

**City Commission  
Meeting Minutes  
January 19, 2021  
(Approved)**

**This meeting was conducted partially via teleconference**

1/19/2021 - 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.

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.

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 - School Choice Week January 24-30, 2021  
Mayor Fultz proclaimed January 24-30, 2021 as School Choice Week.

## 6. PRESENTATION/REPORT

- 6.I. Presentation - EDC/Chamber Of Commerce

Kevin Kieft, President and CEO of the EDC and Chamber of Commerce, reviewed the definition of Economic Development and who their partners are. He said that memberships in the Chamber of Commerce are down 20%. They have gotten additional funds from the county. The Paycheck Protection program is now accepting applications again. Mr. Kieft reviewed the end of year award winners including Fire Chief Joe Jenkins, who was named Public Servant of the year for 2020.

Mr. Kieft reviewed statistics. Polk County currently has a 7.4% unemployment rate. Many in the hospitality industry have not gone back to work. Lake Wales has a current population of 16,356. The projected population is estimated to be 17,527 in 2025. That's a growth rate of 1.5% a year. Median household income is \$41,779. In 2025 that is projected to be just short of \$45,000. He has a lot more information such as what retailers may be interested in Lake Wales.

Some targets for 2021 include continued land and property identification. This is land that could be developed or redeveloped. They put together a video on the Crews property out on 60 for marketing. He played the video. He projected major development out by the airport in the next few years. They are continuing to push for more residential to get more retail.

Mr. Kieft said they are starting to target remote workers to consider moving here. We want to be better than other options in Florida.

Commissioner Curtis Gibson asked if he has a packet of this information to review. Mr. Kieft asked Commissioner Gibson to call him about what information he is looking for and he can get a packet to him.

- 6.II. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Center, reported that our 14 day average is starting to trend downward from the holiday time. Our 14 day average is now at 12.8% from 16%. Hopefully the trend will continue downward. We were 450 -500 cases a day for several days but yesterday was 287 cases and today was 282 cases. The percentages are still high. In Lake Wales we are averaging 20-25 cases a day in Lake Wales. The state is now tracking vaccines. 17, 835 first doses have been administered so far. 1,045 have had both shots. The phone lines were a failure. There is now a website that seems to be working better. Qualified individuals can sign up and be notified of the date and location.

Commissioner Goldstein expressed concern that people from other states are getting the vaccines. Chief Jenkins said as this is a federal program so those from out of state are allowed to get a vaccine. They are restricting those from out of the country from getting the vaccine. If the County can show they are doing well administering vaccines we may get more doses.

Mayor Fultz said the county is working on setting up sites for wide scale distribution. He hopes they might use Eagle Ridge Mall.

Chief Jenkins said if he hears of sites in Lake Ashton he will notify the Commission.

The logistics of vaccine distribution were discussed.

## 7. COMMUNICATIONS AND PETITIONS

John Miller, resident, reported on the new Citizens Support Group in Lake Wales. He explained their goals and planned projects. These include educating voters and a winter clothing drive for students. He identified and thanked those that have assisted in their efforts.

## 8. CITY CLERK

### 8.1. Board Appointments - Library Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointments to fill a vacancy on the Library Board

#### **RECOMMENDATION**

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

1. Appoint Brandon Alvarado to a term on the Library Board for a term expiring July 1, 2023

#### **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: 1 vacancy, resident, due to resignation

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: Chayla Outing, outside 11/17/20 -07/1/21, P  
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: Brandon Alvarado for a term expiring on 7/1/2023

The Library Board recommends his appointment.

### **OPTIONS**

Do not appoint those that have applied.

### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Tina Peak, Library Director, introduced Brandon Alvarado.

Mayor Fultz appointed Brandon Alvarado to the Library Board for a term that will expired July 1, 2023.

The Commission voted to approve the appointment.

by voice vote:

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "Yes"

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"

Approved 5-0.

9.I. Minutes - October 20, 2020 And November 3, 2020.

9.II. Sixth Amendment To The New Cingular Wireless Cell Site Lease

[Begin Agenda Memo]

**SYNOPSIS:** Modification of the New Cingular Cell Site lease to add additional property in the already leased area.

#### RECOMMENDATION

It is recommended that Commission take the following action:

1. Approve the Sixth Amendment to the New Cingular Wireless Cell Site Lease.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

#### BACKGROUND

The City entered into the original lease with New Cingular Wireless on March 19, 1998. Over the last 22 years, there have been several amendments to either extend the lease agreement or amend the lease agreement as the provider increased its space on the leased property. New Cingular Wireless desires to continue their long relationship with the City of Lake Wales by requesting the approval of attached Sixth Amendment to their agreement. The Sixth Amendment stipulates for the installation of a generator on the currently leased area.

