

**City Commission
Meeting Minutes
July 16, 2019
(APPROVED)**

7/16/2019 - Minutes

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.

4. ROLL CALL

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

Staff Present: Kenneth Fields, City Manager; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION: Lakes Appreciation Month

Mayor Fultz presented a proclamation establishing July as Lakes Appreciation Month to Danny Kushmer with LE/AD.

6. PRESENTATION/REPORT

6.I. Presentation - EDC/Chamber Of Commerce

Kevin Kieft, Director of the Chamber of Commerce and the EDC, distributed information to the Commission members which included monthly updates. He explained about Opportunity Zones and how they work. The Lake Wales Zone includes downtown, Northwest area, and down US 27. He explained what Economic Development is and how it differs from the Chamber of Commerce. He played a video that describes economic development and another on what the Chamber does. He stressed the importance of downtown to economic development. Kenneth Fields, City Manager, announced that the new light at Hunt Brothers Rd and US HWY 27 is blinking yellow and is a precursor to becoming active. Dyer Kia and a new entrance at WaWa is moving forward. Kevin Kieft announced that he has heard that the Toys R US building may be under contract.

7. COMMUNICATIONS AND PETITIONS

8. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - July 2, 2019

8.II. Fifth Amendment To The New Cingular Wireless Cell Site Lease

[Begin Agenda Memo]

SYNOPSIS:

New Cingular Wireless desires to renew their Cell Site Lease at 138 Sessoms Ave at the rate of \$3,600.00 a month.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Approve the changes to the Fifth Amendment to the New Cingular Wireless Cell Site Lease.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City entered into the original lease with New Cingular Wireless on March 19, 1998. Over the last 21 years there have been several amendments to either extend the lease agreement or amend the lease agreement as the provider increased its space on the leased property. New Cingular Wireless desires to continue their long relationship with the City of Lake Wales by requesting the approval of attached Fifth Amendment to their agreement. This document originally came to the Commission for approval on the May 7, 2019 agenda as a draft for the approval of the wording of the amendment per the cell provider request. The commission approved the draft and staff proceeded to wait the arrival of the executable document for the Mayor's signature.

Staff then received notification from New Cingular Wireless that additional edits were required to the previously submitted draft.

Attached you will find the red line draft with the changes that were added since the last approval for your reference. The Fifth Amendment stipulates the new monthly rents would be at a rate of \$3,600.00 a month for a total of \$43,200.00 per year for the next five years, with a 1.7% increase in year six.

Staff has predetermined that the renewal of New Cingular Wireless Cell Site lease amendment will not interfere with any of the daily operational activity. The City Attorney has also reviewed the changes the Cell Provider has requested, and determined that due to the significant amount of changes made, the document is required to come back before this body for approval. Staff recommends the Commission take the following action, approve the Fifth Amendment to the New Cingular Wireless Cell Site Lease and authorize the Mayor to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS

The Commission could chooses not to approve the amendment to extend the lease, resulting in a decrease of \$43,200 in revenue.

FISCAL IMPACT

The provider would be paying an annual lease of \$43,200.00.

[End Agenda Memo]

8.III. Agreement - City Of Lake Wales/Lake Wales Professional Firefighters

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider ratifying the Collective Bargaining Agreement between the City and Lake Wales Professional Firefighters.

RECOMMENDATION

It is recommended that the City Commission ratify the proposed amendment to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, (Local #3538, International Association of Firefighters.)

BACKGROUND

On November 7, 2017, the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, (Local #3538, International Association of Firefighters) for the period of October 1, 2017 through September 30, 2018. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the fire department bargaining unit of which all firefighters except the chief, fire marshal, fire captain, fire prevention/safety specialist and deputy chiefs are members.

Management staff and the Fire Department union representatives have reached an agreement for the period of October 1, 2018 through September 30, 2021.

The amendments are presented to the City Commission for ratification at this time. Proposed changes to the existing agreement are highlighted below:

Article 15 Salary

15.4 A. Effective October 1, 2018, employees shall receive a 2% pay increase, and the same COLA afforded to general employees effective October 1, 2019 and 2020.

G. If the City decides to increase the Maximum Pension Benefit Restriction during the contract period of October 1, 2018 – September 30, 2021, it will be made across the board to include the Fire Department/Union Members.

