

City Commission Meeting Minutes
September 10, 2019
(DRAFT)

9/10/2019 - Minutes

1. INVOCATION

Commissioner Howell 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; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Constitution Week 2019

Mayor Fultz presented a proclamation to Earline Head of the Daughters of the American Revolution establishing September 17-23 as Constitution Week.

6. COMMUNICATIONS AND PETITIONS

Catherine Price, resident, discussed Crystal Lake Park and Lake Wailes Park. She showed a slide show about the uses and benefits of the park. She encouraged the City to maintain the natural beauty of the parks. She said she was not in favor of the \$200,000 trail in the park.

Greg Massey, resident, discussed Code Enforcement issues. He is concerned about buildings being demolished. He hopes that there might be a way to help people with Code Enforcement issues.

Tina Peak, Director of Library and Museum, reported on the Arts, Culture and Heritage Committee of the Tourist Development council and Lake Wales is getting over \$300,000. She distributed a list of events and organizations that won grant awards.

7. BUDGET HEARINGS

Mayor Fultz sated that before the budget hearings begin he must say the following:

The City of Lake Wales is the taxing authority and the proposed millage rate to be levied for Fiscal Year 2019-2020 is 6.9339 mills, which is the rolled-back rate.

7.I. Ordinance 2019-08, Adoption Of FY2019-20 Millage Rate – 1st Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The Commissioners will consider adopting a millage rate of 6.9339 mills for Fiscal Year 2019-2020. The Commissioners will also consider adopting the proposed operating budget.

RECOMMENDATION

After first reading and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2019-08, adopting a millage rate of 6.9339 mills for FY2019-2020, which is the rolled-back rate;
2. Approve Ordinance 2019-09, adopting an operating budget for FY2019-2020.

BACKGROUND

In accordance with Florida Statutes and the City Charter, Ordinances 2019-08 and 2019-09 are presented for first reading and public hearing. Ordinance 2019-08 establishes the millage rate for FY19'20, and Ordinance 2019-09 adopts the proposed FY19'20 budget. These ordinances must have separate public hearings and must be voted upon individually.

The proposed FY19'20 budget document includes the revenue and expenditure details for the General Fund, CRA Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund and Airport Fund.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter, which requires that the budget provide a complete financial plan of municipal funds and activities. Estimated current year ending fund balances have been considered and are included in the budget.

PROPERTY TAX

On July 16, 2019, the City Commission adopted an Interim Millage Rate of 7.0438. The proposed budget was balanced on a Millage Rate equal to the roll-back rate of 6.9339 millage rate per \$1,000 taxable valuation.

BUDGETARY CHANGES IN GENERAL FUND "REVENUE SOURCES & TRANSFERS IN" FOR FY19'20

COMPARED TO FY18'19:

General Fund revenues in FY19'20 (\$13,999,789 + 1,538,322 – 211,322 impact fee reimbursement – 1,293,326 financing/leases = 14,033,463) are projected to be \$717,907 greater than budgeted in FY18'19 (\$13,836,708 + 1,225,000 – 1,746,152 financing/leases = 13,315,556). An expected increase of \$717,907 is mainly due to the following items:

- Increase in ad valorem tax of \$131,744
- Decrease in sales and use taxes of \$150,050 due to allocation needed for debt service items.
- Increase in licenses and permits of \$250,000 due to \$150,000 increase in franchise fees and \$100,000 increase in building permits.
- Decrease in special assessments of \$32,000 conservative margin for deferred receipts.
- Increase in intergovernmental revenues of \$119,540 mainly due to expected grants for the Museum/Depot
- Increase in charges for services of \$219,436 mainly due to \$85,736 increase in management fees for water/sewer, \$52,800 management fees for storm water, \$68,000 increase in garbage fees and \$10,500 increase in collection fee for county impact fees.
- Increase in fines and forfeitures of \$48,250 mainly due to count and code enforcement fines.
- Increase in miscellaneous revenue of \$28,987 mainly due to \$13,000 for Ridge League Dinner, \$3,900 staffing community center, \$2,500 Museum donations, \$10,000 reimbursement of prior year insurance.
- Increases in transfers in of \$102,000 due to transfer from Utility Fund to the General Fund

BUDGETARY CHANGES IN GENERAL FUND “OPERATING EXPENDITURES” FOR FY19’20 COMPARED TO FY18’19:

General Fund “operating” expenditures in FY19’20 are projected to be \$14,206,288, which is \$911,062 greater than budgeted in FY17’18 \$13,295,226.

