

**City Commission Meeting Minutes**  
**March 17, 2020**  
**(APPROVED)**

3/17/2020 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

The Mayor called the meeting to order at approximately 6:00 p.m. after the invocation al pledge of allegiance

4. ROLL CALL

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

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - The Outlet

This was postponed until a later time

6. PRESENTATION/REPORT

6.I. Erin Killebrew - Citrus Connection

This was postponed.

6.II. COVID-19 Preparation Update

Joe Jenkins, Fire Chief and Emergency Operations Director, gave an update on the growing concern regarding the spread of the Coronavirus. All recreation facilities and programs are closed until further notice. We are trying to keep gatherings to a minimum. They are following guidelines from the CDC and the Florida Department of Health. The lobby are of City Hall is now closed to the public. Employees are still working. We are in hurricane mode without the hurricane. We don't want panic. The library and museum are closed. The Books by Mail is still operating. Online resources are still available. Commissioner Howell asked about the Austin Center and Tourist Club. Chief Jenkins said those are closed and all events are canceled. Per the Governor all bars and nightclubs are closed. All restaurants can only seat 50% capacity and must also follow social distancing guidelines. Restaurants are being encouraged to shift to take-out only. Kenneth Fields, City Manager, reviewed alternative ways to pay utility bills online. We are waiving cut-offs and late fees. Mr. Fields said that building permits can still be picked up. Kathy Bangle, Assistant City Manager, said there will not be inspections of occupied dwellings but can do new commercial inspections. They are offering to do video inspections. They will do as much via email as possible.

Chief Jenkins said there are no confirmed cases in Polk County yet. He showed the Commission how to check this information online. He encouraged citizens to resist panic buying as supplies are limited for first responders. They are working with the state for supplies. They will continue to respond to calls and protect staff. Deputy Mayor Robin Gibson asked about testing sites. Chief Jenkins said there is a testing site on Cypress Gardens Blvd. If anyone is sick with a high fever they can go there for a

possible test. Mr. Fields said Advent Health has an outside tent in case an overflow area is needed. There is not testing in Lake Wales as of now.

Mayor Fultz asked if there is a list of numbers for those who need assistance. Chief Jenkins said he has heard of assistance for small businesses as of now. Mr. Fields said there is a bill in Congress that may assist individuals. He will be on a conference call to discuss these issues around the state. He will also be on a Chamber Conference call with local institutions so they are kept informed.

Deputy Mayor Robin Gibson asked about meals for Charter School students. Zaillet Suri, Deputy City Clerk, said food is being distributed at McLaughlin Middle for all students Charter and Public.

Mr. Fields said they will be looking to find a way to allow a tele-conference meeting for meetings in April that will allow public input. Albert Galloway, Jr, City Attorney, said at the State level, they are trying to find a way around the requirement that three members be physically present.

## 7. COMMUNICATIONS AND PETITIONS

Greg Massey, resident, announced that he heard that school is now closed until April 15. He said that Mayor Fultz should not serve on the canvassing board while having a sign in his yard. He opposed Robin Gibson's votes related to the 1919 school being transferred to the CRA. Deputy Mayor Robin Gibson said that education is important but his vote to transfer the one property between the City and the CRA is not a conflict of interest.

## 8. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

### 8.I. Minutes - January 21, 2020

### 8.II. Approval Of Election Workers

[Begin Agenda Memo]

#### **SYNOPSIS:**

It is necessary for the City Commission to approve a list of election workers provided by the Supervisor of Elections to work in the City of Lake Wales Municipal Election on April 7, 2020.

