

# City Commission Meeting Minutes

November 1, 2022

(APPROVED)

11/1/2022 - Minutes

1. INVOCATION

Rev. Rob Quam gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Hilligoss called the meeting to order at approximately 6:00 p.m. after the invocation and the pledge of allegiance.

4. ROLL CALL

**Members Present:** Mayor Jack Hilligoss, Robin Gibson, Terrye Howell, Daniel Williams (participated remotely), Danny Krueger

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

5. PRESENTATION/REPORT

5.I. Presentation - Communications

Eric Marshall, Marketing and Communications Specialist, gave a presentation on how the City communicates to the public. He shared the different types of information that goes out such as public notices and press releases. He explained where press releases are shared such as the newspaper and social media platforms. A quarterly newsletter is available in print that is mailed out and a digital version. There are also printed brochures that are distributed on the Lake Wales Connected Plan. Mr. Marshall reviewed the different features available on the website including events, social media feeds and a notify me feature for citizens to sign up to get notified of agendas and minutes that are posted. Mr. Marshall shared the different social media sites the City uses.

Commissioner Howell asked how citizens know about these options. Mr. Marshall explained that they do cross pollination where the different sources of information direct readers to other areas such as Facebook providing information on accessing the newsletter.

Deputy Mayor Gibson said that anyone can access this information not just residents. Mr. Marshall confirmed this.

Mr. Marshall shared that we have a youtube channel now where we have all of our videos. There are links to this on our social media.

Mr. Marshall shared graphs showing that our following has increased on each platform. This was

especially true during Hurricane Ian.

Mr. Marshall said the City pushes out content but the residents have to pull it.

## 5.II. Presentation - Land Use Study

Chris Dougherty and George Kramer from S&ME gave a presentation on the land use Study. Mr. Kramer commended the City for undertaking this endeavor. This is a proactive approach to have a conversation with the community. He commended the staff for their efforts to keep the public engaged. They addressed the workshop Thursday. They were not prepared for the number of attendees and did not have enough staff. There will be more opportunities for public engagement.

Commissioner Howell said the meeting was chaotic and no one would explain anything. They should be prepared in the future. This meeting was embarrassing. The City looked bad. So many people attended wanted to learn something. it wasn't right. Mr. Kramer said he accepted that feedback. He said it was the wrong format. They will plan for more people and have more staff next time. Commissioner Howell recommended a set agenda that can be posted to social media. That may help guide people.

Commissioner Krueger asked how many they expected to attend. Mr. Dougherty said 30 people. When 100 people showed up they knew they were in trouble. Commissioner Krueger said that was not a good format for 150 people. Mayor Hilligoss said it was good that so many came. Hopefully they will come next time maybe more. Commissioner Krueger said next time we will be prepared.

Mr. Kramer said this is the presentation we should have given Thursday. Mr. Dougherty showed a map of City boundaries and where the growth is coming. This is a proactive approach. The goal is to develop possible scenarios to review and decide on. We have 161 responses to our survey. He shared some of the comments and concerns received. For the question of what types of development that they would like to see the answers were Agricultural, Commercial and single family residential. Protection natural resources was listed as a top priority. He identified the other growth areas including Dundee and Winter Haven. Some of the input from stakeholders include increasing housing inventory and diversity, activity centers, attracting families, and protecting the water supply. He shared slides of different scenarios called Conservation, neighborhood, employment and a mix and reviewed key elements of each.

The next step is adjusting the public participation plan. The scenarios need to be adjusted for the current input received.

Deputy Mayor Gibson said this meeting is for action items not for discussion. People are very concerned about these issues. Mayor Hilligoss said future workshops will be better handled.

Terry Christian, Utility Customer, said he wants Lake Wales to be better. He expressed concerns about a missing persons case from 1990 and 2 former police officers that are working on it. The City needs to help the family get closure. He shared concerns about behavior of police officers the other day while looking for the body.

Becky Wynkoop, resident, said in reference to the Thursday night meeting that it is hard to hear in the Austin Center. The acoustics could be better. She is concerned that we have good quality for building and good water quality. They need more staff to answer questions.

Charlene Bennett, resident, said the Thursday meeting should have been planned better. There are communication issues with stakeholders. She is concerned that staff is being sidelined. Communication could be better.

## 6. COMMENTS AND PETITIONS

Blair Updike, Village of Highland Park, said she help like she was not really part of the stakeholder input. She checked with the large landowners and said they don't know what's going on. Many feel left out of the process. The social media items can be posted repeatedly to the platforms. 161 is not a good number of responses. She asked that they go back further in the process and re-interview stakeholders.

Al Goldstein, resident, recommended bus service on Chalet Suzanne and Thompson Nursery in the future. There are no stops along those roads.

David Price, resident, said regarding land use study, the whole process is flawed. His comments were not included. He said Dover Kohl should have been involved. Their vision for Lake wales was one everyone can get behind.

