

City Commission Workshop Minutes

April 12, 2023

(APPROVED)

4/12/2023 - Minutes

1. CALL TO ORDER & ROLL CALL

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

Members Absent: Terrye Howell

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

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

2. City Manager Comments

3. ORDINANCE 2023-11 Amendment To Chapter 23, Zoning, Land Use, And Development Regulations. 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2023-11 amends Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts 1st Reading and Public Hearing – Notice requirements have been met

RECOMMENDATION Staff recommends approval of Ordinance 2023-11 after 1st Reading and public hearing.

At a regular meeting on March 28, 2023, the Planning and Zoning Board voted 4 to 1 to keep the Special Exception Use Permit requirement for Manufacturing – Heavy in the I-1 zoning district, therefore recommending denial of the correction to the clerical error in Ordinance 2022-45.

BACKGROUND At a regular Planning and Zoning Board Meeting on January 25, 2022, Staff advanced a memo to the Board which included proposed changes to Table 23-421, stating, "In order to open up the city's industrial zones to heavy manufacturing, it is proposed to change Manufacturing – Heavy, from S (special exception use permit), to P (permitted), in the I-1 zoning district." According to the signed meeting minutes, the following Board members were present: Christopher Lutton, Charlene Bennett, John Gravel, Eric Rio, Kyra Love, and Betty Wojcik. The Board unanimously voted to recommend the amendment.

As a result, Staff advanced Ordinance 2022-06 to City Commission, which included the amendment to the Permitted Use Chart to change Manufacturing – Heavy from S-Special Exception to P-Permitted. According to the signed meeting minutes from March 1, 2022, City Commission adopted Ordinance 2022-06 by a unanimous 5-0 vote, effectively making Manufacturing – Heavy permitted on lands within the city designated I-1 Industrial.

As standard practice following the adoption of an ordinance, the City Clerk submits the changes to the City's codification platform for publishing city code, E-Laws. This action was taken by the City Clerk on March 16, 2022. City Staff uses the most updated code as published by E-Laws while continuing to advance ordinance changes as it relates to City Code.

On October 4, 2022, Planning Staff advanced Ordinance 2022-45 to City Commission for adoption, which revised and moved a note under Table 23-421 related to lot of record provisions within the CRA areas; the Table was included for context with that Ordinance. In February of 2023, the City Attorney rendered an opinion that the Table used in preparing Ordinance 2022-45 did not reflect the adopted changes per Ordinance 2022- 06, and therefore was controlling and inadvertently changed Manufacturing – Heavy back to a Special Exception Use Permit level of approval. Meeting minutes from the October 4, 2022 City Commission meeting do not demonstrate that City Commission knowingly and intentionally reversed the previous action taken to enact Manufacturing – Heavy as Permitted in the I-1 zoning district.

Ordinance 2023-11 prepared by counsel hired by the City, Thomas A. Cloud, Esquire, proposes a correction to the clerical error in Table 23-421 which restores the intentional action taken by both the Planning and Zoning Board and City Commission, to allow Manufacturing – Heavy as a Permitted use in the I-1 zoning district.

Staff Findings:

1. On January 25, 2022 the Planning and Zoning Board intentionally and unanimously made a recommendation of approval to City Commission, to amend Table 23-421 so to allow Manufacturing – Heavy as Permitted in the I-1 Industrial zoning district.
2. On March 1, 2022 City Commission intentionally and unanimously voted to approve Ordinance 2022-06, which amended Table 23-421 so to allow Manufacturing – Heavy as Permitted in the I-1 Industrial zoning district.
3. On March 16, 2022, the City Clerk submitted the adopted code changes to the City’s codification platform; however, the adopted Table was not properly codified.
4. On October 4, 2022, City Commission adopted Ordinance 2022-45, intentionally moving a note related to lots of record from beneath Table 23-421 to Table 23- 422A; however, because the Table which did not reflect the changes adopted under Ordinance 2022-06, City Commission unintentionally reversed the changes to Table 23-421 adopted under Ordinance 2022-06, effectively changing Manufacturing – Heavy back to a Special Exception Use Permit level of approval in the I-1 zoning district.
5. The unintentional change to Table 23-421 for Manufacturing – Heavy in the I-1 zoning district under Ordinance 2022-45 did not provide legal notice to the public nor to the owners of land within I-1 zoning districts indicating that the level of approval for Manufacturing – Heavy in the I-1 would be changed.
6. The City has a limited inventory of land zoned industrial.
7. The re-assignment of additional land within the city as I-1 Industrial, would require a recommendation from the Planning and Zoning Board (Public Hearing), and two readings of an Ordinance before City Commission (two Public Hearings).
8. The 2022 action by the Planning and Zoning Board and City Commission to “open up the city’s industrial zones to heavy manufacturing” by changing Manufacturing – Heavy from a Special Exception Use Permit, to Permitted, is consistent with the following Policies and Objectives found within the City’s Comprehensive Plan:

Objective XI.1.4 The City of Lake Wales, through a cooperative effort between the Lake Wales Area Chamber of Commerce and existing governmental institutions of the City and County, shall ensure that land is allocated for future agricultural, commercial, and industrial land uses to allow for proper economic growth.

Policy XI.1.4 The City, through a cooperative effort with the Chamber shall work with the citrus industry to study the feasibility of utilizing citrus lands for uses that would further enhance the Lake Wales economic bases through commercial/industrial development.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

Deputy Mayor Gibson asked if the historic area was included with list of industrial sites. Ms. Cochella said the downtown industrial areas are classified as I-2 or industrial infill. Only I-1 areas are on the table.

Tom Cloud, attorney from GrayRobinson, said two wrongs don't make a right. We need to fix it or we will compound the problem. The inadvertent changes were not properly noticed. Its possible that other areas need to be addressed. We need to fix the error that occurred so that in moving forward. For the ADS facility we need to get it right.

