

**City Commission Agenda Work Session  
Meeting Minutes  
November 11, 2020**

**(APPROVED)**

**This meeting was conducted partially via teleconference**

11/11/2020 - Minutes

1. CALL TO ORDER & ROLL CALL

**Commissioners Present:** Terrye Howell, Curtis Gibson, Al Goldstein, Mayor Fultz

**Commissioners Absent:** Robin Gibson

**Staff Present:** James Slaton, City Manager; Jennifer Nanek, City Clerk

Mayor Fultz called the meeting to order at 3:00 p.m.

Mayor Fultz read a statement: Procedures for public participation will be explained by the City Attorney shortly.

Albert Galloway, Jr., City Attorney, read a statement on Procedures for this partial virtual Public Meeting. 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.

2. City Manager Comments

3. Discussion On Special Events

[Begin Agenda Memo]

**SYNOPSIS:** Discussion on whether to resume issuing permits for large special events.

**RECOMMENDATION** Staff recommends the City Commission discuss and direct staff on whether to issue permits for large special events distancing that may not comply with CDC recommendations on Social Distancing.

**BACKGROUND** Since the beginning of the current State of Emergency in March the City has had a moratorium on issuing special event permits. As of October, the City has begun allowing smaller events such as the Farmer's Market and Car Show to resume as long as the sponsor made an effort to follow CDC guidelines regarding social distancing. This discussion could affect the Mardi Gras and Lake Wales Art Show tentatively scheduled for February 2021.

**OTHER OPTIONS** Do not have a discussion and hold off on larger special events.

**FISCAL IMPACT** none

[End Agenda Memo]

James Slaton, City Manager, reviewed this item and current status.

Commissioner Curtis Gibson said that our community and businesses thrive off of our special events. They are important to our local organizations. We need to allow the events and allow the sponsoring organizations decide how to handle abiding by CDC requirements as far as masks and social distancing.

Commissioner Goldstein agreed and said many charity organizations are suffering right now. We need to trust our citizens on social distancing. He has heard that the event may be modified to help with social distancing and to reduce costs. It is important for us to get back.

Commissioner Howell said she thought we agreed to wait until the numbers got down below a certain level. What do we do if people don't social distance? How do we control that many people?

Mayor Fultz said the sponsor submitting an application for a special event permit must also include a plan for social distancing and how will it be enforced?

Mr. Slaton said for larger events enforcing social distancing may be impossible. Should there be certain conditions under which these are approved.

Commissioner Curtis Gibson said there is no way to control social distancing but he agrees that the sponsor should submit a plan on how to address it. We have to bring back a sense of normalcy. We need to trust people to make their own decisions whether to attend events or not.

Mr. Slaton asked Fire Chief Jenkins to weigh in. Joe Jenkins, Fire Chief reported that we had 11% positive rate in Polk County yesterday. Our rolling 14 day average is 7.28%. Sporting events are limiting people to attend. An event such as Mardi Gras includes both large crowds and alcohol. He would not approve it but this is up to the Commission.

Mr. Slaton said he can put something on the agenda for Tuesday for a vote.

Commissioner Curtis Gibson asked to allow the representative from Mardi Gras to speak.

Denny Wittman, Vice-President of the Mardi Gras Committee, reviewed their decision to cancel the Mardi Gras based on the numbers they saw. There is no animosity towards the City. The vaccine won't be ready for awhile. He said that there were many comments against the decision. The committee has not discussed further about plans since decision was made. Controlling the crowds and monitoring for masks would be difficult. He said many Krewes would not be able to participate which would not make for a good parade. They are fine with whatever the Commission decides.

Commissioner Curtis Gibson asked Mr. Wittman if he was told the permit would be approved in the numbers went below 5%. Mr. Wittman said yes and explained that they kept waiting for the numbers to go below 5% and it never did. They want to eliminate financial risks to the organization. It is hard to know what February will be like. They want to do something to raise some money. They are looking at smaller events in partnership with local restaurants. Mayor Fultz said that sounded like a good alternative. Mr. Wittman explained how they might plan the event and keep attendance low. They would like to see things go back to normal somehow but in safe way.

Mayor Fultz said we need patience as it may be a year before enough people are inoculated. He thanked Mr. Wittman for their understanding. Mayor Fultz encourage him to keep James up to date.

