

**City Commission Meeting Minutes  
October 20, 2020  
(APPROVED)**

**This meeting was be conducted partially via teleconference  
Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, extended via Executive order no. 20-112, and further extended by Executive Orders No 20-114, 20-150, and 20-179 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.**

**The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting Web/Teleconference service.**

10/20/2020 - Minutes

1. INVOCATION

Dr. Moyer 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, and extended by Executive Order No. 20 -112, and further extended by Executive Orders No. 20 - 114, No. 20-150, and No. 20-179 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:** James Slaton, Interim City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. Alpha Delta Kappa October Proclamation

Mayor Fultz Proclaimed October 2020 Local Educators Month.

5.II. World Polio Day Proclamation

Mayor Fultz proclaimed October 24 as World Polio Day in Lake Wales.

6. PRESENTATION/REPORT

6.I. COVID-19 Update

Joe Jenkins, Fire Chief, reported that the percent positive for Polk County for the day was 8.05%. The 14 day average is 5.87% Cases in Lake Wales are at 914. We had 58 cases in 14 days.

7. COMMUNICATIONS AND PETITIONS

8. CITY CLERK

8.I. Appointment: Library Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointment to fill a vacancy on the Library Board.

**RECOMMENDATION**

Staff recommends that the Mayor and Commission make the following appointment as deemed appropriate.

1. Appoint Imelda Tice to a new term on the Library Board for a term expiring July 1, 2022

**BACKGROUND**

There are two vacancies on the Library Board due to resignations.

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).

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process 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: 2 vacancies, resident, due to resignations

Current Meeting Schedule: 1st Wednesday @ 4:00 p.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members: Jolene Lake, outside 08/02/16 -07/1/21, 1  
Paula Alford, resident 08/15/17 – 07/01/22, 1

Michalkiewicz, Brystal, resident 08/04/15 - 07/01/21, P+1

Deborah Solow, resident

09/19/18 - 07/01/23, 1

Allison Kapphan, resident

07/01/19 - 07/01/24, P+1

Applying for Appointment: Imelda Tice for a term expiring on 7/1/2022

### **OPTIONS**

Do not appoint those that have applied.

### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Tina Peak, Director of the Library, introduced Imelda Tice to the City Commission. Ms. Tice shared some of her background.

Mayor Fultz appointed Imelda Tice to a new term on the Library Board for a term expiring July 1, 2022.

Deputy Mayor Robin Gibson made a motion to approve the appointment. The motion was seconded by Commissioner Howell.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## **9. CONSENT AGENDA**

Deputy Mayor Robin Gibson made a motion to approve the Consent Agenda. Commissioner Goldstein seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

9.I. Minutes - Agenda Work Session July 29 2020

9.II. Florida Humanities Community Project Grant Application

[Begin Agenda Memo]

**SYNOPSIS:**

A grant application to the Florida Humanities Council for \$5000. The grant would require a 1:1 matching city contribution of \$5,000 in FY 2020-2021. The Museum will cover the cost of the match from monies

raised by additional proposed contributed gifts from Duke Energy, Mountain Lake Community Service, and Citizen Bank & Trust.

**STAFF RECOMMENDATION:**

1. Approve a grant application to the Florida Humanities for funding that will be allocated to the creation of the new Lake Wales African American Archive in 2021.
2. Authorize approval of grant contract by the Interim City Manager, if awarded.

**BACKGROUND:**

The Florida Humanities Council sponsors community based projects, facilitates important conversations among Floridians, and shines a spotlight on Florida's history, art, and culture. Established in 1973, FHC is an independent, nonprofit affiliate of the National Endowment for the Humanities. For over forty years we have developed and funded public programs that tell the stories of both Florida and those unique individuals that call this state their home.

FHC is funded by the State of Florida, Department of State, Division of Cultural Affairs.

If our application is approved, the grant money will be used to create a new African American Archive that includes to research the history, conduct oral histories, establish relationships, and create a permanent home for the history and stories of the African-American community and its people in Lake Wales.

The grant program is a renewable award with an approved application. Any grant funds received from this application would be applicable from December 1, 2020 – December 1, 2021. The grant requires a minimum 1:1 match of funds. The Museum will cover the cost of the match from monies raised by additional proposed contributed gifts from Duke Energy, Mountain Lake Community Service, and Citizen Bank & Trust. Grant requests have already been submitted these organizations.

