

**City Commission  
Meeting Minutes  
January 5, 2021  
(Draft)**

This meeting was conducted partially via teleconference

1/5/2021 - 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. PRESENTATION/REPORT

### 5.I. COVID-19 Update - Rebecca Brewer, Advent Health

Rebecca Brewer, AdventHealth Lake Wales, reported that we have seen an increase in cases. They have 16 patients some of which are positive and others are Patients Under Investigation or PUIs. There are two variants identified that are more infectious the impact seems to be the same. They have seen a total of 131 positive COVID patients and 97 PUIs which means they have cared for a total of 228 patients. We have been keeping our patients unless they need a higher level of care. She has critical care teams watching the patients 24 hours a day in case anything changes. They have elevated the care they provide patients.

The big question now is about vaccines. Yesterday they held a vaccination event for their doctors, nurses and others involved with patient care. They are working to get staff vaccinated but not mandating it. There is some fear about the safety of the vaccine. Side effects from the vaccine are minimal. She does not know when the vaccine will be available to the public. They are developing a robust vaccination plan to be implemented when available. They are working to get affiliated doctors vaccinated. They have 1 patient on a ventilator in ICU.

Commissioner Goldstein commended the hospital's services. He asked why Polk County is taking a back seat to getting vaccines. Ms. Brewer said they are receiving more vaccines than expected. She doesn't know about the allotment. She explained about the 2 different vaccines available. Even after vaccination a person should continue to follow CDC guidelines regarding social distancing. She thanked Commissioner Goldstein for his compliments. They are focusing on improving the patient experience.

Commissioner Curtis Gibson thanked Ms. Brewer and Advent Health for the good job they are doing supporting the community. He asked about the big spike in numbers. Ms. Brewer said the discussion she has heard is that people were not being very cautious over the holidays. Ms. Brewer shared concerns about the two new variants.

Deputy Mayor Robin Gibson thanked Ms. Brewer for doing this. The hospital has an important resource in our community and with Advent Health even more so. He asked about availability of vaccines at the health department and long-term care facilities. Ms. Brewer said she will get more information on this for the commission. There is a lot of miscommunication out there.

Mayor Fultz said he spoke with Dr. Jackson at the Polk County Health Department and they are getting their vaccine distribution plan in place. He has advocated to get more vaccines for Lake Wales. He thanked Ms. Brewer for her report.

## 6. COMMUNICATIONS AND PETITIONS

Henry Kebabjin, resident, gave an update on the Seminole Hotel. He has cleaned up some of the Code violations and asked for more time to address more violations. He asked to be put on a future agenda. Mayor Fultz said this is up to the City Manager and City Attorney. James Slaton, City Manager, said that an action item is up to the commission. Mayor Fultz said he agrees with going through the process.

## 7. CONSENT AGENDA

Commissioner Goldstein asked to pull item 7.II from the consent agenda.

Deputy Mayor Robin Gibson made a motion to approve the consent Agenda except item 7.II. 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.

7.I. Minutes - October 6, 2020 & Work Session October 14, 2020

7.II. 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.

[End Agenda Memo]

Commissioner Goldstein asked about changing the route to come down Central Avenue. When does this start. We need more bus shelters. Mayor Fultz said shelters are not put up by Citrus Connection

but by either cities or other organizations. Commissioner Goldstein said we need to look into this for Lake Wales. James Slaton, City Manager, explained that the new route won't start for awhile. Citrus Connection funding will be cut by FDOT next year. More information may be available later in the month. Commissioner Goldstein suggested tabling this issue for another meeting until we get more answers. Commissioner Curtis Gibson said some services are cut as ridership is down. Deputy Mayor Robin Gibson asked if we are still paying. Mayor Fultz said yes. Mr. Slaton said the contract is a few months behind. He will check if we are paying for services. Mayor Fultz agreed with holding off approval until we find out more. We can discuss this further at the next workshop.

### 7.III. Generator Replacement For Lift Stations 1 & 13

[Begin Agenda Memo]

#### **SYNOPSIS:**

Staff is recommending the commission approve the replacement purchase of generators for lift stations 1 & 13.

