

City Commission Meeting minutes

February 7, 2023

(APPROVED)

2/7/2023 - Minutes

1. INVOCATION

Rev Herb Schlenker 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

Commissioners Present: Robin Gibson, Terrye Howell, Danny Krueger Mayor Jack Hilligoss, Daniel Williams

Commissioner Absent:

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

5. PROCLAMATIONS AND AWARDS

5.I. Proclamation - Lake Wales High School Football Team

Mayor Hilligoss presented a proclamation to the Lake Wales High School Football team commemorating their State Championship.

6. COMMENTS AND PETITIONS

Juanita Zwaryczuk, resident, commended the City on the public forum on the Crystal Lake Park Trail. She liked the presentation on water at the workshop and said this presentation should be given to the public. She requested that the names of those serving on City boards be added to the website.

Charlene Bennett, resident, recommended that Resolution 2023-02 Progress in Planning be sent to all board members especially Planning and Zoning. She also discussed the Comments and Petitions sign-up card. Those not in the City limits should be allowed to speak.

Terry Christian, Property Owner, spoke against the Comments and Petitions process. He spoke in favor of restoring Kris Fitzgerald to office. He spoke in favor of transparency. We need more recreation opportunities.

Catherine Price, resident, spoke about the ADS pipe plant. She spoke on transparency concerns regarding this project.

Larry Bossarte, Business Owner, thanked the Commission for their efforts and service to the Community.

Mrs. Johnson, resident, asked about possibly getting body cam footage. Mayor Hilligoss advised her to speak with the City Manager.

Tiffany Randolph, resident, spoke on the need for more streetlights and pedestrian safety measures where a child was recently killed.

7. CONSENT AGENDA

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

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

7.I. Minutes - January 17, 2023 And February 1, 2023

7.II. Agreement For Professional Services Provided By Dorothy Abbott, CPA, MPA [Begin Agenda Memo]

SYNOPSIS: The City Commission will consider entering into an agreement with Dorothy Abbott for accounting services within the Finance Department.

STAFF RECOMMENDATION:

1. Approve an agreement between the City of Lake Wales and Dorothy Abbott, CPA, MBA.
2. Authorize the City Manager to execute the agreement.

BACKGROUND: For over 14 years, Dorothy Abbott has served as the Finance Director for the City of Lake Wales and she has extensive knowledge in the following areas:

- 1) The annual budget process, non-ad valorem compliance, and TRIM requirements,
- 2) Audit preparation, internal controls, grant compliance, and required documentation relating to year-end closing procedures, 3) Both managerial and daily operational knowledge within government finance departments.

Mrs. Abbott recently resigned her position with the City to relocate to Putnam County. Staff

recommends approval of a professional services agreement with Mrs. Abbot to ensure a seamless transition of responsibilities with minimal interruption. The proposed agreement is for a twelve-month term and can be renewed for two additional twelve-month terms if needed. The contract amount is \$50,000 (\$33,000 for the balance of FY'23). Budgeted funds for the Finance Director position are more than sufficient to cover the contract costs and will likely result in a net savings for the remainder of the fiscal year.

FISCAL IMPACT: The contract cost is \$33,000 for the remainder of FY'23, however, the actual fiscal impact will result in a net savings to the City's general fund.

[End Agenda memo]

8. OLD BUSINESS

8.1. Ordinance 2023-03 Franchise Agreement – Duke Energy 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of a Franchise Agreement with Duke Energy.

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

1. Adopt Ordinance 2023-03 Franchise Agreement with Duke Energy after 2nd reading and Public Hearing.
2. Authorize the Mayor to execute the necessary documents on behalf of the City.

BACKGROUND The 30-year Franchise Agreement with Duke Energy (DE) has expired and DE desires to enter into a new agreement with the City. The Franchise Agreement grants express permission for the electric utility's infrastructure to remain in the City's rights-of-way for the Utility's continued operations. DE pays to the City approximately \$1.6 Million in Franchise Fees (6% of Duke's Base Revenues) annually for use of the City's rights-of-way. The Franchise Area mirrors the city limits of Lake Wales and thus expands or contracts with the city's boundaries.

Section 4 (D) of the agreement provides for the use of the City's rights-of-way for the purpose of construction or installation of solar-generating facilities by entities other than DE.

Understanding that innovations in energy-generating technology may arise in the future, DE has agreed to a 10- year agreement term that will be renegotiated in a much shorter timeline than the previous Franchise Agreement.

OTHER OPTIONS 1. Do not approve the Franchise Agreement and direct staff to continue negotiations with Duke Energy.