Deputy Mayor Gibson said he wants the CRA areas to be eligible as anywhere else. That plant in the CRA would provide more revenue for us. Ms. Cochella said the I-2 areas allow light manufacturing. We need to think what heavy manufacturing would meant to the historic area. Deputy Mayor Gibson said Liquidbox is downtown and do the same thing but they don't store large pipes outside. Ms. Cochella said this mess has been a bit of blessing because they are going through administrative processes and the code allowing staff to see what is working and what needs to be fixed. Deputy Mayor Gibson agreed. He is glad we are getting things right.

Mr. Cloud reviewed the history of the proposed ADS parcel. He said it was a long process to approve the zoning for the property. Everyone was fully noticed and no one raised a concern except FDOT about traffic. Heavy use has been allowed for years. The Ordinance corrects the zoning. He recommended a major site plan review as part of the process. This provides all the protections of a special exception. The land use becomes permitted and cannot be revisited in a site plan review. Other concerns can be reviewed such as buffering and traffic. These are under the purview of the planning director. He recommended against following the recommendation of the Planning and Zoning Board.

Ms. Cochella said the ADS plan would be considered major and there is a review process by the Planning and Zoning board.

Deputy Mayor Gibson confirmed that the subsequent items, not land use, are reviewed by the planning official not the Commission. Mr. Cloud confirmed this. Ms. Cochella said that this is already in the code. Mr. Cloud said this Ordinance is not specific to the ADS project. This issue is quasi-legislative not quasi-judicial.

Mayor Hilligoss asked if a recommendation is required by Planning and Zoning. Mr. Cloud said the City Commission can disagree with the recommendation. Mr. Cloud referred to a letter from Merle Bishop, a land use expert in Polk County that this is appropriate to do. The City will be exposed to problems if the error isn't fixed. Mr. Cloud explained some of the problems with other areas if this isn't fixed.

Mayor Hilligoss confirmed that both the Planning and Zoning board and the Commission unanimously approved the change. Mr. Cloud confirmed this.

Deputy Mayor Gibson asked what everyone knew when the change took place last year. Mr. Slaton said he spoke with Mark Bennett said the possible ADS plant was not part of the decision to make the change in March 2022. This change was made to encourage diversity in our economic base. Deputy Mayor Gibson said he agreed with the need to diversify our economic base. We have been to dependent on citrus. Mr. Slaton reviewed a section of the comp plan that the City will work with the Citrus industry finding other industry for former agriculture areas to enhance the economic base in Lake Wales. Deputy Mayor Gibson said the Commission and the public were unaware of this project. Mr. Cloud said there are conflicts in the code related to uses of I-1 property which could lead to problems developing that property.

Mayor Hilligoss said he understands that the plant is not using hazardous materials. Mr. Cloud said hopefully ADS will do a presentation to the community. Deputy Mayor Gibson confirmed that this will happen.

Mayor Hilligoss asked for clarification of the difference between quasi-legislative and quasi-judicial hearings. Mr. Cloud explained the Commission will hear testimony and set policy or rule adoption. Quasi-judicial is application of policy to a project. That is not what is going on. This is fixing a change that was not made from a conscious act. The hearing is a legislative procedure. Standard of review is the main difference.

Commissioner Krueger said this quasi-legislative process will prevent quasi-judicial issues coming up. Mr. Cloud confirmed this. Deputy Mayor Gibson said its similar between the differences in the branches in the US Constitution, the court system and legislature. Mr. Cloud said this is like a mulligan or hitting a reset button after an honest error was made. These things happen. Reset the policy and move forward.

Mr. Slaton said we are changing codification companies.

Mr. Cloud said we are doubling the required notices to be on the safe side.

4. Highway 27 12 Final Plat

[Begin Agenda Memo]

SYNOPSIS: David Holden with Quigg Engineering, agent for Highway 27 12, LLC, owner, requests approval of the Highway 27 12 Final Plat.

RECOMMENDATION Staff recommends approval of the Final Plat. Neither a recommendation from the Planning Board, nor a public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the City Commission is a formality.

BACKGROUND The subject property is located on the west side of US Highway 27, south of the Dyer Kia Dealership and across US Highway 27 from Bob Evans Restaurant.

The project was formally named US 27 Medical Complex and was approved by the Planning and Zoning Board in August of 2018 as a major site plan, which contemplated a mix of medical and commercial uses although the final tenants were not yet known. In November of 2018, site construction plans were submitted to the City, and the Site Development Permit was issued in June of 2019. All required infrastructure improvements have been completed, and the project received Utility clearance in June of 2020.

The project, now referred to as Storage Complex US 27, has secured a storage facility anchor development called Storage Works and requests to subdivide the parcels which are currently under common ownership, into four separate parcels that can be individually owned. The final plat was submitted by the applicant in October 2022 for review and received final approval by City Staff and the City's consulting surveyor in February 2023.

FISCAL IMPACT Plat approval may encourage the development of this site, resulting in increased property values and added tax revenue.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

5. Mabel Place Final Plat

[Begin Agenda Memo]

SYNOPSIS: Mabel Place Development, LLC., owner, requests approval of the Mabel Place Final Plat.

RECOMMENDATION Staff recommends approval of the Final Plat. Neither a recommendation from the

Planning Board, nor a public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the City Commission is a formality.

BACKGROUND The subject property is located on the east side of Scenic Highway, just south of Brookshire Subdivision, and across from Dinner Lake Shores Subdivision.

The Mabel Place 142-lot preliminary subdivision plat was approved by the Planning and Zoning Board on February 23, 2021 as a Planned Development Project with waivers of strict compliance. In September of 2021, site construction plans were submitted to the City, and were approved in March of 2022. This project received Utility Clearance on March 24, 2023.

Pursuant to Section 23-223.4 of the City's Land Development Code, the developer is providing a performance bond in lieu of constructing certain improvements, as allowed by code. The performance bond language was reviewed and approved by the City Attorney in April of 2023.

FISCAL IMPACT Approval of the final plat enables the construction of 142 new single-family homes. Conservatively estimating a taxable value of \$200,000 per unit, it could potentially result in over \$28 million in taxable value, and generate an estimated \$179,000 in ad valorem taxes. *Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

Deputy Mayor Gibson asked if this was Gardinier property. Ms. Cochella said no, its adjacent to it.

