

**City Commission Meeting Minutes  
December 15, 2020  
(Approved)**

**This meeting was conducted partially via teleconference.  
The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting  
Web/Teleconference service.**

12/15/2020 - Minutes

1. INVOCATION

Rev. Walter Nelson gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order at approximately 6:00 p.m. after the invocation and the pledge of allegiance.

4. ROLL CALL

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

**Staff Present:** James Slaton, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

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.

Any member of the public may register to participate in our meetings virtually where they can speak at [www.lakewalesfl.gov/register](http://www.lakewalesfl.gov/register)

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings. Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

As an alternative, members of the public may submit comments and questions at [www.lakewalesfl.gov/comments](http://www.lakewalesfl.gov/comments) for either a specific Agenda Item or for Communications and Petitions.

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

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings. Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

## 5. PRESENTATION/REPORT

### 5.1. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, reported that the Polk County positive rate is at 12.09% the Polk County cases today is 284. The 14 day average is 9.16%. We are trending in the wrong direction. Deputy Mayor Robin Gibson asked about hospital capacity. Chief Jenkins said the number of cases hospitalized is 10%. Deputy Mayor Robin Gibson asked about cases here in the Lake Wales hospital. He said the cases will go up over next few months over the holidays. Chief Jenkins said he will get more information from Lake Wales Hospital. He said cases that require a ventilator are sent to Lakeland.

## 6. COMMUNICATIONS AND PETITIONS

Henry Kebabjin, resident, gave an update on the Seminole Hotel. He is trying to get a new inspection scheduled. He expressed opposition to the current plan to foreclose on the hotel. The CRA has held on to some properties for 20 years. He said he has 12 properties in Lake Wales. He should be treated fairly. Many in Lake Wales do not approve of how the City is dealing with foreclosed properties.

## 7. CITY CLERK

### 7.1. Board Appointments - Firefighters' Retirement Board

[Begin Agenda Memo]

#### **SYNOPSIS:**

Appointment to fill a vacancy on the Firefighters' Retirement Board

#### **RECOMMENDATION**

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

1. Appoint Michael Costello, resident, for a partial term on the Firefighters' Retirement Board expiring on 07/01/21.

#### **BACKGROUND**

Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five

(5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 1 resident due to resignation

Current Members: Brian Patterson 09/22/15 – 09/30/23 P+1

Dennis Childress, resident 09/30/18 - 09/30/22, P+1 James Brown, resident (resigned)  
03/18/14 - 09/30/18, partial term

Caleb Simpson, Firefighter 09/30/18 - 09/30/22, 1 term Roy Wilkinson, III, Firefighter  
09/30/18 - 09/30/22, P+1

Applying for appointment: Michael Costello

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

### **OPTIONS**

Do not appoint those that have applied.

### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Michael Costello to a for a partial term on the Firefighters' Retirement Board expiring on 07/01/21.

Commissioner Curtis Gibson thanked Mr. Costello for being willing to serve.

To approve the appointment:

by Voice vote:

ALL "AYE"

Approved 5-0.

## **8. CONSENT AGENDA**

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

by Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - Commission Meeting September 22, 2020, Commission Work Sessions September 16, 2020 And September 30, 2020

8.II. Annual Contract For Force Main Cleaning Services

[Begin Agenda memo]

**SYNOPSIS:** Staff is recommending the commission consider approving the piggyback agreement for force main cleaning services with Professional Piping Services.

**STAFF RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:

1. Approve the contract for Professional Pipping Services for forcemain cleaning.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND**

The Eagle Ridge Mall Force main and the Southside Force main requires annual cleaning due to the distance this line has to travel to reach the wastewater treatment plant and the low flow conditions that exist due to the lack of development in this area. Sediment such as sand; plastics and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. The method proposed for the cleaning of these sections of force main is called the progressive poly pig procedure.

