

# City Commission Meeting Minutes

August 17, 2021

(APPROVED)

8/17/2021 - Minutes

1. INVOCATION

Dr. Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Water Professionals Month

Mayor Fultz proclaimed August as Water Professionals Month. Sarah Kirkland, Utilities Director, accepted the Proclamation along with other representatives from Water and Wastewater..

5.II. PROCLAMATION - Bobby Martin And Charles Medlock

Mayor Fultz read a proclamation recognizing two employees, Bobby Martin and Charles Medlock, who assisted one of our citizens.

6. OLD BUSINESS

6.I. ORDINANCE D2021-08 Zoning Designation – WH Corp 2nd Reading And Public Hearing

[Begin Agenda Memo]

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

**RECOMMENDATION**

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

Current Zoning: None

Proposed: Zoning: PDMU – Planned Development Mixed Use

## **BACKGROUND**

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

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

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

## **OTHER OPTIONS**

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

## **FISCAL IMPACT**

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

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-08** by title only.

## **ORDINANCE D2021-08**

**(Zoning Map Amendment – approximately 1,841.50 acres located south of Thompson Nursery Road and west of Highway 27)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP OF CHAPTER 23 ZONING, LAND USE, AND LAND DEVELOPMENT REGULATIONS TO CHANGE ZONING DESIGNATIONS ON 1841.50 ACRES OF LAND LOCATED SOUTH OF THOMPSON NURSERY ROAD AND WEST OF HIGHWAY 27, TO CITY OF LAKE WALES DESIGNATION PDMU PLANNED DEVELOPMENT MIXED USE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Bart Allen, Attorney from Peterson and Myers, representing the property owner reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE D2021-08** after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

## 6.II. Master Development Plan - Winter Haven Corporation

[Begin Agenda Memo]

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

### **RECOMMENDATION**

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

### **BACKGROUND**

On July 20, 2021, the City Commission continued this item at the applicant's request to August 3, 2021.

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

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

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

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

Development Details:

1. Project acreage is 1,841.5 +/-.
2. The site lies within flood zones X, A, and AE, Flood Insurance Rate Map (firm) panel 12105C0535H, 12105C0555H, 12105C0545H and 12105C00565H, Polk County and incorporated areas.
3. Any development within the floodplain shall provide floodplain compensation pursuant to FEMA requirements.
4. Current Future Land Use designation is Mixed Use (MU).
5. Development Table is listed below. The Commercial/Office/Public Facilities uses may include public and private educational facilities.

Land Uses*	Dwelling Units	Square Feet
Residential		
Single Family Detached	2800	
Single Family Attached (paired villas)	550	
Townhomes	950	
Multifamily	1,800	
Non-Residential		
Commercial		400,000
Office		125,000
Assisted Living / Public Facilities		200,000
Total	6,100	725,000

\*Land uses may be exchanged within these entitlements providing that the approved traffic trips are not exceeded.

Areas	Area Code	Gross Density
Multifamily 1a	MF1	20 du/net acre
Multifamily 2a	MF2	20 du/net acre
Office Commercial 1a	OC1	16 du/net acre, FAR 0.35
Office Commercial 2a	OC2	16 du/net acre, FAR 0.35
Residential/Institutional	RI1	8 du/net acre, FAR 0.25
Residential/Institutional	RI2	8 du/net acre, FAR 0.25

Single Family 1	SF1	4 du/net acre
Single Family 2	SF2	4 du/net acre
Single Family 3	SF3	6 du/net acre
Single Family 4	SF4	4 du/net acre
Single Family 5	SF5	4 du/net acre
Single Family 6	SF6	4 du/net acre
Single Family 7	SF7	4 du/net acre
Single Family 8	SF8	4 du/net acre

a. Multifamily and Office Commercial entitlements may be exchanged or mixed between development pods/parcels; however, no approved entitlements shall be increased based on such an exchange.

b. Units may be transferred between development areas and the gross density may be exceeded for a particular development area, provided the total aggregate unit count of a particular use does not result in trips in excess of the approved traffic trips.

6. Permitted uses shall be consistent with and as allowed by the PDMU (Planned Development Mixed Use) District and Master Development Plan standards, as set forth in section 23-450, Uses Permitted (Table 23-421) of the City of Lake Wales Code of Ordinances requiring permitted uses be included as identified herein, and on the approved site plan.

7. A vertical mix of land uses shall be permitted in Office/Commercial areas, including residential uses on second and higher stories above office/commercial structures and any additional development shall not specifically excluded from FAR calculations and limitations contained herein.

8. Required Master Development Plan open space is 20% (368 acres). The project provides 43% open space (796 acres). The open space consists of wetlands, natural areas, perimeter buffers, common open space, linear parks, amenity centers and recreational areas. Common open space (green areas) may also be located within individual development parcels but not on individual lots. At a minimum, the open space includes 10% of usable open space (184.15 acres) which may include linear parks, trails, recreational amenity centers, unprogrammed recreation areas and accessible lakes. Open space shall be quantified based on the entirety of the Master Development Plan and, not by the individual development pods or parcels. Transfer of excess open space shall be allowed between pods to meet overall open space requirement.

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

10. The maximum allowed floor area ratio is 0.35. The FAR ratio shall be calculated per individual development pod or parcel, and not based on the totality of Master Development Plan.

11. The sizes, quantity, and specific location of the community parks as shown on this Master Development Plan are conceptual. The final quantity, location and sizes will be determined through the approval of final plats and accompanying construction plans. Recreational amenities shall be provided in accordance with Section 23-450.5 through 23-450.7 of the Lake Wales Code of Ordinances.

12. Parks, recreational and municipal uses shall be allowed in all Development Areas; subject to the review and approval of design and locations by the Administrative Official and the site plan approval.

13. Interim agricultural uses shall be permitted on the property.

14. Wetlands as shown were delineated by Modica and Associates, Inc. and surveyed by Basepoint Surveying, Inc.

Dimensional Criteria:

15. The Master Development Plan dimensional criteria, as set forth in Section 23- 422A, Property development criteria, of the City of Lake Wales Code of Ordinances.

Type	Minimum Lot Width Maximum Building		Minimum Lot Size		Min. Height	Setbacks			Principal Buildings (FT) Buildings (FT)	
						Front	Side	Rear	15'	35'
<b>Residential**</b>										
Single Family Detached	40' to 60'		4,000		*20'	5'	15'	35'		
Single Family Detached	Greater than 60'		6,100		*20'	7.5'		15'	35'	
Town Home	20'		2,000		*20'	7.5 (15' between buildings)		15'	35'	
Villas	30'		3,000		*20'	7.5 (15' between buildings)		15'	35'	
Multifamily	N/A	N/A	*25'	25'	25'	65' / 5 stories				

**Non-Residential\*\***

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

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

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

\*Residential garages shall be set back a minimum of 25 feet to promote recessed garages. Corner lots shall have a 20 foot setback for the primary frontage and 15 feet for the secondary frontage.

\*\*Unless otherwise identified on the MDP, the development standards of uses not specifically identified herein, shall be in conformance with Chapter 23 of the City of Lake Wales Code of Ordinances.

**Public Utilities**

16. The provision of off-site water and sewer, and reclaimed water improvements are subject to the approval of the city engineer.

