

# City Commission Meeting

April 19, 2022

(APPROVED)

4/19/2022 - Minutes

1. INVOCATION

Commissioner Williams gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. COMMENTS AND PETITIONS

6. PRESENTATION/REPORT

Proclamation - Olmsted Day - Mayor Fultz presented a Proclamation recognizing April 30, 2022 as Olmsted Day. A representative from Lake Wales Heritage accepted the proclamation.

6.I. Transmittal Of Comprehensive Annual Financial Reports, For Fiscal Year Ended September 30, 2021

[Begin Agenda Memo]

**SYNOPSIS:** Transmittal of Comprehensive Annual Financial Reports for fiscal year ended September 30, 2021.

**STAFF RECOMMENDATION:** Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2022 and independent auditors' report as presented.

**BACKGROUND:** In the independent auditors' report for the fiscal year ending September 30, 2021, the auditors (Carr, Riggs & Ingram) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2021, and the respective changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles

generally accepted in the United States of America.

The City utilized the professional services of Mike Brynjulfson, CPA for compilation of the annual audit. Mr. Brynjulfson will be attending the presentation of the annual report and be available to answer any questions relating to technical reporting requirements.

#### Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$63,736,025 (net position). As of September 30, 2021, the City reports an unrestricted net position of \$4,398,781 as compared to \$2,812,070 in the prior year.

- The City's total net position increased by \$3,270,161. The governmental activities and business-type activities increased their net positions by 9% and 4%, respectively.

- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$10,658,942; an increase of \$1,389,875 for the year. Approximately 37% of total fund balance is available for spending at the government's discretion (unassigned) compared to 39% in the prior year.

[End Agenda Memo]

Dorothy Abbott, Finance Director, reviewed this item. She introduced Heather Moser, from Carr Riggs & Ingram CPAs and Advisors, to review the audit report.

Ms. Moser reported that the audit went smoothly. The City got a clean opinion and no issues arose. There were no weaknesses or deficiencies. No issues with compliance on grants. She said they prepared a letter with some recommendations especially within IT. These have been communicated directly to our IT manager who has begun implementing them. There were no significant changes to our accounting policies for the past year. There were no disagreements with management.

Ms. Abbott said that we will be scheduling budget workshops soon. She reviewed the schedule for developing a budget for next year. We should be good with reserves at 37% in the general fund. The City was in good standing as of last September.

Deputy Mayor Gibson asked for projections for the next few years. Ms. Abbott said she will get those for the Commission.

Commissioner Hilligoss made a motion to approve the report. Commissioner Howell seconded the motion.

by voice vote

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

7. Minutes - Commission Work Session December 15, 2021

Commissioner Howell made a motion to approve the minutes of December 15, 2021. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8. OLD BUSINESS

8.1. ORDINANCE 2022-10, 2nd Reading And Public Hearing - League Background Checks

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider adopting an Ordinance to require background check for organizations utilizing City-owned facilities.

**RECOMMENDATION** It is recommended that the City Commission adopt Ordinance 2022-10 after second reading and public hearing.

**BACKGROUND**

The City of Lake Wales makes many of its recreational and other facilities available for use by outside organizations to provide recreational and/or educational opportunities for minor children. The purpose of this policy is to ensure the safety of the participating minors by providing criteria for background checks of the coaches and other persons involved in the administration of these recreational/educational activities who have or may have contact with the participating minors.

Prior to approval for the use of any City-owned facility, all requesting organizations will submit to the City's Recreation Department evidence of completion of the required background checks for all applicable persons.

Background Check Criteria will include:

All Sex Offenses

Violent Felonies

Violent Misdemeanors (includes Domestic Violence and Battery Offenses) (within the last 10 years)

Misdemeanor or Felony Drug offenses including sale, delivery, and distribution

Misdemeanors related to children

Proposed Ordinance 2022-10 was presented to the current members of the Recreation Advisory Board for review and discussion on March 21, 2022. The members recommend that the City Commission adopt this ordinance.