**OTHER OPTIONS:**

Do not apply for this grant. No appropriations needed.

**FISCAL IMPACT:**

\$5000 in matching funds in FY 2020-2021. See attached fiscal impact statement.

[End Agenda memo]

10. OLD BUSINESS

10.I. Ordinance 2020-27 Zoning Amendment – Chapter 23 Zoning, Land Use And Development - 2nd Reading And Public Hearing

[Begin Agenda memo]

**SYNOPSIS**

The proposed regulations will create the Planned Development Mixed Use zoning district and Master Development Plan process to enable the recently-adopted Mixed Use Master Development Plan Policy (2.18) of the Lake Wales Comprehensive Plan.

## **RECOMMENDATION**

Staff recommends adoption of Ordinance 2020-27 at second reading, following a public hearing. Public notice requirements have been met.

## **BACKGROUND**

At a regular meeting on May 26, 2020, the Planning and Zoning Board made a recommendation of approval to the City Commission to adopt the new Land Development Regulations. Commission approved the amendments at first reading on October 6, 2020.

Proposed Changes include the following:

Table 23-211 will be amended to include the Master Development Plan requiring Administrative – recommendation, Planning Board – recommendation with public hearing, and City Commission – adoption with public hearing.

Section 23-242. Establishment of review fees.

Section 23-222.4.a.3 Master Development Plans (MDP) proposed language in attachment A on page 15.

Section 23-228 Master Development (MDP) Review Process – this is a brand new section of code to provide the framework for review and approval.

Table 23-421 Permitted and special exception uses allowed in zoning districts is amended to include the new district.

The majority of the new regulations are the establishment of Division 5. Master

Development Plan Regulations and subsequent Sections.

The proposed regulations were drafted in collaboration with Diane Chadwick and Katie LaBarr of Stantec, consultants for representing the Winter Haven Corporation.

## **FISCAL IMPACT**

This action has no direct fiscal impact.

## **OTHER OPTIONS**

Commission may choose not to approve the ordinance.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-27** by title only.

## **ORDINANCE 2020-27**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS**

**ADDING A REVISED  
ARTICLE IV. DISTRICT REGULATIONS/DIVISION 1. ZONING DISTRICTS/SECTION 23-401.B  
TO CREATE  
THE PLANNED DEVELOPMENT MIXED-USE ZONING DESIGNATION; ADDING SECTION 23-  
450 MASTER  
DEVELOPMENT PLAN REGULATIONS; ADDING SECTION 23-228 MASTER  
DEVELOPMENT REVIEW  
PROCESS; ADDING A REVISED SECTION 23-222.4.A.3. FOR MASTER  
DEVELOPMENT PLANS;  
AMENDING TABLE 23-421 PERMITTED USE CHART TO INCLUDE MDP MASTER DEVELOPMENT  
PLAN IN THE PDMU  
PLANNED DEVELOPMENT MIXED USE ZONING DISTRICT; PROVIDING FOR  
SEVERABILITY; AND PROVIDING  
FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to adopt **ORDINANCE 2020-27** after 2nd reading and public hearing. 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.

## 11. NEW BUSINESS

- 11.1. Ordinance D2020-02 – CPA/Zoning – 1st Reading – Public Hearing Mckibben Powersports Property – .51 Acres East Of US Hwy 27

[Begin Agenda memo]

### **SYNOPSIS**

This ordinance will amend land use designations on the Future Land Use Map (Comprehensive Plan) and the Zoning Map for property owned by MCK Properties of Lake Wales, LLC, East of US Highway 27 and abutting the existing Mckibben Powersports site.

### **RECOMMENDATION**

Staff recommends approval of Ordinance D2020-02 after first reading and public hearing.

### **BACKGROUND**

The subject property comprises .51 acres, and is identified by Polk County Property Appraiser Parcel Number Parcel 27-29-34-875000-006100. The property is legally described as

Lots 10 and 11, Block 6 of Everett's Subdivision per Plat Book 30 Page 45 of Polk County Public Records, and comprises .51 acres. The annexation of this property occurred via Ordinance 2020-10, at the request of the property owner.

At a regular meeting on June 23, 2020, the Planning & Zoning Board recommended IND Industrial future land use and I-2 Industrial Infill zoning designations. These designations are consistent with those already assigned to the existing developed site.