17. The provision of on-site water and sewer, and reclaimed water improvements are subject to the approval of the city engineer.

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

19. The construction and location of any proposed wetland/other surface water impacts and

mitigation plan shall be reviewed and permitted through the Southwest Florida Water Management District. Wetland buffers shall be an average of 25 feet wide with a minimum width of 15 feet.

#### Transportation

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

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

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

23. Streets are anticipated to be public (city owned), however, the Developer reserves the right to provide private streets, gated or ungated, for individual neighborhoods. Unimpeded travel by the public shall be allowed on the boulevard shown on the plan.

24. All project external access points on Polk County and FDOT roads shall be subject to Polk County and FDOT requirements.

#### General:

25. Due to the magnitude of the project, the Developer shall:

a. Track the number/type of dwelling units and commercial, retail, office, civic, educational square feet, as identified on this Master Development Plan. Said tracking shall be provided with each preliminary site plan and accompanying construction plan application or final plat.

b. Prior to the receipt of a certificate of occupancy for the 500th dwelling unit or the equivalent non-residential development based on trip generation, the Applicant shall provide an overall master infrastructure plan to the Administrative Official in order to meet state and local concurrency rules for which a Level of Service has been established in the Comprehensive Plan which shall address the following:

i. provision of public utilities, transportation improvements, recreation (including trails and other open space); and other urban services; and

ii. granting of necessary easements or rights to allow for private utilities (i.e., telecommunication or internet service providers) to provide services within the development property; and

iii. establishing methods, including but not limited to impact fee payments, mitigation agreement, or other arrangements to ensure concurrency is met for public schools

c. After submittal and approval of the master infrastructure plan, the Applicant shall submit an annual status report to the Administrative Official prior to November 1 of each year including the amount, type, and intensity of development from the prior year and provide analysis to determine the proper scheduling of infrastructure improvements identified in the master infrastructure plan.

#### Specific Master Development Plan Criteria

26. Specific design features within the development will meet the criteria required in Section 23-450,

Master Development Plan Regulation criteria. Specific design features may include at a minimum but are not limited to:

- a. Additional usable open space in the form of accessible lakes, programmed recreation amenity centers, pedestrian friendly trail systems and unprogrammed recreation areas.
- b. Variety of building façades with unique architectural features, as further defined in Monotony Control criteria in Note 27.
- c. Streets designed predominantly in a curvilinear fashion.
- d. Installation of street trees.
- e. Pedestrian friendly trail system traversing the development – with connections to recreational amenities and sidewalk system throughout the development.
- f. Require walkable neighborhoods with pedestrian connections to recreational amenities, institutional uses and non-residential services.
- g. Require internal street connections to allow access to commercial services to residents.
- h. Provide identifiable pedestrian and vehicular accessible community centers with programmed recreational amenities within the communities.
- i. Provide additional unprogrammed pedestrian focused recreation areas within the communities. These may include more passive recreation including, but not limited to, pocket parks and linear parks.
- j. Project shall provide a range of housing choices including multifamily, townhomes, villas and a minimum of three (3) single family detached lot sizes project wide. The project design shall also disperse the housing products throughout the development to provide visual interest in both design and architectural features and to avoid monotony.

27. Monotony Control – In addition to the criteria in Section 23-3442(e.) of the City's Land Development Code, the proposed development shall adhere to the following:

- a. Houses shall be required to have sufficient difference in color schemes and front elevation by providing a minimum of two architectural features (i.e., stone/brick work, lap siding, shutters, decorative garage doors and/or decorative cornices/moldings).
- b. Front yard setbacks for single family detached homes on non-curvilinear streets must vary by a minimum of 2 feet to provide varied streetscapes.
- c. Development pods of varying lot widths shall be dispersed throughout the development to avoid a repetitive pattern and establish discrete and identifiable neighborhoods. Individual development pods may be designed with one common lot width or varying widths.

28. Landscape and site buffering features

- a. Screening and buffering will be provided in accordance with Section 23-450.5 through 23-450.7 of the City of Lake Wales Code of Ordinances and landscape plans shall be approved by the Administrative Official at the site plan submitted for each discrete phase.
- b. Street Trees - The project shall provide 1 tree per single family detached lot. Corner lots shall include a minimum of two street trees, one per each roadway frontage.
- c. Perimeter landscape buffers abutting property lines shall be an average of 20 ft wide. The buffer

shall be landscaped to provide a solid screen, such as a wall or hedge, a minimum of six (6) feet in height. One (1) tree shall be provided for every fifty (50) feet of buffer length.

d. A 20 ft landscape buffer shall be provided along spine roads within the development where the rear yards of lots abut the spine road. The buffer shall be landscaped to provide a solid screen, such as a wall or hedge, a minimum of six (6) feet in height. One (1) tree shall be provided for every fifty (50) feet of buffer length.

e. A 30 ft perimeter landscape buffer shall be provided adjacent to external arterial and collector roadways. The buffer shall be landscaped to provide a solid screen, such as a wall or hedge, a minimum of six (6) feet in height. One (1) tree shall be provided for every fifty (50) feet of buffer length. Internal development pods shall not require buffering between pods when the same and/or compatible uses are proposed..

f. Fences and/or privacy walls, a maximum of 6 ft in height, may be constructed along the perimeter project boundary and adjacent to internal spine roads. Chain link fences shall be prohibited.

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

#### **FISCAL IMPACT**

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

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

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Bart Allen, Attorney from Peterson & Myers, representing Winter Haven Corporation reviewed this item. He reviewed the history of this project. He gave an overview of the project.

Diane Chadwick, Planner with Stantec, reviewed the mixed use development zoning category and shared slides on the bubble plan. The Bubble Plan shows where different residential and commercial buildings will go and other features.

Deputy Mayor Gibson said there is potential to bring this development into the CRA which would be financially beneficial.

Commissioner Howell said she likes the plan. Keeping people off of 27 is a big deal now.

Mayor Fultz said that he is excited that this is moving forward.

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

Deputy Mayor Robin Gibson made a motion to approve the Master Development Plan. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

6.III. ORDINANCE D2021-09 Future Land Use Designation – 2804 Hwy 60 E - 2nd Reading And Public Hearing

[Begin Agenda Memo]

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

**RECOMMENDATION**

Adoption at second reading, following a public hearing, to re-assign the following zoning and land use designations:

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

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

**BACKGROUND**

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

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

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

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

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

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

**FISCAL IMPACT**

None.

[End Agenda Memo]

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

**ORDINANCE D2021-09**

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

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

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE D2021-09** after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

6.IV. Ordinance D2021-13 Future Land Use Map Amendment 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Southwest Holdings LLC, owner, requests to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on one 19.82-acre parcel.

**RECOMMENDATION**

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

Current Land Use: Polk County RS

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

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

**BACKGROUND**

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

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

On July 20, 2021, the City Commission approved Ordinances D2021-13 & D2021-14 on first reading.

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

### **FISCAL IMPACT**

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

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

[End Agenda Memo]

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

### **ORDINANCE D2021-13**

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

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

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE D2021-13** after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

#### 6.V. ORDINANCE D2021-14 Zoning Designation – Robin's Run 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Southwest Holdings LLC, owner, requests to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on one 19.82-acre parcel.

