

# City Commission Meeting Minutes

September 20, 2022

(APPROVED)

9/20/2022 - Minutes

1. INVOCATION

Rev. Walter Nelson gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. COMMENTS AND PETITIONS

Catherine Price, resident, shared concerns about a development of 900 units south of Lake Wales. Its very high density. She said we need more attention to older areas of Lake Wales. She said we need more public discussion on these changes.

Megan McLaughlin, resident, shared concerns about the Parks and Recreation Master Plan. She reviewed the plan. She said the item needs more public outreach and buy-in.

Blair Updike, non-resident from Highland Park, encouraged a joint planning agreement with highland Park and Polk County. They would like more information and input on what is going on in Lake Wales. They care what is going on in Lake Wales.

Greg Massey, resident, said he would like changes in the Ordinance to allow Beer and Wine on Lincoln Avenue. He has been asking a long time, 10 years.

Drew Truitt, resident, said he understands the need for more restrooms. The park is a nature preserve and would like to keep it that way. More parking is not necessary.

Becky Wynkoop, resident, thanked the Commission for changing 3rd and Sessoms to a 4 way stop. She was glad that Wiltshire got paved. She shared areas where there are potholes. She wanted a clarification on the salary increase. Will Commissioners still get reimbursed for travel? Ms. Wynkoop said Channel 6 to view commission meetings is no longer available. Citizens don't have access to Commission meetings. She said its important that these issues are on the record.

Keith Wadsworth, resident, spoke on the Parks and Recreation master Plan. He is a big proponent of it and

the good things it will bring to Lake Wales. He likes the natural aspect of the lake. Some improvements are welcome. The proposed improvements are high intensive. More community members need input into the plan and how it plays out.

Ken Wiles, resident, spoke on the Parks and Recreation Master Plan. Some of the changes could negatively impact the lake. The residents around the lake should be given more input. We should pause this for now.

Terri Sebring, non-resident, said people feel like they aren't being communicated with. The residents at La Casa would like input into some of the projects going on. She spoke on the impact of additional of 900 homes. We need to think of the effect on Lake Wales.

Susan Craig, resident, spoke on the Parks and Recreation Plan. She asked the City to take a pause. She spoke against additional restrooms, parking areas and boat ramps. Some current facilities need to be taken care of first.

Cindy Turner, resident, shared concerns about the Parks and Recreation Plans. She asked the City to take a pause on this. There is a lot of trash along the lake. We don't need these additional amenities. She agreed with the need for pothole repair.

TJ McKeon, resident, expressed concerns about how information is disseminated. James Slaton, City Manager, said information is shared on the website, social media, and other areas. Ms. Edwards said notices were sent out in the water bills. Mr. Slaton said the concept drawings in the plan were in response to a survey. These ideas are not set in stone. Mr. McKeon said signs might be used in the future to let people know what is going on.

## 6. BUDGET HEARINGS

Mayor Hilligoss stated for the record: The City of Lake Wales is the taxing authority and the proposed millage rate to be levied for Fiscal Year 2022-2023 is 6.3626 mills, which is the rolled-back rate.

### 6.I. 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.

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- 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]

Jennifer Nanek, City Clerk read ORDINANCE 2022-31 by title only.

**ORDINANCE 2022-31**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, FOR FISCAL YEAR 2022-23; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-31** after second reading and public hearing. Commissioner Williams seconded the motion.

By Roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0. 6:36pm

6.II. Ordinance 2022-32, Adoption Of FY2022-23 Budget – 2nd Reading & Public Hearing

[Begin Agenda Memo]

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**RECOMMENDATION**

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[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE 2022-32 by title only.

**ORDINANCE 2022-32**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY, AND ALL NECESSARY AND ORDINARY EXPENSES OF SAID CITY FOR THE 2022-23 FISCAL YEAR, APPROPRIATING ALL FUNDS TO BE RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES & BALANCES FOR SAID FISCAL YEAR, AND THE REPEALING OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-32** by title only.  
Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0. 6:37 p.m.

- 6.III. 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 adopt after second reading and public hearing 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]

Jennifer Nanek, City Clerk, read ORDINANCE 2022-33 by title only.

