

City Commission Meeting Minutes
February 2, 2021
(Approved)

This meeting was conducted partially via tele-conference.

2/2/2021 - Minutes

1. INVOCATION
Dr. Jim Moyer gave the invocation

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

As Mayor Fultz participated remotely Deputy Mayor Robin Gibson chaired the meeting and called the meeting to order at approximately 6:00 p.m. after the invocation and the pledge of allegiance.

Deputy Mayor Robin Gibson 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

As an alternative, members of the public may submit comments and questions at 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.

4. ROLL CALL

Commission Members Present in Person: Al Goldstein, Curtis Gibson, Robin Gibson

Commission Members Participating Remotely: Terrye Howell, Eugene Fultz - Mayor

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

5. PRESENTATION/REPORT

5.I. COVID-19 Update

Mayor Fultz reported that he and his wife contracted Covid-19 and are recovering. He thanked everyone for prayers. They are getting their vaccine shots tomorrow.

Joe Jenkins, Fire Chief and Emergency Operations Director, reported that today's positive rate was 12.2% and the 14 day average is at 11.47%. Total cases in Lake Wales is at 2,122. So far to date 41,732 Polk County residents have received vaccines. There is a conference call Thursday where he will be updated on plans to get and distribute vaccines.

Commissioner Goldstein thanked Deputy Chief Wilkinson for helping the Commission deal with exposure to the virus. Chief Jenkins said Wilkinson has been doing a good job keeping employees safe during the coronavirus.

6. COMMUNICATIONS AND PETITIONS

Tom Scali, resident, spoke against the possible renaming of US HWY 27. He would like to work with the Mayor on this issue. He left contact information for the Mayor.

7. CONSENT AGENDA

Mayor Fultz made a motion to approve the Consent agenda. Commissioner Howell seconded the motion.

By voice vote:

Mayor Fultz "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Motion passed 5-0.

7.I. Minutes - Agenda Work Session November 11, 2020

7.II. Agreement - City Of Lake Wales/Police Benevolent Association

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider ratifying the Collective Bargaining Agreement between the City and West Central Florida Police Benevolent Association, Inc.

RECOMMENDATION

It is recommended that the City Commission ratify the proposed amendments to the agreement between the City of Lake Wales and the West Central Florida Police Benevolent Association, Inc.

BACKGROUND

On October 16, 2018, the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Police Benevolent Association, Inc. (PBA) for the period October 1, 2017 through September 30, 2020. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the police department bargaining unit of which all are sworn officers in the classification of police officer, corporal or sergeant.

Management staff and the Police Department union representatives have reached an agreement for the period October 1, 2020 through September 30, 2021.

NOTE: The amendments are presented to the City Commission for ratification at this time. The changes to the existing agreement are highlighted below:

Article 16 Wages

16.1 Effective October 1, 2020 employees shall receive no cost of living increase.

NOTE: this is the same as general employees and fire department employees.

38 Duration of Agreement

38.1 This Agreement shall become effective upon ratification by the bargaining unit members and approval and ratification by the Lake Wales City Commission and shall continue in full force and effect until midnight of September 30, 2021.

FISCAL IMPACT

No additional impact to the 20'21 FY budget.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

7.III. Special Event Permit: Circle Of Friends Chili Cookoff March 6, 2021

[Begin Agenda Memo]

SYNOPSIS:

Circle of Friends has submitted Special Event application to host a Chili Cookoff on March 6, 2021 from 3:00 p.m. – 7:00 p.m. This application requests the closure of Stuart Avenue between First Street and Market Street.

RECOMMENDATION

Staff recommends approval of the application.

BACKGROUND

The Circle of Friends organization wants to host a Chili cook-off fundraiser. This event will include food, games, DJ, and other activities.

Set up will begin at noon. This portion of Stuart Avenue between First Street and Market Street

will be closed between noon and 7pm. The sponsor will provide sanitary facilities, dumpster and will notify area businesses of the closure.

OTHER OPTIONS

Do not approve the application.

FISCAL IMPACT

Sponsor will reimburse the city 100% of its costs.

