

# City Commission Meeting Minutes

September 21, 2021

(DRAFT)

9/21/2021 - 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.

4. ROLL CALL

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

**Commission Members Absent:** Jack Hilligoss, Deputy Mayor Robin Gibson,

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Drive Electric Day, September 25, 2021

Mayor Fultz proclaimed September 25, 2021 as Drive Electric Day. Robert Connors accepted the proclamation.

5.II. PROCLAMATION - Finance Department

Mayor Fultz read a proclamation recognizing the Finance Department for their efforts preparing the budget.

6. COMMENTS AND PETITIONS

Deanna Holtsclaw, Lake Wales Football League, read a statement describing their organization and that they need a football facility. The costs to rent Legion Field are high. There are 2 teams in Lake Wales that could use the field.

Darrell Washington, resident, thanked staff for assistance with potholes on Washington. He asked if Internet service could be improved in his neighborhood.

7. BUDGET HEARINGS

Mayor Fultz read a statement:

The City of Lake Wales is the taxing authority and the proposed millage rate to be levied for Fiscal Year 2021-2022 is 6.7697 mills, which is the rolled-back rate.

7.I. ORDINANCE 2021-15, Adoption Of FY2021-22 Millage Rate – 2nd Reading & Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:**

The Commissioners will consider adopting a millage rate of 6.7697 mills for Fiscal Year 2021-22.

The Commissioners will also consider adopting the proposed operating budget.

**RECOMMENDATION**

After second reading and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2021 -15, adopting a millage rate of 6.7697 mills for FY2021-2022;
2. Approve Ordinance 2021 -16, adopting an operating budget for FY2021-2022.

**BACKGROUND**

In accordance with Florida Statutes and the City Charter, Ordinances 2020-15 and 2020-16 are presented for first reading and public hearing. Ordinance 2020-15 establishes the millage rate for FY21'22 and Ordinance 2020-16 adopts the proposed FY21'22 budget. These ordinances must have separate public hearings and must be voted upon individually.

The proposed FY21'22 budget document includes the revenue and expenditure details for the General Fund, CRA Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund, Airport Fund and Stormwater.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter, which requires that the budget provide a complete financial plan of municipal funds and activities.

Estimated current year ending fund balances have been considered and are included in the budget.

**PROPERTY TAX**

On July 20, 2021, the City Commission adopted an Interim Millage Rate of 6.7697 which was rolled-back rate.

**BUDGETARY CHANGES IN GENERAL FUND “REVENUE SOURCES & TRANSFERS IN” FOR FY21'22 COMPARED TO FY20'21:**

General Fund revenues in FY21'22 (\$13,971,624 + 1,534,000 – 334,000 financing/leases = 15,171,624) are projected to be \$1,239,354 more than budgeted in FY20'21 (\$12,224,848 + 1,552,522 – 0 financing/leases = 13,932,270). An expected increase of \$1,380,235 is mainly due to the following items:

- Increase in ad valorem tax of \$240,613

- Increases in sales and use taxes of \$355,200 due to increase in utilities and communication service taxes.
- Increases in licenses and permits of \$30,000 due to site development permit and \$255,000 in franchise fees.
- Increase in intergovernmental revenues of \$146,340 mainly due to local government & 1/2; cent sales tax.
- Increase in charges for services of \$220,723 mainly due to management fees and garbage fees.
- Increase in miscellaneous revenue of \$10,000. ? Decrease in transfers of \$18,522

**BUDGETARY CHANGES IN GENERAL FUND "OPERATING EXPENDITURES" FOR FY21'22 COMPARED TO FY20'21:**

General Fund "operating" expenditures in FY21'22 are projected to be \$15,962,221, which is \$1,793,704 more than budgeted in FY20'21 \$14,168,517.

**GOVERNMENTAL FUND BALANCE**

As of September 30, 2020, the City's governmental funds reported combined ending fund balances of \$9,269,067 (page 13 of the CAFR). An increase of \$1,100,794 for the year. Approximately 39% (\$5,687,546) of total funds balance is available for spending at the government's discretion (unassigned)

At the end of September 30, 2020, unassigned fund balance of the General Fund was \$3,581,521, while total fund balance reached \$4,585,360. In 2011, the City established a reserve policy for the General Fund equal to 15% - 20% of total operating costs. As of September 30, 2020, the general fund's unassigned fund balance represented 23% of total general fund expenditures, while total fund balance represents 29% of the same amount.

**SUMMARY OF ALL FUNDS**

General Fund	19,349,624
CRA Fund	14,388,386
Special Revenue Funds	2,845,894
Debt Service Fund	2,266,231
Capital Projects Fund	8,486,000
Cemetery (LWMG)	642,950
Utility System Fund	31,047,050
Airport Fund	2,604,118
Stormwater Fund	880,400
<b>TOTAL</b>	<b>82,510,653</b>

The expenditure total of \$65,708,778 is comprised of operating costs in the amount of \$30,470,087 and

capital outlay in the amount of \$35,238,691. Transfers in the amount of \$2,779,240 bring total expenditures plus transfers to \$68,780,383.