Staff has predetermined that the modification of the New Cingular Wireless Cell Site lease amendment will not interfere with any of the daily operational activity. Staff recommends the Commission take the following action, approve the Sixth Amendment to the New Cingular Wireless Cell

Site Lease and authorize the Mayor to execute the appropriate documents, on the City's behalf.

#### OTHER OPTIONS

The Commission could chooses not to approve the amendment for the Lessee to add additional equipment to its already leased space.

#### FISCAL IMPACT

The provider pays an annual lease of \$43,200.00.

[End Agenda Memo]

9.III. Water Main Replacement Project Phase 2 Engineering Contract

[Begin Agenda Memo]

**SYNOPSIS:** Dewberry Engineering services to design the replacement and removal of old galvanize

and a/c pipe in the utility system in various locations to be replaced with current industry standard for \$331,500.00.

### **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Approve Engineering services with Dewberry Engineering in the amount of \$331,500.00
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

### **BACKGROUND**

The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace this water main in areas where the original pipe installations are now too small to service the area with sufficient flows and pressures or have outlived its useful life. The pipe staff is seeking to replace are old galvanized and a/c lines that have corroded over time and are no longer functioning at peak performance. The streets to be affected with this project, to name a few, are Ridge Manor Dr, Belleview Rd, Big Tank Road, Edgewater Dr, Osceola Ave, Wildabon Ave, and 9th Street. This project will seek to replace approximately 23,500-lf of water main.

Staff recommends the Commission take the following action, approve entering into a contract with Dewberry Engineering for \$331,500.00, for the designing, bidding and construction phases of the project, and to authorize the City Manager to execute the appropriate documents, on the City's behalf.

### **OTHER OPTIONS**

The Commission could choose not to approve the contract listed above, in turn putting these repairs off to a later time.

### **FISCAL IMPACT**

The 2020-2021 Capital Improvements Plan has budgeted \$1,400,000 for engineering and construction.

[End Agenda Memo]

#### 9.IV. Water System Hydraulic Modeling

[Begin Agenda Memo]

### **SYNOPSIS:**

Reiss Engineering Inc. to perform hydraulic modeling for the water system.

### **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Approve Engineering services with Reiss Engineering Inc. in the amount of \$71,900.00
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## BACKGROUND

Hydraulic modeling illustrate the effects of changing demand on water distribution systems, predicting pressures and identifying bottlenecks and demonstrate the effectiveness of proposed solutions. The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. As the City's population continues to grow, the water system needs to expand at an appropriate rate and size to ensure sufficient service.

Staff recommends the Commission take the following action, approve entering into a contract with Reiss Engineering Inc. for \$71,900.00, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

## OTHER OPTIONS

The Commission could chooses not to approve the contract listed above.

## FISCAL IMPACT

The 2020-2021 Capital Improvements Plan has budgeted \$80,000.00.

[End Agenda Memo]

- 9.V. Agreement With Tucker Paving Related To The Repaving Of The Lake Wales Family YMCA Parking Lot.

[Begin Agenda Memo]

**SUBJECT:** Agreement with Tucker Paving related to the repaving of the Lake Wales Family YMCA parking lot.

**SYNOPSIS:** The City Commission will consider entering into a piggyback agreement with Tucker Paving related to the repaving of the Lake Wales Family YMCA parking lot.

## RECOMMENDATION

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

1. Approve the piggyback agreement with Tucker Paving related to the Lake Wales Family YMCA
2. Authorize the City Manager to execute the appropriate documents on the City's behalf
3. Approve an expenditure in the amount of \$136,827.80

## BACKGROUND

The City Commission voted to acquire the Lake Wales Family YMCA facility in January 2020. Following the transition, City Staff & YMCA Staff administered a comprehensive facility conditions survey to YMCA members to identify where to allocate renovation funds. The overwhelming consensus from the survey data indicated that the facility's parking lot was in need of repair.