**ORDINANCE 2022-33**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, RATIFYING, APPROVING, ACCEPTING AND ADOPTING A 5-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2022/23 THROUGH 2026/27; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-33** by title only.  
Commissioner Williams seconded the motion.

by Roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

7. CITY CLERK

7.I. Board Appointments - Police Pension, Fire Pension, 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 6/30/24

**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]

Kathy Manry Smith introduced herself and shared her interest in the Library Board.

Robert Plummer came and introduced himself and shared his interest in the Police Pension Board

Roy Wilkinson came and introduced himself and explained that he has served as an employee and would like to continue to serve as a resident.

TJ McKeon came and introduced himself and his interest in the Police Pension Board.

Mayor Hilligoss reappointed Robert Plummer to a new term on the Police Pension Board to expire 9/30/2026.

Mayor Hilligoss reappointed TJ McKeon to a new term on the Police Pension Board to expire 9/30/2026.

Mayor Hilligoss appointed Roy Wilkinson to a term on the Fire Pension Board to expire 9/30/2026.

Mayor Hilligoss appointed Kathy Manry Smith to a new term on the Library Board to expire 6/30/2024.

Commissioner Williams made a motion to approve the appointments. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Williams "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

#### 8. CONSENT AGENDA

Deputy Mayor Gibson made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.I. Minutes - August 10, 2022, September 7, 2022, September 14, 2022

8.II. Event Permit - 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]

- 8.III. Blossom Charitable Foundation Application To Sponsor "Orange Blossom Revue" December 2 - December 3, 2022 Special Event Permit Application

[Begin Agenda Memo]

**SYNOPSIS:**

Approval of this request will allow the Blossom Charitable Foundation to hold the annual "Orange Blossom Revue" event in Lake Wailes Park on Friday, December 2 and Saturday, December 3, 2022, allow a designated area for wine and craft beer sales, and allow the set up to begin on Thursday, December 1, 2022.

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

1. Approve the Special Event Permit Application from the Blossom Charitable Foundation to hold an "Orange Blossom Revue" in Lake Wailes Park December 2 and 3, 2022 with set up beginning on Thursday, December 1, 2022

2. Approve the hours as follows:

- Thursday, December 1, 2022 - Begin set up at 8:00 a.m.

- Friday, December 2, 2022 – The event will be open to the public at 4:00 p.m. and end at 10:00 p.m.

- Saturday, December 3, 2022 - The hours will be 11:00 a.m.–10:00p.m.

- Sunday December 4th and Monday December 5th - Clean up and removal of tents and booths will take place

3. Approve the request from the Blossom Charitable Foundation to have wine and craft beer sales and consumption in a designated area in the Park on both Friday and Saturday.
4. Approve the request for RV's to set up in the areas approved and designated by City staff beginning on Thursday night.
5. Approve the request to allow tent camping in the designated areas. 6. Approve the closure of Lake Shore Blvd between 7th Street and N Wales Dr.,

**BACKGROUND** The Blossom Charitable Foundation submitted a Special Event Permit Application to hold its "Orange Blossom Revue" a music festival in Lake Wailes Park. The event has been approved by staff with the following stipulations:

- The RV's will be parked in the designated area only.
- The designated parking area for the public must be clearly identified on site.
- No vehicles shall be parked 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
- The Blossom Charitable Foundation is responsible for ensuring that the vendors and artists bringing in RV's adhere to the conditions for parking.
- Sanitary facilities and dumpsters are the responsibility of the sponsor. A separate dumpster will be required for disposal of ash by the vendors.
- Tent permits are required in advance by the sponsor and can be obtained from the City's Planning Department so that inspections can be completed by the Fire Marshall during set up times.
- The alcohol permit application must be completed by the sponsor and submitted to the Planning Department for review and approval before submitting to the Department of Alcohol Beverage & Tobacco. Once the final permit is obtained, a copy must be provided to the City no later than November 29, 2022.
- The required Certificate of Liability Insurance with an alcohol insurance rider has been received by the City.
- In-Kind Services will be provided by the City's Field Operations Divisions for clean up services on Saturday and Sunday and costs associated with these services will be paid by the sponsor at 25%. Off-duty officers from the Lake Wales Police Department will be hired by the sponsor for security purposes.

**OTHER OPTIONS** Do not approve the event

**FISCAL IMPACT** This BBQ event is part of the FY22/23 special events budget. In-Kind services will cost the City approximately \$1,256 with the sponsor paying 25% of the cost or \$314. Off-duty officers from the Lake Wales Police Department will be hired for security and will be paid by the sponsor.