**OTHER OPTIONS** The City Commission may choose not adopt Ordinance 2022-10 or modify the language.

**FISCAL IMPACT** None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-10** by title only.

**ORDINANCE 2022-10**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V, USE PERMITS – RECREATION FACILITIES, BY ADDING SEC. 18- LEAGUE BACKGROUND CHECKS ; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2022-10** after 2nd reading and Public Hearing. Commissioner Howell seconded the motion.

by Roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.II. **ORDINANCE 2022-11** Amending Chapter 16, Pension & Retirement – General Employees' Pension Plans – Second Reading And Public Hearing

[Begin Agenda memo]

**SYNOPSIS:** The City Commission will consider adopting Ordinances 2022-11 to allow for the coordination of benefits between the 401(a) (defined contribution plan) and the City's defined benefit plans.

**RECOMMENDATION** It is recommended that the City Commission adopt Ordinance 2022-11 after second reading and public hearing.

**BACKGROUND** The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2022-11, 14 & 15 are being presented to provide for coordination of

benefits with the 401(a) Plan.

In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees. Once an employee reaches the \$75,000 Cap, the employee and City contributions are discontinued. Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reach the \$75,000 maximum annual benefit cap to join the 401(a) Plan. This will allow the city to contribute 16.5% of an individual's payroll costs, which is the average of the current pension plans, and is determined by the actuary for the Defined Benefit Plans, subject to applicable IRS limits.

As a result of establishing the pension cap, some employees may reach the cap prior to reaching normal retirement age.

Allowing employees who've reached the cap to transition into the 401(a) Defined Contribution plan is the most cost effective solution, compared to making changes to the actual pension plans as it is outside the pension plan and has no impact on the City's Unfunded Actuarial Liabilities.

### **OTHER OPTIONS**

1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities.

2) Do nothing.

**FISCAL IMPACT** There are currently two employees who have reached the \$75,000 maximum annual benefit cap. To make contributions on their behalf into the 401(a) Plan will impact the FY 21'22 budget \$18,161.74 and approximately \$37,000 annually until the end of employment.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-11** by title only.

### **ORDINANCE 2022-11**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; CREATING SECTION 16- 66(a) TO PERMIT COORDINATION OF BENEFITS WITH THE CITY'S DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-11** after 2nd reading and Public Hearing. Commissioner Hilligoss seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

motion passed 5-0.

8.III. Ordinance 2022-14 Amending Chapter 16, Pension & Retirement – General Employees', Lake Wales Municipal Firefighter's Pension Plans – Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider adopting Ordinances 2022-14 to allow for the coordination of benefits between the 401(a) (defined contribution plan) and the City's defined benefit plans.

**RECOMMENDATION** It is recommended that the City Commission adopt Ordinance 2022-14 on second reading and public hearing.

**BACKGROUND**

The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2022-11, 14 & 15 are being presented to provide for coordination of benefits with the 401(a) Plan.

In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees. Once an employee reaches the \$75,000 Cap, the employee and City contributions are discontinued. Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reach the \$75,000 maximum annual benefit cap to join the 401(a) Plan. This will allow the city to contribute 16.5% of an individual's payroll costs, which is the average of the current pension plans, and is determined by the actuary for the Defined Benefit Plans, subject to applicable IRS limits.

As a result of establishing the pension cap, some employees may reach the cap prior to reaching normal retirement age.

Allowing employees who've reached the cap to transition into the 401(a) Defined Contribution plan is the most cost effective solution, compared to making changes to the actual pension plans as it is outside the pension plan and has no impact on the City's Unfunded Actuarial Liabilities.

**OTHER OPTIONS** 1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities. 2) Do nothing.

**FISCAL IMPACT** There are currently two employees who have reached the \$75,000 maximum annual benefit cap. To make contributions on their behalf into the 401(a) Plan will impact the FY 21'22 budget \$18,161.74 and approximately \$37,000 annually until the end of employment.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-14** by title only.

**ORDINANCE 2022-14**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES FIREFIGHTERS' PENSION PLAN AND TRUST; CREATING SECTION 16-187(a) TO PERMIT COORDINATION OF BENEFITS WITH THE CITY'S DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-14** after 2nd reading and Public Hearing. Commissioner Williams seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

motion passed 5-0.

8.IV. **ORDINANCE 2022-15 Amending Chapter 16, Pension & Retirement – Lake Wales Police Officers’ Pension Plans – 2nd Reading And Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider adopting Ordinance 2022-15 to allow for the coordination of benefits between the 401(a) (defined contribution plan) and the City’s defined benefit plans.

**RECOMMENDATION** It is recommended that the City Commission adopt Ordinance 2022-15 after second reading and public hearing.