Note: Capital expenditures proposed for FY21'22 are itemized in "Schedule C" within the budget document.

## CONCLUSION

The local economy, as well as the global economy, struggled in 2020 due to the Covid-19 pandemic.

The public's desire to return to a more normal life, has led the economy returning to a more stable status. City staff will continue throughout next year to watch for changes in the economy.

The City Manager, in the August 11, 2021 budget workshop, highlighted the following items, which are included within FY 2021'22 Budget:

### Growth Management:

- Utility Service Area Land Use Designation Project – The Purpose of this project is to establish a planning document to identify a preferred land use pattern for properties that are currently in unincorporated Polk County, and in the City's Utility Service Area.

- Mobility Plan – This plan will create a transportation-related funding source to supplement the revitalization/redevelopment of the City's Core Area, in addition to providing a framework for the improvement of city-wide transportation facilities.

- Sr. Planner – Included in the FY'22 budget request is the addition of a Sr. Planner position to assist with increased demands on the development services department related to growth.

### General Capital and Significant Projects: Completion of the Parks and Recreation Master Plan.

- Approximately 3 to 4 miles of residential streets will be resurfaced in the upcoming fiscal year.

- Update/upgrade of the Audio and Video systems in the City Commission Chambers to enhance the experience of viewers in the chamber and watching from home.

- Replacement of the roof of the James P. Austin Community Center to address deferred maintenance issues for the past 5 years.

- Continuing the City's equipment and vehicle replacement program.

- Upgrade and replacement of both the Jet A and 100L fuel systems at the airport. This enhancement will replace antiquated equipment and allow for larger aircraft to fuel at the Lake Wales Municipal Airport.

- Construction phase of the east apron rehabilitation at the airport.

### Redevelopment:

- The City and CRA will continue implementation of the award-winning Lake Wales Connected plan in FY'22. Activities include affordable housing construction, housing rehabilitation, development incentives, and capital construction.

- Significant redevelopment projects that will begin next year are the design and construction of the Northwest Neighborhood Pedestrian and Street Tree Improvements.

- The completion of the 1st Street Streetscape design, the start of construction of the Park Avenue Streetscape and Market Plaza redesign, and the construction of the Park Avenue connector trail project. These enhancements will dramatically improve resident and visitor experiences in Historic downtown Lake Wales.

Employees:

- Tuition reimbursement has been provided within the proposed budget for employees seeking higher education to continue developing the City's workforce.
- Employee health insurance co-pays have been reduced for the upcoming year.
- A 3% Cost of Living Adjustment has been provided for in the FY'22 proposed budget.

Communication: In an effort to increase community engagement and citizen communications, included in the proposed budget is:

- A marketing and communications specialist position within the City Manager's Office.
- The City's quarterly newsletter and city-wide citizen survey to assess the level of services provided and to identify areas of opportunity.

Public Safety:

- Additional funds have been appropriated for the continued implementation of the Body Worn Camera program in the Police Department in the proposed budget.
- Three additional firefighter positions are included in the proposed budget. The new positions will once again bring the City to an adequate staffing level for the current population and coverage area.

Utilities: Significant utility projects proposed for the FY'22 budget include:

- The construction of the Northwest Neighborhood water line extension, force main upgrades.
- The creation of a Stormwater Master Plan. The creation of the Stormwater Master Plan will mitigate the issues created by water runoff and will positively affect lake water quality.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-15** by title only.

**ORDINANCE 2021-15**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, FOR FISCAL YEAR 2021-22; PROVIDING FOR AN EFFECTIVE DATE.**

Albert C Galloway, Jr., City Attorney, reminded the commission that with three members present all votes need to be unanimous to pass.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-15** after second reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0. 6:19 p.m.

## 7.II. ORDINANCE 2021-16, Adoption Of FY2021-22 Budget – 2nd Reading & Public Hearing

[Begin Agenda Memo]

### **SYNOPSIS:**

The Commissioners will consider adopting a millage rate of 6.7697 mills for Fiscal Year 2021-22.

The Commissioners will also consider adopting the proposed operating budget.

### **RECOMMENDATION**

After second reading and separate public hearings, it is recommended that the City Commission take the following actions:

1. Approve Ordinance 2021 -15, adopting a millage rate of 6.7697 mills for FY2021-2022;
2. Approve Ordinance 2021 -16, adopting an operating budget for FY2021-2022.

### **BACKGROUND**

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Note: Capital expenditures proposed for FY21'22 are itemized in "Schedule C" within the budget document.

