

**City Commission Meeting Minutes**  
**May 18, 2021**  
**(APPROVED)**

5/18/2021 - 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 6:00 p.m. after the invocation and the pledge of allegiance.

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Terrye Howell, Kris Fitzgerald, Daniel Williams, Robin Gibson

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Community Action Month

Mayor Fultz proclaimed May Community Action Month. Pa Houa Lee-Yang Economic Services Director for the Agriculture and Labor Program Inc. accepted the proclamation.

5.II. PROCLAMATION - National Public Works Week May 16-22, 2021

Mayor Fultz proclaimed May 16-22, 2021 as National Public Works Week. Sarah Kirkland, Utilities Director, accepted the Proclamation.

5.III. PROCLAMATION - Safe Boating Week May 22-28, 2021

Mayor Fultz proclaimed May 22-28, 2021 as Safe Boating Week.

6. Transmittal Of Comprehensive Annual Financial Report, For Fiscal Year Ended September 30, 2020

[Begin Agenda Memo]

**SYNOPSIS:** Transmittal of Comprehensive Annual Financial Report for fiscal year ended September 30, 2020.

**STAFF RECOMMENDATION:**

Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2020 and independent auditors' report as presented.

**BACKGROUND:**

In the independent auditors' report for the fiscal year ending September 30, 2020, the auditors (Carr, Riggs & Ingram) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2020, and the respective

changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City utilized the professional services of Mike Brynjulfson, CPA for compilation of the annual audit. Mr. Brynjulfson will be attending the presentation of the annual report and be available to answer any questions relating to technical reporting requirements. This is the eleventh year that the City has prepared a comprehensive annual financial report (CAFR).

[End agenda Memo]

Dorothy Abbott, Finance Director, said the annual audit has been completed. She introduced Mike Brynjulfson, CPA, to review the audit. This will be on the next agenda for approval. There were no findings meaning everything is as it should be. There were no issues with internal control. There is a separate document for the CRA per state statute.

Mike Brynjulfson, CPA, reviewed the audit. He is an auditor but not the City's auditor. The auditors need to be independent above all else. The audit includes the pension plans, airport, the different funds and a separate CRA document. The audit was completed on April 26. The completion was delayed by two weeks due to covid-19. There are 5 different reports in the statement. The first one is the independent auditors report that renders an opinion on the financial statements. The report said that our statements are free of any significant errors. This is a good document to make future decisions on. There are several compliance reports concerning federal and state grants. There are no deficiencies on internal controls noted and no non-compliance noted. A finding last year concerning a late filed report which was corrected. Reports have been filed timely this year. The Government Auditing Standards report on internal controls. There are no deficiencies to report and no non-compliance to report. The management letter is a state specific requirement. This letter is a clean management letter. No findings and no recommendations to report in the letter. There is a compliance report. There is no non-compliance concerning our investments. For the CRA report the CRA was reviewed for compliance. We have a clean report there as well. The responsibility for this is on staff and management for this. The City's reserves are adequate in both the general and Enterprise funds. We are right at the average and above City policy. We have a positive cash flow.

Mayor Fultz thanked and commended the Finance staff and Finance Director. Mr. Brynjulfson said staff was great and didn't miss a beat during the pandemic. We are right in line with last year.

## 7. COMMENTS AND PETITIONS

## 8. CONSENT AGENDA

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

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 8.I. Minutes - March 16, 2021 And March 31, 2021

## 8.II. Storm Water Catch Basin Repairs

[Begin Agenda Memo]

**SYNOPSIS:** Several storm water catch basins are in desperate need of repair to avoid a continued safety hazard.

### **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Approve expending funds for the repair of three storm water catch basins with Grove Construction for \$23,5000.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

### **BACKGROUND**

The City currently operates Storm water management facilities and programs within the incorporated city limits. To address damaged and broken catch basin inlets, periodic maintenance is required. Three catch basin inlets are in need of desperate repair. The locations are as follows, Polk Avenue and Third Street, B Street and Washington Avenue, and C Street and Harding Avenue. The damage appears to have been caused by being driven over by heavy vehicles or trucks.