This request came before the Commission on July 7, 2020, for first reading; however, staff postponed the adoption hearing until our Comprehensive Plan was in compliance. The 2040 Comprehensive Plan was transmitted to the Florida Department of Economic Opportunity (DEO) at the October 6, 2020 City Commission meeting, and therefore adoption of D2020-02 can now take place.

#### FISCAL IMPACT

Assigning land use and zoning designations enables future improvements of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **Ordinance D2020-02** by title only.

#### **ORDINANCE D2020-02**

**(CPA/Zoning Mckibben Powersport Property – .51 acres – US Highway 27)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE**

**COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON .51 ACRES OF LAND LOCATED EAST OF HIGHWAY 27 FROM POLK COUNTY DESIGNATION RL-4 RESIDENTIAL LOW TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION IND INDUSTRIAL AND ZONING DESIGNATION TO I-2 INDUSTRIAL INFILL; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Curtis Gibson made a motion to approve **ORDINANCE D2020-02** after 1st reading and public hearing. Commissioner Goldstein seconded the motion.

By Roll Call Vote:

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

[Begin Agenda Memo]

## **SYNOPSIS:**

A requirement to receiving State Revolving Loan Funds (SRF), a resolution has to be adopted by the city stating its financial position and the authority to apply for these funds.

## **STAFF RECOMMENDATION**

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

1. Adopt Resolution 2020-37 Park Water Company Acquisition.

## **BACKGROUND**

The City staff has been working diligently to finalize the purchase of Park Water Company with the use of State Revolving Loan Funds. A request for inclusion was submitted, with all the accompanying documentation, so the City could be placed on the SRF funding list to be announced on November 18, 2020. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion, and a letter stating the City's intent to request the funds upfront for this purchase. Normally the city would have had to pay the contractor invoices or bill of sale up front and request disbursement once a canceled check is received. Due to this being a purchase contract, SRF allows for the request of funds up front to finalize the purchase, doing away with the need for the City to do any type of bridge funding. The resolution states, the Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement.

Staff is recommending the City Commission adopt Resolution 2020-37 Park Water Company Acquisition.

## **OPTIONS**

None. Without the adoption of Resolution 2020-37 the City would not be eligible to apply or receive SRF funds for this purchase.

## **FISCAL IMPACT**

None at this time. Once a contract has been proposed by SRF it will be brought back before this Commission for approval.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-37** by title only.

## **RESOLUTION 2020-37**

**A RESOLUTION OF CITY OF LAKE WALES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

Deputy Mayor Robin Gibson made a motion to approve **RESOLUTION 2020-37**. Commissioner Goldstein seconded the motion.



By 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.

11.III. Ordinance 2020-18: Charter Amendment, Mission Statement - First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-18 will put a Charter Amendment on the ballot regarding the addition of a Mission Statement to the Lake Wales Charter.

**RECOMMENDATION**

The Charter Review Committee recommends approval of Ordinance 2020-18 after first reading. Staff has no recommendation. This is a Commission Decision.

**BACKGROUND**

This idea of adding a mission statement to the Charter was brought up to the Charter Review Commission by Deputy Mayor Robin Gibson.

Ordinance 2020-18 will put on the April 2021 ballot the option for voters to add a mission statement to the City Charter.

The committee is recommending that the City Charter be amended to include this official city Mission Statement: The mission of the City of Lake Wales is to serve and unify its citizens, to foster economic growth while building on our City's existing small town values, and to promote the Bok ethic that we make our City a "bit better and more beautiful" for our being here.

**OTHER OPTIONS**

Do not approve Ordinance 2020-18.

The Commission may choose to modify the proposed mission statement or Ordinance.

**FISCAL IMPACT**

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-18** by title only.

**ORDINANCE 2020-18**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING**

**AN AMENDMENT TO  
ARTICLE I OF THE CHARTER OF THE CITY OF LAKE WALES TO ADD A MISSION  
STATEMENT;  
PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED  
AMENDMENT TO BE PLACED  
ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL  
ELECTION OR AT A  
SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT;  
AND PROVIDING FOR AN EFFECTIVE DATE**

Commissioner Goldstein made a motion to approve **ORDINANCE 2020-18** after 1st reading. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

11.IV. Ordinance 2020-19: Charter Amendment, Candidate Residency - First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-19 will put an amendment on the April 2021 Ballot changing the residency requirement for candidates running for City Commission from 1 year to 3 years.

