

**City Commission Meeting Minutes**

**May 4, 2021**

**(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.**

5/4/2021 - Minutes

1. INVOCATION

Rev JJ Pierce 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:

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)

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.

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 - Rev JJ Pierce

Mayor Fultz presented a proclamation recognizing the efforts of Reverend JJ Pierce and his church in distributing vaccines.

5.II. Proclamation - Water Safety Month

Mayor Fultz proclaimed May as Water Safety Month and presented the proclamation to members of Rotary on the Ridge.

6. OLD BUSINESS

7. CITY CLERK

7.I. Plaque Award - Al Goldstein

Jennifer Nanek, City Clerk, presented Commissioner Al Goldstein with a Plaque of Appreciation.

7.II. Plaque Award - Curtis Gibson

Jennifer Nanek, City Clerk, presented Commissioner Curtis Gibson with a Plaque of Appreciation.

7.III. OATH OF OFFICE: Daniel Williams

Daniel Williams was sworn in as the new Commissioner for Seat 2.

7.IV. OATH OF OFFICE: Kris Fitzgerald

Kris Fitzgerald was sworn in as the new Commissioner for Seat 4.

8. Roll Call

Commission Members Present: Eugene Fultz - Mayor, Terrye Howell, Kris Fitzgerald, Daniel Williams, Robin Gibson

9. PRESENTATION/REPORT

9.I. Covid-19 Update

Joe Jenkins, Fire Chief, thanked Rev Pierce and his church for their vaccine distribution efforts. Chief Jenkins reported that cases are starting to decline in Florida. The percent positive for today is 6.11%. In Polk County we are 5.95% today. The 14 day average closer to our target. We are at 7.98%. Today was one of our lowest days in Lake Wales. We are looking good and recovering.

Albert Galloway, Jr., City Attorney, reported on legislation and an executive order that invalidates all emergency orders on restrictions regarding Covid-19. Businesses cannot require proof of vaccinations. Our mask ordinance is invalidated. We cannot have partially virtual meetings anymore. We cannot restrict those coming to our meetings, require masks or block off seating. Mayor Fultz asked if we should repeal our mask ordinance. Mr. Galloway said it isn't necessary it is automatically void.

10. COMMENTS AND PETITIONS

Henry Kebabjin, resident, asked to be on the agenda to discuss the foreclosure on the Seminole hotel. James Slaton, City Manager, said this could not go on the agenda as this is in litigation. Mr. Kebabjin said that the Commission should know what is going on. Commissioner Robin Gibson explained that when two parties are in litigation they must communicate through their lawyers. Mr. Kebabjin asked if he could bring his attorney. Mr. Slaton recommended that this case not be discussed in public. The Commission will be kept apprised of the case by the city attorney.

11. CONSENT AGENDA

Commissioner Robin Gibson moved to approve the Consent Agenda. Commissioner Howell seconded the

motion.

By Voice vote:

Commissioner Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11.I. Minutes - March 2, 2021 And March 10, 2021

11.II. 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.

### **RECOMMENDATION**

1. Authorize the purchase from Axon Enterprise, Inc. in the amount of \$70,724.10
2. Authorize the addition of a video evidence management position within the Police Department
3. Authorize a budget amendment in the amount of \$110,350

### **BACKGROUND**

The City Commission previously approved the purchase of eight body worn cameras for officers of the Lake Wales Police Department as part of a pilot program. Staff is now requesting approval to purchase the twenty-four additional cameras needed to equip the Department's entire patrol, crime suppression, and traffic divisions. 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 these additional body cameras is approximately \$110,350 for the first year of the program.

An additional staff position will be needed to review and process the recorded video evidence.

A budget amendment from the City's fund balance is requested as funding is not appropriated in the adopted FY'21 budget. The City has a sufficient fund balance to fulfill this staff request without impacting operating budgets or reserves.

Currently, no other law enforcement agencies in Polk County are utilizing body cameras on a department-wide basis, but many agencies throughout the country that have successfully 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 \$110,350 is needed to fund this initiative.

