

**City Commission Workshop  
Meeting Minutes  
September 30, 2020  
(Approved)**

**This meeting was conducted partially via teleconference Pursuant to Executive Order No. 20 -69, issued by the Office of Governor Ron Desantis on March 20, 2020, extended via Executive order no. 20-112, and further extended by Exectutive Orders 20-114, 20-150 and 20-179, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54 (5)(b)2, Florida Statutes.**

**The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting Web/Teleconference service.**

9/30/2020 - Minutes

1. CALL TO ORDER & ROLL CALL

**Commissioners Present:** Terrye Howell, Curtis Gibson, Al Goldstein, Robin Gibson, Mayor Fultz

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

Mayor Fultz called the meeting to order at 3:00 p.m. Mayor Fultz read a statement:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, extended by Executive Order 20-112, and further extended by Executive Orders No 20-114, 20-150 and 20-179

municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Procedures for public participation will be explained by the City Attorney shortly. Albert Galloway, Jr., City Attorney, read a statement on Procedures for this partial virtual Public Meeting.

Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

2. City Manager Comments

James Slaton, Interim City Manager, said he has some good news. He has heard from Southern Homes that they plan to build over 70 homes in Lake Wales and there is another plan for 50 homes for Scenic Bluff second Phase.

3. ORDINANCE 2020-14- Increase In Commissioner Salaries Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** ORDINANCE 2020-14 will increase Commissioner Salaries to \$6323.27 beginning with the new term in May 2021.

**RECOMMENDATION**

Staff Recommends approval of ORDINANCE 2020-14 after Second Reading and Public Hearing.

## **BACKGROUND**

At a recent workshop, the Commission expressed a desire to increase Commissioner salaries to a level similar to the City of Auburndale's. This Ordinance will increase Commissioner salaries from \$4,817 to

\$6,323.27 and will increase the Mayor's salary from \$7,226 to \$9,484.91 (50% higher than Commissioners).

## **OTHER OPTIONS**

Do not approve the ordinance or recommend a revision.

## **FISCAL IMPACT**

Commission member salaries will increase to \$6,323.27 annually and the Mayor's \$9484.91. This results in a total annual increase of \$8,283.99.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

#### 4. Agreement For Paramedic Clinical Training With Lake Wales Fire Department

[Begin Agenda memo]

### **SYNOPSIS:**

Approval of the agreement with South Florida State College for an employee-student ride- along program with the Lake Wales Fire Department.

### **RECOMMENDATION**

It is recommended that the City Commission take the following action(s):

1. Approve the Agreement for the Lake Wales Fire Department to provide a ride-along program for employee-students who are enrolled in South Florida State College's paramedic program.

### **BACKGROUND**

Currently, employees of the City of Lake Wales who are enrolled in South Florida State College's paramedic program have to complete 450 hours of Advanced Life Support (ALS) clinicals (ride-time) with a paramedic preceptor. Of those 450 hours, 90 are permitted to be on a non-transport ALS apparatus.

Securing the scheduling for this ride-time has increasingly become difficult for our employees, especially since the COVID-19 pandemic, where many agencies have stopped allowing outside personnel to ride on their apparatus.

City of Lake Wales employees who are also students of South Florida State College will now be eligible to schedule with a LWFD paramedic preceptor and ride on an ALS non-transport apparatus, off-duty, to earn the 90 hours needed in their ride-time clinicals. In addition, our employee-students will be working with the preceptors who will become their training officers, once graduated from the paramedic program. This will serve to enhance our program as we strive to produce the highest quality paramedic, providing for the health, safety, and welfare of the citizens of Lake Wales.

### **OTHER OPTIONS**

Don't approve this agreement

## **FISCAL IMPACT**

None

[End Agenda Memo]

Joe Jenkins, Fire Chief, reviewed this item.

Commissioner Goldstein commended the Fire Department and Polk County EMTs for the good service towards his family.

James Slaton, Interim City Manager, asked Chief Jenkins to confirm that Lake Wales is only one of three cities that have an ALS Paramedic Fire Departments in Polk County. Chief Jenkins said as far as cities yes. Aside from Polk County only Lakeland, Winter Haven and Lake Wales Fire Departments offer advanced life support services.

### 5. Ordinance 2020-27 Zoning Amendment – Chapter 23 Zoning, Land Use And Development

[Begin Agenda memo]

## **BACKGROUND**

The proposed regulations will create the Planned Development Mixed Use zoning district and Master Development Plan process to enable the recently-adopted Mixed Use Master Development Plan Policy (2.18) of the Lake Wales Comprehensive Plan.

At a regular meeting on May 26, 2020, the Planning and Zoning Board made a recommendation of approval to the City Commission to adopt the new Land Development Regulations.

Proposed Changes include the following:

Table 23-211 will be amended to include the Master Development Plan requiring Administrative

– recommendation, Planning Board – recommendation with public hearing, and City Commission – adoption with public hearing.