Article 18 Educational Differential

18.3 On the first pay period immediately following ratification by the City Commission, eligible bargaining unit members will receive a 2.5% increase to base salary for obtaining state certification as a or and 2.5% on October 1, 2019.

Beginning October 1, 2019 bargaining unit employees (unless previously received) will receive a 2.5% increase to base salary for obtaining state certification as a Pump Operator, effective the first pay period following receipt of state certification, and 2.5% on October 1st following the date of certification.

38.1 This Agreement shall become effective upon ratification by the bargaining unit members and approval and ratification by the Lake Wales City Commission, and shall continue in full force and effect until midnight of September 30, 2021.

FISCAL IMPACT

The cost of salary increases were included in the 17'18 budget, and will be included in any subsequent budgets.

OTHER OPTIONS

Do not ratify the changes.

[End Agenda Memo]

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Certification Of 2019 Taxable Value, Interim Millage & FY19'20 Budget Hearing Dates

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approval of the Polk County property appraiser's certification of taxable value for 2019, set the interim millage rate, and set the dates for the public hearings to adopt the final millage rate and the FY19'20 budget.

RECOMMENDATION

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

1. Approve the Property Appraiser's Certification of Taxable Value for 2019.
2. Set the interim millage rate at 7.0438 mills.
3. Set the dates for the required public hearings for the final millage rate and adoption of the FY19'20 Budget as Tuesday, September 10 and Tuesday, September 24.

BACKGROUND

Certification of Taxable Values

Attached for your review and approval is the Polk County property appraiser's Certification of Taxable Value for 2019. As indicated, the City's gross taxable value for operating purposes is \$761,801,278. Lake Wales has experienced an increase in taxable value of \$44,656,043, since the 2018 certification. The certification for 2018 is 6.12% above 2018's final gross taxable value of \$730,155,782. It is recommended that the City Commission approve the Certification of Taxable Value for 2019.

Interim Millage Rate

In order for the property appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2019 millage rate and the FY19'20 budget.

The current year rolled-back rate is 6.9339, however staff is recommending that the interim millage rate

be set at 7.0438. The current year proposed rate of 7.0438 is a 1.585% increase over the rolled-back rate of 6.9339. Remaining at the millage rate of 7.0438 compared to rolled-back rate of 6.9339 would be a tax increase and would generate an additional \$85,152.

The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and 2) unpaid delinquent taxes. Staff estimates Ad Valorem for budget purposes at 97%, \$82,597 (\$60,738 General Fund, \$6,054 Library Fund and \$15,805 CRA Fund) revenue above the rolled-back rate.

The final adopted millage rate may not exceed the interim millage rate, but it may be lower than the interim millage rate.

Date and Time for Public Hearings:

State law requires that the county property appraiser notify each property owner of the interim millage rate and the dates of the meetings for adoption of the millage and budget. To give time for the mailing of this notice to the property owner, the City must, by law, adopt an interim millage rate no later than August 4.

Florida Statutes stipulate that the first public hearings can be held no sooner than 65 days after the Certification of Taxable Value by the Property Appraiser or July 1, whichever is later. Certification occurred on July 1, therefore the first public hearings can be held no sooner than Thursday, September 3 (65 days after July 1).

This year, the Board of County Commissioners has scheduled its public hearings on Monday, September 9 and Monday, September 16. The School Board's final public hearing is scheduled for Tuesday, September 3.

We are recommending the first public hearings for the millage and budget be set for Tuesday September 10, 2019. We are also recommending that the second public hearings be set for Wednesday September 24, 2019.

OTHER OPTIONS & FISCAL IMPACT

Taxes levied by the various options are as follows:

	2019 millage rate	2019 ad valorem taxes	2019 taxes over (under) 2018 taxes levied	
			5,143,071	Minimum adoption requirement
current	7.0438	5,457,620	314,549	3-2 vote
rolled-back	6.9339	5,372,468	229,397	3-2 vote

Note: The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and 2) unpaid delinquent taxes. A 3% reduction is included within budget calculations for ad valorem tax revenues. The 3% reduction has not been applied to the data table listed above.

The City Commission is not required to make a decision on the final millage rate at this meeting. The final decision should be made after we thoroughly review and discuss the budget and all of its implications; however, we do have to make a decision on the interim millage rate at this meeting.