#### **RECOMMENDATION**

It is necessary that the City Commission appoint the following list of election workers provided by the

Supervisor of Elections to keep the polling places open from 7:00 a.m. to 7:00 p.m. for the City of Lake Wales Municipal Election on Tuesday, April 7, 2020 at the Municipal Administration Building and Lake Ashton Clubhouse:

Working at Precinct 526 (Lake Ashton):

Sandra Bowlin, Precinct Clerk  
Charlene O'Connor, Voter Information Specialist  
Wanda Koslap, Voting Equipment Operator  
David Evans, Deputy  
Annie Ferraro, Book Inspector

Working at Precinct 527 (City Administration Building):

David Clemons, Precinct Clerk  
Jolene Birchfield, Assistant Clerk  
Lois Howell, Voting Equipment Operator  
Horace Howell Sr, Deputy  
Diana Rivera, Book Inspector  
Mary Hourigan, Book Inspector

Alternates:

H. Borden Deane, Alternate Voter Information Specialist  
Kathleen Hipsman, Alternate Book Inspector  
Doris Reynolds, Alternate Deputy  
Marty Hancock, Alternate Voting Equipment Operator  
Cheryl Hall, Alternate Book Inspector

## **BACKGROUND**

On December 4, 2018, the City Commission approved the expansion of one polling location to two polling locations in the Municipal Administration Building and the Lake Ashton Clubhouse for City elections only. As turnout was a bit lower than anticipated we are using fewer employees than last year. The persons selected by the Supervisor of Elections are registered voters and will receive mandatory training from the Supervisor of Elections prior to Election Day. The alternates will only work on Election Day if needed.

## **OTHER OPTIONS**

None

## **FISCAL IMPACT**

The total cost for election workers will be approximately \$2,100. This cost is in the FY2019-2020 Budget. In 2019 the total cost was \$2,340.

[End Agenda Memo]

### 8.III. Grant Application - Florida Humanities Council Speaker Series Grant

[Begin Agenda Memo]

## **SYNOPSIS:**

A grant application to the Florida Humanities Council for \$1000. The grant would require a 1:1 matching city contribution of \$1,000 in fiscal year 2020-2021. The Museum will cover the cost of the match from

monies

allocated towards museum programming, marketing, museum supplies, and staffing in its 2020 – 2021 budget.

**STAFF RECOMMENDATION:**

Staff recommends that the City Commission:

1. Approve a grant application to the Florida Humanities Council for funding that will be allocated to the new Fall 2020– 2021 Speaker Series.
2. To authorize approval of grant contract by the City Manager, if awarded.

**BACKGROUND:**

The Florida Humanities Council sponsors community based projects, facilitates important conversations among Floridians, and shines a spotlight on Florida's history, art, and culture. Established in 1973, FHC is an independent, nonprofit affiliate of the National Endowment for the Humanities. For over forty years we have developed and funded public programs that tell the stories of both Florida and those unique individuals that call this state their home. FHC is funded by the State of Florida, Department of State, Division of Cultural Affairs.

If our application is approved, the grant money will be used to help underwrite the speaker fees and Facebook post boosts for the series. Earlier this year, state funding was cut 100% to fully underwrite these grant programs, however; a portion of funding is now available to help support the museum's programmatic expenses.

The grant program is a renewable award with an approved application. Any grant funds received from this application would be applicable from July 1 – December 30, 2020. The grant requires a minimum 1:1 match of funds. The Museum will cover the cost of the match from monies allocated towards museum programming, marketing, museum supplies, and staffing in its 2020 - 2021 budget.

**OTHER OPTIONS:**

Do not apply for this grant. No appropriations needed.

**FISCAL IMPACT:**

\$1000 in matching funds in the 2020-21 Fiscal Year. See attached Fiscal Impact statement.

[End Agenda memo]

- 8.IV. Grant Application - Edward Byrne Memorial State And Local Law Enforcement Assistance Grant For \$14,000.00

[Begin Agenda Memo]

Synopsis:

Approval of this item will allow the police department to submit for and receive grant funding then purchase a mobile automated license plate reader system (ALPRS) in FY19/20.

Recommendation:

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to apply for and accept funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant, then purchase a complete mobile automated license plate reader system from Millenium Products Inc. using GSA contract pricing.

Background:

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$14,000.00 and if approved would be included in the 2019/2020 budget through an amendment.

The Lake Wales Police Department proposes to utilize grant funds to purchase one mobile vehicle mounted automated license plate recognition system manufactured by Vigilant.

This equipment will enhance our enforcement and investigative capabilities, complement our crime suppression initiatives and expedite the tedious and time consuming process of comparing vehicle license plates with lists of stolen, wanted and other vehicles of interest.

