

# City Commission Workshop

## Meeting minutes

September 14, 2022

(APPROVED)

9/14/2022 - Minutes

### 1. CALL TO ORDER & ROLL CALL

**Members Present:** Mayor Jack Hilligoss, Terrye Howell, Robin Gibson, Danny Krueger, Daniel Williams

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

Mayor Hilligoss called the meeting to order at approximately 2:00 p.m.

### 2. City Manager Comments

### 3. Ordinance 2022-31, Adoption Of FY2022-23 Millage Rate – 2nd Reading & Public Hearing

[Begin Agenda Memo]

#### **SYNOPSIS:**

The Commissioners will consider adopting a millage rate of 6.3626 mills for Fiscal Year 2022-23. The Commissioners will also consider adopting the proposed operating budget.

#### **RECOMMENDATION**

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

1. Approve Ordinance 2022-31, adopting a millage rate of 6.32626 mills for FY2022-2023;
2. Approve Ordinance 2022-32, adopting an operating budget for FY2022-2023.

#### **BACKGROUND**

In accordance with Florida Statutes and the City Charter, Ordinances 2022-31 and 2022-32 are presented for first reading and public hearing. Ordinance 2022-31 establishes the millage rate for FY22'23, and Ordinance 2022-32 adopts the proposed FY22'23 budget. These ordinances must have separate public hearings and must be voted upon individually.

The proposed FY22'23 budget document includes the revenue and expenditure details for the General Fund, CRA Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund, Airport Fund and Stormwater.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter, which

requires that the budget provide a complete financial plan of municipal funds and activities. Estimated current year ending fund balances have been considered and are included in the budget.

## **PROPERTY TAX**

On July 19, 2022, the City Commission adopted an Interim Millage Rate of 6.3626, which was rolled-back rate.

## **BUDGETARY CHANGES IN GENERAL FUND “REVENUE SOURCES & TRANSFERS IN” FOR FY22’23 COMPARED TO FY21’22:**

General Fund revenues in FY22’23 (\$16,575,126 + 1,660,522 transfers – 53,522 library transfer – 1,568,000 financing/leases = 16,634,126) are projected to be \$1,462,502 more than budgeted in FY22’21 (\$13,971,624 + 1,534,000 – 334,000 financing/leases = 15,171,624). **An expected increase of \$1,462,502 is mainly due to the following items:**

- Increase in ad valorem tax of \$486,983 • Decrease in sales and use taxes of \$40,000 due to decrease in utilities and communication service taxes.
- Increases in licenses and permits of \$450,000 due to \$190,000 in building permits, \$100,000 in electric franchise fees, \$ 160,000 in site development permit.
- Increase in intergovernmental revenues of \$350,136 mainly due to \$ 112,000 state sharing revenue and 152,000 \$85,000 in grants increases.
- Increase in charges for services of \$150,458 mainly due to management fees and garbage fees.
- Decrease in miscellaneous revenue of \$28,075 mainly due to Ridge League of Dinner hosted in prior year and reduction in reimbursement for special events in-kind.
- Increase in transfers of \$93,000.

## **BUDGETARY CHANGES IN GENERAL FUND “OPERATING EXPENDITURES” FOR FY22’23 COMPARED TO FY21’22:**

General Fund “operating” expenditures (excluding capital items) in FY22’23 are projected to be \$17,455,056, which is \$1,492,835 more than budgeted in FY21’22 \$15,962,221.

**An expected increase of \$1,492,835 is mainly due to the following functions:**

- Increase in general government services of \$303,221
- Increase in public safety of \$1,218,635
- Increase in physical environment of \$74,896
- Increase in transportation of \$10,907
- Decrease in economic environment of \$5,000
- Decrease in human services of \$1,000
- Increase in culture and recreation of \$39,188
- Decrease in transfers of \$148,009

## **GOVERNMENTAL FUND BALANCE**

As of September 30, 2021, the City's governmental funds reported combined ending fund balances of \$10,658,942 (page 13 of the CAFR). An increase of \$1,389,875 for the year. Approximately 37% (\$3,962,637) of total funds balance is available for spending at the government's discretion (unassigned) At the end of September 30, 2021, unassigned fund balance of the General Fund was \$3,962,637, while total fund balance reached \$5,440,908. In 2011, the City established a reserve policy for the General Fund equal to 15% - 20% of total operating costs.

As of September 30, 2021, the general fund's unassigned fund balance represented 28% of total general fund expenditures, while total fund balance represents 39% of the same amount.

## **SUMMARY OF ALL FUNDS**

General Fund 22,001,948

CRA Fund 23,515,439

Special Revenue Funds 3,307,695

Debt Service Fund 3,127,344

Capital Projects Fund 9,357,103

Cemetery (LWMG) 653,950

Utility System Fund 25,472,122

Airport Fund 1,566,025

Stormwater Fund 925,000

TOTAL 89,926,626

The expenditure total of \$69,887,062 is comprised of operating costs in the amount of \$34,896,860 and capital outlay in the amount of \$34,990,202. Transfers for \$3,418,206 bring total expenditures plus transfers to \$73,305,268.

Note: Capital expenditures proposed for FY22'23 are itemized in "Schedule C" within the budget document.

## **CONCLUSION**

The local economy, as well as the global economy, struggled in 2020 through 2022 due to the Covid-19 pandemic and rising economic inflation issues. The public's desire to return to a more normal life, has led the economy to struggle for a more stable status. City staff will continue throughout next year to watch for changes in the economy.

The City Manager, in the August 10, 2022 budget workshop, highlighted the following items, which are included within FY 2022'23 Budget:

### **Growth Management:**

- Completion of the Utility Service Area Land Use Designation Project – The Purpose of this project is to establish a planning document to identify a preferred land use pattern for properties that are currently in

unincorporated Polk County, and in the City's Utility Service Area.

- Corridor Study for 11th Street – Comprehensive transportation review of 11th street in an effort to proactively plan for potential future development.
- Planning Technician– Included in the FY'23 budget request is the proactive addition of a planning technician position to assist with projected increased demands on the development services department related to growth.
- Building Inspector - Included in the FY'23 budget request is the addition of one additional building inspector position to address the expected increase in residential permit activity.
- Office Assistant (Building Department) - Included in the FY'23 budget request is the addition of an office assistant to manage the administrative requirements related to permitting within the building department.
- Code Enforcement - Included in the FY'23 budget request is the restoration of the second Code Compliance Officer position to maintain the community's appearance standards. This position was eliminated in 2020 due to fiscal concerns related to the Covid-19 pandemic.
- General Capital and Significant Projects:
  - \$500,000 is allocated in the FY'23 budget request to resurface city streets. This is the adequate funding level needed to implement the city's pavement preservation plan on schedule and will provide for the resurfacing of approximately 7 to 9 miles of city streets
  - Upgrade and replacement of both the Jet A and 100L fuel systems at the airport. This enhancement will replace antiquated equipment and allow for larger aircraft to fuel at the Lake Wales Municipal Airport.
  - Rehabilitation of the YMCA swimming pool to meet Health Department requirements.
  - Completion of an updated airport master plan to facilitate the growth and development of the airport over the next several years.
  - Completion of the Recreation Master plan and its initial design phase. Redevelopment:
    - The City and CRA will continue implementation of the award-winning Lake Wales Connected plan in FY'23. Activities include affordable housing construction, housing rehabilitation, development incentives, and capital construction.
    - Funding is included to support the BzLinc incubator on Lincoln Avenue.
    - A Northwest Neighborhood rezoning study will be performed in the upcoming fiscal year to establish design guidelines for Lincoln Avenue and to consider additional housing options in the neighborhood.
  - Park Avenue & Market Plaza Streetscape Construction – Funds allocated for the construction of the first transformative streetscape to take place in the historic core. Park Avenue will be converted into a two-way curbsless street designed for people. Hanging-flower baskets, enlarged sidewalks, enhanced lighting, gathering spaces and street trees will all be featured in the rebuilt Park Avenue & Market Plaza.
  - Northwest Neighborhood Sidewalk & Street Tree Improvement Plan – Allocation of funding for continued design work and the start of construction on new sidewalks in the Northwest Neighborhood as outlined in the Lake Wales Connected plan. All improved streets/sidewalks will feature unique street trees.
  - Finalization of the 1st Street Streetscape Design and Potential Construction – 1st Street will be narrowed to improve vehicle safety, while additional space will be available for cyclists and pedestrians, as well as residents and visitors shopping in the downtown district.
  - Lincoln Avenue Streetscape – Allocation of funds to begin design work on an enhanced Lincoln Avenue

Streetscape. Focus being driven upon “City in a Garden” landscaping, enhanced pedestrian friendly sidewalks, and open spaces. The new enhancements to the district are intended to revitalize the core of the Northwest Neighborhood by attracting new businesses, retail and restaurants.

- Orange Avenue & Crystal Avenue Streetscapes – Allocation of construction dollars for implementation of the Orange Avenue & Crystal Avenue Streetscapes via Rep. Soto grant funding. Both streetscapes will narrow the space allocated for travel lanes to allow for on street parking and street trees.

- LW Connector Trail Design – Design dollars for the Crystal Lake Park North Trail segment. This segment will tie into the Park Avenue Connector Trail and create a full recreational trail loop around Crystal Lake.

- Bok Tower Connector Trail Design – Design dollars for a connector trail starting at Lake Wailes Park, tying into the Rails-to-Trails trail and up to the main gates of Bok Tower Gardens. Residents and visitors will have a safe trail route from Bok Tower all the way to Historic Downtown Lake Wales.

- Public Art – Continuation of murals around town and funds for the start of the Downtown Linear Park Sculpture exhibit. Employees:

- A 4% Cost of Living Adjustment to mitigate the effects of current inflation levels has been provided for in the FY’23 proposed budget. Public Safety:

- The City will be purchasing a new fire engine to replace a primary response engine that has reached the end of its life cycle.

