

City Commission Meeting Minutes
May 5, 2020
(APPROVED)

This meeting was be conducted via teleconference

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, and extended via Executive order no. 20-112, 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 virtual public meeting using the GoToMeeting Web/Teleconference service.

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1. INVOCATION

Dr. Jim 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 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 20-112, 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, Curtis Gibson, Terrye Howell, Al Goldstein, Robin Gibson

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Safe Boating Week May 16-22, 2020

Mayor Fultz read a proclamation for safe boating week.

6. CITY CLERK

6.I. OATH OF OFFICE: Terrye Howell

Jennifer Nanek, City Clerk, administered the Oath of Office to Commissioner-Elect Terrye Howell.

6.II. OATH OF OFFICE: Robin Gibson

Jennifer Nanek, City Clerk, administered the Oath of Office to Commissioner-Elect Robin Gibson.

7. Roll Call

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

8. PRESENTATION/REPORT

8.I. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, gave an update on the current COVID-19 crisis. Chief Jenkins reported that he is emailing out regular updates to the Commission. The state is only now updating its website once a day instead of twice. The State of Florida is at 37,439 cases, a 8% positive rate with 1471 deaths. Polk County is at 547 cases, 6.2% positive rate with 28 deaths. He showed graphs from the Florida Department of Health website showing the levels of infection rates every 7 days. The next point will show a small decrease or downward trend. The other chart was created by Kenneth Fields and shows every 7 day average trend for Polk County. The CDC guidelines recommend a 14 day downward trend. Hopefully over next two weeks will continue to show a downward trend. There are antibody tests coming to Florida. They will be administered to healthcare workers first. These will show if you have been infected and have some immunity. There will be more testing of those with symptoms in the coming weeks including in Lake Wales on Friday which is free of charge. He reviewed the testing sites and requirements.

Commissioner Goldstein asked if a doctor's orders are required for testing. Chief Jenkins explained that each site has different requirements. Some do. He reviewed the different procedures at the various sites. Commissioner Goldstein asked if we can compare these deaths to the normal death rate in the state. Chief Jenkins said he doesn't have that information. Mr. Fields said some states have that. We can research the Department of Health site and see if they have it.

Mayor Fultz expressed concern that the testing event is not widely known. He is trying to promote the event. People need to know not everyone will be tested only those with health conditions and/or appropriate symptoms. Chief Jenkins said the event is on social media and the Care Center is helping to get the word out. Mayor Fultz said we need to take lead on promotion. Mr. Fields said that we can possibly use the message board and put it downtown.

Commissioner Howell asked if anyone in Lake Wales can get tested? Chief Jenkins said yes. He is not sure how many tests they have. Commissioner Goldstein asked if at the Friday event if a doctor's note is required. Chief Jenkins said no and reviewed the process for testing. Commissioner Curtis Gibson asked if a call could be made to all residents or mailings. Mr. Fields said we could look into a possible phone call but it is too late for mailings. Mayor Fultz said the reason for the location of the testing was to be sure to reach out to the vulnerable African-American Community who are more susceptible to catching this virus.

Kenneth Fields, City Manager, reviewed what the Governor has authorized to reopen at this time as part of Phase 1. Phase 1 includes restaurants and other businesses being allowed to reopen at 25% capacity with social distancing guidelines in place. Data will be tracked before other businesses can reopen. The County has received their allocation of CARES money. This will be distributed in 4 areas. Some is for small businesses. The CFDC and the Chambers of Commerce and Economic Development Councils will help with this. Kevin Kieft, Lake Wales Chamber of Commerce, reviewed how they plan to

move forward with distributing these funds. There is \$40 million in the pot for smaller businesses on a first-come, first-serve basis. Mr. Fields said we will push out this information as best we can. Mr. Fields said \$30 million will be for human services and the Lake Wales Care Center will get an allocation. There will be some money for hospitals and testing. There will be \$26 million for city governments to recover 100% costs.