Staff engaged engineers at Kimley-Horn to evaluate the flow and safety of the existing parking lot. Following discussions with engineers, paving professionals, City staff and a master arborist, Staff concluded that repaving cannot take place without the removal of existing oak trees in the parking lot islands. Removal & replacement of all existing trees is recommended and part of this plan. In order to ensure healthy tree growth, trees requiring less space will be selected and replanted.

Landscaping of the facility will be replaced following completion of this agreement in consultation with the City's Horticulturist and in a cohesive manner with the Lake Wales Connected Plan.

Tucker Paving, as part of this agreement, will be tasked with the removal of existing trees, installation of new curb stops, installation of curbs around the planter islands, and repaving of the entire existing parking lot. Implementation of the new design will increase functionality and safety.

#### **OTHER OPTIONS**

Do not approve the agreement with Tucker Paving and direct staff to reevaluate improvement plans at the Lake Wales Family YMCA.

#### **FISCAL IMPACT**

Tucker Paving will be compensated a fixed fee of \$136,827.80. There is \$225,000 allocated to YMCA Facility Rehabilitation in the FY20'21 budget.

[End Agenda Memo]

#### 9.VI. Lease Agreement With Lake Wales Charter Schools

[Begin Agenda Memo]

#### **SYNOPSIS:**

The City Commission will consider approving a Lease Agreement with the Lake Wales Charter Schools

#### **RECOMMENDATION**

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

1. Approving a Lease Agreement with the Lake Wales Charter Schools
2. Authorize City Manager James Slaton to sign all necessary documents.

#### **BACKGROUND**

The Community Redevelopment Agency (CRA) approved the Sale of the 1919 High School Complex to the Lake Wales Charter School, Inc. on April 14, 2020. This location is the now the home of Bok Academy North Campus. In an effort to have all children on one campus, there is a need for an additional classroom.

Staff proposes to lease the downstairs portion of Kirkland Gymnasium for the use of a classroom. The initial term of the lease is for a one-year period. Upon expiration, the Lake Wales Charter Schools will have the option to renew the lease, for an additional one-year term upon written agreement of both parties.

The Lake Wales Charter Schools will utilize the portion of the facility during school hours, generally, Monday – Friday, 7 a.m. – 5 p.m. during the school calendar year.

#### **OTHER OPTIONS**

The City Commission may elect to defer approval of this Lease Agreement and direct staff to renegotiate the key business terms.

#### **FISCAL IMPACT**

The fiscal impact of the agreement for FY'21 is revenue generation of \$1.



[End Agenda Memo]

## 10. OLD BUSINESS

- 10.I. Ordinance 2021-01 Annexation – 2nd Reading And Public Hearing .35 Acres South Of State Road 60 And East Of Highland Drive PID: 283008941000027040

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-01 proposes the annexation of approximately .35 acres of land located south of State Road 60 and east of Highland Drive, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends adoption of Ordinance 2021-01 after second reading and public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

### **BACKGROUND**

In November of 1999, the then-owner of the subject property entered into a binding annexation agreement with the City in order to receive municipal services. According to the executed agreement, the owner agreed to voluntarily annex into the municipal boundaries at such time that the property became contiguous.

The property has since become contiguous to the City, but the annexation agreement was never acted on.

“Attachment A” to the ordinance shows the property’s location. It is contiguous to the City Limits on its western boundary.

### **OTHER OPTIONS**

Decline to annex the property.

### **FISCAL IMPACT**

The annexation will add to the City’s tax roll. The property is valued at \$264,290, which would bring in approximately \$1,796 in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-01** by title only.

### **ORDINANCE 2021-01**

**(Annexation – .35 acres south of State Road 60 and east of Highland Drive)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY .35 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to adopt **ORDINANCE D2021-01** 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.

10.II. Ordinance 2021-02 Petition To Establish The Leoma’s Landing Community Development District (CDD)  
– 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-02 proposes the establishment of the Leoma’s Landing Community Development District (hereinafter referred to as the “CDD”), as petitioned by Leoma’s Landing, LLC.

**RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2021-02 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for the establishment of a CDD.

**BACKGROUND**

Leoma’s Landing is a 94.11-acre unimproved site on the north side of Chalet Suzanne Road, abutting the Dinner Lake subdivision to the east. The property has development approval from the City for a 282-unit single-family Planned Development Project (PDP) and is proposed to increase to 336 single-family units.