#### **RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

1. Approve the purchase of replacement generators for Lift stations 1 & 13 for \$66,879.00 from Mid- Florida Diesel using the Florida Sheriff's Association State Contract.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

In accordance with the requirements of Rule 62-604.400(2)(a)1, the Florida Department of Environmental Protection established that a pump station is required to have uninterrupted pumping capability if it receives flow from one or more pump stations through a force main or another pump station. In order for uninterrupted pumping capacity to be provided, in-place emergency generators were installed at several lift station sites.

Generators for lift stations number 1 and 13 were two of the first generators installed. These generators are becoming costly to repair and repair parts are becoming harder to find due to the age of the units, making it necessary for staff to have them replaced.

Staff recommends the Commission take the following action, approve the replacement generator purchases for \$66,879.00 for lift stations 1 & 13, and authorize the City manager to sign all appropriate documents on the city's behalf pertaining to this purchase.

#### **OTHER OPTION**

Staff could be instructed to go out to bid for the replacement of these two generators.

#### **FISCAL IMPACT**

Funds were placed in the FY 20'-21' budget year for \$60,000.00. \$6,879.00 will be transferred from another capital equipment purchase, to ensure both generators can be purchased and replaced.

[End Agenda Memo]

### 8. OLD BUSINESS

8.I. Ordinance 2020-31 Panhandling Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2020-31 restricts panhandling in certain areas

**RECOMMENDATION**

Staff recommends the City Commission adopt Ordinance 2020-31 after second reading and public hearing.

**BACKGROUND**

The Commission, at a prior meeting, discussed the need for a new panhandling ordinance after hearing concerns from the Community. Ordinance 2019-02 repealed previous provisions of Section 15-14 concerning solicitation, aggressive solicitation, and panhandling due to numerous court rulings which found Ordinances of the type previously enacted by the City and other governmental entities to be unconstitutional.

Ordinance 2020-31 addresses the need to restrict panhandling in Lake Wales that may interfere with the public health, welfare and safety of our citizens.

**OTHER OPTIONS**

Do not approve Ordinance 2020-31 or modify it.

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-31** by title only.

**ORDINANCE 2020-31**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 15, MISCELLANEOUS OFFENSES, SECTION 15-14, PANHANDLING, BY ENACTING SECTION 15-14 OF THE LAKE WALES CODE OF ORDINANCES TO INCLUDE THE PROVISIONS SET FORTH HEREIN; PROVIDING FOR SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

Roberta Simpson, resident, said this has become a problem. They come close to the cars in the intersections and this becomes dangerous. She wondered about the restrictions. Mayor Fultz said they are concerned about the downtown and intimidating people. Albert Galloway, Jr., City Attorney, reviewed the section in the proposed Ordinance concerning impeding vehicle traffic. Ms. Simpson asked about certain intersections around the City. The different locations were discussed.

CLOSED PUBLIC HEARING

Commissioner Curtis Gibson made a motion to adopt **ORDINANCE 2020-31** 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.

8.II. Ordinance 2020-34 Amending Chapter 16, Pension & Retirement – General Employees' Pension Plan – Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider adopting Ordinance 2020-34 to delete Section 16-66 (a) which allowed for the purchase of prior City service by the former City Manager.

**RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2020-34 on Second Reading and Public Hearing.

**BACKGROUND**

At the request of the City Commission, Ordinance 2020-34 is presented to deleted Section 16-66(a) which allowed for the Purchase of prior City service by the former City Manager.

**OTHER OPTIONS**

Do not approve the Ordinance or modify the Ordinance.

**FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-34** by title only.

**ORDINANCE 2020-34**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; DELETING SECTION 16-66(a) IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE 2020-34** after second 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.

8.III. Ordinance 2020-33 Zoning Amendment – Chapter 23 Zoning, Land Use And Development – 2nd Reading - PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS**

Areas of the Land Development Regulations (Chapter 23, Lake Wales Code of Ordinances) continue to be identified as needing amendments in order to address the growth and needs of the community, to better align with current best practices, and to facilitate a more business-friendly approach to development in Lake Wales.

**RECOMMENDATION**

Staff recommends adoption of Ordinance 2020-33 after second reading, following a public hearing. Public notice requirements have been met.