Each time staff has gone out to bid for these services, the amount of responsive bidders has been less each year. This year staff chose to piggyback on an agreement that had already been bid out. Professional Pipping Services was the contractor that won that contract. In addition, Professional Pipping Services (PPS) has performed this cleaning for the past three years. Staff had previously piggy-backed the Pinellas County contract for these services with this same contractor. Therefore, the staff is choosing to piggyback the current Pinellas County contract again. Staff has been satisfied with both the performance and the reports submitted, which are a required component of this contract. Staff is recommending the City Commission approve the signing of the piggyback agreement with Professional Pipping Services.

**OTHER OPTION**

None. Without this required annual cleaning, the force main would become plugged and become inoperable. This in turn would cut off the sewer service for the subdivisions being serviced by these force mains.

**FISCAL IMPACT**

\$95,000 was budgeted in the Wastewater Division's FY '20-'21 M & R Lines and Mains Operating Budget for this purpose. Funding source for this activity is the utilities operating revenue.

[End Agenda Memo]

8.III. Cedar Trail Landfill Agreement 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 for Cedar Trail Landfill.
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.

The commission at the November 17, 2020 City Commission meeting, approved entering into an agreement with Republic Services to provide transport for the bio-solids removal. The second piece of the removal process is to have a place for disposal. Republic Services will also be providing the disposal site needed. This contract is to set the terms of the landfill site. The agreement with Republic Services is a 36-month contract, which renews automatically unless terminated. These are the same terms as was provided for the agreement approved on November 17, 2020. Staff is recommending the City

Commission approve the Republic Services agreement for the Cedar Trail Landfill disposal site.

## **FISCAL IMPACT**

There are no fees associated with this particular agreement. The fees have already been approved by the commission at the November 17, 2020 City Commission meeting.

## **OTHER OPTIONS**

None.

[End Agenda Memo]

## 8.IV. Kimley Horn Engineering Agreement For The Vactor Truck Drying Bed

[Begin Agenda Memo]

**SYNOPSIS:** Staff is recommending the commission consider approving the engineering agreement with Kimley Horn for the reconstruction of the drying bed at the wastewater treatment plant.

#### **STAFF RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:

1. Approve the engineering agreement with Kimley Horn for the Vactor truck drying bed reconstruction in the amount of \$37,000.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

City staff requested Kimley-Horn to provide a proposal to design a new vacuum truck sludge drying bed. This work will require limited survey sub-consulting work along with limited modifications to the existing site pavement. Time and use has now made it necessary for staff to perform this required maintenance and new construction. When the vactor returns to the wastewater plant at the end of the day, the contents are emptied onto the drying bed. Drying takes place by a combination of evaporation and gravity drainage through a piping network built underneath the drying bed pit. Once the sludge is completely dried, the dried material is shoveled into the dumpster for disposal. The liquid from the vactor truck is drained through the piping under the drying bed that eventually makes its way through the wastewater treatment plant. Staff is recommending the City Commission approve the signing of the engineering agreement with Kimley-Horn in the amount of \$37,000 for the drying bed engineering services.

#### **OTHER OPTION**

None. The drying bed is used to dry material released from the Vactor Truck. The material has to be dried prior to being placed into the dumper for removal.

#### **FISCAL IMPACT**

\$37,500 was budgeted in the Wastewater Division's FY '20-'21 Capital Improvements Budget for this purpose.

[End Agenda Memo]

#### **8.V. Piggyback Annual Contract With USSI , LLC**

[Begin Agenda Memo]

#### **SYNOPSIS:**

Staff recommends the commission approve entering into a piggyback agreement with USSI, LLC and to expend funds in the amount of \$125,244.59 to perform infiltration testing on various lift stations and their respective service areas.

#### **STAFF RECOMMENDATION**

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

1. Approve entering into a piggyback agreement with USSI, LLC utilizing the Toho Water Authority agreement.
2. Approve expending funding in the amount of \$124,244.59 to perform infiltration testing on various lift stations and their respective service areas.

3. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

Infiltration is when groundwater enters the sanitary sewer system through faulty pipes or manholes. These pipes might have cracks or leaks that let the water in. This can happen because of age, design, installation or maintenance issues or even tree root intrusion.