[End Agenda Memo]

- 11.III. Special Event Permit: Hops Shop & Stroll, June 17, 2021

[Begin Agenda Memo]

**SYNOPSIS**

This is a request by Main Street to have a wine walk event called Hops, Shop & Stroll on Thursday, June 17, 2021 from 4:00 p.m. – 8:00 p.m. The event will be in conjunction with the 3rd Thursday Market on the same evening

**RECOMMENDATION**

Staff recommends

That the City Commission approve the permit request to allow Main Street to host an event in the downtown between Orange Avenue and Central Avenue and Scenic HWY and First Street to include the serving of alcohol on Thursday, June 17, 2021 from 4:00 p.m. – 8:00 p.m.

**BACKGROUND**

Lake Wales Main Street is planning to host a wine walk type of event on Thursday, June 17, 2021 from 4:00 p.m. – 8:00 p.m. This event, Hops, Shop & Stroll, will allow participants to stroll through downtown with alcohol.

Police officers will be present for the event. No streets will be closed.

**OTHER OPTIONS**

Do not approve the Special Event Permit.

**FISCAL IMPACT**

None. Lake Wales Main Street will cover the cost of off-duty officers.

[End Agenda Memo]

- 11.IV. Special Event Permit: Sunny Sunday Event May 16, 2021

[Begin Agenda Memo]

**SYNOPSIS:**

Approval of the special event permit application will allow the Allen Temple AME Church to hold their Sunny Sunday on Sunday May 16, 2021 and allow for the temporary closing of Washington Avenue

**RECOMMENDATION:**

It is recommended that the City Commission take the following action:

Approve the special event permit application from the Allen Temple AME Church to hold their Sunny Sunday on Sunday May 16, 2021.

Approve the temporary street closing of Washington Avenue from C Street to D Street between the hours of 10:45 a.m. and 2:00 p.m. and the alley between C & D Streets.

**BACKGROUND:**

The Allen Temple AME Church submitted a special event permit application for their Sunny Sundays- A Worship Experience event to be held on Sunday May 16, 2021 at 310 C Street. This application also includes a request for the temporary closing of Washington Avenue from C Street to D Street and the alley between C & D Streets between the hours of 10:45 a.m. and 2:00 p.m. This will be an outdoor morning worship event.

Staff has reviewed the application and has no issues with the street closing. The church is handling all site set ups, sanitary facilities, trash receptacles and trash clean up. Insurance is being provided as required.

**OTHER OPTIONS:**

Do not approve the event or street closing.

[End Agenda Memo]

12. NEW BUSINESS

12.I. Resolution 2021-13 Extending State Of Local Emergency

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2021-13 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from May 7, 2021 until June 7, 2021.

**RECOMMENDATION**

Staff recommends adoption of Resolution 2021-13 State of Emergency Declaration from May 7th 2021 until June 7th 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 throughout 2020. The current State of Emergency, which was approved by the Commission on April 7, 2021 expires May 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 2021-13.

## **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 2021-13** by title only.

## **RESOLUTION 2021-13**

### **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.**

James Slaton, City Manager, reviewed this item.

Mayor Fultz asked if we can keep this State of Emergency under the new rules from Tallahassee. Albert Galloway, Jr., City Attorney, said the new rules do not affect our ability to declare a state of emergency.

Commissioner Robin Gibson made a motion to adopt **RESOLUTION 2021-13**. Commissioner Howell seconded the motion.

By Roll Call vote:

Commissioner Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 12.II. ORDINANCE 2021-07 Street Renaming

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-07 Street Renaming – First Reading This ordinance modifies the procedure to rename a street. There is also a policy on street renaming applications to be considered.

## **RECOMMENDATION**

Staff recommends that the City Commission approve:

1. Ordinance 2021-07 Street Renaming after first reading
2. Adopt the Policy for Street Renaming

## **BACKGROUND**

Recently a citizen submitted a request to rename a street after a relative. This prompted discussion about possibly modifying the procedure to rename City Streets. This topic was discussed at a recent workshop.

The attached Ordinance modifies the street renaming procedure to require that an application be submitted to the City Manager with required documentation before the change is considered by Commission.

The attached policy details requirements and guidelines about requests to rename a street.

## **OTHER OPTIONS**

1. Stay with the current procedure.
2. Recommend additional changes.

## **FISCAL IMPACT**

There is no immediate fiscal impact to making any changes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-07** by title only.

