 2023 to 6:00 p.m., Wednesday, April 5, 2023 due to the April 4, 2023 Municipal Election.

**BACKGROUND** Pursuant to authority provided by F.S. § 100.3605, the City adopted the first Tuesday in April as the date for all regular city elections to fill the office of city commissioner. The City's election this year is on Tuesday, April 4, 2023, which is the same day as the first regular scheduled Commission meeting in April. It is necessary for the Commission to reschedule its first Commission meeting in April from 6:00 p.m., Tuesday, April 4, 2023 to 6:00 p.m., Wednesday, April 5, 2023.

**OTHER OPTIONS** The Commission could choose another date.

[End Agenda memo]

8.IV. Rebuilding American Infrastructure With Sustainability And Equity Grant Application For 2023

[Begin Agenda Memo]

**SUBJECT:** Rebuilding American Infrastructure with Sustainability and Equity Grant Application for 2023

**SYNOPSIS:** Lee Hale, Hale Innovations, serves as the city grant consultant and has prepared an extensive grant application to submit to the U.S. Department of Transportation a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program. This is the new name for TIGER program.

**BACKGROUND:** This grant application is for the Complete Streets redesign of 1st Street, Central Avenue, and Lincoln Avenue. These projects are part of the adopted "Lake Wales Connected: The Downtown Revitalization Plan". The Grant Application seeks a 100% funding for the total project costs of \$24,075,000.

**FISCAL IMPACT** There is a cost for the consultant to prepare and submit the grant and attend to any follow up on the application. The city is seeking 100% grant for the funding of the Complete Streets as presented in the RAISE Grant Project Budget document. Other impacts will include project management oversight and ongoing O&M when project is complete.

**RECOMMENDATION:** Authorize city manager to execute the grant application and authorize the consultant to submit the application and supporting documents through the Grants portal.

[End Agenda Memo]

8.V. Recreational Trails Program Grant Application – Kiwanis Park Looping Trail

[Begin Agenda memo]

**SYNOPSIS:** Lee Hale, Hale Innovations, serves as the city grant consultant and has drafted an application to submit for a Recreational Trails Program (RP) grant for Kiwanis Park. City staff and the Parks and Rec Commission have reviewed the draft proposal for submitting a grant application to install a 12-foot wide looping trail along the borders of Kiwanis Park.

**BACKGROUND**

The Kiwanis Park Trail Loop (Project) will install a 12-foot wide multi-use asphalt trail along

2,400 lineal feet of the east, west, and southern borders of Kiwanis Park. It will provide connectivity between the already established "Lake Wales Trailways Trail" (constructed with previous funding through RTP) and the "Lake Wales Trail" - two Florida Greenways and Trails System designated trails. The Project trail will be ADA accessible and provide access to Kiwanis Park's soccer field, and skate park. It will also install a crosswalk with rectangular rapid flashing beacons (RRFB) where the trail crosses N. Lakeshore Blvd. to connect with the Lake Wales Trail to facilitate safe user crossing. Additionally, 817 lineal feet of chain link fence will be replaced along the southwestern quadrant of Kiwanis Park.

The proposal was discussed at a Park and Rec Committee workshop as there was not a quorum. The consensus of those in attendance was to proceed with the proposal. City staff posted a notice of a public meeting to take input on the proposal. That meeting will be held on Monday, February 27th at 5:30.

**FISCAL IMPACT** Total cost of the proposed project is estimated at \$355,200. It is expected the city would qualify for an 80/20 grant, which would make the city portion \$71,040 and the Grant award \$284,160.

**RECOMMENDATION:** Authorize city manager to execute the grant application and submit the application and supporting documents to the Florida DEP, who administers the grant.

[End Agenda Memo]

8.VI. Award Of Bid #22-502R Water Main Replacement Phase 2

[Begin Agenda Memo]

**SYNOPSIS:** Award of Bid to Tri-Sure Corporation for \$4,373,295.00 for the removal and replacement of water main in various locations in the city.

**RECOMMENDATION** It is recommended that Commission take the following action:

1. Award the bid to Tri-Sure Corporation for the removal and replacement of water main in various locations in the city for \$4,373,295.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND** The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace this water main in areas where the original pipe installations are now too small to service the area with sufficient flows and pressures. The pipe staff is seeking to replace are old galvanized lines that have corroded over time and are no longer functioning at peak performance. The streets being affected with this project are Wildabon Ave, Osceola Ave, Hillside Ave, Highview Drive, Tower Blvd, North Lakeshore Blvd, 7th,8th, and 9 th Streets, Edgewater Drive, Scenic Hwy N, and Lincoln Ave.

The Commission, at its January 12, 2021 city commission meeting approved entering into a contract with Dewberry Engineering for the design and engineering of the water main replacement phase 2 project to take place in various locations throughout the city. The

Commission, at its July 19, 2022 city commission meeting, approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund. Staff is now at the stage in the construction process of awarding the bid for construction.

