

City Commission meeting minutes

May 16, 2023

(APPROVED)

5/16/2023 - Minutes

1. INVOCATION

Commissioner Williams gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

In absence of the Mayor, Deputy Mayor Gibson called the meeting to order at approximately 6:00 p.m. after the invocation and pledge of allegiance.

4. ROLL CALL

Commissioners Present: Robin Gibson, Keith Thompson, Daniel Williams

Commissioners Absent: Mayor Jack Hilligoss, Seat 4 was vacant

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

5. PROCLAMATIONS AND AWARDS

5.I. Public Works Week Proclamation

Deputy Mayor Gibson presented a proclamation to Public Works staff recognizing May 21-27 as Public Works Week.

5.II. PROCLAMATION - Police Memorial Week

Deputy Mayor Gibson read a Proclamation establishing the week of May 15th as National Police Week. Representatives from the Lake Wales Police Department accepted the proclamation.

Chief of Police Chris Velasquez presented a retirement plaque to Alfredo Carlos.

5.III. PROCLAMATION - Water Safety Month

Deputy Mayor Gibson proclaimed May as Water Safety Month. Sara Irvine from Rotary on the Ridge accepted the proclamation.

6. COMMENTS AND PETITIONS

Deputy Mayor Gibson addressed the situation with Seat 4. Due to the recent Governor's Order impacting

the City of Lake Wales. He wants the people to be informed and comments to be focused. He asked Albert Galloway, Jr., City Attorney, to review the status of the seat.

Mr. Galloway reviewed a recently distributed memo on Seat 4.

[Begin Memo]

As you have been made aware, Executive Order Number 23-103 was issued by Governor Ron DeSantis on May 10, 2023, reinstating Kristen Tieshia Fitzgerald as City Commissioner for the subject Seat 4.

On Friday, May 14, 2023, the Mayor and City Manager met with a citizen who provided information concerning Ms. Fitzgerald having moved out of the District from which she was elected. Section 3.02 of the City's Charter addresses qualifications of members of the City Commission and provides as follows:

Members of the city commission shall have been residents of the City of Lake Wales for not less than one year preceding their date of election. The office of any commission member who shall move from the City of Lake Wales during the term for which the member was elected shall automatically become vacant from the date of such removal. The office of any commission member who shall move from the District in which the member qualified during the term for which the member was elected shall automatically become vacant from the date of such removal.

On Saturday, May 14, 2023, I spoke by phone with Ms. Fitzgerald and she acknowledged having moved out of her District. She described her address as having been transient due to living in Winter Haven and in a Lake Wales District other than that in which she qualified. I advised her that she was thus disqualified from further service as a member of the City Commission.

I was contacted by the Governor's Chief Deputy General Counsel, Ray Treadwell, Esquire, prior to issuance of the Governor's Executive Order. Mr. Treadwell and I discussed the matter in detail and I provided him with the relevant provisions of the City's Charter and Code of Ordinances. I also provided him with the citation for the case cited in the Executive Order, *Slaton v. Pizzi*, 163 So. 3d 655, (Fla. 3d DCA 2015). In light of that decision, Ms. Fitzgerald is only entitled to back pay for the period of time between her suspension and the date upon which she vacated her office. I have requested that date but have not yet been provided with it.

In accordance with the provisions of § 3.08 (a) and (b) of the City's Charter, Ms. Fitzgerald's forfeiture of office is to be declared by the remaining members of the Commission. The cited sections are as follows:

(a) Vacancies. The office of a commission member shall become vacant upon the member's death, resignation, removal from office in any manner authorized by law, or forfeiture of office, such forfeiture to be declared by the remaining members of the commission.

(b) Forfeiture of office. A commission member shall forfeit the office if at any time during the term of office any qualifications for the office prescribed by this charter or by law are lacking.

The City Commission should declare the forfeiture of office at its upcoming meeting.

The seat to which Commissioner Krueger was elected is not a "temporary vacancy" as referred to in §112.51(3), Florida Statutes. The seat was vacated by Ms. Fitzgerald when she moved out of the District. The Pizzi decision also leads me to the conclusion that no action by the City Commission is needed for Commissioner Krueger to continue to serve as the City Commissioner for Seat 4 to which he was elected.

[End Memo]

Deputy Mayor Gibson asked for comments on how to reinstate Fitzgerald in order to focus comments.

Kris Fitzgerald, resident, thanked her supporters. She explained that her life was turned upside down. She had no choice to move. The voters put her in Seat 4. She said she has contacted her attorney and will pursue this. She was born and raised in Lake Wales. She will represent all of Lake Wales not just certain areas.

Juanita Zwaryczuk, resident, expressed support for Kris Fitzgerald to be seated back on the Commission. The Commission can find a way to do it. An exception should be made. She should be given time to move back to her seat.

Charlene Bennett, resident, expressed support for Kris Fitzgerald. The Commission has been breaking rules all year and shared examples. Some leeway is appropriate here.

Michelle Threatt, resident, spoke in favor of Kris Fitzgerald being seated back on the Commission. She said Ms. Fitzgerald had to move due to death threats she had received. She should be given time to move back to her district. She still lives in Lake Wales.

Ruth Search, non resident, spoke in favor of the special event permit for the Ranch Taproom.

Terry Christian, Property Owner, said the charter or ordinance does not reference a suspended commissioner. She moved when she was suspended. He spoke in favor of giving Kris Fitzgerald time to move back into the district. 5029

7. CITY CLERK

7.1. Appointments – Fire Pension Board [Begin Agenda Memo]

SYNOPSIS: Appointment to fill vacancies due to expiration of terms.

RECOMMENDATION Staff recommends that the Mayor and Commission to make the following appointments as deemed appropriate.

1. [Appoint Aaron Prevatte to a new term on the Fire Pension Board to expire 9/30/26](#)

BACKGROUND The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06). Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4- year term)

- There is no interview process requirement for applicants applying for appointment to this board.

- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 1 resident due to expiration of term.

Current Members: Brian Patterson 09/22/15 – 09/30/26 P+2

Dennis Childress, resident (5th member) 09/30/18 - 09/30/23, P+1

Mike Costello, resident (resigned) 12/15/20 - 09/30/22, P

Caleb Simpson, Firefighter 09/30/18 - 09/30/23, 1

Roy Wilkinson, III, (resident) 10/01/22 - 09/30/26, 1

Applying for appointment: Aaron Prevatte to a new term on the Fire Pension Board to expire 9/30/26

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

OPTIONS Do not appoint those that have applied.

FISCAL IMPACT None. These are volunteer boards.

[End Agenda Memo]

Aaron Prevatte introduced himself to the Commission and explained why he wished to serve on the board. The Pension needs to be looked after.

Deputy Mayor Gibson appointed Aaron Prevatte to a term on the Firefighter Retirement Board to expire on September 30, 2026.