Ben Wiles, resident, expressed concern about the population growth and new houses coming in. We need more employment options. He commended the Refuge on the Ridge program. That is a good operation.

Danielle Gibson, resident, said we need more football facilities for children. She said sometimes there is congestion around the lake when kids are running everywhere after events at the sports complex and traffic is driving through. This is a concern. She said the Boys and Girls club needs some police patrols sometimes.

Curtis Gibson, resident, shared concerns regarding the missing persons case. We need to see if we can help bring closure to the family. Regarding the meeting Thursday there was some confusion with the parents as they were not all told about the meeting. We need better communication. The Boys and Girls Club need their own location.

Catherine Price, resident, spoke on communication with residents. Information on the land study program is hard to find. She shared the information on Facebook. Many are concerned about all the growth. She is working on keeping up with what is going on. More effort needs to be made to communicate with residents. She is making an effort to attend the meetings. More effort needs to be made to get input from citizens. Its a positive thing for more citizens to get involved.

Algerene Richards, resident, shared about efforts in the missing persons case. She encouraged more effort from the City on resolving this cold case.

Rita Johnson, taxpayer, said her brother was shot by police. They are requesting files related to this case and have been unable to get them. They need closure to this situation.

Samuel Lem, resident, requested the files related to the police shooting. No one can be charged as he is dead. There should be nothing left to investigate. His brother was a good man even if he had problems.

## 7. CONSENT AGENDA

Commissioner Howell asked for item 7.4, Special Event Permit for Lake Wales Jr. Woman's Club Friendsgiving Event, to be pulled.

Commissioner Howell made a motion to approve the rest of the Consent Agenda. Commissioner Krueger seconded the motion.

by voice vote;

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

7.I. Minutes - October 18, 2022 Work Session October 26, 2022 And Retreat Days October 17 & 18, 2022

7.II. Lease Agreement With Mears Motor Leasing/The Bancorp

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval to lease-purchase two (2) vehicles for the Fire Department through the City's master lease agreement with Mears Motor Leasing/The Bancorp.

**RECOMMENDATION** It is recommended that the City Commission take the following action(s):

1. Approve the sixty (60) month lease-purchase of the vehicles listed on the attached Schedule A's from Mears Motor Leasing/The Bancorp.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

**BACKGROUND** The City Commission approved funds for the vehicle lease-purchases within the FY22/23 adopted budget. The proposed new vehicles are as follows:

1. Quantity two (2) 2021 Ford F150 pickup trucks for the Fire Department.

The new vehicles will be replacing:

1. Quantity two (2) 2014 Ford Escapes

The 2014 Ford Escapes, currently used by the Fire Marshal and Fire Inspector, have reached the end of their useful life in their current capacity. These vehicles will remain with the City and used for lower impact driving purposes.

Staff recommends the lease-purchase of these vehicles for the following reasons:

- If these new vehicles were purchased outright under the City of Tallahassee, Florida contracts, the total purchase price would be \$79,362. Under the Mears Motor Leasing/Bancorp agreement, these vehicles can be financed at an annual cost of \$17,832. An outright purchase would result in a current-year decrease in cash flow of \$79,362 compared to \$17,832.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease.

All of the vehicles and equipment will be purchased under the City of Tallahassee, Florida contract. Purchases made from City of Tallahassee, Florida contract are exempted from the competitive sealed bid requirement outlined in our Purchasing Ordinance, Sec. 2-418, which allows the City to capitalize on economy of scale and reduces the timeline of acquisition.

**OTHER OPTIONS** 1) An outright purchase would result in a current year decrease of cash flow of \$79,362.

**FISCAL IMPACT** If the City Commission approves the vehicle lease agreements, the City is committed to yearly lease payments totaling \$17,832. If revenues are insufficient in future years, an option would

be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the individual departments would suffer the loss of the vehicles and equipment.

[End Agenda memo]

### 7.III. Purchase Of Law Enforcement Vehicles

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting City Commission approval to purchase and lease purchase police vehicles

**RECOMMENDATION** It is recommended that the City Commission take the following action(s):

1. Approve the lease-purchase of eight (8) fully equipped 2023 Chevrolet Tahoe police vehicles from Allen Jay Chevrolet using Florida Sheriff's Association Competitive Bid Pricing.
2. Approve the purchase of five (5) fully equipped 2023 Chevrolet Tahoe Police vehicles with Police Service Impact Fees from Allen Jay Chevrolet using Florida Sheriff's Association Competitive Bid Pricing.
3. Authorize the City Manager to execute the necessary documents on behalf of the City

**BACKGROUND** Within the FY 2022/23 annual budget, the City Commission approved funding for additional police department vehicles. Vehicle and equipment supply chain issues along with market volatility made last year's budgeting difficult and continue to present challenges today. The FY 2022/23 annual budget noted the police department would use a combination of Police Service Impact Fees and leasing for these vehicles with commission approval.

