

# City Commission Meeting Minutes

July 20, 2021

(DRAFT)

7/20/2021 - Minutes

1. INVOCATION

Rev. Jack Hilligoss gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order after invocation and pledge of allegiance.

4. ROLL CALL

**Commission Members Present:** Mayor Eugene Fultz, Deputy Mayor Robin Gibson, Terrye Howell, Daniel Williams

**Staff Present:** James Slaton, City Manager; Jennifer Nanek, City Clerk; Albert Galloway, Jr.

5. PROCLAMATIONS AND AWARDS

5.1. Proclamation - Parks And Recreation Month

Mayor Fultz presented a proclamation establishing July as Parks and Recreation Month. Representatives of the Recreation Commission, Laura Donaldson and Deborah Waldrip, accepted the proclamation.

6. COMMENTS AND PETITIONS

Daniel Kreger, resident, spoke in favor of appointing Al Goldstein to the vacant Commission seat. His only concern is the betterment of Lake Wales and is familiar with all the issues.

William Young, resident and taxpayer, spoke in favor of appointing Al Goldstein to the vacant Commission seat. He is a fair-minded intelligent individual.

Mayor Fultz invited the supporters of Al Goldstein from Lake Ashton to stand in favor of his appointment. Several members of the audience stood up.

Alfreda White, business owner, introduced herself and shared about her business. She wants to give back to the community and be a positive influence.

Jack Hilligoss, Pastor and resident, spoke on behalf of Al Goldstein. He is not a polished politician. He is competent and committed.

Jim Taggart, resident of Lake Wales, spoke in favor of appointing Al Goldstein to the vacant Commission seat. He is an honest straightforward man.

Mayor Fultz apologized to Terry Christian for not letting him speak at previous meetings. He did not realize Mr. Christian was a property owner. staff has confirmed this. Terry Christian, property owner, said he accepted the apology but the damage has already been done. Mr. Christian said the people have spoken and want a new direction.

Crystal Higbee, resident, and said there is support for Goldstein and spoke in favor of his appointment.

## 7. CONSENT AGENDA

Deputy Mayor 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 Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

### 7.I. Minutes - May 4, 2021 And July 14, 2021

### 7.II. Interlocal Agreement For Fire And Police Telecommunication Services

[Begin Agenda Memo]

#### **RECOMMENDATION**

Staff recommends the City Commission authorize the City Manager to execute the attached Interlocal Agreement and continue to receive telecommunication services through the Polk County Sheriff's Office.

#### **BACKGROUND**

The annual cost for Fire Telecommunication Services is determined each year based on the number of fire calls for the City of Lake Wales divided by the total fire calls for service dispatched by the Sheriff's telecommunication center multiplied by the direct fire dispatch operating costs.

The annual cost for Police Telecommunication Services is provided for a four-year period in the Interlocal Agreement.

This agreement is similar to those in place in Winter Haven, Auburndale, Frostproof, Fort Meade and Davenport. The city of Lake Wales previously entered in to this Interlocal Agreement in 2017.

#### **OTHER OPTIONS**

Do not approve the agreement, purchase updated communications equipment and hire full time

telecommunication personnel.

[End Agenda Memo]

7.III. Special Event Permit - Homecoming Parade September 23 2021

[Begin Agenda Memo]

**SYNOPSIS:** Approval of the special event permit application and the request for street closings will allow the Lake Wales High School Homecoming Parade to be held on Thursday, September 23, 2021.

**RECOMMENDATION**

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

- Approve the special event permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, September 23, 2021 from 5:00 pm to 6:30 pm.
- Approve the request for the road closing of First Street from SR60 to Central Avenue, Central Avenue from First Street to Lake Shore Boulevard, and Lake Shore Boulevard from Central Avenue to North Wales Drive at Legion Field, and Orange Avenue and N 5th Street to Sessoms Avenue.

**BACKGROUND**

Ms. Donna Dunson, Principal of the Lake Wales High School submitted a special event permit application for the Homecoming Parade to be held on Thursday, September 23, 2021 between the hours of 5:00 pm and 6:30 pm. Parade line up begins at 4:00 p.m. in the parking lot of Polk Avenue Elementary School and on south First Street with the parade starting at 5:00 p.m. The requested temporary street closings will involve the following streets;

First Street from State Road 60 north to Central Avenue, east on Central Avenue crossing SR 17 and continuing to Lake Shore Blvd., north on Lake Shore Blvd. to North Wales Drive, Orange Avenue to N 5th Street, N 5th Street to Sessoms Avenue All Departments have reviewed the application and have approved the event. The Charter Schools have provided the required proof of liability insurance.

**OTHER OPTIONS**

Do not approve the request for the Homecoming Parade and the road closings for the event.

**FISCAL IMPACT**

In-kind service from the City is estimated to be \$1,710 for FY2021/2022. Lake Wales High School is responsible for 25% of the total cost or approximately \$428.

[End Agenda Memo]

7.IV. Hangar Land Lease Agreement – LW Hangar, LLC.

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider a correction to the hangar land lease agreement at the Lake Wales Municipal Airport.

**RECOMMENDATION**

1. Authorize the mayor to make a correction to the hangar land lease agreement between LW Hangar, LLC and the City for 49,140 square feet (1.13 acres) of land space for the purpose of developing and constructing a 4-bay aircraft hangar.

### **BACKGROUND**

On July 6, 2021 the Lake Wales City Commission approved a hangar land lease agreement between the City and LW Hangar, LLC to develop and construct a 4-bay corporate hangar.

The pages were not renumbered after the exhibits were inserted and pages 24 and 31 had a statement that did not match; page 24: "Approved as to form and correctness" and page 31: "Approved as to form".

Corrections have been made.

### **OTHER OPTIONS**

The Commission has already approved the agreement.