Commissioner Williams made a motion to approve the appointment. Commissioner Thompson seconded the motion.

by voice vote:

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

8. CONSENT AGENDA

At the request of two people who wished to speak on the topic Deputy Mayor Gibson pulled item 8.XI Replacement of Two Police Vehicles from the Consent Agenda.

Commissioner Williams made a motion to approve the Consent Agenda except for the Replacement of Two Police Vehicles. Commissioner Thompson seconded the motion.

by voice vote:

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

8.I. Minutes - May 2, 2023 And May 10, 2023

8.II. Friday Night Delight Special Event Permit Application
[Begin Agenda Memo]

SYNOPSIS: Approval of this Special Event Application will allow the Ranch Taproom and Coffeehouse to host a Friday Night Delight event on Friday nights between June 2 & August 4, 2023

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

1. Approve the Special Event Permit Application for the Friday Night Delight Event to take place on Park Avenue on Friday nights from 4:00 p.m. – 8:00 p.m. from June 2 – August 4, 2023.

BACKGROUND The Ranch Taproom and Coffeehouse submitted a Special Event Permit Application for a Friday Night Delight Event on Fridays beginning June 2 from 4:00 p.m. – 8:00 p.m. until August 4, 2023 While the sponsor is not requesting the closure of Park Avenue, it may become obstructed with pedestrian activity.

OTHER OPTIONS Do not approve the event

FISCAL IMPACT No In-kind services were budgeted for this event. Costs will be paid at 100% by the sponsor.

[End Agenda Memo]

8.III. Special Event Permit For Lake Wales Woman's Club Plant And Garden Festival
[Begin Agenda Memo]

SYNOPSIS: Lake Wales Woman's Club has submitted Special Event application to host a Plant and Garden Festival event on October 21, 2023 from 8:00 a.m. – 5:00 p.m. at their building. They request closure of a portion of Cypress Garden Lane from 3:00 p.m. on October 20, 2023 – 7:00 p.m. on October 21, 2023.

RECOMMENDATION Staff recommends approval of the application and the request to close a portion of Cypress Garden Lane

BACKGROUND The Lake Wales Woman's Club organization wants to host a Plant and Garden Festival at their building on Park Avenue. This event will include closure of Cypress Garden Lane, between the entrances to the parking area, from 3:00 p.m. on Friday October

20 until 7:00 p.m. on Saturday October 21, 2023.

OTHER OPTIONS Do not approve the application.

FISCAL IMPACT Sponsor will reimburse the city 25% of its costs.

[End Agenda Memo]

8.IV. Task Order - Dover, Kohl & Partners

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of a Task Order that will authorize Dover, Kohl & Partners (DK&P) to complete Phases 3 and 4 of the Lake Wales Envisioned long-range plan.

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

1. Approve the Task Order.
2. Authorize the expenditure of \$282,720.
3. Authorize a budget amendment in the amount of \$282,720.
4. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND The Lake Wales Envisioned plan will shape and direct the form of future infill development, new neighborhoods, and conservation areas within Lake Wales' incorporated city limits and in areas in unincorporated Polk County that lie within the City's utility service area.

The long-range plan will be developed in four separate Phases: (1) Project Launch, (2) Vision Framework, (3) Draft Plan Concepts, and (4) the Vision Plan.

The proposed Task Order will authorize DK&P to complete Phases 3 and 4, which will take approximately four months to complete. Key tasks associated with these Phases include: community outreach, draft illustrative plan concepts, draft implementation strategy, on-site planning, refining plan concepts, and preparation of a project report. Specific sub-stacks can be found within the scope of work in the attached Task Order.

The Lake Wales Envisioned plan will ultimately serve as the guiding document for infrastructure planning in addition to future development and, as such, is eligible to be funded by the City's various impact fees and transportation funds.

At this time, the City has sufficient impact fees and transportation funds to cover the costs of this Task Order with additional impact fee revenues projected throughout the 2023 calendar year. The City has an existing, competitively bid agreement with DK&P for Professional Planning Services

OTHER OPTIONS 1. Do not approve the proposed Task Order and direct staff to search for an alternative external planning firm.

FISCAL IMPACT The current-year fiscal impact of the Task Order is \$282,720, of which all will be a combination of impact fees and transportation funds.

[End Agenda Memo]

8.V. Task Order – Inspire Placemaking Collective

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of a Task Order that will authorize Inspire Placemaking Collective (Inspire) to assist Dover, Kohl & Partners (DK&P) in completing Phases 3 and 4 of the Lake Wales Envisioned long-range plan.

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

1. Approve the Task Order.
2. Authorize the expenditure of \$55,780.
3. Authorize a budget amendment in the amount of \$55,780.
4. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND The Lake Wales Envisioned plan will shape and direct the form of future infill development, new neighborhoods, and conservation areas within Lake Wales' incorporated city limits and in areas in unincorporated Polk County that lie within the City's utility service area.

The long-range plan will be developed in four separate Phases: (1) Project Launch, (2) Vision Framework, (3) Draft Plan Concepts, and (4) the Vision Plan.

The proposed Task Order will authorize Inspire to assist DK&P in completing Phases 3 and 4, which will take approximately four months to complete. Key tasks associated with these Phases include: regulatory framework updates, onsite planning, comprehensive plan amendments, updates to the City's land development regulations, and preparation of a final report. Specific sub-tasks can be found within the scope of work in the attached Task Order.

Inspire has collected extensive qualitative and quantitative data over the past several months that will, in addition to the firm's technical expertise, be useful in the development of the Lake Wales Envisioned plan. The firm has previous experience with updating the City's Comprehensive Plan, updating the City's CRA plan, and creating the City's recent Parks and Recreation Master plan.

At this time, the City has sufficient impact fees to cover the costs of this Task Order with additional impact fee revenues projected throughout the 2023 calendar year. The City has an existing, competitively bid agreement with Inspire for Professional Planning Services

OTHER OPTIONS 1. Do not approve the proposed Task Order and direct staff to search for an alternative external planning firm.

FISCAL IMPACT The current-year fiscal impact of the Task Order is \$55,780, of which all will be impact fees.

[End Agenda Memo]

8.VI. Award Of Bid #23-529 To SEMCO For The YMCA Hurricane Ian Damage Repair.

[Begin Agenda Memo]

SYNOPSIS: Staff recommends commission authorize the YMCA repairs from Hurricane Ian to be awarded to SEMCO Construction in the amount of \$27,423.00

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

1. Authorize the Award of Bid #23-529 for the YMCA repairs to SEMCO Construction for \$27,423.00.

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

BACKGROUND On September 28, 2022 Hurricane Ian hit the state of Florida including the City of Lake Wales. The hurricane caused damage to several areas at the YMCA including the women's bathroom, aerobics workout room, racquetball court, outside basketball court and the exterior by the child care room. Preliminary cleanup of the damaged material was removed shortly after the hurricane was over to prevent any health and safety issues. An invitation to bid was advertised, to which four bidders responded. SEMCO was the lowest responsive bidder at \$27,423.00.