**BACKGROUND**

At a regular meeting on November 24, 2020, the Planning and Zoning Board made a recommendation of approval to the City Commission to amend the following section of Chapter 23:

- a. Sec. 23-422 – Dimensional requirements for use of land

In an effort to offer relief to unique design and/or site constraints, and to reduce the number of dimensional variances applied for to the Board of Adjustments and Appeals, the following language is proposed to be added to the waivers section:

Administrative Waivers shall be submitted for review and recommendation to the Administrative Official. Waivers shall then be approved or denied by the City Manager. The Waivers may authorize up to a twenty (20) percent reduction in zoning standards for setbacks, height, parking, buffering, living area, floor area/impervious surface ratio, and other related zoning standards. An applicant may appeal the decision of the City Manager to the City Commission.

This amendment follows our first round of code updates, which were adopted on December 1, 2020 and referred to as "business-friendly" updates to our Land

Development Regulations. Future updates will follow.

On December 15, 2020, The City Commission approved Ordinance 2020-33 on First Reading.

**FISCAL IMPACT**

This action has no direct fiscal impact.

**OTHER OPTIONS**

Commission may choose not to approve or modify portions of the ordinance.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-33** by title only.

**ORDINANCE 2020-33**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-422 DIMENSIONAL REQUIREMENTS FOR USE OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE 2020-33** after second 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.

9. NEW BUSINESS

- 9.I. Ordinance 2021-01 Annexation – 1st Reading And Public Hearing .35 Acres South Of State Road 60 And East Of Highland Drive

[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 approval of Ordinance 2021-01 after first 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

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2021-01** after first reading and public hearing. Commissioner Curtis Gibson seconded the motion.

By Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. Ordinance 2021-02 Petition To Establish The Leoma's Landing Community Development District (CDD)  
– 1st 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 approval of Ordinance 2021-02 after first reading and 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 336-unit single-family Planned Development Project (PDP).

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

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**

Brian Smith, resident, spoke against the Ordinance. This development is too small to benefit from a CDD. An HOA should maintain the common areas. Resales are complicated by CDDs. CDDs are costly to the future homeowners.

Vince Catone, President of the Carlsburg HOA, said they are concerned about this development. They sent ahead a list of concerns. They are concerned about additional traffic on Chalet Suzanne Rd. The project needs an additional entrance and exit. Mayor Fultz said the City has petitioned the County for improvements to Chalet Suzanne Rd. Commissioner Goldstein said he lives in a CDD and has no problem with CDDs. The county has forgotten us about Chalet Suzanne Road. He heard that nothing will be done until 2040. A lot of traffic is going to be added onto that road. Mr. Catone asked for a copy of the plan before the Planning and Zoning Board meeting on the 26th. Mayor Fultz said Mark Bennett can provide that. Mr. Catone said they would like to offer more input.

Mark Bennett, Development Services Director, reviewed the status of Leoma's Landing. They can start moving dirt today. They have proposed changes to their plan. The changes are under review. This will go before Planning and Zoning on the 26th and then be back before the Commission.

Deputy Mayor Robin Gibson asked if we are getting ahead of things with this project. James Slaton, City Manager, said this issue is not related to the development design.

Commissioner Curtis Gibson asked if this CDD is similar to the one in Lake Ashton. Commissioner Goldstein said it is to a point. Lake Ashton CDD maintains the roads. In this one the City would maintain the roads. Its not an exact comparison. Commissioner Goldstein said maybe we should wait

until we have all the information.

Commissioner Curtis Gibson confirmed that this was modified regarding the streets. Mr. Slaton said yes but the streets won't need maintenance for 15-20 years. During those years we will be collecting additional revenues for those streets.

Commissioner Goldstein said Lake Ashton had 36 resales. A CDD does not hinder resales.

Commissioner Curtis Gibson suggested the City take over Chalet Suzanne Road to improve the roads

Mayor Fultz said that we need to increase pressure on the County to address this road.

Mr. Catone reviewed the status of their roads in Carlsburg and they are in relatively good shape.

Deputy Mayor Robin Gibson said CDDs are generally responsible and properties are better maintained because the people live there. Their issues are taken off our plate.

Mayor Fultz said those that live in a CDD like calling their own shots. It is a homebuyer's decision to move into a CDD.

Mr. Slaton suggested hearing from the development's representatives for more information.

Dana Cosby Collier, Attorney for Petitioner, with Straley, Robin, Baricker in Tampa, and with her is Mike Lawson with Metro Development. She explained the public notices done about the assessment that puts buyers on notice about the CDD arrangement. It is the most local government there is.

Deputy Mayor Robin Gibson said full disclosure to the buyer is required.