The Vigilant Automated License Plate Reader system is utilized throughout Polk County by law enforcement agencies, providing maximum interoperability and information sharing capability.

The proposed budget of the Lake Wales ALPRS Program includes:

\$14,650.00 – One (1) complete mobile vehicle mounted ALPR system. This package includes all cameras, hardware, software, accessories, service/access subscriptions, shipping, installation and training.

Matching funds are not required for this project; however, Police Forfeiture funds will be used to cover the additional \$650.00 not funded through the grant.

**Other Options:**

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant or purchase this equipment.

**Fiscal Impacts:**

The Finance Department has reviewed this application. There is an annual reoccurring subscription fee of \$1,050.00 associated with this purchase.

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. Ordinance 2020-05, Amendments To Purchasing Ordinance 2019-07, Chapter 2, Administration – 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider approving the proposed amendments to the current Purchasing Ordinance.

**RECOMMENDATION**

It is recommended that the City Commission approve Ordinance 2020-05 after second reading.

## **BACKGROUND**

Ordinance 2020-05 amends our current Purchasing Ordinance, 2019-07. The proposed amendments update language in the City's existing ordinance through:

1. Exempting the procurement of goods and services from competitive bid requirements through competitively bid cooperative purchasing agreements. Cooperative purchasing agreements allow agencies to capitalize on cost savings through economies of scale; both locally and nationally.

These agreements also allow government agencies to obtain goods and services through vendors previously vetted through the competitive bidding process; effectively saving time and money while expediting the procurement process.

2. Increasing the simple acquisition threshold from \$500 to \$1000. As per purchasing ordinance, simple acquisitions are exempt from informal competitive bidding and require department head approval. Staff conducted a survey of simple acquisition thresholds throughout our neighboring agencies and the results were:

- City of Bartow: not to exceed \$499.99
- City of Lakeland: not to exceed \$1,500
- City of Winter Haven: not to exceed \$4999.99
- City of Haines City: not to exceed \$5,000
  
- City of Auburndale: not to exceed \$1,000

Based on the data, staff is confident that raising the simplified acquisition threshold from \$500 to \$1000 is in line with the average threshold of our neighboring agencies. The amendment would also increase efficiency in workflow, acquisition and overall productivity for our City's departments.

3. Amending the threshold language pertaining to procurement of professional services through the "Consultants' Competitive Negotiation Act" (CCNA) so that City ordinance will match thresholds stipulated by state statute.

## **OTHER OPTIONS**

The City Commission may choose not to adopt Ordinance 2020-05.

## **FISCAL IMPACT**

No fiscal impact is associated with adoption of Ordinance 2020-05.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read Ordinance 2020-05 by title only.

## **ORDINANCE 2020-05**

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, AMENDING RULES AND PROCEDURES FOR THE PROCUREMENT OF COMMODITIES OR CONTRACTUAL SERVICES UTILIZING COOPERATIVE PURCHASING CONTRACTS; ESTABLISHING AN INCREASED SIMPLE ACQUISITION THRESHOLD FOR PURCHASES NOT EXCEEDING THE THRESHOLD AMOUNT FOR CATEGORY**

**TWO; REVISING THE LANGUAGE REGARDING THE PROCUREMENT OF PROFESSIONAL SERVICES TO COMPLY WITH THE APPLICABLE PROVISIONS OF FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.**

Drew Buckner, Support Services Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Kenneth Fields, City Manager, said this brings us more in line with the states requirements. It is a housekeeping and will help us to be more efficient with our purchasing. Deputy Mayor Robin Gibson asked the the City Attorney if it complies with state law. Albert Galloway, Jr., City Attorney, said it does. Deputy Mayor Robin Gibson asked if this pre-empts the state law in any way. Mr. Galloway said he didn't think so because we can still have less restrictive purchasing. This is still lower than the state's thresholds the increase is only to \$2000 while others may be higher. our neighbors can go higher. Deputy Mayor Robin Gibson confirmed that the thresholds are established locally. Mr. Galloway said yes. Mr. Fields added they are within the law.

