

City Commission Meeting Minutes
August 4, 2020
(Approved)

This meeting was be conducted partially via teleconference
Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20,
2020, extended via Executive order no. 20-112, and further extended by Executive Orders No 20-114, 20-150, and 20-179
municipalities may conduct meetings of their governing boards without having a quorum of its
members present physically or at any specific location, and utilizing communications media
technology such as telephonic or video conferencing, as provided by Section 120.54
(5)(b)2, Florida Statutes.
The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting
Web/Teleconference service.

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1. INVOCATION

Sarah Ray, Atheist Community of Polk County, gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

Mayor Fultz read a statement:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, and extended by Executive Order No. 20 -112, and further extended by Executive Order No. 20 - 114, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

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

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings.

Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

4. ROLL CALL

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

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

5. PRESENTATION/REPORT

5.I. COVID-19 Update

Dr. Joy Jackson, Director of the Department of Health in Polk County, said she would give an update on

the COVID-19 situation in Polk County and in Lake Wales. The first case in Polk County was recognized in mid-March. Since then over 13,000 have contracted COVID-19 in Polk County including 486 in Lake Wales. Cases in Polk County have risen dramatically over the past few weeks. We were adding 1500-2200 cases a week. These past two weeks numbers are going down. Emergency Department visits and hospitalizations and positivity rates have gone down or remained stable. Currently there are 6-7 in Lake Wales Medical Center with COVID-19. There have been 286 deaths in Polk County. They are trying to control spread and protect the vulnerable and health care workers. We need to improve access to testing which has happened across the County. We have 12000-14000 tests a week for the past month. Those that test positive and are exposed need to be instructed in how to isolate and reduce transmission. She reviewed simple guidelines to slow the spread. These included social distancing and wearing masks when one can't social distance. Masks are important because 40% of those are positive are asymptomatic. Masks can prevent those droplets from spreading. She reviewed guidelines for wearing masks. Cloth masks are not 100% effective but in combination with other efforts can greatly reduce transmissions.

Commissioner Goldstein asked about reports of COVID19 deaths that were really from something else. Dr. Jackson explained that the Health Department looks at COVID associated death. Sometimes the death can be linked COVID. Medical coroners makes the final determination. Cause of death can be different than a death with a link to COVID19.

Commissioner Goldstein asked if there are different payments to hospitals base on cause of death. Dr. Jackson said that's possible but it is unlikely that our hospitals are gaming the system with COVID.

Mayor Fultz opened the floor to questions from the public.

Glenda White, non-resident, asked what percentage of our population has died from COVID and how that compares to other causes of death. Dr. Jackson said we have had twice the number of deaths from COVID in four months than all last year from flu and pneumonia. Covid deaths are .04% of the County's population.

Becky Wynkoop, non-resident, asked how Polk is doing compared to other counties. Dr. Jackson said Polk County is 9th in the state for COVID cases. Have cases gone down in counties or areas with mask mandates. Dr. Jackson said Lakeland's numbers have gone flat since having a mask requirement.

David Jones, resident, said he was an occupational therapist, said this virus needs to be taken seriously as it is putting a strain on the health care system.

6. COMMUNICATIONS AND PETITIONS

Glenda White, non-resident, spoke against an atheist giving the invocation. This dishonors God. They should not worry about being politically incorrect. The Commission needs to take the invocation seriously. The words and actions of the Commission mean something.

Jack Neal, resident, spoke on an alley that needs to be fixed.

Joseph Richardson, non-resident, he said an invocation does not have to be a prayer. He said the current invocation process is discriminating. We can rally around common values. He read a portion of an atheist invocation.

Rev. Jack Hilligoss, resident, said he doesn't like conflict. He recognizes that there are many different beliefs in Lake Wales. We need to respect the values of the community. This invocation was a disservice to the Citizens of Lake Wales. There was an agenda from outside our City. We need to work together in Lake wales to resolve this.

Rev Steve Livingston, resident, read Biblical passages.

Virgil Ullom, non-resident, spoke on protecting our youth and against transgender children. We need to protect our youth from violence, suicide and alcohol.

Alex Kozinski, non resident and a Director of the Atheist Community of Polk County, commended Sarah for being brave and giving the invocation.

Becky Wynkoop, non resident, said this was a first for Lake Wales. The Constitution defends freedom of faith and speech.

Kat Gates-Skipper, non-resident, said we don't apologize for being Christians. This country is founded on God. She said she loves her community and country. She said she is running for State Committeewoman for the Republican Party.

Burney Hayes, resident, said Sarah Ray's comments could have been shared during Communications and Petitions. An invocation needs to invoke blessings from someone.

7. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.I. Minutes - July 1, 2020

7.II. Reauthorization Of Citizens Advisory Task Force (CATF)

[Begin Agenda Memo]

SYNOPSIS

The City Commission needs to reauthorize the Citizens Advisory Task Force (CATF) to provide public input for the forthcoming CDBG application.

RECOMMENDATION

Staff recommends that the City Commission

1. Re-authorize the CATF
2. Reappoint three past members to the Citizens Advisory Task Force (CATF) that are still interested in serving. Janice Snell, Durinda Wells, and Linda Kimbrough are recommended for appointment.

3. Appoint new members. Narvell Petersen and Eddy Rivers live in that neighborhood and are willing to serve.

BACKGROUND

In November 2015, the City Commission authorized the CATF to review the CDBG grant application for the C Street Sewer Project and to provide input. The last meeting was held in December 2015. Those members consisted of Durinda Wells, Geraldine Anderson, Linda Kimbrough, Janice Snell and Clinton Horne. In order to apply for a Housing Rehabilitation CDBG grant in October, this task force must be re-authorized. This group would meet in the next few months to review and comment on the proposed application.

The CATF must have at least 5 members, all of which must be residents of the City. At least 51% of the CATF members need to be from low to moderate income (LMI) households - so the smallest size CATF is 5 members - that means that 3 must be LMI. Also, none can be elected officials and no more than one can be a City employee.

OTHER OPTIONS

None.

FISCAL IMPACT

none

[End Agenda memo]

8. OLD BUSINESS

8.1. RESOLUTION 2020-25 Citizens And Police Community Relations Advisory Committee

[Begin Agenda Memo]

SYNOPSIS:

Resolution 2020-25 modifies the Citizens and Police Community Relations Advisory Committee, expanding the committee to 6 members from 3 members, allowing for each Commissioner to nominate members and changing the meeting schedule to monthly.

RECOMMENDATION:

Staff recommends the City Commission adopt **RESOLUTION 2020-25**.

BACKGROUND

At a recent City Commission Work Session, staff was directed to prepare a resolution to modify the Citizens and Police Community Relations Advisory Committee. This resolution expands the Committee to 6 members from 3 members and provides each Commissioner the ability to nominate one member each. The 6th member will continue to be appointed by the Chief of Police. This resolution also changes the meeting frequency from quarterly to monthly.

The Lake Wales City Commission on May 3, 2011 adopted Resolution 2011-05 to establish the Citizens and Police Community Relations Advisory Committee "to provide a forum for respectful discussion that will lead to a greater partnership and stronger working relationship between all community

members and the police department.”

The primary goal of the Community Relations Committee was to improve the relationship between the community and the police department.

The main provisions of Resolution 2011-05 were as follows:

- A three-member Community Relations Committee was created. Two citizen members were appointed by the Mayor with the approval of the Commission, and one police officer member was appointed by the Police Chief
- The committee regularly met once a month in the Municipal Administration Building, but any member of the committee could call a special meeting if one was deemed to be necessary. The committee and its members were subject to the Sunshine Law and other applicable State laws and City ordinances
- The committee provided a forum in which citizens could express opinions or concerns and positively resolve issues they may have with police policies or procedures

Resolution 2011-05 was later amended with the adoption of Resolution 2012-02, which expanded the committee from three members to five (one police officer and four citizens) and removed the restriction of holding the meetings in the City Administration Building, allowing the meetings to take place anywhere in the community determined by the committee.

A final amendment, Resolution 2014-07, changed the meeting schedule of the Community Relations Committee from monthly to quarterly. Although the committee was effective in providing constructive dialogue between citizens and the police department, citizen attendance eventually declined, which led to the amended meeting schedule. The previous amendment expanding the board to four citizen members was not carried forward in this particular amendment.

Due to a lack of involvement, the committee eventually stopped meeting altogether around 2016. The committee, however, was not among the 10 boards officially dissolved by the commission on Feb. 7, 2017 through Resolution 2017-02.

The Police Chief and the City Commission have indicated an interest in re-establishing a Citizen and Police Community Relations Advisory Committee. A copy of the current Resolution, 2014-07, is attached for the Commission to review and to provide any desired changes to staff.

Input received has indicated possible interest in amending the committee member appointment process, with the Commissioners nominating one committee member each. If this is the desired direction of the Commission, the committee size would need to be expanded to six (five citizens and one police officer).

City Commission comments expressed during the July 21, 2020 City Commission meeting resulted in the following additional amendments to the proposed Resolution:

- In accordance with the City’s Charter, each Commissioner shall recommend one appointment to the Mayor. The Mayor’s appoints will then be subject to approval by the City Commission
- In the case of a vacancy, a new member will be appointed through the same process used to make the initial appointments
- The committee will be empowered to make recommendations to the City Commission on ways to improve upon the structure and purpose of the committee

FISCAL IMPACT

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **RESOLUTION 2020-25** by title only.