Commissioner Goldstein said they want to be sure we have happy neighbors but is in favor of the development. Ms. Collier said this is just approval of the CDD. Further development proposals will come before the Commission in the future.

Mr. Catone asked what the differences between HOA's and CDD. Ms. Collier explained the differences.

Mike Lawson, Metro Development, explained the role of CDDs in their communities. They are maintained very well. Taxes are collected by the tax collector.

Robin Simpson, resident, shared her concern that his entrance will be across from theirs and will be difficult to turn left safely. It is a high accident area. There are apartments going in too. She asked if he could help make that road safe. She recommended another entrance and exit for the community.

Mr. Lawson explained that they have plans to make that intersection better with turn lanes.

Mayor Fultz said he is not against CDDs. Commissioner Goldstein said the CDD won't affect the development.

#### CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to approve **ORDINANCE 2021-02** after first 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.

9.III. Ordinance 2021-03 Annexation – 1st Reading And Public Hearing 29.42 Acres South Of Brookshire Subdivision And East Of Scenic Hwy

[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 approval of Ordinance 2021-03 after first 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:**

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

Commissioner Curtis Gibson made a motion to approve **ORDINANCE 2021-03** after first 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.

9.IV. Ordinance 2021-04 Annexation – 1st Reading And Public Hearing 16.96 Acres South Of Mountain Lake Cut Off Rd And West Of Hwy 27

[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 approval of Ordinance 2021-04 after first 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:**

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 Curtis Gibson made a motion to approve **ORDINANCE 2021-04** after first 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.

#### 9.V. State Revolving Loan Fund (SRF) Agreement DW530390-Park Water Company Acquisition

[Begin Agenda Memo]

#### **SYNOPSIS:**

Approval of the SRF loan agreement for the acquisition of Park Water Company

#### **STAFF RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

1. Authorize the Mayor to sign the SRF Loan Agreement DW530390 for the Park Water Company Acquisition.

#### **BACKGROUND**

The City staff has been working diligently to finalize the purchase of Park Water Company with the use of State Revolving Loan Funds. The request for inclusion was submitted, with all the accompanying documentation. By all the paperwork being completed and approved, this City project was placed on the SRF funding list that was announced on November 18, 2020. The next step in the process is for the Commission to approve entering into the loan agreement with SRF so that the funds can be received and the purchase completed.

Staff is recommending the City Commission approve and authorize the Mayor to sign loan agreement DW530390. This agreement is specifically for the funds to complete the Park Water Company Acquisition.

#### **OPTIONS**

None. Without the acceptance of the loan agreement, the Park Water Company Acquisition would not be able to be completed.

## **FISCAL IMPACT**

The agreement will be for \$5,105,900. This amount includes capitalized interest for \$5,900 and a loan service fee of \$100,000. The loan service fee equates to 2% of the loan proceeds. The interest rate is .96% per annum. The loan payments are to be made semi-annually for \$140,599 for the life of the loan, which is a 20-year term.

[End Agenda Memo]

Deputy Mayor Robin Gibson made a motion to approve the State Revolving Loan Fund agreement. 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.

James Slaton, City Manager, said we should receive funding in about four weeks and then we will finalize the purchase and we will be proud owners of Park Water Company.

### 10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that a judge has been appointed and the Seminole hotel hearing for summary judgment is scheduled for February 8th.

### 11. CITY MANAGER

James Slaton, City Manager, said there will be a public workshop tomorrow on the proposed northwest pedestrian improvements. Meetings have been held with stakeholder groups to get their input.

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Calendar

### 12. CITY COMMISSION COMMENTS

Commissioner Goldstein asked if the Commission can approve a board appointment of Warren Turner to the Board of Appeals even though he cannot attend a Commission Meeting. Mr. Turner has regularly attended the meetings. Mayor Fultz agreed to appoint him.

Commissioner Goldstein said that he would like to explore a magistrate again for Code Enforcement.

Commissioner Curtis Gibson said he is glad to see these voluntary annexations into the city. That is a good sign.



Commissioner Howell asked if the City has kept up with changes in the food truck regulations.

Commissioner Howell asked for body cams to be on the workshop agenda on the 13th.

13. MAYOR COMMENTS

Mayor Fultz said he hoped this new year will see the end of the pandemic.

14. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

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Mayor

ATTEST:

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City Clerk