**RECOMMENDATION**

The Charter Review Committee recommends approval of Ordinance 2020-19 after first reading. Staff has no recommendation. This is a Commission decision.

**BACKGROUND**

Currently a candidate for City Commission or Mayor must have resided in Lake Wales for 1 year. This Ordinance will place on the April 2021 ballot an amendment to change the residency requirement from 1 year to 3 years for candidates for Commission or Mayor.

**OTHER OPTIONS**

Do not approve Ordinance 2020-19.

The Commission can modify Ordinance 2020-19.

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, **ORDINANCE 2020-19** by title only.

**ORDINANCE 2020-19**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.02, OF THE CHARTER OF THE CITY OF LAKE WALES TO INCREASE THE RESIDENCY REQUIREMENT FOR THE MAYOR OR COMMISSIONER TO THREE YEARS; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Albert Galloway, Jr., City Attorney, said this should be pulled as there is a case on point that this may violate the protection clause. Mayor Fultz agreed that this should not be on the ballot.

11.V. Ordinance 2020-20 Charter Amendment District Residency First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-20 District Residency will put on the April 2021 ballot an amendment changing the charter declaring a Commission vacancy if a Commissioner moves out of their district.

**RECOMMENDATION**

The Charter Review Committee recommends approval of Ordinance 2020-20 after first reading. Staff has no recommendation. This is a Commission decision.

**BACKGROUND**

Currently if a Commission member moves out of their district but within City Limits they can retain their seat. This change, if approved by voters, would require Commissioners to reside within their district for the duration of their term. If a Commission member moves out of their district with more than a year left of their term the seat becomes vacant automatically.

**OTHER OPTIONS**

Do not approve Ordinance 2020-20.

The Commission may choose to modify Ordinance 2020-20.

**FISCAL IMPACT**

None.

[Begin Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-20** by title only.

**ORDINANCE 2020-20**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO**

**ARTICLE III, SECTION 3.02, OF THE CHARTER OF THE CITY OF LAKE WALES TO REQUIRE AN ELECTED COMMISSIONER TO REMAIN A RESIDENT OF THE DISTRICT IN WHICH THE MEMBER QUALIFIED FOR ELECTION THROUGHOUT THE TERM FOR WHICH THE MEMBER WAS ELECTED ; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-20** after 1st reading. Commissioner Goldstein seconded the motion.

By 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.

#### 11.VI. Ordinance 2020-21 - Charter Amendment, Filling Vacancies - First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-21 will put an amendment on the April 2021 ballot changing how vacancies are filled.

#### **RECOMMENDATION**

The Charter Review Committee recommends approval of Ordinance 2020-21. Staff has no recommendation.  
This is a Commission decision.

#### **BACKGROUND**

Currently if there is a vacancy on the commission an appointee will serve the remainder of the full three year term. If the charter amendment is approved the appointee will serve until the next regular election in April. The newly elected Commissioner will serve the rest of the three year term.

#### **OTHER OPTIONS**

Do not approve Ordinance 2020-21.

The Commission can choose to modify Ordinance 2020-21

## **FISCAL IMPACT**

There is no Fiscal Impact

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-21** by title only.

## **ORDINANCE 2020-21**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.08 (c), OF THE CHARTER OF THE CITY OF LAKE WALES TO REVISE THE MANNER IN WHICH A VACANCY IN OFFICE IS FILLED; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-20** after 1st reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

## **11.VII. Ordinance 2020-23: Charter Amendment, City Manager Appointment - First Reading**

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-23 will place an amendment on the April 2021 ballot requiring the City Manager upon appointment to move to the greater Lake Wales area.

## **RECOMMENDATION**

The Charter Review Committee recommends approval of Ordinance 2020-23 after first reading. Staff has no recommendation. This is a Commission decision.

## **BACKGROUND**

There is currently no requirement in City Charter that the City Manager live in Lake Wales. If this amendment is approved by voters a newly appointed City Manager would have 6 months to move to the greater Lake Wales area.

## **OTHER OPTIONS**

Do not approve Ordinance 2020-23.

The Commission can choose to modify Ordinance 2020-23.

## **FISCAL IMPACT**

There is no fiscal impact.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-23** by title.

## **ORDINANCE 2020-23**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 4.01, OF THE CHARTER OF THE CITY OF LAKE WALES TO PROVIDE A RESIDENCY REQUIREMENT FOR THE CITY MANAGER; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Goldstein asked about the time frame. Six months is not long enough if they are building an house.