#### 4. Marketing Agreement With Utility Service Partners Private Label

[Begin Agenda Memo]

**SYNOPSIS:** A discussion about the marketing agreement from 2017 with Service Line Warranties of America **RECOMMENDATION** Staff has no recommendation. This item is for discussion only.

**BACKGROUND** Commissioner Goldstein requested a discussion of the marketing agreement between the City of Lake Wales and Utility Service Private Partners Label Inc., or Service Line Warranties of America. In May of 2017, the City Commission voted to enter into an agreement with this Company to offer the National League of Cities (NLC) Service Line Program with the aim at offering property owners cost effective service line protection.

**OTHER OPTIONS** Do not have a discussion.

**FISCAL IMPACT** None

[End Agenda Memo]

Commissioner Goldstein reviewed this item. He has complaints about these letters. Many citizens think they have to do this. The City is promoting a private company. This agreement will run out in May and we should let the agreement expire.

James Slaton, City Manager, reviewed the current status of this agreement.

Mayor Fultz wondered how many participated that understood what is. He is fine with letting the agreement expire but would like the program to continue. Commissioner Goldstein said he is fine with letting the program continue but he does not want the City logo on it.

5. City Manager Employment Contract

[Begin Agenda Memo]

**SYNOPSIS:** Proposed City Manager contract has been reviewed by the Mayor and is ready for City Commission consideration.

**RECOMMENDATION** Staff recommends approval of the employment contract, to be executed by the Mayor.

**BACKGROUND** On October 20th, City Commissioners voted unanimously to appoint James Slaton as City Manager, pending approval of an employment contract. A proposed contract has been reviewed by the Mayor and is being brought forth for City Commission consideration.

**OTHER OPTIONS** Do not approve the contract and further negotiate the contract terms.

**FISCAL IMPACT** City Manager Slaton is proposing a total annual compensation package with an annual cost of \$193,985, which includes salary and benefits. This is \$6,015 less than the most recent annual compensation approved for Ken Fields. The attached memo details key elements of the proposed contract.

[End Agenda Memo]

Albert Galloway, Jr., City Attorney, reviewed this item.

Commissioner Howell said we need to decide the definition of the greater Lake Wales area. Mayor Fultz agreed that this is something that should be discussed. He gave several possible ways to define it. Commissioner Curtis Gibson said using the Lake Wales zip codes is a possibility. Commissioner Howell said we should discuss the different areas such as Babson Park, or Waverly or Country Oaks. Do these define the greater Lake Wales area?

Commissioner Curtis Gibson asked Mr. Slaton if he was looking in a certain area. Mr. Slaton said the inventory of houses that would be a good size are low. He suggested either zip codes or a mileage distance. Commissioner Howell asked if we could get in trouble if we did the mileage and he lived in Winter

Haven. Mr. Slaton said that other City Managers don't live in their respective cities. This is a Commission decision.

Commissioner Goldstein said Mr. Slaton has worked for the City 17 years and has lived in Lakeland all that time. He would be fine to let Mr. Slaton stay where he is and have this rule for other future City Managers. He would like him to move but not force him if he can't find a suitable spot.

Commissioner Curtis Gibson said its all about perception. If Mr. Slaton works here he should live here. We need more executive houses in Lake Wales in order to compete. He would be fine with a mileage distance from the limits.

Mayor Fultz said the three zip codes could serve as the greater Lake Wales area. he asked Mr. Slaton if that would work.

Mr. Slaton said he found a few possibilities as he has been looking for several months. He said getting developers to build more executive houses may be tough as the market is small. Mayor Fultz said we have been advocating for more developers to come build more of those houses.

Commissioner Curtis Gibson said maybe we can look at incentives.

Commissioner Goldstein said Mr. Slaton should be an exception and allow some leeway.

Commissioner Howell said Mr. Slaton knew that he had to move to Lake Wales to accept the job. She is glad we hired him but he needs to move to Lake Wales.

Mr. Slaton suggested 5 or 10 miles from the City limits. Commissioner Howell said she preferred to go with the zip codes.

Mayor Fultz asked Mr. Slaton to put the contract on the agenda with the 10 miles from the limits.

Mr. Slaton asked for up to 12 months to give him time in case he has to just build a house.