Commissioner Curtis Gibson asked if this information can be sent to the Commission so they can share the information. He also want to be sure we can distribute the information as much as possible. Mr. Fields said that as information comes in it will be distributed as much and as quickly as possible. Commissioner Howell asked about the money from the Care Center. How will people know about it. Mr. Fields said plans to distribute these funds have not been finalized but once they have the Care Center, the City and others will try to distribute that information widely.

Mr. Fields reported that the City Hall remains closed and many of the playgrounds remain closed. Athletic facilities such as basketball courts are closed. He said we can reopen the dog park. We could reopen playgrounds but they would just be cleaned with soap and water but not disinfected. With basketball courts and tennis courts spectators are the main problem. He is open to reopening the basketball courts if the Commission wants. Rental facilities remain closed. For City Hall he wants plexiglass for customer service counters. Once in place we might reopen on the 18th. The library will take longer to get ready for social distancing and Books by mail is taking over much of the library. The library may not reopen until June 1. For City Commission meetings he recommends going to in-person meetings with precautions in place for the May 19th. The next CRA meeting next week can be canceled as he may not have anything on the agenda.

Commissioner Robin Gibson recommended that we stay with the CDC guidelines. We have had a slight decline. By the next commission meeting we will have 21 days to see if we have had a decline in cases. Mr. Fields said his dates are targets and are not firm. Mayor Fultz agreed. He is glad we are looking for ways for commissioners and citizens to participate remotely. Commissioner Curtis Gibson said he is concerned about the liability to the City if we reopen playgrounds. There will need to be appropriate signage. In regards to the basketball courts it is hard to maintain social distancing. Commissioner Goldstein said he is in favor of opening our meetings to the public. We can set it up at the Austin Center. Commissioner Howell said she wants guidance from medical experts. Our leaders aren't doctors. There were many kids playing soccer at Kiwanis Park. She would prefer to stay home on May 19th. We can't visit doctors yet or some are taking your temperature. She wants scientific and medical advice. If we open our parks and playgrounds people from other areas will come here. Commissioner Robin Gibson agreed and said that's why he prefers to follow the steps in the CDC guidelines. He reviewed the different phases after a 14 day period of decline. Mr. Fields reported on County plans for reopening. We need to decide what is right for Lake Wales. He agreed with waiting as long as possible and opening with small steps. Commissioner Curtis Gibson says that the Community seems to be split where some prefer to stay in and stay safe and others want to go out. He agrees with following medical guidelines. Many of our citizens are feeling frustrated. Mr. Fields said they will monitor the situation and make a recommendation concerning the may 19th meeting as we get closer. Commissioner Robin Gibson asked if a poll of the commission could be done before the 19th. Mr. Fields said we could have a quick special meeting beforehand and decide based on the numbers.

9. COMMUNICATIONS AND PETITIONS

Kevin Kieft, Chamber of Commerce, said that he likes the virtual format better and would like to see this as an option going forward.

10. Minutes - April 2, 2020 And April 8, 2020

Commissioner Howell made a motion to approve both minutes. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Robin Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

11. OLD BUSINESS

12. NEW BUSINESS

12.I. Ordinance D2020-01 – Text Amendment To The Land Use Element Of The Comprehensive Plan – Adoption Hearing

[Begin Agenda Memo]

SYNOPSIS

The Florida Department of Economic Opportunity has completed its review of the proposed amendment to the Comprehensive Plan and has no objections. Ordinance D2020-01, approved by City Commission upon first reading in February, is now ready for adoption. The amendment will create a Mixed-Use policy to accommodate unified mixed use development on large pieces of property.

RECOMMENDATION

Adoption of Ordinance D2020-01. A public hearing is required. Public notice requirements have been met.

BACKGROUND

Staff has been working with a large landowner and their development team to establish a new land use category to facilitate large scale mixed-use development. In the coming months land use regulation amendments to support the new category will also be forthcoming.