Section 23-242. Establishment of review fees.

Section 23-222.4.a.3 Master Development Plans (MDP) proposed language in attachment A on page 15.

Section 23-228 Master Development (MDP) Review Process – this is a brand new section of code to provide the framework for review and approval.

Table 23-421 Permitted and special exception uses allowed in zoning districts is amended to include the new district.

The majority of the new regulations are the establishment of Division 5. Master Development Plan Regulations and subsequent Sections.

The proposed regulations were drafted in collaboration with Diane Chadwick and Katie LaBarr of Stantec, consultants for representing the Winter Haven Corporation.

## **RECOMMENDATION**

Staff recommends approval of Ordinance 2020-27 after first reading and adoption after second reading,

following a public hearing. Public notice requirements

## **FISCAL IMPACT**

This action has no direct fiscal impact.

[End Agenda memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Robin Gibson said these mixed use developments can help reduce urban sprawl and takes cars off the road. We need to be careful of our small town being swallowed up.

Mayor Fultz expressed support for this so we are ready for future development.

Deputy Mayor Robin Gibson asked if this can help the northwest area. Mr. Bennett said this is for larger development. Its not the right tool for the northwest area.

Commissioner Goldstein said their may be resources at the state level to help with the northwest area. Mr. Bennett said he is reviewing zoning in the northwest area to see what changes would help. He is investigating affordable housing opportunities for the northwest area.

Commissioner Howell asked to confirm that this is for new developments if they want it. Mr. Bennett confirmed this. Commissioner Howell asked if Mr. Bennett is reviewing other ideas for other areas in Lake Wales. Mr. Bennett confirmed this.

Deputy Mayor Robin Gibson said that we are going in a good direction. Mayor Fultz said a good idea for the Lincoln Avenue area is retail on the first floor and residential on the second floor.

6. City Of Lake Wales 2040 Comprehensive Plan Update - 1st Reading And Public Hearing: Ordinance D2020-04

[Begin Agenda Memo]

**Recommendation:** Approval of the 2040 Comprehensive Plan on first reading, following a public hearing.

At a regular meeting on September 29, 2020, the Planning and Zoning Board made a recommendation to City Commission to adopt the proposed City of Lake Wales 2040 Comprehensive Plan.

**Background:** The City of Lake Wales Comprehensive Plan guides future development of the City and presents a future vision. The Plan includes the following elements: Future Land Use, Transportation, Housing, Utilities, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Historic Preservation, Economic Development, and School Concurrency.

At least every seven years, local governments must determine whether or not amendments are needed to the Comprehensive Plan. If changes are not needed, the state land planning agency is notified with a letter of determination from the City. If amendments are needed, they are to be transmitted within one year of such determination. Failure to transmit amendments or a notification letter within one year results in the inability to amend our comprehensive plan until we are in compliance. The City's last update was completed in 2012. The current plan had a horizon of 2015, which means our plan is critically out of date.

Keeping the City's Plan up-to-date is crucial, as it is the centerpiece of local planning efforts and creates a healthy framework which guides development. It gives guidance to landowners and developers and establishes long-range goals for the City.

S&ME is the consulting firm that assisted the City with this effort. The City and S&ME hosted a public workshop on Wednesday, July 8th of this year via Zoom, where the public was able to contribute to the conversation, discussing long-term visions and priorities for the City's growth.

The following questions were discussed in the form of "breakout sessions":

- What are our opportunities?
- What is Lake Wales' future?
- Where should we be in 10 to 20 years?
- How do we get there?

Key Updates and changes:

Residential maximum densities have been adjusted throughout the Future Land Use element by category in the following ways:

- Mixed-Use development in the RAC Regional Activity Center shall not exceed 6 12 units per acre.
- Multi-family and mixed commercial/residential use of structures is permitted in the DD Downtown District up to 12 25 dwelling units per gross acre. Residential densities of up to 75 dwelling units are permitted with special approval.
- Residential uses in the NAC Neighborhood Activity Center district permitted up to 6 12 units per acre.
- Residential uses in the RO Residential Office district permitted up to 6 12 units per acre.
- LDR Low Density Residential: 3 5 units per acre.
- MDR Medium Density Residential: 6 12 units per acre.
- HDR High Density Residential: 12 25 units per acre.

These changes are proposed to restore the original densities that were in the Comprehensive Plan from its initial adoption in 1990-91 to when significant changes occurred in 2005-06. By increasing potential residential densities, the intent is to promote more intensive development that is appropriate for a municipality.