Significant changes in “operating” expenditures include the following items:

- Net increase in personnel salaries/wages of \$448,924, mainly due to a 2% COLA \$124,497, \$231,159 new positions and \$93,268 due to promotions, additional task, merit increase and collective bargaining agreement increases.
- Net increase in personnel payroll taxes, workers compensation, pensions and insurance of \$151,349.
- Net increases in operating cost of \$310,789, mainly due to \$212,946 additional operating costs for parks, recreation, special events, and museum. Of the \$212,946 increase, \$111,000 is directly related to the projected professional service contract the City would have with the YMCA to run the day to day operations of the YMCA building if the City purchases this property.

GOVERNMENTAL FUND BALANCE

As of September 30, 2018, the City’s governmental funds reported combined ending fund balances of \$7,974,320. An increase of \$582,180 for the year. Approximately 34% (\$2,712,511) of total funds balance is available for spending at the government’s discretion (unassigned)

In 2011, the City established a reserve policy for the General Fund equal to 15% - 20% of total operating costs. As of September 30, 2018, the general fund’s unassigned fund balance represented 19.6% of total general fund expenditures, while total fund balance represents 31% of the same amount.

SUMMARY OF ALL FUNDS

General Fund	\$18,138,111
CRA Fund	4,280,175
Special Revenue Funds	2,574,418
Debt Service Fund	2,211,804
Capital Projects Fund	1,260,000
Cemetery (LWMG)	430,431
Utility System Fund	25,262,725
Airport Fund	851,348
Stormwater Fund	550,000
TOTAL	55,559,012

The expenditure total of \$43,147,870 is comprised of operating costs in the amount of \$27,222,044 and capital outlay in the amount of \$15,925,826. Transfers in the amount of \$2,743,092 bring total expenditures plus transfers to \$45,890,962.

Note: Capital expenditures proposed for FY19’20 are itemized in “Schedule C” within the budget document.

CONCLUSION

As the local economy has been improving over the last several years, the City’s has been able to provide a higher level of service to the community. There is no question that the City’s financial resources were severely strained during the Great Recession of 2008 (2007 through 2014). The City continues to deal with the lingering impact of delayed infrastructure maintenance and economic growth within our City. However, recent trends in both new commercial and residential development, including the reuse of formerly vacant existing buildings indicates that

the City's tax base is once again beginning to grow and that recent economic development efforts are paying off. It is expected that the 2019'20 Fiscal Year the City will see even greater growth in the ad valorem tax base and the expansion of city services will lead to additional voluntary annexations into the city.

While economic growth is expected to continue, although potentially at a lower rate, delayed maintenance issues and continuing increases in operating costs for services will require for Fiscal Year 2020-2021 the City Manager and upper-level staff to begin looking at issues such as the City Commissioners' desired level of service, General Fund sustainability and funding availability for future capital projects within the City. While the City's tax base has and will continue to grow, it must be recognized that much of this additional revenue is reserved for use only within the CRA areas of the City and cannot be used to support existing levels of service. It can be used to support additional CRA capital investment to increase the tax base but the additional revenue generated must still remain within the CRA area. This issue will need to be addressed in future fiscal years.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-08** by title only.

**ORDINANCE 2019-08
AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING
THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF LAKE WALES, POLK
COUNTY, FLORIDA, FOR FISCAL YEAR 2019-20; PROVIDING FOR AN EFFECTIVE DATE.**

Dorothy Abbott, Finance Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve ORDINANCE 2019-08 after 1st Reading and Public Hearing. Commissioner Curtis Gibson seconded the motion.

by Roll Call vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.II. Ordinance 2019-09 - Adoption Of FY2019-20 Budget – 1st Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The Commissioners will consider adopting a millage rate of 6.9339 mills for Fiscal Year 2019-2020.

