

**City Commission Meeting Minutes**  
**October 1, 2019**  
**(Approved)**

10/1/2019 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order at approximately 6:50 p.m. after the invocation and the pledge of allegiance.

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Curtis Gibson, Robin Gibson -Deputy Mayor, Terrye Howell, Al Goldstein

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

5. COMMUNICATIONS AND PETITIONS

6. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. Commissioner Curtis Gibson seconded the agenda.

by voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

6.I. Minutes - August 20, 2019

6.II. Piggyback Of Contract For Street Sweeping Services

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider a piggyback agreement to the City of Cape Coral's contract renewal for Street Sweeping Services.

## **RECOMMENDATION**

It is recommended that the City Commission take the following actions:

1. Approve the piggyback agreement.
2. Authorize the City Manager to execute the piggyback agreement on behalf of the City.

## **BACKGROUND**

The City Commission approved a piggyback of the City of Cape Coral's contract #CON-PW11-15/CH for street sweeping services on October 28, 2014. The City has since utilized the street sweeping services of USA Services of Florida, Inc. in accordance with said contract. The contract included a five-year initial term with a possible five-year renewal. City staff requests that we continue with service provided by USA Services of Florida, Inc., The aforementioned contractor has renewed their contract with the City of Cape Coral for an additional five-year term. Approval of the renewal piggyback would afford the same terms and conditions of the original contract.

## **OTHER OPTIONS**

Solicit competitive sealed bids for service.

## **FISCAL IMPACT**

\$60,000 will be appropriated in the stormwater budget for FY 19/20.

[End Agenda Memo]

## 7. OLD BUSINESS

## 8. NEW BUSINESS

- 8.I. Ordinance 2019-13 Annexation – 1st Reading 9.04 Acres East Of US Highway 27 And Abutting Towerview Boulevard

[Begin Agenda Memo]

### **Synopsis:**

Ordinance 2019-13 proposes the annexation of approximately 9.04 acres located east of US Highway 27 and abutting Towerview Boulevard and contiguous to the incorporated City limits.

### **Recommendation:**

Staff recommends approval on first reading of Ordinance 2019-13.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. No public hearing is required for the first reading of an annexation ordinance. Upon approval of first reading, a public hearing will be advertised for the next regular City Commission meeting.

### **Background:**

John G. Wood & Associates, owner, is requesting annexation into the corporate city limits of Lake Wales.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits on its north and east boundaries.

**Other options:** Decline to annex the property.

**Fiscal Impact:** The annexation will add to the City's tax roll.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-13** by title only.

**ORDINANCE 2019-13  
(Annexation – 9.04 acres east of US Highway 27 and abutting Towerview Blvd)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 9.04 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangle, Planning Director, reviewed this item.

Commissioner Howell made a motion to approve ORDINANCE 2019-13 after first reading. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion Passed 5 -0.

- 8.II. Ordinance 2019-14, Zoning Amendment: 1st Reading 8.68 Acres: City Limits Road, Old Scenic Highway, West Of Lake Wales High School (Property Appraiser's Property ID #27293500000023010)

[Begin Agenda Memo]

**SYNOPSIS**

The request for re-zone is being made by the owner, Ag Investments of Polk County to rezone approximately 8.68 acres of property located on the south side of City Limits Road, north of Old Scenic Highway, and West of Lake Wales High School, from zoning designation R-1B Single Family Residential to R-1D Single-Family Residential.

**RECOMMENDATION**

Staff recommends approval of Ordinance 2019-14 at 1st Reading. Public Hearing will be held at 2nd reading.

The Planning and Zoning Board held a public hearing on September 17, 2019 and voted unanimously to recommend a change in zoning designation on the subject property from City of Lake Wales designation R-1B single family residential to R-1D single family residential.

## BACKGROUND

The Future Land Use Map (FLUM) of the Comprehensive Plan provides a general guide for designation of zoning districts. Generally, the zoning should be a classification compatible with the FLUM classification. In this case, the FLUM classification of MDR-Medium Density Residential does not correspond with the proposed R-1D zoning. (See Table 23-405 "Correspondence of Zoning Districts to Comprehensive Plan Land Uses.") However, development under the R-1D zoning designation would be in keeping with the neighborhood that is immediately adjacent to the property.

Surrounding zoning designations:

North: County – A/RR – Agriculture/Rural-Residential South: City – R-1D Residential

East: City – R-1B Residential

West: City – R-1D Residential

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-14** by title only.