**BACKGROUND**

The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2022-15 is being presented to provide for coordination of benefits with the 401(a) Plan.

In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees. Once an employee reaches the \$75,000 Cap, the employee and City contributions are discontinued. Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reach the \$75,000 maximum annual benefit cap to join the 401(a) Plan. This will allow the city to contribute 16.5% of an individual’s payroll costs, which is the average of the current pension plans, and is determined by the actuary for the Defined Benefit Plans, subject to applicable IRS limits. As a result of establishing the pension cap, some employees may reach the cap prior to reaching normal retirement age. Allowing employees who’ve reached the cap to transition into the 401(a) Defined Contribution plan is the most cost effective solution, compared to making changes to the actual pension plans as it is outside the pension plan and has no impact on the City’s Unfunded Actuarial Liabilities.

**OTHER OPTIONS** 1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities. 2) Do nothing.

**FISCAL IMPACT** There are currently two employees who have reached the \$75,000 maximum annual

benefit cap. To make contributions on their behalf into the 401(a) Plan will impact the FY 21'22 budget \$18,161.74 and approximately \$37,000 annually until the end of employment.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-15** by title only.

#### **ORDINANCE 2022-15**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES POLICE OFFICERS' PENSION PLAN AND TRUST; CREATING SECTION 16-257(a) TO PERMIT COORDINATION OF BENEFITS WITH THE CITY'S DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-15** after 2nd reading and Public Hearing. Commissioner Hilligoss seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

motion passed 5-0.

#### 9. NEW BUSINESS

##### 9.I. Retirement Reimbursements To Fire And Police Chief

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approval of a retirement reimbursement plan for the Fire and Police Chiefs.

**RECOMMENDATION** It is recommended that the City Commission approve the recommended three-year reimbursement plan.

**BACKGROUND** In 2013, the City established a \$75,000 maximum annual retirement benefit cap for all City employees. Once an employee reaches the \$75,000 cap, the employee and City contributions are discontinued. The Fire and Police Chiefs met the established retirement cap in October 2017 and January 2019, respectively. Staff is recommending a three-year reimbursement plan to make these two employees whole in accordance with adopted Ordinance 2022-14 & 15. The cost per year is \$43,637.59.

**OTHER OPTIONS** 1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities. 2) Make a one-time payment in the amount of \$130,912.77. 3) Decline to reimburse employees.

**FISCAL IMPACT** The cost for FY 21'22, 22'23 and 23'24 is \$43,637.59 annually

[End Agenda Memo]

Commissioner Howell asked if the option needed to be specified. Jennifer Nanek, City Clerk, said if the Commission votes to approve the item that means the staff recommendation.

Commissioner Howell made a motion to approve the recommended three-year reimbursement plan. Commissioner Hilligoss seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 9.II. ORDINANCE D2022-13 First Reading And Public Hearing - Future Land Use For Approximately 208 Acres Of Land South Of Lake Mabel Loop Road, East Of Scenic Highway North, North Of Masterpiece Road, And West Of Tower Road

[Begin Agenda Memo]

**SYNOPSIS:**

Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcels totaling approximately 208 acres of land.

**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 March 22, 2022: Current Land Use: Polk County A/RR Proposed Land Use: LDR

**BACKGROUND** The subject properties are located north of Masterpiece Road, east of North Scenic Highway, and just opposite the Dinner Lake community.

In November of 2021, City Commission approved a Master Annexation Agreement which provides for the eventual annexation of the Gardinier property in its entirety within the next 20 years. The land owner subsequently petitioned to annex the first 208 acres; the annexation ordinance was adopted on March 15, 2022. The Planning Board, at a regular meeting on March 22, 2022, recommended approval to reassign land use and zoning designations for the approximate 208 acres.

Furthermore, on March 22, 2022, the 208 acres were presented to Planning Board for a Planned

Development Project. The Planning Board recommended approval of the Residential Preliminary Subdivision Plat and a Special Exception Use Permit for a Mixed-Use PDP with waivers of strict compliance and conditions of approval. Approvals of a Preliminary Subdivision Plat and Special Exception Use Permit for a PDP will be contingent upon the approvals of the land use and zoning amendments. A Future Land Use Designation of LDR – Low Density Residential is compatible with the surrounding area, as the properties are primarily surrounded by residential development.

#### **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 redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-13** by title only.

