

City Commission Meeting Minutes

June 6, 2023

(APPROVED)

6/6/2023 - Minutes

1. INVOCATION

Rev. Tim Nunez 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

Commission Members Present: Robin Gibson, Keith Thompson, Daniel Williams, Mayor Jack Hilligoss, Danny Krueger

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Jordan Tipton

Mayor Hilligoss read a proclamation honoring Jordan Tipton.

5.II. PROCLAMATION - JUNETEENTH DAY

Mayor Hilligoss proclaimed June 19th as Juneteenth in Lake Wales.

6. PRESENTATION/REPORT

6.I. Police Department - Plaque Presentation Canine Training

Police Chief Velasquez presented plaques of appreciation to representatives of the Lakeland Police Department as thanks for help with recent canine training. Chief Velasquez introduced two new canines and their partners.

7. COMMENTS AND PETITIONS

Alma Davis, Utility Customer, spoke in regards to Kris Fitzgerald and her effort to regain her seat. They were roommates. She witnessed everything. Everything was preplanned. She willfully broke the lease to move. Alcohol was a contributing factor.

Angie Sheperd, non resident, said in regards to the Kris Fitzgerald matter that she planned to move. The boy involved in the matter is her son. He is innocent in the matter. Ms. Fitzgerald should not have her seat back. Her side has not been heard. She has reached out to the news with her side of the story. Ms. Fitzgerald lives in Winter Haven.

Juanita Zwaryczuk, resident, spoke against the decision to not issue a Pride Month proclamation. The Mayor should not have sole discretion on this matter.

Jim Taggett, non-resident, thanked the Mayor and Commission for not having Pride celebrations in Lake Wales and standing against what is wrong.

Bud Colburn, resident, thanked the commission for their service to the City. He spoke against attacks to the Commission. He recommended Pride activists to do something good for the community.

Charlene Bennett, resident, referenced the comment from Deputy Mayor Gibson about moving on from turmoil. She said there are several issues that are not resolved including the Pride Proclamation.

David Jones, resident, spoke on the lack of the Pride Proclamation. He shared examples of service by members of the LGBTQ community in Lake Wales.

Catherine Price, resident, spoke in support of the Pride Month Proclamation. She shared some of the ways Lake Wales has become more diverse over the years.

Ann Richards, non-resident, thanked the commission and Mayor for the guidelines for Proclamations. She thanked the Commission for standing for their convictions. She asked about the status of the YMCA.

Aaron Rye, resident, said he stands behind the Commissions actions and said thank you.

8. CONSENT AGENDA

Commissioner Krueger made a motion to approve the Consent Agenda. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

8.I. Minutes - May 16, 2023 And May 31, 2023

8.II. Expenditure Request: Police Forfeiture Funds

[Begin Agenda Memo]

RECOMMENDATION Staff recommends the city commission approve the expenditure of law enforcement forfeiture funds in the amount of \$48,825.00 for the purchase of automated external

defibrillators (AEDs).

BACKGROUND Section 932.7055, Florida Statutes, provides that forfeiture funds may be expended upon request by the Chief of Police to the City Commission for law enforcement purposes, to include the purchase of equipment.

Sudden cardiac arrest is among the leading causes of death in the United States. According to the American Red Cross, more than 350,000 people will suffer a cardiac arrest this year. Currently, the only way to restore a regular heart rhythm during cardiac arrest is to use an automated external defibrillator (AED).

An AED is used to help those experiencing sudden cardiac arrest if necessary, by delivering an electrical shock, or defibrillation, to help the heart re-establish an effective rhythm. Although the police department currently utilizes AEDs, not every member carries one in their assigned police vehicle. In order to fully equip every sworn member with an AED, the department requests commission approval to purchase thirty-five (35) defibrillators from Coro Medical LLC. using NASPO Contract Pricing, Master Contract #SW300; FL Addendum #42172101-18.

FISCAL IMPACT This expenditure will reduce the forfeiture fund balance to \$54,949.72

OPTIONS The city commission may choose to fund this expenditure from general operating revenues.

[End Agenda Memo]

8.III. Event Permit Application: Lake Wales Public Library Florida Foam Party Event June 29, 2023

[Begin Agenda memo]

SYNOPSIS The Lake Wales Public Library is requesting a special event permit for a Florida Foam Party event to be held on June 29, 2023 from 10:30 a.m. - 11:30 a.m. This event will close Cypress Garden Lane and the parking lot west of the Library across Cypress Garden Lane.

RECOMMENDATION Staff recommends approval of the special event permit for the Florida Foam Party event and for Cypress Garden Lane to be closed from 9:00 a.m. - 12:00 p.m.

BACKGROUND As part of their summer programming the Lake Wales Public Library is hosting a Florida Foam Party event on Thursday June 29th from 10:30 a.m. - 11:30 a.m. This will involve a large sand pile and other setup. This will require that Cypress Garden Lane, where the library is located be closed during the event. The parking lot west of the Library will also be closed.