The Commissioners will also consider adopting the proposed operating budget.

RECOMMENDATION

After first reading and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2019-08, adopting a millage rate of 6.9339 mills for FY2019-2020, which is the rolled-back rate;
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BACKGROUND

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Note: Capital expenditures proposed for FY19’20 are itemized in “Schedule C” within the budget document.

CONCLUSION

As the local economy has been improving over the last several years, the City’s has been able to provide a higher level of service to the community. There is no question that the City’s financial resources were severely strained during the Great Recession of 2008 (2007 through 2014). The City continues to deal with the lingering impact of delayed infrastructure maintenance and economic growth within our City. However, recent trends in both new commercial and

residential development, including the reuse of formerly vacant existing buildings indicates that the City's tax base is once again beginning to grow and that recent economic development efforts are paying off. It is expected that the 2019'20 Fiscal Year the City will see even greater growth in the ad valorem tax base and the expansion of city services will lead to additional voluntary annexations into the city.

While economic growth is expected to continue, although potentially at a lower rate, delayed maintenance issues and continuing increases in operating costs for services will require for Fiscal Year 2020-2021 the City Manager and upper-level staff to begin looking at issues such as the City Commissioners' desired level of service, General Fund sustainability and funding availability for future capital projects within the City. While the City's tax base has and will continue to grow, it must be recognized that much of this additional revenue is reserved for use only within the CRA areas of the City and cannot be used to support existing levels of service. It can be used to support additional CRA capital investment to increase the tax base but the additional revenue generated must still remain within the CRA area. This issue will need to be addressed in future fiscal years.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-09** by title only.

**ORDINANCE 2019-09
AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING,
APPROVING,
ACCEPTING AND ADOPTING THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF
THE SEVERAL
DEPARTMENTS OF SAID CITY, AND ALL NECESSARY AND ORDINARY EXPENSES OF SAID
CITY FOR THE 2019-20
FISCAL YEAR, APPROPRIATING ALL FUNDS TO BE RAISED AND COLLECTED FROM ALL
SOURCES SET FORTH
IN THE ESTIMATE OF REVENUES & BALANCES FOR SAID FISCAL YEAR, AND THE REPEALING
OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR
AN EFFECTIVE DATE.**

Dorothy Abbott, Finance Director, reviewed this item.

Commissioner Curtis Gibson commended the staff for their work on the budget. He appreciated the information on what was taken out. Commissioner Curtis Gibson asked about the Walking Trail and asked Mr. Slaton to answer the questions that were sent. What are our obligations? Is there a match? Mr. James Slaton, Assistant City Manager, said there is a match of \$200,000 some of which will come from impact fees and some from the CRA. Kenneth Fields, City Manager, explained that the trail is a multi-step process and the first step will be the design. Commissioner Curtis Gibson suggested this project is not a priority and could be pushed back. Mr. Fields said the CRA budget is not as tight as the general fund. It will be awhile before design work on downtown plan gets done. We are in good shape and the trail will not take away from anything we are doing now. Commissioner Curtis Gibson asked his fellow Commissioners if the trail is a priority. Mr. Fields recommended going forward with the design and push back the construction costs.

Commissioner Goldstein agreed about priorities and asked where the design costs come from. Mr. Fields said they could come from either the CRA or Recreation Impact Fees.

Deputy Mayor Robin Gibson said he is fine with working to assemble the funds. He would like to keep the trail consistent with the Dover Kohl downtown design. He said he would be cautious with CRA trust funds. Mr. Fields explained that Dover Kohl would not be doing the actual design work or engineering. Deputy Mayor Robin Gibson said he understood that but the design will be inspired by Dover Kohl.

Commissioner Howell asked when the Grant agreement will come up. Jennifer Nanek, City Clerk, said

the contract is still being reviewed and hopefully will be before the Commission in a few months. Commissioner Curtis Gibson said we need to focus and decide our priorities. Mr. Fields recommended leaving the design money in the budget and pushing the construction back a year and keep both projects moving forward.