**ORDINANCE D2022-13 (Large-Scale CPA/Future Land Use Map Amendment for approximately 208 acres of land south of Lake Mabel Loop Road, east of Scenic Highway North, north of Masterpiece Road, and west of Tower Road)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 208 ACRES OF LAND LOCATED SOUTH OF LAKE MABEL LOOP ROAD, EAST OF SCENIC HIGHWAY NORTH, NORTH OF MASTERPIECE ROAD, AND WEST OF TOWER ROAD, FROM POLK COUNTY AGRICULTURAL/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION LOW-DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### OPENED PUBLIC HEARING

Shelton Rice, Peterson & Myers, representing the property owners shared a slideshow on the project for this item and the next two items. He said he wanted to be transparent to the public on this project. They have been working with City staff for 3 years on this. He showed a map of the property. He showed that there are developments around this property. There are no wetlands. The site has been operating as a grove. This is a mixed-use project. There will be a commercial area to provide services to residents. There will be a trail throughout the property. He reviewed details and amenities of the development. The lots are larger closer to Masterpiece Road. On the inside will be the smaller lots. He reviewed the planned landscaping. The resort will be a 55+ community with lots of amenities. There will be a clubhouse and recreation facilities. He shared exterior and interior pictures of proposed manufactured homes. The land will continue to be owned by the Gardiniers. The land will be leased and units purchased. The manufactured homes will be double wide and triple wide. There will be no single wide. He distributed a copy of the current plan and reviewed the buffers planned.

Mr. Rice reviewed the indicators of urban sprawl and said this development based on these this development is not considered urban sprawl. Utilities are available to this site. It is compact and promotes walkability and is mixed use. This type of development will allow the owners to maintain and develop citrus groves elsewhere.

Mr. Rice reviewed the three requests on the agenda today. Mayor Fultz thanked Mr. Rice for providing clarity on this project.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2022-13** after 1st reading and Public Hearing. Commissioner Williams seconded the motion.

Deputy Mayor Gibson said he is compelled to vote against this. He has respect for the Gardiniers and the professionals working with them. His main concern is to create a footprint to decide where to have development. We need to save the hills and farmlands that residents like. We need to plan before we act. We need an agreement with the county first as we need their cooperation. He would rather do some thoughtful planning before we act on this.

Commissioner Howell said it makes sense to have a plan. James Slaton, City Manager, explained the year long process to develop a plan and know what we want in Lake Wales before we approach the county. He asked if we want to hold off on growth in the meantime however. Commissioner Howell said those in the process are "grandfathered in" as far as she is concerned.

Commissioner Hilligoss said he understands the angst around this. He said the main thing is getting the water rights from this parcel.

Commissioner Williams said we need more discussion on these types of projects but this type of project is the type we want.

Mayor Fultz expressed support for the project and said getting the water rights is important. Water is an important issue. These developments are a good thing to allow the citrus industry to keep going. We are developing our footprint. We need more executive housing in our area.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "NO"

Mayor Fultz "YES"

motion passed 4-1.

- 9.III. ORDINANCE D2022 -14 1st Reading And Public Hearing - Zoning For 208 Acres Of Land South Of Lake Mabel Loop Road, East Of Scenic Highway North, North Of Masterpiece Road, And West Of Tower Road

[Begin Agenda Memo]

**SYNOPSIS:** Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on the above-mentioned parcels totaling approximately 208 acres of land.

**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 February 22, 2022: Current Zoning: Polk County A/RR Proposed Zoning: R-1A

**BACKGROUND** The subject properties are located north of Masterpiece Road, east of North Scenic Highway, and just opposite the Dinner Lake community.

In November of 2021, City Commission approved a Master Annexation Agreement which provides for the eventual annexation of the Gardinier property in its entirety within the next 20 years. The land owner subsequently petitioned to annex the first 208 acres; the annexation ordinance was adopted on March 15, 2022. The Planning Board, at a regular meeting on March 22, 2022, recommended approval to reassign land use and zoning designations for the approximate 208 acres.

Furthermore, on March 22, 2022, the 208 acres were presented to Planning Board for a Planned Development Project. The Planning Board recommended approval of the Residential Preliminary Subdivision Plat and a Special Exception Use Permit for a Mixed-Use PDP with waivers of strict compliance and conditions of approval. Approvals of a Preliminary Subdivision Plat and Special Exception Use Permit for a PDP will be contingent upon the approvals of the land use and zoning amendments. A Zoning designation of R-1A is compatible with the surrounding area, as adjacent properties are zoned the same, and the property is surrounded by single family residential on the northern, western, and southern boundaries.