Staff recommends the Commission take the following action, authorize the YMCA repairs by SEMCO Construction for \$27,423.00 and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION The commission could chose not to go forward with these needed repairs and risk further damaged being caused to this facilities.

FISCAL IMPACT \$27,423.00 will be used from the General funds to pay for the repairs. The City filed a claim with Florida League of Cities, Inc. for this damage. This claim was denied. The city is working with the Federal Emergency Management Agency (FEMA) to see if this work qualifies for up to 75% reimbursement of these damages. If not approved by FEMA then full cost for repairs will come from the General Fund.

[End Agenda Memo]

8.VII. Award Of Bid #23-530 Paul Weaver Construction, LLC Denton Ballfield Hurricane Ian Damage Repair.

[Begin Agenda Memo]

SYNOPSIS: Staff recommends commission authorize the Award of Bid-#23-530 for the Denton Ballfield repairs from Hurricane Ian to be performed by Paul Weaver Construction, LLC in the amount of \$20,500.00

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

1. Authorize the Award of Bid #23-530 for the Denton Ballfield repairs to Paul Weaver Construction, LLC for \$20,500.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND On September 28, 2022 Hurricane Ian hit the state of Florida including the City of Lake Wales. The hurricane caused damage to several areas at the Denton Ballfield. The areas that were damaged and are now in need of repair are the canopy over the bleachers along with the damaged vinyl siding. Replacement of the attached pan roof and replace the roof and framing on one (1) dugout. Preliminary cleanup of the damaged material were removed shortly after the hurricane was over to prevent any health and safety issues. The project was put out to bid, to which there were three responsive bidders. Paul Weaver Construction, LLC was the lowest responsive bidder.

Staff recommends the Commission take the following action, authorize the Denton Ballfield repairs by Paul Weaver Construction, LLC for \$20,500.00 and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION The commission could chose not to go forward with these needed repairs and risk further damage being caused to this facilities.

FISCAL IMPACT \$20,500.00 will be used from the General funds to pay for the repairs. The City filed a claim with Florida League of Cities, Inc. for this damage. This claim was approved for \$775.00 claim payment. The city is working with the Federal Emergency Management Agency (FEMA) to see if this work qualifies for up to 75% reimbursement of the remaining balance for these damages. If not approved by FEMA then the full remaining balance cost for repairs will come from the General Fund budget.

[End Agenda Memo]

- 8.VIII. Award Of Bid #23-531 To Paul Weaver Construction, LLC For Senior Ballfields Hurricane Ian Damage Repair.

[Begin Agenda Memo]

SYNOPSIS: Staff recommends commission authorize the Award of Bid #23-531 for the Senior Ballfield repairs from Hurricane Ian to be performed by Paul Weaver Construction, LLC in the amount of \$55,500.00

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

1. Authorize the Award of Bid #23-531 for the Senior Ballfield repairs by Paul Weaver Construction, LLC for \$55,500.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND On September 28, 2022, Hurricane Ian hit the state of Florida including the City of Lake Wales. The hurricane caused damage to several areas at the Senior Ballfield including replacing four (4) canopies, of which two (2) canopies are over the bleachers. The contractor will be replacing the shingle roof, the aluminum soffit/fascia on concessions stand and replacing on one side of the restrooms. Preliminary cleanup of the damaged material was removed shortly after the hurricane was over to prevent any health and safety issues. The advertisement for bid went out and there were three responsive bidders, to which Paul Weaver Construction, LLC was the lowest responsive bidder. Staff recommends the Commission take the following action, authorize the Award of Bid #3-531 for Senior Ball fields repairs by Paul Weaver Construction, LLC for \$55,500.00 and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION The commission could chose not to go forward with these needed repairs and risk further damage being caused to these facilities.

FISCAL IMPACT \$55,500.00 will be used from the General Fund to pay for the repairs. The City filed a claim with Florida League of Cities, Inc. for this damage. This claim was approved for \$1,385.97 payment. The city is working with the Federal Emergency Management Agency (FEMA) to see if this work qualifies for up to 75% reimbursement of the remaining balance for these damages. If not approved by FEMA then the full remaining balance cost for repairs will come from the General funds.

[End Agenda Memo]

8.IX. Lift Station #2 Diesel Bypass Pump Installation.

[Begin Agenda memo]

SYNOPSIS: Staff is recommending the commission approve the expenditure of \$77,168.00 to Contract Management services for the installation of the diesel bypass pump at lift station 2 (LS#2).

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

1. Approve expending funding of \$77,168.00, to Contract Management Services, for the installation of the diesel bypass pump at lift station#2 (LS#2).

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

BACKGROUND During a significant hurricane, power is often times lost to utility assets in the affected region. In Polk County during Hurricane Ian, much of the county lost power for sustained amounts of time. Power was not restored to the entire county for 3 to 7 days after the Hurricane struck. Since Hurricane Ian affected such a large area, power restoration crews were stretched thin and unable to restore power to Lake Wales for a significant amount of time. Lake Wales was among the utilities that did not recover power quickly and had the majority of its lift stations go down as a result. All the water treatment plants have generators onsite. Therefore, they continued to supply water to the community, which in turn led to the community

filling the lift stations with waste. The city of Lake Wales has a small number of portable generators, but since the storm was so widespread, staff had to maneuver those generators between all of the lift stations that do not have a means of stand-by power.

The Commission, at its March 1, 2022 city commission meeting, approved the purchase of a bypass pump for a critical need lift station located at Polk Avenue and Lakeshore Blvd. The purpose of this project is to provide permanent protection for the lift station during future storm or hazard events. While the pump was purchased in 2022, it took some time to have the installation scheduled. As previously stated, this particular lift station is deemed critical infrastructure due to the source of its inflow and it cannot afford to go offline. Since loss of the lift station would result in an overflow and contamination of the surrounding lake and groundwater, continued operation of the lift station is critical to the community. Now that staff has taken delivery of the bypass pump, installation is the next step in the process.

Staff is recommending the City Commission take the following action, authorize the expenditure of \$77,168.00 to Contract Management Services to install all the plumbing and complete the installation of the diesel bypass pump at LS#2, and authorize the City Manager to execute any documents on the City's behalf.

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

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

[End Agenda Memo]

8.X. Reuse Extension Plan And Downstream Wastewater Capacity Analysis.

[Begin Agenda Item]

SYNOPSIS: Staff is requesting approval to enter into an agreement with Kimley-Horn and Associates to provide a downstream wastewater capacity analysis related to the reuse extension for the planned development in the north, service area South of Thompson Nursery Rd and West of Highway 27 for \$64,500.00.

STAFF RECOMMENDATION Staff recommends the City Commission consider taking the following action:

1. Approve entering into a downstream wastewater capacity analysis related to the reuse extension planned for the north service area for \$64,500.00.

2. Authorize the City Manager to execute the appropriate documents associated with this task order.

BACKGROUND There is a large development planned in the northern part of the City, west of US 27 and south of Thompson Nursery Road. The City desires to extend reuse to serve the planned development and possible existing users. The wastewater flows expects to be large, due to the size of the development, which expects to require a large amount of

improvements/upgrades to the downstream wastewater system.