Staff recommends the Commission take the following action, approve expending funds for \$23,5000.00 for the repair of various storm water catch basins, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

### **OTHER OPTIONS**

The Commission could chooses not to approve the expenditure of funds listed above; in the meantime, the safety hazard of the damage storm water catch basins would continue to exist.

### **FISCAL IMPACT**

There was a double appropriation made in the storm water budget for the street sweeping annual contract. 57, 600 and the other was \$55, 919. Half the funds from one of these accounts would be used to cover the cost of these repairs.

[End Agenda Memo]

## 8.III. Submittal Of Grant To The Florida Department Of Economic Opportunity (DEO) For The Northwest Neighborhood Zoning Study

[Begin Agenda Memo]

**SYNOPSIS:** The purpose of this request is for the Mayor and Commission to discuss the Department of Economic Opportunity (DEO) Community Planning Technical Assistance Grant for Fiscal Year 2021-2022. The purpose of the grant will be to conduct a zoning study for the Northwest Neighborhood.

### **RECOMMENDATION**

The City Commission direct the City Manager to proceed with the DEO Community Planning Technical Assistance Grant application.

### **BACKGROUND**

The Central Florida Regional Planning Council (RPC) recently notified the City about the opportunity to apply for a Community Planning Technical Assistance (CPTA) Grant from the Florida Department of Economic Opportunity (DEO). As outlined in the Announcement, "CPTA Grants provide counties, municipalities and regional planning councils the opportunity to create innovative plans and development strategies to promote a diverse economy, vibrant rural and suburban areas and meet the requirements of the Community Planning Act, while protecting environmentally sensitive areas".

This grant application will be to conduct a Zoning Study for the Northwest Neighborhood. This study will implement two of the Near-Term Actions for the Lake Wales Connected Plan (see list below). We will request the maximum \$50,000 available for this grant. (Note: While the RPC Announcement lists a maximum of \$40,000, the DEO website states that "Grant Awards may range from \$35,000 to \$50,000").

Pursuant to Section 2-802 of the Code of Ordinances, an analysis of present and future impact is required. This provision then directs the City Commission to authorize the City Manager to execute the grant application documents or elect not to submit the application.

#### **LAKE WALES CONNECTED PLAN ACTION STEPS**

##### **Action # Description**

14 Adopt urban form and design guidelines for Downtown Streets (Park, Lincoln, Stuart, Orange, Central Avenues; Scenic Highway; 1st Street), and for historic restoration and infill of new buildings, based on the urban design recommendations of the Lake Wales Connected Plan.

15 Draft and adopt changes to zoning to implement Plan recommendations in the form of strategic changes to the existing ordinance or a new-Form-Based Code for the core of Lake Wales (including the next 3 items)

- Revised local zoning restriction on bars in downtown
- Update zoning requirements to permit infill buildings according to the plan vision. Reduce or eliminate minimum parking requirements in the core of LakeWales.
- Streamline development approval process to reduce uncertainty

#### **FISCAL IMPACT**

None – while funds will be necessary to reimburse the project consultant, the City will be reimbursed from grant funds.

#### **OTHER OPTIONS**

Direct staff to withdraw the grant application.

[End Agenda Memo]

#### **8.IV. Special Event Permit Application - Lo-Fi Festival And Community Celebration**

[Begin Agenda Memo]

**SYNOPSIS:** Approval of this Special Event Application will allow the Lake Wales Arts Council to sponsor a Lo-Fi Festival and Community Celebration on Saturday June 19, 2021.

#### **RECOMMENDATION**

Staff recommends that the City Commission consider taking the following action:

1. Approve the Special Event Permit Application for the Lo-Fi Festival and Community Celebration on Saturday June 19, 2021 on Park Avenue from 5:00 p.m. – 10:00 p.m.
2. Approve the request to close Park Avenue from Scenic Hwy to Market Street.
3. Approve the request for set up by the vendors on Saturday June 19, 2021 at approximately 2:30 p.m. on Park Avenue.