FISCAL IMPACT The current-year fiscal impact of the Franchise Agreement is approximately \$1.6 Million revenue into the City's General Fund.

[End Agenda memo]

Jennifer Nanek, City Clerk, read ORDINANCE 2023-03 by title only.

ORDINANCE 2023-03

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC d/b/a DUKE ENERGY, AN ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF LAKE WALES, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt ORDINANCE 2023-03 after 2nd Reading and Public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion passed 5-0.

9. NEW BUSINESS

- 9.I. ORDINANCE 2022-54 Annexation – 1st 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 Staff recommends approval at first reading and adoption after second reading of Ordinance 2022-54 following a public hearing. 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.

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) Parcel ID: 273014000000021030, 273014000000023010, 273014000000023020, 273014000000023030

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 47.31 ACRES OF LAND, 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

Becky Wynkoop, resident, said it is not easy to get information on the agenda and from City staff.

Catherine Price, resident, said she is speaking on this and next two items as they are similar. She said as there are no immediate plans for this property we should hold off and think about what should go here. There is not an immediate need for this.

Corby Myers, attorney on behalf of the applicant, reviewed this project. He said they were contacted by the Economic Development Council because there is a need for this.

Skip Alford, Chamber of Commerce and Economic Development Council, said there is a need for this. He is getting a lot of leads for projects. We need property that is shovel ready to build on. We can decide what companies we want. We want to control the land around. Companies may pass us by if we don't get these areas ready.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this is consistent with the concepts of the Lake Wales Envisioned Plan.

Commissioner Howell expressed concern about what business will be on the property. She is afraid something might come that the Commission can't vote on. James Slaton, City Manager, said we don't know what will come. We will adapt accordingly. Commissioner Howell said she is concerned about something hazardous that might come in.

Commissioner Krueger made a motion to approve **ORDINANCE 2022-54** after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 4-1.

- 9.II. 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. 1st Reading And Public Hearing

[Begin Agenda Memo]

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

RECOMMENDATION Approval at first reading and 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 special meeting on January 5, 2023:

Current Land Use: Polk County Residential Suburban (RS)

Proposed Land Use: Business Park Center (BPC)

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.

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

Becky Wynkoop, resident, spoke against additional projects on southside of town and granting variances. We need to stick to our comp plan. She shared about past problems on Chalet Suzanne Rd. The City Commission should stick to their guns.

CLOSED PUBLIC HEARING

Commissioner Williams made a motion to approve **ORDINANCE D2022-35** after 1st Reading and Public Hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 4-1.

- 9.III. 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. 1st Reading And Public Hearing

[Begin Agenda Memo]

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

RECOMMENDATION A recommendation of approval to City Commission 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)

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".

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

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 COMMENT

Commissioner Krueger made a motion to approve **ORDINANCE D2022-36** after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 4-1.

- 9.IV. ORDINANCE 2023-04 Future Land Use Amendment For 6.51 Acres Of Land South Of Grove Avenue East And East Of 1st Street South Parcel - 1st Reading And Public Hearing
[Begin Agenda memo]

SYNOPSIS: Mathews Properties & Development Inc request a recommendation to City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 6.51 acres.

RECOMMENDATION Approval at first reading and 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 special meeting on January 5, 2023.

Current Zoning: R-1B

Proposed Zoning: R-1C

BACKGROUND: The subject property is located south of Grove Avenue East and east of 1st Street South. The property is situated just west of McLaughlin Middle School and south of the Publix Plaza. The parcel is currently within the city limits and surrounded by existing development.

There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before the Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat.

A Land Use designation of Medium Density Residential MDR would be appropriate as the area supports a mix of uses from single family homes to assisted living facilities and multifamily complexes. Properties such as the Water's Edge Living Facility, McLaughlin Middle School and the Apartments along 3rd Street South have land use designations of MDR.

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 \$60,546 dollars, bringing in additional property taxes. Assignment would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Jennifer Nanek, City Clerk, read ORDINANCE 2023-04 by title only.

ORDINANCE 2023-04 (Small-Scale CPA/Future Land Use Map Amendment for approximately 6.51 acres of land south of Grove Avenue East and east of 1st Street South)

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 6.51 ACRES OF LAND SOUTH OF GROVE AVENUE EAST AND EAST OF 1ST STREET SOUTH, FROM CITY OF LAKE WALES DESIGNATION LDR TO MEDIUM DENSITY RESIDENTIAL MDR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Catherine Price, resident, commended the process for planning for this process. She recommended waiting until a plan is submitted before changing the land-use and zoning. This could be leverage to get

what we want.