Staff requested Kimley-Horn to create a reuse plan, which would include storage and pumping of reuse and an extension of reuse line to serve the future development. Staff also requested Kimley-Horn perform a wastewater capacity analysis downstream of the development. The reuse plan will be in State Revolving Fund (SRF) format in case the City desires to use SRF funds for the design or construction of the reuse improvements. The plan is expected to consist of flow projections, an environmental assessment, three alternatives for reuse improvements, and an opinion of probable costs of the improvements for the three alternatives. The downstream wastewater capacity analysis will consist of draw down tests of up to 15 existing lift stations. Estimation of flows to each lift station potentially affected. Estimated capacity available within the downstream force main and treatment plant for each phase of development (assumes three phases), and the improvements required to receive the future flows and timeframe of when improvements may be needed.

Staff recommends the City Commission take the following action, approve the expenditure of funds for \$64,500.00 to Kimley-Horn & Associates for the downstream wastewater capacity analysis related to the reuse extension for the planned development in the north service area South of Thompson Nursery Rd and West of Highway 27, and authorize the City Manager to execute the appropriate documents associated with this task order.

OTHER OPTION The City Commission could chose not to approve moving forward with this evaluation. Not exercising the option to expand the reuse system leaves open the possibility of using potable water for irrigation purposes in this large-scale planned development.

FISCAL IMPACT Funds are budgeted in the Wastewater and Reuse Division's FY '22-'23 Operating Budgets for this purpose.

[End Agenda Memo]

8.XI. Replacement Of Two Police Vehicles

[Begin Agenda Memo]

SYNOPSIS: Staff is requesting Commission approval to lease purchase two (2) additional police vehicles through The Bancorp Bank.

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

1. Approve the sixty (60) month lease-purchase of two (2) fully equipped 2023 Ford Interceptor vehicles from Bartow Ford based upon Florida Sheriff's Association Fleet competitive bid pricing.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND On February 7, 2023 an unmarked 2016 Ford Interceptor police vehicle was involved in a traffic crash and damaged beyond repair. On March 7, 2023, a marked 2021 Ford Interceptor police vehicle was involved in a traffic crash and damaged beyond repair. In both incidents, vehicles crashed in to rear of each police vehicle and thankfully the officers

were not injured. Although the City will pursue reimbursement from the at fault driver's insurance companies, the department must replace these vehicles as soon as possible.

- The fully equipped unmarked 2023 Ford Police Interceptor can be lease-purchased using the Florida Sheriff's Association competitive bid pricing. The capital cost of this vehicle, if purchased outright, would be \$49,812.00.

- The fully equipped marked 2023 Ford Police Interceptor can be lease-purchased using the Florida Sheriff's Association competitive bid pricing. The capital cost of this vehicle, if purchased outright, would be \$53,745.50.

- The Bancorp Bank's Finance's proposal has an APR of 5.5% over the sixty (60) month term with a one (\$1.00) dollar residual buyout per vehicle at the end of the lease.

OTHER OPTIONS MEMORANDUM 1) Purchase the additional police vehicles outright at a cost of \$103,557.50

FISCAL IMPACT The FY22/23 monthly lease obligation of \$1970.00 provided by The Bancorp Bank 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 \$23,640 for the sixty (60) month lease. 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 vehicles.

[End Agenda Memo]

OPENED PUBLIC COMMENT

Carol Gillespie, resident, spoke in favor of the City and Police Department considering Electric vehicles. This has been done successfully in other Police Departments. There is a quick return on investment in electric vehicles.

Katherine Sutherland, non-resident, said she serves on various committees that study the pros and cons of electric vehicles. This is a good time for cities to transition their fleets to electric vehicles. She distributed information on electric vehicles. This is a win-win-win for the City.

CLOSED PUBLIC COMMENT

Deputy Mayor Gibson said these vehicles are needed immediately to replace those that have been lost in a crash. James Slaton, City Manager, confirmed this but said they can study the possibility of electric vehicles in the future.

Commissioner Thompson agreed that these vehicles are needed now. We need to get infrastructure for electric vehicles such as charging stations.

Commissioner Thompson made a motion to approve the purchase of the two vehicles. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

9. OLD BUSINESS

- 9.I. Ordinance 2022-27 Annexation – 2nd Reading And Public Hearing 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27
[Begin Agenda memo]

SYNOPSIS:

Ordinance 2022-27 proposes the voluntary annexation of approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27, and contiguous to the incorporated City limits.

RECOMMENDATION Adoption after second reading of Ordinance 2022-27 following a public hearing. City Commission approved first reading of Ordinance 2022-27 at a regular meeting on April 18, 2023. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Owners, Rama Food Mart LLC, Mckenna Brothers Inc, Hunt Bros Inc, E N C Inc, and Ronald McCall, petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northwestern boundary. Ordinance 2022-27 was originally presented before the City Commission in September of 2022. To ensure the annexation was brought together with the land use and zoning amendments, as well as meeting advertisement and notification requirements, these items were taken back to City Commission for first reading on April 18, 2023. The applicant is requesting adoption after second reading and public hearing for the annexation, in conjunction with approval of the land use and zoning amendments.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City's tax roll. The properties are valued at a total of over 1.1 million, which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-27** by title only.

ORDINANCE 2022-27 (Annexation – 67.73 acres of land south of Lake Bella Road and

east of US Highway 27)

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US HIGHWAY 27, AND CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Williams made a motion to adopt **ORDINANCE 2022-27** after 2nd reading and public hearing. Commissioner Thompson seconded the motion.

by roll call vote

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

- 9.II. Ordinance D2022-28 Large Scale Future Land Use Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27
[Begin Agenda Memo]

SYNOPSIS: Property owners request approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 67.73 acres.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following land use designations, as recommended by the Planning and Zoning Board, at a regular meeting on August 23, 2022:

Current Land Use: Polk County Polk County Linear Commercial Corridor (LCC), & Agriculture/Rural Residential (A/RR) Proposed Land Use: Limited Commercial Industrial (LCI) – 8.54 acres, Low Density Residential (LDR) – 59.19 acres

City Commission approved first reading of Ordinance D2022-28 at a regular meeting on April 18, 2023.

BACKGROUND The subject property is located south of Lake Bella Road and east of US Highway 27, just north and west of Blue Lake. This parcel is adjacent to city limits on its western and northern boundaries and is located northwest of Blue Lake.

The owners petitioned annexation into the corporate city limits of Lake Wales in November and

December of 2021. It has been requested that the annexation be brought together with land use and zoning amendments.

There are no immediate development plans for these parcels. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the city to discuss development processes.

The western portion of the site along US Highway 27, comprising of 8.54 acres owned by Rama Food Mart LLC, will have a land use designation and zoning designation of Limited Commercial Industrial (LCI). This designation is consistent with the northern adjacent properties with land use and zoning designations of Business Park Center/Business Park. The remaining 59.19 acres, more or less, will have a land use of Low Density Residential and zoning of R-1A. Designations for the 59.19 acres are consistent with the surrounding county lands designated as Agriculture/Residential Rural and keep compatibility with the existing homes along Blue Lake.