- In accordance with recommendations from the Center for Public Safety Management, included in the FY’23 budget request is the addition of five equipped law enforcement officers and one property and evidence technician. Utilities: Significant utility projects proposed for the FY’23 budget include:

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

- The completion of the City’s Stormwater Master Plan. The creation of the Stormwater Master Plan will mitigate the issues created by water runoff and will positively affect lake water quality. This will be a guide to be used to establish a systematic maintenance and replacement program for the stormwater infrastructure

- Water Main Replacement Phase 2 - Identify and remove old a/c and galvanized pipe in the water distribution system. Areas to be affected are Scenic Highway North of Lincoln Avenue. Hillside Ave, Wildabon Ave, Osceola Ave, and Lakeshore Blvd N and surrounding streets.

- Northwest Watermain Extension - Extend a 12” watermain from the corner of 1st Street and Sessoms Ave, North to JA Wiltshire continuing on to Washington Avenue ending at E Street to tie into the 10” main installed during the pipe bursting project. SRF Funding \$2,258,072.00.

- Reuse Main Extension-Extension of the reuse transmission mains to newly developed areas. Grant Funding Proposed-\$1,000,000.00.

- Sewer Improvements (Septic to Sewer w/ Forcemain Extension) - Connecting current residents inside the city limits, but on septic tanks. Additionally installing forcemains to facilitate the connection and expansion of services.

- Alternative Water Supply Project - Proposed in the FY’23 budget request is the continued independent development of a Lower Floridian Aquifer water supply source.

- Stormwater Restoration-Proposed in the FY’23 budget is e repair of several outfalls and piping along Sunset Dr, Lakeshore South of Polk Avenue, Lakeshore Blvd South at Bullard, and North Wales Dr, North of Sessoms Avenue.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

4. ORDINANCE 2022-32, Adoption Of FY2022-23 Budget – 2nd Reading & Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:**

The Commissioners will consider adopting a millage rate of 6.3626 mills for Fiscal Year 2022-23. The Commissioners will also consider adopting the proposed operating budget.

**RECOMMENDATION**

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

1. Approve Ordinance 2022-31, adopting a millage rate of 6.32626 mills for FY2022-2023;
2. Approve Ordinance 2022-32, adopting an operating budget for FY2022-2023.

**BACKGROUND**

In accordance with Florida Statutes and the City Charter, Ordinances 2022-31 and 2022-32 are presented for first reading and public hearing. Ordinance 2022-31 establishes the millage rate for FY22'23, and Ordinance 2022-32 adopts the proposed FY22'23 budget. These ordinances must have separate public hearings and must be voted upon individually.

The proposed FY22'23 budget document includes the revenue and expenditure details for the General Fund, CRA Fund, Special Revenue Funds, Debt Service Fund, Capital Projects Fund, Utility System Fund, Airport Fund and Stormwater.

This budget has been prepared in accordance with Article VI, Section 6.04 of the City Charter, which requires that the budget provide a complete financial plan of municipal funds and activities. Estimated current year ending fund balances have been considered and are included in the budget.

**PROPERTY TAX**

On July 19, 2022, the City Commission adopted an Interim Millage Rate of 6.3626, which was rolled-back rate.

**BUDGETARY CHANGES IN GENERAL FUND “REVENUE SOURCES & TRANSFERS IN” FOR FY22’23 COMPARED TO FY21’22:**

General Fund revenues in FY22'23 (\$16,575,126 + 1,660,522 transfers – 53,522 library transfer – 1,568,000 financing/leases = 16,634,126) are projected to be \$1,462,502 more than budgeted in FY22'21 (\$13,971,624 + 1,534,000 – 334,000 financing/leases = 15,171,624). **An expected increase of \$1,462,502 is mainly due to the following items:**

- Increase in ad valorem tax of \$486,983 • Decrease in sales and use taxes of \$40,000 due to decrease in utilities and communication service taxes.
- Increases in licenses and permits of \$450,000 due to \$190,000 in building permits, \$100,000 in electric franchise fees, \$ 160,000 in site development permit.

- Increase in intergovernmental revenues of \$350,136 mainly due to \$ 112,000 state sharing revenue and 152,000 \$85,000 in grants increases.
- Increase in charges for services of \$150,458 mainly due to management fees and garbage fees.
- Decrease in miscellaneous revenue of \$28,075 mainly due to Ridge League of Dinner hosted in prior year and reduction in reimbursement for special events in-kind.
- Increase in transfers of \$93,000.

**BUDGETARY CHANGES IN GENERAL FUND “OPERATING EXPENDITURES” FOR FY22’23 COMPARED TO FY21’22:**

General Fund “operating” expenditures (excluding capital items) in FY22’23 are projected to be \$17,455,056, which is \$1,492,835 more than budgeted in FY21’22 \$15,962,221.

**An expected increase of \$1,492,835 is mainly due to the following functions:**

- Increase in general government services of \$303,221
- Increase in public safety of \$1,218,635
- Increase in physical environment of \$74,896
- Increase in transportation of \$10,907
- Decrease in economic environment of \$5,000
- Decrease in human services of \$1,000
- Increase in culture and recreation of \$39,188
- Decrease in transfers of \$148,009

**GOVERNMENTAL FUND BALANCE**

As of September 30, 2021, the City’s governmental funds reported combined ending fund balances of \$10,658,942 (page 13 of the CAFR). An increase of \$1,389,875 for the year. Approximately 37% (\$3,962,637) of total funds balance is available for spending at the government’s discretion (unassigned) At the end of September 30, 2021, unassigned fund balance of the General Fund was \$3,962,637, while total fund balance reached \$5,440,908. In 2011, the City established a reserve policy for the General Fund equal to 15% - 20% of total operating costs.

As of September 30, 2021, the general fund’s unassigned fund balance represented 28% of total general fund expenditures, while total fund balance represents 39% of the same amount.

**SUMMARY OF ALL FUNDS**

General Fund 22,001,948

CRA Fund 23,515,439

Special Revenue Funds 3,307,695

Debt Service Fund 3,127,344

Capital Projects Fund 9,357,103

Cemetery (LWMG) 653,950

Utility System Fund 25,472,122

Airport Fund 1,566,025

Stormwater Fund 925,000

TOTAL 89,926,626

The expenditure total of \$69,887,062 is comprised of operating costs in the amount of \$34,896,860 and capital outlay in the amount of \$34,990,202. Transfers for \$3,418,206 bring total expenditures plus transfers to \$73,305,268.

Note: Capital expenditures proposed for FY22'23 are itemized in "Schedule C" within the budget document.

## **CONCLUSION**

The local economy, as well as the global economy, struggled in 2020 through 2022 due to the Covid-19 pandemic and rising economic inflation issues. The public's desire to return to a more normal life, has led the economy to struggle for a more stable status. City staff will continue throughout next year to watch for changes in the economy.

The City Manager, in the August 10, 2022 budget workshop, highlighted the following items, which are included within FY 2022'23 Budget:

### **Growth Management:**

- Completion of the Utility Service Area Land Use Designation Project – The Purpose of this project is to establish a planning document to identify a preferred land use pattern for properties that are currently in unincorporated Polk County, and in the City's Utility Service Area.
- Corridor Study for 11th Street – Comprehensive transportation review of 11th street in an effort to proactively plan for potential future development.
- Planning Technician– Included in the FY'23 budget request is the proactive addition of a planning technician position to assist with projected increased demands on the development services department related to growth.
- Building Inspector - Included in the FY'23 budget request is the addition of one additional building inspector position to address the expected increase in residential permit activity.
- Office Assistant (Building Department) - Included in the FY'23 budget request is the addition of an office assistant to manage the administrative requirements related to permitting within the building department.
- Code Enforcement - Included in the FY'23 budget request is the restoration of the second Code Compliance Officer position to maintain the community's appearance standards. This position was eliminated in 2020 due to fiscal concerns related to the Covid-19 pandemic. General Capital and Significant Projects:
- \$500,000 is allocated in the FY'23 budget request to resurface city streets. This is the adequate funding level needed to implement the city's pavement preservation plan on schedule and will provide for the



resurfacing of approximately 7 to 9 miles of city streets

- Upgrade and replacement of both the Jet A and 100L fuel systems at the airport. This enhancement will replace antiquated equipment and allow for larger aircraft to fuel at the Lake Wales Municipal Airport.
- Rehabilitation of the YMCA swimming pool to meet Health Department requirements.
- Completion of an updated airport master plan to facilitate the growth and development of the airport over the next several years.
- Completion of the Recreation Master plan and its initial design phase. Redevelopment:
  - The City and CRA will continue implementation of the award-winning Lake Wales Connected plan in FY'23. Activities include affordable housing construction, housing rehabilitation, development incentives, and capital construction.
  - Funding is included to support the BzLinc incubator on Lincoln Avenue.
  - A Northwest Neighborhood rezoning study will be performed in the upcoming fiscal year to establish design guidelines for Lincoln Avenue and to consider additional housing options in the neighborhood.
  - Park Avenue & Market Plaza Streetscape Construction – Funds allocated for the construction of the first transformative streetscape to take place in the historic core. Park Avenue will be converted into a two-way curbsless street designed for people. Hanging-flower baskets, enlarged sidewalks, enhanced lighting, gathering spaces and street trees will all be featured in the rebuilt Park Avenue & Market Plaza.
  - Northwest Neighborhood Sidewalk & Street Tree Improvement Plan – Allocation of funding for continued design work and the start of construction on new sidewalks in the Northwest Neighborhood as outlined in the Lake Wales Connected plan. All improved streets/sidewalks will feature unique street trees.
  - Finalization of the 1st Street Streetscape Design and Potential Construction – 1st Street will be narrowed to improve vehicle safety, while additional space will be available for cyclists and pedestrians, as well as residents and visitors shopping in the downtown district.
  - Lincoln Avenue Streetscape – Allocation of funds to begin design work on an enhanced Lincoln Avenue Streetscape. Focus being driven upon “City in a Garden” landscaping, enhanced pedestrian friendly sidewalks, and open spaces. The new enhancements to the district are intended to revitalize the core of the Northwest Neighborhood by attracting new businesses, retail and restaurants.
  - Orange Avenue & Crystal Avenue Streetscapes – Allocation of construction dollars for implementation of the Orange Avenue & Crystal Avenue Streetscapes via Rep. Soto grant funding. Both streetscapes will narrow the space allocated for travel lanes to allow for on street parking and street trees.
  - LW Connector Trail Design – Design dollars for the Crystal Lake Park North Trail segment. This segment will tie into the Park Avenue Connector Trail and create a full recreational trail loop around Crystal Lake.
  - Bok Tower Connector Trail Design – Design dollars for a connector trail starting at Lake Wailes Park, tying into the Rails-to-Trails trail and up to the main gates of Bok Tower Gardens. Residents and visitors will have a safe trail route from Bok Tower all the way to Historic Downtown Lake Wales.
- Public Art – Continuation of murals around town and funds for the start of the Downtown Linear Park Sculpture exhibit. Employees:
  - A 4% Cost of Living Adjustment to mitigate the effects of current inflation levels has been provided for in the FY'23 proposed budget. Public Safety:

- The City will be purchasing a new fire engine to replace a primary response engine that has reached the end of its life cycle.