[End Agenda Memo]

8. OLD BUSINESS

- 8.1. Ordinance 2021-05 Amending Sec. 15-11 Of The Lake Wales Code Of Ordinances 2nd Reading And Public Hearing

[Begin Agenda Memo]

Recommendation: That the City Commission adopt Ordinance 2021-05 amending Sec. 15-11(b) of the Lake Wales Code of Ordinances which defines a sexual offender.

Background: Sec. 15-11(b) of the Lake Wales Code of Ordinances cites four Sections of the Florida Statutes which deal with sexual offenders. There is a line of text in the 2007 enactment of the underlying Ordinance which is not now included in any of the four cited statutory provisions. In order to avoid confusion in interpretation of Sec. 15-11(b), Ordinance 2021-05 has been prepared for the purpose of striking the text.

Fiscal impact: None.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-05** by title only.

ORDINANCE 2021-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING A PORTION OF SECTION 15-11 OF THE LAKE WALES CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-05** after second reading and public hearing. Mayor Fultz seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Mayor Fultz "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Motion approved 5-0.

9. NEW BUSINESS

10. CITY CLERK

10.I. Board Appointments - Board Of Zoning Adjustments And Appeals

[Begin Agenda Memo]

SYNOPSIS: Appointment to fill a vacancy on the Board of Zoning Adjustment and Appeals

RECOMMENDATION

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

1. Re-Appoint Warren Turner for a term on the Board of Zoning Adjustment and Appeals expiring on 7/1/2023

BACKGROUND

There is a vacancy on the Board of Zoning Adjustment and Appeals due to resignations or expiring terms.

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).

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: 2 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
Baker, Nancy, resident	11/17/20 - 07/01/22
Turner, Warren	07/05/17 - 07/01/20, 1

Applying for Re-Appointment: Warren Turner for a term expiring on 7/1/2023

The board recommends his reappointment.

OPTIONS

Do not appoint those that have applied.

FISCAL IMPACT

None. These are volunteer boards.

[End Agenda Memo]

Commissioner Goldstein recommended the reappointment of Warren Turner to the Board of Zoning Adjustments and Appeals even though he could not attend the meeting tonight. Mr. Turner has had a good attendance while serving on this board. He requested an exception to the procedure for Mr. Turner.

Mayor Fultz appointed Warren Turner for a term on the Board of Zoning Adjustment and Appeals expiring on 7/1/2023.

Commissioner Goldstein made a motion to approve the appointment. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.II. 2021 Municipal Election & Canvassing Board Information

[Begin Agenda Memo]

2021 MUNICIPAL ELECTION INFORMATION

The regular Municipal Election of the City of Lake Wales is Tuesday, April 6, 2021. We will elect a Commissioner for Seat 2 (District 19), and a Commissioner for Seat 4 (District 27) to serve a term of three (3) years beginning May 4, 2021. Members of the City Commission must be registered voters and residents of the City of Lake Wales for at least one year preceding their date of election.

The two seats up for election are currently held by the following Commission members:

Seat 2 (District 19) Commissioner Curtis Gibson

Seat 4 (District 27) Commissioner Al Goldstein

The Commissioner elected to Seat 2 must reside in District 19, and the Commissioner elected to Seat 4 must reside in District 27.

The qualifying period for a person to qualify as a candidate is from 12:00 p.m., noon, Monday, February 15 through 12:00 p.m., noon, Friday, February 19. Candidate packets are available in the City Clerk's office beginning 9:00 a.m., Friday, February 5. This packet contains qualifying papers, nominating petitions, and other necessary information and instructions to qualify as a candidate.

At the end of qualifying the City Clerk must prepare and submit to the Supervisor of Elections Office the approved ballot by 5:00 p.m. A special City Commission meeting has been scheduled for February 19 at 4:00 p.m. for that purpose. The scheduled special meeting date is also listed on the City Commission Calendar located under the City Manager portion of the Agenda.

The Municipal Election will be held at the James P Austin Community Center, 315 Dr. M. L. King Jr. Blvd., Lake Wales and at the Lake Ashton Clubhouse, 4141 Ashton Club Drive, Lake Wales on Tuesday, April 6, 2021, 7 a.m. to 7 p.m. The City Commission will reschedule its first meeting in April from 6:00 p.m., Tuesday, April 6 to 6:00 p.m., Wednesday, April 7.