Shelton Rice, Peterson & Myers representing the owner, reviewed this project. The developer has experience in a wide range of projects. He reviewed the history of this effort. Any of the possibilities require this land change. This makes it marketable. We need entitlements in place to get someone to pursue this project.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this would be a unique project. What is proposed is something creative, unique and consistent with our Olmsted heritage. This would be different from other projects in other areas in Polk County. This would be special.

Commissioner Krueger said he agreed.

Commissioner Howell said she liked this project but cautioned against allowing variances with out making the developer pay.

Commissioner Krueger made a motion to approve **ORDINANCE 2023-04** after 1st reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.V. ORDINANCE 2023-05 Zoning Map Amendment For 6.51 Acres Of Land South Of Grove Avenue East And East Of 1st Street South. 1st Reading And Public Hearing
[Begin Agenda memo]

SYNOPSIS: Mathews Properties & Development Inc. request a recommendation to City Commission to amend the Zoning Map of the Comprehensive Plan on parcels of land totaling approximately 6.51 acres.

RECOMMENDATION A recommendation of approval to City Commission to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on January 5, 2023.

Current Zoning: R-1B

Proposed Zoning: R-1C

BACKGROUND The subject property is located south of Grove Avenue East and east of 1st Street South. The property is situated just west of Mclaughlin Middle School and south of the

Publix Plaza. The parcel is currently within the city limits and surrounded by existing development. There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before the Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat

A zoning designation of R-1C would be appropriate as the area supports a mix of uses from single family homes to assisted living facilities and multifamily complexes. The single-family homes just west of the project site have a zoning designation of R-1C.

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

FISCAL IMPACT The property is valued at a total of \$60,546 dollars, bringing in additional property taxes. Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-05**

ORDINANCE 2023-05 (Zoning Map Amendment for approximately 6.51 acres of land south of Grove Avenue East and east of 1st Street South.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 6.51 ACRES OF LAND SOUTH OF GROVE AVENUE EAST AND EAST OF 1ST SOUTH, FROM CITY OF LAKE WALES DESIGNATION R-1B TO R-1C; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE 2023-05** after 1st reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9.VI. RESOLUTION 2022-33 Approval Of Retreat Report And Adoption Of Strategic Priorities

[Begin Agenda Memo]

SYNOPSIS Resolution 2022-33 approves the report of the October 2022 City Commission retreat and adopts the 5 strategic priorities and milestones.

RECOMMENDATION Staff recommends adoption of Resolution 2022-33.

BACKGROUND In October 2022 the City Commission along with the City Manager and members of staff conducted a retreat reviewing and amending the previously identified strategic priorities for the City of Lake Wales. 5 strategic priorities were identified along with milestones to address those priorities.

OTHER OPTIONS Do not approve the report or recommend changes to the report.

FISCAL IMPACT None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-33** by title only.

RESOLUTION 2022-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES APPROVING THE FINAL REPORT OF THE OCTOBER, 2022 CITY COMMISSION RETREAT; ADOPTING THE STRATEGIC PRIORITIES AND MILESTONES IDENTIFIED IN THE REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Krueger made a motion to adopt RESOLUTION 2022-33. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9.VII. RESOLUTION 2023-04 Comments And Petitions

[Begin Agenda Memo]

SYNOPSIS Resolution 2023-04 revises comments and petitions to allow residents outside the City limits within the Lake Wales High School attendance zone to speak during Comments and Petitions and Public Hearings

RECOMMENDATION Staff recommends adoption of Resolution 2023-04 Comments and Petitions.

BACKGROUND At the request of the Commission Resolution 2023-04 revises Resolution 2022-34 to allow residents within the Lake Wales High School attendance zone to speak at City Commission meetings.

OTHER OPTIONS Do not adopt Resolution 2023-04

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2023-04** by title only.

RESOLUTION 2023-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ESTABLISHING POLICIES TO GOVERN THE COMMENTS AND PETITIONS PORTIONS OF PUBLIC MEETINGS; ESTABLISHING A LIMITATION ON PERSONS WHICH MAY SPEAK DURING THOSE PORTIONS OF THE MEETING WHICH ALLOW FOR PUBLIC COMMENTS; ESTABLISHING A TIME LIMIT FOR ADDRESSING PUBLIC MEETINGS; LIMITING THE SPEECH TO RELEVANT AND LEGITIMATE INQUIRIES AND DISCUSSION BY THE PUBLIC; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell asked about the high school attendance zone. Does that include other schools? How about McLaughlin? Deputy Mayor Gibson said utilizing zip codes would be better. he said the McLaughlin zone may have been expanded to Winter Haven.