6. Special Exception Use Permit Application For A Residential Planned Development Project (PDP) Oakridge. PUBLIC HEARING – Requirements Have Been Met.

[Begin Agenda Memo]

SYNOPSIS: Steve Sloan, authorized agent for owner, is requesting the approval of City Commission, for a 30-unit multifamily Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 4.26 acres of land south of Highway 60 East, west of 11th Street South, and east of Minnesota Street.

RECOMMENDATION The applicant requests the approval of City Commission for a Special Exception Use Permit for a 30-unit multifamily Residential PDP, with waivers of strict compliance and conditions of approval. This item received a recommendation of approval to City Commission by the Planning and Zoning Board on November 29, 2022.

BACKGROUND

General: The subject property, comprised of approximately 4.26 acres of vacant land, is located south of Highway 60 East, west of 11th Street South, and east of Minnesota Street. The project is north of Wales Landing apartments and west of the Orange Grove Shopping Center.

The property has a land use designation of RO Residential-Office and a zoning designation of PF Professional. Maximum density allowed on the site is calculated at 12 units per gross acre, or 51 dwelling units, under the Comprehensive Plan for RO Residential-Office; a density of 7.04 dwelling units per acre, or 30 dwelling units, is proposed.

The proposed multifamily, duplex project is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance. The project contains 15 duplexes, or a total of 30 units. Waivers are being requested for some R-3 dimensional and area standards and for some landscaping standards.

Roadways & Access: Access to the development will be on 11th Street South. Internal roadways will have 12 feet drive aisles and 86 standard parking spaces. Sidewalks are provided along 11th Street South and within the development for accessibility and walkability. Additional right-of-way on 11th Street South will be dedicated to the County.

Landscaping and Buffering: A landscape plan will be required at Site Development Plan submittal, and will be reviewed and approved by Staff after consultation with the City's horticulturist. The proposed perimeter buffer may be berm, and will be planted with shrubs, canopy trees, and understory trees. Tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.2: A minimum of three (3) trees shall be required for each one-quarter (&1/4;) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

The project proposes a 10' wide buffer along 11th Street South, with a 6' high continuous hedge and canopy trees every 50 linear feet; a waiver is being requested for the buffer width from the required 20' wide buffer to a 10' wide buffer. A 5' wide buffer with sod is proposed at the northernmost boundary. The property boundaries adjacent to the existing dentistry office and multifamily development to the south propose a 5' wide buffer with a 6' high continuous hedge. The applicant is requesting a waiver to eliminate the buffer along Minnesota Street due to elevation issues; required by code is a 10' wide buffer with a 6' high wall or hedge and a canopy tree for every 50 linear feet.

Recreation & Open Space: The development provides over 6,000 square feet of a neighborhood park with benches and an outdoor grill. The mini-park is over 1,000 square feet and provides benches around a centralized, retained oak tree.

Open Space Calculation:

Recreation 0.188 ac.

Retention Ponds 0.437 ac.

Open Space 0.422 ac.

TOTAL 1.047 ACRES

More than 24.5% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

Per Section 23-224 Planned Development Project (PDP), PDP approval may be applied for in any zoning district for the purpose of allowing flexibility of site design through waivers if strict compliance; a PDP is required for any multi-family development with more than 12 units proposed.

According to Division 4 *Planned Development Project Regulations*, the PDP process:

- Is intended to promote high quality site design by allowing flexibility in project layout in order to preserve natural features of the land, maximize common open space and landscaping, and create vital neighborhoods.
- Is not intended to circumvent the regulations for residential development, but to allow creativity and variety.
- Allows for deviations from standards concerning lot size, setbacks, roadway design, and other requirements only if the proposed alternative allows for a superior layout, and provides enhanced open space and preservation of natural features.

Waivers of Strict Compliance: The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the R-3 zoning district:

1. Front building setback reduced from the required 30 feet to 22.5 feet. Justification: The requested waiver is needed due to the need to overcome the overall slope of the property and maintain the desired building sizes throughout the community. In addition, this project is being constructed with the real front setback along the eastern road (11th Street) and this is an additional front setback due to the location of the western road (Minnesota Street) being adjacent to the subject property.

2. Landscape buffer along 11th Street South reduced from 20 feet to 10 feet. Justification: The requested waiver is needed due to the significant amount of right-of-way that we are required to dedicate to Polk County and the need to maintain appropriate sizing for adjacent stormwater ponds.

3. Eliminate landscape buffer along Minnesota Street. Justification: The requested waiver is needed due to the need of a retaining wall that is proposed to be constructed along the western portion of the project.

4. Landscape buffer reduction around retention areas from 25 feet to 0 feet. Justification: The requested waiver is needed due to the slope of the property combined with the sizing requirements for stormwater ponds. There is not sufficient room to properly size the stormwater ponds and also include the requested buffers. We are however, providing a landscape buffer along all property lines that are adjacent to the stormwater ponds.

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 project is superior in that it is providing multi-family dwelling units which are in short supply in the City of Lake Wales. The project will supply rental housing for the citizens of Lake Wales that cannot afford to purchase housing or perhaps have life circumstances which require short-term housing. The project is also providing on-site recreation and open space in excess of the minimum requirements for a PDP."

? Recreation required: 0.113 acres; Recreation provided: 0.187 acres

? Open space required: 20% of site; Open space provided: 24.5% of overall site

The applicant began project discussions with Planning Staff in 2021, and formally submitted the Oakridge PDP in 2022. The Development Review Committee (DRC) reviewed the project at a regular meeting on September 1, 2022 and comments were sent to the applicant on September 2, 2022. A revised PDP dated October 19, 2022 was submitted by the applicant; this Plan was advanced to the Planning and Zoning Board with a Staff recommendation of approval.