The primary function of the Mixed Use (MU) category is to establish centers of master planned suburban/urban activity, in areas with a high level of public facility availability and intended to develop with a horizontal or vertical mix of residential and nonresidential uses, achieving internal trip capture and the development of a high quality environment for living, working, or visiting. The policy also lays out criteria required to develop under this category.

After first reading this ordinance will be transmitted to the Department of Economic Opportunity for review prior to coming back to Commission for Adoption.

FISCAL IMPACT

This action has no direct fiscal impact.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2020-01** by title only

ORDINANCE D2020-01

(Comprehensive Plan text amendment to add Mixed Use)

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

ELEMENT OF THE COMPREHENSIVE PLAN TO ESTABLISH A MIXED USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Kathy Bangley, Assistant City Manager, reviewed this item.

Commissioner Robin Gibson said the Dover-Kohl plan allows for mixed use development. He asked if this could be used elsewhere. Ms. Bangley said no this is for over 500 acres. Small mixed use is covered elsewhere. She is working with Dover Kohl to enhance that.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to adopt **ORDINANCE D2020-01**. Commissioner Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Goldstein "YES"

Commissioner Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

12.II. RESOLUTION 2020-15 Extending The Declared State Of Emergency

[Begin Agenda Item]

SYNOPSIS:

Resolution 2020-15 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from May 5, 2020 until June 2, 2020.

RECOMMENDATION

Staff recommends adoption of Resolution 2020-15 State of Emergency Declaration from May 5th 2020 – June 2nd, 2020.

BACKGROUND

In response to the recent 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 which was approved by the City Commission on April 8th began April 10th will expire May 5th.

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 2020-15.

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 2020-15** by title only.

RESOLUTION 2020-15

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

Kenneth Fields, City Manager, reviewed this item.

Commissioner Robin Gibson said he read this but he's not sure what this means to the citizens of Lake Wales and what they are supposed to do. Mr. Fields explains that this is an administrative matter that allows him to do certain things such as close parks and emergency purchases without going through bidding process. Its generic to cover any kind of emergency. Commissioner Robin Gibson said this is not for the public but for the administration. Commissioner Curtis Gibson said he agreed with Commissioner Robin Gibson in that he shared the concern about what a State of Emergency means.

Commissioner Goldstein asked about how we are preparing for hurricane season. Mr. Fields said we are preparing as normal. The County is reviewing plans for shelters as social distancing would be a challenge. Commissioner Goldstein said we need to start preparing and thinking about this now. Fire Chief Joe Jenkins said the County is looking at opening more shelters and more space in current shelters to take the current crisis into account. Commissioner Robin Gibson said that the High School was used as a shelter in 2004 even though it was a Charter School. Chief Jenkins said the City opened the High School as an unofficial shelter. He explained how shelters are determined. Unofficial shelters don't get any support. Mayor Fultz said we need an additional shelter on this side of the county.

Commissioner Curtis Gibson said he agreed with Commissioner Robin Gibson in that he shared the concern about what a State of Emergency means.

Commissioner Howell made a motion to adopt **RESOLUTION 2020-15**. Commissioner Goldstein seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

12.III. Appointment Of Deputy Mayor

Commissioner Goldstein nominated Robin Gibson to serve as Deputy Mayor. Commissioner Howell seconded the nomination.

Mayor Fultz appointed Robin Gibson as Deputy Mayor.

By Voice Vote:

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Deputy Mayor Robin Gibson said we had tough decisions in the future concerning the Dover-Kohl plan. He looks forward to working with this Commission.

12.IV. Appointment Of A Representative To The Housing Authority

Mayor Fultz asked Commissioner Howell if she would like to stay in that seat. Commissioner Howell said yes.

Mayor Fultz appointed Terry Howell as representative to the Housing Authority.

The Commission confirmed 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.

13. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said the Commission cannot do online polls as was asked earlier. This will There is no pending or threatening litigation for the City. The Charter Schools purchase of the 1919 complex is moving forward to closing.

