

City Commission Meeting Minutes
April 21, 2020
(APPROVED)

This meeting was conducted virtually via tele conference in accordance with Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, allowing municipalities to conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

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1. INVOCATION

Mayor Fultz gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

Mayor Fultz read a statement:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Procedures for public participation will be explained by the City Attorney shortly.

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings.

Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

4. ROLL CALL

Commission Members Present: Eugene Fultz - Mayor, Terrye Howell, Al Goldstein, Curtis Gibson, Robin Gibson

Staff Present: Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PRESENTATION/REPORT

Joe Jenkins, Fire Chief and Emergency Operations Director, gave a report on the current COVID19 crisis. Currently there have been 356 cases in Polk County and 15 deaths. Yesterday was the 3rd highest day in cases so far. This may be due to cases in a local nursing home. The patients have been transferred to another facility for better care. Our peak was April 7th. He asked everyone not to let out guard down. We need to maintain social distancing. Our citizens seem to be complying fairly well. We can't go back yet. Commissioner Howell asked if we will have testing in Lake Wales yet. Chief Jenkins reviewed the County testing sites in Bartow and Lakeland. Those with symptoms can go to Lake Wales and they will be tested.

Mr. Fields said there are discussions about additional drive through sites that are going on. Mr. Fields said our case numbers are behind the State so Polk County may not have hit its peak yet. All the Cities and Counties may try to coordinate reopening procedures so that all move together. The schools have been closed for the rest of the year.

Commissioner Goldstein asked how our cases are matching up with the rest of the state. Mr. Fields said we are lagging behind. Our numbers are still going up. Commissioner Goldstein said we need to keep up with what everyone is doing and keep the public abreast. Mr. Fields said the state website is updated twice daily and we can send a summary of that data to the commission via email.

Deputy Mayor Robin Gibson said we may not be at the peak yet. The virus may not go away in the summer. If people venture out and cases rise then people will pull back. This is where we are until there is vaccine. This may be a long term thing.

5.I. Transmittal Of Comprehensive Annual Financial Report, For Fiscal Year Ended September 30, 2019

[Begin Agenda Memo]

SYNOPSIS: Transmittal of Comprehensive Annual Financial Report for fiscal year ended September 30, 2019.

STAFF RECOMMENDATION:

Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2019 and independent auditors' report as presented.

BACKGROUND:

In the independent auditors' report for the fiscal year ending September 30, 2019, the auditors (Cherry Bakert LLP, CPAs & Advisors) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2019, and the respective changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City utilized the professional services of Mike Brynjulfson, CPA for compilation of the annual audit. Mr. Brynjulfson will be attending the presentation of the annual report and be available to answer any questions relating to technical reporting requirements. This is the tenth year that the City has prepared a comprehensive annual financial report (CAFR).

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$56,830,455 (net position). As of September 30, 2019, the City reports an unrestricted net position of \$2,920,779 as compared to a deficit of \$2,369,616 in the prior year.
- The City's total net position increased by \$3,083,930. The governmental activities and business-type activities increased their net positions by 3% and 7%, respectively.
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$8,168,273; an increase of \$193,953 for the year. Approximately 40% of total fund balance is available for spending at the government's discretion (unassigned) compared to 34% in the prior year.

[End Agenda Memo]

Dorothy Abbott, Director of Finance, reviewed this item.

Ronald Conrad and Mike Brynjulfson from Cherry Bakert LLP CPAs & Advisors reported on the audit.

Mr. Ronald Conrad, Cherry Bakert, reviewed the findings from the audit. He said that this Comprehensive Annual Financial Report has been submitted to the Certificate of Achievement program. The City should receive this certificate again this year.

They had clean opinions on the financial statements. They had clean opinions on the grants. They had one finding concerning the FAA Grant regarding whether a certain report is required. This was a verbal miscommunication. This should not be an issue. There is a letter for the commission that gives a summary of the audit. The Government Accounting Standards Board has deferred some standards due to the current COVID crisis. This won't affect the City. The City has a general fund balance of \$4.28 million which is 27% of annual expenditures. This is consistent with the previous year.

Commissioner Howell made a motion to accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2019 and independent auditors' report as presented. Commissioner Goldstein seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

6. COMMUNICATIONS AND PETITIONS

7. CONSENT AGENDA

Deputy Mayor Robin Gibson recused himself from voting on the consent items as he was the candidate discussed at the canvassing board meetings.

Commissioner Howell made a motion to approve the consent agenda. Commissioner Goldstein seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

7.I. Minutes - March 3, 2020

7.II. Canvassing Board Minutes

Minutes of the Canvassing Board meetings

- [APRIL 7, 2020](#)
- [APRIL 9, 2020](#)
- [APRIL 14, 2020](#)

8. OLD BUSINESS

9. NEW BUSINESS

9.I. Resolution 2020-12, Highway Lighting Maintenance Agreement

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approving Resolution 2020-12, an agreement with the State of Florida Department of Transportation to maintain state highway lighting in the jurisdictional boundaries of the City.