Staff reviewed the submittal for consistency with the “Uniform Community Development Act of 1980”, Chapter 190, Florida Statutes, which sets forth the exclusive and uniform method for establishing a community development district for the land area for which the CDD would manage and finance the delivery of basic services. The proposed petition meets the requirements of Chapter 190.

The Leoma’s Landing CDD would be the second established in the City to date. Lake Ashton also developed as a Community Development District.

The proposed Infrastructure Plan is listed below:

Facility	Construction	Ownership	Capital	Operation and
Maintenance				
	Funded By		Financing	

Roads &	CDD	City	Capital Improvement	City
Street Lighting 1 2			Revenue Bonds	
Water & Wastewater	CDD	City	Capital Improvement	City
Recreational Facilities	CDD	CDD	Revenue Bonds	
Maintenance Assessment			Capital Improvement	CDD
			Revenue Bonds	
Surface Water Management	CDD	CDD	Capital Improvement	CDD
Maintenance Assessment			Revenue Bonds	
Landscape and Hardscape	CDD	CDD	Capital Improvement	CDD
Maintenance Assessment			Revenue Bonds	

Note 1: The CDD will maintain the sidewalks installed within the road right of way.

Note 2: The CDD will be responsible for the operation and maintenance of the street lighting. A utility easement will be included in future record plats to accommodate the streetlight installation within the road right of way

#### **OTHER OPTIONS**

Decline request to establish Leoma's Landing CDD.

#### **FISCAL IMPACT**

Once the roads, water, and wastewater improvements are constructed at the developer's expense, these facilities will be subsequently dedicated to the City for operation and maintenance and will create a long-term fiscal impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-02** by title only.

#### **ORDINANCE NO. 2021-02**

**AN ORDINANCE BY THE CITY OF LAKE WALES, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS LEOMAS LANDING COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

Michael Lawson, Director of Operations Metro Development Group, said they are taxpayers to the City of Lake Wales and is available for questions.

Commissioner Goldstein thanked Mr. Lawson for being available to answer questions of the residents of Carlsberg. He said they are working on getting improvements to the road.

Deputy Mayor Robin Gibson asked if they are making any adjustments related to resident's concerns. Mr. Lawson reviewed some of the planned changes and improvements to the roads to address traffic concerns.

Mayor Fultz said they have been advocating to the County for improvements for years.

A resident, name not heard, spoke against CDDs. They have expensive infrastructure. Leoma's Landing is too small for a CDD. A CDD is not the best way to provide services to the residents. Without the CDD the home prices will be lower.

#### CLOSED PUBLIC HEADING

Deputy Mayor Robin Gibson said he is familiar with CDD statutes. They buyer has to be informed. The City Commission should not interfere with CDD. The CDDs are regulated by statutes. How much of this is up to us?

Commissioner Goldstein shared his experience in moving into a CDD neighborhood and how things are done.

Mark Bennett, Development Services Director, said we have no responsibility to interfere with a CDD. This is a transaction between the two parties developer and buyers. We make sure they are following requirements. Deputy Mayor Robin Gibson said that we don't have jurisdiction. He said that there are no size requirements.

Mark Straley, Attorney for the applicant, said the development is not too small for a CDD. There are communities that are smaller. We have met statutory requirements.

Commissioner Curtis Gibson made a motion to adopt **ORDINANCE 2021-02** after 2nd reading and Public hearing. 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 2021-03 Annexation – 2nd Reading And Public Hearing 29.42 Acres South Of Brookshire Subdivision And East Of Scenic Hwy PID: 27-29-14-000000-033020 & 27-29-14-860590-000501

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-03 proposes the voluntary annexation of 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy, and contiguous to the incorporated City limits.

## **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2021-03 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

## **BACKGROUND**

The City's Development Services staff has been in discussion with Wood and Associates Engineering, LLC, agent and engineer for CL Bundy & Sons, owner, regarding the potential residential development of the subject property. Development plans have not yet been approved for this site.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its northern boundary, as well as to the west where the Dinner Lake subdivision abuts State Road 17.

## **OTHER OPTIONS**

Decline to annex the property.

## **FISCAL IMPACT**

The annexation will add to the City's tax roll, as well as facilitate the future residential development of the property.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-03** by title only.

## **ORDINANCE 2021-03**

**(Annexation – 29.42 acres south of Brookshire Subdivision and east of Scenic Hwy)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 29.42 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE 2021-03** after 2nd 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.