## **BACKGROUND**

The Lake Wales Art Council, Inc. submitted a Special Event Permit Application for a Lo-Fi Festival and Community Celebration on Saturday June 19 from 5:00 p.m. – 10:00 p.m. Lo-Fi is a type of music that will be played in the Ranch Taproom.

On Saturday set-up will begin at 2:30 p.m. There will be artists and vendors set up along Park Avenue.

While alcohol will be sold and consumed in the Ranch Taproom it will not be sold or consumed outside.

## **OTHER OPTIONS**

Do not approve the event

## **FISCAL IMPACT**

No In-kind services were budgeted for this event. Costs will be paid at 100%

[End Agenda Memo]

## **9. OLD BUSINESS**

### **9.I. ORDINANCE 2021-07 Street Renaming Second Reading And Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-07 Street Renaming –Second Reading and Public Hearing. This ordinance modifies the procedure to rename a street.

## **RECOMMENDATION**

Staff recommends that the City Commission approve:

1. Adopt Ordinance 2021-07 Street Renaming after second reading and public hearing.

## **BACKGROUND**

Recently a citizen submitted a request to rename a street after a relative. This prompted discussion about possibly modifying the procedure to rename City Streets. This topic was discussed at a recent workshop.

The attached Ordinance modifies the street renaming procedure to require that an application be submitted to the City Manager with required documentation before the change is considered by Commission.

The attached policy details requirements and guidelines about requests to rename a street. At the May 4, 2021 Commission Meeting Ordinance 2021-07 was approved after first reading.

## **OTHER OPTIONS**

1. Stay with the current procedure.
2. Recommend additional changes.

## **FISCAL IMPACT**

There is no immediate fiscal impact to making any changes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-07** by title only.

## **ORDINANCE 2021-07**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES RENAMING OF CITY STREETS; AMENDING SECTION 18-30(b) OF THE LAKE WALES CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-07** after second reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## **10. NEW BUSINESS**

### **10.I. Preliminary Subdivision Plat Approval – Buck Moore Development**

[Begin Agenda Memo]

**SYNOPSIS:** Traditions Engineering, agent for Sunset Development Group of Polk, is requesting approval of a 46-lot single-family residential subdivision on 25.7 acres of land east of Buck Moore Road and south of Bel Ombre Circle.

## **RECOMMENDATION**

Staff recommends approval of the preliminary plat.

The Planning and Zoning Board recommended approval at a regular meeting on April 27, 2021.

## **BACKGROUND**

The 25.7-acre vacant property is located on the east side of Buck Moore Road, and south of Bel Ombre Circle. The site abuts two churches to the west, both still located within unincorporated Polk County.

The proposed 46-lot single-family subdivision is designed as a standard subdivision meeting all land development requirements applicable to the R-1C zoning district.

Maximum density on the site is calculated at 12 units per gross acre under the updated Comprehensive Plan; however, a density of only 1.79 dwelling units per acre is proposed.

Lot sizes range from just over 10,000 square feet, to over 18,000 square feet, exceeding the 8,000-square-foot minimum lot size for the zoning district.

### **Roadways & Access:**

Access to the site is shown from Buck Moore Road, sharing a driveway with the Lake Wales Alliance Church. The entrance road will be improved to local road standards, including the construction of a new sidewalk and an entrance feature. An access permit for Buck Moore Road must be obtained from Polk County, as Buck Moore is a County Road.

A stub-out will be required for future cross-connectivity to the site to the south, a planned development referred to as "80 Acres".

Per a County Minor Traffic Study, there is sufficient capacity on Buck Moore Road for this development. Buck Moore Road is classified as an Urban Collector per the Polk Transportation Planning Organization 2020 Roadway Network Database. Current, this roadway has an estimated Annual Average Daily Traffic of 9,200 trips, with 406 peak hour trips northbound and 422 southbound. The level of service standard of this roadway is LOS "C" with a maximum of 792 peak hour trips, and currently operates at LOS "B".