- In accordance with recommendations from the Center for Public Safety Management, included in the FY'23 budget request is the addition of five equipped law enforcement officers and one property and evidence technician. Utilities: Significant utility projects proposed for the FY'23 budget include:

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

- The completion of the City's Stormwater Master Plan. The creation of the Stormwater Master Plan will mitigate the issues created by water runoff and will positively affect lake water quality. This will be a guide to be used to establish a systematic maintenance and replacement program for the stormwater infrastructure

- Water Main Replacement Phase 2 - Identify and remove old a/c and galvanized pipe in the water distribution system. Areas to be affected are Scenic Highway North of Lincoln Avenue, Hillside Ave, Wildabon Ave, Osceola Ave, and Lakeshore Blvd N and surrounding streets.

- Northwest Watermain Extension - Extend a 12" watermain from the corner of 1st Street and Sessoms Ave, North to JA Wiltshire continuing on to Washington Avenue ending at E Street to tie into the 10" main installed during the pipe bursting project. SRF Funding \$2,258,072.00.

- Reuse Main Extension-Extension of the reuse transmission mains to newly developed areas. Grant Funding Proposed-\$1,000,000.00.

- Sewer Improvements (Septic to Sewer w/ Forcemain Extension) - Connecting current residents inside the city limits, but on septic tanks. Additionally installing forcemains to facilitate the connection and expansion of services.

- Alternative Water Supply Project - Proposed in the FY'23 budget request is the continued independent development of a Lower Floridian Aquifer water supply source.

- Stormwater Restoration-Proposed in the FY'23 budget is a repair of several outfalls and piping along Sunset Dr, Lakeshore South of Polk Avenue, Lakeshore Blvd South at Bullard, and North Wales Dr, North of Sessoms Avenue.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

5. ORDINANCE 2022-33, Five-Year Capital Improvement Plan FY2022/23 - FY2026/27 – 2nd Reading

[Begin Agenda memo]

**SYNOPSIS:** The Commissioners will consider adopting the Five-Year Capital Improvement Plan for fiscal years 2022/23 through 2026/27.

**RECOMMENDATION** It is recommended that the City Commission approve after second reading Ordinance 2022-33 adopting the Five-Year Capital Improvement Plan for fiscal years 2022/23 through 2026/27.

**BACKGROUND** In accordance with section 6.05 of the City Charter, Ordinance 2022-33 adopts the proposed 5-year Capital Improvement Plan (CIP) for the period FY2022/23 through FY2026/27. Capital improvements and capital acquisitions proposed for Year 1 of the 5-Year plan are incorporated into the FY22'23 operating budget, as are appropriation of funding sources necessary to implement Year 1 of the plan.

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

The proposed 5-Year CIP totals \$117,518,667 and includes \$305,000 in land acquisition, \$7,479,721 in building improvements/acquisitions, \$92,423,696 in infrastructure and recreation improvements, \$14,049,700 in equipment acquisition, and \$3,260,550 in other capital outlay. Schedule "C", within the 5-year CIP, provides a detail listing of each asset type.

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

### **FISCAL IMPACT**

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

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

Year 1 - FY2022/23 34,990,202

Year 2 - FY2023/24 39,427,121

Year 3 - FY2024/25 25,110,544

Year 4 - FY2025/26 14,003,300

Year 5 - FY2026/27 3,987,500

5 Year Total 117,518,667

All items scheduled for Year 1 are included in the proposed FY22'23 operating budget presented to the City Commission for consideration.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Howell said we need a Recreation Director for the City. Mr. Slaton said Stephanie Edwards fills that role. Commissioner Howell said this person needs to be more full time to oversee the gym and YMCA. Mr. Slaton said we can look into this and add it later. Commissioner Williams asked if the YMCA is over recreation in Lake Wales. Mr. Slaton said the YMCA is now an extension of the City. This was discussed.

#### 6. RESOLUTION 2022-29 Parks And Recreation Master Plan

[Begin Agenda Memo]

**SYNOPSIS:** The Parks and Recreation Master Plan identifies the prioritization of capital improvements for existing and upcoming development for recreational facilities.

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

1. Adopt Resolution 2022-29 Parks and Recreation Master Plan.
2. Authorize the Mayor to execute the appropriate documents on the City's behalf.

## **BACKGROUND**

Throughout 2021 and 2022, the City of Lake Wales performed a comprehensive study of the City's parks and recreation system. The purpose of the Lake Wales Parks and Recreation Master Plan is to assess the current state of recreation facilities, to understand the needs of the public, to review the current capacity of recreation infrastructure, and to identify prioritized capital improvement for recreation facilities.

Lake Wales' parks, trails, and open space systems was evaluated through field studies, geospatial analysis, and conversations with community stakeholders and the public through a series of public engagement events and a virtual experience. An integral part of the Master Plan is understanding the recreational needs and desires of the community, which was achieved through community workshops, stakeholder interviews, a statistically valid survey, and interactive project website.

The Master Plan was developed through the coordination of many entities, including City of Lake Wales staff and residents, PROS Consulting, Inc., ETC Institute, Chastain-Skillman, Straughn Trout Architects, and S&ME, Inc. The Master Plan was presented to the Recreation Advisory Board on August 15, 2022. The board recommends the approval of the Master Plan.

Staff recommends the Commission approve the adoption of Resolution 2022-29 Parks and Recreation Master Plan.

**OTHER OPTIONS** Commission may choose not to adopt Resolution 2022-29

**FISCAL IMPACT** None at this time. As projects are developed, they will be brought back to commission for approval.

[End Agenda Memo]

Stephanie Edwards, Recreation Manager, introduced Chris Dougherty from S&ME.

Mr. Dougherty gave a presentation on the Parks and Rec Master Plan. He reviewed the process of developing the plan including visioning sessions, discussions with stakeholders and other public input. He shared a map of Lake Wales showing the park areas. Some resident priorities included more trails, indoor fitness equipment, more parks and maintenance. The City has a lot without a real Parks and Recreation department. That is something that needs to be added. A stadium, bmx facility and other new facilities were identified. More restrooms and event space were identified as needs. Trail connections were identified as important. Tennis and pickleball players want more courts. A community multi-purpose center was listed as a priority.

Mr. Dougherty shared a trails plan that builds off Lake Wales Connected Plan and how the trails should look. He shared concept plans with possible ideas for the parks. These included a splash pad in Kiwanis Park, an obstacle course, an amphitheater and more grass parking. He recommended a football field with a track at the Northwest Complex and more soccer fields and a BMX Park at the Soccer Park. These facilities would be tournament ready.

Mr. Dougherty shared rough cost estimates for these improvements and possible grant opportunities for funding.

Commissioner Howell agreed with the need for an amphitheater. She loves the idea of tournaments coming to Lake Wales.

Commissioner Krueger asked about a phased implantation Plan. Mr. Dougherty said they have a proposed schedule included. This can be updated.

Mayor Hilligoss said this is exciting. What is the largest single ticket item in the plan? Mr. Dougherty said the football field. Mayor Hilligoss asked if the colleges were interested. Mr. Dougherty said they were very much so.

Deputy Mayor Gibson said many users are outside City limits. He asked if there are techniques for equitable funding by users. Mr. Dougherty said there are recommendations on this in the study. The City will need to make choices about user fees. There are many ways to deal with this. Leagues need to be charged a field fee each season at a minimum.

Deputy Mayor Gibson recommended including our new school superintendent in planning the football field.

Commissioner Howell said we need more soccer fields as many children play and parking is needed. Mr. Dougherty spoke on the need for a multi-purpose center and how it could be used.

Commissioner Krueger noted that there is a whole section on fees and analysis.

## 7. Agreement - City Of Lake Wales/Lake Wales Professional Firefighters

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider ratifying the Collective Bargaining Agreement between the City and Lake Wales Professional Firefighters.

**RECOMMENDATION** It is recommended that the City Commission ratify the proposed amendment to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, (Local #3538, International Association of Firefighters.)

**BACKGROUND** On November 7, 2020, the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, (Local #3538, International Association of Firefighters) for the period of October 1, 2019 through September 30, 2022. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the fire department bargaining unit of which all firefighters except the chief, fire marshal, fire captain, fire prevention/safety specialist and deputy chiefs are members.

Management staff and the Fire Department union representatives have reached an agreement for the period of October 1, 2022 through September 30, 2023.

The amendments are presented to the City Commission for ratification at this time. Proposed changes to the existing agreement are highlighted below:

### **ARTICLE 15.4: WAGES**

15.4.1 Effective October 1, 2021 2, Members shall receive a 3 4% cost of living adjustment (COLA).

**ARTICLE 15.5 STEP PAY PLAN** Employees hired after September 30, 1994 shall be eligible for participation in the step plan as provided below effective September 30, 1999.

**DEFINITIONS:** Continuous service: For the purpose of this article, continuous service shall mean uninterrupted service of the employee with the City since the last date of hire.

Educational requirement: For the purposes of this article the educational requirement shall be deemed as completion of nine semester hours of college per two year block of service. The educational requirement for

additional steps may be completed prior to employment with the City or during previous steps.