Inflow and infiltration water is referred to as "clear water" distinguishing it from sanitary sewage water'. When clear water gets into the wastewater and sewer system, it gets treated. When it is treated, it cost the city money. It also takes up valuable capacity within the collection system and the wastewater treatment facility.

Several indicators indicate there is an infiltration problem within the sanitary system:

- Lift station pumps run for a long time after a rain event. It has a large number of starts and stops after it rains. This means storm water has entered the sanitary sewer system and is on its way to be treated.
- Pipes back-up. Manholes spill wastewater onto roadways or green space.
- You see significant spikes in flow at your wastewater treatment plant corresponding to precipitation events or high groundwater conditions.

Staff is starting to see some of these same indicators happening within the City sanitary sewer system. Staff recommends commission approve entering into an annual contract with USSI for the services of infiltration testing using the piggyback agreement from Toho Water Authority. Staff also recommends the commission approve to expend funds in the amount of \$125,244.59 to perform infiltration testing on various lift stations and their respective service areas.

## **OTHER OPTION**

The delay in testing the specified area will continue to allow groundwater to continue to infiltrate the sanitary sewer system causing extended wear and tear on all sanitary sewer system components.

## **FISCAL IMPACT**

The 2020-21 Capital Improvements Plan has budgeted \$223,000 to address this problem system wide.

[End Agenda Memo]

## **9. OLD BUSINESS**

### **9.I. ORDINANCE 2020-32 Communications And Petitions Second Reading And Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-32 modifies the Citizen Participation section of the Code of Ordinances to welcome comments from the public related to the Commission's scope of authority.

## **RECOMMENDATION**

Staff recommends approval of Ordinance 2020-32 Communications and Petitions after first reading

## **BACKGROUND**

During the Communications and Petitions section of City Commission meetings, members of the public often use the allotted time to talk about issues that are not within the scope of authority of the City Commission.

This practice has been discussed by the recent Charter Review Committee and by the City Commission.

On November 17, 2020 the City Commission adopted Resolution 2020-35, Communications and Petitions, that limits topics to be addressed to ones that the City Commission can actually address and that may be of assistance to the Commission in carrying out its responsibilities.

Following adoption of Resolution 2020-35, the City Commission directed staff to bring forth agenda an Ordinance to modify the Citizen Participation section in accordance with Resolution 2020-35.

Ordinance 2020-32 modifies the sections entitled "Manner of Addressing the Commission" and "Remarks to be Relevant". The section "Manner of Addressing the Commission" asks speakers to state their name, whether they are a resident, taxpayer, business owner, or utility customer instead of their address.

The "Remarks to be Relevant" section is modified to state that the subject matter must be within the Commission's scope of authority and may be of assistance in carrying out the Commission's responsibilities

#### **OTHER OPTIONS**

The Commission may choose to not approve the Ordinance or change the Ordinance as proposed.

#### **FISCAL IMPACT**

None

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-32** by title only.

#### **ORDINANCE 2020-32**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, SECTION 2-9 CITIZEN PARTICIPATION, SUBSECTION (d) REMARKS TO BE RELEVANT; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE 2020-32** after second reading and public hearing.

Commissioner Goldstein seconded the motion.

by Roll call Vote:

Deputy Mayor Robin Gibson "YES"



Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 9.II. Ordinance D2020-03 2nd Reading And Public Hearing – Comp Plan Amendment/Future Land Use Transmittal Hearing Winter Haven Corp – 1,841.5 Acres West Of Highway 27

[Begin Agenda Memo]

### **SYNOPSIS**

Land use designations are assigned by the City Commission by ordinance upon a recommendation from the Planning & Zoning Board. The approved ordinance was transmitted to the state's Department of Economic Opportunity (DEO) for review after 1st reading, which took place on October 6, 2020. The DEO reviewed the designations for appropriateness and compatibility with the City's Comprehensive Plan and had no objections.

