

# City Commission Workshop

## Meeting Minutes

December 1, 2021

(APPROVED)

12/1/2021 - Minutes

### 1. CALL TO ORDER & ROLL CALL

**Commission Members Present:** Mayor Eugene Fultz, Terrye Howell, Daniel Williams, Jack Hilligoss

Robin Gibson arrived late.

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

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

### 2. City Manager Comments

James Slaton, City Manager, announced the Orange Blossom Review was this weekend Friday and Saturday. He introduced Chris Velasquez, Police Chief, to report on a recent accident involving a police vehicle.

Chris Velasquez, Police Chief, reported that we did 9 vehicle leases this year and 2 were purchased. He shared a video clip of a police vehicle that was totaled the other night. He reviewed the details of the accident. He will be bringing forth an agenda item next week to replace the vehicle as soon as possible. Mr. Slaton said we will replace the vehicle and pursue insurance reimbursement.

Commissioner Howell said she was glad the officer was okay.

James Slaton reported that the contract for Financial Services Agreement. The immediate need is to finalize the loan for the CRA to cover the Lake Wales Connected plan projects.

### 3. RESOLUTION 2021-26 Concerning Settlement Of The Seminole Hotel Foreclosure Litigation

[Begin Agenda Memo]

**Synopsis:** Resolution 2021-26 has been prepared seeking approval of the Mediated Settlement Agreement reached between the City of Lake Wales as Plaintiff and Harout "Henry" Kebabjian, the current owner of the Seminole Hotel, as Defendant.

**Recommendation:** That the City Commission approve the adoption of Resolution 2021-26 approving the Mediated Settlement Agreement.

**Background:** The Seminole Hotel has been the subject of ongoing Code Enforcement activity which began in late 2017. Foreclosure of the City's Code Enforcement Liens was authorized by the Code Enforcement

Board. Despite the City's enforcement actions, Mr. Keababjian bought the property and requested the City to forgive the Liens. The City declined to do so. The foreclosure has proceeded for many months and has been vigorously defended. Court ordered Mediation was held on Friday, November 12, 2021, and a settlement was reached. The settlement, if approved, will conclude the litigation and allow the City to take title to the property.

**Fiscal impact:** The City will pay the sum of \$50,000.00 in full and final settlement. Additional costs are \$325.00 for documentary stamps on the Deed; recording fee for the Deed of \$23.75; and \$582.50 for the Owner's Policy of Title Insurance.

[End Agenda Memo]

Albert Galloway, City Attorney, reviewed this item and said he endorsed this agreement.

Commissioner Howell asked about redeveloping the property. Mr. Galloway said the property will be turned over to the CRA and the CRA will seek proposals on the best use of that property. James Slaton, City Manager, said we will use the MOU framework to incentivize the project to be completed.

Commissioner Howell asked about maintenance of the property. Mr. Galloway said the expense will be borne by the City.

Commissioner Howell asked what we have in mind. Mr. Galloway said that will be part of the proposal.

Commissioner Gibson said he wants to be sure the title from the Seminole Hotel is clear. Mr. Galloway said there will be title insurance. There are back taxes owed by Mr. Keababjian. This is not the City's responsibility. The attorney has suggested splitting the costs. Commissioner Gibson said that the \$50,000 is from the City not the CRA. Mr. Galloway confirmed the City was paying the cost.