Commissioner Curtis Gibson asked how the number of \$155,000 was arrived at. Mr. Slaton said he reviewed other City Manager salaries nearby. Commissioner Curtis Gibson said he is concerned that Slaton, while having been here 17 years he is a rookie and Mr. Fields had 30 years experience and he was paid \$139,000. Mr. Fields was more about retirement and Mr. Slaton is vested in our Retirement system already. He wanted to point this out.

#### 6. Ordinance 2020-29, FY19'20 Budget Amendment #1, 2nd Reading & Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approval of the first amendment of FY 19'20 Budget that was adopted on September 24, 2019.

**RECOMMENDATION** It is recommended that the City Commission approve Ordinance 2019-09 after second reading and public hearing. The City Commission approved first reading of the ordinance on November 3, 2020. The advertisement requirement for second reading and public reading has been met.

**BACKGROUND** Ordinance 2019-09 estimating revenues and appropriating funds for Fiscal Year 2019'20 was adopted by the City Commission September 24, 2019. We are presenting Ordinance 2020-29 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items has been provided on both Exhibit A and B.

**OTHER OPTIONS** This is a required budgetary amendment for compliance purposes relating to the City's

Charter and Florida State Statute. Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required, the amendment must be adopted in the same manner as the original budget.

**FISCAL IMPACT** See Exhibit A and Exhibit B attached to Ordinance 2020-29

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

7. Ordinance 2020-30 Zoning Amendments – Chapter 23 Zoning, Land Use And Development - PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS** Areas of the Land Development Regulations (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments in order to address the growth and needs of the community, to better align with current best practices, and to facilitate a more business-friendly approach to development in Lake Wales.

**RECOMMENDATION** Staff recommends approval of Ordinance 2020-30 after first reading and adoption after second reading, following a public hearing. Public notice requirements have been met.

**BACKGROUND** At a regular meeting on October 27, 2020, the Planning and Zoning Board made a recommendation of approval to the City Commission to adopt the new Land Development Regulations.

Amendments are proposed to the following sections:

- a. Sec. 23-217 – Site development permit
- b. Sec. 23-223 – Land Subdivision
- c. Sec. 23-302 – Land preparation
- d. Sec 23-303 – Streets
- e. Sec. 23-304 – General requirements for lots and yards
- f. Sec. 23-306 – Off-street parking and vehicular access
- g. Sec. 23-307 – Landscaping
- h. Sec. 23-314 – Tree relocation or removal permit,
- i. Table 23-421 Permitted Uses
- j. Sec. 23-422 – Dimensional requirements for use of land
- k. Division 4 – Planned Development Project Regulations
- l. Sec. 23-545 – Signs
- m. Sec. 23-653 – Certificates of appropriateness

n. Sec. 23-801 – Definitions This round of code updates, referred to as “business-friendly” updates, is the first phase of amending our Land Development Regulations.

Future updates will follow.

Sec. 23-217 – Site development permit The following proposed language will provide for a quicker review of Site Development Permit applications:

Sec. 217.4 Review and permitting. Review of the application package shall be conducted by the Development Review Committee and coordinated by the administrative official.

a. The administrative official shall review the application for completeness within ten (10) seven (7) business days of receipt. An incomplete application will be accepted for commencement of review provided the applicant submits a list of items to be provided at a later date and that ½ the permit fee is paid per Table 242. Applications not meeting these minimum requirements shall be rejected and the applicant shall be notified. In no case shall a site development permit be issued prior to the review of all required information.

b. After initial review for completeness, the application package will be forwarded to the Development Review Committee members for detailed review against the preliminary plans as approved by the city. The review shall verify compliance with detailed city standards and specifications for construction of facilities, erosion control, tree protection, currently accepted engineering practices, provisions of all city codes, and requirements of permits from other (Outside City) agencies. At the end of a 30-day 14-day review period, comments will be summarized and sent to the applicant. Submission of additional information or revised plans shall trigger an additional 30-day 14-day review period.