Contact the Supervisor of Elections at 863-534-5888 to request an absentee ballot. Voter registration deadline is March 8, 2021.

CANVASSING BOARD INFORMATION

While the Supervisor of Elections and the City Clerk may perform many of the tasks necessary to conduct the election, the City Commission serves as the Municipal Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. It is necessary to review the responsibilities well in advance to prevent calendar conflicts because a quorum must be present at all Canvassing Board meetings.

The following rules apply to all members of the Canvassing Board:

No member can serve if they are a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Mayor Fultz, Deputy Mayor Robin Gibson, and Commissioner Howell agreed to serve on the canvassing board. Ms. Nanek said she will bring forward alternate canvassing board members for commission approval.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that Gary Estes is seeking injunctive relief concerning his building. Mr. Galloway said he plans to move to dismiss it as the issues have been dealt with before.

Commissioner Goldstein asked if there was an update on the Seminole Hotel. Mr. Galloway reported that he sent the full summary judgement packet to the judicial assistant yesterday. Mr. Kebabjin's attorney said he was going to file an amendment but he hasn't done anything. Mr. Galloway said he explained to the attorney that this was not a retaliatory action. That this went through the normal process.

12. CITY MANAGER

James Slaton, City Manager, reported that the First Street redesign contract was approved by the CRA.

The first meeting is next week.

Lester Gullede, our horticulturalist, will start next week.

The YMCA parking lot improvements will start in 2 weeks.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

James Slaton, City Manager, said the next CRA meeting is next Tuesday at 3:00 p.m. and the Agenda Work Session is Wednesday at 3:00 p.m.

Mr. Slaton said that the budget process will begin earlier this year.

13. CITY COMMISSION COMMENTS

Commissioner Howell asked about grants for body cameras. She does not want this out of mind. She also asked about the status of pilot program. James Slaton, City Manager, said that he is not certain that a pilot program is a good idea as there would be too many complications such as who gets a camera and who doesn't. He asked the Commission to vote on whether or not to get cameras. He is thinking through this. Commissioner Howell asked what Mr. Slaton needs to move forward. Mr. Slaton said he needs a vote. Commissioner Howell asked Mr. Galloway if they need to wait until this is on the agenda. Albert Galloway Jr, City Attorney, said yes it would need to go on an agenda to be voted on. Commissioner Howell asked the fellow Commissioners if we can put this on the agenda for a vote. There was consensus to put approval of the cameras on the agenda. Deputy Mayor Robin Gibson asked if different options should be on the agenda. Mr. Galloway said a vote on cameras or not should be first. Deputy Mayor Robin Gibson said that cost is an important factor. Commissioner Goldstein asked if this question is up to the commission. Mr. Galloway said yes as this is a policy decision. Commissioner Howell asked if this will go on the work session agenda as well as it has been discussed. Commissioner Curtis Gibson said we need information on the cost of a pilot program. Deputy Mayor Robin Gibson said we can discuss it further at the next work session.

Commissioner Goldstein announced that he recently got his first vaccine shot and is doing well. He encouraged everyone to remain cautious and hopes everyone stays healthy. He commended our Fire Chief and Deputy Fire Chief for their hard work.

Commissioner Curtis Gibson said the Commission asked the City Manager to do something that he didn't do. This is unfair to the Police Department or citizens. So let's go ahead and vote on it.

Commissioner Curtis Gibson said another Commissioner needs to be appointed to be liaison to the Airport Authority as he cannot attend on Monday nights.

Commissioner Curtis Gibson emphasized the need to work together and put aside differences to resolve issues in our community.

Deputy Mayor Robin Gibson suggested looking into refinancing our debt while interest rates are low and suggested looking into this.

14. MAYOR COMMENTS

Mayor Fultz read an email exchange with a new resident who shared how much they love Lake Wales.

15. ADJOURNMENT

The meeting was adjourned at 6:42 p.m.

Mayor

ATTEST:

City Clerk