Commissioner Howell made a motion to approve Ordinance 2020-05 after second reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. ORDINANCE 2020-09 Updating The Current Fats, Oils, And Grease (FOG) Ordinance 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:**

Staff recommends the commission approve Ordinance 2020-09 authorizing the update of the City's current FOG program ordinance. The changes gives the ability for the smaller waste generators, to pump their FOG devices themselves withsome other stipulations.

**STAFF RECOMMENDATION**

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

1. Adopt Ordinance 2020-09, Updating the City's Fats, Oils, and Grease Ordinance section 21-52 in the City's Code of Ordinances after 2nd Reading and Public Hearing.

## BACKGROUND

In 2013, the City Commission approved the first FOG ordinance to be established by the Utilities Department. It becomes necessary from time to time to review and update these ordinances which sets the guidelines and procedures for ensuring the city is adhering to the current state and federal regulations. These changes allow for new technical updates and allows staff to make adjustments as necessary. New requirements by regulatory agencies have a strong influence as to how often changes are required.

The changes being to Section 21-52 at this time are represented by highlighting and strike through. The highlighted areas represent content that is being added on the Section 21-52 and the strike through is representative of what is being deleted. The summation of changes being made at this time is to allow for the smaller waste generators, to have the ability to pump there grease traps themselves, with the provision that the grease trap be completely pumped at least once a year by a licensed special waste hauler. The smaller waste generators will still have their schedule pumping determined by the FOG Administrator.

Nothing would change in determining the frequency, they now would have the option to pump it themselves if they meet the standard to fall under that scheduling. Staff recommends the Commission take the following action; approve Ordinance 2020-09, updating section 21-52: Fats, Oils and Grease, an ordinance of the City of Lake Wales, Polk County, Florida amending Lake Wales Code of Ordinances Chapter 21n Utilities, amending the Fats, Oils, and Grease Ordinance ; providing for an effective date.

## OTHER OPTION

Choose not to approve theses updates to the FOG program, thus not allowing for the FOG Administrator to allow for smaller waste generators to have the option of pumping their own grease traps if they are under a certain size.

## FISCAL IMPACT

None. These changes set out what is required of the FOG hauler and procedures for turning in documentation.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-09** by title only.

## ORDINANCE 2020-09

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE FAT'S, OIL'S AND GREASE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Nancy Hernandez, Utilities Support Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE 2020-09** after second reading and public hearing. Commissioner Curtis Gibson seconded the motion.

by Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 10. NEW BUSINESS

### 10.I. Hunters Glen Master Planned Development Project & Phase I Multifamily Apartments

[Begin Agenda Memo]

#### **SYNOPSIS**

BGE, Inc, engineer and agent for Lake Wales MFP, LLC, owner, is requesting approval for a PDP Master Planned Residential Subdivision, and Phase I Multifamily Apartments, on a total of 350.75 acres of land along the east side of US Highway 27. The southern property boundary of the project abuts the Peddler's Pond residential community.

#### **BACKGROUND**

The property was annexed into the City in 2001 as "Imperial Ridge" and originally included a 40-acre industrial parcel to the north, fronting on Waverly Rd., now under separate ownership. The annexation agreement included a conceptual master plan "for possible future use of the property."

Phase I, an 81-lot single-family subdivision called Rabbit Ridge, was platted in 2007. An entrance from US 27 and a spine road (shown as Rabbit Run/Hunter's Glen Blvd. on plans) were constructed at some point to serve the development. The property has changed hands several times, as recently as 2018. In August of 2018, home builders DR Horton were granted a waiver of minimum setbacks and maximum lot coverage from the Planning Board in order to develop the 81 single-family 6,000 square-foot lots with their product. Development has not moved forward.

With the exception of Rabbit Ridge and a medical office just north of the entrance (now a separate property) no development approvals have been granted for the property.

Proposal

Master Planned Subdivision:

The 350-acre site is irregularly shaped and scattered with wetlands. The two phases of development for the multifamily project will be proposed on 88.25 acres of land. The remaining undeveloped areas will be divided into development pods where density will be spread out, so that the total development will not exceed the maximum density allowance of 3 units per acre.