### **FISCAL IMPACT**

There is no change to the fiscal impact. Airport revenue of \$3,600.00 annually remains unchanged.

[End Agenda Memo]

## **8. OLD BUSINESS**

### **8.I. ORDINANCE 2021-10 Annexation –2nd Reading And Public Hearing 61 Acres North Of Mammoth Grove Road**

[Begin Agenda memo]

**SYNOPSIS:** Ordinance 2021-10 proposes the voluntary annexation of approximately 61 acres of land located north of Mammoth Grove Road, east of Masterpiece Road, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2021-10 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**

Everything and All LLC, owner, petitioned annexation into the corporate city limits of Lake Wales on May 13, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its western boundary along Masterpiece Road.

On June 1, 2021, The City Commission approved Ordinance 2021-10 on First Reading.

### **OTHER OPTIONS**

Decline to annex the property.

## **FISCAL IMPACT**

The annexation will add to the City's tax roll. The combined properties are valued at \$229,217, which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-10** by title only.

## **ORDINANCE 2021-10**

**(Annexation – 60.09 acres of land north of Mammoth Grove Road and east of Masterpiece Road)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 60.09 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

Rory Loreda, Business owner, said he lives next door to the property. He said he is opposed to this Ordinance. Four houses per acre is too many out there.

Barbara Radine, Business Owner, said she lives on Timberlane Road. She spoke in opposition to this annexation. She said she is concerned about additional traffic in the area and environmental impacts. She was not aware that this is happening. She is concerned that a Dollar General will be put there and have a negative impact on the area residents. She believes in growth. There are too many houses for this development. There are concerns about the possible lack of water. She asked where the draft plan is and if that is available to the public.

William Young, resident, recommended a buffer zone between the property and neighbors.

Jim Taggart, non-resident, said he lives on Timberlane and said with these additional houses will add more traffic and congestion. We will no longer be the "Jewel of the Ridge". He would like to keep this town small.

Steve Vaughn, resident of Country Oaks, said he offered support of this development. It wont negatively affect our community that much.

Monica Roy, Country Oaks resident, said this was in the paper. The roads out there are busy and more is coming. The development should not be houses on top of each other. She prefers to have a more rural space. She doesn't want a lot of people around her.

Terry Christian, property owner, expressed opposition to this annexation. He said money over livelihoods should not be accepted.

Mark Bennett, Development Services director, reviewed this item. He compared the development requirements in the county and the City. James Slaton, City Manager, asked if mobile homes would be allowed. Mr. Bennett said in the county yes but not if its annexed. Mr. Bennett said annexation is the first step of the process. He reviewed the next steps. A site plan will be done a bit later and come back before the Commission. There will be impact studies done after there is a site plan.

Mayor Fultz invited questions from the public for Mark Bennett.

Crystal Higbee, resident, asked if this annexation will add an extra bill for residents. James Slaton, City Manager, said no one lives there yet. New residents will know there are getting water bills from the City.

Steve Sloan, Sloan Engineering Group, he is the engineer for the developer. He reviewed the proposed project. They are planning for 97 homes or 1.67 homes per acre. No more dense than Lake Ashton. There will be environmental studies and traffic studies done. They will comply with requirements such as turning lanes. Deputy Mayor Gibson asked about Water and Sewer. Mr. Sloan said they will use City water but for sewer will have to use septic tanks. Deputy Mayor Gibson expressed concern about adding septic tanks and suggested looking into adding sewer lines. Mr. Slaton said septic tanks are similar to other homes in the area the connection to City Sewer is three miles away.

Jim Taggart, Non Resident, asked if they could put apartment houses there. Mr. Sloan said the zoning they are requesting won't allow that. Mr. Taggart asked if the zoning could be changed. Mr. Sloan said yes but it would have to come before this body.

Deputy Mayor Robin Gibson encouraged those making comments to only talk to the Commission and not argue with others who are here.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt ORDINANCE 2021-10 after 2nd Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

#### 8.II. Ordinance 2021-13 Annexation – 2nd Reading And Public Hearing 19.82 Acres Of Land At The Southwest Corner Of Sunset Drive And Buck Moore Road

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-13 proposes the voluntary annexation of approximately 19.82 acres of land located at the southwest corner of Sunset Drive and Buck Moore Road, and contiguous to the incorporated City limits.

#### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2021-13 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**

Southwest Holdings USA, Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on May 17, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along all four boundary lines.

#### **OTHER OPTIONS**

Decline to annex the property.

#### **FISCAL IMPACT**

The annexation will add to the City's tax roll. The property is valued at \$256,100, which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-13** by title only.

#### **ORDINANCE 2021-13**

**(Annexation – 19.82 acres of land at the southwest corner of Sunset Drive and Buck Moore Road)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 19.82 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

Jim Taggart, non-Resident, asked what the purpose of this annexation. Mayor Fultz encouraged Mr. Taggart to meet with City staff for more details.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-13** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 9. NEW BUSINESS

9.I. Certification Of 2021 Taxable Value, Interim Millage & FY21'22 Budget Hearing Dates

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider approval of the Polk County property appraiser's certification of taxable value for 2021, set the interim millage rate, and set the dates for the public hearings to adopt the final millage rate and the FY21 '22 budget.

**RECOMMENDATION**

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

1. Approve the Property Appraiser's Certification of Taxable Value for 2021.
2. Set the interim millage rate at 6.7697 mills.
3. Set the dates for the required public hearings for the final millage rate and adoption of the FY20'21 Budget as Wednesday, September 8 and Tuesday, September 21.

**BACKGROUND**

**Certification of Taxable Values**

Attached for your review and approval is the Polk County property appraiser's Certification of Taxable Value for 2021. As indicated, the City's gross taxable value for operating purposes is \$887,970,261.