ATTACHMENTS

- Proposed TRIM Calendar
- Property Appraiser's Certification of Taxable Value (Form DR-420)

[End Agenda Memo]

Dorothy Abbott, Finance Director, reviewed this item. Kenneth Fields, City Manager, said this is the current millage rate but their goal is to get to roll back rate. This allows options in case an emergency comes up.

Deputy Mayor Robin Gibson expressed concern that we won't be able to go higher than tonight's decision. Kenneth Fields said he is comfortable with the current level even if a hurricane comes.

Mayor Fultz asked for a motion on the three items the first one is to approve the Property Appraiser's Certification of Taxable Value for 2019.

Commissioner Howell made a motion to approve the Property Appraiser's Certification of Taxable Value for 2019. Commissioner Goldstein seconded the motion.

by Roll Call vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Commissioner Goldstein made a motion to set the interim millage rate at 7.0438 mills. Commissioner Curtis Gibson seconded the motion.

by Roll Call vote:

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Commissioner Howell made a motion to set the dates for the required public hearings for the final millage rate and adoption of the FY19'20 Budget as Tuesday, September 10 and Tuesday, September 24. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11. CITY ATTORNEY

12. CITY MANAGER

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Schedule

Kenneth Fields, City Manager, reminded the Commission of the day long workshop on July 29th at the Austin Community Center.

He also reminded the Commission that the next budget workshop is on the 13th of August with a CRA meeting beforehand at 5:00 pm.

12.IV. Other Meetings And Special Events

13. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson noted that we have received the draft Dover-Kohl report and encouraged everyone to read it.

Commissioner Curtis Gibson said he had some issues from the last budget workshop that need to be discussed so that staff can have clear direction. The commission is responsible for budget oversight as they will be held accountable for spending priorities. He would like to hear what the commission thinks on four issues.

He said he was opposed to the addition of a Public Information Officer at \$63000. A city our size doesn't need or can afford this position. Commissioner Goldstein said he agreed as we have other priorities. Mayor Fultz said that as he missed the last budget workshop he will withhold his opinion until he gets more information. Kenneth Fields, City Manager, said that there is another budget workshop in August where these issues can be discussed in more detail and give direction to staff.

Commissioner Curtis Gibson said he opposed the \$28,000 golf cart for the Airport. He spoke to all of the members of the Airport Authority who said this was not needed at this time. James Slaton, Assistant City Manager, explained that this vehicle is an off-road ATV vehicle that will be used for spraying herbicide around the perimeter of the airport as well as transport for pilots. It will be dual purpose. Commissioner Goldstein requested a picture of this. Mayor Fultz agreed with the request for a picture. Mr. Slaton said he could get that for the next workshop.

Commissioner Curtis Gibson said that we should move forward on a stage and bathrooms for Lake Wailes Park this year and not wait for the completion of the Recreation Master plan. Mayor Fultz asked if this should be a higher priority. Commissioner Gibson said yes that we should go ahead with it. Commissioner Howell agreed that as we know where it will be we should move forward with it.

Commissioner Curtis Gibson presented a proposal for graduated raises throughout the City. He recommended a higher percentage for those making a lower salary than those who are making more. He

presented a possible plan for this. He asked the Commission for their thoughts. Commissioner Howell said she agreed with the idea. Commissioner Goldstein asked about police and fire employees. Mr. Fields said the contracts would need to be renegotiated. Commissioner Goldstein said that he thinks raises for all employees including Fire and Police are important. Mr. Fields said he would review this idea and will come back with more information on this issue.

Deputy Mayor Robin Gibson said that the issues Commissioner Curtis Gibson are worth discussing and it was good they were brought up now so that staff can prepare a response for the next budget workshop. He cautioned against getting too involved in personnel issues. Our responsibility is to hold them accountable but not to tell them what to do. We examine overall performance of the administration. He worries about excessive detail on our parts. Commissioner Howell asked if the Commissioners can comment on bad personnel decisions. Deputy Mayor Robin Gibson said we shouldn't get involved but if there are several bad decisions we get a new city manager. Mayor Fultz said we can discuss the budget but leave personnel decisions to the City Manager. This was discussed. Mayor Fultz said this can be discussed further at the next budget workshop.

14. MAYOR COMMENTS

Mayor Fultz read a thank you letter from a child to a police officer for his help during a traffic accident.

Mayor Fultz reported on a recent Small Cities Conference he attended and shared some of the ideas he heard.

15. ADJOURNMENT

The meeting was adjourned at 6:58 p.m.