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in the proposed budget is:

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- Three additional firefighter positions are included in the proposed budget. The new positions will once again bring the City to an adequate staffing level for the current population and coverage area.

Utilities: Significant utility projects proposed for the FY'22 budget include:

- The construction of the Northwest Neighborhood water line extension, force main upgrades.

- The creation of a Stormwater Master Plan. The creation of the Stormwater Master Plan will mitigate the issues created by water runoff and will positively affect lake water quality.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-16** by title only.

**ORDINANCE 2021-16**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING THE ESTIMATES OF EXPENDITURES FOR THE**

**OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY, AND ALL NECESSARY AND ORDINARY EXPENSES OF SAID CITY FOR THE 2021-22 FISCAL YEAR, APPROPRIATING ALL FUNDS TO BE RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES AND BALANCES FOR SAID FISCAL YEAR, AND THE REPEALING OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-16** after second reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0. 6:21 p.m.

7.III. ORDINANCE 2021-17, Five-Year Capital Improvement Plan FY2021/22 - FY2025/26 – 2nd Reading

[Begin Agenda Memo]

**SYNOPSIS:**

The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2021/22 through 2025/26.

**RECOMMENDATION**

It is recommended that the City Commission approve after second reading Ordinance 2021-17 adopting the Five-Year Capital Improvement Plan for fiscal years 2021/22 through 2025/26.

**BACKGROUND**

In accordance with section 6.05 of the City Charter, Ordinance 2021-17 adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY2021/22 through FY2025/26. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY21'22 operating budget, as are appropriation of funding sources necessary to implement Year 1 of the plan.

The 5-Year CIP document includes all capital facility and infrastructure improvements which staff believes should be undertaken during the next five years and supporting information to explain the necessity for the improvements. In addition, the CIP includes all capital equipment proposed for acquisition during this period. Cost estimates, method of funding and time schedule for the proposed improvements and equipment acquisitions are identified in the document.

The proposed 5-Year CIP totals \$89,200,072 and includes \$275,000 in land acquisition, \$4,613,981 in building improvements/acquisitions, \$67,968,768 in infrastructure and recreation improvements, \$10,612,000 in equipment acquisition, and \$5,730,323 in other capital outlay. Schedule "C", within the 5- year CIP, provides a detail listing of each asset type.

Improvements and equipment needs for the next 5 years were submitted by department heads with a justification of necessity and a recommended time schedule for completion or acquisition. These requests were prioritized by the City Manager in view of the available funding resources and urgency of need.

## **FISCAL IMPACT**

Funding of the CIP will be accomplished through utilization of existing cash surpluses and current year operating revenues, future grants, private contributions, leases/debt service issuances, and impact fees. Growth related improvements will be funded by impact fees.

Costs of all capital improvements and equipment acquisitions are distributed over 5 years as

follows:

Year 1 - FY2021/22	34,238,691
Year 2 - FY2022/23	14,542,121
Year 3 - FY2023/24	23,490,128
Year 4 - FY2024/25	11,172,632
Year 5 - FY2025/26	5,756,500
5 Year Total	89,200,072

All items scheduled for Year 1 are included in the proposed FY21'22 operating budget presented to the City Commission for consideration.

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-17** by title only.

## **ORDINANCE 2021-17**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING A 5-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2021/22 THROUGH 2025/26; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-17** after second reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0. 6:22 p.m.

## 8. CITY CLERK

### 8.1. Board Appointments - Citizens And Police Community Relations Advisory Committee

#### **SYNOPSIS:**

Appointments to fill a vacancy on the Citizens and Police Community Relations Advisory Committee

#### **RECOMMENDATION**

Staff recommends that the Mayor and Commission make the following appointments and reappointments as deemed appropriate.

1. Appoint Al Goldstein to the Citizens and Police Community Relations Advisory Committee for a term to expire July 1, 2023

#### **BACKGROUND**

On July 1st many terms on the various boards, Commissions and Authorities expired. Here are those applying for appointments to new terms.

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

Citizens and Police Community Relations Advisory Committee (Res 2020-25)

The committee shall consist of 6 members, each of whom will serve a two-year term. A quorum shall require the presence of four members. Appointments - Each Commissioner shall recommend one appointment to the Mayor. The Mayor's appointments will then be subject to approval by the City Commission. One member shall be an active police officer serving in the Lake Wales Police Department and shall be appointed by the chief of police. Citizen members shall serve no more than two consecutive terms.

With the exception of the initial appointments, terms shall begin on July 1 and expire two years later on June 30. So that term expiration dates may be staggered, the initial term of two citizen members shall expire on June 30, 2021 and the initial term of three citizen members shall expire on June 30, 2022. Initial terms of all members shall begin upon appointment.