Deputy Mayor Robin Gibson said if more time is needed then the Commission would discuss this.

Mayor Fultz said he would hate for this short time frame hinder a future City Manager.

Commissioner Howell said that this person should not take 2 years to build a house. Mayor Fultz agreed and said that would be part of the negotiations as well.

Mayor Fultz said future Commissioners will have to deal with this too.

Commissioner Goldstein made a motion to approve **ORDINANCE 2020-23** after 1st reading. 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.

11.VIII. ORDINANCE 2020-24 Charter Amendment, City Manager Purchasing – First Reading

[Begin Agenda Memo]

**SYNOPSIS:**

ORDINANCE 2020-24 puts an amendment on the ballot in April 2021 removing dollar amounts from the City Manager's Purchase Authorization. This change refers to the Ordinance instead.

**RECOMMENDATION**

Charter Review Committee recommends approval of Ordinance 2020-24 after first reading. Staff also recommends approval.

**BACKGROUND**

Currently the City Manager must approve all purchases of any amount. In March of 2020 the City Commission adopted Ordinance 2020-05 modifying the purchasing thresholds for department heads and City Manager. This change to the charter would allow future changes regarding purchasing amounts and procedures to be done by Ordinance rather than by Charter Amendment.

**OTHER OPTIONS**

Do not approve Ordinance 2020-24.  
The Commission may choose to modify Ordinance 2020-24

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-24** by title only.

**ORDINANCE 2020-24**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 4.04 (9), OF THE CHARTER OF THE CITY OF LAKE WALES GOVERNING THE ACTS OF THE CITY MANAGER IN THE CAPACITY OF THE CITY'S PURCHASING AGENT; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Deputy Mayor Robin Gibson said this will save the City manager time. Mayor Fultz agreed saying that the City Manager should not have to sign off on every \$5 item.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-24** after 1st reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

11.IX. Ordinance 2020-26 Charter Amendment Capital Program – 1st Reading

[Begin Agenda memo]

**SYNOPSIS:** Ordinance 2020-26 places on the next ballot changes to the approval of the Capital Program in the Charter

**RECOMMENDATION**

Charter Review Committee recommends approval of Ordinance 2020-26 Charter Amendment Capital Program after 1st Reading.

Staff also recommends approval.

**BACKGROUND**

Currently in the City Charter the Capital Program is to be submitted to the Commission three months before the final draft budget. For many years these have been submitted to the Commission at the same time.

Ordinance 2020-26 places on the next ballot in April 2021 a Charter Amendment changing the procedure so they can be distributed to the Commission at the same time.

**OTHER OPTIONS**

Do not approve Ordinance 2020-26.

The Commission can choose to modify Ordinance 2020-26.

**FISCAL IMPACT**

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-26** by title only.

**ORDINANCE 2020-26**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 6.05 (a), OF THE CHARTER OF THE CITY OF LAKE WALES TO HAVE THE SUBMISSION OF THE CITY'S FIVE-YEAR CAPITAL PROGRAM TO THE CITY COMMISSION COINCIDE WITH SUBMISSION OF THE ANNUAL BUDGET; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE**



**BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-26** after 1st reading. 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.X. Ordinance 2020-28 Charter Amendment, Duties Of The Mayor – First Reading

[Begin Agenda Memo]

**SYNOPSIS:**

Ordinance 2020-28 places on the ballot a Charter amendment modifying duties of the Mayor concerning board appointments.

**RECOMMENDATION**

The Charter Review Committee recommends approval of Ordinance 2020-28 Charter Amendment, Duties of the Mayor after First Reading.  
Staff has no recommendation.

**BACKGROUND**

Currently in the City Charter the Mayor appoints members to our citizen boards which are approved by the Commission.

The Charter Review Committee in response to discussions about board appointments at recent meetings recommends putting an amendment on the next ballot modifying the duties of Mayor to allow the Commission a greater role in recruiting and selecting members of various City Boards and Committees.

**OTHER OPTIONS**

Do not approve Ordinance 2020-28.  
The Commission can choose to modify Ordinance 2020-28

**FISCAL IMPACT**

None

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-28** by title only.

**ORDINANCE 2020-28**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.06 (e) OF THE CHARTER OF THE CITY OF LAKE WALES TO ALIGN THE FUNCTION OF THE MAYOR WITH THOSE OF THE INDIVIDUALS SERVING AS CITY COMMISSIONERS CONCERNING APPOINTMENT TO CITY BOARDS, COMMITTEES AND COMMISSIONS; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Fultz said he supports this because it allows the Commission to help with getting citizens to serve.