#### **RECOMMENDATION**

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

Current Land Use: Polk County RS

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

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

#### **BACKGROUND**

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

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

On July 20, 2021, the City Commission approved Ordinances D2021-13 & D2021-14 on first reading.

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

#### **FISCAL IMPACT**

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

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

[End Agenda memo]

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

**ORDINANCE D2021-14**

**(Zoning Map Amendment – Robin's Run 9.82 acres of land located at the southwest corner of Sunset Drive and Buck Moore Road)**

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

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to adopt **ORDINANCE D2021-14** after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

7. CITY CLERK

7.I. OATH OF OFFICE Jack Hilligoss

Jennifer Nanek, City Clerk, administered the Oath of Office to Jack Hilligoss as Interim City Commission for Seat 4 District 27.

8. ROLL CALL

**Commission Members Present:** Eugene Fultz- Mayor; Robin Gibson, Terrye Howell, Daniel Williams, Jack Hilligoss

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

9. COMMENTS AND PETITIONS

10. PRESENTATION/REPORT

10.I. Presentation - Citizens And Police Community Relations Advisory Board

Andy Oguntola, Chair, reviewed the meetings held over the past 11 months. They had 9 meetings. Twice they could not meet due to a lack of a quorum. They had meetings in different locations around the City. Some citizen concerns included load music, missing street signs, and more stops addressing

speeding vehicles. Body cameras were a hot topic and were discussed. Privacy was a concern. Policies were discussed. They are not a complaint board but they tried to educate citizens on how to file a complaint. Officer Palmer attended one of the meetings and reviewed these steps. In the future they hope to have a demonstration on how the body cameras work. The board said they plan to do book study on best police practices. The board are doing ride-a-longs with the police. They are looking into how to help recruit new officers. Deputy Mayor Gibson encouraged more recruitment at Lake Wales High School. Mr. Oguntola reviewed possible ways to offer training and programs to potential recruits.

Narvell Petersen, Vice-Chair, said he would like more local people to serve in the police force. People who love this town and know the people here.

Commissioner Howell asked if anything was solved through the board's efforts. Mr. Oguntola said street signs were installed and a traffic study done. They are not a complaint board. Commissioner Howell asked if they have changed their parameters. Mr. Oguntola said they did not and were not directed to. Commissioner Williams asked about our boards and those of other cities. What are the differences? Mr. Oguntola said some boards are over the police department but that is not the goal of our board. Commissioner Howell said the City Manager told her that they can recommend additional changes but they have not come across an issue that they can't solve. Mr. Oguntola reported that most issues such as body cameras were addressed by the Commission. He said the Commission can modify the board's goals as they wish. Commissioner Howell said the board needs help or teeth. She doesn't want the Police Department running the board. She asked Mr. Narvell Petersen what he thinks. Mr. Petersen recommended more follow up by police with those that had complaints even minor ones. Commissioner Howell asked how we could make the board better? Commissioner Hilligoss said he reviewed the resolution forming this committee it seems like they are doing what was asked. As an advisory committee they are limited on what they can do. Commissioner Howell said they are doing what is in the Resolution but that isn't much. She would like ideas to make it better not to be over the Police Department but make things better for citizens. She wants them to help citizens know what to do when stopped. Mayor Fultz said they can bring suggestions to the Commission and Commission decides what changes are needed. Mr. Oguntola said they had a meeting reviewing the complaint form process for citizens. James Slaton, City Manager, said the board can make recommendations to the Commission for any changes. Mr. Petersen said we can still improve. Nothing will be perfect. He worries about his grandson getting caught in the system. Mayor Fultz said we want to hear from the board about any ongoing unresolved issues. Mr. Oguntola asked the Commission for directives to take back to the group. Deputy Mayor Gibson said the polarization in Washington invaded our town and heightened some of these issues. The current pandemic made this worse. The committee's job is to improve community relationships. Members of the community will feel more comfortable talking to the committee than police officers. It looks like the Police are receptive to the committee's efforts. It seems the relationships now are better. The recent survey of the Northwest area showed they want protection and to respect each other. This group should be a conduit between the citizenry and the Police Department. They seem to have made a good start. Commissioner Hilligoss said we may need more detail on some of the things they try to teach the community. We need to educate young people on what to do when stopped. Mr. Petersen said these things take time. Commissioner Howell asked about Workshop locations. Mr. Petersen said communication is important. We need to teach people how to be better. Mr. Oguntola said they had some meetings around the community including the Woman's club. They are having meetings here so that others can watch and listen from home. Commissioner Williams asked Commissioner Howell if Mr. Slaton told her that the board would do things differently. Mr. Slaton said that it is in the Resolution for the Committee to recommend changes.

Mayor Fultz asked the committee members to learn what issues are of concern to the community, recommend solutions and bring recommendations or concerns to the Commission. Deputy Mayor Gibson said that the Commission can handle the legislative side of things. But community relationships can't be helped with that. Mr. Oguntola recommended that the Commission communicate with their representatives on the committee about what items should be addressed. He asked that the vacancy representing Seat 4 be filled as soon as possible.

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

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11.I. Minutes - May 12, 2021, May 26, 2021, And August 3, 2021

11.II. Agreement For Economic Development Services With The Lake Wales Chamber Of Commerce.

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider entering into an agreement with the Lake Wales Chamber of Commerce for Economic Development services.

**RECOMMENDATION**

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

1. Approve the agreement with the Lake Wales Chamber of Commerce for Economic Development services.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf.

**BACKGROUND**

At the request of the City Commission, an agreement with the Lake Wales Chamber of Commerce has been prepared for Economic Development services. A key change from the previous agreement defines

residency requirements for the Executive Director as: "The Executive Director shall establish and continuously maintain residency in the greater Lake Wales area within 6 months of the Start Date of this Agreement. For the purposes of this agreement, the greater Lake Wales area is defined as a location within 10 miles of the City Limits of Lake Wales."

At a recent City Commission Workshop, there was consensus that the Economic Development Council will provide and present activity and financial reports to the City Commission on a quarterly basis. This change in the agreement is reflected in Article 5 Section D.

At the City Commission Workshop on August 11, 2021, the City Commission directed staff to revise Article 6 Section A to state: "The elected Mayor or other member of the City Commission, with the consent of the City Commission, may serve as a member of the EDC, along with the City Manager or other city staff, as deemed appropriate by the Chamber." Additionally, the City Commission directed

staff to revise the annual payment from \$125,000 annually to the proposed payment schedule documented in the Fiscal Impact section, which reflects an approximate 25% reduction in contract years four and five.

## **OPTIONS**

1. The City Commission may direct staff to make revisions to the proposed agreement.
2. The City Commission may choose not to engage with the Lake Wales Chamber of Commerce for economic development services.

## **FISCAL IMPACT**

The agreement calls for the City to pay:

- Annual payment of \$125,000 in equal quarterly installments in contract years one through three
- Annual payment of \$94,000 in equal quarterly installments in contract year four.
- Annual payment of \$63,000 in equal quarterly installments in contract year five.
- Annual payment of \$63,000 in equal quarterly installments in contract year six if the mutual contract option is exercised.

[End Agenda Memo]

Deputy Mayor Gibson asked Mr. Slaton to review changes to this since the Workshop. James Slaton, City Manager, reviewed this item.