The Planning and Zoning Board made a recommendation of approval to City Commission of the Residential PDP at a regular meeting on November 29, 2022, with the following conditions:

a. The applicant shall provide enhanced architectural elevations and color palettes, prior to the City Commission meeting.

b. Additional architectural design elements should be considered and enhanced landscaping shall be provided around buildings.

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

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 developer, HOA, or similar managing entity.

e. Mechanical equipment shall be screened from view with landscaping.

f. Landscaping Plan is required at Site Development plan submittal and will be reviewed and approved by Staff and the City's Horticulturist.

g. A tree removal/replacement plan is required at Site Development plan submittal.

A final PDP was submitted by the applicant on January 3, 2023.

On January 17, 2023, City Commission passed Planning in Progress Resolution 2023-02 which includes initial aspirations and directs City Staff to coordinate new development proposals with ongoing planning initiatives, including Lake Wales Envisioned. Although the Oakridge PDP had advanced through the Planning and Zoning Board hearing prior to the Resolution, the City Manager directed Staff to work with the applicant to re-design the project to better align with the aspirations.

Planning Staff hired on-contract urban design firm Plusurbia to conduct a peer review of the proposed project, and to provide design recommendations which better align with the Planning in Progress initial aspirations. The peer review memo was shared with the applicant and on February 10, 2023, Planning Staff met with the applicant to discuss design alternatives.

Following the meeting with Staff, the project engineer attempted to work with the illustrative design prepared by the peer review firm and revise the project layout; however, alley-loaded units were not considered as the building type proposed does not include back doors. On March 24, 2023, the applicant determined that the project could not be redesigned without losing units, which would render the project financially infeasible, and decided to advance the Plan as proposed.

Staff analysis of Planning in Progress Resolution 2023-02 and the Oakridge PDP:

1. We will seek to assemble an enduring green network of open spaces and conservation lands;

Staff comment: The percentage of open space designed to serve the project is in excess of the minimum code requirement, and the preservation of existing significant oak trees is proposed; however, the green space network created is isolated from the surrounding area, and the green space is lined by the backs of buildings.

2. We will partner with landowners, investors, and the community to encourage input,

collaboration, and respect property rights; Staff comment: Having satisfied DRC comments, and after receiving a recommendation of approval by the Planning and Zoning Board prior to the passing of this Resolution, the landowner and applicant have a reasonable expectation to receive project approval.

3. We will make infill development and revitalization a priority; Staff comment: The project is small and surrounded by existing development, and is therefore considered infill in nature.

4. We will emphasize economic prosperity by increasing property values through quality

development; Staff comment: Quality is subjective; however, the justification statement provided by the applicant delineating how the project is a superior product does not meet the intentions of the City's PDP design guidelines. Staff recognizes that a duplex-style housing product is underserved within the city and fulfills a need for missing-middle housing options.

5. We will facilitate employment opportunities by supporting a mix of land uses and industries;

Staff comment: The project is situated adjacent to a single-family residential neighborhood, a multi-family neighborhood, a medical office, and a commercial development. The proposed duplex multi-family use contributes to the existing diverse makeup of land uses.

6. We will seek to make traditional neighborhoods with walkable, connected streets that create a high-quality public realm the norm;

Staff comment: the project does not meet the intentions of a traditional neighborhood in the following ways: a. The project is isolated from the surrounding built environment, as neither pedestrian nor vehicular connectivity is proposed to the north, west, and south.

b. Parking, rather than the architectural fronts of buildings and the pedestrian way, is the design focal point of the development.

c. The neighborhood park (public realm) is tucked behind the buildings.

7. We will discourage conventional urban sprawl as defined in Florida Statutes Chapter 163; and Staff comment: The project is infill in nature, is surrounded by a mix of land uses, and will connect to existing infrastructure.

8. We will grow a livable transportation network by implementing the Lake Wales Mobility Plan and including context-sensitive Complete Streets. Staff comment: The project does not expand the existing street network.

Staff Findings

1. The development is compatible with the intentions of Policy I.1.2.11 Residential/Office of the City's Comprehensive Plan, which states, the primary function of the Residential-Office classification is to permit low intensity office and commercial uses in conjunction with residential use. Location Criteria: a transition between commercial and residential use. Intended primarily for developed areas to provide viable economic use and redevelopment option for residential areas.

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

3. Close proximity to commercial nodes, containing supportive services, promotes walkability and reduces dependency on vehicles for short trips.

4. A Planned Development Project is reviewed for approval as a Special Exception Use Permit approvable only by City Commission, and not as a zoning designation.

5. Per Section 23-431.b. a Special Exception Use Permit applied to a property makes the stipulations of approval mandatory.

6. A duplex-style housing product is underserved within the city and fulfills a need for missing-middle housing options.

7. The proposed PDP received a recommendation of approval to City Commission, from the Planning and Zoning Board, prior to the passing of Planning in Progress Resolution 2023-02.

OTHER OPTIONS Decline to approve the Special Exception Use Permit for a Residential Planned Development Project.

FISCAL IMPACT Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

7. 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.

This item was originally presented before the City Commission in September of 2022. The annexation was brought together with the land use and zoning amendments. Staff is bringing this item back before City Commission for first and second reading to ensure proper advertisement and notification. In conjunction, the land use and zoning amendments are also being brought back before the board for first and second reading.

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, Interim Director of Development Services, reviewed this item.

8. 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 Hearing And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Property owners request approval of City Commission to amend the 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 designations, 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.

City Commission approved the first reading of Ordinance D2022-28 at a regular meeting on September 20, 2022. The proposed amendment was transmitted to the Department of Economic Opportunity where there were no opposition the proposed changes and the amendment approved. The applicant had also requested for the second reading to be tabled to the March 21, 2023 City Commission meeting to ensure a representative could be present. The annexation, land use amendment, and zoning amendment were brought to City Commission together. Staff is now bringing this item back before City Commission for first and second reading to ensure proper advertisement and notification. In conjunction, the land use and zoning amendments are also being brought back before the board for first and second reading

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 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, Interim Director of Development Services, reviewed this item.

9. 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 approval from 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 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.