- 10.IV. Ordinance 2021-04 Annexation – 2nd Reading And Public Hearing 16.96 Acres South Of Mountain Lake Cut Off Rd And West Of Hwy 27 PID: 27-29-33-000000-011050; 27-29-34-000000-033040; 27-29-34- 000000-033020

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-04 proposes the voluntary annexation of 16.96 acres located south of Mountain Lake Cut Off Rd and west of Hwy 27, and contiguous to the incorporated City limits.

#### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2021-04 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

#### **BACKGROUND**

The City's Development Services staff has been in discussion with ECON South, LLC, agent and engineer for K&M Groves, owner, regarding the potential residential development of the subject property. Development plans have not yet been approved for this site.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its eastern boundary.

#### **OTHER OPTIONS**

Decline to annex the property.

#### **FISCAL IMPACT**

The annexation will add to the City's tax roll, as well as facilitate the future residential development of the property.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-04** by title only.

#### **ORDINANCE 2021-04**

**(Annexation – 16.96 acres south of Mountain Lake Cut Off Rd and west of Hwy 27)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 16.96 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to adopt **ORDINANCE 2021-04** after 2nd 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.

## 11. NEW BUSINESS

### 11.1. Ordinance 2021-05 Amending Sec. 15-11 Of The Lake Wales Code Of Ordinances

[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.

Alternatives: None which will serve to clarify the definition of a sexual offender as currently set forth in the Lake Wales Code.

[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.**

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

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2021-05** after 1st reading. 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.

#### 11.II. Resolution 2021-01 State Of Emergency Declaration

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2021-01 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from January 19, 2021 until February 19, 2021.

#### **RECOMMENDATION**

Staff recommends adoption of Resolution 2021-01 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 throughout 2020. The current State of Emergency, which was approved by the Commission on December 15th, expired January 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 2021-01.

#### **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 2021-01** by title only.

**RESOLUTION 2021-01  
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 2021-01**. 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.

#### 11.III. Resolution 2021-02 Lake Wales Connected Plan

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2021-02 approves the Lake Wales Connected Plan adopted by the Lake Wales CRA in October 2019.

#### **RECOMMENDATION**

Staff recommends approval of Resolution 2021-02 formally approving the Lake Wales Connected Plan.

#### **BACKGROUND**

On October 1, 2019 The Lake Wales Community Redevelopment Agency (CRA) approved the two pieces of the Lake Wales Connected Plan as one Plan.

In order to apply for funding a Resolution by the City Commission approving the Lake Wales Connected Plan is needed to submit with grant applications.

#### **OTHER OPTIONS**

Do not approve Resolution 2021-02 or modify Resolution 2021-02.

#### **FISCAL IMPACT**

There is no direct fiscal impact from approval of this Resolution

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-02** by title only.

#### **RESOLUTION 2021-02**

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA SUPPORTING THE COMBINED LAKE WALES CONNECTED PLAN AS APPROVED BY THE LAKE WALES COMMUNITY REDEVELOPMENT AGENCY.**

Deputy Mayor Robin Gibson said that this is really a housekeeping item. A no-brainer.

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2021-02**. 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.

#### 11.IV. Resolution 2021-03 Support Of The Ridge Scenic Highway Connector Trail

[Begin Agenda Memo]

##### **SYNOPSIS:**

Resolution 2021-03 endorses the Ridge Scenic Highway Connector Trail

##### **RECOMMENDATION**

Staff recommends approval of Resolution 2021-03 supporting the Ridge Scenic Highway Connector Trail.

##### **BACKGROUND**

The Ridge Scenic Highway Connector Trail will facilitate mobility along Scenic Highway, provide a connection between the Northwest Neighborhood and Grove Manor plus provide a connector from the Lake Wales Trailway to the future Ridge Scenic Highway Trail (from Haines City to Frostproof)

As the City plans to submit a Polk Transportation Planning Organization (TPO) Priority Transportation Project Application for the Ridge Scenic Highway Connector Trail a resolution by the City Commission endorsing this project is needed.

##### **OTHER OPTIONS**

Do not approve Resolution 2021-03 or modify Resolution 2021-03.

##### **FISCAL IMPACT**

There is no direct fiscal impact from approval of this Resolution

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-03** by title only.