Pods/Phases:

1. Existing platted low-density residential – 35.45AC – 81 DU
2. Multifamily residential – 88.24AC – 480DU
3. Storm water lake/community focal point – 7.08AC
4. Medium density residential – 47.15AC – 86DU
5. Medium density residential/community recreation center – 25.35AC – 14DU
6. Medium density residential – 43.91AC – 84DU
7. Low density residential – 34.92AC – 130DU
8. Low density residential – 34.56AC – 133DU

9. Low density residential – 20.21AC – 44DU  
Total DU (dwelling units) proposed: 1,052  
Total wetland: 73.04AC (acres)

#### Phase I Multifamily

Phase 1 will consist of 240 apartment units. Phase 2 will consist of 240 apartment units within the same 88.25-acre tract as Phase 1 and will be permitted at a future time. A spine road second access to the site will be provided south of the existing Hunters Glen Boulevard entrance from US Highway 27 to the project.

The Future Land Use designation for the property is LDR Low Density Residential with a maximum density of 3 units per acre. The PDP process allows for greater concentrations of densities in areas within the project boundary, so long as the density allowed for the overall site is not exceeded.

A spine road second access to the site will be built south of the existing Hunter's Glen Boulevard, using the existing median opening at US Highway 27 for the primary development entrance.

Parking requirements for multifamily is calculated at 1.5 spaces per dwelling units; 773 spaces are proposed.

The proposed Phase 1 multifamily apartment buildings will consist of ten 3-story buildings, at 8 units per floor for a total of 24 dwelling units per building. Three building types are provided in the Phase 1 development. Building Type A has a building footprint area of approximately 9,600 square feet, Building Type B has a building footprint area of approximately 8,800 square feet, and Building Type C has a building footprint area of approximately 8,200 square feet.

Improvements include asphalt paved road and parking areas, potable water distribution system, sanitary sewer, stormwater management system, landscape, hardscape, and irrigation. A pool and clubhouse, neighborhood parks, and mini parks are proposed as amenities for the development.

#### PDP Approval Process

A PDP is a special exception use permit that requires a recommendation by the Planning & Zoning Board and approval by City Commission. Waivers of dimensional requirements can be granted with certain limitations and conditions.

Section 23-224 of the zoning regulations sets forth the PDP approval process and sec. 23-441 through 443 set forth standards and guidelines for residential PDPs.

The PDP process is "intended to promote high quality site design" and "allows flexibility in project layout and relief from standard subdivision grids in order to preserve natural features of the land, maximize common open space and landscaping, and create vital neighborhoods."

Following approval of the preliminary plans by City Commission, a site development application (engineering plans) can be submitted, and upon approval (administrative) and receipt of all outside agency permits, construction of site improvements can be commenced. Phased construction can be approved under the site development permit.

#### **RECOMMENDATION**

At a regular meeting on February 25th, 2020, the Planning and Zoning Board unanimously voted to recommend approval to City Commission of the plan, including the following Waivers of Strict Compliance listed below:

- Waiver of strict compliance granted for housing type to allow multifamily land use within the R-1A Residential /LDR designated zoning within the Hunter's Glen PDP (Sec. 23-224)
- Waiver of strict compliance granted to allow parking to be located along the access drives A, B, C, D,

and E. (Sec. 23-306.2.a.2).

- Waiver of strict compliance granted to allow 25-foot high light poles for access drive and parking safety where a 14-foot maximum height is required by code (see Article III) – light poles over 14 feet in height must have full dark sky compliant head casings; light poles 14 feet or below in height must have partial dark sky compliant head casings.

Approved plan:

Planned Development Project Land Use Plan/Multifamily Site Plan for Multifamily Pod 2 Phase 1, Hunters Glen, Prepared by BGE, Inc., and Dated November 27, 2019

#### OPTIONS

Following the public hearing, the City Commission can approve the application with or without conditions, approve with modified conditions, deny with specific reasons with reference to the land development regulations. The Commission could also table the application for further discussion or revisions.

[End Agenda Memo]

Kathy Bangley, Assistant City Manager, reviewed this item.