- Appointees must be electors and residents of the City of Lake Wales
- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 Vacancies due to expiration of terms Current Members:

Andy Oguntola (Fultz appointment) 7/1/2021 – 7/1/2023 2

Narvelle Peterson (Howell Appointment) 8/13/2020 – 7/1/2022 1

Dwight Wilson (Robin Gibson Appointment) 8/13/2020 – 7/1/2022 1

Jim "Moe" Moyer (Goldstein Appointment) 8/13/2020 – 7/1/2021 1

Tiffany Davis (Curtis Gibson Appointment) 8/13/2020 – 7/1/2022 1

Applying for Appointment: Al Goldstein is applying for a term to expire 7/1/2023. Interim Commissioner Hilligoss recommends his appointment.

The members of the Citizens and Police Community Relations Advisory Committee recommend his reappointment.

### **OPTIONS**

Do not appoint those that have applied.

### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Al Goldstein to the Citizens and Police Community Relations Advisory Board.

Commissioner Howell made a motion to approve his appointment. Commissioner Williams seconded the motion.

By Voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 3-0.

## 9. CONSENT AGENDA

Commissioner Howell made a motion to approve the Consent Agenda. Commissioner Williams seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0.

9.I. Minutes - June 30, 2021, September 8, 2021, September 15, 2021

9.II. Award Of Bid To Accurate Power & Technology For Generator Repair, Preventative Maintenance, And Load Bank Testing

[Begin Agenda Memo]

**SYNOPSIS:**

The City's Utilities Department made a request for bid for the repair, preventative maintenance and load bank testing of all the city's portable and stationary generators.

Award of bid for this service is to go to Accurate Power & Technology.

**STAFF RECOMMENDATION**

Staff recommends the City Commission take the following action:

1. Award the bid to Accurate Power & Technology for the annual contract for repair, preventative maintenance and load bank testing of all the city's portable and stationary generators.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this purchase.

**BACKGROUND**

City staff issued an Invitation to Bid (ITB) #21-487 for Generator Repair, preventative maintenance and load bank testing. Proposals were due on September 2, 2021, to which five interested parties submitted a proposal. Items staff took into consideration, as main factors during the review process, were cost, response time and parts mark-up.

Five sealed bids were received; with Accurate Power & Technology located in Eustis, Florida, being the lowest bidder over all for the above referenced services. City staff makes this recommendation based on the factors listed above.

**OPTIONS**

None. Preventative maintenance is necessary for the varied sized generators that operate city facilities in the event of emergencies.

**FISCAL IMPACT**

Monies for generator maintenance are budgeted in the 21-22 operating budgets for the many different departments for which these generators service (water, wastewater, fire, facilities, and police).

[End Agenda Memo]

9.III. Award Of Bid To Odyssey Manufacturing Corporation For The Purchase Of Sodium Hypochlorite

**SYNOPSIS:**

The City's Utilities Department made a request for bid for the purchase of sodium hypochlorite, which is a necessary chemical to aid in the water and waste water treatment process.

**STAFF RECOMMENDATION**

It is recommended that the City Commission:

1. Award the bid to Odyssey Manufacturing Corporation for the purchase of Sodium Hypochlorite.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this purchase.

## BACKGROUND

Disinfection technology and chemical treatment for wastewater and water has been consistent with the use of Chlorine as the standard chemical to safely and effectively treat both water and wastewater media. Delivery of chlorine to the flow stream ranges from gaseous, liquid and carrier chemical agents. Today, through the development and realization towards improving safety and reducing risk, Sodium Hypochlorite (NaOCl) has commonly been used in various applications where disinfection or sterilization of both wastewater and water are needed. NaOCl is becoming more and more popular based on its inherent chemical characteristics of being a safer, less costly, lower risk chemical and still an effective means to treat wastewater media. Sodium hypochlorite is essential in the treatment of both water and wastewater processing, killing pathogens that could prove to be harmful to humans.

Staff made a request for bid for the purchase of sodium hypochlorite, with a bid open date of September 2, 2021. There were two responsive bidders, Odyssey Manufacturing Corporation and Allied Universal Corporation, with Odyssey Manufacturing Corporation being the apparent low bidder at \$0.762 per gallon. Therefore, staff recommends the commission approve the following action to award the bid for purchase of bulk Sodium Hypochlorite to Odyssey Manufacturing Corporation. The initial contract terms as stated in the attached agreement calls for the initial contract period to begin on October 1, 2021 and expire on September 30, 2022, if approved by the Commission. This agreement will renew annually on October 1 of each year for up to two (2) additional one (1) year periods.

## OPTIONS

None at this time. This chemical is necessary in the water and wastewater treatment process.

## FISCAL IMPACT

\$65,000.00 is placed in the FY 21-22 Operating Budget for Wastewater Operating Supplies – Chemicals for this purchase.

\$60,000.00 is placed in the FY 21-22 Operating Budget for Water Operating Supplies – Chemicals for this purchase.