### **RECOMMENDATION**

The Planning & Zoning Board held a public hearing on the proposed amendment to the Future Land Use

Map on September 29, 2020 and recommended the proposed amendment as set forth in Ordinance D2020-03.

Staff recommends adoption of Ordinance D2020-03 after second reading, following a public hearing. Public Notice requirements have been met.

### **BACKGROUND**

Staff has been working with a large landowner and their development team to establish a land use category which would facilitate large-scale, unified mixed-use development. The Planning Board recommended approval of the creation of the MU Mixed-Use land use category to City Commission in May of this year, and it was successfully adopted by Commission in June.

Aerial of WH Corp Project Area

The next step is to assign the new Mixed-Use land use category to the Winter Haven Corp property. The current land use designation for the property is RR Rural Residential. No development plans have been submitted to the City at this time. Staff recommends approval of the following:

Recommended Land Use:

FLUM: MU Mixed-Use

### **FISCAL IMPACT**

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

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE D2020-03** by title only.

**ORDINANCE D2020-03**

**(CPA/Future Land Use Map Amendment - Winter Haven Corp Property – 1,841.5 acres**

**– US Highway 27)**

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

**COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 1,841.5 ACRES OF LAND**

**LOCATED WEST OF HIGHWAY 27 FROM RR RURAL RESIDENTIAL TO MU MIXED USE;**

**PROVIDING FOR**

**SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to adopt **ORDINANCE D2020-03** after second reading and public hearing.

Deputy Mayor Robin Gibson seconded the motion.

by Roll call Vote:

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

**10. NEW BUSINESS**

- 10.I. Ordinance 2020-33 Zoning Amendment – Chapter 23 Zoning, Land Use And Development – 1st Reading  
- PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS**

Areas of the Land Development Regulations (Chapter 23, Lake Wales Code of Ordinances) continue to be 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 2020-33 after first reading, following a public hearing. Public notice requirements have been met.

**BACKGROUND**

At a regular meeting on November 24, 2020, the Planning and Zoning Board made a recommendation of approval to the City Commission to amend the following section of Chapter 23:

a. Sec. 23-422 – Dimensional requirements for use of land

In an effort to offer relief to unique design and/or site constraints, and to reduce the number of dimensional variances applied for to the Board of Adjustments and Appeals, the following language is proposed to be added to the waivers section:

Administrative Waivers shall be submitted for review and recommendation to the Administrative Official. Waivers shall then be approved or denied by the City Manager. The Waivers may authorize up to a twenty (20) percent reduction in zoning standards for setbacks, height, parking, buffering, living area, floor area/impervious surface ratio, and other related zoning standards. An applicant may appeal the decision of the City Manager to the City Commission.

This amendment follows our first round of code updates, which were adopted on December 1, 2020 and referred to as “business-friendly” updates to our Land

Development Regulations. Future updates will follow.

### **FISCAL IMPACT**

This action has no direct fiscal impact.

### **OTHER OPTIONS**

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

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-33** by title only.

### **ORDINANCE 2020-33**

**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 SECTION 23-422 DIMENSIONAL REQUIREMENTS FOR USE OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-33** after first reading and public hearing.

Commissioner Goldstein seconded the motion.

by Roll call Vote:

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10.II. Ordinance 2020-31 Panhandling First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-31 restricts panhandling in certain areas

#### **RECOMMENDATION**

Staff recommends the City Commission approve ordinance 2020-31 after first reading.

#### **BACKGROUND**

The Commission, at a prior meeting, discussed the need for a new panhandling ordinance after hearing concerns from the Community. Ordinance 2019-02 repealed previous provisions of Section 15-14 concerning solicitation, aggressive solicitation, and panhandling due to numerous court rulings which found Ordinances of the type previously enacted by the City and other governmental entities to be unconstitutional.

Ordinance 2020-31 addresses the need to restrict panhandling in Lake Wales that may interfere with the public health, welfare and safety of our citizens.