Lake Wales has experienced an increase in taxable value of \$27,640,457, since the 2020 certification. The certification for 2021 is 3.22% above 2020's final gross taxable value of \$860,329,804. It is recommended that the City Commission approve the Certification of Taxable Value for 2021.

**Interim Millage Rate**

In order for the property appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2021 millage rate and the FY21 '22 budget. Staff recommends the interim millage rate be set at the current year rolled-back rate of 6.7697. The City current millage rate is 6.7974.

The City Commission will be able to lower the millage rate throughout the budget adoption process but will be unable to raise the rate above the interim rate.

**OTHER OPTIONS & FISCAL IMPACT**

Taxes levied by the various options are as follows:

Interim Millage Rates	Rate	CRA	Library	General	Total
Roll-back Rate	6.7697	1,175,361	435,234	4,400,697	6,011,292
Current Rate	6.7947	1,179,703	436,841	4,416,948	6,033,492
Difference over Roll-back		4,342	1,607	16,251	22,200

The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and



2) unpaid delinquent taxes. Staff estimates Ad Valorem for budget purposes at 97%.

The final adopted millage rate may not exceed the interim millage rate, but it may be lower than the interim millage rate.

Date and Time for Public Hearings:

State law requires that the county property appraiser notify each property owner of the interim millage rate and the dates of the meetings for adoption of the millage and budget. To give time for the mailing of this notice to the property owner, the City must, by law, adopt an interim millage rate no later than August 4.

Florida Statutes stipulate that the first public hearings can be held no sooner than 65 days after the Certification of Taxable Value by the Property Appraiser or July 1, whichever is later.

Certification occurred on July 1, therefore the first public hearings can be held no sooner than Thursday, September 3 (65 days after July 1).

This year, the Board of County Commissioners has scheduled its public hearings on Monday, September 13 and Monday, September 20. The School Board's final public hearing is scheduled for Tuesday, September 7.

We are recommending the first public hearings for the millage and budget be set for Wednesday September 8, 2021. We are also recommending that the second public hearings be set for Tuesday September 21, 2021.

The City Commission is not required to make a decision on the final millage rate at this meeting. The final decision should be made after we thoroughly review and discuss the budget and all of its implications; however, we do have to make a decision on the interim millage rate at this meeting.

[End Agenda Memo]

Dorothy Abbott, Finance Director, reviewed this item.

Commissioner Howell asked why we are changing the millage rate? Ms. Abbott explained the difference between the current rate and rollback rate. They can balance the budget at the rollback rate. The Commission can raise it if they wish. Commissioner Howell asked what the reserve status is. Ms. Abbott said we have enough reserves. We spent conservatively this year as we did not know how bad things would be. Revenues have come in higher than expected. They have flexibility in the budget for additional expenses.

Deputy Mayor Robin Gibson said that as the difference between the rates is only \$22,000 he is fine with going to rollback rate.

Deputy Mayor Gibson made a motion to approve the Property Appraiser's Certification of Taxable Value for 2021. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

Commissioner Howell made a motion to set the interim millage rate at 6.7697 mills. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

Deputy Mayor Robin Gibson made a motion to set the dates for the required public hearings for the final millage rate and adoption of the FY20'21 Budget as Wednesday, September 8 and Tuesday, September 21. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

## 9.II. ORDINANCE D2021-08 Zoning Designation – WH Corp 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Winter Haven Corp, owner, requests approval of City Commission to amend the Zoning Map to assign PDMU – Planned Development Mixed Use – to the above- mentioned parcels totaling,1,841+- acres of land.

### **RECOMMENDATION**

Approval at first reading, and adoption at second reading, following a public hearing, to assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on June 22, 2021:

Current Zoning: None

Proposed: Zoning: PDMU – Planned Development Mixed Use

### **BACKGROUND**

Staff has been working with this large landowner and their development team to establish a zoning category, which would facilitate large-scale, unified mixed-use development. The Future Land Use designation of MU – Mixed Use was assigned to the property in May of 2020, after a recommendation from the Planning Board.

The next step is to assign the zoning to the Winter Haven Corp property.

The City Commission assigns zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

## **OTHER OPTIONS**

Decline to re-assign the land use and zoning of these parcels.

## **FISCAL IMPACT**

Zoning assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Mark Bennett, Development Services Director, asked that this item and the next one be pulled at the request of the applicant. James Slaton, City Manager, said the applicant wishes to fine tune some things on this very large project.

### 9.III. Master Development Plan - Winter Haven Corporation

[Begin Agenda Memo]

**SYNOPSIS:** Winter Haven Corporation, owner, requests approval of City Commission for a Master Development Plan (MDP) for the above -mentioned parcels totaling, 1,841+- acres of land, as recommended by the Planning and Zoning Board on June 22, 2021.

## **RECOMMENDATION**

Approval of City Commission of the Master Development Plan, with the attached conditions of approval, as recommended by the Planning and Zoning Board on June 22, 2021.

## **BACKGROUND**

The 1,841.5 acres owned by Winter Haven Corporation have been under common ownership for 60 years. The owners are committed to the execution of a high-quality, large-scale development that respects the history and character of Lake Wales. The site was annexed into the City of Lake Wales in 1995. In 2020, the City adopted a new Future Land Use designation of Mixed Use, including an amendment to the City's Land Development Code that created a Planned Development Mixed Use zoning district as an implementation measure of the Comprehensive Plan. Later in 2020, the City's Future Land Use Map was amended to place the Mixed-Use future land use on the Winter Haven Corp property.

Utilizing master planned development encourages the preservation of open space and protection of environmentally sensitive areas, by clustering development activities. This form of development also prioritizes pedestrian and vehicular connectivity, promoting the creation of pedestrian connectivity throughout the entire site. Trail systems become an important community asset that creates recreational opportunities and provides a safer alternative to vehicular movement throughout the community.