[End Agenda Memo]

## 9.IV. Special Event Permit Application - Lake Wales High School 20 Year Class Reunion

[Begin Agenda Memo]

### SYNOPSIS:

Class of 2001 to host a reunion event on Park Avenue on October 16, 2021.

### RECOMMENDATION

Staff recommends that the City Commission consider taking the following action:

1. Approve the Special Event Permit Application for the Lake Wales High School 20 year Class Reunion on Saturday October 16, 2021 on Park Avenue from 7:00 p.m. – 11:00 p.m.
2. Approve the request to close Park Avenue from Scenic Hwy to Market Street from 4:00p.m. – 11:00

p.m.

### **BACKGROUND**

The Lake Wales High School Class of 2001 has applied to host a 20 year class reunion celebration on October 16th from 7:00 p.m. – 11:00 p.m. The event will include alcohol and closing of Park Avenue from 4:00 p.m. – 11:00 p.m.

### **OTHER OPTIONS**

Do not approve the event

### **FISCAL IMPACT**

No In-kind services were budgeted for this event. Costs will be paid at 100% by the High School Class of 2001.

[End Agenda Memo]

## 9.V. Special Event Permit: Main Street Oktoberfest

[Begin Agenda Memo]

### **SYNOPSIS**

This is a request by Main Street to have an Oktoberfest event on Friday, October 29, 2021 from 7:00 p.m. – 10:00 p.m. The event will include alcohol in the Marketplace.

### **RECOMMENDATION**

Staff recommends

1. That the City Commission approve the permit request for Oktoberfest on Friday, October 29, 2021 from 7:00 p.m. – 10:00 p.m.
2. That the City Commission approve the serving of alcohol in the Marketplace on Friday, October 29, 2021 from 7:00 p.m. – 10:00 p.m.

### **BACKGROUND**

Lake Wales Main Street is planning to host an Oktoberfest event on Friday, October 29, 2021 from 7:00 p.m. – 10:00 p.m. This event will include the serving of alcohol.

### **OTHER OPTIONS**

Do not approve the Special Event Permit.

### **FISCAL IMPACT**

Lake Wales Main Street will cover cost of off-duty police.



[End Agenda Memo]

9.VI. Operating And Lease Agreements Between The City And Friends Of The Lake Wales Museum, Inc.

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approval of operating and lease agreements that will empower a not-for-profit entity to operate the Lake Wales History Museum.

**RECOMMENDATION**

Staff recommends the City Commission approve the agreements.

**BACKGROUND**

If approved, the proposed agreements will enable the Friends of the Lake Wales Museum, Inc. (Friends), a not-for-profit entity, to operate the City's History Museum. The City will maintain ownership of the facilities and the Friends will be responsible for both facility management and Museum operations in accordance with the terms and conditions set forth in the proposed agreements.

The initial term of the agreements will be for a three-year period with two optional one-year renewals.

These documents reflect changes requested by the commission at the Wednesday Agenda Work Session.

**OTHER OPTIONS**

Do not approve the agreements.

**FISCAL IMPACT**

The cost for the services provided under the operating agreement are \$150,000, annually. The City will receive \$10 per-year per the terms of the lease agreement.

[End agenda Memo]

10. OLD BUSINESS

11. NEW BUSINESS

11.I. Ordinance D2021-15 Amendments To The Comprehensive Plan – 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Development Services Staff requests the approval of City Commission to amend the City of Lake Wales Comprehensive Plan to include a revised Future Transportation Network Map, and a proposed Property Rights Element.

**RECOMMENDATION**

Staff recommends approval at first hearing, and adoption at second reading, following a public hearing, for the following:

A revised Future Transportation Network Map Proposed Property Rights Element

## BACKGROUND

### Future Transportation Network Map

The City of Lake Wales recently updated the Comprehensive Plan based on the Evaluation and Appraisal Report (EAR), with a new planning timeline to the year 2040. During the compliance review of the updated Plan, the Florida Department of Economic Opportunity (DEO) staff identified a need for Future Transportation Network Map.

While the adopted map identified collector and arterial roadways, it did not show the lane types (2 lane vs 4 lane, divided vs. undivided). DEO found the updated amendment to be in compliance.

However, to address their concerns, the proposed change to the Future Transportation Network Map is suggested.

### Property Rights Element

House Bill 59 became law on June 29, 2021, adding Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government must adopt a property rights element in its comprehensive plan by its next plan amendment initiated after July 1, 2021. Staff has opted to utilize the following Property Rights Element language prepared by the Regional Planning Council:

POLICY: Consistent with Section 163.3177(6), Florida Statutes, the City of Lake Wales shall consider the following private property rights in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

On August 31, 2021, the Planning Board recommended approval of this request.

## FISCAL IMPACT

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2021-15 by title only.