At a regular meeting on July 26, 2022, the Planning and Zoning Board continued this agenda item to the August Planning and Zoning Board meeting due to concerns of compatibility. The original request proposed a land use and zoning designation of Business Park Center and Business Park for 10 acres adjacent to Lake Bella Road and the Heath Corporation. The Board's recommendations were considered by the applicant and the request now proposes a land use designation of Low Density Residential and zoning designation of R-1A, after taking their original request to the Planning and Zoning Board for a second time.

City Commission approved the first reading of Ordinance D2022-28 at a regular meeting on September 20, 2022. The proposed amendment was transmitted to the Department of Economic Opportunity where there were no opposition the proposed changes and the amendment approved. The applicant requested for the second reading to be tabled to the March 21, 2023 City Commission meeting to ensure a representative could be present. To ensure the annexation was brought together with the land use and zoning amendments, as well as meeting advertisement and notification requirements, these items were taken back before City Commission. The first reading of the annexation, land use, and zoning amendments were approved by City Commission at a regular meeting on April 18, 2023. The applicant is requesting adoption after second reading and public hearing for the land use amendment, in conjunction with approval of the annexation and zoning amendment.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future Land Use designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

FISCAL IMPACT The properties are valued at a total of over 1.1 million dollars, bringing in additional property taxes. Assignment would enable the development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-28** by title only.

ORDINANCE 2022-28 (Large-Scale CPA/Future Land Use Map Amendment for approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27.)

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 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR AND LCC TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR) AND LIMITED COMMERCIAL INDUSTRIAL (LCI); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Ruth Search, non-resident, shared concerns about how the property will be developed and will those in the area able to provide input. Autumn Cochella, Interim Director of Development Services, shared the next steps and the process of public notification as the project advances.

CLOSED PUBLIC HEARING

Commissioner Thompson made a motion to adopt **ORDINANCE D2022-28** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0

- 9.III. Ordinance D2022-29 Zoning Map Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27
[Begin Agenda memo]

SYNOPSIS: Property owners request approval from City Commission to amend the Zoning Map and Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 67.73 acres.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on August 23, 2022:

Current Zoning: Polk County Linear Commercial Corridor (LCC), & Agriculture/Rural Residential (A/RR)

Proposed Zoning: Limited Commercial Industrial (LCI) – 8.54 acres, Residential R-1A – 59.19 acres

City Commission approved the first reading of Ordinance D2022-29 at a regular meeting on April 18, 2023.

BACKGROUND The subject property is located south of Lake Bella Road and east of US Highway 27, just north and west of Blue Lake. This parcel is adjacent to city limits on its western and northern boundaries and is located northwest of Blue Lake.

The owners petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. It has been requested that the annexation be brought together with land use and zoning amendments.

There are no immediate development plans for these parcels. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the city to discuss development processes.

The western portion of the site along US Highway 27, comprising of 8.54 acres owned by Rama Food Mart LLC, will have a land use designation and zoning designation of Limited Commercial Industrial (LCI). This designation is consistent with the northern adjacent properties with land use and zoning designations of Business Park Center/Business Park. The remaining 59.19 acres, more or less, will have a land use of Low Density Residential and zoning of R-1A. Designations for the 59.19 acres are consistent with the surrounding county lands designated as Agriculture/Residential Rural and keep compatibility with the existing homes along Blue Lake.

At a regular meeting on July 26, 2022, the Planning and Zoning Board continued this agenda item to the August Planning and Zoning Board meeting due to concerns of compatibility. The original request proposed a land use and zoning designation of Business Park Center and Business Park for 10 acres adjacent to Lake Bella Road and the Heath Corporation. The Board's recommendations were considered by the applicant and the request now proposes a land use designation of Low Density Residential and zoning designation of R-1A, after taking their original request to the Planning and Zoning Board for a second time.

Ordinance D2022-29 was brought to the City Commission in late September of 2022. To ensure the annexation was brought together with the land use and zoning amendments, as well as meeting advertisement and notification requirements, these items were taken back before City Commission. The first reading of the annexation, land use, and zoning amendments were approved by City Commission at a regular meeting on April 18, 2023. The applicant is requesting adoption after second reading and public hearing for the zoning amendment, in conjunction with approval of the annexation and land use amendment.

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

FISCAL IMPACT The properties are valued at a total of over 1.1 million dollars, bringing in

additional property taxes. Assignment would enable the development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-29a** by title only.

ORDINANCE D2022-29a (Zoning Map Amendment for approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR AND LCC TO CITY OF LAKE WALES DESIGNATION RESIDENTIAL R-1A AND LIMITED COMMERCIAL INDUSTRIAL (LCI); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Ruth Search, non-resident, expressed concerns about coming changes to the area. She would like to keep the same spirit.

CLOSED PUBLIC HEARING

Commissioner Williams made a motion to adopt **ORDINANCE D2022-29a** after 2nd reading and public hearing. Commissioner Thompson seconded the motion.

by roll call vote

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

9.IV. Ordinance 2022-54 Annexation – 2nd Reading And Public Hearing 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-54 proposes the voluntary annexation of approximately 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27, and contiguous to the incorporated City limits.

RECOMMENDATION Adoption after second reading of Ordinance 2022-54 following a public hearing. City Commission approved the first reading of Ordinance 2022-54 at a regular meeting on April 18, 2023. A recommendation from the Planning and Zoning Board is not

required for an annexation ordinance.

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

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

Ordinance 2022-54 was brought before City Commission in early February of 2023. To ensure the annexation was brought together with the land use and zoning amendments, as well as meeting advertisement and notification requirements, these items were taken back before City Commission for first reading on April 18, 2023. The applicant is requesting adoption after second reading and public hearing for the annexation, in conjunction with approval of the land use and zoning amendments.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City’s tax roll. The properties are valued at a total of \$461,278 which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-54** by title only.

ORDINANCE 2022-54 (Annexation 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27)

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 47.31 ACRES OF LAND SOUTH OF HUNT BROTHERS ROAD, WEST OF SCENIC HIGHWAY SOUTH, AND EAST OF US HIGHWAY 27, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Williams made a motion to adopt **ORDINANCE 2022-54** after 2nd reading and public hearing. Commissioner Thompson seconded the motion.

by roll call vote

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

- 9.V. Ordinance D2022-35 Small Scale Future Land Use Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27
[Begin Agenda Memo]

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

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a special meeting on January 5, 2023:

Current Land Use: Polk County Residential Suburban (RS)

Proposed Land Use: Business Park Center (BPC)

City Commission approved first reading of Ordinance D2022-35 at a regular meeting on April 18, 2023.