This item was brought to the City Commission in late September of 2022. The annexation, land use amendment, and zoning amendment were brought to City Commission together. Staff is bringing this item back before City Commission for first and second reading to ensure proper advertisement and notification. In conjunction, the land use and zoning amendments are also being brought back before the board for first and second reading.

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, Interim Director of Development Services, reviewed this item.

10. Ordinance 2022-54 Annexation – 1st Reading And Public Hearing 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27.

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-54 proposes the voluntary annexation of approximately 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, 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 2022-54 following a public hearing.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Owners, Hunt Bros Inc, petitioned annexation into the corporate city limits of Lake Wales on October 12, 2022.

“Attachment A” to the ordinance shows the property’s location. It is contiguous to the City Limits along its northern boundary.

This item was brought before City Commission in early February of 2023. The annexation was brought together with the land use and zoning amendments. Staff is bringing this item back before City Commission for first and second reading to ensure proper advertisement and notification requirements have been met. In conjunction, the land use and zoning amendments are also being brought back before the board for first and second reading.

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 \$461,278 which would bring in additional property taxes.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

11. Ordinance D2022-35 Small Scale Future Land Use Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27. 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Hunt Brothers, Inc., owner, requests a recommendation to City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 47.31 acres.

RECOMMENDATION Approval at first reading and 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 special meeting on January 5, 2023: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: Business Park Center (BPC)

BACKGROUND The subject property is located south of Hunt Brothers Road, west of Scenic Highway, and east of US Highway 27. The property is situated across Hunt Brothers Road from the Lake Wales Soccer Club and Lake Wales Memorial Gardens. There have been preliminary discussions regarding potential industrial development of the property, however, no formal plans have been submitted to the City for review. Hunt Brothers, Inc., petitioned to be annexed into the city limits on October 12, 2022. A land use designation of Business Park Center is appropriate as the Longleaf Business Park is located to the west of the property. Properties in the city limits, south of the subject property, are also zoned Business Park with a land use of Business Park Center. This item was brought before City Commission in early February of 2023. Staff is bringing this item back before City Commission to ensure proper advertisement and notification. In conjunction, the annexation and land use amendment are also being brought back before the board for first and second reading.

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 The properties are valued at a total of \$461,278 dollars, bringing in additional property taxes. Assignment would enable the potential development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

12. Ordinance 2022-36 Zoning Map Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27. 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Hunt Brothers, Inc., owner, requests approval from City Commission to amend the Zoning Map on parcels of land totaling approximately 47.31 acres.

RECOMMENDATION Approval at first reading and adoption at second reading, to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a special meeting on January 5, 2023:

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: Business Park (BP)

BACKGROUND The subject property is located south of Hunt Brothers Road, west of Scenic Highway, and east of US Highway 27. The property is situated across Hunt Brothers Road from the Lake Wales Soccer Club and Lake Wales Memorial Gardens.

There have been preliminary discussions regarding potential industrial development of the property, however, no formal plans have been submitted to the City for review. The owner petitioned to be annexed into the city limits on October 12, 2022.

A Zoning designation of BP Business Park is appropriate as the Longleaf Business Park is located to the west of the property. Properties within the city limits, south of the subject property, are also zoned Business Park.

At the City Commission Workshop on February 1, 2023, the question of what is allowed in the Business Park zoning district was raised. Section 23-401(b) describes Business Park as, "This district is intended for discrete areas established and designed for a mixture of professional, light industrial, wholesale, and professional uses, including hotels and motels and car dealerships, and excluding retail, drive-up restaurants, service and other commercial uses catering directly to consumers except those accessory to a principal use." Permitted uses in the Business Park zoning district are outlined in Section 23-421 of the Lake Wales Land Development Regulations, and attached as "Attachment B".

This item was brought before City Commission in early February of 2023. Staff is bringing this item back before City Commission to ensure proper advertisement and notification. In conjunction, the annexation and land use amendment are also being brought back before the board for first and second reading.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future land use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

FISCAL IMPACT The properties are valued at a total of \$461,278 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, Interim Director of Development Services, reviewed this item.

13. Ordinance 2023-12 Zoning Map Amendment For 37.2 Acres South Of Sessoms Avenue, East Of Wetmore

Street, North Of Tillman Avenue, And West Of 3rd Street. 2nd Hearing And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Approval of City Commission to amend the Zoning Map on parcels of land totaling approximately 37.2 acres reflecting the text amendments made to establish a Downtown Mixed-Use district.

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 February 28, 2023:

Current Zoning: C-1 Downtown Commercial District & C-1A Downtown Historic District

Proposed Zoning: D-MU Downtown Mixed-Use including the Downtown Historic Overlay and Crystal Lake Overlay Districts City Commission approved the first reading of Ordinance 2023-12 at a regular meeting on March 21, 2023.

BACKGROUND The subject properties are located south of Sessoms Avenue, east of Wetmore Street, north of Tillman Avenue, and west of 3rd Street. The rezoning of the above-mentioned parcels is in response to text changes made to replace the current C-1 and C-1A zoning designations and to implement the downtown design standards.

The Lake Wales Connected Plan has Near-Term Action Items #14 & #15 related to adopting design guidelines and zoning changes for downtown. To accomplish these action items, staff proposed a text change to the Land Development Regulations to include the new downtown design standards. Section 23-423 Downtown Mixed-Use Standards proposes a new zoning district and overlay districts that are consistent with design principles contained in Lake Wales Connected.

This amendment to the code was presented to the Historic Board on May 19, 2022 and June 16, 2022, and was recommended to the Planning and Zoning Board. At a regular meeting on July 26, 2022, the Planning and Zoning Board recommended approval of the text amendments to City Commission. City Commission approved Ordinance 2022-37 at first reading on August 16, 2022 and adopted the ordinance on September 7, 2022.

The purpose of this rezoning amendment is in succession to the City's attempt to accomplish Action Items #14 & #15 of the Lake Wales Connected Plan. Designating properties to D-MU will allow appropriate urban design and forms for the Downtown.