**Staff Recommendation:**

1. Lease-purchase (8) fully equipped unmarked 2023 Chevrolet Tahoe police vehicles using Florida Sheriff's Association Competitive Bid Pricing. The capital cost of these vehicles, if purchased outright, would be \$450,948.48. Under the lease-purchase agreement, the monthly lease payment is \$8,504.00 for sixty (60) months, with a total cost of \$510,240.00. These vehicles will replace unmarked police vehicles removed from service through reassignment, sale or other means of disposal. The Bancorp Master Lease agreement proposal has an APR of 4.7% over the sixty (60) month term with a one (\$1.00) dollar residual buyout per vehicle at the end of the lease.
2. Purchase five (5) fully equipped marked 2024 Chevrolet Tahoe police vehicles for \$313,972.80 utilizing Police Service Impact Fees. These vehicles are necessary for additional officer positions previously approved by the City Commission.

**OTHER OPTIONS** 1) Purchase the additional police vehicles outright at a cost of \$764,921.28

**FISCAL IMPACT** The FY22/23 lease obligation of \$51,024.00 (6 months) provided by Bancorp is based upon a lease-purchase option for public safety vehicles. If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$102,048.00 for five (5) years. If revenues are insufficient in future years, the City has the option to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, the police department would suffer the loss of the vehicle.

[End Agenda Memo]

### 7.IV. Special Event Permit For Lake Wales Jr. Woman's Club Friendsgiving Event

[Begin Agenda memo]

**SYNOPSIS:** Lake Wales Jr. Woman's Club has submitted Special Event application to host a Friendsgiving event on November 19, 2022 from 12:00 p.m. – 5:00 p.m. This application requests the closure of Cypress Garden Lane between the Library Entrance and First Street. The event will include alcohol.

**RECOMMENDATION** Staff recommends approval of the application, the request to have alcohol and closure of Cypress Garden Lane between the Library Entrance and First Street from 8:00 a.m – 6:00p.m on Saturday November 19, 2022.

**BACKGROUND** The Lake Wales Jr. Woman's Club organization wants to host a community event called Friendsgiving. This event will include food, games, vendors, music and other activities. Set up will begin at 8:00 a.m. This portion of Cypress Garden Lane between First Street and the Library Entrance will be closed between 8:00 a.m. and 6:00 p.m. The sponsor will provide sanitary facilities, dumpster and will notify area businesses of the closure.

**OTHER OPTIONS** Do not approve the application.

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

[End Agenda Memo]

Tish Sheesley, president of the Junior Woman's Club, explained that their club is different from the long standing general Woman's Club. She described their Friendsgiving event and fundraising effort for homeless students. She explained that this was a date available for their building. She addressed concerns about the duplicate Circle of Friends Friendsgiving event. They do not have the same concerns about this conflict as Circle of Friends do. The events will compliment each other.

Crystal Higbee, Circle of Friends, said they had their permit since July. They had to change their event from their preferred date due to a conflicting event. She is concerned about the two events with the same name. She has reached out hoping we can do the event together. She hoped they could work together. Non-profits should not take from each other's missions. She asked that their name be changed if this goes forward.

Commissioner Howell said the same name is confusing to people. She is concerned about this. The Jr. Women's club needs to change their date or name of the event.

Commissioner Williams said Circle of Friends is willing to partner with the Jr. Womans club. If the Woman's club is willing to work with the Circle of Friends fine but if not he cannot approve the application.

Deputy Mayor Gibson said the Circle of Friends has a permit already and their rights should be protected. He asked if the staff had a recommendation. James Slaton, City Manager, said staff has no recommendation.

Mayor Hilligoss said this permit allows closure of Cypress Garden Lane and to have alcohol.

Deputy Mayor Gibson said the same name is the issue. Commissioner Krueger agreed.

Commissioner Howell suggested giving the 2 groups a few minutes to settle the dispute. Deputy Mayor Gibson agreed with this. Mayor Hilligoss asked the 2 groups to discuss the issues and come back with a solution.

Crystal Higbee said they came to an agreement where the title Friendsgiving will not be used in their

event.

Commissioner Howell made a motion to approve the permit. Commissioner Krueger seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

7.V. Cleaning / Closed Circuit Television (CCTV) And Cured In Place Piping (CIPP) Lining On 10" Clay Sewer Line

[Begin Agenda Memo]

**SYNOPSIS:** Staff requests City Commission approval to expend funds in the amount of \$49,290.00 for Cleaning, CCTV, dewatering and CIPP lining a section 454' of sewer line that is leaking in several areas causing the road to collapse, utilizing Vortex Services, LLC

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

1. Approve the expenditure of funds in the amount of \$49,290.00 to Vortex Services, for Cleaning, CCTV, dewatering and CIPP installation.