Mayor Fultz asked about how the appointment of the representative to the EDC is handled. Albert Galloway, Jr., City Attorney, explained that if the Mayor chooses not to serve as the representative then the Commission can approve the appointment of another member of the Commission to serve.

- 11.III. Agreement Renewal With The Polk County Board Of County Commissioners (BoCC) Fleet Management Division For City Vehicle And Equipment Maintenance Services.

[Begin Agenda Memo]

## **SYNOPSIS:**

Staff is requesting Commission approval to renew our existing maintenance agreement

## **RECOMMENDATION**

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

1. Approve the agreement to extend the existing contract for an additional twelve month period.
2. Authorize the City Manager to execute the agreement on behalf of the City.

## **BACKGROUND**

In August of 2009, the City of Lake Wales (COLW) entered into an agreement with the Polk County Board of County Commissioners for fleet maintenance services. Per the agreement, BoCC's Fleet Management Division provides maintenance services on all City-owned vehicles and equipment at the

City's fleet facility located on Crystal Avenue. The initial term of the agreement was for a twelve month period with the option to renew annually upon mutual agreement between the City and the BoCC. The agreement has been renewed each consecutive fiscal year since the initial agreement in 2009.

Under the terms of the agreement, Polk County Fleet Management (PCFM) provides:

- All labor, parts and outsourced services related to routine, breakdown and/or preventative maintenance. Repairs related to accidents and/or abuse are included but are not within PCFM's basic rate structure.
- Management of accident and/or abuse related repairs in coordination with COLW management personnel.
- Tire maintenance, replacement and/or repairs.
- Service and/or breakdown support, 24 hours/day 7 days/week.
- Repair and/or maintenance of allied tools, equipment and/or small engine machinery.
- Maintenance reporting through the current PCFM automated Fleet Management Information System (FMIS).
- Access to and service from all PCFM's network of garage facilities County wide.
- Repair and/or maintenance of COLW owned generators, when requested.
- Repairs to shop equipment owned by the COLW if the failed equipment was rendered inoperative due to PCFM.

The Polk County Fleet Management Division provides the City with a fixed-rate fee schedule for maintenance services prior to the beginning of each fiscal year. These fees are based on historical equipment repair costs incurred by Polk County Fleet Management throughout the previous year.

Prior to the agreement with Polk County Fleet Management, the City operated its own Fleet Maintenance Department. A five year summary of the City's total fleet maintenance costs are outlined below:

Fiscal Year Actual Budget	Salaries	M&R Vehicles	Operating Supplies	M&R Vehicles	Fleet Operating
		(Pre-County Contract 2004-2009)		Vehicles	Refurbishment

5-Year Average	126,744	153,571	33,928	3,808	49,778	367,829
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Fiscal Year Actual (Post- County Contract 2016-2021)

Fiscal Year Actual	Salaries	M&R Fleet	Operating Supplies	Vehicles	M&R Vehicles
Fleet Operating Budget	Total				Refurbishment

(Post- County Contract 16-21)	Contract	/M&R Fleet	Non-Contract (budget)	Refurbishment
Budget				

2016/2017	N/A	318,029	22,300	0
17,083	357,412			

2017/2018 21,583 338,889	N/A	295,006	22,300	0
2018/2019 23,813 346,127	N/A	300,014	22,300	0
2019/2020 25,827 289,768	N/A	249,641	22,300	0
2020/2021 20,970 259,961	N/A	218,519	22,300	0
5-Year Average	N/A	276,242	22,300	0 21,855 318,431

### OTHER OPTIONS

The City Commission may choose not to enter into this agreement and 1) direct staff to develop a request for proposal for fleet maintenance services or 2) direct staff to assume the responsibility of our own fleet maintenance services.

### FISCAL IMPACT

The annual maintenance fee for FY 21/22 is \$293,031. This fee is an increase of \$74,511 from FY 20/21.

[End Agenda Memo]

#### 11.IV. Alternative Water Supply Development Project (AWS)

[Begin Agenda Memo]

**SYNOPSIS:** Hoyle Tanner & Associates, Inc. will be preparing an initial feasibility analysis and development plan for the development of an alternative water supply exploring the Lower Floridan Aquifer.

### RECOMMENDATION

It is recommended that the Commission take the following action:

1. Approve Engineering services with Hoyle Tanner & Associates, Inc. for \$102,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

### BACKGROUND

The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water Company.

The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration and chlorination at several water treatment facilities. Given future expected development and system expansion, the need for additional supply is anticipated. The Commission at its April 20, 2021 City Commission meeting approved for Hoyle Tanner & Associates Inc. to perform a preliminary analysis to determine different alternatives for additional water supply for recommendation. After the review of the AWS study and Staff recommendation, Commission approval was given to go forward with the creation of a more comprehensive AWS development project.

Staff recommends the Commission take the following action, approve entering into a contract with

Hoyle Tanner to prepare an initial feasibility analysis and development plan for the development of an alternative water supply exploring the Lower Floridan Aquifer for \$102,000.00, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **OTHER OPTIONS**

The Commission could choose not to approve the contract listed above, and enter into a contract with the Polk Regional Water Cooperative to supply the additional water needed for growth and development.

#### **FISCAL IMPACT**

The 2020-21 Utilities M & R budget line item for contract services associated with the cooperative water associated with the cooperative water project will be used.

[End Agenda Memo]

#### 11.V. Modification Of The Official Traffic Map

[Begin Agenda Memo]

**Synopsis:** Staff recommends a modification to the Official Traffic Map designating a 25 MPH speed limit and the installation of updated signage on the below listed city streets.

#### **RECOMMENDATIONS:**

- Approve the speed limit reduction from 30 Mph to 25 Mph on the following streets to match that of Washington Ave. and other streets in this neighborhood.
  - Modify the Official Traffic Map to reflect the changes and install the appropriate signage.
1. Seaboard Ave.
  2. Dorsett Ave.
  3. A Street
  4. B Street
  5. C Street
  6. D Street
  7. E Street
  8. F Street
  9. G Street.
  10. Alabama Street
  11. Lincoln Ave.

## BACKGROUND

There current posted speed limit on Washington Ave. and other surrounding streets is 25 Mph. The above listed roadways are within the same residential neighborhood; however, the posted speed limit on these roadways is 30 Mph. Staff recommends the City Commission reduce the speed limit on the listed roadways to 25 Mph. The volume of pedestrian and vehicular traffic on these roadways increases significantly in the mornings and afternoons, especially during the school year. This increase causes a traffic safety concern as children are walking to and from Janie Howard Wilson Elementary School, Spook Hill Elementary School and Roosevelt Academy.

The location outlined in this recommendation is within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that "Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads. The City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

## OTHER OPTIONS

The Commission may choose not to make the requested changes to the Official Traffic Map

## FISCAL IMPACT

The Fiscal Impact will consist of signage costs and installation by the Streets Department. The total cost will be \$6360.00. The Streets Department budget these monies annually for signage improvements.

[End Agenda Memo]

### 11.VI. Bok Academy North – Seminole Avenue Temporary Road Closure / School Zone / School Crosswalk

[Begin Agenda Memo]

**Synopsis:** The City Commission will consider a request to allow the staff of Bok Academy North to restrict thru traffic on Seminole Avenue between 3rd and 4th Street on school days, and City Streets Department to add a School Zone and School Crosswalk to Seminole Avenue.

