

**City Commission Meeting Minutes**  
**November 17, 2020**  
**(APPROVED)**

11/17/2020 - 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.

The Governor's Executive Order 20-246 allowing for meetings of a Municipality's governing boards without having a quorum of its members present physically or at any specific location has expired as of Nov. 1.

However due to the ongoing State of Emergency, while a majority of Commission Members must be present in the Chambers, members of the staff and public may still participate in our meetings virtually.

Members of the public are welcome to come into the Commission Chambers to participate in our Commission Meetings. We will check your temperature before entering the building, we ask that everyone be mindful of social distancing, wearing a mask is required, and please sit in designated seating.

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

Albert Galloway, Jr., City Attorney, read a statement on procedures for hybrid 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, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - National Native American Heritage Month

Mayor Fultz read a proclamation establishing November as American Indian Heritage Month. Earline Head, Daughters of the American Revolution, accepted the Proclamation.

6. PRESENTATION/REPORT

6.I. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, reported that the updates are being posted

after 5pm or later instead of 11am. In Polk County the positive rate today was 8.88%. The 14 day average is 7.72%. Like the rest of the nation we are going in the wrong direction. Deputy Mayor Robin Gibson asked about hospital capacity. Chief Jenkins said we are good we are around 11% of cases hospitalized. State average is 6%.

## 7. COMMUNICATIONS AND PETITIONS

Henry Kebabjin, resident, said he recently purchased the Seminole Hotel which had liens on it. He asked for a release of all the liens. Its in a predominantly Black area where investment is needed. He would like to move forward with plans on it. He described the work needed but doesn't want to invest more money until he can get clean title.

Drew Truitt, resident, spoke in favor of restoring the Seminole Hotel and in favor of Mr. Kebabjin's request. This is a good way to improve this area.

Michelle Hurst, non-resident, shared how Robbie Shields as part of the Lake Wales Breakfast Rotary Club has helped with the development of the Soccer Field. She asked for the concession stand to be named for Robbie Shields. Deputy Mayor Robin Gibson asked Mr. Slaton to put this on a future agenda.

## 8. CITY CLERK

### 8.1. Board Appointments - Library Board, Airport Authority, Historic District Regulatory Board, And Board Of Adjustments And Appeals

[Begin Agenda Memo]

#### **SYNOPSIS:**

Appointments to fill vacancies on the Library Board, Airport Authority, Historic District Regulatory Board and Board of Adjustment and Appeals

#### **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 on the Airport Authority expiring on 7/1/2023.
3. Appoint Charles "Rudy" Engholm, resident for a partial term on the Airport Authority expiring on 7/1/2021.
4. Appoint Robert Harriage, resident, for a partial term on the Historic District Regulatory Board expiring on 07/01/21.
5. Appoint Nancy Baker for a term on the Board of Adjustment and Appeals expiring on 7/1/2022

#### **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 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**

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.

**Board of Zoning Adjustment and Appeals (BOA)** (City Code Sec. 23-206.1) The board consists of five (5) members. Members must be residents. (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: 3 vacancies

Current Members: James Boterf, resident 10/04/11 – 07/01/23, 4

Deborah Solow, resident 02/19/20 – 07/01/20, P

Sue Marino, resident 07/01/19 – 07/01/22, P+2

Eberhard, Ralph, resident 08/02/16 - 07/01/19

Turner, Warren 07/05/17 - 07/01/20, 1

Applying for Appointment: Nancy Baker for a term expiring on 7/1/2022

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber [The meeting time could be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;
3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;
4. Perform any other duties which are lawfully assigned to it by the city commission.

#### **OPTIONS**

Do not appoint those that have applied.

#### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Tina Peak, Library Director introduced Chayla Outing. Ms. Outing introduced herself and explained her interest in serving on the board.

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

by voice vote to approve appointment:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Appointment approved 5-0.

John Phillip Weikert introduced himself and shared some of his background.

Commissioner Curtis Gibson said this appointment was recommended by the Airport Authority.

The Mayor appointed John Phillip Weikert, non-resident for a term on the Airport Authority expiring on 7/1/2023.

by voice vote to approve appointment:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Appointment approved 5-0.

Charles "Rudy" Engholm introduced himself and explained his interest in the Airport Authority.

Commissioner Curtis Gibson said this appointment was recommended by the Airport Authority as well.