Satisfactory performance: For the purpose of this article, satisfactory service shall mean satisfactory job performance as indicated by the employee's last performance appraisal as completed by the employee's immediate supervisor.

Step 1. Upon completion of six (6) months continuous service and satisfactory performance, the employee shall receive up to an additional 5% of base pay.

Step 2. Upon completion of the requirements for advancement to Firefighter 2, employees shall be advanced to the position of Firefighter 2.

Step 3. Upon completion of five (5) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 4. Upon completion of seven (7) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 5. Upon completion of nine (9) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 6. Upon completion of eleven (11) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 7. Upon completion of thirteen (13) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 8. Upon completion of fifteen (15) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 9. Upon completion of seventeen (17) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

Step 10. Upon completion of twenty (20) years of continuous service, satisfactory performance and completion of the education requirement, the employee shall receive an additional 2.3% of base pay.

#### Article 18 Educational Differential

18.3 Effective October 1 bargaining unit employees (unless previously received) will receive a 2.5% increase to base salary for obtaining state certification as a Pump Operator, effective the first pay period following receipt of state certification, and 2.5% on October 1st following the date of certification. In accordance with Appendix D

38.1 This Agreement shall become effective upon ratification by the bargaining unit members and approval and ratification by the Lake Wales City Commission, and shall continue in full force and effect until midnight of September 30, 2023.

#### **FISCAL IMPACT**

- The 4% COLA (Cost of Living Adjustment) is the same as the general and police department employees and will cost \$59,608.00

- The 2.5% for the pumper certification will cost \$28,885.00

- In order to move through the steps in the Step Plan an employee must obtain 9 hours of college credits. As a result, this makes it difficult to estimate the cost. Based on last year's increases, the cost should be

approximately \$9,000.00.

[End Agenda Memo]

Sandra Davis, Director of Human Resources, reviewed this item.

James Slaton, City Manager, said this is in the budget. He explained that it is difficult to attract and retain staff. We are experiencing a lot of turnover. These changes with the pay scale will help give us a higher starting rate.

Commissioner Krueger said inflation is at 8% and costs are high. Mr. Slaton agreed and said we want firefighters to stay here. Mayor Hilligoss said other cities are dealing with this problem too.

Ms. Davis said we are falling behind and this will help.

Deputy Mayor Gibson said the people place a high priority on public safety. We need to keep a high regard for our security forces. Commissioner Howell said we need experienced people doing things.

#### 8. Agreement - City Of Lake Wales/Police Benevolent Association

[Begin Agenda Memo]

**RECOMMENDATION** It is recommended that the City Commission ratify the proposed amendments to the agreement between the City of Lake Wales and the West Central Florida Police Benevolent Association, Inc.

**BACKGROUND** On February 2, 2021, the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Police Benevolent Association, Inc. (PBA) for the period October 1, 2021 through September 30, 2024 with the opportunity to re-open Article 16 Wages and Article 20 Step/Longevity. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the police department bargaining unit of which all are sworn officers in the classification of police officer, corporal or sergeant.

Management staff and the Police Department union representatives have reached an agreement for the period October 1, 2022 through September 30, 2023. NOTE: The amendments are presented to the City Commission for ratification at this time. The changes to the existing agreement are highlighted below:

#### **ARTICLE 16: WAGES**

16.1 Effective October 1, 2021 2, Members shall receive a 3 4% cost of living adjustment (COLA). Effective the first pay period of April 2023, members shall receive a 2% adjustment.

16.2 Longevity Plan: Employees hired before October 1, 1994, and continuously employed in the bargaining unit, will be paid as longevity Employees in accordance with Appendix D.1.

16.3 Step Plan. Employees hired on October 1, 1994, and thereafter shall not be covered by Article 20 (Longevity Pay), but shall be paid in accordance with the Step Plan set forth in Appendix D.1 through Appendix D.4

#### **ARTICLE 20: LONGEVITY PAY/STEP**

Step 3. Upon completion of five (5) years of continuous service, satisfactory performance and completion of the educational requirement of the employee shall receive an additional 2 3% of base pay. Agenda Staff Memo\2022\City Commission\PBA\Agenda2022-23

Step 4. Upon completion of seven (7) years continuous service, satisfactory performance and completion of

the educational requirement the employee shall receive an additional 2 3% of base pay.

Step 5. Upon completion of nine (9) years continuous service, satisfactory performance and completion of the educational requirement the employee shall receive an additional 2 3% of base pay.

Step 6. Upon completion of eleven (11) years continuous service, satisfactory performance and completion of the educational requirement the employee shall receive an additional 2 3% of base pay.

Step 7. Upon completion of thirteen (13) years continuous service, satisfactory performance and completion of the educational requirement the employee shall receive an additional 2 3% of base pay.

Step 8. Upon completion of fifteen (15) years continuous service, satisfactory performance and completion of the educational requirement the employee shall receive an additional 2 3% of base pay.

Step 9. Upon completion of seventeen (17) years continuous service, satisfactory performance and completion of the educational requirement the employee shall receive an additional 2 3% of base pay.

Step 10. Upon completion of twenty (20) years continuous service, satisfactory performance and completion of the educational requirement the employee shall receive an additional 2 3% of base pay.

## **FISCAL IMPACT**

- The 4% COLA (Cost of Living Adjustment) is the same as the general and fire department employees and will cost \$90,418.00
- The additional 2% which is not effective until April 2023 will cost \$24,215.00
- In order to move through the steps in the Step Plan an employee must obtain 9 hours of college credits or advance management classes approved by the chief. As a result, this makes it difficult to estimate the cost. Based on last year's increases, the cost should be approximately \$21,000.00.

[End Agenda Memo]

Sandra Davis, Director of Human Resources, reviewed this item.

9. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) - Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmitt, authorized agent for owner, is requesting approval from City Commission, of a 907-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 223.30 acres of land south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South.

**RECOMMENDATION** The applicant requests approval from City Commission of a 907-lot single-family Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

## **BACKGROUND**

General: The subject property, comprising of approximately 223.30 acres of citrus groves, is located south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South. The project is located south of the Whispering Ridge and Belleview subdivisions and east of the Belle Lago subdivision.



The property owner petitioned for annexation into the corporate city limits of Lake Wales on December 9, 2021 and was officially annexed on February 1, 2022. On February 22, 2022, the Planning & Zoning Board recommended approval of a land use and zoning amendment to assign land use of LDR Low-Density residential and zoning of R-1B to City Commission. The land use and zoning amendments were approved by City Commission at first reading on March 15, 2022 and adopted at second and final reading on June 7, 2022. The Planned Development Project was brought to the Planning and Zoning Board at a regular meeting on July 26, 2022. The item was continued to allow the developer to bring a revised plan back to the board within three months. At a regular meeting on August 23, 2022, the Planning and Zoning Board recommended approval of the revised plans.

The proposed single-family subdivision is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance.

Maximum density allowed on the site is calculated at 5 units per gross acre, or 1,116 dwelling units, under the Comprehensive Plan for LDR Low-Density Residential; a density of 4.06 dwelling units per acre, or 907 dwelling units, is proposed.

**PROPOSED LOT TYPES:**

45' Wide Lots 352 units

50' Wide Lots 324 units

55' Wide Lots 231 units

TOTAL 907 units

The development proposes 45'-wide, 50'-wide, and 55'-wide single-family lots. In addition, the development provides a 28,600 square foot commercial building for potential support uses for residents. Waivers are being requested for all R-1B dimensional and area standards.

**STANDARDS 45' Wide Lots 50' Wide Lots 55' Wide Lots**

Minimum Lot Size 4,950 sq. ft. 5,500 sq. ft. 6,050 sq. ft.

Minimum Street Frontage 45 feet 50 feet 55 feet

Minimum Lot Width 45 feet 50 feet 55 feet

Minimum Floor Area 1,200 sq. ft. 1,200 sq. ft. 1,200 sq. ft.

Minimum Front Setback 25 feet 25 feet 25 feet

Minimum Side Setback 5 feet 5 feet 5 feet

Minimum Rear Setback 15 feet 15 feet 15 feet

Functional Corner-Side 15 feet 15 feet 15 feet

Maximum Lot Coverage 50% 50% 50%

**Roadways & Access:**

Access to the development is along 9th Street South and Passion Play Road. Grove Road Three will be improved from a dirt road into a two-lane divided boulevard with 16-foot wide drive aisles, curb and gutter,

and 5-foot wide sidewalks on both sides of the street within an 80-foot-wide right-of-way. Drive aisles for 9th Street South shall be 12-foot-wide. Internal roadways will provide 24-foot-wide roadways and 5-foot-wide sidewalks will be constructed on both sides of interior streets and along property boundaries. Right-of-way dedications at 40 feet from centerline are proposed for Passion Play Road, 9th Street South, Grove Road Three, Belleview Road, Scenic Highway, and 11th Street South.

**Landscaping and Buffering:** The landscape plan will be reviewed and approved by Staff after consultation with the City's horticulturist during site development review. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees.

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: a minimum of three, two-inch caliper shade trees, minimum of eight feet at planting for lots less than 10,000 sq. ft. and four, two-inch caliper shade trees, minimum of eight feet at planting for lots greater than 10,000 sq. ft. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting.

A 10' wide buffer with a minimum of one canopy tree every 50 linear feet and a 6' high screening shrub is proposed along Belleview Road, 9th Street South, and Passion Play Road. A 10' wide buffer with one canopy tree every 40 linear feet is proposed along Grove Road Three. A 20' wide buffer with a minimum of one canopy tree every 50 linear feet is proposed along 11th Street South and Scenic Highway. A 6' high screening shrub is also required for Grove Road Three, 11th Street South, and Scenic Highway. Recreation & Open Space: The development provides 14.26 acres of recreation area and will include an amenity center. A full amenity package will be required at site development submittal.