Staff submitted a request for bid for the above referenced project, in which five bidders responded. Of the five bidders, Tri-Sure Corporation was declared the most responsive low bidder after engineer review and evaluation of the bids. Staff recommends the Commission take the following action, approve the award of bid to Tri-Sure Corporation for \$4,373,295.00 and authorize the City Manager to execute the appropriate documents, on the City's behalf.

**OTHER OPTIONS** The Commission could chooses not to approve the contract listed above and direct staff to return the project back out to bid, at the risk of losing the City's funding approval through the State Revolving Loan Fund.

**FISCAL IMPACT** The 2022-2023 Capital Improvements Plan has budgeted \$3,670,000, to which funding being provided through the State Revolving Fund Loan Program (SRF). While the bids came in higher than anticipated, an amendment will be requested from SRF to provide the additional funding.

[End Agenda Memo]

8.VII. Compact Vertical Mast Light Towers

[Begin Agenda Memo]

**SYNOPSIS:** Staff requests City Commission approval to expend funds for \$21,674.00 for two Wacker Neuson LTV6L Compact Vertical Mast Light Towers, utilizing Kelly Tractor Company State Contract # FSA20-EQU18.0.

**STAFF RECOMMENDATION** It is recommended that the City Commission consider taking the following action: 1. Approve the expenditure of funds for \$21,674.00 to Kelly Tractor Company for the purchase of two Compact Vertical Mast Light Towers utilizing State Contract # FSA20-EQU18.0. 2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND** The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line, 75 Miles of 2 to 16 inch Force Main, and 41 Lift stations. There are times when staff needs to perform work at night due to broken sewer lines, lift station failures, treatment facility functions and other repairs associated with operating a collection system and a wastewater treatment facility. There are areas, in which the above-mentioned task are performed that are not well lit making repairs difficult and causing a safety concern for the employees to do their jobs.

Staff recommends the Commission approve the following action, expend funds in the amount of \$21,674.00.00 for two Compact Vertical Mast Light Towers from Kelly Tractor Company utilizing pricing from State Contract # FSA20-EQU18.0.

**OTHER OPTIONS** None. The safety of staff is a priority.



**FISCAL IMPACT** \$140,000.00 is budgeted in the Utilities FY '22-'23 Capital Improvements Plan Budget for this purpose. Funding source for this purchase are utilities operating revenue.

[End Agenda Memo]

8.VIII. Dewater And Cured-In-Place Piping (CIPP) Lining On Four 4 To 6 Inch Sewer Laterals.

[Begin Agenda Memo]

**SYNOPSIS:** Staff requests City Commission approval to expend funds in the amount of \$37,120.00 for dewatering and CIPP lining a section that includes 4 sewer laterals up to 24” in length that are leaking in several areas causing infiltration and/or seepage, utilizing Vortex Services, LLC.

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

1. Approve the expenditure of funds in the amount of \$37,120.00 to Vortex Services, for Dewatering and CIPP installation.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND** The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line, 75 Miles of 2 to 16 inch Force Mains and 6,190 sewer connections. Due to the age of some of the gravity sewer lines, force mains and sewer laterals they will break over time. It has been determined that it is more feasible to CIPP line the laterals then take the system off line and replace them. Once the laterals are slip lined it will prevent any infiltration of ground water or seepage of sewer, maintaining compliance within the sewer system. The four - 4” to 6” sewer laterals that are on Dr. MLK Jr Blvd were inspected for water intrusion and it was determined by city staff that it was leaking in several areas causing ground water intrusion and sand to accumulate in the pipe, which can lead to excessive wear on motors once the sewer has reached the lift stations. Staff contacted Vortex Services and had them assess the condition and provide pricing for the Dewatering and CIPP lining of 4 sewer laterals on Dr. MLK Jr. Blvd. Staff recommends the commission take the following action; approve expending funds for \$37,120.00 for Dewatering and CIPP lining utilizing pricing from Vortex Services, LLC Piggyback with Hernando County.

**OTHER OPTIONS** None. Maintenance of these wastewater system components becomes necessary from time to time to maintain the integrity of the system

**FISCAL IMPACT** The Wastewater Department has placed \$200,000.00 in the FY 2022-23.

[End Agenda Memo]

8.IX. Water Treatment Plant #1 & #2 (WTP#1 WTP #2) Odyssey Chlorine Skid Replacement

[Begin Agenda memo]