OTHER OPTIONS Do not approve the event permit or the road closure.

FISCAL IMPACT None

[End Agenda Memo]

8.IV. Event Permit Application - Lake Wales Public Library Touch-A-Truck Event July 20, 2023

[Begin Agenda Memo]

SYNOPSIS The Lake Wales Public Library is requesting a special event permit for a Touch a Truck event to be held on July 20th, 2023 from 10:30 a.m. - 11:30 a.m. This event will close Cypress Garden Lane and the parking lot west of the Library across Cypress Garden Lane.

RECOMMENDATION Staff recommends approval of the special event permit for the Touch a Truck

event and for Cypress Garden Lane to be closed from 9:00 a.m. - 12:00 p.m.

BACKGROUND As part of their summer programming the Lake Wales Public Library is hosting a Touch-a-Truck event on Thursday July 20th from 10:30 a.m. - 11:30 a.m. This will involve several large trucks being on site. This will require that Cypress Garden Lane, where the library is located be closed during the event. The parking lot west of the Library will also be closed.

OTHER OPTIONS Do not approve the event permit or the road closure.

FISCAL IMPACT None

[End Agenda Memo]

8.V. Commission Meeting Date Change

[Begin Agenda Memo]

SYNOPSIS This would change the date of the Tuesday July 4, 2023 Commission meeting to Wednesday July 5, 2023.

RECOMMENDATION Staff recommends that the City Commission Change the date of the meeting scheduled for Tuesday, July 4, 2023 to Wednesday, July 5, 2023.

BACKGROUND Per our Charter and Code of Ordinances the City Commission meets on the 1st and 3rd Tuesdays of each month. The first Tuesday in July falls on Independence Day which is a paid holiday for City staff. So staff recommends changing the date to Wednesday July 5, 2023.

OTHER OPTIONS Do not change the date or choose another date.

FISCAL IMPACT None

[End Agenda Memo]

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Ordinance 2023-18 Amendment To Chapter 23, Zoning, Land Use, And Development Regulations 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Staff proposes an amendment to Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts

RECOMMENDATION Staff recommends approval of Ordinance 2023-18 after 1st reading and public hearing and adoption after 2nd reading and public hearing.

At a regular Planning and Zoning Board Meeting on May 23, 2023, the Planning and Zoning Board voted unanimously to recommend to City Commission the amendment of Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts, to reinstall certain revisions adopted under Ordinance 2022-37 and inadvertently removed with the adoption of Ordinance 2022-45.

BACKGROUND At a regular Planning and Zoning Board Meeting on July 26, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission to amend several sections of the

Land Development Code as part of a larger effort to adopt Downtown Design guidelines. This included updates to the Permitted Use Chart, Table 23-421, to add the DMU – Downtown Mixed Use zoning district, as well as use categories such as Dwelling: Single-family attached and Live/Work Unit. As a result, Staff advanced Ordinance 2022-37 to City Commission which was adopted (see attachments).

On October 4, 2022, Planning Staff advanced Ordinance 2022-45 to City Commission for adoption, which revised and moved a note under Table 23-421 related to lot of record provisions within the CRA areas; the Table was included for context with that Ordinance. Staff has since found that the Table used for Ordinance 2022-45 had not been properly updated and codified by eLaws to include the Ordinance 2022-37 revisions, and therefore inadvertently removed the amendments to the Table when it was used for a subsequent ordinance.

The purpose of this action is to correct Table 23-421 to reflect all changes already adopted.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-18** by title only.

ORDINANCE 2023-18

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA PERTAINING TO LAND USE; AMENDING TABLE 23-421, PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, IN CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES; PROVIDING FOR SEVERABILITY, CODIFICATION, RATIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve ORDINANCE 2023-18 after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

10.II. Resolution 2023-08, Preliminary Rate Resolution For Fire Protection Services Assessment

[Begin Agenda memo]

SYNOPSIS: Preliminary Rate Resolution for Fire Protection Services Assessment

RECOMMENDATION It is recommended that City Commission adopt Resolution 2023-08 providing the Preliminary Rate Resolution for Fire Protection Services Assessment.

BACKGROUND It is recommended that the City Commission set the Preliminary Fire Protection Services Assessment rate and adopt Preliminary Fire Protection Service Assessment Resolution 2023-08 providing for Fire Protection Services Assessments for fiscal year beginning October 1, 2023. Staff is recommending the following rate scenario:

Property Category Assessment Rate

Single-Family Per dwelling unit \$146

Multi-Family Per dwelling unit \$ 72

Mobile Home Per dwelling unit \$129

Property Category Assessment Rate

Commercial Per Sq Ft \$.06

Industrial/Warehouse Per Sq Ft \$.01

Institutional Per Sq Ft \$.08

OTHER OPTIONS Rely solely on the ad valorem taxes to fund fire protection services, equipment, and programs.

FISCAL IMPACT The estimated net revenue is \$1,133,058. Initial fire protection assessment rates are 45.25% of assessable costs.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2023-08** by title only.