## **OPEN SPACE CALCULATION**

Recreation 14.26 acres

Open Space 8.27 acres

Buffers 6.0 acres

Ponds 27.86 acres

TOTAL 56.39 acres

More than 25% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

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

1. Minimum lot size reduced from the required 9,000 square feet to the following:
2. Minimum street frontage reduced from the required 50 feet to 45 feet for 45' wide lots.
3. Minimum lot width at building line reduced from the required 75 feet to the following:
4. Minimum living area reduced from the required 1,500 square feet to 1,200 square feet for all lots.
5. Front building setback reduced from the required 30 feet to 25 feet for all lots.
6. Side building setback reduced from the required 10 feet to 5 feet for all lots.
7. Rear building setback reduced from the required 20 feet to 15 feet for all lots.

8. Functional corner-side setback reduced from the required 30 feet to 15 feet for all corner lots.
9. Maximum lot coverage increased from 40% to 50% for all lots.
10. Allow the neighborhood park to be more than 600 feet from some lots it serves.

Proposed Superior Design Standards: In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant provided justification within the project narrative delineating the ways in which the plan is superior to a standard subdivision:

*"The proposed PDP is superior to a standard subdivision because the flexibility provides a balance between the proposed number of lots and to maximize the open space for landscaping and active recreation. The flexibility of different type of lots size gives the neighborhood a diverse perception and not a flatness community. Providing two sidewalks will give future residents safe leisure around the community and provide enjoyable activities for each household. Maximizing the open space will create originality in designs for landscaping which will enhance the natural features of the property. In addition, proposing more lots will generate new residents which will help increase revenue for the City of Lake Wales."*

- Recreation required: 3.97 acres; Recreation provided: 14.26 acres

- Open space required: 20% of site; Open space provided: 25% of overall site

Staff Findings 1. The use is compatible with the intentions of Policy I.1.2.12 Low Density Residential of the City's Comprehensive Plan.

2. This site is located within the City's utility service area and will connect to municipal water, sewer, and reclaim.

3. The development will maximize existing infrastructure investments by connecting to municipal water, sewer, and reclaimed water.

4. The development is expanding roadway connections.

5. Internal and external sidewalk system promotes walkability and bike-ability.

6. Lot sizes are reduced to minimize the area of land consumed for new development.

7. The development provides a commercial component to allow support uses for the community and reduce dependency on vehicles for short trips.

#### Recommended Conditions of Approval

8. Staff recommends the following conditions of approval:

a. Fences shall be setback a minimum of 15 feet behind the front building expression line.

b. Housing shall adhere to the City's anti-monotony standards.

c. Landscape Plan will be reviewed and approved by Staff and the City's horticulturist during site development review.

d. 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.

e. Garages shall be recessed from the front building expression line, at a minimum of two feet, unless oriented away from the street.

f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots for the single-family homes.

g. Mechanical equipment shall be located at the rear of the home and not permitted within side yards for all lots in the development.

h. A 12' wide multi-purpose trail shall be implemented along Scenic Highway.

i. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.

j. A developer's agreement is required for improvements, including but not limited to the construction of Grove Road Three and a 12' wide multi-purpose trail along Scenic Highway, prior to issuance of the Site Development Permit.

k. A financial mechanism, such as a CDD, shall be implemented to fund improvements and maintenance of this project.

l. The development shall enter into a utilities queue agreement.

m. A developer's agreement regarding utilities is required prior to issuance of the Site Development Permit issuance as it relates to the transfer of wells and implementation of reclaimed water.

**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 \$181 million in taxable value, and generate over \$1.2 million in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Item]

Mark Bennett, Development Services Director, reviewed this item. He shared a slide show illustrating the project. He explained some of the changes made to the project since it was first proposed.

Mr. Bennett showed where the sidewalks are going to the roundabout and green spaces nearby. Commissioner Krueger asked why people would walk to the roundabout. Mr. Bennett said the sidewalks are part of a network of sidewalks and connects vistas and mini-parks. Deputy Mayor Gibson said they look like small triangular parks.

Deputy Mayor Gibson asked about maintenance. Mr. Bennett said a mechanism such as a CDD is required to handle maintenance.

Deputy Mayor Gibson asked about eucalyptus trees on the property. Mr. Bennett said developers are encouraged to keep existing trees where possible. There are tree removal requirements.

Mr. Bennett explained how the parks between this and Belleview will be lined up allowing for interconnectivity. Deputy Mayor Gibson asked about interconnectivity of trails. Mr. Bennett said some of the trails will fit with the FDOT trail plan on Scenic. Mr. Slaton said people can use the network to get to the Soccer complex and to downtown. Deputy Mayor Gibson said its important to have amenities our people want.

Mayor Hilligoss agreed. He likes the trail on Scenic and we need to keep insisting on that. he asked about the commercial space and sidewalks on 11th Street. Mr. Bennett said yes there are sidewalks on 11th Street. Next year we will do a corridor study on 11th Street. Mr. Bennett said a commercial component could be supported by this development. That area is next to the church.

Mr. Bennett explained that the retention areas count as open space. They will most likely be dry open grass areas. This is a longtime accepted planning practice. He showed the example of Druid Hills Park as an example. Retention ponds were discussed.

James Slaton, City Manager, said the Land Use Study Public Workshop is Monday September 6pm at the Austin Center.

#### 10. Robin's Walk Offsite Improvement Agreement

[Begin Agenda Memo]

**SYNOPSIS:** The Robin's Walk Offsite Improvement Agreement proposes terms and conditions between the City of Lake Wales (the "City") and CBD Real Estate Investment, LLC (the "Owner") for the construction of the sidewalk extension along Grant Road, from Buck Moore Road to the Robin's Walk Subdivision.

**RECOMMENDATION** Staff recommends approval of the agreement.

**BACKGROUND** Robin's Walk Planned Development Project (PDP) is a 33-lot single-family residential subdivision planned on the north side of Grant Road, approved by City Commission in July of 2021. Included with the PDP approval was the extension of the exterior sidewalk to connect to Buck Moore Road. Below is a summary of agreed upon terms:

- 1.) The Owner shall receive multi-modal transportation impact fee credits in an amount up to one-half of the cost of the sidewalk installation, including design, engineering, and sod restoration.
- 2.) The impact fee credits shall serve as a reimbursement for the completed improvements.
- 3.) The maximum contribution of impact fee credits by the City shall not exceed \$67,815.
- 4.) The sidewalk must be completed within 12 months of the completion of the subdivision improvements.
- 5.) Maintenance and repair of the sidewalk will then be conveyed to the City.
- 6.) The Owner shall warrant the improvements from and against defects for a period of one year.

**OTHER OPTIONS** Decline to approve the execution of the agreement.

**FISCAL IMPACT** Approval of the agreement would relieve the City of the expense to extend the sidewalk connecting Buck Moore Road to the new subdivision.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item and shared a slideshow where the sidewalk is planned to go. This is a good use of the multi-modal transportation impact fee, working together with developer to facilitate more mobility for people.

Deputy Mayor Gibson spoke about the benefit of assessments. James Slaton, City Manager, said really this won't cost the City a dime.

11. Ordinance 2022-27 Annexation – 1st Reading And Public Hearing 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27 PID: 273023000000014120, 273023000000023060, 273023000000023150, 273023000000012030, 273023000000012010, 273024000000034030, 273024000000043020

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-27 proposes the voluntary annexation of approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends approval at first reading and adoption after second reading of Ordinance 2022-27 following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND** Owners, Rama Food Mart LLC, Mckenna Brothers Inc, Hunt Bros Inc, E N C Inc, and Ronald McCall, petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northwestern boundary.

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

**FISCAL IMPACT** The annexation will add to the City's tax roll. The properties are valued at a total of over 1.1 million, which would bring in additional property taxes.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item. He shared a slideshow where the properties are and where the city limits are. Deputy Mayor asked what kind of commercial would go there. Mr. Bennett said there is a convenience store there.

12. Ordinance D2022-28 Large Scale Future Land Use Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27 PID 273023000000014120, 273023000000023060, 273023000000023150, 273023000000012030, 273023000000012010, 273024000000034030, 273024000000043020 1st Reading And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Property owners request a recommendation to City Commission to amend the Zoning Map and Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 67.73 acres.

**RECOMMENDATION** Approval at first reading and adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on August 23, 2022:

Current Land Use: Polk County Polk County Linear Commercial Corridor (LCC), & Agriculture/Rural Residential (A/RR)

Proposed Land Use: Limited Commercial Industrial (LCI) – 8.54 acres, Low Density Residential (LDR) – 59.19 acres

**BACKGROUND** The subject property is located south of Lake Bella Road and east of US Highway 27, just north and west of Blue Lake. This parcel is adjacent to city limits on its western and northern boundaries and is located northwest of Blue Lake.

The owners petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. It has been requested that the annexation be brought together with land use and zoning

amendments.

There are no immediate development plans for these parcels. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the city to discuss development processes.

The western portion of the site along US Highway 27, comprising of 8.54 acres owned by Rama Food Mart LLC, will have a land use designation and zoning designation of Limited Commercial Industrial (LCI). This designation is consistent with the northern adjacent properties with land use and zoning designations of Business Park Center/Business Park. The remaining 59.19 acres, more or less, will have a land use of Low Density Residential and zoning of R-1A. Designations for the 59.19 acres are consistent with the surrounding county lands designated as Agriculture/Residential Rural and keep compatibility with the existing homes along Blue Lake.

At a regular meeting on July 26, 2022, the Planning and Zoning Board continued this agenda item to the August Planning and Zoning Board meeting due to concerns of compatibility. The original request proposed a land use and zoning designation of Business Park Center and Business Park for 10 acres adjacent to Lake Bella Road and the Heath Corporation. The Board's recommendations were considered by the applicant and the request now proposes a land use designation of Low Density Residential and zoning designation of R-1A, after taking their original request to the Planning and Zoning Board for a second time.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns future Land Use designations by ordinances upon a recommendation from the Planning & Zoning Board. The proposed 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** The properties are valued at a total of over 1.1 million dollars, bringing in additional property taxes. Assignment would enable the development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

13. Ordinance D2022-29 Zoning Map Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27 PID 273023000000014120, 273023000000023060, 273023000000023150, 273023000000012030, 273023000000012010, 273024000000034030, 273024000000043020 1st Hearing And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Property owners request a recommendation to City Commission to amend the Zoning Map and Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 67.73 acres.