Cohesive design and development of a roadway network also promotes a strong sense of place and enables the master developer to establish a roadway network hierarchy to guide vehicular traffic thoughtfully through the development, allowing for the prioritization of the pedestrian in areas where that is more appropriate.

Developing large tracts of land in a cohesive manner promotes the location of community uses, such as schools, libraries, public services, and places of worship. Communities are thoughtfully planned, so these community needs are located in a manner that highlights their importance and function in the community.

Development Details:

1. Project acreage is 1841.5 +/-.
2. The site lies within flood zones X, A, and AE, Flood Insurance Rate Map (firm) panel 12105C0535H, 12105C0555H, 12105C0545H and 12105C00565H, Polk County and incorporated areas.
3. Current Future Land Use designation is Mixed Use.
4. Development Table is listed below:

The Commercial/Office/Public Facilities uses may include public and private educational facilities.

Land Uses	Dwelling Units	Square Feet
Residential		
Single Family Detached	2800	
Single Family Attached (paired villas)	550	
Townhomes	950	
Multifamily	1800	
Non-Residential Commercial	400000	
Office	125,000	
Assisted Living / Public Facilities	200,000	
<b>Total</b>	<b>6,100</b>	<b>725,000</b>

Areas	Area Code	Gross Density
Multifamily 1	MF1	20 du/net acre
Multifamily 2	MF2	20 du/net acre
Office Commercial 1	OC1	16 du/net acre
Office Commercial 2	OC2	16 du/net acre

Residential/Institutional RI1 8 du/net acre

Residential/Institutional RI2 8 du/net acre

Single Family 1 SF 1 4 du/net acre

Single Family 2 SF 2 4 du/net acre

Single Family 3 SF 3 6 du/net acre

Single Family 4 SF 4 4 du/net acre

Single Family 5 SF 5 4 du/net acre

Single Family 6 SF 6 4 du/net acre

Single Family 7 SF 7 4 du/net acre

Single Family 8 SF 8 4 du/net acre

5. Permitted uses shall be consistent with the PDMU (Planned Development Mixed Use) District and Master Development Plan standards, as set forth in section 23-450, Uses Permitted, of the City of Lake Wales Code of Ordinances requiring permitted uses be included as identified below, and on the approved site plan.

6. A vertical mix of land uses shall be permitted in Office/Commercial areas.

7. Required Master Development Plan open space is 20% (368 acres). The project provides 43% open space (796 acres). The open space consists of wetlands, natural areas, perimeter buffers, common open space, linear parks, amenity centers and recreational areas. Common open space (green areas) may also be located within individual development parcels but not on individual lots. At a minimum, the open space includes 10% of usable open space (184.15 acres) which includes trails, recreational amenity centers, unprogrammed recreation areas and accessible lakes.

8. The proposed gross residential density is 3.3 du/ac.

9. The maximum allowed floor area ratio is 0.35.

10. The sizes and specific location of the community parks will be determined through the approval of final plats and accompanying construction plans. Recreational amenities shall be provided in accordance with Section 23-450.5 through 23-450.7 of the Lake Wales Code of Ordinances.

11. Park, recreational and municipal uses shall be allowed in all Development Areas.

12. Existing agricultural uses shall be permitted to continue on the property.

Dimensional Criteria:

13. The Master Development Plan dimensional criteria shall be as shown below.

Type	Minimum Lot Width		Minimum Lot Size		Maximum Building Height	
			(FT) Front	Side		Rear
Single Family	40' to 60'	4,000	20'	5'	15'	35'

Single Family 61' and over 6,100 25' 10' 20' 35'

Townhome 60' 2,000 20' 10 (20' between buildings) 15' 35'

#### Villas

MultiFamily 20' 3,000 20' 10 (20' between buildings) 15' 35'

#### Non-Residential

Commercial N/A N/A 25' 20' 25' 35'

Office N/A N/A 25' 20' 25' 65'

Institutional N/A N/A 25' 20' 25' 45'

#### Public Infrastructure

14. Screening and buffering will be provided in accordance with Section 23 -450.5 through 23-450.7 of the City of Lake Wales Code of Ordinances.

15. The provision of off-site water and sewer, and reclaimed water improvements are subject to the approval of the Utilities Director.

16. The provision of on-site water and sewer, and reclaimed water improvements are subject to the approval of the Utilities Director.

17. All utilities shall be placed below ground except where connecting to existing above ground utilities.

18. The construction and location of any proposed wetland/other surface water impacts and mitigation plan shall be reviewed and permitted through the Southwest Florida Water Management District. Wetland buffers shall be an average of 25 feet wide.

#### Transportation

19. An interconnected system of linear parks and trails shall be provided throughout the community. Trails may be provided within road rights-of-way. The main trail along the project boulevard will be a minimum of 8 foot wide and with a 5 foot sidewalk provided on the opposite side of the boulevard.

20. Sidewalks on local and collector streets shall be installed in accordance with Section 23 -450.5 through 23-450.7 of the City of Lake Wales Code of Ordinances.

21. Internal roadway alignments are conceptual. Specific location of rights-of-way will be determined through the approval of preliminary site plans and accompanying construction plans.

22. Streets are anticipated to be public (city owned), however, the Developer reserves the right to provide private streets, gated or ungated, for individual neighborhoods.

Unimpeded travel by the public shall be allowed on the boulevard shown on the plan. commercial services to residents.

g. Provide two identifiable community centers with programmed recreational amenities within short walking distance to the majority of homes.

- h. Provide additional unprogrammed recreation areas within short walking distance to the majority of homes. These may include pocket parks.
- i. Project shall provide a range of housing choices including multifamily, townhomes, villas and a minimum of three (3) single family detached lot sizes. The project design shall also disperse the housing products throughout the development to provide visual interest in both design and architectural features and to avoid monotony.