#### **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 development of this property and the potential increase in property value.

[End agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2022-14** after 1st reading and Public Hearing. Commissioner Williams seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "NO"

Mayor Fultz "YES"

motion passed 4-1.

- 9.IV. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Mixed-Use Planned Development Project (MUPDP) Valencia Hills

[Begin Agenda Memo]

**SYNOPSIS:** Shelton T. Rice, authorized agent for owner, is requesting approval of City Commission, of a Residential Preliminary Subdivision Plat and a Special Exception Use Permit for a Mixed-Use PDP, comprising of 143-lot single family homes, 654-lot manufactured home resort community with an amenity center, and 2.2 acres of commercial uses, on approximately 208 acres of land south of Lake Mabel Loop Road, east of Scenic Highway North, north of Masterpiece Road, and west of Tower Road.

## **RECOMMENDATION**

Applicant requests approval of City Commission of a Residential Preliminary Subdivision Plat, and a Special Exception Use Permit for a Mixed-Use PDP, comprising of 143-lot single family homes, 654-lot manufactured home resort community with an amenity center, and 2.2 acres of commercial uses, with waivers of strict compliance and conditions of approval, as recommended by the Planning and Zoning Board at a regular meeting on March 22, 2022.

## **BACKGROUND**

General: The 208-acre vacant grove land is located north of Masterpiece Road, east of North Scenic Highway, and just opposite the Dinner Lake community. In November of 2021, City Commission approved a Master Annexation Agreement which provides for the eventual annexation of the Gardinier property in its entirety within the next 20 years. The land owner subsequently petitioned to annex the first 208 acres; the annexation ordinance was adopted by City Commission on March 15, 2022.

On March 22, 2022, the Planning Board made a recommendation to City Commission on a proposed zoning designation of R-1A, and a future land use designation of LDR low-density residential at a maximum of 5 units per gross acre. At the same meeting on March 22, 2022, the Planning Board recommended approval of the Residential Preliminary Subdivision Plat, and a Special Exception Use Permit for a Mixed-Use PDP, with waivers of strict compliance and conditions of approval. An approval of the PDP will be contingent upon land use and zoning approvals by City Commission.

The proposed project is designed as a Mixed-Use Planned Development Project (MUPDP), including requested Waivers of Strict Compliance.

Maximum density allowed on the site is calculated at 5 units per gross acre, or 1,040 dwelling units, under the Comprehensive Plan for LDR Low-Density Residential; a density of only 3.83 dwelling units per acre, or 797 dwelling units, is proposed.

This mixed-use development includes:

- 2.2-acres of non-residential uses with 23,000 square feet of commercial space fronting along Scenic Highway
- 98 single-family residential lots at a minimum of 9,375 square feet
- 45 single-family residential lots at a minimum of 12,500 square feet
- A 55+ Manufactured Home Resort Community with a maximum unit count of 654 dwellings and an amenity center
- 1.2 acres of RV/Boat storage
- 1-acre of land dedication to the City for the future location of a water tank site, per the request of the City's Utilities Department.

The 12,500 square-foot lots do not meet the required street frontage or maximum lot coverage, but are compliant with all other dimensional and area standards of the R-1A district. The 9,375 square-foot lots do not meet the minimum lot size, street frontage, lot width at building line, and maximum lot coverage,

but meet all other dimensional and area standards of the R-1A district.

Waivers are being requested for all R-1A dimensional and area standards that are necessary in order to facilitate the Manufactured Home Resort Community component.

R-1A Standards per Table 23-422

Zoning Dwelling Type Minimum Lot Size (sq. feet)<sup>9</sup> Minimum Street Frontage (feet)<sup>1</sup> Minimum Lot Width at building line (feet) Minimum Floor Area (sq feet)<sup>2</sup> Minimum Setbacks\* Principal Buildings (feet) Maximum Lot Coverage 8 (percent) Maximum Building Height Front 3 Side 4 Rear 5 feet stories  
R-1A Single family 12,000 50 85 1,500 30 10 20 40 35 2&1/2;

Proposed Standards

75' wide lots 100' wide lots Manufactured Home Lots

Minimum Lot Size 9,375 sq. ft. 12,500 sq. ft. 4,500 sq. ft.

