

## RESOLUTION NO. 24-4192-R

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BARTOW, FLORIDA RELATING TO PEACE RIVER FLOODING; CONCURRING WITH THE MAYOR'S PROCLAMATION AND ORDERS REGARDING A STATE OF CIVIL EMERGENCY IN PORTIONS OF THE CITY; EXTENDING THE EFFECT OF THE MAYOR'S PROCLAMATION AND ORDERS; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Hurricane Debby made landfall in the State of Florida on August 5, 2024 as a Category 1 Hurricane, and distributed rains across the State of Florida in excess of 10 inches in some localized areas; and

**WHEREAS**, Polk County generally, and the City of Bartow specifically, received several days of rains and rainfall totals varying from 2 to 8 inches; and

**WHEREAS**, the Peace River receives the downstream flows from a variety of sources including Lake Hancock, the Peace Creek and its larger system of feeder watersheds, Bear Creek, and others.; and

**WHEREAS**, prior to Hurricane Debby, the Peace River was flowing at a fairly normal height as measured by the gauge located at the Hwy 60 canoe launch in Bartow, with said level being around 4.0 feet at that location; and

**WHEREAS**, as a result of the rains from Hurricane Debby and other seasonal rain activity, and the cumulative effect of the other watersheds feeding into the Peace River, the river is currently flowing at a level of 7.9 feet as of August 12, 2024. This level is considered "action stage" and is only 0.1 feet away from official minor flooding stage; and

**WHEREAS**, given that we are still relatively early in the peak stage of hurricane season, and we continue to see normal afternoon thunderstorm activity, it is reasonable to expect that the Peace River will reach the 8.0-foot level or higher at any time and will

be considered to be at flood stage at that point. It is estimated that even during normal seasonal rain activity, it could take up to two months for the river to return to “normal” flows and levels; and

**WHEREAS**, the City of Bartow has historically low-lying areas that are more significantly impacted by the water levels in the Peace River, which can result in street flooding, flooding around and even into homes, and the potential need for evacuation and other measures to ensure the safety of some local residents;

**WHEREAS**, the City’s Wastewater Treatment Plant lies in close proximity to the Peace River and occasionally experiences the threat of high-water intrusion during times of river flooding. Protection of this facility and its network of lift stations and other critical infrastructure is of a high priority need to the entire City and its residents;

**WHEREAS**, on August 13, 2024 at 9:01 AM, the Mayor of the City of Bartow declared a State of Civil Emergency in portions of the City pursuant to Article II of Chapter 26 of the City’s Code of Ordinances; and

**WHEREAS**, the City Commission wishes to formally approve the Mayor’s declaration and, by Resolution, extend its effect to and through Monday, August 19, 2024 at 6:00 PM; **NOW, THEREFORE:**

**BE IT RESOLVED BY THE PEOPLE OF THE CITY OF BARTOW:**

**SECTION 1. Incorporation of Recitals.** The foregoing recitals are incorporated herein and found by the City Commission to be true and correct statements of fact.

**SECTION 2: Mayor’s Act Ratified and Approved; Effect Extended.** The City Commission ratifies and approves the Mayor’s Proclamation and Orders dated August 13, 2024 at 8:45 AM. Pursuant to § 26-32 of the Code of Ordinances of the City of Bartow,

the effect of the Mayor's Proclamation and Orders is extended to and through Monday, August 19, 2024 at 6:00 PM.

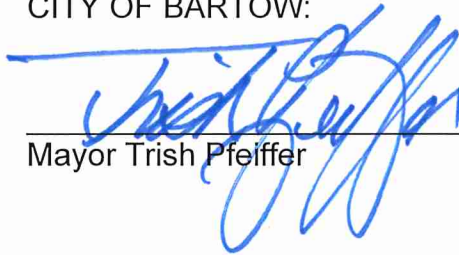
**SECTION 3. Effective Date.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BARTOW THIS 13th DAY OF AUGUST, 2024.

ATTEST:

CITY OF BARTOW:


  
\_\_\_\_\_  
City Clerk Jacqueline Poole

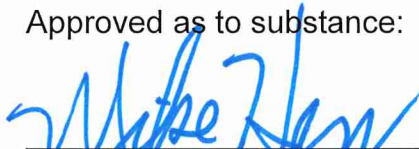
  
\_\_\_\_\_  
Mayor Trish Pfeiffer

(City Seal)

Approved as to correctness and form:

Approved as to substance:

  
\_\_\_\_\_  
City Attorney Sean R. Parker

  
\_\_\_\_\_  
City Manager Mike Herr

**CITY OF BARTOW  
OFFICE OF THE MAYOR**

**PROCLAMATION OF EMERGENCY AND ORDERS**

**AUGUST 13, 2024**

**WHEREAS**, Hurricane Debby made landfall in the State of Florida on August 5, 2024 as a Category 1 Hurricane, and distributed rains across the State of Florida in excess of 10 inches in some localized areas; and

**WHEREAS**, Polk County generally, and the City of Bartow specifically, received several days of rains and rainfall totals varying from 2 to 8 inches; and

**WHEREAS**, the Peace River receives the downstream flows from a variety of sources including Lake Hancock, the Peace Creek and its larger system of feeder watersheds, Bear Creek, and others.; and

**WHEREAS**, prior to Hurricane Debby, the Peace River was flowing at a fairly normal height as measured by the gauge located at the Hwy 60 canoe launch in Bartow, with said level being around 4.0 feet at that location; and