The property 282 Park Avenue was recently rezoned to C-1 in November of 2022. The rezoning amendment to assign subject parcels with a zoning designation of D-MU will include 282 Park Avenue and the surrounding First Presbyterian Church parking lots. If the site was not included in the D-MU district boundaries, 282 Park Avenue would be the only parcel in the vicinity remaining with a C-1 zoning designation.

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 redevelopment of downtown and may potentially increase property value and/or spur economic growth.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, said this item will be continued until the chart is corrected with DMU column.

14. Ordinance 2023-13 Proposed Amendments To Land Development Regulations – Crystal Lake Overlay 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2023-13 amends the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances): 1) Section 23-423.d. Downtown Mixed-Use Design Standards: Crystal Lake Overlay

RECOMMENDATION Staff recommends adoption of Ordinance 2023-13 after 2nd Reading and Public Hearing

BACKGROUND

Legislative History of Crystal Lake Overlay On September 7th, 2022, a new section of the Lake Wales Development Code was adopted, Section 23-423: Downtown Mixed-Use Standards. This new section implemented most of the provisions in the Lake Wales Connected Action Items. Included in this section are the following:

- Purpose & Applicability
- Downtown Historic Overlay
- Crystal Lake Overlay
- Building Form Standards
- Building Height
- Parking
- Architectural Standards
- Review Process & Administrative Waivers

The Crystal Lake Overlay was specifically included to recognize the unique environmental and historical character of the commercially zoned properties fronting Crystal Lake. The location of the Crystal Lake Overlay is shown in blue in the map below.

Purpose of the Proposed Crystal Lake Overlay Amendments Following the adoption of the Crystal Lake Overlay, community stakeholders raised questions about the intent of the Crystal Lake Overlay's 70' setback from North 3rd Street. In response to these inquiries, City Planning Staff is bringing forward the following edits to clarify the use and function of the land within the North 3rd Street setback, as well as to provide design flexibility for the North 3rd Street setback based on the illustrative master plan process. Finally, a technical edit to the terminology for the public meeting was made, changing the word "charrette" to the word "meeting" to be consistent with the terminology in other sections of the Crystal Lake Overlay.

Historic District Regulatory Board

The Historic District Regulatory Board (HDRB) considered these amendments on January 19th, 2023 and unanimously recommended approval of the amendments.

During the Board meeting, the property owner of 318 N. Scenic Highway (the former Plantation Inn site) requested an additional text amendment addressing the restoration and reuse of the Historic Buildings on site, in the event that some of the buildings cannot be repurposed on site, or are not structurally sound

enough to be moved to a new location. Text amendments addressing these concerns were discussed with the Board members, as shown below. The Board approved of the changes and allowed the application to move forward to Planning and Zoning Board without returning to the HDRB for further review.

§ 23-423.d.4.v. Historic Buildings. Any structures associated with the original Lake Wales hotel that are still remaining within the Crystal Lake Overlay shall be preserved and repurposed on site. Structures may be adaptively reused for new purposes such as commercial use, retail, housing, tourism or civic use. Structures may be relocated on site in order to better accommodate new development on site. As a measure of last resort, these structures may be relocated and preserved off-site if structurally feasible, as determined by the City Building Official. If a structure is determined not to be structurally feasible to relocate by the City Building Official, the building may be documented, dismantled, and as much of the original materials as possible should be reused. , however if this (removed) If relocation or dismantling of a historic building occurs, a detailed preservation and relocation plan shall be incorporated into the Site Plan application and must be approved as part of the Site Plan application.

Planning and Zoning Board

The Planning and Zoning Board reviewed the proposed Crystal Lake Overlay text amendments and unanimously approved the amendments on February 28, 2023.

Lake Wales Main Street The Lake Wales Main Street Board reviewed the amendments and provided a letter of support on January 13, 2023, attached.

CODE REFERENCES AND REVIEW CRITERIA Section 23-423 Downtown Mixed-Use Design Standards

FISCAL IMPACT None

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

15. Ordinance 2023-09 Vacation Of A Portion Of Harding Avenue Right-Of-Way. 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Manwello Brown, property owner, has petitioned for the vacation of a portion of Harding Avenue located north of Harding Avenue, west of D Street, and south of 415 D Street.

RECOMMENDATION Adoption at second reading, following a public hearing, to vacate a portion of Harding Avenue right-of-way (ROW) described in Ordinance 2023-09. City Commission approved first reading of Ordinance 2023-09 at a regular meeting on March 21, 2023.

BACKGROUND The subject ROW is located north of Harding Avenue, west of D Street, and south of 415 D Street. The owner petitioned to vacate the ROW in October of 2022.

The section of Harding Avenue in between E Street and D Street was once a part of a railroad right-of-way. In 2004, a portion of the south side of Harding Avenue right-of-way adjacent to Shiloh Baptist Church was closed and vacated at the request of the property owner.

The right-of-way is not necessary to allow access to the property it serves, as there would be appropriate access from D Street. No impacts of vacating said portion of Harding Avenue have been identified. Water lines are located on the south side of Harding Avenue and goes north along the alley between E Street and D Street, where the vacation would not interfere. The sewer lines are also running north along the alleyway between E Street and D Street.

This item was discussed with Development Review Committee members and it was determined that there

were no utility lines that would be impacted, and maintenance of this corner by the City would no longer be needed if acquired by the property owner. In addition, outside, private utility agencies have not identified any issues regarding the vacation of this portion of Harding Avenue.

FISCAL IMPACT Vacation of the ROW would relieve the city from maintaining a portion of Harding Avenue.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

16. Ordinance 2023-10 Vacation Of A Portion Of Findley Drive Right-Of-Way. 1st Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Kendall Phillips, authorized agent for owner, has petitioned for the vacation of a portion of Findley Drive located east of Scenic Highway North.

RECOMMENDATION Approval after first reading and adoption after second reading, following a public hearing, to vacate the Findley Drive right-of-way as described in Ordinance 2023-10.