**BACKGROUND** The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line and 75 Miles of 2 to 16 inch Force Mains. Due to the age of some of the gravity sewer lines and force mains they will break over time. It has been determined that it is more feasible to CIPP line them than take the system off line and replace them. Once the sewer line is slip lined it will prevent any raw sewer leakage into the soil, causing a compliance issue.

The 454' of clay sewer line on Dr. MLK Jr Blvd at Bullard Ave to South Walker St. was inspected for breaks and it was determined by city staff that it was leaking in several areas allowing for sink holes to form in the road and a large amount of sand to accumulate in the pipe.

Staff contacted Vortex Services and scheduled for their technician to come out and assess the condition and provide pricing for the cleaning, CCTV, dewatering and CIPP lining of 454' of sewer line on Dr. MLK Jr. Blvd. at Bullard Ave to South Walker St. Staff recommends the commission approve the city to take the following action, enter into and expend funds in the amount of \$49,290.00 for Cleaning, CCTV, dewatering and CIPP lining utilizing pricing from Vortex Services, LLC Piggyback with Hernando County.

**OTHER OPTIONS** None. Maintenance of these wastewater system components becomes necessary from time to time to maintain the integrity of the system

**FISCAL IMPACT** The Wastewater Department has placed \$200,000.00 in the FY 2022-23.

[End Agenda Memo]

## 8. OLD BUSINESS

### 8.1. ORDINANCE 2022-46 Amendments To Chapter 5 – Alcoholic Beverages – Second Reading And Public Hearing

[Begin Agenda Memo]

**SUBJECT:** ORDINANCE 2022-46 Amendments to Chapter 5 – Alcoholic Beverages – Second Reading and Public Hearing

**SYNOPSIS:** The proposed amendments to Chapter 5, Alcoholic Beverages, will provide for flexibility in allowing restaurants to serve Alcohol, and implement recently adopted changes to the Land Development Regulations for downtown.

**RECOMMENDATION** Staff recommends that the City Commission adopt Ordinance 2022-46 after second reading and public hearing.

**BACKGROUND** Over the past few years, there has been increased interest in allowing for the sale of alcoholic beverages in the downtown. The adoption of Lake Wales Connected included an Action Item (15#) that included revising local zoning restrictions on bars in downtown.

On September 7, 2022, the Commission approved amendments to Chapter 23, the Land Development Regulations (LDRs) (i.e., the “Downtown Design Standards”) to begin implementation of this Action Item. However, to fully implement the provisions of Lake Wales Connected and the recently adopted LDR changes, it is necessary to revise Chapter 5 (Alcoholic Beverages) of the Code of Ordinances.

Listed below is a summary of the proposed changes:

Definitions: A definition of “Bar” is proposed. This same definition was recently adopted as part of the Downtown Design Standards. The current definition of “Wine and Beer Bar” is proposed to be amended to exclude liquor and distilled spirits. This will further differentiate between the two types of bars currently in our regulations.

Distance Requirements – Section 5.5 contains a requirement that businesses, locations or establishments that serve alcohol must be located 500 feet away from an established church, or private/public elementary, middle, or secondary school. Additional text is proposed that would exempt bars and wine and beer bars located in the Downtown-Mixed Use (D-MU) Zoning District from these distance requirements. If approved, this would then allow for the location of more bars/wine and beer bars in the downtown.

City-Specific Requirements for Special Food Service Establishments – Chapter 561.20, Florida Statutes, allows local governments to adopt different standards for Special Food Service Establishments. The proposed ordinance would decrease the standards as follows:

- Change in minimum service area from 2,000 to 1,000 Square Feet
- Reduction in restaurant service area from 150 to 75 persons

The existing requirement that restaurants derive at least 51% of revenue from food-non-alcoholic beverages would remain

This proposed ordinance changes will provide flexibility to allow restaurants in the downtown to sell liquor, and thereby assist with business development. The proposed regulations will also implement the recent LDR changes, and provide for more activity in the downtown.



On October 18, 2022, The City Commission approved Ordinance 2022-46 on first reading.

**OTHER OPTIONS** Decline to approve the Ordinance.

**FISCAL IMPACT** None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-46** by title only.

**ORDINANCE 2022-46**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 5, ALCOHOLIC BEVERAGES, AMENDING SECTION 5-2 - DEFINITIONS, SECTION 5-5 – DISTANCE REQUIREMENTS, ADDING SECTION 5-6 – REQUIREMENTS FOR SPECIAL FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-46** after 2nd reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

8.II. **ORDINANCE 2022-47 Amending Chapter 21 Utilities 2nd Reading And Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider Ordinance 2022-47 to amend Lake Wales Code of Ordinance Chapter 21, Section 21-27. – Connection to Sewer System and Section 21-71 Connection to Water System.