**WHEREAS**, as a result of the rains from Hurricane Debby and other seasonal rain activity, and the cumulative effect of the other watersheds feeding into the Peace River, the river is currently flowing at a level of 7.9 feet as of August 12, 2024. This level is considered “action stage” and is only 0.1 feet away from official minor flooding stage; and

**WHEREAS**, given that we are still relatively early in the peak stage of hurricane season, and we continue to see normal afternoon thunderstorm activity, it is reasonable to expect that the Peace River will reach the 8.0-foot level or higher at any time and will be considered to be at flood

stage at that point. It is estimated that even during normal seasonal rain activity, it could take up to two months for the river to return to “normal” flows and levels; and

**WHEREAS**, the City of Bartow has historically low-lying areas that are more significantly impacted by the water levels in the Peace River, which can result in street flooding, flooding around and even into homes, and the potential need for evacuation and other measures to ensure the safety of some local residents; and

**WHEREAS**, the City’s Wastewater Treatment Plant lies in close proximity to the Peace River and occasionally experiences the threat of high-water intrusion during times of river flooding. Protection of this facility and its network of lift stations and other critical infrastructure is of a high priority need to the entire City and its residents;

**NOW, THEREFORE, I, TRISH PFEIFFER** as Mayor of the City of Bartow, by virtue of the authority vested in me pursuant to Article II of Chapter 26 of the *Code of Ordinances of the City of Bartow* issue this Proclamation of Emergency and Orders to take immediate effect:

**Section 1.**     Declaration of Civil Emergency

Based on the foregoing, which I find to be true, I declare a state of civil emergency to exist in the all areas in the City of Bartow due to the threat of flooding from the Peace River, pursuant to §§ 26-26(2) and 26-27 of the *Code of Ordinances of the City of Bartow*. Flooding from the waters of the Peace River is a threat to the physical safety of the citizens of Bartow, has the potential to inflict injury or death and has the potential to destroy property. I find that extraordinary measures must be taken to protect the public health, safety and welfare.

**Section 2.**     Emergency Proclamation Orders

Pursuant to § 26-29 of the *Code of Ordinances of the City of Bartow*, I impose the following emergency measures:

(a) *Curfew on Pedestrian Movement*

There shall be no curfew imposed at this time, nor shall there be any restrictions upon pedestrian or vehicular movement throughout the City at the time of issuance of this Proclamation. However, the City may impose such restrictions in the future when the life, safety and welfare of the citizens warrants such measures. During any times of street flooding or heavy rains, motorists should take extreme caution when using the roads of the City and limit travel to the extent possible.

(b) *Restricted Areas*

I designate the City Manager as the agent of the Mayor for purposes of designating restricted areas of the City. I empower him to declare places of the City to be restricted to residents and those in the performance of official duties as the case may be, dependent upon the effects of the Hurricane and its winds.

(c) *General Restrictions*

Pursuant to the *Code of Ordinances of the City of Bartow*, for the duration of the state of emergency:

(1) No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle being driven or parked within the corporate limits of the city.

(2) No person shall carry or possess any rock, bottle, club, brick or weapon who uses or intends to use such object or weapon unlawfully against the person or property of another.

(3) No person shall enter any area designated as a restricted area unless in the performance of official duties or unless with written permission from the mayor or city manager or their duly designated representatives, or such person shall prove residence

therein.

(4) No person shall make, carry, possess or use any type of Molotov cocktail, gasoline or petroleum base firebomb or other incendiary missile.

(d) *Emergency Purchases*

Any purchases needed related to the threat of, or actual, flooding from the Peace River during the duration of this State of Emergency shall be considered emergency purchases under §2-285 of the *Code of Ordinances of the City of Bartow*.

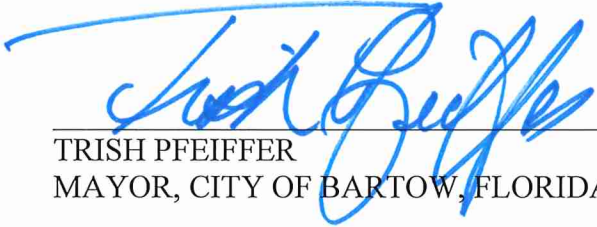
**Section 3.** Effective Period and Request for Extension of Emergency Proclamation Orders

Pursuant to § 26-32 of the *Code of Ordinances of the City of Bartow*, this Proclamation and Orders shall be effective for 72 hours after its execution, unless further extended by action of the City Commission. I formally request that the City Commission concur with this Proclamation and Orders by Resolution and extend its effect to and through Monday, August 19, 2024 at 6:00 PM, at which time the City Commission is scheduled to conduct its regular City Commission meeting and may take up further consideration of any necessary extensions of a State of Emergency.

**Section 4.** City Manager to Execute this Proclamation and Orders

Pursuant to § 26-33 of the *Code of Ordinances of the City of Bartow*, the City Manager is directed to implement and execute this Proclamation and Orders, including any extension thereof authorized by the City Commission by Resolution.

In testimony whereof, I have hereunto set my hand at the City of Bartow, Florida this 13th Day of August, 2024 at 9:01 A.M.

  
TRISH PFEIFFER  
MAYOR, CITY OF BARTOW, FLORIDA

ATTEST, a true copy:

  
CITY CLERK JACQUELINE POOLE

(CITY SEAL)

APPROVED AS TO FORM:

  
CITY ATTORNEY SEAN R. PARKER

APPROVED AS TO SUBSTANCE:

  
CITY MANAGER MIKE HERR