#### 4. Resolution 2021-27 - Land Donation, Perpetual Easement

[Begin Agenda Memo]

##### **SYNOPSIS:**

Land Donation, Perpetual Easement and Resolution 2021-27 for the installation of drainage infrastructure to alleviate flooding at the entrance of Lake Wales History Museum

##### **RECOMMENDATION**

It is recommended that the Commission take the following action:

1. Adopt Resolution 2021-27
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

##### **BACKGROUND**

Early in 2021, City staff reached out to several Florida Department of Transportation (FDOT) representatives to discuss the problem of water puddling at the entrance to the Museum. City staff provided maps of current infrastructure in the area at FDOT's request, to see if existing infrastructure could be used to fix the flooding problem. SR 17 is a State Road, and it was quickly determined that there was not enough right-of-way for FDOT to come in and just install additional piping. After several meetings to discuss possible resolutions to the flooding problem, FDOT came back with two alternatives. Both were going to require the installation of additional infrastructure with no right-of-way. FDOT researched and discovered that the City owned a piece of property that could be utilized, through the use of an easement, to help facilitate the installation of additional piping and larger catch basins to capture and dispose of the water from high rain

events. FDOT would be covering the cost of construction in exchange for the City proving the easement for pipe installation.

Staff recommends the Commission take the following action, approve and authorize the Mayor to execute the appropriate documents, on the City's behalf.

#### **OTHER OPTIONS**

Chose not to approve the attached documents and continue to have the flooding issue at the entrance of the Museum for lack of appropriate right-of-way to install the infrastructure needed.

#### **FISCAL IMPACT**

No fiscal impact to the City. The easement is to help facilitate the installation of drainage infrastructure to alleviate the water puddling at the entrance to the Lake Wales History Museum.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item. James Slaton, City Manager, said this solves a problem at no cost to us.

#### 5. Agreement - Hoyle Tanner: Water Use Permit Water Supply And Permitting Strategy

[Begin Agenda Memo]

#### **SYNOPSIS:**

Southwest Florida Water Management District (SWFWMD) relating to the Water Use Permit review and Land Use Transitions

#### **RECOMMENDATION**

It is recommended that the Commission take the following action:

1. Approve Engineering services with Hoyle Tanner & Associates, Inc. for \$27,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water Company.

The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration and chlorination at several water treatment facilities. The City's ability to withdraw groundwater from the current source, the Upper Floridan Aquifer, is limited by the City's Water Use Permit (WUP). Besides the withdrawal limits, the WUP contains 24 special conditions requiring, among other things, a regulatory permit review in early 2022 that could result in changes to the limits and other aspects of the WUP. To prepare for this upcoming review, Task Order #2 and Task Order #3 provided a review of these special conditions and the City's compliance as well as the development of a preliminary water supply and permitting strategy for the upcoming review and required reports. Task Order #4 deals with Hoyle Tanner's specific interaction with SWFWMD and the approach that to be taken in preparation for the WUP permit review.

Staff recommends the Commission take the following action, approve entering into a contract with Hoyle

Tanner to act on the City's behalf when dealing with the Southwest Florida Water Management District. The specific interaction will be relating to the Water Use Permit review and Land Use Transitions affecting the permitted water use capacity, and authorize the City Manager to execute the appropriate documents, on the City's behalf for \$27,000.00.

#### **OTHER OPTIONS**

None. The 2022 WUP Review is a requirement placed in the permit by the Southwest Florida Water Management District. The 2022 review represents the mid-way point for the current 20-yr operating permit.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item. Mayor Fultz said its important that we don't lose any water we have now. This will help us with the forthcoming growth. James Slaton, City Manager, said they will help us look at land use transition or water mitigation off-set credits. Ms. Kirkland said when agriculture areas come into the city with wells on site we can sometimes add that capacity to us. Mr. Slaton sometimes the City will use less water. The City of Lake Wales only accounts for 13% of water usage. Most of the water is used by grove owners. We are early in the process but Hoyle Tanner can help us with this process. This is another tool for us.

#### 6. Agreement With ETC Institute To Conduct A Community Survey

[Begin Agenda Memo]

#### **SYNOPSIS:**

The City Commission will consider entering into an agreement with ETC Institute for Community Surveying services.

#### **RECOMMENDATION**

It is recommended the City Commission consider the following action(s):

1. Approve the piggyback agreement with ETC Institute
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf
3. Approve a purchase in the amount of \$22,000

#### **BACKGROUND**

The City plans to conduct a citywide Community Conditions Survey in order to assess the current level of service being provided. Previously, the City successfully engaged with ETC Institute to facilitate the Northwest Neighborhood Community Conditions Survey and again as a subconsultant to the Parks & Recreation Master Plan team.