BACKGROUND The subject property is located south of Hunt Brothers Road, west of Scenic Highway, and east of US Highway 27. The property is situated across Hunt Brothers Road from the Lake Wales Soccer Club and Lake Wales Memorial Gardens. There have been preliminary discussions regarding potential industrial development of the property, however, no formal plans have been submitted to the City for review. Hunt Brothers, Inc., petitioned to be annexed into the city limits on October 12, 2022.

A land use designation of Business Park Center is appropriate as the Longleaf Business Park is located to the west of the property. Properties in the city limits, south of the subject property, are also zoned Business Park with a land use of Business Park Center.

Ordinance D2022-35 was brought before City Commission in early February of 2023. To ensure the annexation was brought together with the land use and zoning amendments, as well as meeting advertisement and notification requirements, these items were taken back to City Commission for first reading on April 18, 2023. The applicant is requesting adoption after second reading and public hearing for the land use amendment, in conjunction with approval of annexation and zoning amendments.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future land use designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

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

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-35** by title only.

ORDINANCE D2022-35 (Small-Scale CPA/Future Land Use Map Amendment for 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27)

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 47.31 ACRES OF LAND SOUTH OF HUNT BROTHERS ROAD, WEST OF SCENIC HIGHWAY SOUTH, AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION RS TO CITY OF LAKE WALES DESIGNATION BUSINESS PARK CENTER BPC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Thompson made a motion to adopt **ORDINANCE D2022-35** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

- 9.VI. Ordinance D2022-36 Zoning Map Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27
[Begin Agenda Memo]

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

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

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: Business Park (BP)

City Commission approved first reading of Ordinance D2022-36 at a regular meeting on April 18, 2023.

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

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

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

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

Ordinance D2022-36 was brought before City Commission in early February of 2023. To ensure the annexation was brought together with the land use and zoning amendments, as well as meeting advertisement and notification requirements, these items were taken back to City Commission for first reading on April 18, 2023. The applicant is requesting adoption after second reading and public hearing for the zoning amendment, in conjunction with approval of the annexation and land use amendment.

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

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

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-36** by title only.

ORDINANCE D2022-36 (Zoning Map Amendment for approximately 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 47.31 ACRES OF LAND SOUTH OF HUNT BROTHERS ROAD, WEST OF SCENIC HIGHWAY SOUTH, AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION RS TO CITY OF LAKE WALES DESIGNATION BUSINESS PARK BP; PROVIDING FOR SEVERABILITY; AND PROVIDING

FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Williams made a motion to adopt **ORDINANCE D2022-36** after 2nd reading and public hearing. Commissioner Thompson seconded the motion.

by roll call vote

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

9.VII. Ordinance 2023-10 Vacation Of A Portion Of Findley Drive Right-Of-Way 2nd Reading & Public Hearing
[Begin Agenda Memo]

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

RECOMMENDATION Adoption after second reading, following a public hearing, to vacate the Findley Drive right-of-way as described in Ordinance 2023-10. City Commission approved the first reading at a regular meeting on April 18, 2023.

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

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

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

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

Findley Drive.

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

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-10** by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION OF FINDLEY DRIVE RIGHT-OF-WAY LOCATED EAST OF SCENIC HIGHWAY NORTH AS SHOWN ON “ATTACHMENT A” AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Thompson made a motion to adopt **ORDINANCE D2022-10** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

10. NEW BUSINESS

- 10.I. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Steeple Chase
[Begin Agenda Memo]

SYNOPSIS: Dave Schmitt Engineering, Inc., agent for owner, is requesting the approval of City Commission, for a 300-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, including waivers of strict compliance, on approximately 97.85 acres of land just east of Scenic Highway South and north of Belleview Drive.

RECOMMENDATION At a special meeting on January 5, 2023, the Planning and Zoning Board made a recommendation of approval to City Commission for the Steeple Chase PDP.

BACKGROUND The Planning and Zoning Board made a recommendation of approval to City Commission for the Steeple Chase PDP. Subsequently, on January 17, 2023, City Commission declared a “Planning in Progress” initiative through the adoption of Resolution 2023-02, which

lists the 8 initial aspirations of the Lake Wales Envisioned planning effort. Staff found that the proposed plan did not align with the initial aspirations of the Planning in Progress Resolution, and therefore planned to bring the Plan before City Commission in March with a recommendation of denial; however, the applicant requested to table the item with the intention to enhance the landscaping site-wide. The revised landscape plan dated April 13, 2023 is included.

Steeple Chase PDP – General: The 97.85-acre vacant grove land is located just east of Scenic Highway South and north of Belleview Drive. The proposed subdivision is situated east of the McLaughlin Middle School, northwest of Lake Belle, and west of Whispering Ridge subdivision.

The property is within the city limits and has an existing zoning designation of R-1A and 3.92 acres zoned PF Professional. The existing land use designation for this site is LDR Low Density Residential and 3.92 acres designated as RO Residential/Office. Maximum density allowed for land designated as Low Density Residential is calculated at 5 units per gross acre and land designated as Residential/Office is calculated at 12 units per gross acre.

Proposed is a single-family subdivision, designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance. Maximum density allowed on the 3.92-acre parcel designated as Residential/Office is 47 homes; shown on this parcel is approximately 12 homes. The remaining acreage designated as Low-Density Residential allows a maximum density of 469 homes. A density of 3.06 dwelling units per acre, or 300 homes, is proposed.

The development proposes three lot types: 45' wide lots, 50' wide lots, and 60' wide lots. The rear setbacks meet or exceed the minimum setbacks required by R-1A and PF standards, and lots within the PF zoning district meet the minimum living area. Waivers of strict compliance is requested for all other R-1A and PF dimensional standards.

PROPOSED LOT TYPES:

45' WIDE LOTS 102 DWELLING UNITS

50' WIDE LOTS 130 DWELLING UNITS

60' WIDE LOTS 68 DWELLING UNITS

TOTAL 300 DWELLING UNITS

R-1A Standards per Table 23-422

Zoning Dwelling Type Minimum Lot Size (sq. feet)⁹ Minimum Street Frontage (feet)¹ Minimum Lot Width at building line (feet) Minimum Floor Area (sq feet)² Minimum Setbacks* Principal Buildings (feet) Maximum Lot Coverage 8 (percent) Maximum Building Height Front 3 Side 4 Rear 5 | | feet | stories

R-1A Single-family 12,000 50 85 1,500 30 10 20 40 35 2&1\2;

R-3 Standards per Table 23-422

Zoning Dwelling Type Minimum Lot Size (sq. feet)9 Minimum Street Frontage (feet)1 Minimum Lot Width at building line (feet) Minimum Floor Area (sq feet)2 Minimum Setbacks* Principal Buildings (feet) Maximum Lot Coverage 8 (percent) Maximum Building Height Front 3 Side 4 Rear 5 feet stories R-3 Single-family 7,500 50 75 1,000 25 10 15 40 35 2&1/2;

R-3 Standards apply to residential structures in non-residential districts

Proposed Standards

Single-Family (45' wide, 50' wide, & 60' wide):

Minimum lot size – 4,950 sq. ft.