[End Agenda Memo]

- 8.IV. 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]

- 8.V. 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]

8.VI. 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]

- 8.VII. 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]

8.VIII. 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]

9. OLD BUSINESS

- 9.I. 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. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-22** by title only.

**ORDINANCE D2022-22**

**(Large-Scale CPA/Future Land Use Map Amendment for approximately 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27.)**

**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 102.06 ACRES OF LAND NORTH OF MOUNTAIN LAKE CUTOFF ROAD AND WEST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION PLANNED DEVELOPMENT MIXED USE (PDMU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-22** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

By Roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.II. Ordinance D2022-23 Zoning Amendment For 102.06 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-23** by title only.

**ORDINANCE D2022-23 (Zoning Map Amendment for approximately 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 102.06 ACRES OF LAND NORTH OF MOUNTAIN LAKE CUTOFF ROAD AND WEST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION MIXED USE (MU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-23** after second reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.III. 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  
[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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-24** by title only.

**ORDINANCE 2022-24**

**(Annexation – 17.23 acres of land south of Waverly Road and west of C F Kinney Road) Parcel ID: 272910-000000-044040**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 17.23 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-24** after second reading and public hearing. Commissioner Williams seconded the motion.

By roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.IV. Ordinance D2022-25 Future Land Use Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-25** by title only.

**ORDINANCE D2022-25**

**(Small-Scale CPA/Future Land Use Map Amendment for approximately 17.23 acres of land south of Waverly Road and west of C F Kinney 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 17.23 ACRES OF LAND SOUTH OF WAVERLY ROAD AND WEST OF C F KINNEY ROAD, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-25** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- g.v. Ordinance D2022-26 Zoning Map Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road. 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]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-26 by title only.

**ORDINANCE D2022-26**

**(Zoning Map Amendment for approximately 17.23 acres of land south of Waverly Road and west of C F Kinney Road.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 17.23 ACRES OF LAND SOUTH OF WAVERLY ROAD AND WEST OF C F KINNEY ROAD, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION R-1C; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mark Bennett, Development Services Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-26** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

By Roll Call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

10. NEW BUSINESS

- 10.I. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Groves At Orchard Hills PUBLIC HEARING – Requirements Have Been Met.

[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

Bellevue 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]

#### OPENED PUBLIC HEARING

Blair Updike, non-resident, reviewed other recently approved developments in Lake Wales. This is an additional 900 units. That would be a lot of traffic. Schools are full. There are positive elements to the development such as trees. The lots are smaller than City standards. Some parks line up to the backs of houses. She recommended slowing down. That is a lot of units where many units have already been approved.

Terri Sebring, non-resident, said there's 5 feet between house and property line. This is very dense. Can the trees fit on these lots? She recommended pausing as these are a lot of houses.

Megan McLaughlin, resident, shared that she loves Lake Wales as it is a unique and beautiful place due to the Olmsted influence. She recommended a high bar for design. What gets built should have a lasting value as the rest of the City. This design should be better. Good design pays back. Some of the streets are 2000ft long with no breaks which could be dangerous.

David Price, resident, said Olmsted had good designs for lake wales which makes Lake Wales a special place. This project is not good design. We need more hoses in Lake Wales but we need a balance. We need good decisions. He spoke against the variances granted to the developer. There is not enough room for cars and other stuff. He asked for a moratorium on these developments.

Jenny Fackender, business owner, said her concern is schools. How will schools accommodate all the additional children. We don't have enough teachers. Our recreation facilities need help. They can't accommodate the growth.

Dave Schmidt, from Dave Schmidt Engineering representing the developer, said they are willing to make adjustments. They are stuck with the grid system to fit the development in. They put in a lot of thought into the design. He reviewed elements of the plan. They worked to get connectivity with sidewalks and roads with other areas. They provide more recreation space

than required.

Susan Craig, resident, said quality is important as well as definition of quality.

Catherine Price, resident, asked if the impact fees were sufficient to cover additional needed infrastructure. James Slaton, City Manager, said impact fees are enough to expand services. Mark Bennett, Development Services Director, said impact fees are \$18,000-\$20,000.