**RECOMMENDATION** Approval at first reading and adoption at second reading, following a public hearing to reassign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on August 23, 2022:

Current Zoning: Polk County Linear Commercial Corridor (LCC), & Agriculture/Rural Residential (A/RR)

Proposed Zoning: Limited Commercial Industrial (LCI) – 8.54 acres, Residential R-1A – 59.19 acres

**BACKGROUND** The subject property is located south of Lake Bella Road and east of US Highway 27, just north and west of Blue Lake. This parcel is adjacent to city limits on its western and northern boundaries and is located northwest of Blue Lake.

The owners petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. It has been requested that the annexation be brought together with land use and zoning amendments.

There are no immediate development plans for these parcels. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the city to discuss development processes.

The western portion of the site along US Highway 27, comprising of 8.54 acres owned by Rama Food Mart LLC, will have a land use designation and zoning designation of Limited Commercial Industrial (LCI). This designation is consistent with the northern adjacent properties with land use and zoning designations of Business Park Center/Business Park. The remaining 59.19 acres, more or less, will have a land use of Low Density Residential and zoning of R-1A. Designations for the 59.19 acres are consistent with the surrounding county lands designated as Agriculture/Residential Rural and keep compatibility with the existing homes along Blue Lake.

At a regular meeting on July 26, 2022, the Planning and Zoning Board continued this agenda item to the August Planning and Zoning Board meeting due to concerns of compatibility. The original request proposed a land use and zoning designation of Business Park Center and Business Park for 10 acres adjacent to Lake Bella Road and the Heath Corporation. The Board's recommendations were considered by the applicant and the request now proposes a land use designation of Low Density Residential and zoning designation of R-1A, after taking their original request to the Planning and Zoning Board for a second time.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

**FISCAL IMPACT** The properties are valued at a total of over 1.1 million dollars, bringing in additional property taxes. Assignment would enable the development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

14. Ordinance 2022-41 Annexation – 1st Reading And Public Hearing 0.30 Acres Of Land North Of Belleview Drive And West Of Santa Maria Road PID: 273011-915500-001150

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-41 proposes the voluntary annexation of approximately 0.30 acres of land north of Belleview Drive and west of Santa Maria Road, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends approval at first reading and adoption after second reading of Ordinance 2022-41 following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND** The Peak Family petitioned annexation into the corporate city limits of Lake Wales on July 28, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its eastern boundary.

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

**FISCAL IMPACT** The annexation will add to the City's tax roll. The property is valued at \$162,590 which would bring in additional property taxes.

[End Agenda Memo]



Mark Bennett, Development Services Director, reviewed this item.

15. Ordinance 2022-45 LDR Updates Chapter 23 Land Development. Regulations – 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Staff proposes amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances):

- Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts
- Table 23-422A DIMENSIONAL AND AREA STANDARDS – RESIDENTIAL DISTRICTS
- Section 23-223 Land Subdivision
- Section 23-227 Certificate of Appropriateness
- Table 23-705 Level of Service Standards
- Section 23-802 Definitions

**RECOMMENDATION** At a regular meeting on August 23, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission for 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.

**Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts** *Background and justification:*

In October of 2021 the City Commission adopted code language which allows lots of record within the CRA III to be subdivided to its originally-platted dimensions, and considered buildable single-family lots, so to encourage new single-family development on infill lots and the creation of more affordable housing opportunities.

Per code, a "lot of record" is "A lot which is duly recorded in the office of the clerk of the circuit court or a parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of these zoning regulations or of prior zoning and subdivision regulations governing the creation of lots".

The following is further proposed:

- 1.) Expand the lot of record provision to CRA areas I and II, so to continue to encourage development and redevelopment of vacant lots within all CRA areas.
- 2.) Move the lot of record provision from the Permitted Use Chart where it was previously codified (Table 23-421), to Table 23-422A Dimensional and Area Standards – Residential Districts, as this is where the language is more appropriately located.

**Proposed note to Table 23-422A**

Within CRA3, CRA areas I, II, and III Lots of Record shall be allowed to have one single-family residence, based on the R-1D zoning district standards. Approval of this use shall be granted by an Administrative

Waiver, approved by the City Manager, using the criteria contained in Section 23-422.

### **Section 23-223 Land Subdivision**

*Background and justification:* Sec. 23-22.4.a. Final subdivision plat and supplementary information, Pre-requisites lists certain improvements which may be eligible for the contractor or developer to bond in lieu of constructing prior to final plat approval. The Utilities Director has asked for the removal of water and sanitary sewer from the list of bondable improvements.

Sec. 23-223.4 Final subdivision plat and supplementary information. Plats must be prepared by a registered surveyor and shall comply with the requirements of F.S. ch. 177. Application forms, deadlines for submission, and the number of copies of documents required shall be as set forth in the procedures manual maintained by the administrative official. The fee shall be as required per section 23-242.

a. Pre-requisites. Unless the proposed subdivision is exempt pursuant to subsection 23- 223.1(a)3, a final plat application shall not be accepted for review unless a preliminary plat has been approved by the city commission under section 23-223.2, and site improvements have been completed pursuant to a site development permit under section 23-217. Although not preferred, the City of Lake Wales will may accept a performance bond, letter of credit or other surety in lieu of constructing street improvements, drainage improvements, water, sanitary or storm sewer facilities, street lights or traffic signs prior to the approval and recording of the final subdivision plat. The surety shall be a minimum of 120% of the cost of the improvements, based on the engineer's cost estimate that is approved by the City.

### **Section 23-227 Certificate of Appropriateness**

*Background and justification:* Sections 23-227.2.b. and 23-227.3.4. reference a "procedures manual maintained by the administrative official". Staff searched city code, our master file, and verified with the City Clerk and found that no record of such a document exists. After consulting with a Lake Wales Main Street employee who specializes in historic preservation efforts, it has been determined that a procedures manual is not necessary; therefore, Staff proposes to remove the reference to the manual.

Sec. 23-227.2. Application.

a. Pre-application conference. A pre-application conference with the administrative official is required prior to submission of an application for a certificate of appropriateness for construction of a new building or an addition or for any alteration of the exterior of a building within an historic district designated under this chapter. An applicant for any work within an historic district may request a pre-application conference with the administrative official or with the historic board to obtain information or guidance regarding a proposed project. The purpose of the pre-application conference is to discuss and clarify preservation objectives and guidelines of the historic board in relation to a proposed project.

b. Application for certificate of appropriateness. Application shall be made on forms supplied by the administrative official and shall be accompanied by the fee as set forth in section 23-242. The number of copies of required support documents, application deadlines, and review guidelines shall be set forth in the procedures manual maintained determined by the administrative official.

Sec. 23-227.3. Review of application for certificate of appropriateness.

a. Administrative review.

1. All applications for certificates of appropriateness shall be reviewed by the administrative official within ten (10) working days of receipt to determine that the application is complete in accordance with the requirements of this section. Incomplete applications will be returned to the applicant with reference to deficiencies.

2. Upon a finding that an application is complete, the administrative official, in consultation with other

department as necessary, shall review the application for compliance with the purpose and intent of these regulations including the provisions of article IV, Resource Protection Standards, division 5, Historic Preservation (section 23-651 et seq.). The administrative official may request modifications or additional information if necessary.

3. After completion of review the administrative official may approve transmittal of the application to the historic board or require re-submittal with modifications or corrections.

4. If the administrative official approves transmittal of the application to the historic board, the applicant will submit additional copies or information as required by the procedures manual maintained by the administrative official. The the administrative official shall prepare a report with recommendations and shall submit the report to the historic board in advance of its next scheduled meeting in accordance with the schedule established for agendas and public notice.

### **Table 23-705 Level of Service Standards**

*Background and justification:* The Level of Service (LOS) standards for roads as listed in the Comprehensive Plan are not consistent with the standards in the Land Development Regulations. The proposed changes to the Table lower the minimum acceptable levels of service for each roadway for peak hour, reflecting the standards found in the 2020 Comprehensive plan; Table 23- 705 has not been amended since 2008.

Reducing the LOS standard will ensure that project applicants share a great burden for road improvements. Florida Statutes 163.3180(5)(h)(2) states that "An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies." This means that if the LOS for a road is already failing at time of development approval, then the new project must still be approved. If a higher LOS standard exists, then there is a greater possibility that roads will reach a failing LOS sooner (if nothing else, due to increases in background traffic).

However, if there is a lower LOS standard for roads, then more development projects will be obligated to improve the road, thereby avoiding a situation where the road could fail. If the road does eventually fail, then it will take longer for this to occur. While reducing the LOS standard may seem counter-intuitive by allowing for more traffic on the road network, it will have the effect of ensuring that applicants will be more responsible for completing improvements to preserve capacity on the road network.

**Section 23-802 Definitions** *Background and justification:* The City's Comprehensive Plan and Land Development Regulations frequently reference the term "compatibility" as it pertains to zoning and land use; however, compatibility is not defined in the definitions section of the Land Development Regulations. Staff recommends the follow definition of compatibility, consistent with the State's definition of compatibility found in Chapter 163 FS:

*Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.*

**CODE REFERENCES AND REVIEW CRITERIA** Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts Table 23-422A

### **DIMENSIONAL AND AREA STANDARDS – RESIDENTIAL DISTRICTS**

Section 23-223 Land Subdivision

Section 23-227 Certificate of Appropriateness Table 23-705 Level of Service standards

Section 23-802 Definitions

**FISCAL IMPACT** The lot of record provision would allow for new residential development on infill lots within

all CRA areas, resulting in an increase in property values.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Gibson said this allows more density which saves the countryside.

Commissioner Howell said we should allow variances for current residents as well as new ones. She asked if houses can be built on smaller lots in the older parts of Lake Wales. We need to help infill efforts. Mr. Bennett said we can work with an owner on this. James Slaton, City Manager, said we have things to encourage buildings on smaller lots. We can get creative.

Attracting more infill was discussed.