14. CITY MANAGER

Mr. Fields said there is some infrastructure money that may be coming to help keep the economy going. They are looking into possible projects for this funding.

Mr. Fields reported that Tom Moran, our former Utilities Director for about 5 years, passed away last week.

Electric bills will be reduced but there may be a cost to our revenue because of this. They are still waiving late fees for now. Staff will work with those who have financial difficulties.

Mr. Fields asked Commissioner Howell to report on a meeting yesterday with students from the University of Miami under direction from Dover-Kohl and their ideas for the north west area. A hard copy of the report will be sent to the City which will be forwarded to the Commission.

14.I. Tracking Report

14.II. Social Media Tracking Report

14.III. City Commission Meeting Calendar

The budget priority meeting is later this month. They are not sure yet of our financial situation for next year.

15. CITY COMMISSION COMMENTS

Commissioner Howell reported on a presentation by students on possible ideas for the Northwest Area. She liked many of their ideas which would include an outdoor theater and more trees. Some of these priorities will cost money. The Commission and the community will decide what would be appropriate and what the priorities should be. She was impressed with it.

Commissioner Curtis Gibson said he wants to help our city grow. He said he loves Lake Wales. There are lots of good and friendly city. This is a nice place to raise children. He is concerned about complaints regarding law enforcement. He has spoken to Chief Velasquez about this. He said a 68 year old woman was pulled over and immediately asked if she did drugs. There should be protocol here. The Police Department is looking into this. The Northwest community feels targeted. If this issue was reported immediately it could have been better addressed. The first priority of the Police Department should be to protect and serve. This is why we need body cameras. This will protect officers and the public. People get frustrated with the Police Department. Other cities are doing this. He asked the City Manager to continue looking into body cameras.

Commissioner Howell said she sent a list of questions to the City Manager and he sent back a list of answers. Some of the answers she doesn't buy some of the comments related to Planning and Police Departments. She asked the Commission to review this so we can discuss it at the next meeting. Commissioner Howell said we do need a Charter Review. Mr. Fields said this can be on a future agenda. The commission consented to this.

Commissioner Curtis Gibson asked the City manager for a list of employees that receive a phone allowance. He now has a City Phone with an app to archive text messages. He wants to be sure all of our employees are complying with sunshine laws. he is concerned about employees that may be texting city business. He does not like gray areas.

Commissioner Curtis Gibson said we need a compliant line for all departments and a log of these complaints so they can review them. We need to track their concerns.

Commissioner Curtis Gibson said that Bartow sent out a Q&A about reopening businesses that he thought that was good and recommended that Lake Wales do something similar.

Commissioner Curtis Gibson said he agrees about the need for a Charter Review committee and is glad that it will be on the agenda for discussion.

Commissioner Curtis Gibson asked Mr. Fields to track what the Commission brings up so he can get back to them.

Commissioner Goldstein said tax dollars will flow so long as our City continues to grow. we need more homes and continue with Dover-Kohl plan. He liked the idea of more Drive in movie theaters. We need to keep moving forward. He encouraged the Commissioners to listen to each other. He also agreed with a Charter Review committee. He recommended that each Commissioner appoint someone.

Deputy Mayor Robin Gibson reported that the Mardi Gras organization donated \$10,000 to the Victory Ridge towards buses. They also made contributions of night vision goggles for the Police Department and monetary contributions to the Circle of Friends and Rotary on the Ridge.

Commissioner Curtis Gibson mentioned that he spoke with that gentleman from Southern homes. He is concerned about the City's relationship with them and would like to see it fixed. He would like the City Manager to revisit this. We need to be on the same page.

16. MAYOR COMMENTS

Mayor Fultz said he hopes some of the concerns can be addressed so we can be unified in moving forward. We need to let citizens know that they have not misplaced their trust.

Mayor Fultz encouraged citizens to respond to the Census. We are at 51% response rate.

17. ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

Mayor

ATTEST:

City Clerk