## RECOMMENDATION

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

1. Approve the temporary restriction of traffic flow on Seminole Avenue between 3rd and 4th Street during the prescribed times to "Local Traffic Only." School staff will use signage and three cones at each end of Seminole Avenue to accomplish this.
  - School hours are 9:00am – 3:50pm (Early release days end at 1:30pm).
  - Road restriction times should be 8:30 am – 4:20 pm (2:00pm on early release days).
  - School staff will place and remove the cones daily.
2. Approve the addition of a School Zone of 15 MPH to Seminole Avenue East and West of 3rd Street for 30 minutes before school begins and for 30 minutes after school ends.
3. Approve the addition of a School Crosswalk to Seminole Avenue on the east side of 3rd Street.

4. Modify the Traffic Map to reflect the above addition.

#### **BACKGROUND**

Bok Academy North is located on both sides of Seminole Avenue between 3rd and 4th Street in Lake Wales. Students must cross Seminole Avenue throughout the day in order to access different parts of the campus during school. Depending on the time of day and circumstances, these students cross Seminole Avenue individually and in groups, presenting a traffic safety concern. The school administration has contacted five residents and one apartment owner that this closure would affect. The police department has also spoken with residents and property owners affected by this recommendation. There is a consensus from the residents and property owners that restricting traffic on Seminole Avenue between 3rd and 4th Street would be acceptable during school hours on school days. These stakeholders, along with their visitors and service providers to the area would not be restricted throughout the day. This temporary road restriction does not affect emergency vehicles and leaves ample room for them to travel or park if necessary. Bok Academy North has agreed to place cones out each day to facilitate this restriction during school hours.

The intersection of Seminole Avenue and 3rd Street is used before and after school as students arrive and depart to include walkers and bus riders. A School Crosswalk is needed inside of a 15 MPH School Zone on Seminole Avenue at 3rd Street.

#### **OTHER OPTIONS**

Do not approve the temporary road restriction.

Do not approve 15 MPH School Zone and School Crosswalk.

#### **FISCAL IMPACT**

There will be no fiscal impact on the City of Lake Wales for recommendation number 1 and 4. The fiscal impact on the City of Lake Wales for recommendation number 2 and 3 will be \$1,156.00.

[End Agenda Memo]

#### 11.VII. Water Use Permit Review And Preliminary Water Supply And Permitting Strategy

[Begin Agenda Memo]

#### **SYNOPSIS:**

Hoyle Tanner & Associates, Inc. will provide a water system engineering analysis to supplement the hydrological analysis for the water use permit review and strategy development.

**RECOMMENDATION** It is recommended that the Commission take the following action:

1. Approve Engineering services with Hoyle Tanner & Associates, Inc. for \$44,500.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water Company. The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration

and chlorination at several water treatment facilities. The City's ability to withdraw groundwater from the current source, the Upper Floridan Aquifer, is limited by the City's Water Use Permit (WUP). Besides the withdrawal limits, the WUP contains 24 special conditions requiring, among other things, a regulatory permit review in early 2022 that could result in changes to the limits and other aspects of the WUP. To prepare for this upcoming review, Task Order #2 provides a review of these special conditions and the City's compliance as well as the development of a preliminary water supply and permitting strategy for the upcoming review and required reports.

Staff recommends the Commission take the following action, approve entering into a contract with Hoyle Tanner to provide a water system engineering analysis to supplement the hydrological analysis for the water use permit review and strategy development for \$44,500.00, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **OTHER OPTIONS**

None. The 2022 WUP Review is a requirement placed in the permit by the Southwest Florida Water Management District. The 2022 review represents the mid-way point for the current 20-yr operating permit.

**FISCAL IMPACT** The 2020-21 Utilities M & R budget line item for permitting.

[End Agenda Memo]

#### 11.VIII. Transfer Of Property Ownership From The City Of Lake Wales To The Lake Wales Community Redevelopment Agency

[Begin Agenda Memo]

**SUBJECT:** Transfer of property ownership from the City of Lake Wales to the Lake Wales Community Redevelopment Agency

**SYNOPSIS:** Staff requests that City Commission transfer ownership of a parcel located at the southeast corner of Lincoln Avenue and B Street (identified by parcel number 272935-879000-001222) from the City to the CRA to facilitate redevelopment on Lincoln Avenue.

**RECOMMENDATION** Transfer of parcel number 272935-879000-001222 from the City of Lake Wales to the Lake Wales Community Redevelopment Agency.

#### **BACKGROUND**

Action Item #30 of the Lake Wales Connected Plan states "Work With Investors To Develop A Multi-Tenant Building On Lincoln Avenue". To accomplish this action item, staff published a Request for Proposals (RFP 21-489) for the redevelopment of public property located at the southeast corner of Lincoln Avenue and B Street. Two responses were received, with the Ranking Committee recommending that the CRA Board accept the bid from the Florida Development Corporation (FDC).

FDC proposes to construct a 6,000 square foot, two-story, mixed-use building, to contain 6 residential units and 1,400 square feet of commercial space. The CRA Board will consider this request at their August 10, 2021 meeting. If accepted by the CRA, it will then be necessary to transfer ownership of a parcel from the City of Lake Wales to the Lake Wales CRA. The property proposed for transfer is identified by parcel number 272935-879000- 001222. According to the property appraiser records, it was acquired by the City in March 1998 for \$9,500. The property comprises 5,663 square feet, and is currently used as a municipal parking lot with nine spaces.

Because of the opportunity to promote redevelopment along Lincoln Avenue, as envisioned in the Lake Wales Connected Plan, it is important that the property transfer occur to facilitate the construction of a

new, mixed-use building.

**FISCAL IMPACT** If approved, the CRA can then proceed with the sale of the west ½ of this parcel and the west ½ of the parcel directly south of the site to FDC for \$15,000. More importantly, redevelopment of the site for a mixed-use building will provide for additional ad valorem tax revenues to the CRA.

[End Agenda Memo]

## 12. NEW BUSINESS

- 12.I. Ordinance 2021-18 Corrects A Scrivener's Error In The Legal Description Provided In Ordinance 2021-02 Petition To Establish The Leoma's Landing Community Development District (CDD) 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-02 was adopted for the establishment of the Leoma's Landing Community Development District (hereinafter referred to as the "CDD"), as petitioned by Leoma's Landing, LLC. Ordinance 2021-18 corrects a scrivener's error in the original legal description provided.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption at second reading of Ordinance 2021-18 following a public hearing.

### **BACKGROUND**

Leoma's Landing is a 94.11-acre unimproved site on the north side of Chalet Suzanne Road, abutting the Dinner Lake subdivision to the east. The property has development approval from the City for a 336-unit single-family Planned Development Project (PDP), as well as a Site Development permit for Phase I.

City Commission approved the establishment of the CCD at regular meeting on January 19, 2021.

The purpose of this ordinance is to correct an error in the legal description provided for the CDD boundary.

**OTHER OPTIONS** Decline request to correct legal description.

**FISCAL IMPACT** Once the roads, water, and wastewater improvements are constructed at the developer's expense, these facilities will be subsequently dedicated to the City for operation and maintenance and will create a long-term fiscal impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-18** by title only.