**SYNOPSIS:** The current chlorination system skid at WTP #1 & WTP #2 are at the end of life and in need of replacement.

**STAFF RECOMMENDATION** It is recommended that Commission take the following action:

1. Authorize the expenditure of \$77,449.00 to Odyssey Manufacturing for the purchase and installation of the chlorination skids located at WTP #1 and WTP #2.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND** Due to the corrosive nature of various chemicals involved in the water treatment process, it becomes necessary for these chemical systems to require periodic maintenance and replacement to ensure continued operation. The main chemical used in the disinfection of water is sodium hypochlorite (chlorine). The pumps, tubing and various transmission systems tend to corrode over time due to the nature of the chemical and exposure to the elements. The original equipment slated for replacement was installed in 2008. These system components are beginning to show wear and tear. Odyssey Manufacturing currently is the annual contract holder for the supply of sodium hypochlorite and the original installers of the equipment when the City switched to liquid chlorine in 2008. Staff recommends the Commission take the following action, approve expenditures of \$77,449.00 with Odyssey Manufacturing for the purchase and replacement of the chlorination skids located at WTP#1 and WTP #2, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

**OTHER OPTIONS** The Commission could choose not to approve the expenditure listed above, in turn putting these repairs off to a later date risking system failure.

**FISCAL IMPACT** \$200,000 was placed in the FY 2022-2023 Capital Improvement budget line item for Chlorination System Rehab. Funding source for this purchase are utilities operating revenue.

[End Agenda Memo]

- 8.X. Purchase Authorization – Electro Mechanic Industries, Inc. DBA Vermana.  
[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approving the proposal from Vermana for resurfacing the pool at the Lake Wales Family YMCA.

**RECOMMENDATION** It is recommended that the City Commission take the following action (s):  
1. Approve the award of contract subsequent to RFP 23-523 to Vermana. 2. Authorize the City Manager to execute the contract on behalf of the City.

**BACKGROUND** The City purchased the Lake Wales Family YMCA in March 2020. City staff was notified in 2022 the Health Department was requiring the pool to be resurfaced. City Commission approved \$200,000 in the FY 22/23 Capital Improvement Program budget for YMCA Rehab. The proposed submitted by Vermana is \$6,230 less than budget appropriations.

City Staff advertised a request for sealed proposals (RFP 23-523) and received two proposals. Each firm was independently-evaluated by City staff against the following criteria:

- Price
- Project Approach
- Qualifications of Proposer
- Previous Projects

Proposals were ranked as follows:

The 1st Ranked Firm is: Electro-Mechanic Industries, Inc. BDA Vermana The 2nd Ranked Firm is: USA Construction

**OTHER OPTIONS** The City Commission may direct staff to re-advertise the Request for Proposals or select an alternate vendor to perform the upgrades.

**FISCAL IMPACT** \$200,000 is appropriated in the FY 22/23 budget for capital repair projects at the YMCA, of which \$193,770 would be allocated for the pool resurfacing.

[End Agenda Memo]

9. OLD BUSINESS

10. NEW BUSINESS

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reviewed the Code of Ordinances on why the ADS plant would not be approved by the Commission. The Commission can change the ordinance if they want. He reviewed the definition of heavy uses. He confirmed that he has withdrawn as City Attorney for the Village of Highland Park until the ADS matter gets resolved.

12. CITY MANAGER

James Slaton, City Manager, said that construction on Park Avenue has begun. The section between 1st Street and Wetmore Ave. is closed until August. He reviewed other areas for parking.

Mr. Slaton said that March 20 is the kick-off for Lake Wales Envisioned Plan.

12.I. Commission Meeting Calendar

13. CITY COMMISSION COMMENTS

Commissioner Krueger said he will reserve comments on the pipe factory until he has seen it himself. He is scheduled for a tour in the near future.

Commissioner Williams said he is going to see the plant on the 16th.

Commissioner Howell said she hopes the issue with the burnt house will be addressed.

Commissioner Howell said more people need more information on the ADS project. She is scheduled to go see the plant. The community needs to talk about it and get answers. She still is concerned about the

difference between heavy and light industry. The word hazardous is a concern.

Commissioner Howell expressed support for the Equal Pay for Women Proclamation. Women in the city should be paid the same. She didn't realize this was still an issue. Commissioner Krueger said this issue was resolved a long time ago.

Commissioner Howell asked about sign changes in downtown. These might need updating.

Commissioner Howell asked about the video.

Deputy Mayor Gibson asked about additional counsel regarding the ADS project. James Slaton, City Manager, said Tom Cloud will work on this for us. Deputy Mayor Gibson said this is the right thing to do.

Deputy Mayor Gibson said regarding Comments and Petitions changes. The errors related to this were human error. A comprehensive explanation to the public on how the errors happened and that they were straightened out.

Deputy Mayor Gibson said he looks forward to seeing the plant in Sebring. He toured the Winter Garden plant. There is an apartment complex near by that is nearly full. The residents he spoke to had positive reports about the plant. He said he is looking for factual information on this.

Deputy Mayor Gibson said he is glad the project on Park Avenue has gotten started.

#### 14. MAYOR COMMENTS

Mayor Hilligoss explained that the ADS issue will not come before Commission. If it did he would welcome it.

Mayor Hilligoss said he offered to approve the Equal Pay proclamation if it were rewritten and resubmitted.

#### 15. ADJOURNMENT

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

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Mayor

ATTEST

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City Clerk