Sec. 23-223 – Land Subdivision The following language is proposed in order to provide for bonding:

Bonds: Sec. 23-223.4 Final subdivision plat and supplementary information. Plats must be prepared by a registered surveyor and shall comply with the requirements of F.S. ch. 177. Application forms, deadlines for submission, and the number of copies of documents required shall be as set forth in the procedures manual maintained by the administrative official. The fee shall be as required per section 23-242.

a. Pre-requisites. Unless the proposed subdivision is exempt pursuant to subsection 23-223.1(a)3, a final plat application shall not be accepted for review unless a preliminary plat has been approved by the city commission under section 23-223.2, and site improvements have been completed pursuant to a site development permit under section 23-217. The City of Lake Wales will not accept Although not preferred, the City of Lake Wales will accept a performance bond, letter of credit or other surety in lieu of constructing street improvements, drainage improvements, water, sanitary or storm sewer facilities, street lights or traffic signs prior to the approval and recording of the final subdivision plat. The surety shall be a minimum of 120% of the cost of the improvements, based on the engineer's cost estimate that is approved by the City. A bond, letter of credit or other surety acceptable to the city attorney may be accepted in lieu of constructing sidewalks or installing landscaping prior to the approval and recording of the final subdivision plat.

Regarding final plats, the following is proposed:

Single-Family Residential Subdivision Design Requirements: Single-family residential subdivisions with 20 lots or more, shall submit to the Development Review Committee (DRC), prior to final plat approval, the following:

1. A plan to encourage architectural building variety. Similar residential units shall be separated by a minimum of 120 feet or four units, whichever is greater.
2. Proposed building design details including: architects style, building materials and colors. The approved standards shall be incorporated into the homeowner association documents prior to final plat approval or the

sale of building lots.

Sec. 23-302 – Land Preparation In regards to Tree Removal Permits on residential property, we must remove the following language from the code in order to be compliant with House Bill 1159 which restricts municipalities from requiring a tree removal permit on residential properties:

23-302A For SINGLE-FAMILY LOTS where it can be determined by the administrative official that planting of replacement trees would hinder the growth of remaining trees or where three (3) or more significant trees are to remain on the property following the removal of the applicant tree, the replacement requirement may be waived or reduced.

Amend c. in order to exempt residential:

a. Failure to obtain tree removal permit. Except on residential property, any tree removed without a tree removal permit as required by section 23-214 shall subject the violator to a fine according to Table 302B, and replacement according to Table 302A. All fines collected shall be deposited in an account established to fund the planting of trees in public open spaces.

Amend 23-214.b. Exclusions and exemptions to Tree relocation or removal permit, in order to exempt residential properties:

a. Exclusions and exemptions. Trees removed on residential properties are exempt from tree removal permit and replacement requirements. Specifically excluded and exempted from permit requirements are removal of individual citrus trees; however, this exemption is not applicable to massive clearing of trees which will require a land alteration permit. Trees exempt from the tree removal permit requirement include, but are not limited to, the following:

House Bill (for reference): CS/HB 1159: Private Property Rights

GENERAL BILL by State Affairs Committee; La Rosa; (CO-INTRODUCERS) Sabatini Private Property Rights; Prohibits local governments from requiring notices, applications, approvals, permits, fees, or mitigation for pruning, trimming, or removal of trees on residential property if property owner obtains specified documentation; prohibits local governments from requiring property owners to replant such trees; provides exception for mangrove protection actions; deletes provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if property owner has received local government approval; creates Property Owner Bill of Rights; requires county property appraisers to provide specified information on their websites. Effective Date: 7/1/2019 Last Action: 6/27/2019 - Chapter No. 2019-155 Sec 23-303 – Streets Entrance Road Requirements: Sec. 23-303.4.a.2. No new residential development or neighborhood with more than fifty (50) dwelling units shall be approved with only one (1) entrance.

Proposed: New residential development or neighborhoods with no more than one hundred fifty (150) dwelling units proposed may be allowed to only have one (1) entrance, subject to the approval of the Development Review Committee.

Sec. 23-303.8 Curbs and gutters Amend this section to allow curbless streets in the Downtown District, in keeping with the Lake Wales Connected Plan:

Sec. 23-303.8 Curbs and gutters. Curbs and gutters shall be provided on all streets. Vertical curbs shall be not less than six (6) inches in height and Miami curb shall not be less than three (3) inches in height. All curbs shall conform with the design standards established by the director of public works. Backfill shall be higher than the curb and shall slope toward the curb in order to ensure that surface water drains into the storm drainage system. Exempt from these requirements are streets within the C-1 and C1-A zoning districts.