16. Ordinance D2022-22 Future Land Use Amendment For 102.06 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27. PID 272928-000000-031020; 272928-000000-031010; 272928-000000-032000; 272928-000000-041010 2nd Reading And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Diane Chadwick, authorized agent for owners Lake Wales II & III Property Holdings, LLC, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcels totaling approximately 102.06 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on June 28, 2022:

Current Land Use: Polk County A/RR (Agricultural/Rural Residential)

Proposed Land Use: MU (Mixed Use) At a regular meeting on July 19, 2022,

City Commission approved the recommendation at first reading.

**BACKGROUND** The subject property is located north of Mountain Lake Cutoff Road and west of US Highway 27. The parcels are east and west of Connor Road and contiguous to the city limits on the northwestern boundaries.

Lake Wales II Property Holdings, LLC and Lake Wales III Property Holdings, LLC applied for annexation on April 12, 2022. The previous owners petitioned annexation into the corporate city limits of Lake Wales on June 4, 2021 and June 7, 2021, but have since sold the property to Lake Wales II & III Property Holdings, LLC prior to taking any action on their petition. The property was officially annexed into the corporate city limits on July 5, 2022. The land use and zoning amendments were approved by City Commission at first reading on July 19, 2022, as recommended by the Planning and Zoning Board on June 28, 2022. The proposed land use amendment was transmitted to the Department of Economic Opportunity to review, and no significant comments were returned regarding the amendment.

A zoning designation of Planned Development Mixed Use (PDMU) and future land use designation of Mixed Use (MU) would allow for parcels to be assembled into the Master Development Plan (MDP) known as WH Corp. The applicant has confirmed that the land is not being utilized to add more density, but is being added to the MDP to distribute the entitled density. Any changes as outlined in Section 23-450.9 of the Land Development Regulations would warrant a modification to the MDP to be presented to City Commission.

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

**FISCAL IMPACT** Re-assignment would enable the assembly of parcels into a Master Development Plan that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

17. Ordinance D2022-23 Zoning Amendment For 102.06 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27. PID 272928-000000-031020; 272928-000000-031010; 272928-000000-032000; 272928-000000-041010 2nd Reading And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Diane Chadwick, authorized agent for owners Lake Wales II & III Property Holdings, LLC, requests approval of City Commission to amend the Zoning Map on the above-mentioned parcels totaling approximately 102.06 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on June 28, 2022:

Current Zoning: Polk County A/RR (Agricultural/Rural Residential)

Proposed Zoning: PDMU (Planned Development Mixed Use) At a regular meeting on July 19, 2022,

City Commission approved the recommendation at first reading.

**BACKGROUND** The subject property is located north of Mountain Lake Cutoff Road and west of US Highway 27. The parcels are east and west of Connor Road and contiguous to the city limits on the northwestern boundaries.

Lake Wales II Property Holdings, LLC and Lake Wales III Property Holdings, LLC applied for annexation on April 12, 2022. The previous owners petitioned annexation into the corporate city limits of Lake Wales on June 4, 2021 and June 7, 2021, but have since sold the property to Lake Wales II & III Property Holdings, LLC prior to taking any action on their petition. The property was officially annexed into the corporate city limits on July 5, 2022. The land use and zoning amendments were approved by City Commission at first reading on July 19, 2022, as recommended by the Planning and Zoning Board on June 28, 2022. The proposed land use amendment was transmitted to the Department of Economic Opportunity to review, and no significant comments were returned regarding the amendment. The land use and zoning amendments are being brought back to City Commission for second and final reading.

A zoning designation of Planned Development Mixed Use (PDMU) and future land use designation of Mixed Use (MU) would allow for parcels to be assembled into the Master Development Plan (MDP) known as WH Corp. The applicant has confirmed that the land is not being utilized to add more density, but is being added to the MDP to distribute the entitled density. Any changes as outlined in Section 23-450.9 of the Land Development Regulations would warrant a modification to the MDP to be presented to City Commission.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

**FISCAL IMPACT** Re-assignment would enable the assembly of parcels into a Master Development Plan that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

18. Ordinance 2022-24 Annexation – 2nd Reading And Public Hearing 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road PID: 272910-000000-044040

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-24 proposes the voluntary annexation of approximately 17.23 acres of land south of Waverly Road and west of C F Kinney Road, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends adoption after second reading of Ordinance 2022-24 following a public hearing. City Commission approved Ordinance 2022-24 at first reading on September 7, 2022. Public Hearing notice requirements have been met. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND** Ford Groves, LLC petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022. This item was heard before City Commission and approved in June and July, however, staff is bringing the item back to correct the legal descriptions previously provided. The item was approved at first reading at a regular meeting on September 7, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western boundary.

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

**FISCAL IMPACT** The annexation will add to the City's tax roll. The property is valued at \$182,817, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

19. Ordinance D2022-25 Future Land Use Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road. PID 272910-000000-044040 2nd Reading And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Sarah Case, authorized agent for owner, request approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 17.23 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on June 28, 2022:

Current Land Use: Polk County A/RR (Agriculture/Rural Residential)

Proposed Land Use: LDR At a regular meeting on July 19, 2022, City Commission approved Ordinance D2022-25 at first reading.

**BACKGROUND** The subject property is located south of Waverly Road and west of C F Kinney Road. This

parcel is adjacent to city limits on its southern boundary and is directly north of Leoma's Landing. The owners petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022. The property was annexed on July 5, 2022, however, the provided legal descriptions needed to be corrected and was re-approved at first reading on July 19, 2022. This item was continued to September 20, 2022 to account for the second and final reading of the annexation.

There are no development plans submitted for this parcel at this time. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the city to discuss development processes.

A Zoning designation of R-1C and Land Use designation of LDR is appropriate for the area, as there are other surrounding developments zoned R-1C with a land use of LDR.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns future Land Use 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 Assignment would enable the development of this property, and the property is valued at \$182,817, which would bring in additional property taxes.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

20. Ordinance D2022-26 Zoning Map Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road. PID 272910-000000-044040 2nd Hearing And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Sarah Case, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 17.23 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on June 28, 2022:

Current Zoning: Polk County A/RR (Agriculture/Rural Residential)

Proposed Zoning: R-1C At a regular meeting on July 19, 2022, City Commission approved Ordinance D2022-25 at first reading.

**BACKGROUND** The subject property is located south of Waverly Road and west of C F Kinney Road. This parcel is adjacent to city limits on its southern boundary and is directly north of Leoma's Landing. The owners petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022. The property was annexed on July 5, 2022, however, the provided legal descriptions needed to be corrected and was re-approved at first reading on July 19, 2022. This item was continued to September 20, 2022 to account for the second and final reading of the annexation. There are no development plans submitted for this parcel at this time. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the city to discuss development processes. A Zoning designation of R-1C and Land Use designation of LDR is appropriate for the area, as there are other surrounding developments zoned R-1C with a land use of LDR.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

**FISCAL IMPACT** Assignment would enable the development of this property, and the property is valued at \$182,817, which would bring in additional property taxes.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

21. ORDINANCE 2022-30, Accepting The Report And Recommendation Of The 2022 Districting Commission – First Reading

[Begin Agenda Memo]

**SYNOPSIS:** This Ordinance creates revised Commission Districts based on the 2020 Census.

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

1. Adopt Ordinance 2022-30 accepting the Report and Recommendation of the 2022 Districting Commission.

**BACKGROUND** Within a year of the release of each decennial census, the City Commission is required by Charter to appoint a districting commission to provide a recommended plan for adjustment of the allocation of commission seats within each commission district or adjustment of commission district boundaries. The purpose of these adjustments is to equalize population within the areas represented by each commission seat if population growth has occurred over the previous decade. Members of the 2022 Districting Commission were appointed in September of 2021 to develop a districting plan and recommendation utilizing data from the 2020 Census.

In accordance with charter amendments approved by voters in April 2011, five commissioners will be elected from four geographical districts as equal as possible in population effective with the 2023 election. Seat 1 will be elected at-large and this commissioner will serve as mayor. According to the 2020 Census the current population by seat is as follows:

Seat 2 4036 23.9%

Seat 3 3462 20.5%

Seat 4 5023 29.8%

Seat 5 4354 25.8%

Total 16,875

The recommended allocation of population to the four seats is as follows:

Seat 2 - District 19 4,039 23.9%

Seat 3 - District 122 4,092 24.2%

Seat 4 - District 27 4,393 26.1%

Seat 5 - District 28 4,354 25.8%

Total 16,875 100.0%

Each of the four commission seats will represent nearly the same number of citizens, with a difference of



354 persons between the largest commission district or area represented and the smallest. This difference equals 8.4% of the population residing in the smallest area represented. Charter requires that The area represented by each commission seat does not differ in population by more than ten percent

**OPTIONS** Regarding the adjustment of commission district boundaries, there are no other options as Federal law requires that elected officials represent as nearly as possible an equal number of citizens. Regarding the actual lines, changes could be recommended to the redistricting commission to consider.

**FISCAL IMPACT** None.

[End Agenda memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Howell suggested getting rid the district numbers as they no longer have a purpose. It is confusing to have seat numbers and district numbers.

Ms. Nanek said that a citizen brought this up to the Commission sometime back. The Commission deferred this to the Redistricting Committee. The Redistricting Committee recommended against a change. This can certainly be changed. Mr. Slaton said we can bring this back for discussion at another workshop.

22. Approval Of Application For FRDAP Grant Funds To Make Improvements To The Northwest Complex.

[Begin Agenda Memo]

**SYNOPSIS:** Approval of a grant application for \$50,000 to rehabilitate the basketball courts, tennis courts and add picnic tables at the Northwest Complex.

**RECOMMENDATION** Staff recommends that the City Commission take the following action:

1. Approve the Florida Recreation Development Assistance (FRDAP) grant application submitted to the Department of Environmental Protection.
2. Authorize the City Manager to execute the applications on the City's behalf.