ETC Institute will be tasked with:

- Design of the survey & preparation of the sampling plan
- Administration of the survey
- Analysis and issuance of a final report

- Cross-tabulation of the data
- Virtually presenting the findings
- Producing a public facing interactive data dashboard

The survey will target 400 responses with the ability to cross-tabulate the results. ETC will virtually present the findings to the City Commission, provide a detailed final report, and produce an interactive data dashboard that will allow the community to explore the data and drill-down into the results on-demand. The dashboard will include trend analysis, GIS mapping of results, benchmark analysis, priority analysis, and cross-tabular data.

#### **OTHER OPTIONS**

The City Commission may direct staff to not move forward with ETC Institute and pursue other community surveying options.

#### **FISCAL IMPACT**

ETC will be compensated a fixed fee of \$22,000. The FY'22 budget appropriated \$22,000 within the City Manager's Office for this project.

[End Agenda Memo]

Michael Manning, Assistant to the City Manager, reviewed this item. James Slaton, City Manager, also reviewed this item and said he would like to do this every other year to see where we are improving. These can help with the budget and visioning process. This will be comprehensive and will help us increase our level of service.

Commissioner Hilligoss asked when this will go out. Mr. Manning said in February and March. Mayor Fultz said this will give citizens input. Commissioner Hilligoss said the commission can help get responses.

#### 7. Discussion - Partnership With YMCA Concerning Staffing Of The Kirkland Gymnasium

Stephanie Edwards, Support Services/Recreation Manager, said we need staffing assistance at the Gym. She reviewed the history and current status. At the moment we have no staff for the gym. James Slaton, City Manager, said that this is a temporary solution for now.

Commissioner Williams said that he wanted to be sure that everything is done correctly and that African-American men can use the gym. Ms. Edwards agreed. Commissioner Howell said she agreed. Staff needs to be sure that the rules regarding free swim are followed at the YMCA. She is fine for 2-3 months to use the YMCA until we can find someone. It shouldn't be just YMCA using the gym. We don't want foolishness there. Mr. Slaton said the YMCA is just keeping the doors open.

Mayor Fultz confirmed that this is a stopgap measure for right now. Ms. Edwards confirmed this.

There was a discussion on current hiring challenges.

#### 8. ORDINANCE 2021-14 Chapter 14 Code Of Ordinances Amendment Mobile Car Wash/Auto Detail Business Regulations 2nd Reading - PUBLIC HEARING

[Begin Agenda Memo]

**SUBJECT:** Ordinance 2021-14 Chapter 14 Code of Ordinances Amendment Mobile Car Wash/Auto Detail

## Business Regulations

2nd Reading - PUBLIC HEARING – requirements have been met

**SYNOPSIS:** Ordinance 2021-14 proposes an amendment to Chapter 14 – Licenses and Business Regulations, Lake Wales Code of Ordinances. This amendment is necessary to address specific concerns of the community, and to better-regulate mobile auto detailing businesses in Lake Wales.

### **RECOMMENDATION**

Staff recommends approval at second reading of Ordinance 2021-14, following a public hearing.

### **BACKGROUND**

Both the Code Compliance Division and the Police Department have recognized an increased volume of calls and complaints regarding disruptive mobile car washing practices in the City. In order to reduce certain impacts of this service type on neighborhoods and businesses, the intent of Article VIII Mobile Car Wash/Auto Detail Businesses is to provide specific guidance on lawfully conducting a mobile detailing business within the City.

On June 15, 2021, this request was brought before the City Commission for consideration. Based on feedback provided at the meeting from mobile car wash vendors, the request was tabled.