Sec. 23-304.b. Double frontage and corner lots – reduce visibility triangle distance from 35 feet to 30 feet.



b. Double frontage and corner lots. 1. On corner lots, no obstruction shall be permitted to impede visibility between a height of two (2) feet and ten (10) feet above the grades of the intersecting streets within a visibility triangle of thirty-five (35) thirty (30) feet measured from the point of intersection of the travel lanes of two (2) streets, or a street and railroad.

Sec. 23-306 – Off-street parking and vehicular access Provide for staff to waive a portion of required paving:

b. Paving and marking. All driveways and parking areas shall be paved with asphalt, concrete, or other stable paving material unless paving is specifically waived by the planning board pursuant to section 23-222.5. The administrative official may waive up to twenty-five (25) percent of the required paved parking.

Add note to Table 23-306B Minimum Off-Street Parking Space Requirements: Except for in residential uses, the administrative official may waive up to twenty-five (25) percent of required minimum parking spaces.

Sec. 23-307 – Landscaping Current code limits the distance that trees can be planted to public roadways or other infrastructure. Because there are planting best practices today which mitigate interference with public works, the addition of the following language is proposed:

Sec. 307.2 Landscaping standards. b. Plant material. 2. Trees.

D. Trees of species whose roots are known to cause damage to public roadways or public works shall not be planted closer than twelve (12) feet to such public roadways or public works unless mitigating measures (such as root barriers) are in place to minimize any impact to said public facilities.

Table 23-421 Permitted Uses Amend the Permitted Use Chart in the following ways: Allow a Daycare center where primary-secondary schools are permitted. Allow a Car wash as a permitted use, rather than a Special Permit, in the C-3 Highway Commercial district Add Single-Family Attached to the Permitted Use Chart, and permit in R-3, PF, C-1/C-1A, C-2, C-2R, C-3, and C-5 (accompanied by a definition: See definitions).

Sec. 23-422 – Dimensional requirements for use of land Add to Notes section at the bottom of Table 23.422A: Minimum floor area for a dwelling unit in the R-3, PF, C1, and C2R zoning districts may be waived by the Administrative Official.

#### Division 4. Planned Development Project Regulations

Sec.23-443 – Compensatory recreation area – residential PDPs are required to provide compensatory recreation area in addition to neighborhood recreation requirements, when reduced lot sizes are planned. This requirement is not in keeping with today's good practices, as an excessive amount of recreation space in a housing development is strenuous on an HOA, is wasteful of irrigation water, and reduces the amount of land which is developable for housing.

Proposed: 1.) Eliminate compensatory recreation area requirement. 2.) Increase the overall open space requirement for the development from 15 percent of the site area, to 20 percent of the site area development-wide (23-443.1.b.).

Sec. 23-545 – Signs Regarding the prohibition of wind signs and banners, remove from prohibition section and create a provision under temporary signs. h. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components may be permitted accompanying a temporary sign permit application made to the Administrative Official are prohibited unless specifically allowed herein.

Sec. 23-653 – Certificates of appropriateness Regarding signage in the Historic Downtown District, the following language is proposed to regulate signs: 23-653.4. Signs

BACKGROUND: Signage coordination with an entire building creates a composition that allows the



character of the building to express itself. The result is a building front that has a stronger image than the sign or the building alone.

GUIDELINES: 1. Position signs to fit within architectural features of the facade. Signage should be subordinate to the building design and should not obscure architectural detail. Use signage to emphasize architectural elements e.g. entry, transom. 2. CONSIDER USING SYMBOLS AS SIGNS

INTEGRATE SIGNS WITH ARCHITECTURAL ELEMENTS. 3. Align signs on an individual building and where possible coordinate size, color and type style. 4. Keep the number of signs to a minimum. Consolidate information with directories. Signs should not overpower the facade. Elements should relate to others in the block. Lettering should be comfortable within the edges of the sign and should be of simple, readable typestyles and properly proportioned. Signs must comply with all other applicable provisions of the Lake Wales Zoning, Land Use, and Development Regulations. 5. Use sign materials compatible with building, facade materials. Signage materials should be durable enough to withstand years of use. Recommended materials include brass plates; carved or painted wood; applied wood and metal letterings; and etched, sandblasted or gilded glass. Unacceptable materials include internally lit thermo-formed plastic letters and signs, imitation wood grain materials, fluorescent colored paints or plastic. 6. Design lighting and mounting hardware as an integral part of the sign. Lighting and mounting should be coordinated with architectural elements of the building.