#### **OTHER OPTIONS**

Do not approve Ordinance 2020-31 or modify it.

#### **FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-31** by title only.

#### **ORDINANCE 2020-31**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 15, MISCELLANEOUS OFFENSES, SECTION 15-14, PANHANDLING, BY ENACTING SECTION 15-14 OF THE LAKE WALES CODE OF ORDINANCES TO INCLUDE THE PROVISIONS SET FORTH HEREIN; PROVIDING FOR SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Curtis Gibson made a motion to approve **ORDINANCE 2020-31** after first reading. Commissioner Goldstein seconded the motion.

by Roll call Vote:

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.III. ORDINANCE 2020-34 - Amending Chapter 16, Pension & Retirement – General Employees' Pension Plan – First Reading

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider adopting Ordinance 2020-34 to delete Section 16-66

(a) which allowed for the purchase of prior City service by the former City Manager.

**RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2020-34 on First Reading.

**BACKGROUND**

At the request of the City Commission, Ordinance 2020-34 is presented to delete Section 16-66(a) which allowed for the Purchase of prior City service by the former City Manager.

**OTHER OPTIONS**

Do not approve the ordinance.

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-34** by title only.

**ORDINANCE 2020-34**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; DELETING SECTION 16-66(a) IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-34** after first reading. Commissioner Goldstein seconded the motion.

by Roll call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10.IV. Resolution 2020-40 Extending State Of Local Emergency

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2020-40 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from December 17, 2020 until January 17, 2021.

#### **RECOMMENDATION**

Staff recommends adoption of Resolution 2020-40 State of Emergency Declaration from December 17th 2020 until January 17th 2021.

#### **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 Commission on November 17, will expire December 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 2020-40.

#### **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 2020-40** by title only.

#### **RESOLUTION 2020-40**

#### **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**

Commissioner Goldstein asked about the word enforce. Can we enforce this? Mr. Slaton said while we may not be able to enforce the wearing of masks there are other elements of a state of emergency that we can enforce.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-40** after first reading. Commissioner Howell seconded the motion.

by Roll call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

**11. CITY ATTORNEY**

Albert Galloway, Jr., City Attorney, reported that a threatened legal action from Estes Blue Goose has not materialized. Mayor Fultz said he has not received anything on this.

**12. CITY MANAGER**

James Slaton, City Manager, reported that there is an upcoming public workshop on the Northwest area pedestrian improvements scheduled for January 6th. The event is virtual.

The Park Avenue streetscape design is close to 90% completion.

**12.I. Tracking Report**

**12.II. Social Media Tracking Report**

**12.III. Commission Meeting Calendar**

James Slaton, City Manager, reported that there is no workshop on the 30th. There will be no more meetings until January 5th. The next work session is January 13th.

**13. CITY COMMISSION COMMENTS**

Deputy Mayor Robin Gibson asked about a letter from a citizen from Tower Lakes and asked the City Manager to look into the issue concerning Republic Services trucks. James Slaton, City Manager, said this has been taken care of. Commissioner Goldstein said those trucks go too fast sometimes through Lake Ashton but otherwise Republic Services does a great job.

Commissioner Curtis Gibson asked for an update on Library services on how citizens can only come in for 30 minutes. Mr. Slaton said he will look into this issue. Commissioner Curtis Gibson asked for an update when possible.

Commissioner Curtis Gibson said we need more lighting on Burns Avenue. Mr. Slaton said Duke Energy is planning on phase lighting improvements throughout Lake Wales over the next 6 months.

Commissioner Curtis Gibson commended the Lake Wales Police Department for keeping crime down over last few weeks.

Commissioner Goldstein said he liked the workshops that they have been having. They have been great.

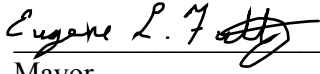
Commissioner Goldstein announced a Christmas parade in Lake Ashton on Friday.

14. MAYOR COMMENTS

Mayor Fultz encouraged everyone to be cautious during celebrations over the holidays.

15. ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

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