Since that time, staff has held several meetings with mobile car wash vendors. The purpose of these meetings was to obtain feedback and review subsequent drafts of the revised ordinance. The attached ordinance represents the 7th draft of the proposed regulations.

The new ordinance, which has been reduced in scope from 13 to 9 sections, now addresses only the following items:

- Licensing
- Listing of Unlawful activities
- Vehicle Registration
- Documentation Requirements
- Signage
- Time Limits
- Location Restrictions
- Enforcement and Penalties

Items removed from the previous draft of the ordinance include the following:

- License Fee
- Display of License & Business Information
- Decal Requirement for Vendors
- Property Owner Authorization

- Impoundment Provisions

Additionally, the revised ordinance increases the amount of time that a mobile vendor may be on a site from 3 to 4 hours, modifies the hours of operation to be consistent with the City's Noise Ordinance provisions, and clarifies the enforcement provisions by listing specific penalties for each offense.

Based on the feedback from mobile car wash vendors, the revised ordinance addresses their concerns, while still accomplishing the goal of protecting the public interest by providing safeguards to protect residents.

On November 16, 2021, the City Commission approved Ordinance 2021-14 on first reading.

## **OTHER OPTIONS**

Decline to amend Chapter 14.

## **FISCAL IMPACT**

None

[End Agenda Memo]

James Slaton, City Manager, reviewed this item and said that it is unchanged from the first reading and everyone seems pleased with it.

9. Future Land Use & Zoning For 9.937 Acres Of Land Southwest Of Belleview Drive, And West Of 11th Street

[Begin Agenda Memo]

**SYNOPSIS:** Belleview Drive LLC, owner, requests approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan to the above-mentioned parcel totaling approximately 10 acres of land.

## **RECOMMENDATION**

Adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations, as recommended by the Planning and Zoning Board at a regular meeting on October 26, 2021:

Current Land Use: County Residential Suburban/Southeast SAP Current Zoning: County RSX

Proposed Land Use: LDR Proposed Zoning: R-1B

This was approved by City Commission at first reading on November 16, 2021.

## **BACKGROUND**

The subject property is located at the northeast corner of Grove Road #3 and GR Road/9th Street

South, just west of 11th Street The property owner petitioned annexation into the corporate city limits of Lake Wales on August 26, 2021 and was officially annexed on October 5, 2021. The next step in the process is to assign Land Use and Zoning.

This parcel will become part of a larger residential development.

A Future Land Use Designation of LDR – Low Density Residential at 5 units per gross acre, and a Zoning designation of R-1B is compatible with the surrounding area and will complement the built environment.

#### 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. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

#### FISCAL IMPACT

Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

- 9.I. ORDINANCE D2021-18 - CPA/Future Land Use Map Amendment For Approximately 10 Acres Of Land Southwest Of Belleview Drive And West Of 11th Street - 2nd Reading And Public Hearing
  - 9.II. ORDINANCE D2021-19 Zoning Map Amendment For Approximately 10 Acres Of Land Southwest Of Belleview Drive And West Of 11th Street - 2nd Reading And Public Hearing
10. Special Event Permit Application - KT's Sunshine Foundation Annual Event January 7-8, 2022

[Begin Agenda Memo]

#### SYNOPSIS:

Approval of this request will allow the KT's Sunshine Foundation to hold the KT's Sunshine Foundation Annual event in Lake Wailes Park on Friday, January 7 and Saturday, January 8, 2022, allow a designated area for alcohol sales, and allow the set up to begin on Thursday, January 6, 2022.

#### RECOMMENDATION

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

1. Approve the Special Event Permit Application from KT's Sunshine Foundation to hold an "KT's Sunshine Foundation Annual event" which includes a BBQ Competition in Lake Wailes Park January 7 and 8, 2022 with set up beginning on Thursday, January 6, 2022
2. Approve the hours as follows:
  - Thursday, January 6, 2022 - Begin set up at 12:00 p.m.
  - Friday, January 7, 2022 – The event will be open to the public at 4:00 p.m. and end at 10:00 p.m.
  - Saturday, January 8, 2022 - The hours will be 10:00 a.m.–10:00p.m.
  - Sunday January 9th and Monday January 10th - Clean up and removal of tents and booths will take place
3. Approve the request from the KT's Sunshine Foundation to have alcohol sales and consumption in a



designated area in the Park on both Friday and Saturday.