Mayor Fultz said he desired the board to review new applicants and make a recommendation to him and the Commission for approval. He asked why the applicants should then come to the Commission. Deputy Mayor Robin Gibson said its good practice so the Commission can see their faces.

Chevon Baccus, Chair of the Charter Review Committee, said the purpose of this recommendation was to allow the Commission to be more collaborative in the recruitment and appointment process.

Mayor Fultz encouraged Commissioners to contact applicants with any questions.

Deputy Mayor Robin Gibson said attending the Commission meeting demonstrates commitment to the board.

Commissioner Goldstein said its a more professional way to do things.

Commissioner Curtis Gibson said applicants can share their eagerness to serve. Sometimes applicants were turned down by staff. This allows the Commission to work as a team to get good appointments.

Mayor Fultz said it should not be staff doing the interviews. He does not want to miss a good candidate just because they can't attend a Commission meeting.

Ms. Baccus said this change allows more flexibility.

Mayor Fultz said he supports the charter change he just wanted the clarification on the process.

Commissioner Goldstein said it was good to meet the person appointed to the Library Board tonight. That was beneficial.

Commissioner Howell said it was good to put a name with a face. She said she doesn't want the boards or staff to choose their friends. We want to get the best candidates.

Mayor Fultz said we need to engage the candidates if they come.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-28** after 1st reading. Commissioner Goldstein seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

Deputy Mayor Robin Gibson commended the Charter Review Committee for their hard work. Mayor Fultz agreed and thanked them for their service.

#### 11.XI. Selection Of A City Manager

[Begin Agenda Memo]

##### **SYNOPSIS:**

The City Commission will consider options for selecting a new City Manager.

##### **RECOMMENDATION**

Review and select an option for the City Manager search process.

##### **BACKGROUND**

Following City Manager Kenneth Fields' retirement on June 2, 2020, the City Commission appointed James Slaton as Interim City Manager. At the time of appointment, there was interest in making a decision on how to select a new City Manager following the start of the 20'21 fiscal year (October 1, 2020).

##### **OPTIONS**

1. Direct Staff to prepare options for a search lead by a National Recruiting Firm (typically takes four to six months).
2. Direct Staff to prepare an agreement with the Florida City-County Management Association Senior Advisors group.
3. Direct internal Staff to conduct a City Manager search (typically takes three to four months).
4. Take no action, continue with Interim City Manager James Slaton and revisit the matter at a future meeting.
5. Appoint James Slaton as the City Manager.

##### **FISCAL IMPACT**

Varying costs dependent on variables associated with each option.

The National Recruiting Firm option costs approximately \$20,000 to \$35,000.

Florida City-County Management Association Senior Advisors group at no cost, excluding background investigations, which can cost about \$2,500 per candidate if done by an outside firm.

The internal search option has no additional costs.

Appointing James Slaton will require a contract negotiation.

[End Agenda Memo]

Deputy Mayor Robin Gibson made a motion to appoint James Slaton as City Manager subject to a negotiation of contract with the Mayor and City Attorney. This contract would then be approved by the City Commission.

Commissioner Goldstein said that Mr. Slaton has proved himself over the past few months and would like to second the motion.

Mayor Fultz said he agreed. Mr. Slaton is the best person to lead this City. He already knows the staff, current projects and the people of this City.

Commissioner Howell said Mr. Slaton has done a wonderful job moving the City forward. She asked Mr. Slaton his plan for the Community to be better served by the Police Department. Mr. Slaton reviewed several steps to increase performance and accountability including accreditation, training, and creating avenues to build relationships and get feedback. He will see through many of these steps that have begun over these past few months.

Commissioner Curtis Gibson said he is pleased with Slaton's work. He has done a good job turning around some of the issues that we are facing. He has come up ways for better collaboration and communication among the Commission. This is the right move. We have invested in James Slaton over the years and appreciate his service to our community.

By 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.

Mayor Fultz congratulated James Slaton on his appointment.