The Mayor appointed Charles "Rudy" Engholm, resident for a partial term on the Airport Authority expiring on 7/1/2021.

by voice vote to approve appointment:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Appointment approved 5-0.

Mark Bennett, Development Services Director, shared about Robert Harriage's background.

Deputy Mayor Robin Gibson asked about the applicant's comments on the application concerning gentrification. This was discussed.

The appointment of Robert Harriage, resident, for a partial term on the Historic District Regulatory Board expiring on 07/01/21 was tabled as he was not present.

The Mayor appointed Nancy Baker for a term on the Board of Adjustment and Appeals expiring on 7/1/2022

by voice vote to approve appointment:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Appointment approved 5-0.

## 9. CONSENT AGENDA

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

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.I. Minutes - Agenda Work Session August 12, 2020

### 9.II. Bio-Solids Disposal Services With Republic Services

[Begin Agenda Memo]

#### **SYNOPSIS:**

Sludge produced as a result of wastewater treatment has to be disposed of from the treatment plant premises. The sludge can be hauled and disposed of at the Cedar Trail Landfill by Republic Services.

#### **RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:

1. Approve a bio-solids disposal contract with Republic Services.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

The City of Lake Wales currently operates one wastewater treatment plant (WWTP) with a DEP permitted capacity of 2.19 mgd. The average daily flow, based on a three (3) year average is approximately 1.19 mgd with an annual bio-solids production of nearly 240 dry tons per year.

Unfortunately, land application of lime-stabilized material is becoming increasingly restricted by FDEP. BCR Environmental proposed an alternative bio-solids management solution that was promised to reduce the cost and risk associated with bio-solids management by eliminating odors, improving regulatory compliance, reducing energy consumption, and providing a long term, sustainable disposition strategy. BCR's recommended solution consisted of treating the bio-solids with a CleanB system at the plant and then hauling the material to BCR's Haines City NuTerra Facility for conversion to a Class AA premium compost product under a cost effective, 5-year service agreement. Since the time this agreement was approved, the Haines City facility has been shut down and the City did not see the savings as previously promised. Staff is recommending we do not renew the contract with BCR for the CleanB™ system and seek an alternative method for bio-solids disposal.

Staff has made contact with Republic Services and they can provide the necessary equipment and landfill for proper disposal. Staff recommends the commission consider taking the following action, approve entering into an agreement with Republic Services for sludge disposal. The agreement with Republic Services is a 36-month contract, which renews automatically unless terminated. Entering into this agreement, projects to provide a significant cost saving to the city for disposal.

### **FISCAL IMPACT**

The fiscal impact would produce a cost savings of approximately \$94,000. The city is trading one type of bio-solids disposal for another with a significant savings.

[End Agenda Memo]

## **9.III. 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.

## **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]

### **9.IV. 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]

### **10. OLD BUSINESS**

#### **10.I. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-29** by title only.

## **ORDINANCE 2020-29**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2019-20 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2019-2020 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2020-29** after second reading and public hearing. Commissioner Goldstein seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 10.II. 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]

## **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 COMMENT

CLOSED PUBLIC COMMENT

Commissioner Goldstein made a motion to adopt **ORDINANCE D2020-02** after second 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.I. Ordinance 2020-30 Zoning Amendments – Chapter 23 Zoning, Land Use And Development -1st Reading And 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 as 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

In 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.

## OTHER OPTIONS

Commission may choose not to approve or portions of the ordinance.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-30** by title only.

**ORDINANCE 2020-30**

**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**

**SECTIONS 23-217 SITE DEVELOPMENT PERMIT, 23-223 LAND SUBDIVISION,**

**23-302 LAND PREPARATION, 23-303 STREETS, 23-304 GENERAL REQUIREMENTS FOR LOTS AND YARDS, 23-306**

**OFF-STREET PARKING, 23-307 LANDSCAPING, 23-314 TREE REMOVAL, 23-421 PERMITTED USES, 23-422**

**DIMENSIONAL REQUIREMENTS FOR USE OF LAND, DIVISION 4 PDP REGULATIONS, 23-545 SIGNS,**

**23-653 CERTIFICATES OF APPROPRIATENESS, 23-801 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, asked to exclude sections 23-302 and 23-314 from approval

Mark Bennett, Development Services Director, described the two sections that they are asking to exclude.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-30** except for Sections 23-302 and 23-314 after 1st reading and public hearing. Commissioner Curtis Gibson seconded the motion.

By Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion approved 5-0.

11.II. 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-35** by title only.

## RESOLUTION 2020-35

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, ESTABLISHING POLICIES TO GOVERN THE COMMUNICATIONS AND PETITIONS PORTIONS OF PUBLIC MEETINGS; ESTABLISHING A LIMITATION ON PERSONS WHICH MAY SPEAK DURING THIS PORTION OF THE MEETING; ESTABLISHING A TIME LIMIT FOR ADDRESSING PUBLIC MEETINGS; LIMITING THE SPEECH TO RELEVANT AND LEGITIMATE INQUIRIES AND DISCUSSION BY THE PUBLIC; AND PROVIDING FOR AN EFFECTIVE DATE.**

Albert Galloway, Jr., City Attorney, reviewed an edit to restrict comments to areas within the scope of the Commission's authority.

Deputy Mayor Robin Gibson agreed saying this will stop Communications and Petitions from being a soapbox for anyone to speak on any topic. Mayor Fultz agreed.

Commissioner Goldstein made a motion to adopt **RESOLUTION 2020-35** as amended. 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 approved 5-0.

### 11.III. 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]

Jennifer Nanek, City Clerk, read Resolution 2020-38 by title only.

#### **RESOLUTION 2020-38**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA,  
IDENTIFYING THE DUTIES OF THOSE INDIVIDUALS SERVING AS CITY COMMISSIONERS;  
PROVIDING FOR AN EFFECTIVE DATE**

Commissioner Goldstein said this will make it easier for Commissioners to understand what their duties are.

Commissioner Goldstein made a motion to adopt **RESOLUTION 2020-38**. 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 approved 5-0.

#### 11.IV. 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-39** by title only.

#### **RESOLUTION 2020-39**

#### **EMERGENCY RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE WALES EXTENDING THE DECLARED A STATE OF EMERGENCY RELATING TO CORONAVIRUS DISEASE COVID-19**

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2020-39**. 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 approved 5-0.

#### 11.V. Reuse Pump House Upgrades Amendment 2 To Loan Agreement WW530350

[Begin Agenda Memo]

##### **SYNOPSIS:**

The Reuse Pump house Upgrades is now completed and the State Revolving Loan Fund (SRF) agreement WW530350 has to be closed out. Amendment 2 to loan agreement WW530350 finalizes the loan proceeds taken for the construction of the project.

##### **RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:

1. Approve Amendment 2 to Loan Agreement WW530350 for the Reuse Pump house Upgrades project for a total amount of \$1,094,451.84.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

##### **BACKGROUND**

The City owns and maintains Fifteen miles of reuse distribution mains, ranging in size from six inches to twenty-four inches, a one million gallon reuse ground storage tank, pumps and appurtenances necessary for the system to operate. It becomes necessary from time to time to replace and upgrade system components as the need arises to expand the system. This project consisted of the replacement of three pumps with an addition of a fourth pump, revisions to piping, electrical modifications, and a new 18" fill line into the existing storage tank (approximately 600 linear feet).

The Commission, at its December 4, 2018 city commission meeting approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund. The project was completed in May and the State Revolving Loan Fund Agency has submitted the appropriate documents for the final close out of the project. The final amount received from SRF was \$1,094,451.81. This amount consisted of \$1,072,179.00 for construction and \$22,272.84 for capitalized interest and fees.

Staff recommends the commission authorize Amendment 2 to SRF contract WW530350, and authorize the Mayor to execute the appropriate documents associated with the close out of agreement WW530350.

##### **FISCAL IMPACT**

Now that construction is complete, the loan amount 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.

##### **OTHER OPTIONS**

None.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

Deputy Mayor Robin Gibson made a motion to approve this amendment. 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.

#### 11.VI. 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]

Deputy Mayor Robin Gibson said the document was well done and promoted understanding of why the



numbers are what they are in case there are questions.

Commissioner Howell asked about the salary change upon evaluation? If there is a negative evaluation does he still get the Cost of Living Adjustment along with a salary adjustment? Mr. Slaton said yes and that amount is at the discretion of the Commission.