BACKGROUND The subject ROW is located east of Scenic Highway North, and adjacent to Pamlico Air and Patton Tire Inc. Kendall Phillips, P.E. with L P Engineering Services requested to vacate a portion of Findley Drive as authorized agent for Rise Properties LLC in November of 2022.

The portion of Findley Drive to be vacated does not impact access to other properties other than Pamlico Air, as the road terminates within property owned by Rise Properties LLC. The applicant requested to vacate a portion of the right-of-way in order to better facilitate an expansion of their existing manufacturing facility.

This item was brought before the Development Review Committee in June of 2022. It was determined that the entirety of Findley Drive could not be vacated as Patton Tires needed access to their rear drive. Another concern was access to the fire hydrant as this needed to remain within public right of way, which has since been resolved. The last concern was in regard to public utilities located within the right-of-way.

There is a water line that extends along Findley Drive from Scenic Highway North to Old Scenic Highway. The City's Utilities Department has requested that the owner provide a 30' utility easement on the north side of Findley Drive regarding the request to vacate. All other outside, private utility agencies have not identified any issues regarding the vacation of this portion of Findley Drive.

FISCAL IMPACT Vacation of the ROW would relieve the city from maintaining a portion of Findley Drive.

[End Agenda Memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

17. Lift Station #3 (LS#3), Lift Station #6 (LS#6) And Lift Station #15 (LS#15) Diesel Bypass Pump Purchase

[Begin Agenda Memo]

SYNOPSIS: Staff is recommending the commission approve the expenditure of \$172,061.00 to Thompson Pump & Manufacturing Co., for the purchase and installation of diesel bypass pumps for Lift station #3, Lift station #6 and Lift station #15.

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

1. Approve expending funding of \$172,061.00 to Thompson Pump & Manufacturing Co. for the installation of the diesel bypass pumps at LS#3, LS#6 & LS#15.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND During a significant hurricane, power is often times lost to utility assets in the affected region. In Polk County during Hurricane Irma, over 80% of the county lost power for substantial amounts of time. The power was not restored to the entire county for over a week after the Hurricane struck. Since Hurricane Irma affected the entire state from the Keys through to the panhandle, power restoration crews were stretched thin and unable to restore power service to the lift stations quickly. Lake Wales was among the cities that did not recover power quickly and had the majority of its lift stations go down as a result. Onsite emergency generators, installed at all the water treatment plants, continued to operate and provided fresh water to the community. The continued supply of water to the community, led to the community filling the lift stations with waste. The City of Lake Wales has 41 lift stations, but only ten have permanently mounted generators. The Utilities Department has a small number of portable generators, but since the storm was so widespread, staff had to maneuver those generators between all of the lift stations that do not have a stand-by generator. The purpose of this project is to provide permanent protection for the lift stations during future storm or hazard events. These particular lift stations are critical infrastructure due to the source of its inflow and cannot afford to go offline for an extended amount of time. Since loss of the lift station would result in an overflow, resulting in contamination of the surrounding area and groundwater, continued operation of the lift stations is critical to the community.

Staff is recommending the City Commission take the following action, authorize the expenditure of \$172,061.00 utilizing the 2021-2022 Sheriffs Association Contract Bid Award #FSA0-EQU18.0 to Thompson Pump & Manufacturing Co. for the purchase and installation of three diesel bypass pumps for LS#3, LS#6 and LS#15, and authorize the City Manager to execute any documents on the City's behalf.

OTHER OPTION None. The risks to the environment and community would remain in the event of a storm or hazard event.

FISCAL IMPACT \$250,000 is budgeted in the Wastewater Division's FY '22 – '23 Capital Improvement Plan for Diesel Pumps.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

18. Lightning Suppression Devices

[Begin Agenda Memo]

SYNOPSIS: Staff recommends the commission authorize the expenditure of \$84,990.00 to the Avanti Company for the purchase of the EMP Defense model CMCE-120 Lightning Suppression Devices and/or EMP Defense model CMCE-55 Lightning Suppression Devices be installed at all of the water and wastewater treatment plants.

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

1. Authorize the expenditure and installation of the EMP Defense model CMCE-120 and/or EMP Defense model CMCE-55 Lightning Suppression devices at all Water and Wastewater Treatment Plants to the Avanti Company for \$84,990.00.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The city consists of four Water Treatment Plants and one Wastewater Treatment Plant,

which all include multiple pumps, motors, transmitters, electrical panels, chlorination systems, etc., all of which are electrical driven. The City of Lake Wales is located on the ridge, the highest point in the state of Florida, with Florida being the lightning capital of the United States. This makes the water and wastewater plants highly susceptible to direct hits from lightning. Every year, the City's treatment facilities experience damage to critical treatment process equipment due to direct lightning hits. Numerous different surge suppressors, lightning arrestors and various lightning protection devices have been used in an attempt to protect against lightening damage. The technological innovation of the CMCE Multiple Electric Field Compensator creates and maintains a balanced electric environment within its protective three-dimensional radius.

As an electrostatic current passive capturing system, the CMCE:

1. Absorbs charges that appear in the surrounding electromagnetic field,
2. Arranges charges internally based on their natural form,
3. Creates a controlled flow of leakage current in harmless milliamperes – between 50a and 350mA in fair weather and 700a to 1,800mA in storm phase – through the ground wire to the earth.

When the electric field changes, provoked by variations in the surrounding environment, the CMCE reacts by absorbing and draining excess charges into the ground. This process eliminates upward streamers and prevents the development of lightning within the devices coverage radius. The cost breakdown is as follows: \$20,700 for the Wastewater Treatment Plant (WWTP), \$20,700 for the Water Treatment Plant #3 (WTP#3), \$20,700 for the Water Treatment Plant #1 (WTP#1), \$11,445 for Water Treatment Plant #2 (WTP#2), \$11,445 for Park Water Treatment Plant.