### **ORDINANCE NO. 2021-18**

**AN ORDINANCE BY THE CITY OF LAKE WALES, FLORIDA, AMENDING ORDINANCE NO. 2021-02 CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF THE BOUNDARIES OF THE LEOMAS LANDING COMMUNITY DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.**

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2021-18** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by Roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

12.II. Ordinance 2021-19 Annexation –1st Reading And Public Hearing 20.07 Acres Of Land East Of Tangelo Street

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-19 proposes the voluntary annexation of approximately 20.07 acres of land located east of Tangelo Street, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption at second reading following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND** MOW Groves LLC and Changcocco Family Trust, owners of two separate parcels, petitioned annexation into the corporate city limits of Lake Wales on July 20, 2021. "Attachment A" to the ordinance shows the properties' locations. It is contiguous to the City Limits along the northern property boundary of MOW Groves LLC.

**OTHER OPTIONS** Decline to annex the property.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-19** by title only.

**ORDINANCE 2021-19**

**(Annexation – 20.07 acres of land east of Tangelo Street) Parcel ID: 283007-000000-012030 & 283007-000000-012020**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 20.07 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

## CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2021-19** after 1st Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

### 12.III. Ordinance 2021-20 Proposed Amendments To Zoning Regulations 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Staff proposes amendments to areas of the Land Development Regulations (LDRs), Chapter 23, Lake Wales Code of Ordinances. These amendments are necessary to streamline signage regulations in the Downtown Historic District, and create regulations to address solar power generation facilities.

#### **RECOMMENDATION**

At a regular meeting on July 27, 2021, the Planning and Zoning Board made a recommendation of approval to City Commission of the proposed changes to the Land Development Regulations.

#### **BACKGROUND**

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

Amendments are proposed to the following sections:

- a. Sec. 23-227 – Certificate of Appropriateness
- b. Chapter 23:
  - a. Article III, Division 2 – New Section titled “Solar Power Generation Facility”
  - b. Table 23-421 Permitted Uses & Special Exception Uses
- c. Article VIII, Definitions – New Definition “Solar Power Generation Facility”

Certificate of Appropriateness for Vinyl Signage – The Historic District Regulatory Board reviews Certificate of Appropriateness applications for exterior improvements to buildings in the Historic Downtown District. In many cases, the signage proposed is insignificant and non-structural in nature;

therefore, staff discussed an option with the Historic Board that would empower Staff to review and approve certain signs administratively. Below is the language recommended by the Historic District Regulatory Board:

Sec. 23-227.3.a.5.

5. An application for a Certificate of Appropriateness for vinyl, painted, etched, or other types of non-structural signs may be reviewed and approved by the Administrative Official. The Administrative Official's decision shall be based on an assessment of compliance according to section 23-545 and section 23-653. In any case, the Administrative Official has the right to determine that formal review and approval by the Historic Board is necessary.

Solar Power Generation Facilities – Staff has approached by potential applicants wishing to construct solar power generation facilities within the City. Also known as solar farms, these are typically located on large tracts, and are usually owned/operated by electric utilities.

However, the City currently does not have any regulations in place to address the location, siting, or any use-specific development standards. The proposed changes to Chapter 23 will provide criteria for locating these types of facilities. Key components of these regulations include the following:

- o Only allowed in the R-1A Zoning District
- o Special Exception (Planning Board Approval) required
- o Delineation of permitted and ancillary activities within this use category
- o Design Standards, to include development standards such as placement, setbacks, height, fencing/buffering, glare reduction, access, and similar criteria
- o Addition of the proposed use on Table 23-421 Permitted and Special Exception Uses
- o Inclusion of a Definition of Solar Power Generation Facility

The intent of these provisions is to allow for this type of use while any potential impacts, plus allow for public comment thru the Special Exception process (which requires a public hearing).

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

Section 23-227. Certificate of appropriateness.

#### **FISCAL IMPACT**

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-20** by title only

#### **ORDINANCE 2021-20**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-227 CERTIFICATE OF APPROPRIATENESS AND TABLE 23-421 PERMITTED USES AND ADDING SECTION 23-358 SOLAR POWER GENERATION FACILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

## OPENED PUBLIC HEARING

Shelton Rice, Attorney with Peterson & Myers in Lakeland, said he is here on behalf of Tampa Electric Company. He commended staff for working with them on this to allow solar power generation facilities. He reviewed this request and supported approval.

## CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this project is all good.

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2021-20** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by Roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 12.IV. "Robin's Run" - Preliminary Subdivision Plat Approval / Special Exception Use Permit - PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmidt PE, agent for Hunt Brothers Inc and Southwest Holdings USA Inc, owners, is requesting the approval of City Commission, of a 156-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on 40 acres of land at the southwest corner of Sunset Drive and Buck Moore Road.

### **RECOMMENDATION**

At a regular meeting on July 27, 2021, the Planning and Zoning Board made a recommendation of approval to City Commission of a 156-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval.

### **BACKGROUND**

General:

The 40-acre vacant grove land is located at the southwest corner of Sunset Drive and Buck Moore Road, across Buck Moore from the Sunset Pointe Subdivision.

The northern-most 20 acres were annexed into the City by petition from the property owner in May of 2021. The Planning and Zoning Board recommended the R-1A Zoning and Low-Density Residential Future Land Use designations at a regular meeting in June of 2021.

The proposed single-family subdivision is designed as a Planned Development Project, including requested Waivers of Strict Compliance and elevated design standards.

Maximum density allowed on the site is calculated at 5 units per gross acre, or 200 homes, under the Comprehensive Plan for LDR Low-Density Residential; a density of 3.9 dwelling units per acre is proposed.

Typical lot sizes range from 4,600 square feet to 6,900 square feet, with lot widths ranging from 40-foot-wide to 60-foot-wide.

#### Roadways & Access:

One entrance to the site is shown from Buck Moore Road. An access permit must be obtained from Polk County, as it is a County Road.

A stub-out for future connectivity is shown near the southwest corner of the project, where 25 feet of right-of-way will be dedicated along the western boundary of the property.

Buck Moore Road is classified as an Urban Collector per the Polk Transportation Planning Organization 2020 Roadway Network Database. Currently, this roadway has an estimated Annual Average Daily Traffic of 9,200 trips, with 406 peak hour trips northbound and 422 southbound. The level of service standard of this roadway is LOS "C" with a maximum of 792 peak hour trips, and currently operates at LOS "B".

Transportation data for Sunset Drive, a County Road, is not available.

A 5-foot-wide sidewalk will be constructed along the perimeter of the development along both Buck Moore Road and Sunset Drive, as well as on both side of the streets interior to the development.

Staff recommends that the sidewalk proposed along the northern boundary, be relocated to the north side of Sunset Drive, so to create connectivity to the existing sidewalk network and cure sidewalk gaps.

#### Landscaping and Buffering:

A landscape plan is provided showing perimeter buffer trees, and interior street trees. A variety of plantings is proposed, including Live Oak, Winged Elm, American Elm, Holly, Cabbage Palms, Red Maple, Cedar, and Magnolia.

A 6-foot-high subdivision wall with plantings is proposed along the perimeter of the development.

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: a minimum of two, two-inch caliper shade trees, minimum of eight feet at planting.