#### CLOSED PUBLIC HEARING

Deputy Mayor Gibson said he has researched the issue of urban sprawl. This is just a first reading. He encouraged folks to attend the Land Use workshop on Monday. We need a big plan as to what we are trying to accomplish. We need to all work to make things better. According to the recent surveys the people in Lake Wales like it here. He suggested tabling this until after the workshop and the retreat in October. We need to do better than this piecemeal solution. We can come to consensus.

Commissioner Howell said she has been a proponent of growth as we need more restaurants and retail. She said we need more jobs for those moving here. Space between houses are important We need to allow alcohol downtown and we need downtown open past 5pm. We need to tell developers what we want and need. We are going fast. we need to slow down and talk this out. We need to have more public input and growing in a smart way.

Commissioner Williams said he is fine with waiting until after the Land Development Workshop on Monday.

Mayor Hilligoss asked if we can table this. Deputy Mayor Gibson confirmed that we can.

Commissioner Krueger said the staff has reviewed this, the Planning Board reviewed this, the Commission reviewed this and asked questions. Changes were suggested by the City and were made by the developer. He is fine with the plan but is fine with delaying it.

Deputy Mayor Gibson moved to table this. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "NO"

Commissioner Krueger "NO"

Mayor Hilligoss "NO"

Motion failed 3-2.

Mayor Hilligoss said we can continue discussion.

Commissioner Williams said each Commissioner desires to do what is best for the City of Lake Wales. We need to accommodate the new residents in Polk County. He said our staff is responsible in what growth they allow to come here. growth is coming. We should move forward but maybe with additional recommendations.

Mayor Hilligoss said we have to balance interests of residents and property owners. He said this is a first reading. We should act on this. He encouraged everyone to attend the Monday workshop.

James Slaton, City Manager, said this does not come back for a second reading.

Commissioner Williams asked if changes can still be made. Albert Galloway, Jr., said that the developer can listen to requested changes but is not obligated once the plan is adopted.

Commissioner Williams made a motion to table this item. Deputy Mayor Gibson seconded the motion.

by Roll Call vote.

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.II. 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.  
[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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-27** by title only.

**ORDINANCE 2022-27 (Annexation – 67.73 acres of land south of Lake Bella Road and east of US Highway 27) Parcel ID: 272910-000000-044040**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 67.73 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

Blair Updike, non-resident, said she has no issue with the commercial portion but concerned about the residential. She is concerned with these annexations. The people living near Blue Lake have not been notified of this. She wished they had a lower category to bring an annexation in on. We need more notification for those outside of the City. This should be tabled as well.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said he would like a joint use study between the City and the County. Properties in the county will not necessarily be mobile homes. We need to protect the natural areas and agriculture areas. He would like to wait to see what the joint effort produces.

Commissioner Krueger made a motion to approve **ORDINANCE 2022-27** after 1st reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "NO"

Mayor Hilligoss "YES"

Motion passed 3-2.

- 10.III. 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. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-28** by title only.

**ORDINANCE D2022-28 (Large-Scale CPA/Future Land Use Map Amendment for approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27.)**

**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 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR AND LCC TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR) AND LIMITED COMMERCIAL INDUSTRIAL (LCI); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked if we don't do this does the County Land use stay in effect? Mark Bennett, Development Services Director, said yes. Deputy Mayor Gibson said the county's status is fine for now. Mr. Bennett reviewed the current proposal and next steps. Land Use designation was reviewed and discussed.

Commissioner Krueger made a motion to approve **ORDINANCE D2022-28** after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "NO"

Mayor Hilligoss "YES"

Motion passed 3-2.

- 10.IV. Ordinance D2022-29 Zoning Map Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-29** by title only.

**ORDINANCE D2022-29 (Zoning Map Amendment for approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR AND LCC TO CITY OF LAKE WALES DESIGNATION RESIDENTIAL R-1A AND LIMITED COMMERCIAL INDUSTRIAL (LCI); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE D2022-29** after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "NO"

Mayor Hilligoss "YES"

Motion passed 3-2.

- 10.V. Ordinance 2022-41 Annexation – 1st Reading And Public Hearing 0.30 Acres Of Land North Of Belleview Drive And West Of Santa Maria Road.

[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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-41** by title only.