27. Landscape features

- a. Street Trees - The project shall provide 1 tree per lot (typical 60 ft separation).
- b. Perimeter landscape buffers abutting property line – The project shall provide an average of a 20 ft with small to medium trees every 40 ft (25 ft to 35 ft in height at maturity) with a 6' tall hedge, wall, or 80% opaque fence
- c. Perimeter landscape buffers abutting rights of way. The project shall provide an average of a 20 ft buffer with small to medium trees every 40 ft (25 ft to 35 ft in height at maturity).

28. Fences and/or privacy walls, a maximum of 6 ft in height, may be constructed along the perimeter.

29. The project shall retain, to the greatest extent possible and where appropriate, natural features on the external perimeter boundary for use in landscape buffers and to limit the external exposure to the development. Where those features exist, they may be med to meet the landscape buffer requirement.

30. Monotony Control –

- a. Houses shall be required to have sufficient difference in both front elevation and color schemes.
- b. Front yard setbacks on non-curvilinear streets must vary by a minimum of 2 feet.
- c. Development pods of varying lot widths shall be dispersed throughout the development to avoid a repetitive pattern.

**FISCAL IMPACT**

Approval of the Master Development Plan would enable the development of this property and the potential increase in property value. Specifically, estimating a conservative median taxable value of \$100,000 per unit, it could potentially result in over \$610 million in taxable value, and generate \$4 million in ad valorem taxes. This does not include potential revenue generated for non -residential uses.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

This item was pulled from the agenda.

9.IV. Ordinance 2021-11 Future Land Use, Mammoth Grove Road - 1st Reading And Public Hearing

[Begin Agenda memo]

**SYNOPSIS:** Everything and All LLC, owner, requests to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on 61+/- acres of land.

## **RECOMMENDATION**

Approval of City Commission to re-assign the following zoning and land use designations: Current Land Use: Polk County RS (6.4 acres) & A/RR (54+/- acres)

Current Zoning: N/A (County does not have zoning)

Proposed Land Use: NAC Neighborhood Activity Center (6.4 acres)/R-1A SFR (54+/- acres) Proposed

Zoning: C-4 Neighborhood Commercial (6.4 acres)/R-1A(54+/- acres)

## **BACKGROUND**

Everything and All LLC, owner, petitioned annexation into the corporate city limits of Lake Wales on May 13, 2021. First reading of the annexation took place on June 1, 2021, and was approved by City Commission. The applicant requested to postpone the second reading of the annexation ordinance, in order to secure land use and zoning for the site first. Zoning and Land Use was recommended by the Planning and Zoning Board on June 22, 2021.

The western 6.4 acres of the site is proposed as non-residential, Neighborhood Commercial. This zoning district is designed to permit the development of local commercial areas to serve surrounding residential areas with small-scale convenience goods and personal services. Such uses, which are permitted by right, include a day care center, nursery with plant sales, an eat-in restaurant or outdoor café, medical or professional office, or a small grocery store. Mixed land uses are encouraged and it is considered a smart growth tool, as it promotes walkable neighborhoods and less dependency on vehicles.

The current maximum density under the County's Future Land Use of A/RR is 1 dwelling unit per 5 acres of land. The residential designations of Low Density and R-1A are the City's least intense residential land use and zoning categories; therefore, staff finds that they are most compatible with the surrounding area. Low Density residential provides for a maximum of 5 units per 1 acre, while R-1A zoning contains standards for the largest lots and homes within the city. Although the density supports a maximum of 5 per acre, the engineer has mentioned that a density of 1.79 single-family homes per 1 acre is conceptually planned.

The nearest residential subdivision to the subject site, Country Oaks, is to the south/southeast and is built out at a density of roughly 1.36 dwelling units per 1 acre, including duplexes, which is in excess of the County's current 1 per 5 acre standard. The County does have a provision called a "Suburban Planned Development", which allows a subdivision to be built out at a maximum of 3 dwelling units per acre. The City serves Country Oaks with municipal water; however, the subdivision remains in the County and on septic tanks. The City's R-1A zoning does not provide for the construction of duplexes.

The City Commission assigns Future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

## **FISCAL IMPACT**

A recommendation of re-assignment would enable the future development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 97 dwelling units based on the conceptual density, it could potentially result in over \$19 million in taxable value, and generate \$131,000 in ad valorem taxes.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.



[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-11** by title only.

**ORDINANCE D2021-11**

**(CPA/Future Land Use Map Amendment – 60.09 acres of land north of Mammoth Grove Road and east of Masterpiece Road)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 60.09 ACRES OF LAND LOCATED NORTH OF MAMMOTH GROVE ROAD AND EAST OF MASTERPIECE ROAD, FROM COUNTY DESIGNATION RS TO CITY OF LAKE WALES DESIGNATION NAC, AND FROM COUNTY DESIGNATION LDR LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

Terry Christian, property owner, said that the annexation and changing land use at the same meeting makes it seem as this was rubber stamped.

Barbara Radine, business owner, suggested that there be an explanation about land use designations. People should know. What does it allow?

Mark Bennett, Development Services Director, explained they have a two map system to regulate how land is used. There is a Land use map and zoning map and he explained how each works. This ordinance is for land use designation.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson explained that there are things we can do is control urban sprawl. These things include revitalizing downtown, infill, and allowing commercial near the housing. We can't tell someone what to do with their property for the benefit of another. We can work together to mitigate the effects of urban sprawl. We need to keep places contained.

Commissioner Howell made a motion to approve **ORDINANCE D2021-11** after first reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.V. ORDINANCE 2021-12 Zoning Designation – 61+/- Acres North Of Mammoth Grove Road And East Of Masterpiece Road - 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Everything and All LLC, owner, requests to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on 61+/- acres of land.