**BACKGROUND** The Land and Recreation Grants staff administers grants to local governments through the Florida Recreation Development Assistance Program (FRDAP). This competitive, reimbursement grant program provides financial assistance for acquisition or development of land for public outdoor recreation. Eligible participants include all county governments, municipalities in Florida and other legally constituted local governmental entities with the responsibility for providing outdoor recreational sites and facilities for the general public. This grant application is for \$50,000 to rehabilitate the Northwest Complex. Enhancements include renovations to the basketball courts, new nets for the tennis courts and added picnic tables for the enjoyment of the community.

**OTHER OPTIONS** Withdraw the application.

**FISCAL IMPACT** No match is required. Fiscal Impact Study prepared by the Finance Department and attached.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

23. Lake Wales High School Homecoming Parade 2022 Special Event And Road Closings

[Begin Agenda Memo]

**SYNOPSIS:**

Approval of the special event permit application and the request for street closings will allow the Lake Wales High School Homecoming Parade to be held on Thursday, September 29, 2022.

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

- Approve the special event permit application from Lake Wales High School for the Homecoming Parade to be held Thursday, September 29, 2022 from 5:00 pm to 6:30 pm.
- Approve the request for the road closing of First Street from SR60 to Central Avenue, Central Avenue from First Street to Lake Shore Boulevard, and Lake Shore Boulevard from Central Avenue to North Wales Drive at Legion Field, and Orange Avenue and N 5th Street to Sessoms Avenue.

**BACKGROUND** Mr. Anuj Saran, Principal of the Lake Wales High School submitted a special event permit application for the Homecoming Parade to be held on Thursday, September 29, 2022 between the hours of 5:00 pm and 6:30 pm. Parade line up begins at 4:00 p.m. in the parking lot of Polk Avenue Elementary School and on south First Street with the parade starting at 5:00 p.m. The requested temporary street closings will involve the following streets;

First Street from State Road 60 north to Central Avenue, east on Central Avenue crossing SR 17 and continuing to Lake Shore Blvd., north on Lake Shore Blvd. to North Wales Drive, Orange Avenue to N 5th Street, N 5th Street to Sessoms Avenue.

All Departments have reviewed the application and have approved the event. The Charter Schools have provided the required proof of liability insurance.

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

**FISCAL IMPACT** In-kind service from the City is estimated to be \$1,909 for FY2022/2023. Lake Wales High School is responsible for 25% of the total cost or approximately \$634.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item

24. 45th Annual Pioneer Days Celebration And Road Closure

[Begin Agenda Memo]

**SYNOPSIS:** Approval of this request will allow the Pioneer Days Celebration to take place on October 29 - 30, 2022 in Lake Wailes Park, allow vendors to set up RV's in the park, and allow for the temporary street closings for the Antique Car Parade.

**RECOMMENDATION** It is recommended that the City Commission consider taking the following action: 1. Approve the special event permit application for the 46th Annual Pioneer Days Celebration, to be held October 29 -30, 2022 2. Approve the temporary road closing as specified in this memorandum for the Antique Car Parade on October 29, 2022 from 11:30 a.m. to 1:30 p.m. 3. Approve the request for alcohol in its designated areas. 4. Approve the request for RV's and tents to be set up by vendors in Lake Wailes Park throughout the event subject to the conditions specified by staff.

**BACKGROUND** The City of Lake Wales submitted a Special Event Permit Application for the 46th Annual Pioneer Days celebration to be held from October 29 and 30, 2022 at Lake Wailes Park. Pioneer Days will

include the serving and consuming of alcohol within the boundary of the park. This application also includes a request for vendors to set up RV's and tents in Lake Wailes Park throughout the three-day event. Some vendors would like to stay on site for security reasons and protection of their property. Per Sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit.

Staff recommends that approval specify the following conditions:

- The RV's will arrive no earlier than 9 a.m. Thursday, October 27, 2022 and must depart no later than 9 p.m. on Sunday, October 24, 2021 allowing ample time for take down and clean up.
- The RV's, vehicles, and tents will be set up in areas as designated by the City.
- No parking of vehicles will be allowed off pavement except in areas approved and designated by the City.
- No vehicles shall be parked or driven within 15 feet of the trunk of any trees within the park.
- No vehicles shall drive or park on the bike path or cross the bike path.
- Vendors approved to set up inside the "horseshoe drive" across from the basketball courts, shall maintain a 15-foot distance from tree trunks.

The event will also include an Antique Car Parade on Saturday, October 29, 2022 from 11:00 a.m. to 1:30 p.m. and require approval of the temporary closing of several streets. The requested temporary street closings will involve the following: North Lake Shore Blvd from North Wales Dr to Park Avenue and the road through Lake Wailes Park On Friday, October 28, 2022, vendors and participants will be setting up in Lake Wailes Park beginning at 10:00 a.m. The main event will commence on Saturday, October 29, with the Pioneer Hour at 10:00 a.m. and will continue throughout the day with events and activities until 5:00 p.m. Sunday's activities will begin at 9:00 a.m. and will wrap up at 5:00 p.m.

**OTHER OPTIONS** Do not approve the Special Event Permit Application for the Pioneer Days Celebration or the request for the road closures.

**FISCAL IMPACT** In-Kind services for this event provided by the City will be approximately \$2016.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

25. Appointments – Police Pension Board, Fire Pension Board, And Library Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointments to fill vacancies due to expiration of terms and resignations.

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

1. Reappoint Robert Plummer to a new term on the Police Pension Board to expire 9/30/26
2. Reappoint TJ McKeon to a new term on the Police Pension Board to expire 9/30/26
3. Appoint Roy Wilkinson to a new term on the Fire Pension Board to expire 9/30/26
4. Appoint Kathy Manry Smith to a term on the Library Board to expire on 9/30/24

**BACKGROUND** 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).

Police Officers' Retirement Board – The board consists of five (5) members. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 resident vacancies due to expiration of terms.

Current Members: Carlos Unzueta (Police Officer 5th Seat) 2/4/20 – 9/30/23 P

Plummer, Robert (resident) 09/05/18 - 9/30/22 P+1 terms

McKeon, TJ (resident) 2/5/19 – 9/30/22 1 term

Black, David (police officer) 10/14/16 – 9/30/22 2 terms

Raebig, William (police officer) 5/5/14 – 9/30/22 2 terms

Applying for appointment: Robert Plummer is applying for a new term to expire 9/30/26.

TJ McKeon is applying for a new term to expire 9/30/26.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 residents and 1 employee due to resignation and expiration of terms.
- Current Members: Brian Patterson 09/22/15 – 09/30/23 P+1

Dennis Childress, resident 09/30/18 - 09/30/22, P+1

Mike Costello, resident (resigned) 12/15/20 - 09/30/22, P

Caleb Simpson, Firefighter 09/30/18 - 09/30/22, 1 term

Roy Wilkinson, III, Firefighter 09/30/18 - 09/30/22, P+1

Applying for reappointment: Roy Wilkinson is applying for a new term to expire 9/30/26

Michael Costello Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies, resident & non-resident, due to resignation & expiration of terms

Current Meeting Schedule: 1st Wednesday @ 4:00 p.m.;

Lake Wales Library Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members: Jodie Schmidt, outside 2/15/22 -07/1/26, P

Imelda Tice, resident 10/20/20 – 07/01/22, P

Michalkiewicz, Brystal, resident 08/04/15 - 07/01/21, P+1

Brandon Alvarado, resident 01/19/21 - 07/01/23, 1

Allison Kapphan, resident 07/01/19 - 07/01/24, P+1

Applying for Appointment: Kathy Manry Smith for a term expiring on 7/1/2024.

The Library Board recommends her appointment.

**OPTIONS** Do not appoint those that have applied.

**FISCAL IMPACT** None. These are volunteer boards.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

## 26. CITY COMMISSION AND MAYOR COMMENTS

Albert Galloway, Jr., City Attorney, said that he has been contacted by someone who wants to buy Lot #1 in Longleaf Business Park. When Longleaf Business Park was created in 2001 we added a provision saying if a purchaser did not build in two years that the City could retake the property back for the same amount that was paid for it. Mr. Galloway said that over the years that has never occurred. He did not think the Commission would want to take the property back. He asked the Commission if they wanted to retake a property in Longleaf. Can this purchase go on through? Mr. Joe Miranda sold it to someone who is selling it to a gentleman from South Florida who wants to build a warehouse.

Deputy Mayor Gibson confirmed that he isn't purchasing it from us or the CRA? Mr. Galloway confirmed that he isn't. Deputy Mayor Gibson said he was not interested in taking the property back. Commissioner Howell and Commissioner Krueger agreed. Mr. Galloway said the current owner hasn't done anything with the lot in two years either.

Deputy Mayor Gibson said that the Commission consensus can be recorded in the minutes which can be sent to the prospective buyer. Mr. Galloway agreed with this. The Commission members all consented to this.

Commissioner Krueger asked about the status of building permits. Have they decreased? James Slaton, City Manager, Slaton said no are permits have increased. He tries to track this. So far we are insulated from economic issues happening elsewhere. Permits for new home construction this year is 62.

Commissioner Howell asked about the retreat. Mr. Slaton asked about October 17-18 as possible dates. The Commission said they would check their calendars. Mayor Hilligoss asked where this will be held. Mr. Slaton said probably downstairs at the Library.

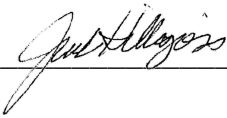
Commissioner Howell said she saw the video on Whadda Wings in Lake Wales. She is glad to see positive things about lake Wales.

Deputy Mayor Gibson asked about the bid opening for Park Avenue. Mr. Slaton said tomorrow at 2pm.

Mayor Hilligoss said the Parks and Rec Plan was fun to read through. Its exciting. He likes this approach like we have done with the Mobility Plan, the Connected Plan and others. He would like a business plan with the Chamber and Main Street. Mr. Slaton said he is waiting on a proposal for retail strategies from a company that focuses on hotels, retail, and restaurants. They have relationships around the country and state. They have data that we don't have. They are successful elsewhere. He will bring a proposal to the next commission meeting. He is also working on incentives for larger businesses over the next weeks to support the EDC.

27. ADJOURN

The meeting was adjourned at 4:10 p.m.



Mayor

ATTEST:

---

City Clerk