**ORDINANCE 2019-14 (Ag Investments of Polk County, owner – Rezone R-1B to R-1D)  
AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP ESTABLISHED UNDER THE LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, TO CHANGE THE ZONING DESIGNATION OF 8.68 ACRES LOCATED ON THE SOUTH SIDE OF CITY LIMITS ROAD, NORTH OF SUMMIT AVENUE AND WEST OF LAKE WALES HIGH SCHOOL, FROM R-1B RESIDENTIAL TO R-1D SINGLE-FAMILY RESIDENTIAL; AND PROVIDING OR AN EFFECTIVE DATE.**

Kathy Bangley, Planning Director, reviewed this item.

Commissioner Howell asked if this affects Lake Wales High School. Ms. Bangley said that City Limits Road will be improved making it safer for the buses that use it.

Commissioner Howell made a motion to approve **ORDINANCE 2019-14** after first reading. Commissioner Curtis Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES:

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5 -0.

[Begin Agenda Memo]

## **SYNOPSIS**

Ordinance 2019-15 identifies necessary amendments to Section 23-523, Docks and Piers, to address new issues and provide better clarification and intent of the code.

## **RECOMMENDATION**

Staff recommends the approval of Ordinance 2019-215 on first reading.

## **BACKGROUND**

Staff has recognized an increasing number of requests from lakefront property owners to build private docks which would extend into public waters. Through researching other local codes, staff found that our current code does not address many regulatory elements associated with both the construction of and use of docks and piers in our city.

The proposed updated regulations for Docks and Piers, Section 23-523, were discussed with the Development Review Committee on September 5, 2019. The Planning and Zoning Board voted at a regular meeting on September 17, 2019, to recommend the amendments to Commission as set forth in Ordinance 2019-15.

## **FISCAL IMPACT**

The amendments have no identifiable fiscal impact themselves.

## **OTHER OPTIONS**

None.

[End Agenda Memo]

## **ORDINANCE 2019-15**

**(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING, SECTION 23-523. DOCKS AND PIERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Planning Director, reviewed this item.

Commissioner Howell made a motion to approve **ORDINANCE 2019-15** after first reading. Commissioner Curtis Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES:

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5 -0.

8.IV. Ordinance D2019-01 – CPA/Zoning – 1st Reading John G. Wood And Associates, Inc. Property – US Hwy 27 And Towerview Blvd

[Begin Agenda Memo]

**SYNOPSIS**

This ordinance will amend land use designations on the Future Land Use Map (Comprehensive Plan) and the Zoning Map for the John G. Wood and Associates property, 9.04 acres East of US Highway 27 and abutting Towerview Boulevard. The first reading for the annexation of this property has taken place on this date, at the request of the property owner. The Planning & Zoning Board recommends High-Density Residential on 7.66 acres and General Commercial on the 1.38 acres which abut US Highway 27.

**RECOMMENDATION**

The Planning & Zoning Board held a public hearing on the proposed amendments to the Future Land Use and Zoning Maps for the John G. Wood and Associates Property on September 17, 2019 and recommended the following amendments as set forth in Ordinance D2019-01:

7.66 Acres East of Highway 27 and Abutting Towerview Boulevard

Polk County Future Land Use Map designation RS-Residential Suburban to City of Lake Wales Future Land Use Map designation MDR-Medium Density Residential and City of Lake Wales Zoning Map Designation R-3 Residential

1.38 Acres East of Highway 27 and south of Towerview Boulevard

Polk County Future Land Use Map designation CE-Commercial Enclave to

City of Lake Wales Future Land Use Map designation GC-General Commercial and City of Lake Wales Zoning Map Designation C-4 Neighborhood Commercial

A public hearing is required. Public notice requirements will be met at 2nd Reading.

**FISCAL IMPACT**

Assigning land use designations enables future development of the property and a potential increase in the tax base.

**OTHER OPTIONS**

Lake Wales has no equivalent zoning district for Polk County RR and no Agricultural designation. Agricultural uses, limited to plant cultivation, are allowed in all zoning districts. The keeping of livestock is prohibited in the city.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2019-01** by title only.

**ORDINANCE D2019-01**

**(CPA/Zoning John G. Wood and Associates, Inc. - 9.04 acres – US Highway 27 and Towerview Blvd)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 7.66 ACRES OF LAND LOCATED EAST OF HIGHWAY 27 AND ABUTTING TOWERVIEW BOULEVARD FROM POLK COUNTY DESIGNATION RS- RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION HDR – HIGH DENSITY RESIDENTIAL AND ZONING DESIGNATION TO R-3 RESIDENTIAL AND TO CHANGE THE LAND USE DESIGNATIONS ON 1.38 ACRES ON THE EAST SIDE OF HIGHWAY 27 AND SOUTH OF TOWERVIEW BOULEVARD FROM POLK COUNTY DESIGNATION CE-COMMERCIAL ENCLAVE TO CITY OF LAKE WALES FUTURE LAND DESIGNATION GC – GENERAL COMMERCIAL AND ZONING DESIGNATION C-4 –NEIGHBORHOOD COMMERCIAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Planning Director, reviewed this item.