**RECOMMENDATION** Staff recommends that the City Commission approve the following action:

1. Adopt Ordinance 2022-47 Amending Chapter 21 Utilities after second reading and public hearing

**BACKGROUND** Ordinance 2021-11 was adopted to amend the distance establishing availability

boundaries and requirement for mandatory connection to a public utility. The commission approved the distance increase to one mile (five thousand two hundred and eighty (5,280) feet) of an existing public utility on June 15, 2021. However, given the original wording in Ord. No. 96-06, § 1, 5-21-96, the rule was only added to section (3) Areas zoned or used for industrial or manufacturing purposes or its equivalent. The intent was for the one mile requirement to apply to new and existing development; residential, institutional, commercial, and industrial. Section (4) will be added to provide clarity regarding new development connection requirements. Changes were made to § 21- 71. Connection to water system. (a) Availability defined. 1, 2, and 3 to avoid redundant information and specify 1-3 is for existing development. This amendment will apply to both water and sewer connection requirements. Wording was added to 21-71. Connection to water system. (b) Mandatory connection. to allow for uniform requirements for water and sewer code.

Staff recommends the commission approve Ordinance 2022-47 amending Lake Wales code of ordinances Chapter 21 Utilities, Section 21-27 and 21-71 Connection to Sewer System and Connection to Water System; providing for severability; providing for an effective date.

**FISCAL IMPACT** No fiscal impact. The land developer will incur the cost of extending the utility system.

**OTHER OPTIONS** Do not approve Ordinance 2022-47. By not approving this update it allows for open interruption of connection requirements and allows for an unclear definition regarding new development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-47** by title only.

#### **ORDINANCE 2022-47**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE REQUIREMENT FOR CONNECTION TO THE SEWER SYSTEM; AMENDING THE REQUIREMENT FOR CONNECTION TO THE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

#### OPENED PUBLIC HEARING

Catherine Price, resident, asked what the Ordinance does. James Slaton, City Manager, reviewed this items. Ms. Price asked what the benefit of this was. Mr. Slaton said the cost of development will be on the developers out to a mile.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-47** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Commissioner Williams No response

Mayor Hilligoss "YES"

motion approved 4-0.

- 8.III. Ordinance 2022-48 Amending Sections 21-121 Reclaim Intent, 21-124 Determination Of Property To Be Served, 21-125 Extension Of Reclaimed Water, 21-128 Requirements For Reclaimed Water Facilities. 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** To encourage and promote water conservation, the City of Lake Wales is encouraged to implement programs for the use of reclaimed water. Where service is deemed available within designated service areas, staff is proposing that new development be required to install reclaim dry lines until such time that a main transmission becomes available for connection.

**RECOMMENDATION** Staff recommends that the City Commission approve the following action:

1. Adopt Ordinance 2022-48 to amend sections: 21-121 Reclaim Intent, 21-124 Determination of property to be served, 21-125 Extension of reclaimed water, and 21-128 Requirements for reclaimed water facilities after 2nd Reading and Public Hearing.

**BACKGROUND** Our potable water source is a precious commodity and valuable resource that needs to be conserved. Highly treated wastewater is a viable water resource which can safely be used for irrigation and other non-potable purposes, thereby substantially contributing to the conservation of potable water. The City of Lake Wales is determined to continue to expand its reclaimed water system to make treated wastewater available to areas of the City. This effort coupled with requirements for new development will enable the City to make reclaim water available to the growing community. These revisions will provide clarity for connection requirements and the determination of properties to be served as well as require new development to install reclaim dry lines for irrigation purposes. Staff recommends the commission approve Ordinance 22-48, an ordinance of the City of Lake Wales, Polk County, Florida, amending Lake Wales' code of ordinances Chapter 21 Utilities, Section 21-121, 21-124, 21-125 and 21-128; providing for severability; providing for an effective date.

**FISCAL IMPACT** No fiscal impact. The land developer will incur the cost of extending the reclaimed water system.

**OTHER OPTIONS** Do not approve Chapter 21 Sections 21-121, 21-124, 21-125, and 21-128. By not approving these updates it allows for open interruption of connection requirements, and allows for an unclear definition of availability. As the community continues to grow residents will utilize our precious potable water source for irrigation purposes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-48** by title only.

#### **ORDINANCE 2022-48**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE REQUIREMENT FOR THE RECLAIM WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

## CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2022-48** after 2nd reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

### 8.IV. Ordinance 2022-49 Chapter 21, Division 2 And 3 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Staff proposes an amendment to Chapter 21, Sewer Regulations, Division 2. In conjunction with this amendment, staff proposes the addition of Division 3, Industrial Pretreatment. The addition of Division 3 will satisfy the Florida Department of Environmental Protection Permit Renewal requirement for industrial pretreatment.