Other significant changes include the following:

- Lake Wales Connected – Policies have been included to support the implementation of this Plan.
- Future Extraterritorial Planning - Policies are proposed to promote future planning area studies to establish future land use patterns, transportation, utilities and economic development issues, plus explore the possibility of a Joint Planning Agreement with Polk County.
- Information Technology – A policy is proposed to explore the feasibility placing fiber optics and similar infrastructure throughout the City.
- Several Policies related to the recognition of property rights.
- Elimination of Transportation Concurrency in the CRA – this is intended to further promote redevelopment in the Core Area by eliminating a potential barrier.
- Future Bike/Pedestrian Planning – policies to promote the future planning and development of

these other modes of transportation are included.

Staff wishes to thank Kevin Kieft of the Lake Wales Chamber/Economic Development Council for his feedback regarding the Economic Development Element. Additionally, staff also wishes to acknowledge Megan McLaughlin, AICP, (a prominent historic preservation planner and new resident of Lake Wales) for volunteering to review and comment on the draft Historic Preservation Element.

If approved by the City Commission on First Reading, the 2040 Plan will then be sent to the Florida Department of Economic Opportunity and other state agencies. The City will then receive an Objections, Recommendations, and Comments (ORC) Report. The Second Reading and adoption would then occur within the next 3-4 months.

[End Agenda memo]

Mark Bennett, Development Services Director, reviewed this item. James Slaton, Interim City Manager, asked if this only required one reading. Mr. Bennett said no there are two hearings. The Commission is also authorizing transmittal to Tallahassee. Mr. Slaton asked what the time frame for state approval looked like. Mr. Bennett said about 60 days for different departments to review it. Mr. Slaton asked when can we submit amendments? Mr. Bennett said once its transmitted.

Deputy Mayor Robin Gibson asked about Impact Fees for Schools. If impact fees for schools go to Bartow they probably don't make it to the Charter Schools. Lake Wales is entitled to its fair share. Mr. Slaton said there have been discussions on this topic. Deputy Mayor Robin Gibson reviewed this issue and said the schools are an economic plus for the City. Impact fees for schools were discussed. Deputy Mayor Robin Gibson said the issue of Zillow not including correct information on schools on their search engine. This was also discussed. Commissioner Curtis Gibson said this needs to be resolved. Mayor Fultz said this is important to get businesses here. Mr. Slaton said he will work on this. Commissioner Howell agreed to have Slaton look into this.

7. Ordinance D2020-03 1st Reading – Comp Plan Amendment/Future Land Use Winter Haven Corp – 1,841.5 Acres West Of Highway 27

[Begin Agenda Memo]

Staff has been working with a large landowner and their development team to establish a land use category which would facilitate large-scale, unified mixed-use development. The Planning Board recommended approval of the creation of the MU Mixed-Use land use category to City Commission in May of this year, and it was successfully adopted by Commission in June.

Aerial of WH Corp Project Area

The next step is to assign the new Mixed-Use land use category to the Winter Haven Corp property. The current land use designation for the property is RR Rural Residential. No development plans have been submitted to the City at this time. Staff recommends approval of the following:

Recommended Land Use:

FLUM: MU Mixed-Use

Land use designations are assigned by the City Commission by ordinance 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.

**RECOMMENDATION**

The Planning & Zoning Board held a public hearing on the proposed amendment to the Future Land Use Map on September 29, 2020 and recommended the proposed amendment as set forth in Ordinance D2020-03

Staff recommends approval at first reading, and adoption at second reading, following a public hearing. Public Notice requirements have been met.

### **FISCAL IMPACT**

Assigning land use designations enables future improvements of the property and a potential increase in the property value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Robin Gibson suggested that this could be incorporated into the CRA. He reviewed past history of the CRA and other additions and deletions. He would not want to do this without the blessing of the Winter Haven Corporation. He does not want to hurt the general fund. James Slaton, Interim City Manager, said he would not want to take funds from the general fund. Deputy Mayor Robin Gibson said there are a lot of issues to consider but worth an inquiry.

Mayor Fultz commended the Development Services Staff for their hard work.

## 8. Resolution 2020-36 Extending State Of Local Emergency

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2020-36 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from October 9, 2020 until November 9, 2020.

### **RECOMMENDATION**

Staff recommends adoption of Resolution 2020-36 State of Emergency Declaration from October 9th 2020 until November 9th 2020.

### **BACKGROUND**

In response to the threat of COVID-19 Mayor Fultz issued a State of Emergency on March 13th for seven days and issued three more 7 day States of Emergency after that. The current state of emergency was extended twice more at the beginning of April and again in May, June, July, August and September. The current State of Emergency which was approved by the City Commission on September 9th will expire October 9th.

According to Chapter 9 in our Code of Ordinances, the City Commission must approve a State of Emergency to last 30 days.

### **OTHER OPTIONS**

Do not approve Resolution 2020-36.

### **FISCAL IMPACT**

There is no fiscal impact from the resolution itself. There will be some costs to the City as we respond to this threat. These costs are being tracked. A declared State of Emergency will allow the City to seek possible reimbursement for those costs.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item.