## 12. CITY ATTORNEY

Albert Galloway Jr., City Attorney, reported on his recent conversation with Henry Kebabjin, owner of the Seminole Hotel, on the foreclosure action. He told Mr. Kebabjin that the City is moving forward with the action against the building. Mr. Kebabjin said he may come to the Commission to try and get the Commission to forgive the liens and work with him. Mr. Galloway said there is title cleanup taking place as part of this action. Mr. Galloway said he will file a motion for summary judgment. Mr. Kebabjin said he has filed answer and Mr. Galloway will review it and go from there. He recommends staying the course. Commissioner Howell asked if this decision applies to other Code Enforcement issues. Mr. Galloway said Mr. Kebabjin purchased the building with over \$200,000 in fines. Due diligence was not done. The City not

wants to take title, give it to CRA to find someone to restore it. Commissioner Goldstein asked if we can give this property to the CRA. Mr. Galloway said not until the action is finished. The action will clean up the title problems. Commissioner Goldstein asked if the owner paid the liens of \$200,000. Mr. Galloway said the liens would still be in place. The City needs clear title to the property. Deputy Mayor Robin Gibson said we need the property with a clean title. The CRA can find the best situation to get the building restored. Mr. Kebabjin may come up with the best arrangement. We need to insure financial investment into the building that gets done. We need to avoid similar mistakes with this building. Mayor Fultz we need to find someone to improve that building for the betterment of the City. Commissioner Goldstein asked how long the process takes. Mr. Galloway said about 4 months if no opposition. Commissioner Howell asked if this procedure is being used on the Estes Building. Deputy Mayor Robin Gibson said the Seminole Hotel is not precedent. Each building and situation needs to be addressed differently. Commissioner Howell said every neighborhood needs to be treated the same. She does not want her district treated differently than others. Deputy Mayor Robin Gibson said this project will bring lots of dollars to her district. Commissioner Curtis Gibson said that he understands what Commissioner Howell is saying and agreed with her concern. He understands each situation is different. Mayor Fultz said he doesn't understand why the Estes Building looks the same and there's no progress. James Slaton, City Manager, said that problem is on his radar and is working on it. Commissioner Howell said all the neighborhoods need the same attention.

Mr. Galloway said we currently do not have a panhandling ordinance. It was rescinded in 2019 as panhandling was judged to be speech by the Supreme Court. He is looking for a version that will stand muster. Commissioner Goldstein said this should be based on individual security. Mr. Galloway said we can tie the ordinance to a location. Commissioner Curtis Gibson said he has heard from business owners expressing safety concerns for their customers. Mayor Fultz said they would be interested in seeing what Mr. Galloway comes up with. We need something doable that we can enforce

### 13. CITY MANAGER

James Slaton, City Manager, thanked the Commission for their faith and confidence in appointing him to the role. He will work hard and not let them down.

Mr. Slaton reported that there will be a virtual open house on the Market Place Design on November 18 at 5:30 p.m.

Advertisements for the horticulturist position will go out this week. A person has been selected for the Northwest area and will be starting soon.

#### 13.I. Tracking Report

#### 13.II. Social Media Tracking Report

#### 13.III. Commission Meeting Calendar

Mr. Slaton announced that the workshop on October 28 will be canceled as he will be on vacation.

Mr. Slaton asked if the Commission wants to change the meeting date on November 3rd because of the Presidential Election. After discussion there was consensus to move the meeting to the morning of November 3rd.

Mr. Slaton said that Halloween will go forward as normal.

### 14. CITY COMMISSION COMMENTS

Commissioner Goldstein said the Eagle Ridge Mall problems need to be addresses. Commissioner Goldstein said he would like to re-examine the magistrate issue to address code enforcement issues.

Commissioner Curtis Gibson congratulated Mr. Slaton and encouraged him to keep on.

Commissioner Howell said she is excited about Mr. Slaton as we are moving in a good direction.

Commissioner Howell asked about new poles on Lincoln Avenue. Mr. Slaton said they are to stop trucks driving over and damaging the sidewalks. The sidewalks have been repaired repeatedly from trucks driving over the sidewalks. Commissioner Curtis Gibson said he was concerned about the quality of the work done. We should communicate with the public on these things. He discussed the matter with Mr. Slaton and the poles were painted and they look good.

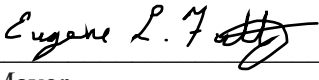
Commissioner Goldstein said he was glad to have a meeting without controversy and he is glad for that.

15. MAYOR COMMENTS

Mayor Fultz commended Mr. Slaton on the good job he has done and encouraged him to continue on.

16. ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk