

City Commission Work Session

Meeting Minutes

January 11, 2023

(APPROVED)

1/11/2023 - Minutes

1. CALL TO ORDER & ROLL CALL

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

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

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

2. City Manager Comments

3. RESOLUTION 2023-02 Declaring "Planning In Progress" For Preparation Of The Lake Wales Envisioned Plan

[Begin Agenda Memo]

SYNOPSIS: A Resolution providing that while the Lake Wales Envisioned Plan is in progress, the City staff will encourage applicants to become familiar with and follow the initial aspirations of the plan in all development proposals.

RECOMMENDATION Staff Recommends the City Commission adopt Resolution 2023-02.

BACKGROUND On December 20, 2022, the City Commission authorized a Task Order for a consultant team led by Dover, Kohl & Partners to begin work on the Lake Wales Envisioned plan. The purpose of this plan is to shape and direct the form of future infill development, new neighborhoods and conservation areas within city limits as well as in the surrounding utility service area, including future potential annexations.

A list of initial plan aspirations has been developed based on input gathered from community members, stakeholders and public officials during the 2022 Land Use Study, and the general understanding of the purpose of the Lake Wales Envisioned plan. These initial aspirations will be reviewed, refined and detailed with community feedback throughout an interactive planning process, resulting in recommended changes to City Zoning and the Comprehensive Plan to implement the community's vision. This Resolution directs City staff to share information about the initial aspirations of the Lake Wales Envisioned plan with land development applicants, and to work with applicants proactively to encourage and revise plans, as needed, to be consistent with these aspirations while the plan is in progress.

OTHER OPTIONS Decline to approve the Resolution.

FISCAL IMPACT N/A

[End Agenda Memo]

James Slaton, City Manager, introduced Amy Groves from DoverKohl to speak on this item.

Amy Groves, DoverKohl, reviewed this item.

Commissioner Howell said she is glad there is a plan and that it can be changed as needed. Ms. Groves confirmed that this is a starting point. Something for staff to work with.

Deputy Mayor Gibson said that this is timely. The line about infill and revitalization is important to him. He discussed the new proposed plant on Hunt Brothers Road. We need to make it better for the entrepreneur to build in the City. There is an old industrial area in the CRA that could be a good location. There may be an occasion where eminent domain could be useful. Infill and revitalization is his priority.

Commissioner Krueger said he assumes in the planning for the plant that all these issues were under consideration as far as where the location is.

Mr. Slaton reviewed the forthcoming plant. He said this plant needs 100 acres and needs access to rail. It requires a special exception to locate on that property. This will not come before Commission.

Mayor Hilligoss said the property in the CRA would not meet this company's needs. This Resolution addresses issues that have been brought to us as we are engaged in this process with DoverKohl. He asked to confirm that this addresses concerns in the meantime. Ms. Groves confirmed this.

Commissioner Howell asked about the confidential nature of the incoming business. Mr. Slaton said there is a state statute allowing economic development projects to remain confidential as they make plans to move into an area. He reviewed the details of the project. There will be 250 jobs. Deputy Mayor Gibson expressed concern about additional traffic congestion. He is glad this company will use the railroad.

Commissioner Howell asked if there is an order to the items. Mr. Slaton said they are all together.

4. Ordinance 2022-27 Annexation – 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27. 2nd Reading And Public Hearing

[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 adoption after second reading of Ordinance 2022-27 following a public hearing. City Commission approved Ordinance 2022-27 at first reading on September 20, 2022. 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. The applicant requested the second reading of the annexation to be read concurrently with the second reading of the land use and zoning amendments. "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]

Autumn Cochella, Development Services Assistant Director, reviewed this item.

5. 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. 2nd Hearing And Public Hearing

[Begin Agenda Memo]

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

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 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

City Commission approved Ordinance D2022-28 at first reading on September 20, 2022.

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]

Autumn Cochella, Development Services Assistant Director, reviewed this item.

6. Ordinance D2022-29 - Zoning Map Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27. 2nd Hearing And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Property owners request a recommendation to City Commission to amend the Zoning Map on parcels of land totaling approximately 67.73 acres.

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 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

City Commission approved Ordinance D2022-29 at first reading on September 20, 2022.

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.

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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]

Autumn Cochella, Development Services Assistant Director, reviewed this item.

7. Ordinance 2023-01 - Petition To Establish The Hunt Club Grove Community Development District (CDD).
2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2023-01 proposes the establishment of the Hunt Club Grove Community Development District (hereinafter referred to as the "CDD"), as petitioned by Hunt Club Grove North at Lake Wales LLC and Hunt Club Grove South at Lake Wales LLC.

RECOMMENDATION Staff recommends adoption at second reading of Ordinance 2023-01 following a public hearing. The ordinance was approved by City Commission on January 3, 2023. Public Hearing notice requirements have been met. A recommendation from the Planning and Zoning Board is not required for the establishment of a CDD.

BACKGROUND Hunt Club Grove is a residential Planned Development Project (PDP) separated into Hunt Club North, and Hunt Club South, located west of Hunt Brothers Road and South of State Road 60. Hunt Club North PDP, 130 acres of vacant land, was approved in 2022 for a 600-lot single-family residential subdivision, which includes 147 single-family attached town homes. Hunt Club South, 104 acres of vacant land, was also approved in 2022 for a 542-lot single-family residential subdivision, including 191 townhomes.

Staff reviewed the CDD submittal for consistency with the "Uniform Community Development Act of 1980", Chapter 190, Florida Statutes, which sets forth the exclusive and uniform method for establishing a community development district for the land area for which the CDD would manage and finance the delivery of basic services. The proposed petition meets the requirements of Chapter 190.

The Hunt Club Grove CDD would be the third established in the City to date. Lake Ashton first developed as a Community Development District, and Leoma's Landing was approved for the establishment of a CDD in 2021. The proposed Infrastructure Plan is listed below:

HUNT CLUB GROVE - NORTH Preliminary Proposed Facilities and Services

FACILITY FUNDED OWNED MAINTAINED

Stormwater Management Systems CDD CDD CDD

Utilities (Lift Stations, Water, & Sewer) CDD CITY OF LAKE WALES CITY OF LAKE WALES

Site Preparation/ Internal Roadway & Hamlin St Improvements CDD CDD CDD

Hardscapes, Landscapes, and Irrigation CDD CDD HOA

Open Space, Wetland Buffers, Ponds, Amenities CDD CDD HOA

HUNT CLUB GROVE - SOUTH

Preliminary Proposed Facilities and Services

FACILITY FUNDED OWNED MAINTAINED

Stormwater Management Systems CDD CDD CDD

Utilities (Lift Stations, Water, & Sewer) CDD CITY OF LAKE WALES CITY OF LAKE WALES

Site Preparation/ Internal Roadway Improvements CDD CDD CDD

Hardscapes, Landscapes, and Irrigation CDD CDD HOA

Open Space, Wetland Buffers, Ponds, Amenities CDD CDD HOA

OTHER OPTIONS Decline request to establish Hunt Club Grove CDD.

FISCAL IMPACT

Once water and wastewater improvements are constructed at the developer's expense, these facilities will be subsequently dedicated to the City for operation and maintenance and will create a long-term fiscal impact. The utility system is valued at approximately \$8,758,052. Based on an average monthly utility bill of \$70.00 per single-family home within city limits, the City may collect over \$959,000 in utility bill fees annually within the Hunt Club development.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Autumn Cochella, Development Services Assistant Director, reviewed this item.

Mr. Slaton explained that this would not become a City obligation.

Mayor Hilligoss said he is glad to hear this but asked that the representative be here Tuesday for other questions.

8. Ordinance 2023-03 Franchise Agreement – Duke Energy 1st Reading

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of a Franchise Agreement with Duke Energy.

RECOMMENDATION It is recommended that the City Commission take the following actions: 1. Approve after 1st reading Ordinance 2023-03 Franchise Agreement with Duke Energy. 2. Authorize the Mayor to execute the necessary documents on behalf of the City.

BACKGROUND The 30-year Franchise Agreement with Duke Energy (DE) has expired and DE desires to enter into a new agreement with the City. The Franchise Agreement grants express permission for the electric utility's infrastructure to remain in the City's rights-of-way for the Utility's continued operations. DE pays to the City approximately \$1.6 Million in Franchise Fees (6% of Duke's Base Revenues) annually for use of the City's rights-of-way. The Franchise Area mirrors the city limits of Lake Wales and thus expands or contracts with the city's boundaries.