RESOLUTION 2020-25

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REVISING RESOLUTIONS 2011-05, 2012-03 AND 2014-07, TO CHANGE THE REQUIREMENTS FOR APPOINTMENTS TO THE CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE, TO CHANGE HOW OFTEN THE COMMITTEE SHALL MEET, TO EXPAND THE BOARD MEMBERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE.

James Slaton, Interim City Manager, reviewed this item.

Commissioner Goldstein asked for clarification on who makes the appointments. Mr. Slaton explained that instead of three members there will be six members. Each Commissioner will appoint one and the Police Department will appoint a member.

Commissioner Goldstein made a motion to approve **RESOLUTION 2020-25**. Commissioner Howell seconded the motion.

By Roll Call vote:

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5-0.

9. NEW BUSINESS

9.I. RESOLUTION -2020-26 Extended State Of Local Emergency

[Begin Agenda Memo]

SYNOPSIS:

Resolution 2020-26 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from August 7, 2020 until September 7, 2020.

RECOMMENDATION

Staff recommends adoption of Resolution 2020-26 State of Emergency Declaration from August 7th, 2020 September 7th 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 and July. The current State of Emergency which was approved by the City Commission on July 7th will expire August 7th.

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 2020-26.

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 2020-26** by title only.

RESOLUTION 2020-26

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 approve **RESOLUTION 2020-26** by title only. 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.

- 9.II. EMERGENCY ORDINANCE 2020-01 - Requiring The Wearing Of Facemasks Or Similar Coverings In Certain Public Places.

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider adopting Emergency Ordinance 2020-21, requiring the wearing of

face masks or similar coverings in certain public places.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Adopt Emergency Ordinance 2020-21.

BACKGROUND

The City Commission expressed a desire to mandate the wearing of face masks in public inside the city limits of Lake Wales during the July 21, 2020 City Commission meeting. The proposed Emergency Ordinance:

- Does not require a second reading
- Expires in thirty (30) days
- Imposes a noncriminal civil citation for non-compliance
- Requires a super majority affirmative vote of the City Commission to adopt

OTHER OPTIONS

The City Commission may 1) direct staff to revise the proposed Ordinance prior to adoption or 2) may elect not to approve the Emergency Ordinance.

FISCAL IMPACT

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **Emergency Ordinance 2020-01** by title only.

EMERGENCY ORDINANCE 2020-01

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA RELATING TO PUBLIC HEALTH; REQUIRING PERSONS THAT LIVE, WORK, VISIT OR DO BUSINESS IN THE CITY OF LAKE WALES, FLORIDA, TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATIONS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

James Slaton, Interim City Manager, reviewed this item.

Commissioner Curtis Gibson asked how many hours the City Attorney worked on this and at what cost to the City. Albert Galloway, Jr., City Attorney, said about 4-5 hours and his hourly rate is about \$197. Commissioner Curtis Gibson asked if this is the one from Hillsborough County. Mr. Galloway said he reviewed Ordinances from several areas and compiled a version that he felt would work for Lake Wales.

Commissioner Curtis Gibson said he noted that the line Businesses must require masks. Mr. Galloway explained that he changed the wording to "must attempt to require masks"

Commissioner Goldstein said this would put our Police Department in jeopardy. Our current resolution is working as many businesses require masks and he sees many people wearing masks. He wears a mask everywhere. Businesses have enough challenges getting customers without the added burden of

requiring masks.

OPENED FOR PUBLIC COMMENT

Jane, long time resident, said the City Commission does not have the right to do this. She said masks are irrelevant and do not protect anyone.

John Miller, Winter Haven resident, says he shops and dines in Lake Wales. He recommended the Commission not vote for this. The Police should not have one more thing to cast them in a negative light. This is government overreach.

Ms. Richards, resident, spoke against this ordinance. She said it should be a personal choice. Blacks have enough problems without having to wearing masks.

David Jones, resident, said he is a health care worker. This is a matter of life and death. This is a public health crisis. Police Officers are here to protect and serve.

Walter Nelson, resident, he is not opposed to masks. He does not like mandates on people. He urged a no vote on this.

Catherine Price, resident, this will help our businesses survive. This will help get a higher level of compliance.

Maggie Franklin, non-resident and business owner, opposed the Ordinance as it is written. She said it is not appropriate or needed.

Becky Wynkoop, non-resident, spoke in favor of the Ordinance. She said that it needs to be longer than 30 days. She can't stand wearing a mask. Not wearing masks makes many residents afraid to go out. Wearing masks will help people feel safe.