4. Approve the request for RV's to set up in the areas approved and designated by City staff beginning on Thursday night.

## **BACKGROUND**

The KT's Sunshine Foundation submitted a Special Event Permit Application to hold its "KT's Sunshine Foundation Annual event" a BBQ competition, music festival and winter festival in Lake Wailes Park.

The event has been approved by staff with the following stipulations:

- The RV's will be parked in the designated area only.
- The designated parking area for the public must be clearly identified on site.
- No vehicles shall be parked within 15 feet of the trunk of any trees within the park. No vehicles shall drive or park on the bike path or cross the bike path
- The KT's Sunshine Foundation is responsible for ensuring that the vendors and artists bringing in RV's adhere to the conditions for parking.
- Sanitary facilities and dumpsters are the responsibility of the sponsor. A separate dumpster will be required for disposal of ash by the vendors.
- Tent permits are required in advance by the sponsor and can be obtained from the City's Planning Department so that inspections can be completed by the Fire Marshall during set up times.
- The alcohol permit application must be completed by the sponsor and submitted to the Planning Department for review and approval before submitting to the Department of Alcohol Beverage & Tobacco. Once the final permit is obtained, a copy must be provided to the City no later than January 3, 2022.
- The required Certificate of Liability Insurance with an alcohol insurance rider has been received by the City.
- In-Kind Services will be provided by the City's Field Operations Divisions for clean up services on Saturday and Sunday and costs associated with these services will be paid by the sponsor at 100%. Off-duty officers from the Lake Wales Police Department will be hired by the sponsor for security purposes.

## **OTHER OPTIONS**

Do not approve the event

## **FISCAL IMPACT**

This BBQ event is not part of the 2021-2022 budget. Costs will be reimbursed 100% by the sponsor. Off-duty officers from the Lake Wales Police Department will be hired for security and will be paid by the sponsor.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Howell asked if this organization was local. Ms. Nanek said she never heard of them but they are from the area.

11. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Hilligoss said that he along with Mr. Slaton and other staff met with folks at Lake Ashton to address concerns about traffic. Our showing up there meant a lot to them. He thanked staff for participating.

Commissioner Hilligoss said he liked the idea of a community survey.

Commissioner Howell said she shared some concerns with Mark Bennett and he is on it.

Mayor Fultz said that things are going well. He is glad for questions that come up including the YMCA so that everything is clear from the beginning. He commended staff for keeping their eye on the ball concerning our water.

Mayor Fultz said that the schedule for the Polk Regional Water Cooperative has been released and we need to pay attention to what is going on. James Slaton, City Manager, said water is one of the most important issues right now. Mayor Fultz said it is important to be listen and be involved. Mayor Fultz said its good that we are going forward with our own water supply.

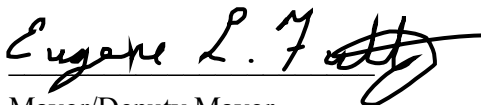
Jennifer Nanek, City Clerk, said that the tree lighting is before the next Commission meeting.

Commissioner Gibson said we need to be careful of local folks being the face for out of town developers.

Commissioner Gibson discussed handling complaints from citizens. Commissioners should not go around the City Manager to staff. The concern should be sent to the City Manager. Mayor Fultz agreed that this has been a problem in the past and he also pass on complaints to the City Manager. Commissioners cannot promise certain things to constituents.

12. ADJOURN

The meeting was adjourned at 2:55 p.m.

  
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Mayor/Deputy Mayor

ATTEST:

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City Clerk