Section 4 (D) of the agreement provides for the use of the City's rights-of-way for the purpose of construction or installation of solar-generating facilities by entities other than DE. Understanding that innovations in energy-generating technology may arise in the future, DE has agreed to a 10- year agreement term that will be renegotiated in a much shorter timeline than the previous Franchise Agreement.

OTHER OPTIONS 1. Do not approve the Franchise Agreement and direct staff to continue negotiations with Duke Energy.

FISCAL IMPACT The current-year fiscal impact of the Franchise Agreement is approximately \$1.6 Million revenue into the City's General Fund.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Deputy Mayor Gibson asked about solar generating facilities. Can the power generated by those benefit citizens or the City. Can someone else buy that power?

Kris Tietig, Duke Energy, said a solar company can transmit power to the City or through the City to another City but they can't be another electric provider. The City can generate power but can't sell to others. Deputy Mayor Gibson asked why a solar company would come here. Mr. Tietig said they can sell to Duke Energy.

Deputy Mayor Robin Gibson asked if Duke Energy are taxpayers. Mr. Tietig confirmed they pay all taxes.

Commissioner Krueger asked about cables in the right-of-way. Mr. Tietig said they transport the electricity away.

Mr. Slaton said the City also gets franchise fees in addition to taxes.

Commissioner Howell said she is glad its 10 years instead of 30 to allow for new technology for the City to take advantage of.

9. Resolution 2023-01 CRA Expansion Finding Of Necessity Study

[Begin Agenda Item]

SYNOPSIS: At the August 9, 2022 meeting, the CRA Board authorized S&ME to determine the feasibility of expanding the community redevelopment area, called a Finding of Necessity (FON) study. Laura Canary from S&ME provided a presentation to outline the FON process, findings, and next steps to the CRA Board on January 10, 2023. The next step is for the City Commission to adopt a Resolution to accept, approve and adopt the CRA FON.

RECOMMENDATION A recommendation to adopt Resolution 2023-01 providing for acceptance, approval and adoption of the CRA FON Report.

BACKGROUND Florida Statute requires a process to complete a FON study and S&ME was hired to examine the specified area for qualification and consideration to be included within the Lake Wales Community Redevelopment Area.

FISCAL IMPACT None at this time. Depending on action of the City Commission, future impacts could affect ad valorem revenues and certain expenses to incorporate the FON into the Community Redevelopment Plan.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

10. Staff Recommends Commission Authorize The Wastewater Plant Maintenance Building Expansion To Be Performed By SEMCO Construction In The Amount Of \$186,168.00.

[Begin agenda Memo]

SYNOPSIS: Staff recommends commission authorize the Wastewater Plant Maintenance building expansion to be performed by SEMCO Construction in the amount of \$186,168.00.

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

1. Authorize the wastewater plant building upgrades by SEMCO Construction in the amount of \$186,168.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The existing maintenance building was built approximately 14 years ago. Over the past decade, we have increased the equipment inventory, pump and motor inventory, and spare parts and the current maintenance building has proven to be too small for its needed purposes. The additional 40' x 30' metal building addition will accommodate the storage space needed for the additional equipment, bypass pumps, motors and plant inventory spare parts.

The upgrade to the facility is being done in an attempt to improve the functionality of the maintenance building. A more detailed account of work to be performed is outlined on the attached quote. Staff recommends commission authorize the wastewater plant building upgrades by SEMCO Construction in the amount of \$186,168.00 and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION The commission could choose not to go forward with these much needed upgrades at this time.

FISCAL IMPACT \$250,000 was placed in the 2022-2023 Capital Improvement budget for this building expansion.

[End Agenda Memo]

Sarah Kirkland, Director of Public Works, reviewed this item.

11. Elevated Water Storage Tank Maintenance

[Begin Agenda Memo]

SYNOPSIS:

Staff is seeking commission approval for the expenditure of funds of \$38,500.00 for additional repairs to the Park Water Service Area (PWS) Water Storage Tank by Tank Rehab, LLC.

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

1. Approve the expenditure of funds for \$38,500.00 for tank repairs by Tank Rehab, LLC.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND In August 2003, the Florida Department of Environmental Protection instituted more stringent regulations regarding the maintenance of water storage tanks. These regulations require annual inspections of the tanks to insure protection of the water source from contamination and identify any structural problems that may need repair. The City has an annual contract for these services with Tank Rehab, LLC. The contract was bided and awarded prior to the City purchasing the Park Water Service Area.