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

1. Adopt Ordinance 2022-49 Amendments to Chapter 21 Division 2 and 3 after 2nd Reading and Public Hearing

**BACKGROUND** Domestic wastewater, commonly referred to as sanitary wastewater or sewage, is wastewater derived principally from dwellings, business buildings, institutions, and the like. In an effort to protect both surface and ground waters, the Florida Department of Environmental Protection ("FDEP") requires that discharges of both domestic and industrial wastewater be permitted and monitored. Any wastewater facility proposing to discharge wastewater to surface or ground waters or into the distribution system for irrigation, must demonstrate to the DEP that all required minimum levels of treatment will be provided and that all water quality standards will be met. If this demonstration is made, the FDEP will issue a permit to the wastewater facility, which will include conditions for monitoring the discharge, as well as conditions for reporting the monitoring results (Discharge Monitoring Reports). FDEP approved the permit renewal on August 29, 2022, however, one of the conditions of approval would be that the City of Lake Wales implement a Code of Ordinance for Industrial Pretreatment. Implementing Division 3 Industrial Pretreatment to the City's code of ordinance will satisfy this requirement. In order to prevent conflicting or duplicate information sections of Division 2 will be removed. Staff recommends the commission authorize the approval of Division 3 Industrial Pretreatment in order for the City to maintain compliance with FDEP for the Wastewater Use Permit.

**OTHER OPTION** None. FDEP requires the implementation of a Code of Ordinance to be in compliance with the Wastewater Use Permit requirements.

**FISCAL IMPACT** No fiscal impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-49** by title only.

**ORDINANCE 2022-49**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE REQUIREMENT FOR SEWER REGULATION AND INDUSTRIAL PRETREATMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-49** after 2nd reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote.

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

8.V. **ORDINANCE 2022-51 Removing Commission District Numbers Second Reading And Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS** Ordinance 2022-51 will remove the district numbers as references to the areas in which Commissioners reside. Only their seat numbers will refer to those areas.

**RECOMMENDATION** Adopt Ordinance 2022-51 Removing Commission District numbers after second reading and Public Hearing.

**BACKGROUND** District numbers 19, 27, 28 & 122 are old precinct numbers that were used as district numbers for Commission seats after the 2022 redistricting. Commission members have recommended removing the district numbers and use just seat numbers to reference the areas represented by Commission members.

**OTHER OPTIONS** Do not approve Ordinance 2022-51 and keep the district numbers.

**FISCAL IMPACT** None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-51** by title only.

## ORDINANCE 2022-51

### AN ORDINANCE AMENDING CHAPTER 8, ELECTIONS, LAKE WALES CODE OF ORDINANCES THE MUNICIPAL ELECTION CODE TO REMOVE DISTRICT NUMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-51** after 2nd reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote.

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

## 9. NEW BUSINESS

### 9.I. ORDINANCE 2022-50, FY21 '22 Budget Amendment #1, 1st Reading

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approval of the first amendment of FY 21'22 Budget that was adopted on September 21, 2021.

**RECOMMENDATION** It is recommended that the City Commission approve Ordinance 2022-50 after first reading.

**BACKGROUND** Ordinance 2021-16 estimating revenues and appropriating funds for Fiscal Year 2021'22 was adopted by the City Commission September 21, 2021. We are presenting Ordinance 2022-50 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

**OTHER OPTIONS** This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute. Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

**FISCAL IMPACT** See Exhibit A and Exhibit B attached to Ordinance 2022-50

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-50** by title only.

**ORDINANCE 2022-50**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2021-16 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2021-2022 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

Deputy Mayor Gibson made a motion to approve ORDINANCE 2022-50 after 1st reading. Commissioner Howell seconded the motion.

by roll call vote

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

- 9.II. Ordinance 2022-52 Petition To Establish The Ridgecrest Community Development District (CDD) – 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-52 proposes the establishment of the Ridgecrest Community Development District (hereinafter referred to as the "CDD"), as petitioned by Ridgecrest of Lake Wales, LLC.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-52 following a public hearing. Public Hearing notice requirements have been met. A recommendation from the Planning and Zoning Board is not required for the establishment of a CDD.

**BACKGROUND** Ridgecrest is a 312.7-acre unimproved site south of Russell Avenue, west of 1st Street South, north of Hunt Brothers Road, and east of US Highway 27. The property has development approval from the City for a 1,020-unit single-family Planned Development Project (PDP). Staff reviewed the submittal for consistency with the "Uniform Community Development Act of 1980", Chapter 190, Florida Statutes, which sets forth the exclusive and uniform method for establishing a community development district for the land area for which the CDD would manage and finance the delivery of basic services. The proposed petition meets the requirements of Chapter 190. The Ridgecrest CDD would be

the third established in the City to date. Lake Ashton first developed as a Community Development District, and Leoma's Landing was approved for the establishment of a CDD in 2021.