## **ORDINANCE 2021-07**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES RENAMING OF CITY STREETS; AMENDING SECTION 18-30(b) OF THE LAKE WALES CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell asked if there was a change concerning the \$250 fee. Mayor Fultz said there was consensus to leave the \$250 fee in.

James Slaton, City Manager, reviewed the changes from the work session which concerned allowing family names.

Commissioner Robin Gibson made a motion to adopt **ORDINANCE 2021-07**. Commissioner Howell seconded the motion.

By Roll Call vote:

Commissioner Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.III. Appointment Of Deputy Mayor

Mayor Fultz recommended that Robin Gibson be appointed Deputy Mayor.

Commissioner Howell made a motion to approve the appointment of Robin Gibson as Deputy Mayor. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Commissioner Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Deputy Mayor Robin Gibson thanked everyone for their vote and support. As chair of the CRA he looks forward to plans becoming reality.

#### 12.IV. Appointment Of A Representative To The Airport Authority

Mayor Fultz asked if Daniel Williams would serve in this post. Commissioner Williams agreed.

Deputy Mayor Robin Gibson made a motion to approve the appointment of Daniel Williams as representative to the Airport Authority. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.V. Appointment Of A Representative To The Transportation Planning Organization

Mayor Fultz asked Commissioner Fitzgerald if she would like to serve as Representative to the Transportation Planning Organization. Commissioner Fitzgerald Agreed.

Deputy Mayor Robin Gibson made a motion to approve the appointment of Kris Fitzgerald as representative to the Transportation Planning Organization. Commissioner Howell seconded the motion.



By voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.VI. Appointment Of Alternate To Polk Regional Water Cooperative

Mayor Fultz asked Daniel Williams to serve as Alternate to the Polk Regional Water Cooperative. Commissioner Williams agreed.

Deputy Mayor Robin Gibson made a motion to approve the appointment of Daniel Williams as alternate to the Polk Regional Water Cooperative. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.VII. Appointment To Ridge League Of Cities

Mayor Fultz asked Commissioner Fitzgerald if she would serve as representative to the Ridge League of Cities. Commissioner Fitzgerald agreed.

Deputy Mayor Robin Gibson made a motion to approve the appointment of Kris Fitzgerald as alternate to the Polk Regional Water Cooperative. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

13. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reviewed the current status of the foreclosure action against the Seminole Hotel. The City Commission and CRA has a memorandum of understanding as to what will happen with that building if it was purchased during the process. The money would go into a trust and get it back if the property is restored.

Mr. Galloway gave an update on the status of the Estes building case.

14. CITY MANAGER

James Slaton, City Manager, said that there will be a groundbreaking for affordable housing project on Saturday at 9am at B Street and Lincoln Avenue.

14.I. Tracking Report

James Slaton, City Manager, reviewed the status of the YMCA and what upgrades are complete. New signage will soon be installed.

The Northwest Pedestrian improvements are at 50% of design work complete.

The Park Avenue connector trail will go out for bid later in May.

The final Public Hearing on the Recreation Master Plan is May 11, 6pm and will be virtual.

For the new commissioners HR packets are in their boxes.

14.II. Social Media Tracking Report

14.III. Commission Meeting Calendar

Mr. Slaton said the CRA meeting is 3pm next week and there will be a Work Session next Wednesday. There will be a presentation of the northwest neighborhood survey results at the Work Session.

15. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said things are going well and he looks forward to the contributions of the new commissioners.

Commissioner Howell said Lake Wales is moving in the right direction for some things but some things still need work. She welcomed the input of the new Commissioners and they will help make Lake Wales better. We work well together even when we don't agree.

Commissioner Williams said he is excited to work with the Commission and he is ready to listen, ready to learn and ready to work.

Commissioner Fitzgerald said she is grateful for the opportunity to serve. She is open to guidance and is willing to learn. She has a heart for people and is ready to learn.

16. MAYOR COMMENTS

Mayor Fultz welcomed the new commissioners and said that we will work together. He will be stepping down as Mayor and let someone else come in. We won't always agree but we will make the best decisions for our community. He thanked everyone who came.

17. ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

---

Mayor/Deputy Mayor

ATTEST:

---

City Clerk