Commissioner Goldstein said he didn't like the light poles and past upgrades on Lincoln Avenue and we need to avoid similar mistakes.

Deputy Mayor Robin Gibson said that the Dover Kohl plan encompassed more than downtown such as First Street and Scenic HWY.

Commissioner Curtis Gibson said we can reduce the amount from the CRA fund for this trail and leave in \$65,000. Mr. Fields agreed.

OPENED PUBLIC HEARING

Catherine Price, resident, said she reviewed the grant application. The trail is listed as a 5 foot path to be an intermodal trail. She said that the City staff is looking to widen it to 8 feet which is still narrow. This trail will not fit well with the Olmsted plan or in Crystal Lake Park. She recommended a Master Trail Plan for all of Lake Wailes.

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to amend the Budget to reduce the amount for the trail to design work only. Commissioner Howell seconded the motion.

Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2019-09** after first reading as amended. Commissioner Howell seconded the motion.

Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.III. Ordinance 2019-10 - Five-Year Capital Improvement Plan FY2019/20 - FY2023/24 – 1st Reading

[Begin Agenda Memo]

SYNOPSIS:

The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2019/20 through 2023/24.

RECOMMENDATION

It is recommended that the City Commission approve after first reading Ordinance 2019-10 adopting the Five-Year Capital Improvement Plan for fiscal years 2019/20 through 2023/24.

BACKGROUND

In accordance with section 6.05 of the City Charter, Ordinance 2019-10 adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY2019/20 through FY2023/24. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY19'20 operating budget, as are appropriation of funding sources necessary to implement Year 1 of the plan.

The 5-Year CIP document includes all capital facility and infrastructure improvements which staff believes should be undertaken during the next five years and supporting information to explain the necessity for the improvements. In addition, the CIP includes all capital equipment proposed for acquisition during this period. Cost estimates, method of funding and time schedule for the proposed improvements and equipment acquisitions are identified in the document.

The proposed 5-Year CIP totals \$66,709,540 and includes \$1,800,000 in land acquisition, \$5,734,065 in building improvements/acquisitions, \$44,529,282 in infrastructure and recreation improvements,

\$10,583,193 in equipment acquisition, and \$4,063,000 in other capital outlay. Schedule "C", within the 5-year CIP, provides a detail listing of each asset type.

Improvements and equipment needs for the next 5 years were submitted by department heads with a justification of necessity and a recommended time schedule for completion or acquisition. These requests were prioritized by the City Manager in view of the available funding resources and urgency of need.

FISCAL IMPACT

Funding of the CIP will be accomplished through utilization of existing cash surpluses and current year operating revenues, future grants, private contributions, leases/debt service issuances, and impact fees.

Growth related improvements will be funded by impact fees.

Costs of all capital improvements and equipment acquisitions are distributed over 5 years as follows:

Year 1 - FY2019/20	15,925,826
Year 2 - FY2020/21	14,525,968
Year 3 - FY2021/22	18,090,794
Year 4 - FY2022/23	8,717,489
Year 5 - FY2023/24	9,424,463
5 Year Total	66,709,540

All items scheduled for Year 1 are included in the proposed FY17'18 operating budget presented to the City Commission for consideration.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-10** by title only.

ORDINANCE 2019-10

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING A 5-YEAR CAPITAL IMPROVEMENT PLAN 2023/24; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Mayor Robin Gibson made a motion to amend the CIP as the Budget was amended to reduce the amount for the trail to design work only. Commissioner Goldstein seconded the motion.

Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Deputy Mayor Robin Gibson asked about improvements on Second Street. Kathy Bangley, Planning Director, explained that project is to complete a road for affordable housing to be completed. Deputy Mayor Robin Gibson recommended the design for the houses be modeled after the ones in the Dover Kohl plan. He said he is in favor of acquiring property, fixing it up, and selling it. Possible parcels for acquisition were discussed. Deputy Mayor Robin Gibson described what the IRS considers as a distinction between maintenance and capital. He said that fixing up the alleys may be maintenance. Mr. Fields explained that they are alleviating blight issues by upgrading alleys to stop flooding of the businesses. Karen Thompson, MainStreet Director, said that we can reword that to say that we will reactivate the alleys to be more of a public space. Deputy Mayor Robin Gibson said he will be a guardian of these funds to be sure they are spent appropriately.

Commissioner Curtis Gibson asked about the amount for purchasing the YMCA that it may be lower than what is listed. James Slaton, Assistant City Manager, explained that it will be lower but as it keeps changing we will just leave the amount in that line item. Commissioner Curtis Gibson asked if that money not spent goes back into the general fund. Mr. Fields said the final amount will reduce what we borrow to pay for the YMCA.

Commissioner Howell made a motion to approve **ORDINANCE 2019-10** after first reading as amended. Commissioner Curtis Gibson seconded the motion.

Roll Call Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.IV. Resolution 2019-17 - Final Assessment Resolution For Fire Protection Assessments

[Begin Agenda Memo]

SYNOPSIS:

The adoption of Resolution 2019-17 established the methodology used to calculate the fire assessment rates. Adoption of Resolution 2019-17 will set the final fire assessment rates.

RECOMMENDATION

It is recommended that the City Commission set the final Fire Protection Assessment rates and adopt Final Assessment Resolution 2019-17 providing for Fire Protection Assessments for fiscal year beginning October 1, 2019.

BACKGROUND

On June 18, 2019, the City Commission adopted Resolution 2019-07 which set the initial Fire Protection Assessment rates.

Initial Fire Protection Assessment Rates

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	\$146.00
Multi-Family	\$72.00
Mobile Home	\$129.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.06
Industrial/Warehouse	\$0.01
Institutional	\$0.08

OTHER OPTIONS

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs. Failure in adopting Resolution 2019-17 will result in a loss of \$1,024,904 in estimated net revenue dedicated to the fire department budget. This money would then have to come from the general fund.

FISCAL IMPACT

The Fire Protection Assessment will create a dedicated funding source for fire protection services.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2019-17** by title only.

RESOLUTION 2019-17

**Final Assessment Resolution
(FY 2019-2020)**

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF LAKE WALES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

Kenneth Fields, City Manager, explained that the rate is unchanged from last year.

OPENED FOR PUBLIC COMMENT

CLOSED FOR PUBLIC COMMENT

Commissioner Goldstein made a motion to adopt **RESOLUTION 2019-17**. 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.

7.V. Resolution 2019-18 - Final Rate Resolution – Brookshire Street Lighting District.

[Begin Agenda Memo]

SYNOPSIS:

Final Rate Resolution for the Brookshire Street Lighting District

RECOMMENDATION

It is recommended that City Commission adopt Resolution No. 2019-18 providing the Final Rate Resolution for the Brookshire Street Lighting District.

BACKGROUND

In 2010, the City of Lake Wales received a petition requesting the creation of a Street Lighting District for the Brookshire subdivision. The District includes the thirty-one (31) decorative street lighting poles. Eighty-seven (87) platted lots are within the street lighting district and the estimated annual street lighting costs are \$13,485. The estimated annual charge per plated lot is \$155.

OTHER OPTIONS

Do not approve Brookshire Street Lighting District special assessment.

FISCAL IMPACT

Annual estimated assessment revenue of \$13,485 is expected to pay all street lighting costs relating to the services, facilities and programs within the Brookshire Street Lighting District.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2019-18** by title only.

RESOLUTION 2019-18

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING BROOKSHIRE STREET LIGHTING ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

Kenneth Fields, City Manager, reviewed this item.

OPENED FOR PUBLIC COMMENT

CLOSED FOR PUBLIC COMMENT

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2019-18**. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8. CONSENT AGENDA

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

By voice vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commission Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - Budget Workshop July 9, 2019 And August 6, 2019

8.II. Grant Application - Florida DEP Oxidation Ditch Maintenance Grant

[Begin Agenda Memo]

SYNOPSIS:

This grant opportunity offered by the Florida Department of Environmental Protection is to fund 50% of the cost of the oxidation ditch maintenance. This maintenance item would typically be 100% funded through the wastewater plant operations.