Commissioner Howell asked about the 10 mile radius. Did we have consensus on this? Mr. Slaton said three Commissioners agreed to it but we could change it. Deputy Mayor Robin Gibson suggested anywhere served by Lake Wales post office or the High School attendance zone. Mayor Fultz explained they wanted the distance outside City limits more defined. Deputy Mayor Robin Gibson said that isn't realistic as to what the real boundaries are of the greater Lake Wales Area. Commissioner Goldstein said 10 miles out has too many restrictions but leave it in to avoid confusion. Commissioner Curtis Gibson said Lake Wales post office serves quite a way out towards Vero Beach. Commissioner Howell said we should be clear what greater Lake Wales area is.

Deputy Mayor Robin Gibson suggested voting on these things separately, the contract and then the definition of the greater Lake Wales area. Mayor Fultz asked the City Attorney if we could do this. Albert Galloway, Jr., City Attorney, said yes. He explained that 10 miles was a suggestion that he and Mr. Slaton came up with as an option to consider. This was discussed.

Deputy Mayor Robin Gibson made a motion to approve the contract except section 7 about the greater Lake Wales area. Commissioner Howell seconded the motion.

By voice vote

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "NO"

Commissioner Curtis Gibson "NO"

Mayor Fultz "NO"

Motion failed 3-2.

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

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "NO"

Mayor Fultz "YES"

Motion passed 4-1.

## 12. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that the City was threatened with a lawsuit regarding the Estes

Building. They have a permit for work through January 13, 2021. They want additional time. He doesn't think it will go anywhere. He reviewed this building's history with Code Enforcement. Deputy Mayor Robin Gibson said this is just for information the Commission does not need to do anything. Mr. Galloway confirmed that he just kept the commission informed.

Mr. Galloway gave an update on the Seminole Hotel. A judge needs to be appointed and then a hearing will be held.

### 13. CITY MANAGER

Mr. Slaton thanked the Commission and said option 1 will be a place in the City.

There will be a public open house for the Market place redesign at 5:30 p.m. tomorrow.

In early December we will have an open house on the Northwest Pedestrian and Street Tree Improvements.

We will find out this week on the SRF loan approval and terms for the acquisition of Park Water Company.

Mr. Slaton said the dashboards on the Lake Wales Connected Plan will be available for public review on the website with real time data.

Mr. Slaton reported on the new newsletter that was produced and sent out to keep citizens involved and engaged.

#### 13.I. Tracking Report

#### 13.II. Commission Meeting Calendar

Mr. Slaton recommended canceling the work session on the 25th as it is close to Thanksgiving.

#### 13.III. Social Media Tracking Report

### 14. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said he was glad about what we are doing with the board approval process.

Commissioner Howell said she agreed with canceling the work session on the 25th.

Commissioner Howell said she would like to see the Seminole Hotel brought back to life to make Lake Wales better. She wants to be sure it goes along with the Lake Wales Connected Plan. Deputy Mayor Robin Gibson said any decisions are up to the Commission.

Commissioner Curtis Gibson said he was concerned about the increased crime rate. He supports our law enforcement officers to keep our citizens safe.

Commissioner Curtis Gibson said he had a good experience at the Florida League of Cities legislative meeting. He learned a lot and commended Commissioner Goldstein who chaired one of the policy committees.

Commissioner Curtis Gibson said he is glad we have a vibrant airport that now has a flight school.

Commissioner Goldstein asked to reschedule the Commission meeting on December 1 at 3pm as he had a conflict.

Commissioner Goldstein reported on the Florida League of Cities. There was a discussion about home rule. He would like to order booklets and set up a committee to help promote home rule in Lake Wales.

Commissioner Goldstein said that our Police Department needs to be able to act without their hands being tied.

15. MAYOR COMMENTS

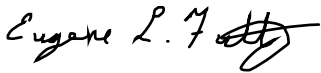
Mayor Fultz said that he is glad to have help promoting home rule. We need to get more citizens involved.

Mayor Fultz said he agrees with not tying the hands of our Police Department. Let them do their jobs.

Mayor Fultz said he has gotten good feedback on the newsletter.

16. ADJOURNMENT

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

A handwritten signature in black ink, appearing to read "Eugene L. Fultz", with a stylized flourish at the end.

---

Mayor

ATTEST:

---

City Clerk