23-801 – Definitions In the event that the City does not have an adopted definition, the following language is proposed:

23-801. Rules for construction of Language. d. If no definition is provided, the Administrative Official may refer to "A Planners Dictionary", PAS Report Number 521/522, dated April 2004, edited by Michael Davidson and Fay Dolnick and published by the American Planning Association. The Administrative Official has the authority to determine and use the most appropriate definition. Add the following definition for Single-Family Attached Dwelling Unit: one-unit structure which has one (1) or more walls extending from ground to roof separating it from adjoining structures. In townhomes or twin homes each house is a separate, attached structure if the dividing or common wall goes from the ground to the roof.

**FISCAL IMPACT** This action has no direct fiscal impact.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Commissioner Curtis Gibson asked if the sign portion would allow a sign in front of City Hall. Mr. Bennett said not in this. Mr. Slaton said we are looking to revamping our sign code.

Mayor Fultz said these changes are a good idea as some of these restrictions have been driving off businesses for years.

Commissioner Curtis Gibson said these are business friendly moves that will bring in more businesses.

Commissioner Goldstein said we need more lighting downtown. He asked if there is a temporary solution until we do something more permanent. Mr. Slaton said the lighting will be upgraded as part of the Lake Wales Connected Plan.

Commissioner Howell asked if new houses are required to have certain dimensions. Mr. Bennett said this gives staff the ability to waive the requirement such as for tiny homes. There is an interest in building tiny homes here. Mayor Fultz said tiny homes make home owning affordable. Commissioner Goldstein said some of them can look better and nicer.

8. Ordinance D2020-02 – CPA/Zoning – 2nd 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 adoption of Ordinance D2020-02 – CPA/Zoning – after 2nd 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]

Mark Bennett, Development Services Director, reviewed this item.

9. Resolution 2020-35 Communications And Petitions

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2020-35 Establishes policies governing Communications and Petitions at Public Meetings.

**RECOMMENDATION** Staff recommends the City Commission adopt Resolution 2020-35 Communications and Petitions.

**BACKGROUND** Members of the Commission have expressed interest in modifying the parameters concerning the Communications and Petitions portion of the Commission meeting agenda to more effectively serve the public. Resolution 2020-35 establishes that only citizens, taxpayers, business owners and utility customers in Lake Wales will have the ability address the City Commission. Rules for public participation during public meetings are included in Chapter 2 of the Code of Ordinances. Resolution 2020-35 clarifies the intent of Chapter 2 of City Code.

**OTHER OPTIONS** Do not approve Resolution 2020-35 or modify the Resolution.

**FISCAL IMPACT** None

[End Agenda Memo]

James Slaton, City Manager, reviewed this item. Albert Galloway, Jr., City Attorney, reviewed the proposed policy.

Mayor Fultz said if anyone else wants to speak to the Commission they would need to speak to the City Clerk.

Commissioner Curtis Gibson asked what about say someone from Mountain Lake? or other Lake Wales areas not in the City? Mr. Galloway suggested they could speak under the item they are interested in or talk with the City Manager beforehand.

Mayor Fultz said this can prevent outside interference and prevent someone from speaking about topics that are not relevant.

Mr. Galloway confirmed that this will allow the Commission to restrict comments to relevant topics.

Mayor Fultz said others can talk to the City Manager first and get on the agenda. Commissioner Curtis Gibson said they could also move to Lake Wales.

10. Resolution 2020-38 - Duties Of Commissioners

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2020-38 identifies the Duties of Individuals serving as Commissioners  
**RECOMMENDATION** Staff recommends the City Commission Adopt Resolution 2020-38.

**BACKGROUND**

Resolution 2020-38 provides a modified list of Commissioner duties largely based on the duties outlined in draft Ordinance 2020-25, Duties of Commissioners. Ordinance 2020-25 was proposed by the recent Charter Review Committee, but was not adopted by the City Commission.

**OTHER OPTIONS** Do not approve Resolution 2020-38 or modify Resolution 2020-38.

**FISCAL IMPACT** none

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

11. Traffic Enforcement Vehicle Purchase

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval to purchase one (1) Ford Interceptor police vehicle and related equipment for traffic enforcement utilizing existing Police Service Impact Fees.