Albert Galloway Jr., City Attorney, said he has a draft that uses zip codes ready to go.

Deputy Mayor Gibson suggested tabling this issue to put the revised resolution on the agenda for public review.

Mayor Hilligoss agreed.

Deputy Mayor Gibson made a motion to table Resolution 2023-04 until the next meeting. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

motion passed 5-0.

10. CITY CLERK

- 10.I. 2023 Municipal Election & Canvassing Board Information
[Begin Agenda Memo]

2023 MUNICIPAL ELECTION INFORMATION

The regular Municipal Election of the City of Lake Wales is Tuesday, April 4, 2023. We will elect a Commissioner for Seat 3 and a Commissioner for Seat 5 for terms of three years beginning May 2, 2023. Members of the City Commission must be registered voters and residents of the City of Lake Wales for at least one year preceding their date of election.

The two seats up for election are currently held by the following Commission members:

Seat 3 Commissioner Terrye Howell

Seat 5 Commissioner Robin Gibson

The Commissioner elected to Seat 3 must reside in Seat 3, and the Commissioner elected to Seat 5 must reside in Seat 5.

The qualifying period for a person to qualify as a candidate is from 12:00 p.m., noon, Monday, February 13 through 12:00 p.m., noon, Friday, February 17. Candidate packets are available in the City Clerk's office beginning 9:00 a.m., Friday, February 3. This packet contains qualifying papers, nominating petitions, and other necessary information and instructions to qualify as a candidate.

At the end of qualifying the City Clerk must prepare and submit to the Supervisor of Elections Office the approved ballot by 5:00 p.m. A special City Commission meeting has been scheduled for February 17 at 4:00 p.m. for that purpose. The scheduled special meeting date is also listed on the City Commission Calendar located under the City Manager portion of the Agenda.

The Municipal Election will be held at the Municipal Administration Building, 201 W. Central Ave., Lake Wales and at the Lake Ashton Clubhouse, 4141 Ashton Club Drive, Lake Wales on Tuesday, April 4, 2023, 7 a.m. to 7 p.m. The City Commission will reschedule its first meeting in April from 6:00 p.m., Tuesday, April 4 to 6:00 p.m., Wednesday, April 5. Contact the Supervisor of Elections at 863-534-5888 to request a Vote By Mail Ballot. Voter registration deadline is March 6, 2023.

CANVASSING BOARD INFORMATION

While the Supervisor of Elections and the City Clerk may perform many of the tasks necessary to conduct the election, the City Commission serves as the Municipal Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. It is necessary to review the responsibilities well in advance to prevent calendar conflicts because a quorum must be present at all Canvassing Board meetings.

The following rules apply to all members of the Canvassing Board:

No member can serve if they are a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an

intentional effort to demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07.

If a lack of a quorum is created on the Canvassing Board due to this rule or any other unavoidable cause, the City Commission may appoint the city manager, city attorney, or resident/s to serve in the absence of that commission member/s to serve on the Canvassing Board to avoid a possible lack of quorum (Sec. 8-26, Lake Wales Code of Ordinances). The City Clerk will prepare an agenda item for the first meeting in March for the City Commission to appoint additional people to serve on the Canvassing Board. Per Florida Statute, Canvassing Board members are required to attend the following meetings.

Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A) Tuesday, March 28, 2023; 3:30 p.m. Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway). -At least one member of the Canvassing Board must attend the L&A Testing.

Election Night Canvassing of Ballots Tuesday, April 4, 2023, time to be scheduled by SOE (5:00 p.m. or later) Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 -A quorum must be present and must remain until all ballots are tabulated.

Certification of Election City of Lake Wales Municipal Administration Building Thursday, April 6, 2023; 5:00 p.m. -A Quorum must be present.

Post-Election Manual Audit Tuesday April 11, 2023 with Time to be determined. Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 -A quorum must be present.

[End Agenda memo]

Jennifer Nanek, City Clerk, reviewed this item.

Mayor Jack Hilligoss, Commissioner Williams, and Commissioner Krueger agreed to serve on the canvassing board.