Projected daily trips: 359 Projected peak hour trips: 46

### **Landscaping and Buffering:**

A landscape plan will be required during the Site Development review process, which must demonstrate compliance with the City's Landscape Code.

The development is buffered by vacant land to the east and to the south, as well as non-residential uses to the west and more vacant land. Lots 21 through 24 along the eastern boundary are buffered by retention, which will be landscaped according to Section 23- 307.4.

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: Lots 10,000sf or greater require a minimum of three, two-inch caliper shade trees, minimum of eight feet at planting.

### **Recreation:**

A .31-acre neighborhood park is proposed towards the north end of the development, which is in excess of the minimum requirement of 7,514 square feet based on 46 units.

A mini-park is not proposed, Waiver of Strict Compliance to eliminate the mini-park requirement was approved by the Planning Board.

Staff is in support of this waiver, finding the following:

1. The neighborhood park proposed is nearly double the minimum size required.
2. Staff considers a 46-lot subdivision small-scale in nature; the mini-park requirement would be minimal.
3. The development proposes lot sizes, which exceed the minimum requirement by at least 2,000 square feet; therefore, the lack of mini-park space is compensated for.

## **OTHER OPTIONS**

Decline to approve the preliminary subdivision plat.

## **FISCAL IMPACT**

Approval of the preliminary plat would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in \$9.2 million in taxable value, and generate \$62,468 in ad valorem taxes.

[End Agenda Memo]

## **OPENED PUBLIC COMMENT**

## **CLOSED PUBLIC COMMENT**

Mark Bennett, Development Services Director, introduced Greg Masters, President of Southern Homes of Polk County. Mr. Bennett explained that they have restored a working relationship that we have not had in the past. At a meeting Mr. Masters said he felt like Charlie Brown where the football is constantly being taken away. In honor of the improved relationship he presented a football with the City and Development Services logo in honor of the improved working relationships. Mayor Fultz presented the football to Mr. Masters. Mr. Masters thanked the mayor and Commission for the gesture. He is based in Polk County and wants a good working relationship with lake wales. He thanked staff for working with him. They are glad to back in Lake Wales. They don't agree on everything but glad they can work things out.

Commissioner Howell made a motion to approve the Preliminary Subdivision Plat. Deputy Mayor Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## **10.II. ORDINANCE 2021-09 Zoning Amendment – Chapter 23 Zoning, Land Use And Development – 1st Reading - PUBLIC HEARING**

[Begin Agenda Memo]

**SUBJECT:** Ordinance 2021-09 Zoning Amendment – Chapter 23 Zoning, Land Use and Development – 1st Reading - PUBLIC HEARING

**SYNOPSIS:** Ordinance 2021-09 proposes amendments to areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances). These amendments are necessary to address the



growth and needs of the community, better align with current best practices, and facilitate a more business-friendly approach to development in Lake Wales.

## RECOMMENDATION

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2021-09 following a public hearing.

The Planning and Zoning Board made a recommendation of approval at a regular April 27, 2021 meeting.

## BACKGROUND

Amendments are proposed to the following sections:

a. Sec. 23-223 – Land Subdivision

b. Table 23-421 Permitted Uses

Sec. 23-223 – Land Subdivision

During a recent review of the City's LDRs, it was discovered that there are no provisions in place to guarantee facilities and other improvements that are dedicated to the public. Typically, most LDRs have provisions that require a maintenance bond, surety, or some form of guarantee that any recently dedicated public improvements will not immediately fall into disrepair. A similar example of this concept is obtaining a warranty when purchasing a new car.

To address this issue, the following language is proposed:

Sec. 223-4 Final subdivision plat and supplementary information.

d. Review and Certification Process. Each final-subdivision plat shall be subjected to a standard review and certification process as follows.