The upgrade to the facilities will help save the city time and money by protecting expensive equipment from direct lightning strikes. Functionality of the treatment plant would increase by avoiding down times waiting on the replacement of equipment, motors, pumps and panels that have taken direct lightning hits. Staff recommends the commission consider taking the following action, authorize the purchase and installation of the lightning suppression devices at the Wastewater Treatment Plant and the Water Treatment Plants, by The Avanti Company, for \$84,990.00 and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION The commission could chose not to go forward with these upgrades at this time. As a result, the treatment plants would still be highly susceptible to the lightning strikes as in past years.

FISCAL IMPACT \$200,000 was placed in the '22-'23 operating budget for Water M&R Treatment Plants
\$200,000 was placed in the '22-'23 operating budget for Wastewater M&R Treatment Plants

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

19. Lease Agreement Of John Deere Tractor

[Begin Agenda Memo]

SYNOPSIS: Staff is requesting Commission approval to lease (1) John Deere 5075E Cab Utility Tractor under the Florida State Contract Pricing (FL Ag & Lawn Equip. 25101900-21-STC(PG F2 CG 22)).

RECOMMENDATION It is recommended that the City Commission take the following action(s): 1. Approve the sixty (60) month lease of the vehicle on the attached Schedule A from Mears Motor Leasing/The Bancorp. 2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND City Commission approved \$80,000 in the FY 22/23 Parks Capital budget for Equipment-

Tractor w/attachment. Staff recommends the lease of (1) John Deere 5075E Cab Utility Tractor in the amount of \$46,722.53 to be paid in sixty (60) increments of \$898.00.

OTHER OPTIONS Commission may choose to not approve the purchase of the John Deere 5075E Cab Utility Tractor.

FISCAL IMPACT A budgeted amount of \$80,000 is included in the FY 2022/2023 budget. Estimated expenditures for FY 22/23 is approximately \$5,388.00.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

20. Resolution 2023-06, Adopting A Revised Transition Plan For Removing Obstacles To Accessibility Of Public Buildings.

[Begin Agenda Memo]

SYNOPSIS Approval of Resolution 2023-06 will adopt a revised Transition Plan for Removing Obstacles to Accessibility of Public Buildings.

RECOMMENDATION Staff recommends adopting Resolution 2023-06 Revised Transition Plan for Removing Obstacles to Accessibility of Public Buildings.

BACKGROUND On April 16, 2002, the City Commission approved withdrawal from participation in Polk County's CDBG program in order to make individual application in the Small Cities CDBG program, and on December 19, 2002 the City submitted its application. As part of the pre-application process, it was necessary for the City to adopt certain policies and procedures to enhance the success of our application.

One of the policies adopted with Resolution 2002-18 on November 5, 2002 was the City of Lake Wales Section 504 Compliance Policy, Evaluation Plan, Transition Plan, and Grievance/Complaint Procedures for Community Development Block Grant Programs and Projects which relates to the City's commitment to ensure access to public buildings by all members of the community. Also in November 2002, the City Commission appointed five community volunteers with physical impairments to serve on a review committee for the City's Section 504 Handicapped Accessibility Transition Plan.

An evaluation of city-owned facilities was performed by our Fire Marshal and Building Inspector using the Florida Accessibility Code for Building Construction (1997 edition). During this evaluation, obstacles to access by individuals with physical impairments were identified. A list of these obstacles was compiled for each city-owned facility and forwarded to the committee for review. The committee members individually indicated their priorities for taking corrective actions necessary to remove these obstacles. The priorities of the individual members were averaged to establish the priorities of the committee as a whole.

Taking into consideration the priorities of the committee, a transition plan was developed to schedule the budgeting of financial resources necessary to remove the accessibility obstacles identified over the period FY02'03 through FY05'06.

Many of the accessibility obstacles were eliminated in accordance with the adopted transition plan. Major repairs to those facilities that suffered damage during the hurricane season of 2004 provided for the correction of many of the accessibility problems listed in the 2002 plan.

In order to comply with the terms of acceptance of the CDBG Neighborhood Revitalization Grant for the Minnesota-Grove Avenue area, the City Commission with Resolution 2006-05 adopted a revised version of the plan that included many of the corrections made after the hurricanes. In order to comply with the terms of acceptance of the CDBG Neighborhood Revitalization Grant for the C Street Sewer project, the City Commission with Resolution 2010-17 adopted a revised version of the plan that included many of the

corrections made since the last update.

The transition plan was updated in 2021 with Resolution 2021-16. This Transition Plan needs to be updated again as a requirement of the current CDBG Commercial Revitalization Grant. Staff has reviewed the list as well as the facilities themselves and has updated it for 2023. The list includes a schedule of when the remaining items will most likely be addressed. Resolution 2023-06 adopts this new list.

OTHER OPTIONS None.

FISCAL IMPACT Most of the work scheduled for the current fiscal year consists of moving fixtures in restrooms, improving safety of ramps, etc. This work is not costly and can be completed within the budget allocated for M&R Buildings, although budgets for individual departments may require reallocation with a budget amendment. The cost of work scheduled for FY22'23 is not known at this time.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

21. Special Event Permit For Lake Wales Jr. Woman's Club Fall Festival Event

[Begin Agenda memo]

SYNOPSIS: Lake Wales Jr. Woman's Club has submitted Special Event application to host a Fall Festival event on October 14, 2023 from 8:00 a.m. – 5:00 p.m. in Lake Wailes Park. The event will include alcohol.

RECOMMENDATION Staff recommends approval of the application, the request to have alcohol, for a Fall Festival Event in Lake Wailes Park on Saturday October 14th from 8:00 a.m – 5:00p.m

BACKGROUND The Lake Wales Jr. Woman's Club organization wants to host a Fall Festival in Lake Wailes Park. This event will include food, games, vendors, music and other activities. Set up will begin on Friday October 13th at 8:00 a.m.

OTHER OPTIONS Do not approve the application.

FISCAL IMPACT Sponsor will reimburse the city 100% of its costs.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

22. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Williams said he is glad everything is getting corrected and commended staff for their work on this. Deputy Mayor Gibson and Mayor Hilligoss agreed with this sentiment.

23. ADJOURN

The meeting was adjourned at 3:05 p.m.



Mayor

ATTEST:

City Clerk