STAFF RECOMMENDATION

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

1. Approve for staff to submit a grant application in the amount of \$84,900.00. This amount equates to 50% funding from the Florida Department of Environmental Protection for the maintenance of the oxidation ditch.

BACKGROUND

An oxidation ditch is a modified activated sludge biological treatment process that uses long solids retention times (SRTs) to remove biodegradable organics. The typical oxidation ditch is equipped with aeration rotors or brushes that provide aeration and circulation. The wastewater moves through the ditch at 1 to 2 ft/s. The ditch may be designed for continuous or intermittent operation. Because of this feature, this process may be adaptable to the fluctuations in flows and loadings associated with recreation area wastewater production. It becomes necessary from time to time to remove accumulated sand and grit from the oxidation ditch to ensure the proper and efficient operation of the equipment. The Florida Department of Environmental Protection has various grant opportunities used to assist municipalities. This oxidation ditch maintenance grant is one such opportunity. The commission has previously approved for the staff to take advantage of this grant opportunity once before. The total cost for maintenance is \$169,800. Staff would be submitting an application to request \$84,900, with the City to cover the remaining cost.

Staff recommends the commission consider taking the following action, authorize staff to submit a grant application for the amount of \$84,900.00 to the Florida Department of Environmental Agency to provide half of the funding required to perform this maintenance activity.

OTHER OPTION

Choose not to approve entering into an agreement with the Florida Department of Environmental Protection to provide 50% of the funding for the oxidation ditch maintenance, resulting in the City having to cover the full cost of \$169,800.00 for this maintenance.

FISCAL IMPACT

\$169,800.00 would be the city's total cost of maintenance if the 50% funding agreement is not approved. If the 50% funding agreement is approved the City's cost share would be \$84,900.00.

[End Agenda Memo]

8.III. Lift Station 16 C Street Sewer Improvements-Phases 2 Amendment 2 To Loan Agreement WW530310

[Begin Agenda Memo]

SYNOPSIS:

Lift Station 16 C Street Sewer Improvements-Phases 2 is now completed and the State Revolving Loan Fund agreement WW530310 has to be closed out. Amendment 2 to loan agreement WW530310 finalizes the loan proceeds taken for the construction for the phase 2 portion of the project.

RECOMMENDATION

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

1. Approve the Amendment 2 to Loan Agreement WW530310 for the Lift Station 16 C Street Sewer Improvements Phase 2 project for a total amount of \$5,544,948.44.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

As a result of sewer system back-ups and historical operation and maintenance difficulties experienced by City staff, the City of Lake Wales commissioned an engineering study conducted by Pennoni 2010. The study evaluated the suspected substandard sanitary sewer system contributing to Lift Station No. 16, which is located near the center of the City's utility service area. Pennoni's engineering study determined that the sewer system for this defined area was substandard. This in part was due to substandard pipe slopes, pipe materials, and pipe cover. It was also suspected that a significant amount of inflow and infiltration (I/I) was also occurring throughout the system due to the substandard pipe materials and deteriorating manholes.

In August 2010, the City Commission approved a contract with Pennoni, which was for the design and permitting of the project area in order to come into compliance with existing directives. In December 2010, the commission approved the preparation of a Community Development Block Grant (CDBG) application, which was subsequently awarded, to start work on the phase 1 portion of the project. The CDBG phase comprised approximately 15% of the total project area. This phase was started by Killebrew Inc. in August 2013, and was completed in the first half of 2015.

Once the phase 1 portion of the project was completed, Staff obtained a Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) loan to fund phase 2 of the project area. Phase two was completed with funds obtained from the SRF Loan program. Now that all funds have been obtained by the use of agreement WW530310, this loan agreement can be closed out. The final amount received from SRF was \$5,437,355.44. This amount consisted of \$5,379,650.00 for construction and \$57,705.44 for capitalized interest.