CLOSED FOR PUBLIC COMMENT

Commissioner Goldstein said the Resolution is effective. In cities wear there are mask mandates compliance is about the same. This would be an infringement on personal liberties. This can hurt our businesses.

Commissioner Curtis Gibson said that everybody is different. He is not against wearing masks. The resolution passed expresses support for wearing masks. It protects others. He wears his masks. He sees everywhere people are wearing masks. He does not want this burden of enforcement on our Police Officers. Confrontations may result from this.

Deputy Mayor Robin Gibson said we are trying to save the economy. We are the legislative body for the City. We need to act in the best interest of the health and welfare of our City. We currently have a State of Emergency. We can't discharge our responsibility. Many children under the age of 4 have gotten sick and died. This is a difficult choice. This Ordinance allows freedom of choice. A mask is only required if social distancing cannot be maintained. Many businesses are requiring masks because its good for business.

Commissioner Howell said she liked the Resolution because it did help with citizens wearing masks. She is in favor of people wearing masks. She wants our businesses to do well. She doesn't want people arrested for not wearing masks. She is in favor of protecting people. Police need to use discretion. We are trying to help people and limit the spread of this. She likes the regular ordinance because it lasts longer than 30 days. Some don't like that its a mandate.

Mayor Fultz said that when people have died from this it makes us realize that we need to protect people. We want to help save lives. We don't want to infringe upon rights but we do need to save lives.

Deputy Mayor Robin Gibson made a motion to approve Emergency **ORDINANCE 2020-01**.
Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "NO"

Commissioner Goldstein "NO"

Mayor Fultz "YES"

Motion failed to get super majority 3-2.

9.III. **ORDINANCE 2020-15** Requiring The Wearing Of Facemasks Or Similar Coverings In Certain Public Places.

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider adopting Ordinance 2020-15, requiring the wearing of face masks or similar coverings in certain public places.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Adopt Ordinance 2020-15.

BACKGROUND

The City Commission expressed a desire to mandate the wearing of face masks in public inside the city limits of Lake Wales during the July 21, 2020 City Commission meeting. The proposed Ordinance:

- Does require a second reading
- Expires upon adoption of a repealing Ordinance
- Imposes a noncriminal civil citation for non-compliance
- Does not require a super majority affirmative vote of the City Commission to adopt

OTHER OPTIONS

The City Commission may 1) direct staff to revise the proposed Ordinance prior to adoption or 2) may elect not to approve the Ordinance.

FISCAL IMPACT

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-15** by title only.

ORDINANCE 2020-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO PUBLIC HEALTH; REQUIRING PERSONS THAT LIVE, WORK, VISIT OR DO BUSINESS IN THE CITY OF LAKE WALES, FLORIDA, TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATIONS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Deputy Mayor Robin Gibson asked the City Attorney to confirm that this Ordinance needs a second reading to go into effect. Albert Galloway, Jr, City Attorney, confirmed this. Deputy Mayor Robin Gibson said the length of this Ordinance to be in effect is up to the Commission. Mr. Galloway confirmed this.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2020-15** after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "NO"

Commissioner Goldstein "NO"

Mayor Fultz "YES"

Motion passed 3-2.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said there is nothing pending. We is working on developing a policy to address the matter of the invocation. Mayor Fultz said to be proactive on this is a good thing.

11. CITY MANAGER

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Calendar

James Slaton, Interim City Manager, said there will be a CRA meeting next Tuesday at 6pm. There will be a Work session and budget workshop on Wednesday.

12. CITY COMMISSION COMMENTS

Commissioner Curtis Gibson said he thought we had an invocation policy and that Dr. Jim Moyer was our Chaplain. He doesn't want information bumped around. He is unclear about who approves things to be on the agenda. Moving forward we need a procedure for this. James Slaton, Interim City Manager, said that the

invocation is already on the agenda. Commissioner Curtis Gibson said he has no objection to the person giving the invocation. We have a Communications and Petitions section where anyone can talk. He did not realize we don't have a policy.

Commissioner Curtis Gibson said that he hopes we re-examine the Mask Ordinance and about enforcement. He said the Police officers need to be protected. This may open a can of worms.

Commissioner Goldstein said that he felt the invocation was blasphemous. He thought it should be postponed or moved to Communications and Petitions. He felt naked with out prayer. He read a biblical passage.

13. MAYOR COMMENTS

Mayor Fultz said our Clerk did what was legal. He doesn't have the power to mandate things on his own. We need to work together. We need unity in what we say. He prayed himself before the meeting and encouraged everyone else to pray individually as well.

14. ADJOURNMENT

Meeting was adjourned at 8:40 p.m.

Mayor

ATTEST:

City Clerk