In order to include the water storage tank in the PWS area on the previously awarded contract, Tank Rehab, LLC had to come out and access the condition of the storage tower. The Commission approved the expenditure for the inspection at its June 7, 2022 commission meeting. Tank Rehab discovered the water storage tank was in much needed repair, following the initial repairs the tank was on schedule to put back on-line. Once water was introduced back to the tank it was discovered that the tank had additional leaks. It was also stipulated that until these repairs were made, the tank could not be added to the existing contract. Although some repairs have already been made the tank has to remain off line until these additional repairs can be made.

Staff is recommending the City Commission take the following action, approve the expenditure of funds for \$38,500.00 to Tank Rehab, LLC to repair the PWS water storage tower, utilizing the current annual contract.

OTHER OPTION

The Commission could choose to not approve the expenditure; as a result, the storage tank would continue to stay off line until repairs could be made.

FISCAL IMPACT \$200,000.00 was included in the Water Division's FY22'23 M&R Storage Tanks budget line item to cover the repairs/maintenance to the water storage towers.

[End Agenda Memo]

Sarah Kirkland, Director of Public Works, reviewed this item.

12. City Manager Performance Evaluation

[Begin Agenda Memo]

SYNOPSIS: Commissioners will discuss the performance evaluation of the City Manager.

Performance evaluation forms were completed by the City Commissioners and returned to staff as requested. Evaluation forms completed by the Commissioners are available for review in the Human Resources Department.

Based upon the results of the annual evaluation, the City Commission may, in its sole discretion, grant a salary increase, bonus and/or grant additional benefits to the City Manager effective with his anniversary date.

Ratings in the various evaluation categories have been compiled in a chart which is provided with this memorandum.

[End Agenda Memo]

Deputy Mayor Gibson said that as we can't interfere with the City Employees its hard to judge on managing the organization. We can discuss with other commissioners so the relationship with other Commissioners. He put Meets Expectation for these.

Commissioner Howell said some things are N/A. The City Manager should have measurements or objectives to meet so we can evaluate him.

Mayor Hilligoss said he would like something measurable to work with. In policy governance we evaluate how well he runs the departments. At the recent retreat 6 strategic objectives with bullet points that might serve as objective standards to measure performance by.

Commissioner Krueger said he looked at a couple of things. He compared him to other bureaucrats he's

worked with and he does well. His job is to get done what we see as the vision for the City and citizens. Some things are going to be subjective. This can't be totally objective. He has not heard complaints about him.

Mayor Hilligoss agreed that we can't be totally objective. Everyone seems to be happy with our City Manager's performance. Down the road it would help to have more objectives. What are the measurables to hold him to?

Commissioner Krueger said that we don't want to micromanage.

Commissioner Howell said having objectives are not micromanaging. He needs definite things to do that are not on the agenda.

Deputy Mayor Gibson said that he looks at results. So long as things are done ethically. Things are getting done. The results are best ever.

Commissioner Howell asked Mr. Slaton if the Commission has given him things to do. Mr. Slaton said he gets specifics frequently and has gotten a lot done.

Commissioner Williams said all the departments are meeting their goals. He looks at results too.

Mayor Hilligoss said it was a pretty positive review. We just might look at how to make this more effective in the future.

Mr. Slaton said that at the retreat the Commission established goals that were agreed upon. Those are good measurables. Mayor Hilligoss said those were a good guide for evaluating.

Commissioner Howell said the retreat items were not things that were asked of him to do.

13. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Krueger said we have a low median income in Lake Wales. James Slaton, City Manager, said Lake Wales is \$47,000 below the County average of \$54,000. Commissioner Krueger said in some areas it may be lower. This company will bring in blue collar jobs. This is a big plus for the City. He commended staff and economic development team.

Commissioner Williams asked about a parade for the football team. We need to do this. Does the school have to do that? Jennifer Nanek, City Clerk, said yes the School has to fill out the form. We are communicating with the coaches on this. They have an application.

Commissioner Howell said the City Manager has done a good job on more affordable housing. Commissioner Williams agreed.

Mayor Hilligoss agreed that the Northwest area is doing well. People should check out the business incubator on Lincoln. It is doing well.

Mr. Slaton said there are specific action items in the Lake Wales Connected Plan that he can be measured by along with the milestones at the retreat.

14. ADJOURN

The meeting was adjourned at 3:07 p.m.

Mayor

ATTEST:

City Clerk