**RESOLUTION 2021-03**  
**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA**  
**SUPPORTING THE RIDGE SCENIC HIGHWAY CONNECTOR TRAIL.**

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2021-03**. 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.

11.V. Contract With Citrus Connection For Mass Transit Services For Lake Wales

[Begin Agenda Memo]

**SYNOPSIS**

The proposed contract with the Lakeland Area Mass Transit District (aka Citrus Connection) provides for the City of Lake Wales "fair share" contribution towards the cost of providing mass transit service to the City for the next two years.

**RECOMMENDATION**

Staff recommends that the City Commission approve entering into the attached contract.

**BACKGROUND**

The mass transit provider for Polk County, the Citrus Connection, requires that each municipality that it serves make a "fair share" contribution toward the cost of such service. The Citrus Connection has been phasing in this contribution with the goal of each municipality paying its full share within the next three years. The contract that the City is being asked to enter into would provide for a level contribution over the next two years at an amount that represents approximately two thirds of the City's full "fair share" amount.

**OTHER OPTIONS**

The City could choose to not enter into the contract in which case Citrus Connection would end mass transit services to the City of Lake Wales.

**FISCAL IMPACT**

The cost of the contract, \$132,275.74, has been provided for in the City's Fiscal Year 2020-21 budget.

**ATTACHMENTS**

Proposed contract with the Lakeland Area Mass Transit District

[End Agenda Memo]

Deputy Mayor Robin Gibson said we are paying what we did before but not getting same service. Do we want to keep Citrus Connection alive.

James Slaton, City Manager, explained that this funds our 20% share of the cost of transit in Lake Wales. The new requested route is not happening yet.

Mayor Fultz said this is the only public transit and we need to keep it and not kill it.

Commissioner Goldstein expressed concern at paying twice as much for less service. We need to expect that new route soon.

Mayor Fultz said we need this service for our citizens.

Deputy Mayor Robin Gibson made a motion to approve this item. 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. Purchase Authorization - Axon Enterprise, Inc.

[Begin Agenda Memo]

##### **SYNOPSIS:**

The City Commission will consider approving a purchase authorization and budget amendment to fund the purchase of body cameras and one additional staff position within the Lake Wales Police Department to manage video evidence.

##### **COMMISSION ACTION(S)**

1. Authorize the purchase from Axon Enterprise, Inc. in the amount of \$93,349.60
2. Authorize the addition of a video evidence management position within the Police Department
3. Authorize a budget amendment in the amount of \$133,350

##### **BACKGROUND**

At the request of the City Commission, staff is prepared to take action regarding the purchase of body cameras for the City's Police Department. Axon Enterprise, Inc. has significant experience in providing resources to law enforcement agencies and is the market leader in manufacturing body cameras. The anticipated funding requirement to implement body cameras is approximately \$133,350

for the first year of the program, with a 5-Year total requiring approximately \$474,000.

An additional staff position will be needed to review and process the recorded video footage. The cost of the salary and benefits for the new position are estimated to be \$40,000, annually.

A budget amendment from the City's reserve account is needed as funding is not appropriated in the adopted FY'21 budget. No other funding sources can be identified at this time.

Currently, no other law enforcement agencies in Polk County are utilizing body cameras on a department-wide basis, but there are many agencies throughout the country that have implemented such a program.

## **OTHER OPTIONS**

1. The City Commission can defer this item until the FY'22 budget preparation

## **FISCAL IMPACT**

A budget amendment of \$133,350 is needed to fund this initiative.

Equipment Cost

Year of Operation	Fiscal Year	Equipment Cost	Personnel Costs	Annual Total
			Salary & Benefits	
1	FY20'21	\$93,349.60	\$40,000	\$133,349.60
2	FY21'22	\$43,776	\$40,000	\$83,776
3	FY22'23	\$46,584	\$40,000	\$86,584
4	FY23'24	\$45,180	\$40,000	\$85,180
5	FY24'25	\$45,180	\$40,000	\$85,180

Approximate 5-Year Total: 474,069.60

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Curtis Gibson asked if the company helps with storage of the videos. Mr. Slaton said the company does all of it including storage of videos, licensing and more. Commissioner Curtis Gibson asked if this will require a lot of staff time and how retrieval will be handled. Mr. Slaton said the extra staff will need to handle public records requests. Kevin Sunderland, IT Manager, explained what things the staff will have to do as far as records requests.