Minimum street frontage – 40 ft.

Minimum lot width at building line – 45 ft.

Minimum floor area – 1,200 sq. ft.

Front setback – 20 ft.

Side setback – 5 ft.

Rear setback – 20 ft.

Maximum lot coverage – 50%

Roadways & Access: Five entrances are proposed, including two entrances along 9th Street South, one on Santa Maria Road, one from Winston Avenue, and another by extension of Grove Avenue East. Currently, Grove Road East only exists on the west side of Scenic Highway South. The developer will need close Lake Avenue to extend Grove Avenue East through the project. This will expand our existing roadway network and provide more points of access to distribute traffic.

In addition, right-of-way will be dedicated for 9th Street South, Belleview Drive, Santa Maria Road, Winston Avenue, and Grove Avenue East. Sidewalks will be provided on both sides of the internal streets and along project boundaries.

Landscaping and Buffering: General The landscape plan will be reviewed and approved by Staff after consultation with the City's horticulturist during Site Development Plan review. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees.

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: *three, two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. Lots 10,000 s/f or greater: four, two-inch caliper shade trees, minimum of eight feet at planting. At least one of*

the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree.

The proposed exterior buffers include a 6' high hedge and one overstory tree every 50 linear feet as required by code. In exchange for the waivers to reduce 6th Street South and Santa Maria Road buffer widths, a condition of approval is included to enhance landscaping within these buffers.

Recreation: The developer has designated 9.69 acres of active recreational space where 1.32 acres are required. Amenities proposed include tot lots, dog park, benches, and a walking trail. Each section of the development has its own designated open space area.

OPEN SPACE CALCULATION:

PONDS 12.46 ACRES

RECREATION 9.69 ACRES

OPEN SPACE 4.16 ACRES

TOTAL 26.31 ACRES

More than 26.8% of the site will remain as open space, where 20% open space is required at a minimum by code.

Waivers of Strict Compliance: The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the R-1A zoning district:

- 1.) Minimum lot size: 4,950 square feet is requested where 12,000 square feet is required by code.
- 2.) Minimum street frontage: 40 feet is requested where 50 feet is required by code.
- 3.) Minimum lot width at building line: 45 feet is requested where 85 feet is required by code.
- 4.) Minimum floor area: 1,200 square feet is requested where 1,500 is required by code.
- 5.) Minimum front setback: 20 feet is requested where 30 feet is required by code.
- 6.) Minimum side setback: 5 feet is requested where 10 feet is required by code.
- 7.) Minimum functional corner side setback: 15 feet is requested where 30 feet is required by code.
- 8.) Maximum lot coverage: 50% is requested where 40% is allowed by code.
- 9.) Buffers along 6th Street South and Santa Maria Road are requested to be 5 feet wide where 10 feet is required by code.

The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the PF zoning district for lots 295-286 and lots 269- 270:

- 1.) Minimum lot size: 4,950 square feet is requested where 7,500 square feet is required by code.
- 2.) Minimum street frontage: 40 feet is requested where 50 feet is required by code.
- 3.) Minimum lot width at building line: 45 feet is requested where 75 feet is required by code.
- 4.) Minimum floor area: 1,200 square feet is requested where 1,500 is required by code.
- 5.) Minimum front setback: 20 feet is requested where 25 feet is required by code.
- 6.) Minimum side setback: 5 feet is requested where 10 feet is required by code.
- 7.) Minimum functional corner side setback: 15 feet is requested where 30 feet is required by code.
- 8.) Maximum lot coverage: 50% is requested where 40% is allowed by code.

Land Development Code Division 4 Planned Development Project Regulations

- The PDP process is intended to promote high quality site design
- The process allows flexibility in project layout and relief from standard subdivision grids in order to preserve natural features of the land, maximize common open space and landscaping, and create vital neighborhoods
- Creativity in housing types and site layout are encouraged
- a PDP shall be approved only if the proposed plan demonstrates that the product will be superior to that of a standard subdivision
- The PDP process is not intended to circumvent the regulations for residential development, but to allow creativity and variety
- Deviation from the provisions of this chapter concerning lot size, setbacks, roadway design, and other requirements will be granted only if the proposed alternative allows for a superior project layout, provides enhanced open space and preservation of natural features, does not subvert the intent of this chapter, and does not compromise public safety

Proposed Superior Design Standards per the PDP Applicant: “The proposed PDP is superior to a standard subdivision because the flexibility provides a balance between the proposed number of lots and to maximize the open space for landscaping and active recreation. The flexibility of different type of lot sizes gives the neighborhood a diverse perception and not a flatness community. Providing two sidewalks will give future residents safe leisure around the community and provide enjoyable activities for each household. Maximizing the open space will create originality in designs for landscaping which will enhance the natural

features of the property. Proposing more lots will generate new residents which will help increase revenue for the City of Lake Wales”.

Additionally, a revised landscape plan was submitted in April of 2023 which significantly exceeds the minimum landscape code standards. The proposed landscape plan includes:

- The addition of 295 trees and to the common areas and open space
- The addition of 1,606 shrubs to the common areas and open space
- A tree diversity to include 105 palms, 1,101 canopy trees, and 155 understory trees of 11 different species
- 120 canopy trees to be larger at time of planting than the minimum code standard (height and caliper inch)
- Naturally shaped ponds with native vegetation plantings so to create wildlife habitats

The plan provides recreation and open space in excess of the minimum standards.

- Recreation required: 1.32 acres; Recreation provided: 9.69 acres
- Open space required: 20% of site; Open space provided: 26.8% of site

Steeple Chase Site Design Review by Dover, Kohl, & Partners Planning Staff requested a peer review of pending development plans by our on-contract Town Planning firm Dover, Kohl, & Partners (Dover Kohl). On February 9, Dover Kohl provided the attached memorandum delineating their findings about the plan, how it relates to the Lake Wales Envisioned aspirations, and how the plan could be better refined to meet the aspirations.

On February 14, Staff shared the peer review findings with the applicant and his team, and expressed our agreement with the recommendations provided. The applicant decided to advance the original plan without revisions.

Summary of Recommendations – Dover Kohl:

1: Create Quality Public Spaces (relevant aspirations 1, 4, 6)

Recommendation: To create quality public spaces, re-organize lot orientation (and the proposed block-and-street network as needed) so that neighborhood public open spaces are lined by walkable public streets and/or faced by the front sides of surrounding buildings.

2: Provide a Walkable, Connected Street Network (relevant aspirations 6, 7, 8)

Recommendation: Reorganize lot orientation so that streets are faced by the fronts of buildings (not rear lots); Use alleys to reduce curb cuts and increase walkability of streets; Provide additional street connections to 9th Street and Santa Maria Road, and stub-outs to surrounding sites; Include streets trees and sidewalks to create walkable neighborhood streets.

3: Provide a Mix of Housing Types (relevant aspirations 6, 7) Recommendation: Explore incorporating a greater mix of housing types in the development (such as attached townhouses, or small multiplexes).

