

City Commission Work Session Minutes

March 29, 2023

(APPROVED)

3/29/2023 - Minutes

1. CALL TO ORDER & ROLL CALL

Members Present: Robin Gibson, Terrye Howell, Daniel Williams, Danny Krueger

Members Absent: Mayor Jack Hilligoss

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

Deputy Mayor Robin Gibson called the meeting to order at approximately 2:00 p.m

2. City Manager Comments

James Slaton, City Manager, introduced Autumn Cochella Interim Director of Development Services to share an event.

Ms. Cochella reported on a cleanup event for Saturday April 1. There were questions about acceptable items to drop off. Ms. Cochella said nothing hazardous.

Mr. Slaton said Republic Services has not completed the cleanup from Saturday. They are still picking stuff up. Commissioner Howell asked about how the word was getting out. Mr. Slaton said notices were sent out and that volunteers are lined up.

3. Check Valve Assembly Replacement Water Treatment Plant #3 (WTP #3)

[Begin Agenda Memo]

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

1. Approve the expenditure of funds for \$22,548.50 to Fortiline Waterworks for the purchase of a check valve assembly for Water Treatment Plant #3.

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

BACKGROUND City staff operates several water treatment plants as a part of the City's water system. Installed at the water plants are check valve assemblies. A check valve is a one-way valve installed in pipelines to prevent water backflow. The check valve allows for the free flow of water in a specific direction. The flow can run freely one way, but if an unknown vacuum occurs in the line causing the flow to want to switch the direction, the valve will close to prevent cross contamination, protect the piping, other valves, pumps, etc. Preventive maintenance is a priority to maintain the equipment it takes to pump water into the distribution system. Despite following all manufacturers recommendations equipment will fail over time due to the extensive wear it encounters on a 24 /7 basis. Staff requested pricing from three vendors. Two of the three vendors responded with pricing attached. The third vendor was non-responsive. Staff recommends the

commission take the following action; approve the expenditure to Fortiline Waterworks for \$22,548.50 for a new check valve assembly.

OTHER OPTIONS None. In order to have the water plant operate to its full capacity, the check valve assembly needs to be changed.

FISCAL IMPACT Budgeted in the Utilities FY '22-'23 M & R Operating Budget, \$140,000.00 was placed in budget for this purpose

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

4. ORDINANCE 2023-15 Vacation Of An Alley Right-Of-Way 1st Reading And Public Hearing Notice Requirements Have Been Met

[Begin Agenda Memo]

SYNOPSIS: Monty Palma, authorized agent for owner, has petitioned for the vacation of a portion of an alley right-of-way (ROW) located east of E Street and north of DR J A Wiltshire Avenue W.

RECOMMENDATION Approval at first reading, following a public hearing, to vacate the right-of-way as described in Ordinance 2023-15.

BACKGROUND The subject ROW is located east of E Street, north of DR J A Wiltshire Avenue West, south of Lincoln Avenue, and west of D Street. The portion of the alley to be vacated is directly west of Roosevelt Academy, between parcels 272935-880000-002070 and 272935-880000-003120. Monty Palma, on behalf of property owner, is requesting to vacate the right of way with the intent to build homes on the infill lots.

This item was brought before the Development Review Committee in July of 2022. The Utilities Department confirmed the vacation would not be problematic regarding the existing sewer line, as they are requesting the existing sewer line within the alleyway be removed, and the applicant has agreed. The Police Department was in support of the vacation and the contemplated homes to keep vehicular traffic from cutting through portions of private property that are currently being utilized by the public today. Vacation of the portion of the alleyway, as shown in Attachment A, would not obstruct access for emergency services. In addition, all other outside, private utility agencies have not identified any issues regarding the vacation of this portion of right-of-way.

FISCAL IMPACT Vacation of the ROW described in Attachment A will encourage infill development of the adjacent properties.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

Ms. Cochella said the final plat approval for Mabel Place formerly known as the Bundy property may be on Wednesday agenda. She showed a map where the project is. No public hearing is associated with this.

5. Appointments – Recreation Commission

[Begin Agenda Memo]

RECOMMENDATION Staff recommends that the Mayor and Commission make the following appointments and reappointments as deemed appropriate. 1. Appoint Andrew Motis to the Recreation Commission to a term to expire July 1, 2025.

BACKGROUND 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). Recreation Commission (City Code Sec. 2-161) – The Recreation Commission consists of thirteen (13) members from Community Organizations providing a recreation program for the Community and three citizen members representing the citizens at large. A Quorum shall consist of 6 members (3-year term)

- There is no interview 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: 1 Citizen Vacancy

Current Meeting Schedule is the third Mondays of the month at 12:00 p.m. noon in the City Manager's Conference Room.

Current Members:

Keri Hunt, Citizen, 04/06/2022-07/01/2024, P

Jim Reddick, Citizen, 05/07/2019 – 7/1/2021, P

Laura Donaldson, Citizen 07/01/2021-07/01/2024, P+1

Curtis Reddick, Lake Wales Boys and Girls Club

Scott Blackburn, Lake Wales Little League

Burney Hayes, Lake Wales PAL

Patty McKeeman, Lake Wales Pram Fleet

Kara Wiseman, Lake Wales Public Library

Robbie Shields, Lake Wales Soccer Club

Jeanne Ward, Lake Wales Steelers

Eileen Farchmin, Webber International University

Vacant – Tennis

Vacant – Lake Wales YMCA

Vacant - Polk County School Board

Vacant – Lake Wales Charter Schools

Applying for Appointment: Andrew Motis for a term to expire July 1, 2025. Staff and the Recreation Commission recommend this appointment.

OPTIONS Do not appoint those that have applied.

FISCAL IMPACT None. These are volunteer boards.

[End agenda memo]

Jennifer Nanek, City Clerk, reviewed this item.

6. Special Event Permit: Wine Downtown

[Begin Agenda Memo]

SYNOPSIS This is a request by Main Street to have a wine walk event called Wine Downtown on Friday, April 14, 2023 from 4:00 p.m. – 8:00 p.m. The event will include alcohol.

RECOMMENDATION Staff recommends 1. That the City Commission approve the permit request to allow Main Street to host an event in the downtown on Stuart and Park Avenue and Scenic HWY and First Street to include the serving of alcohol on Friday, April 14, 2023 from 4:00 p.m. – 8:00 p.m.

BACKGROUND Lake Wales Main Street is planning to host a wine walk type of event on Friday, April 14, 2023 from 4:00 p.m. – 8:00 p.m. This event will allow participants to stroll through downtown with alcohol. Police officers will be present for the event. No streets will be closed.

OTHER OPTIONS Do not approve the Special Event Permit.

FISCAL IMPACT None. Lake Wales Main Street will cover the cost of off-duty officers.

[End Agenda memo]

Jennifer Nanek, City Clerk, reviewed this item.

Deputy Mayor Gibson said it is also the kick-off for Lake Wales Envisioned. Ms. Nanek confirmed this.

7. City Attorney Performance Evaluation

James Slaton, City Manager, invited discussion on the City Attorney's evaluation.

Commissioner Howell said she did her evaluation based on what she saw and felt. She asked if we haven't given him an evaluation sheet. Something he can keep erasing on. He needs something to go on or is it our fault or not. Some feel the City Attorney doesn't need to be here anymore. She thinks we should give him a chance to prove himself under conditions we give him.

Commissioner Williams said he is meeting with Mr. Galloway to find out exactly what he is supposed to do. He has questions. They will meet today that's why he didn't turn his evaluation in.

Commissioner Howell said she wants to be sure we are thinking about this the right way. We need to give Mr. Galloway some specific things to do. We should not let him go because he might not have a certain skillset.

Commissioner Williams said the City is doing bigger things and wonders if Mr. Galloway can take us to another level. He needs to tell us if he can or not. We may need to think about doing something different.

Commissioner Krueger said his feeling that a lot of things were not technical that should have been known ahead of time but were not discovered until after the fact. He gave the example of the potential toxic waste dump we almost bought for \$60,000. He researched this himself and he should not have had to do this. This should have been taken care of by legal as it ends up being a legal situation. Recently we have had to go to outside counsel. If we need outside counsel then let's have outside counsel.

Commissioner Howell says she doesn't know what the contract says. If it says one thing and we are evaluating him on something else then we need to go outside and get another attorney.

Deputy Mayor Gibson said he is familiar with what the job is. We have had certain embarrassing situations that did not make the City look good. He doesn't know whose responsibility is what. He wondered if city staff may not contact the City Attorney because of the cost of the hourly rate. Our City Attorney does well on Ordinances and Resolutions. He suggested possibly paying a lump sum amount. As to these two screwups he isn't too sure whose fault it was but he doesn't like it. He doesn't like the end result but isn't sure it is all the City Attorney's fault.

Commissioner Williams agreed he wasn't sure about fault either.

Albert Galloway, Jr., City Attorney, said he did not get involved in the ADS issue until that faulty notice in the paper. He has not been involved in Development Services to a great extent. Deputy Mayor Gibson said the defective notices have not been done correctly for years. This should have come to City Attorney's attention before. This is a test. Are we doing things right? We have a lot of competent people on City staff. Public embarrassment gets to me.

Sandra Davis, Human Resources Director, said the Commission does not wait another year to evaluate the City Attorney. An evaluation can be done more often especially if they want to set some expectations. Ms. Davis encouraged some one on one meetings if they want.

Commissioner Williams said one area of concern is the Kris Fitzgerald issue. He noted that Commissioner Howell has been asking about this. He sent an email to Mr. Galloway. Mr. Galloway responded to him. Commissioner Williams said he wondered why this response wasn't given to Commissioner Howell. Mr. Galloway answered because the others hadn't asked him. Commissioner Williams said he was confused about this. Mr. Galloway said he reported to Commissioner Howell about Kris Fitzgerald that he had talked to Ms. Fitzgerald and she said that she reached out to the Governor's office. That's what he knew. Commissioner Williams said that Mr. Galloway said he believed someone had spoke to her which leads to many citizens contacting him accusing the City of hiding something and not answering questions which led to his email. This leads it to look like we are covering something or hiding something. The answer Mr. Galloway sent him is what Mr. Galloway should have said and everyone should have heard. Many people including Commissioner Howell would have been fine and he would receive less public comment on this.

Commissioner Howell said the Kris Fitzgerald issue should have been resolved a long time ago. She wants to know what the Governor says in response to the City so we can move on. Whatever the answer is she doesn't want to keep hearing it or people to bring it up. Commissioner Williams said Mr. Galloway told him that Ms. Fitzgerald has to talk to the Governor. Commissioner Howell said she will keep bringing this up.

Commissioner Howell asked again about the Borders video. By not seeing the video people in Lake Wales think the City is not being transparent and hiding something. And then the ADS thing came up it was worse not just on the attorney but all of us. People think we are hiding something and are angry at us. Commissioner Howell said it upsets her that she can't get an answer on the Kris Fitzgerald. She gets comments on these issues all the time.

Commissioner Williams said he was accused personally of not allowing the video to be seen. Commissioner Howell said someone said no one wants the video to be seen. This is getting worse. I wish we can resolve these issues so we can move on.

Mr. Galloway said the Commission can direct him to contact the Governor's office on the Kris Fitzgerald issue. Ms. Fitzgerald contacted the Governor's office and so did the Ledger and nothing happened. Commissioner Howell asked if a vote is needed.

Commissioner Krueger said the Governor has a dilemma about overturning an election held since the suspension. What should he do? Commissioner Howell said the Governor needs to make a statement about it. Commissioner Krueger said this is not addressed in the statute. Commissioner Williams said he

believes Mr. Galloway should be intervening and taking care of this.

Deputy Mayor Gibson said that when there are people upset about an issue they want the commission to do something. Commissioner Krueger accurately stated the dilemma. He recommended write the letter back to the City Commissioner who made the inquiry as well as Commissioner Krueger who is impacted by this. He would send a copy of the statute and point out that provision of the statute that is subject to interpretation as to whether it would or would not preempt an intervening election. That is the issue. Then he recommended sending a copy to Ms. Fitzgerald and say there is a remedy for this. Its called mandamus and don't complain. She has to file the action for mandamus and go to court. The judge has the information and makes a decision. Because this hasn't been done its constant back and forth, distractions and taking us away from stuff the Commission needs to be doing. That letter should come back to the Commission, Ms. Fitzgerald and the Governor's Office.

Commissioner Howell said this sounds good. Many are saying its because she is black but no one knows. Deputy Mayor Gibson said their is an answer. Take initiative, find out the answer and get away from the frustration, anger and accusations. Go to objective 3rd party and get it resolved. Commissioner Howell said she just wants to have something.

Deputy Mayor Gibson said that in regards to the video. Write a letter, send to the Commission and clearly and legally fix the responsibility on the person who is holding it up in this case the Sheriff's office. A copy goes to the Sheriff's office. So all the people would need to direct their frustration at the correct person.

Commissioner Williams asked Mr. Galloway what he thinks. Mr. Galloway said he can do as suggested. Its not how he perceived what needed to be done. Deputy Mayor Gibson said this would fix legal responsibility where it belongs, notify everyone and take the Commission off the spot.

Commissioner Howell asked if we can direct the City Attorney to do this. Commissioner Williams agreed to direct the city attorney to address as Deputy Mayor Gibson recommends. Deputy Mayor Gibson offered to review the letter. Commissioner Williams asked why the Deputy Mayor should need to review it. Does he not think the City Attorney can do it correctly? Deputy Mayor Gibson said as this issue has been talked about he hasn't said anything as he didn't want to get in Mr. Galloway's business.

Commissioner Howell said people think this is our doing and its not. Its not the City's fault.

Commissioner Krueger shared a story about needing to kill a snake immediately.

8. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Howell asked if homes coming in can contribute funds towards a multi-purpose building similar to the tree replacement fund. We need more recreation facilities. Mr. Galloway said you could not do something from a taxation point. That's what it would be, a tax. Without a basis for it like other fees he doesn't think we can do a tax of that nature. James Slaton, City manager, said we will be getting recreation impact fees once homes start to be built. Autumn Cochella, Interim Development Services Director, said sometimes those things can happen as part of a developer's agreement but she confirmed that impact fees are forthcoming as these developments get started.

9. ADJOURN

The meeting was adjourned at 2:59 p.m.

ATTEST

City Clerk