Commissioner Goldstein asked what the timing was on this project. Ms. Bangley said they are ready to start the civil engineering portion which includes the road entrance and utility work for the units. There is another portion that has not moved forward yet.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve the Hunters Glen Master Planned Development Project (PDP) and Phase I Multifamily Apartments. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 10.II. Ordinance 2020-06- Zoning Amendment – Chapter 23 Zoning, Land Use And Development Section 23-358 Mobile Food Vending/Mobile Food Dispensing Vehicles - First Reading

[Begin Agenda Memo]

#### **SYNOPSIS**

This amendment establishes rules and regulations for mobile food vending in the City of Lake Wales.

## **RECOMMENDATION**

Staff recommends approval of Ordinance 2020-06 after first reading and public hearing.

## **BACKGROUND**

This item was continued from the February 21, 2020 regular commission meeting.

Ordinance 2020-06 establishes regulations for Mobile Food Vending within the corporate city limits of Lake Wales. The regulations establish procedures for permitting and registration and rules for conduct, renewal, revocation and a schedule of fees.

Mobile Food Vending will be allowed by permit and with a current business tax receipt in the C-1, C-3, and C-4 commercial districts, the I-1 Industrial, the BP Business Park and LCI Limited Commercial Industrial zoning districts as a permitted use. Permitting and registration of locations shall be handled by the Department of Development Services.

Permit applications will include the following: name, address, business address and contact phone number; description of type of food and beverage; copy of FL Department of Business and Professional Regulation license for operation; site(s); and proof of insurance. Staff will have ten (10) business days to process an application.

Registration of sites will be required. A site plan of proposed location(s) shall be filed with the application. Authorization from the land owner will be required. Criteria is established for approval of a potential site. Conduct that may cause a permit or registration to be revoked are clearly stated.

Upon approval of the ordinance staff will develop the appropriate applications and identification sticker.

## **FISCAL IMPACT**

This action has no direct fiscal impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-06** by title only.

## **ORDINANCE 2020-06**

**(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; ESTABLISHING SECTION 23-358 MOBILE FOOD VENDING/MOBILE FOOD DISPENSING VEHICLES; AMENDING TABLE 23-421 PERMITTED AND SPECIAL EXCEPTION USES ALLOWED IN ZONING DISTRICTS TO ADD MOBILE FOOD VENDING; AND AMENDING SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Assistant City Manager, reviewed this item.

Commissioner Curtis Gibson asked how this changes what was allowed previously. Ms. Bangley said that previously food trucks could only come in as a vendor with a special event or as a special exemption use process per property. This ordinance streamlines that process and does not hinder food trucks from participating in a special event. Commissioner Curtis Gibson confirmed that residential areas are not allowed under this. Ms. Bangley confirmed that food trucks would not be in residential areas.

Ms. Bangley said that this Ordinance is modeled after Winter Haven's.

## OPENED PUBLIC HEARING

Michelle Threatt, resident, owner of Topsy's food truck that sells soul food. She asked about having a food truck at say a person's private birthday party at their home. Ms. Bangley said that as that is a unique situation. That is a once in a while occurrence like a catering event and her office doesn't need to know. A regular setup would not be allowed. Ms. Threatt asked about vacant lots. Ms. Bangley said vacant lots would not be permitted as there is not water on that lot. Ms. Threatt recommended allowing vacant lots as she has water on her truck. Ms. Threatt said food trucks are becoming a big business. There are many others out there. Mr. Fields said that given the current restrictions on restaurants right now food trucks are in a good position to do well.

Deputy Mayor Robin Gibson asked if a food truck would be consistently in a vacant lot or just for special event. Ms. Bangley said the proposed Ordinance does include rules for number of hours and days a truck can be on that lot. A vacant lot has no parking or other improvements. Commissioner Howell said it could similar to downtown when there aren't enough parking spaces near the business so a customer drives to another parking area.

Commissioner Goldstein asked about trucks that set up near building sites to serve lunches. Ms. Bangley said she doesn't know of anyone doing that. She said Lowe's and Home Depot and Rural King have designated locations for food trucks. Rural King went through the current cumbersome process to have a spot for food trucks. This Ordinance will eliminate those steps and an applicant can set up several locations more easily. The vacant lot idea can open a can of worms but set is open to the Commission's direction.

Mayor Fultz suggested that staff research the issue of vacant lots and come back to Commission with a recommendation.