The proposed Infrastructure Plan is listed below:

District Infrastructure	Construction	Ownership	Capital Financing	Operation and Maintenance
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Offsite Improvements	CDD	FDOT & City (Roadways)	City (Utilities)	District Bonds	FDOT & City (Roadways)	City (Utilities)	Stormwater Facilities	CDD	CDD	District Bonds	CDD
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Water, Sewer, Lift Stations CDD City District Bonds City

Street Lighting / Conduit CDD CDD & Duke Energy District Bonds CDD & Duke Energy

Roadways & Parking Areas CDD CDD District Bonds CDD

Entry Feature & Signage CDD CDD District Bonds CDD

Parks & Recreational Facilities CDD CDD District Bonds CDD

**OTHER OPTIONS** Decline request to establish Ridgecrest CDD.

**FISCAL IMPACT** Once the roads, water, and wastewater improvements are constructed at the developer's expense, these facilities will be subsequently dedicated to the City for operation and maintenance and will create a long-term fiscal impact.

[End Agenda Memo]

This item was pulled at petitioner's request.

### 9.III. Lake Wales Care Center Redevelopment Of The 282 Park Avenue Parcel

[Begin Agenda Memo]

**Synopsis:**

The City of Lake Wales and the Lake Wales Care Center, Inc. ("Care Center"), have negotiated a Redevelopment Agreement for the property located at 282 East Park Avenue which incorporates the Memorandum of Understanding ("MOU") for the redevelopment of distressed properties previously approved by the City and the Lake Wales Community Redevelopment Agency. The Care Center is party to a contract to purchase this property which has been the subject of a Code Enforcement foreclosure action for some time. Upon closing of the sale and purchase, the sum of \$200,000.00 will be deposited with the City to be disbursed as redevelopment occurs in accordance with the provisions of the MOU and the Redevelopment Agreement.

**Recommendation:** That the City Commission approve the Redevelopment Agreement and authorize the Mayor to sign it on behalf of the City.

**Fiscal impact:** None other than a future financial benefit to the City due to the fact that the Care Center has agreed to enter into a Payment in Lieu of Taxes Agreement as a condition of the Redevelopment Agreement. Alternatives: To continue the foreclosure action. In doing so, the City might not be the purchaser at the foreclosure sale and would not have the control which comes about by virtue of the subject agreement.



[End Agenda memo]

Albert Galloway, Jr., City Attorney, said that Commissioner Williams could not vote on this or participate in the discussion as he serves on the board of the Lake Wales Care Center.

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

by roll call vote

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

motion approved 4-0.

9.IV. ORDINANCE D2022-33 Future Land Use Amendment For 0.16 Acres Of Land South Of Park Avenue East And West Of 3rd Street North 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Owner requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 0.16 acres of land.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to re-assign the following land use designation: Current Land Use: Low Density Residential (LDR) Proposed Land Use: Downtown District (DD) The Planning and Zoning Board heard this item at a regular meeting on October 25, 2022.

**BACKGROUND** The subject property is located south of Park Avenue East and west of 3rd Street South. The property is situated east of Scenic Highway North, south of the City Library and Crystal Lake, and surrounded by the First Presbyterian Church's parking lot.

The property contains an 8-unit multifamily building that sat vacant for over a year. Section 23.372.2(d) states "If any nonconforming use of land ceases for any reason for a period of one year, no nonconforming use may be re-established on those premises, unless a time extension is granted by the planning board prior to the end of the one-year period." Since the property sat vacant for over a year, the non-conforming status of the property has expired. The owners are requesting a zoning and land use amendment to support the prior, multifamily use.

A Zoning designation of C-1 and Land Use designation of DD is appropriate and consistent with the existing designation in the surrounding area. The property sits south of the City's Library which also has designations of C-1 and DD, and is across from the downtown core.

**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** Assignment would enable the use of this property and potentially increase property value which would increase taxable value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-23** by title only.

**ORDINANCE D2022-33**

**(Small-Scale CPA/Future Land Use Map Amendment for approximately 0.16 acres of land south of Park Avenue East and west of 3rd Street North.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 0.16 ACRES OF LAND SOUTH OF PARK AVENUE AND WEST OF 3RD STREET NORTH, FROM CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR) TO DOWNTOWN DISTRICT (DD); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve ORDINANCE D2022 -33 after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

g.v. Ordinance D2022-34 Zoning Map Amendment For 0.16 Acres Of Land South Of Park Avenue East And West Of 3rd Street North 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Owner requests approval of City Commission to amend the Zoning Map on approximately 0.16 acres of land.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a

public hearing to re-assign the following zoning designation:

Current Zoning: R-1A

Proposed Zoning: C-1 The Planning and Zoning Board heard this item at a regular meeting on October 25, 2022.