Staff recommends the commission authorize the Mayor to execute the appropriate documents associated with the close out of agreement WW530310.

FISCAL IMPACT

The original estimated cost for the construction of the phase 2 portion of the project was estimated to be \$6.8 million. This is the dollar amount that was submitted to SRF. The final cost of construction for the phase 2 can in well below the original estimate. Now that construction is complete, the loan amounts has to be finalized and adjusted to reflect what the City actually used for construction. All loan payments have been accounted for and included in the debt service for utilities.

[End Agenda Memo]

8.IV. Grant Award Agreement From The Polk County Tourist Development Council

[Begin Agenda Memo]

SYNOPSIS

Approve the acceptance of the grant award agreement with Polk County Tourist Development Council to accept two grants totaling \$88,265 for the Lake Wales History Museum's 2019 Pioneer Days Festival and 2019-2020 Exhibition Series. This grant requires a 1:1 match of which a percentage will be documented in-kind services.

RECOMMENDATION

Staff recommends commission approve the two grants with the Polk County Tourist Development Council, authorize the city manager to sign the agreement, and the Lake Wales History Museum accept \$88,265 in grant funding.

BACKGROUND

The Arts and Cultural Committee (ACC) of the Tourist Development Council, is designated by the Polk County Board of County Commissioners as the official committee that oversees Arts and Cultural related marketing initiatives and makes recommendations to the TDC regarding funding for arts and culture special events and marketing initiatives. Under the umbrella of the City of Lake Wales, the Lake Wales History Museum applied for grant funding in April of 2019, and was awarded \$88,265 in August of 2019 for the Pioneer Days Festival occurring on October 26 & 27, 2019, and for the museum's 2019-2020 Exhibition Series marketing campaign. The goal of these grants is to increase awareness of and participation in the quality and diversity of arts culture and heritage programs in Polk County, generate incremental overnight stays in Polk County as well as other incremental economic activity in addition to overnight stays. The grant requires a minimum 1:1 match of funds. Under the City of Lake Wales, the Lake Wales History Museum will cover the cost of the match from monies allocated towards event staffing, activities, supplies and operations in its 2019-2020 budget.

OTHER OPTIONS

Do not accept the grant.

FISCAL IMPACT

Under the City of Lake Wales, the Lake Wales History Museum will match grant funding with \$17,460 in-kind services, and \$70,805 exhibit rental, museum operation, staffing and special event funding allocations.

[End Agenda Memo]

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Ordinance 2019-12 – 1st Reading Amendments To Zoning, Land Use And Development Regulations

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2019-12 identifies necessary amendments to the Permitted Use Chart, Table 23-421, to address new issues and provide better clarification and intent of the code.

RECOMMENDATION

Staff recommends the approval of Ordinance 2019-212 on first reading. A public hearing is required and notice requirements have been met.

BACKGROUND

The Planning and Zoning Board held a regular meeting on July 23, 2019 and voted to recommend various amendments to the Zoning, Land Use and Development Regulations as set forth in the proposed ordinance.

Following are explanations of the proposed revisions to Table 23-421 Permitted and Special Exception Uses allowed in Zoning Districts:

- 1.) BP Zoning: Add Medical Office, Health Service, Veterinarian, and Animal Hospital as Permitted Uses in the BP zoning district.
- 2.) I-2 Zoning: Remove Personal Service as a Permitted Use in the I-2 zoning district.
- 3.) Hotel/Motel uses under Lodgings: Absorb the "motel" use into the "hotel" use, eliminating Motel from the Permitted Use Chart.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-12** by title only.

ORDINANCE 2019-12

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING, TABLE 23-421 PERMITTED AND SPECIAL EXCEPTION USES ALLOWED IN ZONING DISTRICTS; SPECIFICALLY FOR DISTRICTS BP – BUSINESS PARK, I-2 INDUSTRIAL INFILL AND USE TYPES HOTEL AND MOTEL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangley, Planning Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell asked what goes into I-2 zone. Ms. Bangley said that it is industrial infill which

only applies to two small areas. Current businesses are unaffected. Commissioner Howell asked if we still can have motels. Ms. Bangley said yes they will be in one category.