RESOLUTION 2023-08 (Preliminary Assessment Resolution)

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; PROVIDING AUTHORITY, PURPOSE, AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSMENT COSTS AGAINST PROPERTIES WITHIN THE CITY OF LAKE WALES; DETERMINING THE FIRE PROTECTION ASSESSED COST AND INITIAL FIRE PROTECTION ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREFOR; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Commissioner Krueger made a motion to adopt **RESOLUTION 2023-08**. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

10.III. Resolution 2023-09, Preliminary Rate Resolution – Brookshire Street Lighting District.

[Begin Agenda Memo]

SYNOPSIS: Preliminary Rate Resolution for the Brookshire Street Lighting District

RECOMMENDATION It is recommended that City Commission adopt Resolution 2023-09 providing the Preliminary Rate Resolution for the Brookshire Street Lighting District.

BACKGROUND In 2010, the City of Lake Wales received a petition requesting the creation of a Street Lighting District for the Brookshire subdivision. The District includes the thirty-one (31) decorative street lighting poles. Eighty-seven (87) platted lots are within the street lighting district and the estimated annual street lighting costs are \$13,175. The estimated annual charge per plated lot is \$155 based on the 85 billable parcels.

OTHER OPTIONS Do not approve Brookshire Street Lighting District special assessment.

FISCAL IMPACT Annual estimated assessment revenue of \$13,175 is expected to pay all street lighting costs relating to the services, facilities and programs within the Brookshire Street Lighting District.

[Begin Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2023-09** by title only.

RESOLUTION 2023-09

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE FUNDING OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; DESCRIBING THE METHOD OF ASSESSING STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Commissioner Krueger made a motion to approve **RESOLUTION 2023-09** by title only. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

10.IV. Resolution 2023-10 Revised FDOT Agreement

[Begin Agenda Memo]

Synopsis: The City Commission will consider approving Resolution 2023-10, authorizing the City Manager to execute a revised Traffic Signal Maintenance and Compensation agreement with the Florida Department of Transportation (FDOT).

RECOMMENDATION

1. Approve Resolution 2023-10, authorizing the City Manager to execute a revised Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT).

BACKGROUND In 2016, the Commission approved a Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT). On an annual basis the listing of devices, locations and compensation schedules are updated and agreed upon through amendments executed by both parties. FDOT desires to enter into a revised long-term agreement for the maintenance of signalized intersections and other traffic control devices. The City is agreeable to providing ongoing maintenance services in accordance with the schedule and compensation proposed by FDOT. Staff recommends the Commission take the following action; approving Resolution 2023-10, authorizing the City Manager to execute a revised Traffic Signal Maintenance and Compensation agreement with the Florida Department of Transportation (FDOT).

FISCAL IMPACT This agreement provides for an annual payment from FDOT for \$60,973.00.

OTHER OPTIONS None. The City has already approved the Traffic Signal Maintenance agreement with FDOT.

[End Agenda Memo]

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

RESOLUTION 2023-10

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR A TRAFFIC MAINTENANCE AND COMPENSATION AGREEMENT.

Commissioner Thompson made a motion to adopt **RESOLUTION 2023-10**. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that 2 properties were foreclosed on and transferred to the CRA. These were 315 Dorsett Avenue and 610 Dr. JA Wiltshire Ave.

12. CITY MANAGER

James Slaton, City Manager, invited the Commission to the Legacy Housing rehabilitation ribbon cutting on Monday on Wiltshire.

Tomorrow Retail Strategies will be here tomorrow and hosting an input session at the Women's Club.

Mr. Slaton said the next round of Street Resurfacing will begin next Monday.

The Library has a series of summer programs starting with Gatorland on June 15th. The event is free.

Mr. Slaton said staff is working on the YMCA. There are 5 potential scenarios with potential partners that they are exploring. They will make sure the Y stays open next year.

12.1. Commission Meeting Calendar

James Slaton, City Manager, announced that there will be a CRA Meeting next Tuesday and Work Session Wednesday.

13. CITY COMMISSION COMMENTS

Commissioner Krueger said to the Mayor that he supports his position on the Pride Proclamation.

Commissioner Williams said he agreed. He is excited to be a part of the City Commission and serve all people.

Deputy Mayor Gibson commended Eric for his efforts on the newsletter.

Deputy Mayor Gibson said he appreciates the efforts concerning the Y.

Commissioner Thompson said he supports the methodology that the Proclamations are evaluated with. He said that maybe the proclamation needs editing. Maybe we can come up with a way forward.

14. MAYOR COMMENTS

Mayor Hilligoss reported that he gave some visitors tours of Lake Wales and showed them the Park Avenue trail. They loved our town and what we are doing here. They are potential investors.

Mayor Hilligoss said he is glad the Ordinance was approved that restores the mixed use zoning district for downtown. He is glad for the progress on Lake Wales Connected.

15. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.



Mayor

ATTEST:

City Clerk