## **RECOMMENDATION**

Approval of City Commission to re-assign the following zoning and land use designations:

Current Land Use: Polk County RS (6.4 acres) & A/RR (54+/- acres)

Current Zoning: N/A (County does not have zoning)

Proposed Land Use: NAC Neighborhood Activity Center (6.4 acres)/R-1A SFR (54+/- acres)

Proposed Zoning: C-4 Neighborhood Commercial (6.4 acres)/R-1A(54+/- acres)

## **BACKGROUND**

Everything and All LLC, owner, petitioned annexation into the corporate city limits of Lake Wales on May 13, 2021. First reading of the annexation took place on June 1, 2021, and was approved by City Commission. The applicant requested to postpone the second reading of the annexation ordinance, in order to secure land use and zoning for the site first. Zoning and Land Use was recommended by the Planning and Zoning Board on June 22, 2021.

The western 6.4 acres of the site is proposed as non-residential, Neighborhood Commercial.

This zoning district is designed to permit the development of local commercial areas to serve surrounding residential areas with small-scale convenience goods and personal services. Such uses, which are permitted by right, include a day care center, nursery with plant sales, an eat-in restaurant or outdoor café, medical or professional office, or a small grocery store. Mixed land uses are encouraged and it is considered a smart growth tool, as it promotes walkable neighborhoods and less dependency on vehicles.

The current maximum density under the County's Future Land Use of A/RR is 1 dwelling unit per 5 acres of land. The residential designations of Low Density and R-1A are the City's least intense residential land use and zoning categories; therefore, staff finds that they are most compatible with the surrounding area. Low Density residential provides for a maximum of 5 units per 1 acre, while R-1A zoning contains standards for the largest lots and homes within the city. Although the density supports a maximum of 5 per acre, the engineer has mentioned that a density of 1.79 single-family homes per 1 acre is conceptually planned.

The nearest residential subdivision to the subject site, Country Oaks, is to the south/southeast and is built out at a density of roughly 1.36 dwelling units per 1 acre, including duplexes, which is in excess of the County's current 1 per 5 acre standard. The County does have a provision called a "Suburban Planned Development", which allows a subdivision to be built out at a maximum of 3 dwelling units per acre. The City serves Country Oaks with municipal water; however, the subdivision remains in the County and on septic tanks. The City's R-1A zoning does not provide for the construction of duplexes.

The City Commission assigns Future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

## **FISCAL IMPACT**

A recommendation of re-assignment would enable the future development of this property and the

potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 97 dwelling units based on the conceptual density, it could potentially result in over \$19 million in taxable value, and generate \$131,000 in ad valorem taxes.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-12** by title only.

#### **ORDINANCE D2021-12**

**(Zoning Map Amendment – 60.09 acres of land north of Mammoth Grove Road and east of Masterpiece Road)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP DESIGNATIONS ON 60.09 ACRES OF LAND LOCATED NORTH OF MAMMOTH GROVE ROAD AND EAST OF MASTERPIECE ROAD, TO CITY OF LAKE WALES DESIGNATION C4, AND TO CITY OF LAKE WALES DESIGNATION R-1A SINGLE- FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### OPEN PUBLIC HEARING

Jim Taggart, non-resident, asked for this item to be tabled. Mayor Fultz said this is the first reading. The second reading will be at a future meeting.

Rory Loreda, non-resident, said as he lives next door to the property he is concerned what goes on there. If it is developed as planned he would be fine with it. He doesn't trust the bureaucracy.

Irene Campbell, resident, thanked Deputy Mayor Gibson for his earlier explanation. Annexing this allows greater local control of the area. People love this area and don't want to leave. Deputy Mayor Gibson said we are trying. Control by the City is better than the county.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-12** after first reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 9.VI. ORDINANCE D2021-09 Future Land Use Designation – 2804 Hwy 60 E - 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Staff requests approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on one parcel located at 2804 Hwy 60 East.

## **RECOMMENDATION**

Approval of City Commission to re-assign the following zoning and land use designations, as recommended by the Planning and Zoning Board on June 22, 2021:

Current Land Use: County LCC – Linear Commercial Corridor Current Zoning: N/A (County does not have zoning)

Proposed Land Use: CAC – Community Activity Center Proposed Zoning: C-3 – Highway Commercial

## **BACKGROUND**

In 1999, the City of Lake Wales entered into a binding annexation agreement with the then-owners of the subject property, in order for them to obtain water and sewer services prior to being contiguous to the city limits. According to the agreement, once the property became contiguous, they were to annex into the City.

Staff recently did a review of existing annexation agreements executed by the City, and found that the subject property is now contiguous and should annex per the agreement.

The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved.

The next step is to assign the Future Land Use designation and a Zoning designation to the property.

A Future Land Use Designation of CAC – Commercial Activity Center, and a Zoning designation of C-3 Commercial, is compatible with the surrounding area and will complement the built environment.

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

## **FISCAL IMPACT**

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-09** by title only.

## **ORDINANCE D2021-09**

**(CPA/Future Land Use Map Amendment - 2804 Highway 60 East – approximately .35 acres located south of State Road 60 and east of Highland Drive)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON .35 ACRES OF LAND LOCATED SOUTH STATE ROAD 60 AND EAST OF HIGHLAND DRIVE, FROM COUNTY DESIGNATION LCC TO CITY OF LAKE WALES DESIGNATION CAC COMMUNITY ACTIVITY CENTER PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-09** after 1st reading and Public Hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

9.VII. ORDINANCE D2021-10 Zoning Designation – 2804 Hwy 60 E 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Staff requests approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on one parcel located at 2804 Hwy 60 East.