Staff Findings

1. The development is inconsistent with Resolution 2023-02 Planning in Progress aspiration 4, "We will seek to make traditional neighborhoods with walkable, connected streets that create a high-quality public realm the norm", citing the following:

a. 300 individual driveway connections onto the pedestrian sidewalk impedes safe and comfortable neighborhood walkability. b. Ponds, open space, and recreation areas which are tucked behind the backs of houses do not create a high-quality public realm.

c. The PDP design is not consistent with the concepts of traditional neighborhood development, which can be described as:

i. A development strategy designed to create complete neighborhoods and communities that mimic those built in pre-1950s America before the shift to low-density, automobile-dependent suburban developments (conservationtools.org).

ii. Compact, mixed-use, pedestrian-oriented neighborhoods with walkable street patterns, absence of garages and curb cuts onto the public street, and centralized parks areas and neighborhood greens.

2. The development was recommended by the Planning and Zoning Board prior to the adoption of Resolution 2023-02 Planning in Progress.

3. The proposed landscape plan is greatly superior to minimum code standards.

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

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

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

Conditions of Approval as recommended by the Planning and Zoning Board

7. Staff recommends the following conditions of approval:

a. Fences shall be setback a minimum of 15 feet behind the front building expression line.

b. Housing shall adhere to the City's anti-monotony standards per Section 23- 223.4(g).

c. Enhanced buffer plantings shall be implemented where waivers are requested to reduce buffer widths.

- d. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design/type to be approved by the City, and maintained by the HOA.
- e. Garages shall be recessed from the front building expression line unless oriented away from the street.
- f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.
- g. Mechanical equipment shall be located in the rear and not within side yards.
- h. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.
- i. A development agreement will be required for roadway improvements.
- j. A utilities agreement is required for the transfer of wells to the City of Lake Wales.
- k. ROW shall be dedicated for Winston Ave, Grove Ave, 6th street, 9th street, Santa Maria Road and Belleview Drive as shown on plans.

OTHER OPTIONS

Approve the PDP as submitted by the applicant, including the Conditions of Approval recommended by the Planning and Zoning Board and the revised landscape plan dated April 13, 2023. Decline to approve the PDP, and request that the applicant work with Staff to revise the plan so to better align with the Planning in Progress aspirations.

FISCAL IMPACT Approval of the preliminary plat and PDP 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 over \$60 million in taxable value, and generate approximately \$380,000 in ad valorem taxes.

*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

James Slaton, City Manager, said the applicant requested to continue this item to a later date.

commissioner Williams asked about the delay. Autumn Cochella, Interim Director of Development Services, said that the applicant was unable to attend.

Commissioner Thompson made a motion to continue this item. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

- 10.II. Resolution 2023-05 – Resolution To Utilize The Uniform Method Of Collecting Non- Ad Valorem Assessments And Adopting The Special Assessment Roll.
[Begin Agenda Memo]

SYNOPSIS: Resolution 2023-05 declares the City's intent to utilize the uniform method of collecting non-ad valorem assessments and adopts the assessment roll for 2022.

RECOMMENDATION Staff recommends adoption of Resolution 2023-05 after a public hearing, as required by Florida Statutes. Public notice requirements have been met.

BACKGROUND In February 2013, City commission adopted Ordinance 2013-04 – Abatement and Violation Assessment (Chapter 17.5), providing for the uniform method of collecting non-ad valorem special assessment for service liens. The City's intent is to collect service liens that are the result from services provided by the City to clean up properties, which may include repair to or demolition of buildings. This collection does not include fines or administrative liens.

Ordinance 2013-04 established the City of Lake Wales in its entirety, as its city boundaries exist on the date of enactment, and as they may be expanded or contracted as the Special Assessment District for the purposes of abatement and violation correction.

The resolution has been noticed per Florida Statute at least twenty (20) days in advance of the public hearing. Staff published a potential list of properties in the notice and provided by first class mail a letter to every property owner that may be affected by this action.

OTHER OPTIONS Decline the adoption of Resolution 2023-05

FISCAL IMPACT This will provide for reimbursement of funds expended in the course of abating and correcting violations of the municipal code.

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Thompson made a motion to adopt RESOLUTION 2023-05 after a Public hearing. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

- 10.III. Resolution 2023-07, Public Transportation Grant Agreement G2J27
[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approving Resolution 2023-07, authorizing an agreement with the Florida Department of Transportation (FDOT) to provide funding for Airport airfield security fencing and access control at the Lake Wales Municipal Airport.

RECOMMENDATION 1. Adopt Resolution 2023-07, authorizing the execution of Public Transportation Grant Agreement G2J27 by the Mayor with the Florida Department of Transportation (FDOT) for additional funding in the amount of \$80,000

BACKGROUND The Florida Department of Transportation (FDOT) has awarded a 100% grant in the amount of \$80,000 to the Lake Wales Municipal Airport for security upgrades. These upgrades will replace a padlocked gate with an automatic security gate and extend the security fencing to the end of runway 24.

OTHER OPTIONS Do not adopt the Resolution approving the agreement.

FISCAL IMPACT This project is fully funded by the Florida Department of Transportation (FDOT).

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2023-07** by title only.

RESOLUTION 2023-07

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT FOR FUNDING FOR ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 452975-1-94-01 (AIRPORT AIRFIELD SECURITY FENCING AND ACCESS CONTROL) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

Deputy Mayor Gibson asked the City Manager about the amount. James Slaton, City Manager, said \$80,000.

Commissioner Williams made a motion to adopt **RESOLUTION 2023-07**. Commissioner Thompson seconded the motion.

by roll call vote

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 3-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that the City acquired another property through foreclosure. Some additional hearings will continue through September.

12. CITY MANAGER

12.I. City Commission Meeting Schedule

James Slaton, City Manager, said the next work Session is May 31st.

13. CITY COMMISSION COMMENTS

Commissioner Williams asked the City Attorney if there was anything that the City Commission could do about Kris Fitzgerald getting her seat back. Albert Galloway, Jr., City Attorney, said no, not under existing charter. The charter must be changed by the people via a referendum. Commissioner Williams said the Commission did not do anything to prevent Kris Fitzgerald from taking her seat.

Commissioner Thompson said he is sympathetic to Kris Fitzgerald's situation. its important to realize that there are real people affected by rules and what is in the Charter. The City needs to better communicate these issues to the public. He doesn't see a way forward to allow Kris Fitzgerald to have her seat.

Deputy Mayor Gibson said he researched this. The removal from office happens automatically. He doesn't know a way to change anything that is self-executing and provides no discretion for the Commission. He suggested that Mr. Krueger can resume his seat at the May 31st meeting which will give Ms. Fitzgerald time to seek legal assistance. Ms. Fitzgerald is entitled to pay up until the day she moved.

14. MAYOR COMMENTS

15. ADJOURNMENT

The meeting was adjourned at 7:47 p.m.



Mayor

ATTEST

City Clerk