### 4. Maintenance Bonds.

*a. Public Improvements - To ensure that any improvements dedicated to the City (such as, but not limited to, streets, drainage, water, reclaimed water, sanitary sewer, storm sewer facilities, street lights and traffic signs) do not contain construction, design, or material defects or failures, a letter of credit or other surety shall be required. The surety shall be 10% of the cost of the improvements, based on the engineer's cost estimate approved by the City. Said surety shall be reviewed and approved by the City prior to final plat. The surety shall be held by the City for a minimum of 24 months. The City reserves the right to hold the surety for a maximum of 60 months if special conditions encountered during design or construction make normal inspection and testing insufficient to assure structural integrity. Examples of special conditions include the use of marginal soils in construction, application of geotextile material precludes the removal of unsuitable material, and construction practices resulting from experimental design concepts.*

*b. Project Landscaping – A letter of credit or other surety shall be required in order to ensure that landscape improvements in project common areas remain viable and are not diseased, damaged or dying. The surety shall be for 120% of the total landscaping cost, based on the review and approval of the project costs by the Administrative Official. Said surety shall be reviewed and approved by the City prior to final plat. The surety shall be held by the City for a minimum of 24 months. The City reserves the right to hold the surety for a maximum of 60 months to ensure that the project common area landscaping remains healthy and viable.*

### Table 23-421 Permitted Uses

Amend the Permitted Use Chart to allow eat-in and take-out restaurants in the Limited Commercial Industrial (LCI) District. If approved, this request will spur economic development

opportunities by allowing for possible restaurant locations.

Also proposed is to allow the following Industrial Uses as permitted by Special Exception Use Permit in the C-3 Highway Commercial zoning district: Assembly & Fabrication, Manufacturing-Light, and Warehouse/Distribution.

TABLE 23-421

PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project

R- R-

1A 1B R-1C R-1D R-2 R-3 PF C-1/ C-1A C-2 C-2R C-3 C-4 C-51 LCI BP I- I- 1 2 CN  
R

FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)

Bar, wine and beer<sup>7</sup> P - C1-A only

Catering facility S P S P S P S P P

Food processing P S P P  
Restaurants, eat-in<sup>5</sup>, S P P S P P P P P

Restaurants, drive-up S P  
Restaurant, outdoor cafe<sup>7</sup> S P S P P P

Restaurant, take-out<sup>5</sup> P P S P P P S S S P

INDUSTRIAL USES

Assembly and fabrication MDP S P P P P

Laundry and dry cleaning plants MDP P S P P  
Manufacturing—Light MDP P P P P S

Manufacturing—Heavy S S  
Warehouse /Distribution MDP S P P P P

OTHER OPTIONS

Decline to amend the Land Development Regulations.

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE 2021-09** by title only.

**ORDINANCE 2021-09**

**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 23-223 LAND SUBDIVISION AND TABLE 23-421 PERMITTED USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2021-09** after first reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.III. ORDINANCE D2021-05 Future Land Use Map Amendment – 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance D2021-05 proposes a comprehensive Future Land Use Map Amendment to reassign certain residential Future Land Use designations based on the recently adopted EAR-Based Comprehensive Plan Amendments.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption after second reading of Ordinance D2021-05 following a public hearing. The Planning and Zoning Board made a recommendation of approval at a regular April 27, 2021 meeting.

**BACKGROUND** At a March 2, 2021 Commission Meeting, the City adopted the 2040 City of Lake Wales Comprehensive Plan (Comp Plan). The Comp Plan includes elements, such as Future Land Use, which guide the future development of the City and present a future vision. Included in the Comp Plan amendments was an adjustment in our maximum residential densities per land use category: ? Mixed-Use development in the RAC Regional Activity Center increase from 6 units per acre, to 12. ? Multi-family and mixed commercial/residential use of in the DD Downtown District increased from 12 units per acre, to 25. ? Residential uses in the NAC Neighborhood Activity Center increased from 6 units per acre, to 12. ? Residential uses in the RO Residential Office district increased from 6 units per acre, to 12. ? LDR Low Density Residential increased from 3 units per acre, to 5. ? MDR Medium Density Residential increased from 6 units per acre, to 12 ? HDR High Density Residential increased from 12 units per acre, to 25. These policy changes were suggested by staff to restore the original residential densities that were included in the City's original 1991 Comprehensive Plan. Additionally, these density increases will have the effect of reducing urban sprawl by promoting high-density development in urban areas. In order to ensure smart growth, staff has adjusted some land use categories assigned to properties in order to better reflect the densities which are most appropriate for the site – an exercise Staff refers to as "right-sizing the map".