Minimum Street Frontage 40 feet 50 feet 35 feet

Minimum Lot Width at Building Line 75 feet 100 feet 50 feet

Minimum Living Area 1,500 sq. ft. 1,500 sq. ft. 1,200 sq. ft.

Front Building Setback 30 feet 30 feet 15 feet from edge of pavement

Side Building Setback 10 feet 10 feet 15 feet between buildings

Rear Building Setback 20 feet 20 feet 20 feet between buildings

Maximum Lot Coverage 60% 60% 70%

Roadways & Access: Primary access to the development will be on Scenic Highway North and Masterpiece Road, with an emergency access located on Tower Road. An exterior sidewalk is proposed for Scenic Highway North, however a waiver is being requested for sidewalks along the exterior of the development on Masterpiece Road, Tower Road and Lake Mabel Loop Road. A waiver is being requested to eliminate sidewalks on one side of the road on some portions of the interior roadways.

For the internal roadways, the single-family portion will provide 5'-wide sidewalks on both sides of the street. The main spine road for the resort community will have a 10' wide multi-use trail on the north side of the boulevard. The individual pods or neighborhoods within the resort community will not have sidewalks on either side of the street.

Landscaping and Buffering: A landscape plan will be required at Site Development Plan submittal, and will be reviewed and approved by Staff after consultation with the City's horticulturist. 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.

The current proposed buffer "Type A" along Masterpiece Road and Scenic Highway North provides one overstory tree every 40 linear feet, and one understory tree every 40 linear feet, in excess of the current standard of one overstory tree every 50 linear feet. The buffer adjacent to roadways would not be permitted to have a fence, however options of masonry wall with aluminum fencing may be discussed at site development review.

A revised buffer plan was submitted that differs from the plan recommended by Planning Board in the following ways:

- A 6' high wall and shrubs were added to the 'Type A' buffer along Masterpiece Road.
- The buffer along Scenic Highway North screening the rear of residential lots, proposed 'Type A\*' buffer, added a 4' high hedge and berm with shrubs.
- A new buffer, 'Type D' buffer, was added where the commercial component fronts Scenic Highway North whereas the original buffer plan did not propose any.

Staff has reviewed the revised buffer plans, which remains the same as originally proposed, except for the additional plantings, walls, and hedges they are proposing to provide.

Recreation & Open Space: The overall development provides 34.2 acres of active recreation, with more than 3 acres designed to serve the single-family residential component, and over 31 acres of recreation to serve the 55+ Manufactured Home Resort Community.

Recreation	Open Space	Open Space %	Single-Family	3.06 acres	7.31 acres	3.5 %	
MH Resort	Community	31.14 acres	39.5 acres	19%	TOTAL 34.2 acres	46.81 acres	22.5%

A trail has been included to extend from the commercial site to Tower Road and branches into each pod. Included in the design of the development is a 9,000 sq. ft. amenity center at the center of the central green that overlooks Lake Mabel. An amenity package has been proposed for the resort including a pool, shuffleboard, bocce ball, pickleball, and a fire pit or outdoor kitchen/grill area. Mini-parks throughout will provide tot lots, pavilions, or picnic areas.

More than 22.5% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

Manufactured Home Communities: Manufactured Home Communities within the city, such as Tower Lakes, were developed in the County and later annexed into the city. Historically, the City did not distinguish between a traditional single-family residence, and a manufactured home meeting the Florida Building Code, thus allowing a manufactured home to be placed on any residential lot within the city. In 2021, the Planning and Zoning Board made a recommendation to City Commission to distinguish between a manufactured home and a single-family home, temporarily prohibiting new manufactured home sets city-wide.

In January of 2022, The Planning and Zoning Board made a recommendation to City Commission to allow manufactured home communities in residential districts only through the Special Exception Use/Planned Development Project process. This was adopted by City Commission on March 1, 2022.

The proposed manufactured home resort community is designed as an active adult community for those that are 55 years and older.

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

Required 75' wide lots 100' wide lots Manufactured Home Lots

Minimum Lot Size 12,000 sq. ft. 9,375 sq. ft. N/A 4,500 sq. ft.