**ORDINANCE 2022-41 (Annexation – 0.30 acres of land north of Belleview Drive and west of Santa Maria Road.) Parcel ID: 273011-915500-001150**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.30 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE**

OPENED PUBLIC HEARING

Catherine Price, resident, said things are going fast. Are these things being thought out well? She encouraged a moratorium on annexations and land use changes. The notice of the meeting Monday was not well noticed on social media. She said people are not aware of what is going on.

Jenny Fackender, business owner, said area residents have not been notified. James Slaton, City Manager, said it was noticed in the paper and adjoining property owners were sent something in the mail.

Tina Peak, non-resident, said she has requested to be in the city for improved services.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this request is from the Peak family and they wish to accommodate that request.

Commissioner Krueger said these requests have gone through citizen boards, staff and the commission. We should not continually second guess staff recommendations. These things don't just pop up.

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2022-41** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.VI. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-45** by title only.

**ORDINANCE 2022-45**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-421 PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, SECTION 23-422A DIMENSIONAL AND AREA STANDARDS – RESIDENTIAL DISTRICTS, SECTION 23- 223 LAND SUBDIVISION, SECTION 23-227 CERTIFICATE OF APPROPRIATENESS, SECTION 23-705 LEVEL OF SERVICE STANDARDS, AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE 2022-45** after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.VII. 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, read **ORDINANCE 2022-30** by title only.

**ORDINANCE 2022-30**

**AN ORDINANCE ACCEPTING THE REPORT AND RECOMMENDATION OF THE 2022 DISTRICTING COMMISSION; ADJUSTING COMMISSION DISTRICT BOUNDARIES AND ADJUSTING THE ALLOCATION OF COMMISSION SEATS WITHIN COMMISSION DISTRICTS TO COMPLY WITH THE CHARTER OF THE CITY OF LAKE WALES AND APPLICABLE FEDERAL LAWS; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE 2022-30** after 1st Reading.  
Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

10.VIII. 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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-29** by title only.

**RESOLUTION 2022-29**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES APPROVING AND ADOPTING THE PARKS AND RECREATION MASTER PLAN**

James Slaton, City Manager, reviewed this item. He said the whole thing is subject to change.

Commissioner Howell said additional parking areas around the lake should be given more consideration. Overall she likes the plan.

Mr. Slaton said the whole plan is conceptual. Everything still needs to be designed. This resolution will help us get funding for some of the elements.

Deputy Mayor Gibson said the survey was comprehensive. He is in favor of the plan.

Commissioner Krueger made a motion to adopt **RESOLUTION 2022-29**. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that we got title to a property foreclosed on last week. It is being transferred to the CRA to be used for affordable housing or however the CRA wishes to make use of it.

Mr. Galloway reported on the Estes building coming down. Mr. Estes is trying to challenge this effort and requesting compensation. All his complaints were previously adjudicated. Deputy Mayor Gibson asked if there was an injunction. Mr. Galloway said no. Deputy Mayor Gibson said to continue on.

12. CITY MANAGER

James Slaton, City Manager, reported on the next Flick and Float at the YMCA on Saturday. The first event went well.

There will be a Commission retreat on October 17-18. This will be a day and a half.

Mr. Slaton said that Monday will be a Land Development Work shop at the Austin Center at 6pm.

Mr. Slaton reported that the Estes building is down and clean up is happening now.

13. CITY COMMISSION COMMENTS

Commissioner Krueger said about 40 people attended the Incubator Workshop held Saturday.

Commissioner Krueger said that regarding a recommendation for more electric vehicle charging stations in Lake Wales. He said the trend for electric vehicles is more of a fad and said he will speak more on this.

Commissioner Williams said we need to find more ways to communicate with the public and encouraged creativity among staff.

Deputy Mayor Gibson commended the Police Department on their magnificent job during recent life or death situations.

14. MAYOR COMMENTS

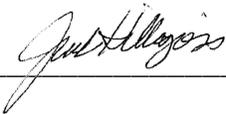
Mayor Hilligoss said he attended the event Saturday and the recent ribbon cutting for a house. Both were good events.

Mayor Hilligoss encouraged attendance at the Land Development Work Shop Monday.

Mayor Hilligoss said he would like the City to work more closely with the Chamber and EDC to help bring more jobs to Lake Wales.

15. ADJOURNMENT

The meeting was adjourned at 8:42 p.m.



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Mayor

ATTEST

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City Clerk