**RECOMMENDATION**

1. Authorize staff to expend Impact Fees totaling \$53,898.89 for the purchase of One (1) fully equipped 2020 Ford Police Interceptor vehicle with all necessary equipment.

2. Authorize a budget amendment in the amount of \$53,898.89

**BACKGROUND** As the result of increased business and residential growth within the city, vehicular congestion, traffic complaints and crashes have remained high throughout our jurisdiction. This growth placed such a demand on staffing that the department previously added personnel to expand services and address these issues at a greater level and intensity than the Patrol Division can on a daily basis. The Police Department previously purchased one unmarked vehicle and two police motorcycles with Police Services Impact Fees. At that time, there was insufficient funding available to purchase the second unmarked vehicle.

The Police Department proposes to purchase one (1) unmarked Ford Police Interceptor vehicle, specially equipped to perform enforcement and educational initiatives throughout the city. The unmarked vehicle will allow the traffic enforcement officer to blend in with other vehicles and identify violations that are more difficult to observe and enforce using a standard marked patrol car. This vehicle will also be capable of supporting the Investigations Division when an unmarked vehicle is required to avoid detection.

New police vehicles have been extremely difficult to locate due to the impact of earlier labor strikes and the COVID-19 pandemic. Alan Jay Fleet Sales notified us of this vehicles availability after a fire department canceled the purchase after they had ordered it. The proposal submitted by Alan Jay Fleet Sales is based on Sourcewell contract number 2020-120716 NAF. Purchases made from Sourcewell contracts are exempt from the competitive sealed bid requirement outlined in our Purchasing Ordinance, Sec. 2-418, which allows the City to capitalize on government's economy of scale and reduces the timeline of acquisition.

**OTHER OPTIONS** The City Commission may choose not to purchase this vehicle.

**MEMORANDUM FISCAL IMPACT** The Police Department proposes to use Police Services Impact Fees to purchase this vehicle. The cost for the fully equipped police vehicle is \$53,898.89. Maintenance costs

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

## 12. Traffic Equipment Purchase

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval to purchase one (1) Black Cat II Radar Recorder Kit from Jamar Technologies, Inc. with existing Police Service Impact Fees.

**RECOMMENDATION** Authorize staff to expend funds \$4,735.00 for the purchase of

1. One (1) Black Cat II Radar Recorder Kit with all necessary equipment.
2. Authorize a budget amendment in the amount of \$4,735.00

**BACKGROUND** The Police Department regularly receives traffic complaints and requests for enforcement from citizens and business owners. Utilizing a data driven approach to guide education and enforcement efforts, the department is able to conserve resources and resolve traffic complaints with the highest efficiency and effectiveness. Short-term counts for volume or speed data are a common need traditionally collected with road tube counters. This requires installing tubes onto the road, which is a time consuming and dangerous process. The Police Department proposes to purchase one (1) Black Cat II Radar Recorder Kit with laptop and software. This equipment will help address the city's needs using radar-sensing technology. As a result, it will be able to collect highly accurate volume and speed information without anyone ever having to enter the road. It has the ability to detect the specific lane a vehicle is traveling in, allowing it to record not only two lanes of bidirectional traffic, but also two lanes of traffic traveling in the same direction. This expands the applications where we can use this equipment in place of road tubes or other in-road sensors to include multi-lane highways. Once this equipment captures the traffic data, the Police Department will be able to access the information remotely via Bluetooth connection vs. manually connecting to a computer at headquarters. Furthermore, the software included with this equipment will analyze the data, provide accurate, detailed reports and effectively guide education and enforcement efforts throughout the city.

**OTHER OPTIONS** The City Commission may choose not to purchase this equipment.

**FISCAL IMPACT** The Police Department proposes to use \$4,735.00 from Police Services Impact Fees to

purchase this equipment. Maintenance costs

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Curtis Gibson asked what this recorder does. Chief Velasquez explained that it records detailed and accurate traffic information.

13. Resolution 2020-39 Extending State Of Local Emergency

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2020-39 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from November 17, 2020 until December 17, 2020.