**BACKGROUND** The subject property is located south of Park Avenue East and west of 3rd Street South. The property is situated east of Scenic Highway North, south of the City Library and Crystal Lake, and surrounded by the First Presbyterian Church's parking lot.

The property contains an 8-unit multifamily building that sat vacant for over a year. Section 23.372.2(d) states "If any nonconforming use of land ceases for any reason for a period of one year, no nonconforming use may be re-established on those premises, unless a time extension is granted by the planning board prior to the end of the one-year period." Since the property sat vacant for over a year, the non-conforming status of the property has expired. The owners are requesting a zoning and land use amendment to support the prior, multifamily use.

A Zoning designation of C-1 and Land Use designation of DD is appropriate and consistent with the existing designation in the surrounding area. The property sits south of the City's Library which also has designations of C-1 and DD, and is across from the downtown core.

**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 use of this property and potentially increase property value which would increase taxable value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-34 by title only.

**ORDINANCE D2022-34**

**(Zoning Map Amendment for approximately 0.16 acres of land south of Park Avenue East and west of 3rd Street North.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 0.16 ACRES OF LAND SOUTH OF PARK AVENUE AND WEST OF 3RD STREET NORTH, FROM CITY OF LAKE WALES DESIGNATION R-1A TO C-1; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve ORDINANCE D2022 -34 after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

#### 9.VI. Leoma's Landing Phase I Final Plat Approval

[Begin Agenda Memo]

**SYNOPSIS:** Hawk Leoma's, LLC, owner, requests approval of the Leoma's Landing Phase I 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 north side of Chalet Suzanne Road, just north of Carlsberg Estates subdivision, and adjacent to Dinner Lake Shores subdivision on the project's eastern boundary.

Leoma's Landing preliminary subdivision plat was originally approved by Planning and Zoning Board as early as November 22, 2005, with conditions of approval. The original PDP depicted 256 townhomes and 139 single-family homes. In 2014, a major revision to replace townhomes with 281 single family homes was approved with conditions of approval and waivers of strict compliance. Since then, the project received four extensions of time on approval, with the latest request approved in 2019. The project was approved for modification again in 2021, but modifications only affected future phases II & III.

The project entered into the Site Development process by submitting detailed engineering plans in February of 2020. The project has approved site construction plans to begin developing Phase I, consisting of 101 lots, in July of 2020. The development ran into complications when the instillation of utility infrastructure was placed under the roadway where the infrastructure, by code, is not permitted, and where such utilities are not allowed to be bonded. The developer met with the City to find resolve and a solution was agreed upon. Since then, the development obtained utility clearance as of September 30, 2022. Pursuant to Section 23-223.4 of the City's Land Development Code, the City accepted a performance bond, as of late September 2022, in lieu of constructing certain improvements prior to approval of the final plat.

#### **FISCAL IMPACT**

Approval of the final plat enables the construction of 101 new single-family homes. Conservatively estimating a taxable value of \$200,000 per unit, it could potentially result in over \$20 million in taxable value, and generate over \$136,000 in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Commissioner Howell made a motion to approve the plat. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, had no report.

11. CITY MANAGER

James Slaton, City Manager, announced the 39 mile Scenic HWY yard sale this Saturday.

11.I. Commission Meeting Calendar

12. CITY COMMISSION COMMENTS

Commissioner Krueger said the the recent retreat was a good exercise as far as sharing ideas. We came out with a good product.

Commissioner Williams asked about updates regarding Debbie Williams case. Mayor Hilligoss said we don't. A representative from the Police Department was not here.

Commissioner Howell said there was some citizens upset about parents not notified about the change in schedule at the Boys and Girls Club. She said that was the Boys and Girls Club staff responsibility. She said, regarding Debbie Williams case, she asked Mr. Slaton to address this issue with property owners and family. We need to be sure everything is done correctly. People are getting mad. Many in the northwest area feel neglected by the Police Department.

Deputy Mayor Gibson said they don't supervise the Police Department but the Commission should be given updates. Those involved should be provided documentation once investigation is concluded.

Deputy Mayor Gibson said it was a good chance for the commission to discuss things openly. He reviewed the strategic priorities agreed upon. This is a good fit.

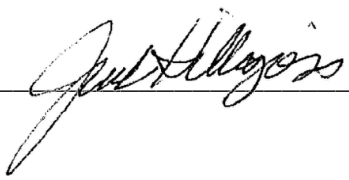
13. MAYOR COMMENTS

Mayor Hilligoss said he was glad for the input tonight and that he had questions on the thoroughness of our consulting firm concerning public input.

Mayor Hilligoss congratulated the High School Volleyball team on being District champions.

14. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

\_\_\_\_\_  
Mayor 

ATTEST:

\_\_\_\_\_  
City Clerk