**OTHER OPTIONS** Decline to amend the Future Land Use Map.

**FISCAL IMPACT** None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-05** by title only

Deputy Mayor Gibson made a motion to approve **ORDINANCE D2021-05** after first reading and public hearing. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10.IV. Resolution 2021-16 Transition Plan

[Begin Agenda Memo]

**SYNOPSIS** Approval of Resolution 2021-16 will adopt a revised Transition Plan for Removing Obstacles to Accessibility of Public Buildings.

**RECOMMENDATION** It is recommended that the City Commission approve Resolution 2021-16 adopting a 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.

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 2021. The list includes a schedule of when the remaining items will most likely be addressed. Resolution 2021-16 adopts this new list.

**OTHER OPTIONS** None.

**FISCAL IMPACT** Most of the work scheduled for the current fiscal year consists of providing handicapped parking spaces that comply with the Florida Accessibility Code, 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 FY21'22 is not known at this time.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-16** by title only.

**RESOLUTION 2021-16 A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, REVISING RESOLUTION 2010-17 ADOPTING A TRANSITION PLAN FOR REMOVING OBSTACLES TO ACCESSIBILITY OF PUBLIC BUILDINGS.**

James Slaton, City Manager, reviewed this item.

Jennifer Nanek, City Clerk, said there may be additional updates than what is listed as this was done quickly. A more thorough review will be done later.

Mr. Slaton said a firm was hired to do a comprehensive ADA analysis that will help update this document more completely.

Deputy Mayor Gibson said regardless of the grant this is important to do for those that need it.

Deputy Mayor Gibson made a motion to adopt **RESOLUTION 2021-16**. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, gave an update on current cases. Regarding the Seminole hotel there is hearing scheduled on his motion to strike their affirmative defenses in June. On the Estes Blue Goose Building there is a hearing scheduled in August on his 2nd motion to dismiss and their motion to file a second amended complaint. We will see how it goes.

12. CITY MANAGER

James Slaton, City Manager, reported that he and staff met with Victor Dover of Dover Kohl and representatives of the Housing Authority concerning the request for \$1million for the financing program to redevelop Grove Manor Phase I. Everyone left with deliverables and a fairly good understanding and we will work together over the next few months. A joint meeting with the Housing Authority is in the works.

Mr. Slaton reported that the City applied for a TPO grant for the Ridge Scenic Hwy trail as part of the Lake Wales Connected Plan. We ranked second. We are in good standing for funding.

Mr. Slaton reported that Darrell Starling was interviewed by ABC Action news about our internal housing rehab program approved by the CRA. That may be out on TV soon.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

13. CITY COMMISSION COMMENTS

Commissioner Howell said Stephanie Edwards spoke to her Rotary Club about the Recreation Master Plan. she did a good job. She asked when the Plan can be implemented. Mr. Slaton said once the plan is complete which will take a few more months and then we can plan how to implement it. Commissioner Howell said she is excited about it.

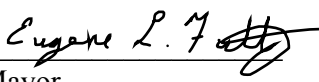
Deputy Mayor Gibson spoke about the importance of counteracting urban sprawl which does not mean to stop growth. We are one of the fastest growing area in the country. There are ways to do this right. There are techniques to use to address urban sprawl. The Lake Wales Connected Plan sets the tone.

14. MAYOR COMMENTS

Mayor Fultz thanked everyone for keeping their eyes on the issue of urban sprawl. We need sensible growth. We want a good quality of life here.

15. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

  
Mayor

ATTEST:

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City Clerk