Ms. Threatt said she recognized that there could be concerns with vacant lots but she was interested in exploring the option. Ms. Threatt asked what all areas are included in this. Ms. Bangley said she would get a map to her and talk with her about it.

Bo Wells, resident, asked about if he owned the vacant lot. Ms. Bangley said the ownership part makes that part of the application easier but she would still need to explore the vacant part of that question. Mr. Wells asked why getting food trucks to set up is so difficult. Ms. Bangley explained that these changes will make the process much easier. Currently its very difficult and involves going before the planning board. Commissioner Curtis Gibson asked if there is currently a lot of information required and if its less if this is approved. Ms. Bangley explained that the information required would be the same but the process will be easier. Mayor Fultz said it would be more streamlined. Ms. Bangley confirmed that. Mr. Wells asked why only three days. Ms. Bangley said it helps keep the trucks mobile and not permanent.

Commissioner Howell said she had several questions. She asked about a food truck at a person's house. Ms. Bangley said if its at a residence for a singular event that is fine. If the truck is parked and selling to the neighborhood is illegal. Commissioner Howell asked about the C 1 and C3 areas. Is that all of the northwest area or just Lincoln Avenue. Ms. Bangley said that C-1 covers most of it. The C-2R covers more of the Northwest area which we can add. Commissioner Howell agreed to add that. Commissioner Howell asked about what an improved parcel of land is. Ms. Bangley said its not a vacant lot. It has improvements such as a building or parking lot on it. Commissioner Howell asked about registration that its \$50. Ms. Bangley confirmed that. Commissioner Howell confirmed that a food truck owner would need to be licensed and have property owner's permission. Ms. Bangley confirmed this. Commissioner Howell asked if food trucks can still participate in special events. Ms. Bangley confirmed they could in conjunction with the requirements of that sponsor. Commissioner Howell asked why a schedule is needed. Ms. Bangley said some sites can only allow one truck and staff would need to be sure 2 trucks are not signing up for the same location day and time. Commissioner Howell asked about the required site plan to scale. Ms. Bangley said applicants can use the maps on the property appraiser site as it has a ruler on it. Staff will also assist with this as they have with other permits. It does not need to be a licensed survey. Commissioner Howell asked if an applicant is denied can they go to the City Manager? Ms. Bangley said there is an appeal process but she would only deny a permit

if one of the criteria isn't met. She would put in writing the reason for the denial. Commissioner Howell asked if the food trucks can sell items not on their list. Ms. Bangley said they don't care if the menus vary. Its only for a general idea. Commissioner Howell asked about the required insurance. Ms. Bangley said that the amount is industry standard. Commissioner Howell asked about having tables and chairs. Commissioner Howell said they should be allowed to carry tables and chairs. Ms. Bangley said for mobile trucks its for someone to get their food and go. Tables and chairs create a cafe. Ms. Threatt said she only carries a few chairs if an elderly person needs to sit while waiting. Commissioner Howell asked about signs. Ms. Threatt said she has a sign with her food items and prices that she puts out. Ms. Bangley said menu boards are allowed but fixed signs to be read from the road aren't meant to be part of mobile food trucks. Mr. Wells asked about the length of the permits. Ms. Bangley explained that permits last a year before needing renewal. Mr. Fields asked if the permit could be amended such as locations. Ms. Bangley said yes. Commissioner Howell suggested hours maybe should be until be 10:00 pm especially on the weekends. Ms. Bangley said she is open to that. The Commission agreed that weekend hours could be longer.

Commissioner Goldstein asked about permanent food trucks. Ms. Bangley said that could be a different conversation. Some businesses can put in their plan for permanent food trucks.

Commissioner Curtis Gibson asked about possibly expanding the 72 hours. Ms. Bangley suggested leaving it at 72 hours for now and reexamining this and similar issues to see how they are working in a year. Let's see how this Ordinance works and modify as needed.

Michelle Threatt said she liked the Ordinance and agreed with the idea of extending the hours on the weekends.