Commissioner Howell made a motion to approve **ORDINANCE 2019-12** after first reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commission Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.II. Resolution 2019-16 Vacation Of Right-Of-Way – Argos Ready Mix & Florida Rock Industries, 0 Scenic Highway, PID 272935876500022001

[Begin Agenda Memo]

SYNOPSIS

Peterson & Myers, P.A., agent for Argos Ready Mix, LLC and Florida Rock Industries, Inc., has petitioned for the vacation of an unopened and unmaintained right-of-way which extends through their property just west of North Scenic Highway.

BACKGROUND

The right-of-way was part of a platted subdivision and is now located in the middle of a developed property. It was originally granted to allow through access for the Seaboard Air Line Railroad. It no longer affords such access.

RECOMMENDATION

Staff recommends approval of Resolution 2019-16 to vacate the right-of-way. No properties will be deprived of public access by its vacation. Documentation of approval from public and private utilities has been provided. A public hearing is required and notice requirements have been met.

OTHER OPTIONS

None

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2019-16** by title only

RESOLUTION 2019-16

A RESOLUTION CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION OF RIGHT-OF-WAY LOCATED WITHIN PARCEL 27-29-35-876500-022001 AND OWNED BY ARGOS READY MIX LLC AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN.

Kathy Bangley, Planning Director, reviewed this item.

Deputy Mayor Robin Gibson asked if they plan to put this property to productive use. Ms. Bangley said there are no plans right now. This came from a request by DEP. We will keep an eye on it. Mayor Fultz asked if this was a brownfield site. Ms. Bangley said no.

OPENED PUBLIC HEARING

David Price, resident, asked that the commission reconsider this as we might need this property as part of the Dover Kohl plan.

Shelton Rice, non resident and attorney for Petersen and Myers, reviewed this item. He said this is related to a DEP clean-up project that Vulcan is required to do. No one has use for this site. The map of the site was reviewed. Mr. Rice said there is no conflict with public access or economic development. Deputy Mayor Robin Gibson said this is far away from any plans by Dover-Kohl.

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2019-16** after public hearing. Commissioner Howell seconded the motion.

By Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said there is no threatened litigation at this time.

12. CITY MANAGER

Kenneth Fields, City Manager, said the legislative delegation meeting is at the beginning of October.

He said there are CRA training meetings and he recommended all of the Commissioners attend so they know what the CRA can or cannot do. This will be helpful in the next few years as we do more in the CRA.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

There will be a CRA Meeting on October 1st. This will be at 5:30pm before the Commission meeting at 6pm but in the future these meetings may be scheduled separately.

12.IV. Other Meetings And Special Events

13. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson commended the Police Department who responded to a concern by a student about safety of Bok North Students crossing the street. The Police Department addressed the concern immediately.

Deputy Mayor Robin Gibson asked about when the YMCA purchase will be completed. James Slaton, Assistant City Manager, said maybe by January as there are still issues to work out.

Commissioner Howell asked about the growth in the lakes and asked about the status of that. She said maybe we need to revive the Lakes Advisory Board. She asked about the status of the tree planting issue that Rotary did. Mr. Fields said we do have a contract to work on cleaning out the lakes. He said that they are still dealing with the tree planting issue. We are waiting for a list of objectionable trees.

Commissioner Curtis Gibson asked about trucks parked in Crystal Lake Park. He said that some don't like it. He asked if that work could be staged at the maintenance building. Mr. Fields said that costs will increase if they are further away from the work. It is a temporary inconvenience. They will restore the site upon completion of the project. The project will be complete in 6 months.

Commissioner Curtis Gibson said he is glad about the new activity in Lake Wales such as Love's Truck Stop and other projects going on.

14. MAYOR COMMENTS

Mayor Fultz thanked everyone for coming and participating in the process.

15. ADJOURNMENT

The meeting was adjourned at 6:56 pm.

Mayor/Deputy Mayor

ATTEST:

City Clerk