Minimum Street Frontage 50 feet 40 feet N/A 35 feet

Minimum Lot Width at Building Line 85 feet 75 feet N/A 50 feet

Minimum Living Area 1,500 sq. ft. N/A N/A 1,200 sq. ft.

Front Building Setback 30 feet N/A N/A 15 feet from edge of pavement

Side Building Setback 10 feet N/A N/A 15 feet between buildings

Rear Building Setback 20 feet N/A N/A 20 feet between buildings

Maximum Lot Coverage 40% 60% 60% 70% Allow the neighborhood park to be further than 600 feet from some lots it serves. Eliminate visitor parking requirement at recreation areas. Eliminate sidewalks on one side of the street for certain roadways with the development. Eliminate sidewalk requirement along development frontage for the exterior of the development for Masterpiece Road, Tower Road, and Lake Mabel Loop Road.

*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 development provides mixed-use of three components – resort community, single family, and commercial development. This mixed-use product was created to a superior design from a planning perspective. The resort provides a unique product with an extensive amenity package that satisfies demand in the area. The development provides intensive buffering and landscaping than typically required of a standard subdivision. The single family component provides larger lot sizes that satisfies a variety of housing requirements. This project will increase the tax base along with contemplating potential dedication of property to the City for utility purposes."

Additionally, the plan will provide recreation and open space in excess of the minimum standards.

-Recreation required: 3.486 acres; Recreation provided: 34.2 acres

- Open space required: 20% of site; Open space provided: 22.5% 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 and sewer.
3. The development will maximize existing infrastructure investments by connecting to municipal water and sewer lines.
4. The development is providing a water tank site to improve the existing infrastructure.
5. Recreation trail and sidewalk system promotes walkability and bike-ability.
6. 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*

7. Staff and Planning & Zoning Board recommends the following conditions of approval:

Single Family

- 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. Garages shall be recessed at least two feet from the front building expression line unless oriented away from the street. d. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.
- e. Developer shall establish a property/home owner's association to ensure proper operation and maintenance of common areas.

Manufactured Home Resort Community

- a. Conceptual plot lines shall be shown for the resort community on the Site Development Plans.
- b. Manufactured homes shall be a minimum "double-wide" and designed with pitched roofs.

Entire PDP

- a. A Landscape Plan is required at Site Development Plan submittal and will be reviewed and approved by Staff and the City's horticulturist.
- b. 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 POA/HOA or property management.
- c. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.
- d. The developer shall coordinate with Citrus Connection regarding bus stop connections along Scenic Highway.
- e. The buffer along Scenic Highway shall be consistent with the existing buffers at the Dinner Lake Shores and Brookshire subdivisions.
- f. A wall or combination of masonry wall and fencing shall be constructed along Masterpiece Road.
- g. Coordinate with Polk County to provide access along Masterpiece Road.
- h. The developer and the city shall enter into a mutually agreeable utility agreement for the transfer of wells to the City of Lake Wales.
- i. The developer shall enter into a mutually agreeable utility capacity queue agreement.
- j. Approval of the Residential PDP is contingent upon the Department of Economic Opportunity's approval for the land use amendment, and the approval of the zoning amendment by City Commission.

8. Staff recommends the following plan revisions:

- a. Site data shall be stated on plans – including overall open space & open space breakdown, recreation acreage, acreage of retention ponds, maximum lot coverage, and minimum living areas for single family and manufactured homes.
- b. Waivers requested shall be included and reflected on plans.
- c. Cross section detail for internal ROW shall be included on plans. The proposed single-family streets shall have travel lanes of 12' as 11' would not be permitted.
- d. Include a note that the administrative official will determine setbacks upon permit review.
- e. Include typical interior and corner lot landscaping.
- f. The landscaping along Scenic Highway shall be consistent with existing buffers such as the berms along the Dinner Lake Shores and Brookshire subdivisions and shall be reflected in the plans.

**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 \$159 million in taxable value, and generate over \$1 million in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this estimate.

Commissioner Hilligoss made a motion to approve the project. Commissioner Howell seconded the motion.

By voice vote

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "NO"

Mayor Fultz "YES"

Motion passed 4-1.