Commissioner Howell made a motion to approve **ORDINANCE D2019- 01** after first reading. Commissioner Curtis Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES:

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Passed 5 -0.

8.V. Board Appointments: Recreation Commission

[Begin Agenda Memo]

**SYNOPSIS:**

Appointment to fill a vacancy on the Recreation Commission.

**RECOMMENDATION**

Staff recommends that the Mayor appoint Laura Donaldson to a citizen spot on the Recreation Commission for a term to expire July 1, 2021.

**BACKGROUND**

There are vacancies on the Recreation Commission due to expired terms.

Recreation Commission (City Code Sec. 2-161) – The Recreation Commission consists of thirteen (13) members from Community Organizations providing a recreation program for the Community and three citizen members representing the citizens at large. A Quorum shall consist of 6 members (3-year term)

- There is no interview requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 Citizen Vacancies

Current Meeting Schedule is the third Mondays of the month at 12:00 p.m. noon in the City Manager's Conference Room.

Applying for Appointment: Laura Donaldson for a term to expire July 1, 2021. Current Members:

Keri Hunt, Citizen, 07/01/2017-07/01/2020, 3

Jim Reddick, Citizen, 07/01/2021 – 7/1/2024, 1

Jennifer Anderson –Leeks, 07/01/2017-07/01/2019, 1 unable to attend Curtis Reddick, Lake Wales Boys and Girls Club

Scott Blackburn, Lake Wales Little League Linda Kimbrough, Lake Wales PAL

Patty McKeeman, Lake Wales Pram Fleet

Kara Wiseman, Lake Wales Public Library

Robbie Shields, Lake Wales Soccer Club Meryl Reese, Shuffleboard

Jeanne Ward, Lake Wales Steelers

Eileen Farchmin, Webber International University Vacant – Tennis

Vacant – Lake Wales Charter Schools

Vacant - YMCA

Vacant - Polk County School Board

#### **OTHER OPTIONS**

Do not appoint those who have applied

#### **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Laura Donaldson to a citizen spot on the Recreation Commission for a term to expire July 1, 2021.

Commissioner Howell made a motion to approve the appointment. Commissioner Curtis Gibson seconded the motion.

By Voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"



Mayor Fultz "YES"

Motion passed 5-0.

Motion passed

9. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported on the ADA complaint concerning adaptive play during pickleball at the Kirkland Gym. He informed the group that they had to accommodate the request.

Deputy Mayor Robin Gibson said that he spoke with Scott Blackburn, Chair of the Recreation Commission, about the challenge of getting a quorum. he recommended an Executive Committee with a core group. He asked if they were allowed to do that and asked Mr. Galloway to review this question.

10. CITY MANAGER

Kenneth Fields, City Manager, reported on recent meeting with AdventHealth who seem open to working with us especially concerning our loss of revenue with the hospital changeover.

10.I. Tracking Report

10.II. Social Media Tracking Report

10.III. Commission Meeting Calendar

10.IV. Other Meetings And Events

11. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson shared concerns from some in the community about some of the building requirements they have to meet. He wants to help but not sacrifice public safety. Mr. Fields said he agrees. Some issues we don't know about and it is a communications issue. Our goal is to get to yes. Sometimes contractors are not passing on accurate information between the owners and the city. Ms. Kathy Bangle, Planning Director, said there are some issues that she knows nothing about. She suggested that if anyone has an issue to call her directly. This was discussed further.

Commissioner Howell asked about the trees in the lake. Mr. Fields said he had a meeting with the person tomorrow. They are working on it.

Commissioner Curtis Gibson commended the Lake Wales High School football team on their recent performance.

Commissioner Curtis Gibson said that he is excited about the Dover-Kohl Plan.

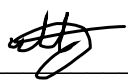
Commissioner Goldstein commended Karen Thompson for working out some things he was concerned about. He shared an incident where a contractor lied to him.

12. MAYOR COMMENTS

Mayor Fultz encouraged everyone to hear both sides of a story and do research on an issue. He expressed confidence in City staff.

13. ADJOURNMENT

The meeting was adjourned at 7:21 p.m.

Eugene L. F. 

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Mayor/Deputy Mayor

ATTEST:

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City Clerk