## ORDINANCE D2021-15

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, PROPOSING AMENDMENTS TO THE COMPREHENSIVE PLAN; INCLUDING AN UPDATE TO THE TRANSPORTATION ELEMENT TO PROVIDE A REVISED FUTURE TRANSPORTATION NETWORK MAP AND INCLUSION OF A PROPERTY RIGHTS ELEMENT PURSUANT TO HOUSE BILL 59; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

## CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-15** after first reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0.

### 11.II. Ordinance D2021-16 Amendments To The Future Land Use Map Of The Comprehensive Plan, And To The Zoning Map – 1st Reading And Public Hearing

[Begin Agenda]

**SYNOPSIS:** MOW Groves LLC, Changcocco Family Trust, and Nancy D. Kahler Trust, owners, request approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on two parcels of land totaling 28.13 acres.

#### **RECOMMENDATION**

Staff recommend approval at first reading, and adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations:

Current Land Use: Polk County RSX

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

Proposed Land Use: MDR Proposed Zoning: R-1D

#### **BACKGROUND**

MOW Groves LLC, and Changcocco Family Trust, owners, petitioned annexation into the corporate city limits of Lake Wales on July 21, 2021. Nancy D. Kahler Trust petitioned annexation on February 8, 2021. The properties are contiguous to the City Limits along the northern boundary of the Kahler property. The next step in the process is to assign Land Use and Zoning.

A Future Land Use Designation of MDR – Medium Density Residential, and a Zoning designation of R-1D is compatible with the surrounding area and will complement the built environment. At a special meeting on August 31, 2021, the Planning and Zoning Board recommended approval of the request.

#### **CODE REFERENCES AND REVIEW CRITERIA**

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**

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 337 dwelling units based on maximum density, it could potentially result in over \$59 million in taxable value, and generate \$399,000 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 D2021-16** by title only.

## **ORDINANCE D2021-16**

**(CPA/Future Land Use Map Amendment – 28.13 acres of land south of State Road 60 East, and East of Tangelo Street)**

**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 28.13 ACRES OF LAND LOCATED SOUTH OF STATE ROAD 60 EAST, AND EAST OF TANGELO STREET, FROM COUNTY DESIGNATION RSX TO CITY OF LAKE WALES DESIGNATION MDR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-16** after first reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0.

- 11.III. Ordinance D2021-17 Amendments To The Future Land Use Map Of The Comprehensive Plan, And To The Zoning Map – 1st Reading And Public Hearing

[Begin Agenda]

**SYNOPSIS:** MOW Groves LLC, Changcocco Family Trust, and Nancy D. Kahler Trust, owners, request approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on two parcels of land totaling 28.13 acres.

## **RECOMMENDATION**

Staff recommend approval at first reading, and adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations:

Current Land Use: Polk County RSX

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

Proposed Land Use: MDR Proposed Zoning: R-1D

## **BACKGROUND**

MOW Groves LLC, and Changcocco Family Trust, owners, petitioned annexation into the corporate city limits of Lake Wales on July 21, 2021. Nancy D. Kahler Trust petitioned annexation on February 8, 2021. The properties are contiguous to the City Limits along the northern boundary of the Kahler property. The next step in the process is to assign Land Use and Zoning.

A Future Land Use Designation of MDR – Medium Density Residential, and a Zoning designation of R-1D is compatible with the surrounding area and will complement the built environment. At a special meeting on August 31, 2021, the Planning and Zoning Board recommended approval of the request.

## **CODE REFERENCES AND REVIEW CRITERIA**

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**

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 337 dwelling units based on maximum density, it could potentially result in over \$59 million in taxable value, and generate \$399,000 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 D2021-17** by title only.

## **ORDINANCE D2021-17**

**(Zoning Map Amendment – 28.13 acres of land south of State Road 60 East, and East of Tangelo Street)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING ZONING MAP TO CHANGE ZONING DESIGNATIONS ON 28.13 ACRES OF LAND LOCATED SOUTH OF STATE ROAD 60 EAST, AND EAST OF TANGELO STREET, TO CITY OF LAKE WALES DESIGNATION R-1D; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-17** after first reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0.

11.IV. Ordinance 2021-23 Annexation – 1st Reading And Public Hearing 9.97 Acres Of Land South Of Bellview Drive And West Of 11th Street

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-23 proposes the voluntary annexation of approximately 9.97 acres of land located south of Bellview Drive, west of 11th Street, and contiguous to the incorporated City limits.

**RECOMMENDATION**

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2021-23 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**

Hunt Bros, Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on August 26, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its southern and western boundaries.

**OTHER OPTIONS**

Decline to annex the property.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-23** by title only.

**ORDINANCE 2021-23**

**(Annexation – 9.97 acres south of Belleview Drive and west of 11th Street) Parcel ID: 273012-000000-022040**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 9.97 ACRES OF LAND, 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 Howell made a motion to approve **ORDINANCE 2021-23** after first reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0.