#### Recreation:

The project is designed with nearly 4 acres of recreation tracts, including a centralized neighborhood park, and three large mini-parks throughout the development. Staff recommends that the mini-parks rear to private lots be distinguished from the abutting private yards.

More than 16% of the site will remain as open space.

#### Waivers of Strict Compliance:

The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the R-1A zoning district:

- 1.) Minimum lot width at building line: 40 feet wide is requested where 85 feet wide is required by code.
- 2.) Front building setback: 20 feet is requested where 30 feet is required by code. 3.) Side building setback: 5 feet is requested where 10 feet is required by code.
- 4.) Increase in the allowable lot coverage not to exceed 50% where 40% is required by code.

Proposed Superior Design Standards:

In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant proposes the following elevated design elements in order to demonstrate a superior product:

1. The installation of sidewalks on both sides on interior streets (only one side is required by code).
2. Increased recreation area.
3. Street trees.

Staff Comments and Findings:

1. The Plan meets the Residential PDP standards found in Section 23-442.
2. The use is compatible with the intentions of Policy 2.11: Low Density Residential of the City's Comprehensive Plan.
3. This site is located within the City's utility service area and will connect to municipal water and sewer.
4. The proposed plan demonstrates design elements that are superior to the requirements of a standard subdivision.
5. Staff recommends the following conditions of approval:
  - a. Fences must be setback a minimum of 15 feet behind the front building expression line.
  - b. Development will adhere to the City's monotony standards.
  - c. A separate tract at the northeast corner of the site shall be provided and reserved as right-of-way for future intersection improvements.
  - d. The required perimeter sidewalk along the northern boundary of the project abutting Sunset Drive shall be installed instead on the north side of Sunset Drive in order to cure sidewalk gaps.
  - e. Site Plan or Landscape Plan shall illustrate how the mini-parks will be distinguished from private rear yards.
  - f. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution.

Street lighting design/type to be approved by the City, and maintained by the HOA.

- g. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.

h. A required minimum front setback for garages at 25 feet.

i. Garages will be a minimum of 400 square feet.

#### **OTHER OPTIONS**

Decline to recommend approval of the preliminary subdivision plat and PDP.

#### **FISCAL IMPACT**

Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in over 31 million in taxable value, and generate \$212,078 in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve the Preliminary Subdivision Plat and Special Exception Use Permit for Robin's Run after a Public Hearing. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.V. Robin's Walk - Preliminary Subdivision Plat Approval / Special Exception Use Permit PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmidt PE, agent for Hunt Brothers Inc, owner, is requesting a recommendation of approval to City Commission, of a 33-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on 10 acres of land on Grant Road, in the R-1A zoning district.

#### **RECOMMENDATION**

At a regular meeting on July 27, 2021, the Planning and Zoning Board made a

recommendation of approval to City Commission of a 33-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval.

## **BACKGROUND**

### General:

The 10-acre vacant grove land is located on the north side of Grant Road, and just east and southeast of Sunset Pointe Subdivision. The eastern boundary abuts two single-family lots located in unincorporated Polk County.

The proposed single-family subdivision is designed as a Planned Development Project, including requested Waivers of Strict Compliance and elevated design standards.

Maximum density allowed on the site is calculated at 5 units per gross acre, or 50 homes, under the Comprehensive Plan for LDR Low-Density Residential; a density of 3.3 dwelling units per acre is proposed.

Typical lot sizes range from 4,950 square feet interior to the development, to 6,600 square feet along the perimeter.

### Roadways & Access:

Two entrances to the site are shown from Grant Road. An access permit must be obtained from Polk County, as it is a County Road.

A 5-foot-wide sidewalk will be constructed along the perimeter of the development along Grant Road, as well as on both side of the streets interior to the development.

### Landscaping and Buffering:

A landscape plan is provided showing perimeter buffer trees, and interior street trees. A variety of plantings is proposed, including Live Oak, Winged Elm, American Elm, and Yaupon Holly.

A subdivision wall is not proposed, and is not preferred under PDP standards for subdivision with less than 100 dwelling units.

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: a minimum of two, two-inch caliper shade trees, minimum of eight feet at planting.

### Recreation:

The project is designed with .50-acres in recreation, including a neighborhood park positioned north of lots 25 & 26, and a mini-park at the southwest corner of the site. More than 21% of the site will remain as open space.

### Waivers of Strict Compliance:

The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the R-1A zoning district:

- 1.) Minimum lot width at building line: 45 feet wide is requested where 85 feet wide is required by code.
- 2.) Front building setback: 20 feet is requested where 30 feet is required by code. 3.) Side building

setback: 5 feet is requested where 10 feet is required by code.

4.) Increase in the allowable lot coverage not to exceed 50% where 40% is required by code.

Proposed Superior Design Standards:

In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant proposes the following elevated design elements in order to demonstrate a superior product:

1. The installation of sidewalks on both sides on interior streets (only one side is required by code).
2. Increased open space and recreation area.
3. Street trees.

Staff Comments and Findings:

1. The Plan meets the Residential PDP standards found in Section 23-442.
2. The use is compatible with the intentions of Policy 2.11: Low Density Residential of the City's Comprehensive Plan.
3. This site is located within the City's utility service area and will connect to municipal water and sewer.
4. The proposed plan demonstrates design elements that are superior to the requirements of a standard subdivision.
5. Staff recommends the following conditions of approval:
  - a. Garages must be setback a minimum of 25 feet.
  - b. Fences must be setback a minimum of 15 feet behind the front building expression line.
  - c. Development will adhere to the City's monotony standards.
  - d. Planning and Zoning Board recommends that the City participates in the extension of the exterior sidewalk along Grant Road to Buck Moore Road, in order to provide safe pedestrian connectivity and to avoid sidewalk gaps.

#### **OTHER OPTIONS**

Decline to recommend approval of the preliminary subdivision plat and PDP.

#### **FISCAL IMPACT**

Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in over \$6 million in taxable value, and generate \$44,862 in ad valorem taxes.

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

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve the Preliminary Subdivision Plat and Special Exception Use Permit for Robin's Walk after a Public Hearing. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

12.VI. ORDINANCE 2021-21 Amending Chapter 16, Pensions And Retirement – City Of Lake Wales  
Municipal Firefighter's Pension Plan And Trust – First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-21 seeks to improve the efficiency and overall administration of the Firefighters' Pension Plan. Based on recommendations from its financial consultant, actuary and attorney.

**RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2021-21 as recommended by the Board of Trustees on First Reading.

**BACKGROUND**

Effective July 1, 2019, the Florida Legislature enacted legislation providing various benefits to qualifying full-time and retired firefighters. The new law amends F.S. 112 to provide additional disability and death benefits to eligible firefighters who have been disabled or died as a result of certain forms of cancer.

Specifically, the new law creates a presumption of service-connected disability, or pre-retirement death, for eligible firefighters who either perish or are found to be totally and permanently disabled from useful and efficient service as a firefighter, based on at least one of 21 enumerated forms of cancer or circumstances that arise out of the treatment of such cancer. The amendments to Section 16-167, Disability, Subsection (a), and Section 16-168, Pre-retirement death, of the Code of Ordinances will update the Retirement System's governing code to comply with the recent enactment of Ch. 2019-21, Laws of Florida.