**RECOMMENDATION**

Approval of City Commission to re-assign the following zoning and land use designations, as recommended by the Planning and Zoning Board on June 22, 2021:

Current Land Use: County LCC – Linear Commercial Corridor Current Zoning: N/A (County does not have zoning)

Proposed Land Use: CAC – Community Activity Center Proposed: Zoning: C-3 – Highway Commercial

**BACKGROUND**

In 1999, the City of Lake Wales entered into a binding annexation agreement with the then-owners of the subject property, in order for them to obtain water and sewer services prior to being contiguous to the city limits. According to the agreement, once the property became contiguous, they were to annex into the City.

Staff recently did a review of existing annexation agreements executed by the City, and found that the subject property is now contiguous and should annex per the agreement.

The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved.

The next step is to assign the Future Land Use designation and a Zoning designation to the property.

A Future Land Use Designation of CAC – Commercial Activity Center, and a Zoning designation of C-3 Commercial, is compatible with the surrounding area and will complement the built environment.

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

#### **FISCAL IMPACT**

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-10** by title only.

#### **ORDINANCE D2021-10**

**(Zoning Map Amendment – 2804 Highway 60 East – approximately .35 acres located south of State Road 60 and east of Highland Drive)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION ON .35 ACRES OF LAND LOCATED SOUTH STATE ROAD 60 AND EAST OF HIGHLAND DRIVE, TO CITY OF LAKE WALES HIGHWAY COMMERCIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Mayor Gibson made a motion to approve **ORDINANCE D2021-10** after 1st reading and Public Hearing. Commissioner Howell seconded the motion.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

#### 9.VIII. Ordinance D2021-13 Future Land Use Map Amendment, 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Southwest Holdings LLC, owner, requests to amend the Zoning Map, and the Future Land Use

Map of the Comprehensive Plan on one 19.82-acre parcel.

#### **RECOMMENDATION**

Approval to re-assign the following land use and zoning designations:

Current Land Use: Polk County RS

Current Zoning: N/A (County does not have zoning)

Proposed Land Use: LDR Proposed Zoning: R-1A

## **BACKGROUND**

Southwest Holdings USA, Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on May 17, 2021. The property is contiguous to the City Limits along all four boundaries. The next step is to assign land use and zoning to the property.

A Future Land Use Designation of LDR – Low Density Residential, and a Zoning designation of R-1A is compatible with the surrounding area and will complement the built environment. This land use and zoning was recommended by the Planning and Zoning Board at a regular meeting on June 22, 2021.

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted land use ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

## **FISCAL IMPACT**

Re-assignment would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$175,000 in taxable value per unit, and assuming 99 dwelling units based on maximum density, it could potentially result in over \$17 million in taxable value, and generate \$117,000 in ad valorem taxes.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-13** by title only.

## **ORDINANCE D2021-13**

**(CPA/Future Land Use Map Amendment Robin's Run– 19.82 acres of land located at the southwest corner of Sunset Drive and Buck Moore Road)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 19.82 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SUNSET DRIVE AND BUCK MOORE ROAD FROM COUNTY DESIGNATION RS TO CITY OF LAKE WALES DESIGNATION LDR LOW DENSITY RESIDENTIAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell made a motion to approve **ORDINANCE D2021-13** after 1st reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

9.IX. ORDINANCE D2021-14 Zoning Designation – Robin’s Run 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Southwest Holdings LLC, owner, requests to amend the Zoning Map, and the Future Land Use

Map of the Comprehensive Plan on one 19.82-acre parcel.

**RECOMMENDATION**

Approval to re-assign the following land use and zoning designations:

Current Land Use: Polk County RS

Current Zoning: N/A (County does not have zoning)

Proposed Land Use: LDR Proposed Zoning: R-1A

**BACKGROUND**

Southwest Holdings USA, Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on May 17, 2021. The property is contiguous to the City Limits along all four boundaries. The next step is to assign land use and zoning to the property.

A Future Land Use Designation of LDR – Low Density Residential, and a Zoning designation of R-1A is compatible with the surrounding area and will complement the built environment. This land use and zoning was recommended by the Planning and Zoning Board at a regular meeting on June 22, 2021.

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted land use ordinance is transmitted to the state’s Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City’s Comprehensive Plan.

**FISCAL IMPACT**

Re-assignment would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$175,000 in taxable value per unit, and assuming 99 dwelling units based on maximum density, it could potentially result in over \$17 million in taxable value, and generate \$117,000 in ad valorem taxes.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]



Jennifer Nanek, City Clerk, read **ORDINANCE D2021-14** by title only.

**ORDINANCE D2021-14**

**(Zoning Map Amendment – Robin's Run - 19.82 acres of land located at the southwest corner of Sunset Drive and Buck Moore Road)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP OF CHAPTER 23 ZONING, LAND USE, AND LAND DEVELOPMENT REGULATIONS TO CHANGE ZONING DESIGNATIONS ON 19.82 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SUNSET DRIVE AND BUCK MOORE ROAD TO CITY OF LAKE WALES DESIGNATION R-1A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell made a motion to approve **ORDINANCE D2021-14** after 1st reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

9.X. Commission Vacancy Discussion And Appointment

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider appointing an interim City Commissioner for Seat 4/ District 27.

**RECOMMENDATION**

Staff recommends the City Commission discuss and appoint someone to fill Seat 4 / District 27 Commission Seat.

**BACKGROUND**

On July 7, 2021 Governor DeSantis suspended Commissioner Kris Fitzgerald due to recent felony charges.

According to the City of Lake Wales Charter the City Commission must appoint someone to fill that seat within 30 days. This person must meet the same qualifications as an elected Commissioner. They must be a registered voter, have lived in Lake Wales for a year and currently live in District 27.

The interim Commissioner will serve until either Ms. Fitzgerald's suspension is lifted or until May 3,

2022 when a newly elected Commissioner will fill the remaining term.