11.V. Special Exception Use Permit – Mixed Use Planned Development Project (MUPDP) – New Oaks Pocket Neighborhood

[Begin Agenda Memo]

**SYNOPSIS:** Mari Chael and Victor Dover, owners, request the approval of City Commission for a Special Exception Use Permit to allow a Mixed-Use Planned Development Project (MUPDP) for the above-mentioned parcel totaling 2.03 acres of land.

**RECOMMENDATION**

At a special meeting on August 31, 2021, the Planning and Zoning Board unanimously recommended approval to City Commission of a Special Exception Use Permit to allow a Mixed-Use PDP, with conditions of approval.

**BACKGROUND**

The 2.03-acre vacant site is positioned just north of State Road 60 and the bank of the Scenic Highway/State Road 60 overpass, and east of Epps Funeral Home. The parcel was once home to many significant trees; however, much of the original vegetation was cleared between 1999 and 2005.

Sec. 23-445 Mixed-Used PDPs (MUPDPs)

Mixed-use PDPs are allowed in the PF zoning district and are encouraged under Policy I.1.2.11 RO – Residential Office of the Comprehensive Plan. The primary function of the RO land use classification is to permit low intensity office and commercial uses in conjunction with residential uses.

Policy I.1.1.5 states, "The adopted Land Development Regulations shall permit and encourage the use, where appropriate, of innovative development techniques such as mixed-use development projects, traditional neighborhood development projects, zero-lot-line home subdivisions, and cluster housing."

Specific design guidelines for MUPDPs mirror those found in Section 23-443 Residential BEDPOST, including the following elements:

- Open space must make up a minimum of 20 percent of the site
- The development should be an integral part of the community and shall not be isolated from the surrounding area
- Parks and open areas should be focal points of the neighborhood

- Landscaping shall have a natural, rather than formalized appearance
- Existing or new large-caliper trees are used as focal points, providing the immediate impact of mature trees
- Dwelling units should be clustered rather than in linear patterns
- Housing styles/types are designed so to distinguish neighborhoods
- Front porches, small front yards, and walkways connecting to streets shall provide opportunities for social interaction
- Visual interest shall be created along the street through distinctive landscaping and lighting
- Location and orientation of dwelling units should provide distinctiveness and variety
- The pedestrian/bike circulation system shall be planned as an integral part of the overall design
- Attractive and distinctive focal points and places for residents to gather, meet, and enjoy the outdoors are provided in the development
- Buildings are of an appropriate scale for the site

What is a "Pocket Neighborhood"?

"Pocket neighborhoods are clustered groups of neighboring houses or apartments gathered around a shared open space – a garden courtyard, a pedestrian street, a series of joined backyards, or a reclaimed alley – all of which have a clear sense of territory and shared stewardship."

(–Pocket-Neighborhoods.net)

Development Details: New Oaks Pocket Neighborhood Summary

1. Project acreage is 2.03
2. Current zoning designation is PF – Professional
3. Maximum density – up to 24 dwelling units based on a future land use of RO – Residential Office, at 12 units per acre
4. Proposed: 23 principal units, plus 8 accessory units, for a total of 31 combined units (Adds do not count towards density).
5. Flexibility in uses to be built in, so long as such uses are allowed under the Land Development

Regulations (Ladders) and it is consistent with the Comprehensive Plan

6. Accessory Dwelling Units (Adds) proposed as allowable by right
7. Accessory and commercial uses at .25 Floor Area Ratio (F.A.R.)
8. Small structures to be constructed in phases, positioned around a central garden
9. Access to the site is shown from Highway 17/Scenic Highway – a State road



10. Twenty-four new oak trees to be planted in initial phase, consistent with the Olmsted Brothers' "City in a Garden" vision

11. Thirty-one off-street parking spaces proposed

12. Land to be reserved for future Ridge Highway Scenic Trail, consistent with the Polk Transportation Planning Organization 2045 Long Range Transportation Plan LRTP).

13. Waivers of Strict Compliance are requested (See attachment: Conditions of Approval)

Surrounding Property Uses:

North - Motel

South – State Road 60 commercial corridor East – Florida Midland Railroad

West – Epps Funeral Home

Frontage and Access:

Vehicular access is shown from an existing curb cut on Scenic Highway. The driveway then becomes a private alley that encircles the south and west sides of the property, which leads to off-street parking areas and an existing platted alleyway along the northern property boundary.

The City's Streets Department is agreeable to the improvement and use of the alley. The applicant must secure an access permit through the Florida Department of Transportation, as Highway 17 is a State road.

Other proposed improvements, pending FDOT approval, include modifying a portion of the roadway edge of Highway 17, realigning the sidewalk to implement a segment of the Ridge Highway Scenic Trail, planting street trees, and the creation of three on-street parking spaces along Scenic Highway.