**RECOMMENDATION** Staff recommends adoption of Resolution 2020-39 State of Emergency Declaration from November 17th 2020 until December 17th 2020. **BACKGROUND** In response to the threat of COVID-19 Mayor Fultz issued a State of Emergency on March 13th for seven days and issued three more 7 day States of Emergency after that. The current state of emergency was extended twice more at the beginning of April and again in May, June, July, August, September and October. The current State of Emergency which was approved by the Mayor for the past 7 days on November 10th will expire November 17th. According to Chapter 9 in our Code of Ordinances, the City Commission must approve a State of Emergency to last 30 days.

**OTHER OPTIONS** Do not approve Resolution 2020-39.

**FISCAL IMPACT** There is no fiscal impact from the resolution itself. There will be some costs to the City as we respond to this threat. These costs are being tracked. A declared State of Emergency will allow the City to seek possible reimbursement for those costs.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

14. Board Appointments - Library Board, Airport Authority, And Historic District Regulatory Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointment to fill vacancies on the Library Board, Airport Authority, and Historic District Regulatory Board

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

1. Appoint Chayla Outing to a term on the Library Board for a term expiring July 1, 2021

2. Appoint John Phillip Weikert, non-resident for a term expiring on 7/1/2023.

3. Appoint Charles "Rudy" Engholm, resident for a term expiring on 7/1/2021.

4. Appoint Robert Harriage, resident, for a partial term expiring on 07/01/21.

**BACKGROUND** There are two vacancies on the Library Board due to resignations or lack of attendance. 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

Imelda Tice, resident 10/20/20 – 07/01/22, P

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: Chayla Outing for a term expiring on 7/1/2021

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term) The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- 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 due to resignations

Current Members: John Lodge, non-resident 10/03/12--07/01/21, P+1

Herb Gillis, non-resident, 02/05/19--07/01/21, P

Clarke Gerard, non-resident chair 06/05/18--07/01/19, P



Charles N. Clegg, resident 07/19/16--07/01/19, 1

Travis Burns, resident 08/21/18--07/01/21, 1

Robert Ohlinger, non-resident 07/01/20--07/01/23, 1

Barbara Pelisek, non-resident 07/01/20--07/01/22, P+2

Commissioner Curtis Gibson, non-voting member 05/07/19 - 05/04/21,

The Airport Authority has recommended John Phillip Weikert and Charles Rudy Engholm for appointment.

Applying for appointment: John Phillip Weikert, non-resident for a term expiring on 7/1/2023.

Applying for appointment: Charles "Rudy" Engholm, resident for a term expiring on 7/1/2021.

Also applying for appointment is resident Chris Garrison.

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, resident or own property in City;

Current Members: Lawrence (Larry) Bossarte, business owner 02/04/20 – 07/01/22, 1

Jonathan Kaufman, resident 09/22/20 – 7/1/2022, P

John Turley, resident 12/18/18 – 07/01/21, 1

Brandon Alvarado, resident 12/18/18 - 07/01/21, 1

Scott Crews, resident 02/05/19 – 07/01/21, 1 Applying for Appointment:

Robert Harriage, resident, for a partial term expiring on 07/01/21 Staff has interviewed the applicant and recommends his appointment.

**OPTIONS** Do not appoint those that have applied.

**FISCAL IMPACT** None. These are volunteer boards.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Curtis Gibson said the Airport Authority recommends those two applicants.

Mayor Fultz said that is what he likes to see, a board recommendation.

Mayor Fultz said he is concerned about missing out on a good board applicant simply because they can't attend the commission meeting.

15. CITY COMMISSION AND MAYOR COMMENTS

Joe Jenkins, Fire Chief and EOC Director, reviewed the status of the Tropical Storm Eta. It will impact west Polk County with high winds. There may be some flooding.

Commissioner Curtis Gibson said he is glad to see some of the pro-business things we are doing.

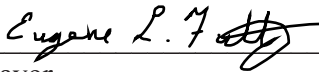
Commissioner Curtis Gibson asked if the City is ready to increase wages to \$15. Mr. Slaton said yes they are planning for this.

Commissioner Howell asked for Body cams to be on a future agenda. Mr. Slaton said he will have this on the next work session agenda.

Mayor Fultz thanked the American Legion and Dyer Chevrolet for the Veterans Event they sponsored.

16. ADJOURN

The meeting was adjourned at 5:02 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

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