## **OTHER OPTIONS**

Do not appoint an interim Commissioner at this time.

## **FISCAL IMPACT**

None

[End Agenda Memo]

Albert Galloway, Jr., City Attorney, reviewed this item. He said the Mayor will appoint with the consent of the Commission. The Commission can recommend individuals for appointment.

Mayor Fultz said we have three resumes of those who are interested. We have Al Goldstein, Richard DeLoach, and James Lloyd. Mayor Fultz said that Al Goldstein could not be here tonight. He invited Richard DeLoach to speak to the Commission.

Richard DeLoach introduced himself and shared his background and interests.

James Lloyd introduced himself and shared his background and interests.

Mayor Fultz asked the City Clerk to read the letter from Al Goldstein. Jennifer Nanek, City Clerk, read the letter from Al Goldstein expressing his interest in serving and his qualifications.

Deputy Mayor Gibson said the Commission should be diverse and strike the right balance. The person should be for the City as a whole. Al Goldstein demonstrated that he was interested in the City as a whole. He represented us with the County and in Tallahassee. He is representing all of Lake Wales. We are in the budget phase. Al Goldstein has been here before. He knows the budget. Al Goldstein would be capable of working on the budget. He would bring demonstrated expertise.

Commissioner Howell said she has spoken to people throughout the City. The Commissioner should be for everyone in Lake Wales. She reviewed an article and Goldstein's comments after he lost the election. Many found the comments offensive and remember them. Mayor Fultz asked who she would support for the Commission Seat. Commissioner Howell said she didn't want Goldstein back on the board.

Commissioner Williams said he agreed with early comments by Deputy Mayor Gibson and Commissioner Howell. He said we need diversity including age diversity. We need someone younger for innovation and creative ideas. You can tell a lot about people by how they act after a loss. He took Goldstein's comments to be against him too. He recommended James Lloyd for Commissioner.

Mayor Fultz said he agrees that we need someone with experience on the Commission. Goldstein put himself out there and was willing to learn when he came on the Commission. He was willing to represent the whole city. Mayor Fultz said he does not agree with the comments that Goldstein made. Goldstein is here for every meeting and workshop and knows the agenda.

Deputy Mayor Gibson recommended the Mayor make an appointment and see if the Commission agrees. Then we will move on.

Mayor Fultz appointed Al Goldstein to the vacant position.

By Roll Call vote:

Commissioner Howell "NO"

Commissioner Williams "NO"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

The appointment was not approved 2-2.

Mayor Fultz asked if the Commission would want James Lloyd.

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "NO"

Mayor Fultz "NO"

The appointment was not approved 2-2.

Mayor Fultz asked the Commission if they want Richard DeLoach

Commissioner Howell "NO"

Commissioner Williams "NO"

Deputy Mayor Gibson "YES"

Mayor Fultz "NO"

The appointment was not approved 1-3.

Mr. Galloway said they have another meeting to consider filling this seat before the 30 days. They have an additional week to have other people put themselves forward. Deputy Mayor Gibson said we need to see who wants to do it. Commissioner Howell asked what happens after 30 days? Does the Governor appoint someone? Mr. Galloway said that he does not believe the Governor has that authority. He would have to research that and what the options are. Hopefully they can find someone to fill that seat.

Mayor Fultz said we have to do what's best for the whole City. We need someone who knows the ropes. Deputy Mayor Gibson said we have time to talk with folks and ask for resumes from those willing to do it. Commissioner Howell asked if we can bring up those already discussed. Mr. Galloway said they could. Mayor Fultz said this will be addressed at a later date.

#### 10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said the cases regarding the Estes Building and the Seminole Hotel are ongoing. There are no other current cases or threatened litigation.

#### 11. CITY MANAGER

James Slaton, City Manager, requested a special Commission meeting on Wednesday July 28th at 2:00 p.m. to approve a special event permit for a Back to School event for the 31st. The Application was received today. The Work Session can begin at 2:15 p.m. The Commission consented to this.

Mr. Slaton reported on the groundbreaking this morning for additional affordable houses on B Street. We are

making positive strides.

12. Tracking Report

13. Social Media Tracking Report

14. Commission Meeting Calendar

15. CITY COMMISSION COMMENTS

Commissioner Williams said in response to an earlier comment that the Commission would not put finances over families. The Commission reviews and discusses these issues at length during the work sessions. We are working to reduce urban sprawl and still grow.

Commissioner Williams said in regards to the Commission vacancy he is new and wants to bring in someone new. The voters wanted someone new in that seat. He is not opposed to appointing a regular person who is intelligent and willing to listen.

Commissioner Howell asked about the possibility of a sidewalk from Dinner Lake to Publix. Mayor Fultz said that has been part of discussions with the county.

Commissioner Howell asked for a report from the Citizens and Police Advisory board and suggested that other boards also give a report as well. Jennifer Nanek, City Clerk, reported that the Citizens Police board has two vacancies that need to be filled.

Commissioner Howell asked that a discussion of Comments and Petitions be discussed at the next workshop to be sure we are doing everything correctly.

Commissioner Howell asked for an update on the body cams. James Slaton, City Manager, said we can get a timeline for the Commission.

Commissioner Howell asked when the evaluation comes up for the City Manager. Mr. Slaton said he was hired November 3rd so around then.

16. MAYOR COMMENTS

Mayor Fultz said he has gotten a reputation by some as being anti-Black Mayor and goes against the Black Community. This is not true. This his last term. He is stepping down as Mayor. He knows the problems we face everyday. He doesn't allow someone to shape or sway his thinking. He is trying to reach everyone in the City not just a sector. He does not mean to hurt feelings. He will do what he thinks is right. He is not biased in what he says or does. Someone will always be hurt or disappointed by decisions made.

He thanked everyone for coming.

17. ADJOURNMENT

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