RECOMMENDATION

1. Approve Resolution 2020-12, highway lighting maintenance agreement.
2. Authorize the Mayor to sign the resolution on behalf of the City.
3. Authorize the City Manager to execute the agreement on behalf of the city with the Florida Department of Transportation to maintain state highway lighting in the jurisdictional boundaries of the city.

BACKGROUND

In 2005 the City Commission approved a resolution authorizing the City Manager to execute on behalf of the City an agreement between the City of Lake Wales and the State of Florida Department of Transportation to maintain state highway lighting in the jurisdictional boundaries of the city.

Resolution 2020-12 continues the maintenance agreement for an additional seven (7) years. The city currently maintains 322 state highway lights. Current fiscal year compensation is \$84,436.13 (322 (lights) x \$291.36 (per light) x 90%). The per light rate shall increase by 3% each fiscal year.

OTHER OPTIONS

The Commission may choose not to accept the agreement.

FISCAL IMPACT

If the city does not accept the agreement with FDOT we will lose the annual compensation from FDOT which supports our annual city maintained lights maintenance budget.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-12** by title only.

RESOLUTION 2020-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE HIGHWAY LIGHTING WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY.

Commissioner Howell made a motion to adopt **RESOLUTION 2020-12**. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. Resolution 2020-13 Vacation Of Alley

[Begin Agenda Memo]

Synopsis: The Lake Wales Community Redevelopment Agency ("CRA") holds title to certain real property which was originally acquired from the School Board of Polk County, Florida. The CRA has been approached by the Lake Wales Charter Schools concerning a possible purchase of the 1919 School Building parcel for utilization by Bok Academy North. The attorney representing the Charter Schools for this transaction has requested that the City vacate an alley shown on the original Plat of Lake Wales within the block where the building is located.

Recommendation: That the City Commission approve the adoption of Resolution 2020-13 which will vacate the alley in question.

Background: The property was acquired from the School Board of Polk County, Florida, in June of 1995. Several proposals have been advanced over the years since acquisition but none have yet come to fruition. The contemplated action removes a possible impediment which affects title to a portion of the property. Vacation of the alley will remove this impediment.

Fiscal impact: Recording cost for the Resolution is \$10.50.

Alternatives: There are no alternatives which will operate to vacate the alley and clear it as an impediment to the title to the underlying property.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-13** by title only.

RESOLUTION NO. 2020-13

A RESOLUTION CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE PUBLIC IN AND TO THE ALLEY LYING WITHIN BLOCK 12 OF THE PLAT OF LAKE WALES AS

RECORDED IN PLAT BOOK 1, AT PAGE 88, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA

Kenneth Fields, City Manager, reviewed this item.

Deputy Mayor Robin Gibson explained why this had to be done by the Commission and not the CRA. Albert Galloway, Jr., City Attorney, reported that the closing of the 1919 School property hasn't taken place yet but will let them know when it does.

Commissioner Howell asked if we can still vacate the alley even though the property hasn't transferred yet? Mr. Galloway says its appropriate for the City to vacate the alley.

Commissioner Goldstein made a motion to approve **RESOLUTION 2020-13**. Deputy Mayor Robin Gibson seconded the motion.

by Roll Call vote:

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.III. Resolution 2020-14 – Annexation Agreement Between High Point Church Of God, Inc. And The City.

[Begin Agenda Memo]

SYNOPSIS

Resolution 2020-14 authorizes the Mayor to execute a binding annexation agreement between High Point Church of God, Inc. and the City for property not currently contiguous to the city limits.

RECOMMENDATION

Staff recommends adoption of Resolution 2020-14 and subsequent execution of the annexation agreement.

BACKGROUND

High Point Church of God, Inc. owns approximately 19.23 acres of property on the East side of Scenic Highway just south of the intersection with Chalet Suzanne Road. They are proposing a new church campus. The property is currently in the County. The County is unable to supply water and/or wastewater service to the property.

High Point church of god, Inc. is asking for the City to allow them to connect to existing water and wastewater lines to serve their property. They will provide improvement at their cost to the existing facilities to accommodate their development. The agreement covers all of the property proposed for development in the future.

Recordation in the Official Record Book of Polk County will insure that once the property is contiguous annexation can be enacted without further permission from the property owner(s).

[End Agenda Memo]

Jennifer Nanek, City Clerk read **RESOLUTION 2020-14** by title only

RESOLUTION 2020-14

**(Annexation Agreement between High Point Church of God, Inc. and the City of Lake Wales)
RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING THE MAYOR TO SIGN
AN ANNEXATION
AGREEMENT WITH HIGH POINT CHURCH OF GOD, INC FOR PROPERTY NOT CURRENTLY
CONTIGUOUS TO THE CITY LIMITS.**

Kathy Bangley, Assistant City Manager, reviewed this item.

Commissioner Curtis Gibson asked if this is on the east or west side of Scenic. Ms. Bangley said it is the west side near the Dollar General.

Commissioner Goldstein made a motion to adopt RESOLUTION 2020-14 by title only. Commissioner Howell seconded the motion.

By Roll Call Vote:

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, requested a copy of the signed Resolution 2020-13 and that it be recorded with the County Clerk for public records. A copy will be sent to the closing agent for the Charter Schools.

11. CITY MANAGER

Kenneth Fields, City Manager, reported that the City Clerk, Jennifer Nanek received her CMC.

Mr. Fields reported that the County is receiving a special \$2.2 million allocation of CDBG funds related to COVID19 outbreak related to addressing homeless. This was going to those cities that participate at the county level CDBG program but it will now be distributed county wide to address these issues so that all cities and the unincorporated areas benefit.

Mr. Fields reported that he spoke with FDOT regarding the US 27 and HWY 60 interchange project. He laid blame on FDOT. After discussion and review some blame does lie with the City. There were communications issues. He spoke with the district secretary and they will work together to move these projects forward. He apologized for what he said at the last meeting as they may have been harsh against FDOT. There is currently a tight construction market across the state. Many companies have all they can handle so we only had one that could do the work. He will continue to seek reimbursement from any areas to cover these costs.

Regarding our state of emergency we are getting good cooperation from the county. We are adjusting to using technology for meetings including city advisory boards. This will be something we live with until a vaccine is developed. Hopefully we can reopen soon.

11.I. Commission Meeting Calendar

11.II. Tracking Report

11.III. Social Media Tracking Report

12. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said he had three points. He said the City does a good job representing a diverse population. He is glad to be on the Commission and is glad for the margin of votes for his re-election. This was a referendum on the Dover-Kohl plan and the votes show support for it. He is looking forward to moving forward on this. He wants people to be fully aware of the issues so he will be writing a series of articles on the plan and the downtown for the lakewalesnews.net website. A campaign is a healthy exercise. There were two issues raised by his opponent. One was about pensions. The solvency of our pensions is important. We need to learn more about the pensions. The salaries of top administrators was a concern and how they are arrived at. We have a pay and classification series in our ordinances on how salaries are arrived at. He is comfortable with the amounts. We get a good value to value exchange for the salaries that are paid. How the salaries are arrived at is the concern. He wants to be sure ordinances are complied with. He would like to see the comments on the Attorney and City Manager evaluations. He would like to see these. They were requested by Commissioner Curtis Gibson before. Mr. Fields will be sure they are sent out.

Commissioner Howell said she would like those comments as well.

Commissioner Howell asked if anyone in the county has a curfew right now. Mr. Fields said no. Commissioner Howell said she had heard Lakeland had a curfew. Mr. Fields said no. She said we need to do more to let citizens know what is going on such as about testing sites and social distancing.

Commissioner Curtis Gibson said he did not receive the evaluation comments and would like to get those as well. He would also like to learn more about the pensions as Deputy Mayor Robin Gibson mentioned. He would like to learn more about the cell phone policy and the position in the northwest area. Commissioner Curtis Gibson said he was glad Mr. Fields mentioned about the FDOT issue. He was concerned and disappointed about it and said they rely on Mr. Fields for accurate information. Commissioner Curtis Gibson said he was glad Mr. Fields apologized for the error. Commissioner Curtis Gibson said we should share more articles from lakewalesnews.net to keep the public informed. Commissioner Curtis Gibson said he has heard rumors around town that Southern Homes won't do business in Lake Wales because they can't work with our building department. Mr. Fields confirmed that the City has had a contentious relationship with them as they don't like our decisions and concerns about their designs and proposals. We have plenty of other developers willing to do business in the City.

Commissioner Goldstein commended Kevin Sunderland and the IT team for getting our virtual meetings set up and running. He has had no problems with them. He agrees that there is some information that we need. We do need to look at our pension plan and protect people. We have not had enough public participation in our virtual meetings as we had in the past. He said he hopes we can get back to in person meetings soon. He said he wished the reporter from the Ledger would come back to our meetings. Our cities need more coverage. He said we need to continue with our current projects.

Commissioner Curtis Gibson asked if the City does now have a press person. Mr. Fields confirmed that we do and he sends press releases to all the media outlets.

Commissioner Curtis Gibson reported on a recent food distribution event of 10,000 lbs of food. Social distancing guidelines were observed.

13. MAYOR COMMENTS

Mayor Fultz reported that we have a 47% response rate to the 2020 Census and encouraged citizens to respond to the Census. Commissioner Goldstein asked if the time to get the Census has been expanded. Mayor Fultz said he hasn't heard about that.

Commissioner Curtis Gibson said we need to do a Charter review this year and we need to look into that.

14. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Mayor/Deputy Mayor

ATTEST

City Clerk