#### 9.V. RESOLUTION 2022-10 Well Head Vacation

[Begin Agenda Memo]

**Synopsis:** Resolution 2022-10 is for the purpose of vacating the Well Head Protection Easement granted to the City of Lake Wales for a then existing well by instrument dated June 20, 2006, and recorded November 6, 2006, in Official Records Book 7042, at Page 1374, of the Public Records of Polk County, Florida. The Easement was on property then subject to planned development as the Mayfair project which was abandoned at the time of the crash of the real estate market. At the time of the grant, the City was utilizing the well which has since been abandoned. The City no longer has any need for the easement. The new owner and developer of this property has requested that the easement be vacated.

**Recommendation:** That the City Commission approve the adoption of Resolution 2022- 10.

**Fiscal impact:** \$10.00 fee for recording the Resolution in the Public Records of Polk County, Florida.

**Alternatives:** None which will assist in project development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-10** by title only.

**RESOLUTION 2022-10**

**A RESOLUTION CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A CERTAIN EASEMENT**

Commissioner Howell made a motion to adopt **RESOLUTION 2022-10**. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

motion approved 5-0.

- 9.VI. Agreement With The YMCA Of West Central Florida (YMCA) For Staffing And Management Arrangement For The Administration Of The Albert Kirkland, Sr. Gymnasium (Gymnasium).

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval for staffing and management arrangement for administration of the Gymnasium.

**RECOMMENDATION** It is recommended that the City Commission take the following actions: 1. Approve the Agreement with the YMCA. 2. Authorize the City Manager to execute the agreement on behalf of the City.

**BACKGROUND** The current fiscal year budget reflex two full time staff to staff and manage the gymnasium. On December 7, 2021, the City Commission agreed to enter into an MOU agreement for temporary staffing and management so staff could work on a definitive Management Agreement to be executed. City staff recommends the expansion of the current partnership with the YMCA of West Central Florida and entering into an agreement for the staffing and management of the Gymnasium.

**OTHER OPTIONS** 1. The City Commission may choose not to enter into this agreement and direct staff to assume the responsibility of city staff. 2. The City Commission may choose not to enter into this agreement and direct staff to solicit for other management services.

**FISCAL IMPACT** The monthly fee for this Agreement is \$6,750. This rate is comparable to the amount currently budgeted for City Staff.

[End Agenda Memo]

Commissioner Hilligoss made a motion to approve the agreement. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

motion passed 5-0.

#### 10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said he received a letter from Southern Legal Counsel a letter challenging the new panhandling Ordinance. He proposed repealing the current ordinance in order to avoid spending money to defend it. There is a person who has been stopped by the police from begging several times. This firm took her case. We need to find another way to address this. There are saying begging is protected speech. Mayor Fultz said larger cities are dealing with this. We need to not be sued until we can find something better. Mr. Galloway asked for consensus to draft a letter to this firm detailing our plans to rescind the Ordinance. The commission authorized Mr. Galloway to proceed. Mr. Galloway said he will work on repealing the ordinance.

#### 11. CITY MANAGER

James Slaton, City Manager, introduced Joanna Abernathy as the new Deputy City Manager. Ms. Abernathy shared some of her background. Mayor Fultz said he was glad to have her to help out our City Manager.

Mr. Slaton reported that the construction of the Park Avenue Trail Connector is underway.

Mr. Slaton announced about the upcoming Olmsted Day on April 30 in Lake Wales Park. The City is a co-sponsor of the event.

Jennifer Nanek, City Clerk, announced that the swearing in ceremony is during the next meeting and that there will be a group picture preceding the meeting.

#### 12. CITY COMMISSION COMMENTS

Deputy Mayor Gibson said he took the community survey and sent that in.

Commissioner Howell said she has a Housing Authority Meeting tomorrow and asked if we had something she should share with them or ask questions. Mayor Fultz said that housing project is key to the Lake Wales Connected Plan

Commissioner Howell reported that she attended the Ridge League Dinner in Davenport and said their new Tom Fellows Center looks great and said she would like to have something similar in Lake Wales. Mr. Slaton said that was paid for with Recreation Impact Fees due to growth. Mayor Fultz said he would like a

facility here that could also serve as a shelter.

Commissioner Williams said we are developing and doing a good job.

Commissioner Hillgoss commended Darrell Starling and the CRA efforts with affordable houses.

13. MAYOR COMMENTS

Mayor Fultz said we have a good staff and we can grow responsibly. He thanked everyone for their support during his time as Mayor.

14. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.



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Mayor/Deputy Mayor

ATTEST:

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City Clerk