Ms. Nanek said she will bring a list of possible canvassing board alternates for approval at a later date.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney reviewed the ADS project. He said the hearing on Thursday will be canceled. He read a statement:

[Begin Statement]

As you are aware, I have not been involved with the permitting requested by Advanced Drainage Systems, Inc., ("ADS") for its project planned for property currently owned by Hunt Brothers, Inc. I have become involved since objections to Special Exception Use Permitting were raised on behalf of the Village of Highland Park by Andrew J. Hand, Esquire. For various reasons, Mr. Hand sought cancelation of the special meeting of the Lake Wales Planning and Zoning Board scheduled for February 9, 2023.

Ostensibly, the meeting was for the purpose of considering approval of a Special Exception Use Permit to allow Heavy Manufacturing in the 1-1 Zoning District on property lying North of Hunt Brothers Road and East of 11th Street South. The property is within the City limits with an existing land use designation of Industrial (IND) and a zoning designation of Industrial Park (1-1).

Upon review of the City's Land Use and Development Regulations concerning this project, a Special Exception Use Permit for heavy manufacturing is not required. In accordance with the provisions of Ordinance 2022-06 which was adopted on March 2, 2022, Manufacturing-Heavy was revised to be a use permitted by right. See Table 23-421 which identifies Permitted Uses and Special Exception Uses in Standard Zoning Districts. No approval of the Planning and Zoning Board is required.

In addition, approval was sought for outdoor storage. It appears that it was thought that outdoor storage for this project required approval in accordance with §23-343.d of the City's Land Use and Development Regulations governing Outdoor sales and events. The cited provision is inapplicable to this project. Outdoor storage in BP, 1-1 and 1-2 is allowed with site plan approval. See the Notes to Table 23-241. No approval of the Planning and Zoning Board is required.

The City's Development Review Committee has determined, in accordance with the provisions of §23-223.3.b, that the subject ADS project is a Minor project.

The Planning and Zoning Department's Administrative Official may approve this project's site plan with no requirement of consideration or approval by the Planning and Zoning Board.

In light of the foregoing, if it is the intent of the Administrative Official to approve this project's site plan, it is my opinion that the special meeting of the Planning and Zoning Board scheduled for February 9, 2023, may be canceled and need not be rescheduled.

[End Statement]

12. CITY MANAGER

James Slaton, City Manager, said we have a date set to kick off the Lake Wales Envisioned project. It will be March 20 at Bok Tower. More details will be forthcoming.

Mr. Slaton said that in light of recent events he will work with the Schools and Duke Energy to get more lights at bus stops.

There will be a celebration for the High School football team on the 25th at Kiwanis Park.

12.1. Commission Meeting Calendar

13. CITY COMMISSION COMMENTS

Commissioner Krueger said he liked the proposals from DoverKohl. Any one of them would be fine.

Commissioner Krueger shared about Fredrick Douglass in honor of Black History Month.

Commissioner Williams spoke against some of the negative comments against the City Commission. We have work to do. The resolution does not suppress anyone's right to speak. We wanted more structure at the meetings. Everyone should be respectful. He is glad to be a City Commissioner. We can disagree respectfully.

Commissioner Williams said he spoke to the City Manager and Chief of Police. The body cam video is out of our hands. he asked for an email or statement explaining this from the State Attorney's office. Mr. Slaton

said he is working on this. He said the investigation is ongoing as soon as it is complete it can be released to the public.

Commissioner Williams asked about black out areas mentioned earlier. Mr. Slaton said he will investigate this.

Commissioner Williams said we need to have more economic development in Lake Wales. We need to do due diligence but he trusts City Staff to do their jobs. No one wants to bring something hazardous to Lake Wales.

Commissioner Howell said she doesn't understand why its taking so long to conduct the investigation. We paid a lot of money for body cams we should be able to see the video. Mr. Slaton said he will try to see what can be done.

Commissioner Howell expressed concern about dark areas in Lake Wales. Mr. Slaton said the work to update lights with LED lighting is ongoing. He has a list of bus stops in Lake Wales and they will work on a plan to get lighting in those areas.

Deputy Mayor Gibson said that we owe our Citrus industry a lot and they are in trouble so we are in trouble. Lake Wales needs to attract new industry and jobs.

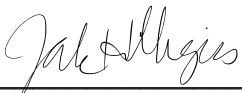
Deputy Mayor Gibson brought up the corner of Central and 60. He would like to revisit purchasing the property.

14. MAYOR COMMENTS

Mayor Hilligoss asked that the Resolution 2023-02 be passed along to all board members. He asked for the names of board and committee members be added to the website.

15. ADJOURNMENT

The meeting was adjourned at 7:57 p.m.



Mayor

ATTEST:

City Clerk