Furthermore, the Financial Consultant is recommending an amendment to Section 16-164, Finances and Fund Management, expanding the Board of Trustees' investment authority to allow for investment in investment grade bonds as well as slightly increasing the maximum pension fund portfolio equity allocation.

Lastly, the amendments to Sec. 16-175 and 16-186, are meant to update the Ordinance to comply with recent changes to the Internal Revenue Code to reconcile with the pension plan's fiscal year and past practice correcting an apparent scrivener's error.

#### **FISCAL IMPACT**

According to the Actuary (Foster & Foster) there is no cost to the City to implement the proposed amendments.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-21** by title only.

#### **ORDINANCE 2021-21**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTIONS 16-164, 16-167, 16-168, 16-175, and 16-186, CHAPTER 16, ARTICLE III, FIREFIGHTERS' PENSION PLAN AND TRUST FUND, OF THE LAKES WALES CODE, TO PROVIDE FOR CLARIFICATION AND COMPLIANCE WITH ADMINISTRATIVELY RECOMMENDED PRACTICES AND THE SECURE ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Sandra Davis, Human Resources Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2021-21** after 1st Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 12.VII. ORDINANCE 2021-22 Amending Chapter 16, Pensions And Retirement – City Of Lake Wales Police Officers' Pension Plan And Trust – First Reading

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-22 seeks to improve the efficiency and overall administration of the Police Officers' Retirement System. Based on recommendations from its financial consultant, actuary and attorney.

## **RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2021-22 as recommended by the Board of Trustees on First Reading.

## **BACKGROUND**

The proposed amendment seeks to improve the efficiency and overall administration of the Police Officers' Retirement System.

Furthermore, the Financial Consultant is recommending an amendment to Section 16-234, Finances and Fund Management, expanding the Board of Trustees' investment authority to allow for investment in investment grade bonds as well as slightly increasing the maximum pension fund portfolio equity allocation.

Lastly, the amendments to Sec. 16-251 and 16-256, are meant to update the Ordinance to comply with recent changes to the Internal Revenue Code to reconcile with the pension plan's fiscal year and past practice correcting an apparent scrivener's error.

## **FISCAL IMPACT**

According to the Actuary (Foster & Foster) there is no cost to the City to implement the proposed amendments.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-22** by title only.

## **ORDINANCE 2021-22**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTIONS 16-234, 16-251, 16-256, CHAPTER 16, ARTICLE IV, MUNICIPAL POLICE OFFICERS' PENSION PLAN AND TRUST FUND, OF THE LAKES WALES CODE, TO PROVIDE FOR CLARIFICATION AND COMPLIANCE WITH ADMINISTRATIVELY RECOMMENDED PRACTICES; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING OR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Sandra Davis, Human Resources Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE 2021-22** after 1st Reading and a Public Hearing. Commissioner Howell seconded the motion.

by Roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 12.VIII. Resolution 2021-17 Stormwater Watershed Management Plan

[Begin Agenda Memo]

### **SYNOPSIS**

In order to receive State Revolving Loan Funds (SRF) for any given project, a resolution has to be adopted by the city stating its financial position and the authority to apply for these funds.

### **STAFF RECOMMENDATION**

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

1. Adopt Resolution 2021-17 Stormwater Watershed Management Plan.

### **BACKGROUND**

The main purposes of watershed management is to look at all the natural resources in a watershed, especially water, land and soil. Watershed management provides a framework for assessing the ways in which those resources are used, what affects them, and how they can best be used and protected. A watershed is simply the geographic area through which water flows across the land and drains into a common body of water, whether a stream, river, lake, or ocean. The watershed boundary will more or less follow the highest ridgeline around the stream channels and meet at the bottom or lowest point of the land where water flows out of the watershed, the mouth of the waterway. Much of the water comes from rainfall and stormwater runoff. The quality and quantity of stormwater is affected by all the alterations to the land. Upon completion of the plan, recommendations will be offered to address several different components. (i.e. road flooding and lake quality)

A request for inclusion was submitted, by staff to SRF, with all the accompanying documentation, so the City could be placed on the SRF funding list that was announced on June 2, 2021. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion and all other accompanying documentation. The resolution states, the Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan

program requirements; and to enter into a loan agreement. Staff is recommending the City Commission adopt Resolution 2021-17 Stormwater Watershed Management Plan.

### **OPTIONS**

None. Without the adoption of Resolution 2021-17 the City would not be eligible to apply or receive SRF funds for the creation of this study.

### **FISCAL IMPACT**

None at this time. Once a contract has been proposed it will be brought back before this Commission for approval.

[End Agenda Memo]

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

**RESOLUTION 2021-17**

**“A RESOLUTION OF CITY OF LAKE WALES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.”**

Mayor Fultz said he supports this. Now is the time to borrow money.

Deputy Mayor Gibson asked what the interest rate will be. James Slaton, City Manager, said we don't know yet this is just the application for the loan. Deputy Mayor Gibson said it will probably be real low. Mr. Slaton agreed.

Deputy Mayor Robin Gibson made a motion to approve **RESOLUTION 2021-17**. Commissioner Howell seconded the motion.

by Roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

12.IX. Appointments: Ridge League Of Cities And Transportation Planning Organization

Terrye Howell agreed to serve as the representative to the Ridge League of Cities.

Jack Hilligoss agreed to serve as the representative to the Transportation Planning Organization.

The Commission consented to these appointments.

13. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said he had no updates on current cases and he is not aware of anything pending.

14. CITY MANAGER

James Slaton, City Manager, reported that the third Thursday Market is this week. He reported that the

movies at the lake will resume in September.

14.I. Tracking Report

Mr. Slaton reported that the market plaza designs are close to being complete.

He said the CDBG affordable housing applications will be available September 16th.

14.II. Social Media Tracking Report

14.III. Commission Meeting Calendar

Mr. Slaton reported that the Commission has two weeks off. The next Work Session is September 1st.

15. CITY COMMISSION COMMENTS

Commissioner Hilligoss thanked city staff for bringing him up to date and expressed confidence in the leadership of our City.

Mayor Fultz thanked Commissioner Hilligoss for his willingness to serve.

Commissioner Howell asked if Fire Chief Jenkins is still monitoring Covid19 reports and what precautions may need to be taken. James Slaton, City Manager, said we are monitoring the situation but due to the Governor's actions there are very few precautions the City can take. Albert Galloway, Jr., City Attorney, reviewed a recently passed bill saying that the City is limited on declaring a state of emergency or implementing a mask mandate and similar measures. Commissioner Howell expressed concern about schools and city employees.

Deputy Mayor Gibson encouraged citizens to get vaccinated. He asked if we can require vaccinations. Mr. Galloway said it may be difficult to do. He said we should encourage vaccinations.

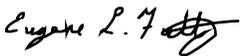
Deputy Mayor Gibson said he saw the progress on the affordable houses that are close to completion. They are looking nice. He said he is grateful to Keystone.

16. MAYOR COMMENTS

Mayor Fultz said at a recent conference several attendees tested positive for covid-19 and so he has to get tested as well as others who were there. He encouraged vaccinations.

17. ADJOURNMENT

The meeting was adjourned at 8:07 p.m.



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Mayor

ATTEST:

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City Clerk