Commissioner Goldstein said the Governor may not extend the State of Emergency tomorrow.

Mayor Fultz said municipalities need to be vigilant on this COVID19 situation and this gives the city the flexibility they need.

Mr. Slaton confirmed this.

9. Board Appointments - Historic District Regulatory Board And Planning And Zoning Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointments to fill vacancies on the Historic District Regulatory Board and Planning and Zoning Board.

**RECOMMENDATION**

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

1. Appoint Scott Crews to a term on the Historic District Regulatory board for a term expiring July 1, 2022.
2. Appoint Chris Lutton to a new term on the Planning and Zoning Board for a term expiring July 1, 2023

**BACKGROUND**

As of July 1, 2020 terms will have expired on many of our boards. These are those applying for appointment or re-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).

**Historic District Regulatory Board**

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, resident or own property in City;

Current Members:

Lawrence (Larry) Bossarte, business owner 02/04/20 – 07/01/22, 1

Jonathan Kaufman, non-resident 09/22/20 – 7/1/2022, 1

John Turley, resident 12/18/18 – 07/01/21, 1

Brandon Alvarado, resident 12/18/18 - 07/01/21, 1

Ronni Wood, resident 02/05/19 – 07/01/21, 1

Applying for Appointment: Scott Crews, non-resident and business owner, for a partial term expiring on 07/01/21 Staff has interviewed the applicant and recommends his appointment.

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

**Planning & Zoning Board** (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least four (4) members must reside in the City and three (3) members must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies, must reside in or own real property in the City

Applying for Re-Appointment: Christopher Lutton to a term that will expire 07/01/23

Current Members: Kyra Love, Resident 8/6/2019 – 7/1/21 1

Diane Sims, resident 02/19/19 – 07/01/21, 1

Charlene Bennett, resident 02/16/10 – 07/01/16, 2

Narvell Petersen, resident 07/05/17 – 07/01/20, 1

Christopher Lutton, resident 07/05/17 – 07/01/20, 1

John Gravel, property owner 05/06/14 – 07/01/16, 1

Linda Bell, property owner 08/01/2017 - 07/01/21, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its membership one (1) member to serve as chairman and one (1) to serve as vice-chairman.

a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.

b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;

2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;

3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;

4. To perform any other duties which are lawfully assigned to it by the city commission

#### **OPTIONS**

Do not appoint those that have applied.

#### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

James Slaton, Interim City Manager, reviewed this item. He said we are working on getting our boards filled.

Mayor Fultz said most people know the two appointees, Chris Lutton and Scott Crews. Deputy Mayor Robin Gibson said these are two excellent appointments. Mayor Fultz asked if they need to come. Deputy Mayor Robin Gibson said they should come. Commissioner Goldstein said he knows Chris Lutton but not Scott Crews. Deputy Mayor Robin Gibson said we are attracting good people who don't want to waste their time.

#### 10. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Curtis Gibson said he is glad to hear that Southern Homes wants to build in Lake Wales.

Commissioner Curtis Gibson asked about the possibility of renewing the Fire Protection agreements with the County that went away a few years ago. Mayor Fultz said the US 27 group met with one of the County Commissioners and they have no interest in this. They are building their own stations to cover these areas. Deputy Mayor Robin Gibson said the county is being dragged into a more suburban lifestyle and are ringing the cities. Mayor Fultz said this could encourage annexations which benefit the City and the County. James Slaton, Interim City Manager, will discuss this with Finance and the Fire Chief.

Commissioner Curtis Gibson said Vanguard is a good school too and they are opening up to the Community.

Commissioner Curtis Gibson said he agreed with the mayor for new monitors for viewing presentations in the Chambers. Mayor Fultz said this would be nice. Deputy Mayor Robin Gibson said he is fine with turning around.

Commissioner Goldstein said he has changed his mind about a magistrate for Code Enforcement decisions. This would take personalities out of the issue.

Commissioner Goldstein said he would like to make the City Manager permanent now that the budget process is over. We need to make a decision.

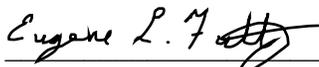
Mayor Fultz suggested waiting a full 6 months. Commissioner Goldstein said we don't need to wait a few more months. Mr. Slaton has proved himself.

Mayor Fultz said we need to keep moving forward to get things done. He is glad for the addition of Mark Bennett in Development Services. That is a good decision. We can become more business friendly. Mr. Slaton said the turn around time for permits has been cut to three days. Mayor Fultz said he would like a complaint system in place.

Deputy Mayor Robin Gibson said that magistrate system is excellent. He has had good experience with them. Mr. Slaton said he will look into this and bring something back.

#### 11. ADJOURN

The meeting was adjourned at 4:18 p.m.



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Mayor

ATTEST

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City Clerk