Commissioner Howell said she called other cities with cameras and she said they have had positive experiences with the cameras. They are cheaper than lawsuits. A policy regulating the cameras will be needed. The policy should say when cameras should be on or not. Not every officer needs a camera. Only those patrolling a high crime area for example. We can possibly do a pilot program.

Commissioner Goldstein said in regards to turning cameras on and off. What happens if mistakes are made? The cameras may not work as people hope.

Commissioner Curtis Gibson said the key word is policy. The policy is important to protecting privacy. We can learn from other cities.

Commissioner Goldstein asked about doing a possible pilot program. Mr. Slaton said he would have to look into this.

Commissioner Howell said the policy needs to include consequences for violating policy. She recognizes that not all neighborhoods see a need for these cameras but this situation has not been resolved.

Deputy Mayor Robin Gibson said everyone regardless of the neighborhood that they live in deserves equal protection. If it takes more police in certain areas than others then we need to do it. He said that community policing does work. In the next few months more grants may become available. A pilot program might be good while we see what happens on a national level.

Commissioner Goldstein said Congressman Soto might help with finding grants.

Mayor Fultz said privacy was a primary concern for him. Some people may not talk to an officer with a camera. He would like to see more cameras put around the community.

Tiffany Davis, resident and member of the Citizens and Police Advisory board, spoke in favor of the cameras. She said they are needed. They would benefit the citizens and the officers. She is pro police but worries for her son. The next meeting will be here in the City Administration Building on the 25th.

Mayor Fultz said he shares the concerns Ms. Davis expressed. He is concerned about young people of color being safe. Not all police are bad. We need to get rid of the bad actors.

Mr. Cherry, resident, shared some of his experiences being put away for crimes. He said we need to teach people to take responsibility for actions. Previous criminals need to teach these lessons to others. We need to take back our community. We need to do something about the individuals in our community. We should research all options before deciding to spend the money.

Commissioner Goldstein thanked Mr. Cherry for taking responsibility for us all. He can help our community as a whole. Mayor Fultz said we need more people willing to mentor others to help them avoid trouble. Commissioner Curtis Gibson thanked Mr. Cherry for his story. We can go in a better direction. The cameras will benefit everyone. He encouraged those with negative experiences to file a complaint against officers with Human Resources.

Sara Jones, resident, shared some of efforts to have programs in the community that will provide positive examples in the community. She spoke in favor of the cameras. We need leadership and healing in our community. We need transparency and accountability. Body cams are the way things are going with policing in our country. The policy should include guidelines about when cameras should be on or off. We need trust law enforcement. She expressed support for additional community cameras but we still need body cameras.

Commissioner Goldstein said he will investigate grants for cameras and expressed support for more community cameras.

Mayor Fultz said we need to build more relationships in the community and hear from more voices. We need to move forward on building this city instead of fighting about these things.

Ms. Jones said several voices have expressed the need for cameras. The commission should not keep waiting to hear from someone else.

Deputy Mayor Robin Gibson said the schools are concerned about black males. They are looking at this issue and are ready to help.

Mayor Fultz said he was in favor of a possible pilot program and asking the city manager to come back with a pilot program. There was consensus from the commission.

## 12. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, gave an update on the Estes building. They filed a claim today. He will

keep the commission posted.

13. CITY MANAGER

James Slaton, City Manager, had no report.

13.I. Tracking Report

13.II. Commission Meeting Calendar

13.III. Social Media Tracking Report

14. CITY COMMISSION COMMENTS

Commissioner Howell said, in regards to body cams, she hopes to add on to the pilot program over the years as possible grants become available.

Commissioner Howell said she is glad for the road work done in front of Spook Hill Elementary.

Commissioner Curtis Gibson said the discussion tonight was good. We need to put our minds together to come up with solutions for the betterment of our community.

Commissioner Curtis Gibson announced that he will not run for re-election this year. He said that he is considering a run for Mayor in 2022. He will continue to be an involved citizen. Mayor Fultz thanked Commissioner Curtis Gibson for his service on the Commission. Commissioner Goldstein also thanked Commissioner Gibson for his service.

Commissioner Goldstein thanked those that spoke tonight. He emphasized the need to work together for a better community.

15. MAYOR COMMENTS

Mayor Fultz thanked everyone for participating in the discussion tonight.

16. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

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Mayor

ATTEST:

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City Clerk