Layout:

Rather than one or two large buildings, a larger number of small buildings is proposed. Such buildings include micro-cottages, bungalows, art studio outbuildings, mixed-use buildings, apartment houses, rowhouses, and a Quonset-type workshop and accessory structures.

As this project is expected to develop slowly over time, the applicant has requested flexibility in the exact locations of buildings, their exact footprints, and deployment of attached vs. detached building types, so long as they are restricted to the approved building area proposed in the plans.

Placeholder Use of Recreational Vehicles; Food Trucks:

In order to allow for early activation of the site, and only after at least one permanent structure is built, the plan proposes a provision for a limited number of high-design recreational vehicles, such as Airstream travel-trailers, to be positioned initially on the site as placeholders for some future permanent buildings. These RVs are to be phased out as they are replaced by buildings. Additionally, a built-in provision for food trucks to be deployed on site is requested.

Open Space:

The applicant's approach to the development of the site is, "begin with the green parts". The plan establishes a large central garden at the center of the property, around which the buildings will be

grouped. The garden will be partially planted with oak trees, as well as flower beds and pots, green houses, edible gardens, and green space reserved for gathering places.

Additionally, the plan reserves land for the future Ridge Scenic Highway Trail, identified in the Polk County TPO's 2040 Trail maps.

#### Parking:

The City's codified parking requirements are use-driven, calculated based on identified fixed uses within a development. This project is unique, as the buildings are proposed with fluid and flexible uses within the margins of the code. Therefore, Staff took an end-user approach to reviewing the applicant's parking proposal, which is summarized below:

? A market-driven solution to parking, taking into account the walkable core context, the internal and surrounding mix of land uses, the shared parking approach, and the low parking demands that come with very small dwelling units.

- A development which generates traditional parking demands is not proposed.
- The project will be phased; therefore, if higher parking ratios prove to be necessary, some future buildings may be eliminated or postponed.
- A total of thirty-one parking spaces is proposed – one for each proposed unit. Staff supports the waiver request to reduce the number of parking spaces on site.

#### Requested Waivers of Strict Compliance:

1. Waiver to allow front building setback relief for structures planned along Scenic Highway, to allow up to an 18-foot front setback where 30 feet is required by code.
2. Waiver to allow a building height of up to 51 feet where a maximum of 45 feet is allowed by code, without increasing setback requirements.
3. Waiver to allow 31 parking spaces, where up to 48 spaces is required by code for a traditional calculation of parking needs.
4. Waiver to allow a gravel, impervious surface for interior roads and parking, where paving is required by code.

#### Development Review Committee (DRC) Comments:

The DRC reviewed the proposed development at a regular meeting on August 5, 2021. Feedback from the Committee was positive and no revisions to the plan were requested.

The Fire Marshall provided the following comment pertaining to the request to waive the internal roads paving requirement:

"Internal roads do not have to be paved. They must be marked, and will need to be able to support the weight of our heaviest apparatus."

#### **FISCAL IMPACT**

Approval of the MUPDP would enable the development of this property and the potential increase in property value from its current valuation of \$52,989. Because of the absence of pocket neighborhoods in Polk County, it is difficult to determine possible revenues. However, a development in Dunedin with some of characteristics of a pocket neighborhood, called Glencairn Cottages, has

taxable values (after homestead exemptions) between \$200,000 to \$285,000. Assuming a conservative estimate of 150,000 for the 31 residences, and 50,000 for the 8 accessory structures, a possible revenue estimate could be approximately \$34,289 (assuming a taxable value of \$5,050,000).

[End Agenda Memo]

Victor Dover, property owner, spoke about this project.

David Price, resident, spoke in favor of this project. It is creative and exciting.

Commissioner Howell made a motion to approve the Special Exception Use Permit. Commissioner Williams seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed. 3-0.

#### 12. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, had no report.

#### 13. CITY MANAGER

James Slaton, City Manager, said there is a ribbon cutting ceremony this Friday at 10:30a.m. for two of our Legacy Housing rehabilitation projects. A few off-duty police officers helped clean up the yards.

Mr. Slaton said that soon we will be reestablishing the redistricting committee and asked the Commissioners to start thinking of possible members.

Mayor Fultz asked for an update on the CDBG Housing rehabilitation project. Mr. Slaton said the application period has opened and will be open 30 days. Hopefully 11-12 homes can be rehabilitated or rebuilt.

##### 13.I. Tracking Report

##### 13.II. Commission Meeting Calendar

##### 13.III. Social Media Tracking Report

#### 14. CITY COMMISSION COMMENTS

#### 15. MAYOR COMMENTS

Mayor Fultz said we are ready with water and sewer for the new residents that are coming.

#### 16. ADJOURNMENT

The meeting was adjourned at 6:38 p.m.

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Mayor

ATTEST:

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City Clerk