Commissioner Curtis Gibson expressed his support for this. He said its good that this is in black and white.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2020-06** with recommended amendments after first reading and public hearing. Commissioner Goldstein seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10.III. Resolution 2020-06 Requesting FDOT Restrict Truck Traffic On US 27

[Begin Agenda Memo]

#### **SYNOPSIS**

The cities located along US 27 in Polk County are desirous of protecting their citizens and

reducing the impact of increased truck traffic on local transportation and public safety services by requesting that the Florida Department of Transportation limit large truck usage of the leftmost lane.

## **RECOMMENDATION**

Staff recommends the City Commission adopt Resolution 2020-06 Requesting FDOT Restrict Truck Traffic on US 27

## **BACKGROUND**

Polk County has become a major logistics center for the state because of its central location and easy access to major highways. US Highway 27 is the major north-south route through Polk County and Lake Wales, connecting South Florida and the Georgia state line. As a result, the volume of large, tractor-trailer and other trucks traveling this route both north and south between Florida Route 60 and Interstate 4 has significantly increased, especially since the opening of the CSX Intermodal Facility in Winter Haven and the opening of a number of warehouse and distribution

centers in the area of the US 27/I4 interchange. These large trucks at times travel three abreast across all the travel lanes of US 27, impeding traffic and affecting the ability of emergency vehicles to respond; especially at intersections controlled by traffic signals. The proposed widening of US 27 to the south of Florida Route 60 is likely to further increase the automobile and truck traffic flow on US 27, further exasperating this problem.

The cities located along US 27 in Polk County are desirous of protecting their citizens and reducing the impact of increased truck traffic on local transportation and public safety services but traffic regulations on US 27 in Polk County are the responsibility of the Florida Department of Transportation. Therefore all the cities along the US 27 corridor are requesting that FDOT put in place regulations restricting truck use of the left hand most lane.

## **OTHER OPTIONS**

Do not request any changes to the truck regulations on US 27.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-06** by title only.

## **RESOLUTION 2020-06**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, SUPPORTING THE BANNING OF TRUCKS FROM THE LEFT LANE OF US 27 FROM FLORIDA ROUTE 60 NORTH TO INTERSTATE 4 IN BOTH DIRECTIONS EXCEPT WHEN MAKING A LEFT TURN.**

Kenneth Fields, City Manager, reviewed this item.

Commissioner Curtis Gibson asked if we can do this for HWY 60 as well. Mayor Fultz expressed support for this as it would free up the left lane for emergency vehicles as well as regular traffic.

Commissioner Howell asked if we will put up signs about this. Mr. Fields said if FDOT passes these regulations then yes. Commissioner Howell said she doesn't want to be a trap city for truckers who don't know.

Mr. Fields said this would only apply from SR 60 to I-4 where 27 is 3 lanes. FDOT won't do this on roads with 2 lanes so that's why this can't be done on HWY 60.

Commissioner Goldstein asked if RVs are considered trucks. Mayor Fultz said they are not but hopes they will comply with this as well.

Commissioner Goldstein made a motion to approve **RESOLUTION 2020-06**. Commissioner Howell

seconded the motion.

By Roll Call Vote:

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said in regards to the discussion earlier on the 1919 School Building. There was activity going back to 2017 because that's when we vacated Lime Street. Mayor Fultz said that Mr. Galloway and Deputy Mayor Robin Gibson can get together on that question.

12. CITY MANAGER

Kenneth Fields, City Manager, said they were notified by FDOT that the interchange work will begin in August instead of June.

Mr. Fields said he will be doing more remote work due to ongoing coronavirus concerns as he falls into a few high risk groups. We have had our first confirmed case of COVID-19 in Polk County.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

12.IV. Other Meetings And Events

13. CITY COMMISSION COMMENTS

Commissioner Goldstein urged everyone to be safe during this time.

Commissioner Curtis Gibson urged everyone to take precautions to stay safe. He will be doing an online interview about this. The Florida League of Cities is keeping us informed. He commended City Staff for being proactive.

14. MAYOR COMMENTS

Mayor Fultz encouraged everyone to respond to the 2020 Census. Jennifer Nanek, City Clerk, said that Census takers are not going door to door as of now.

Mayor Fultz read COVID 19 related safety precautions.

15. ADJOURNMENT

The meeting was adjourned at 7:36 p.m.

Eugene L. F. [Signature]  
Mayor

ATTEST:

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City Clerk