

The meeting of the Lake Wales City Commission was held on October 21, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Deputy Mayor Lutton at 6:00 p.m. following the invocation and the Pledge of Allegiance.

#### **INVOCATION**

The invocation was given by Dr. Jim Moyer.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Terrye Howell; Betty Wojcik; Christopher Lutton, Deputy Mayor

**COMMISSIONERS ABSENT:** Eugene Fultz, Mayor; Jonathan Thornhill

**CITY REPRESENTATIVES PRESENT:** Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Jennifer Nanek, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

#### **MAYOR**

#### **ANNUAL REPORT**

#### **COMMUNICATIONS AND PETITIONS**

#### **CONSENT AGENDA**

**Agenda Item 5.                    APPROVAL OF MINUTES:        October 7, 2014**

**Agenda Item 6.                    Amendment to Economic Development Agreement between the Lake Wales Area Chamber of Commerce and the City of Lake Wales**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval ratifies the funding increase to the Economic Development Agreement from \$100,000 to \$125,000 approved by the City Commission on September 16, 2014. Other terms of the Agreement remain the same.

#### **RECOMMENDATION**

The recommendation is for the City Commission to approve an Amendment to the Economic Development Agreement between the Lake Wales Area Chamber of Commerce and the City of Lake Wales increasing the funding from \$100,000 to \$125,000.

The City Commission approved the \$25,000 increase in funding on September 16, 2014 through the adoption of the FY2014-2015 Budget. The approval of the Amendment ratifies this approval.

#### **BACKGROUND**

The original Economic Development Agreement between the Lake Wales Area Chamber of Commerce and the City of Lake Wales was approved by the City Commission on March 19, 2013, the effective date of which is June 24, 2013. During the 2014 budget adoption process the City Commission agreed to

increase the funding to the Chamber of Commerce from \$100,000 to \$125,000. Other terms of the Agreement remain the same.

### **FISCAL IMPACT**

The \$25,000 increase in funding to the Economic Development Agreement is budgeted in the FY2014-2015 Budget.

[End Agenda Memo]

### **Agenda Item 7.            Approval of Application for FRDAP Grant Funds to install additional lighting at the Soccer Complex on Hunt Brothers Rd.**

[Begin Agenda Memo]

### **SYNOPSIS**

This is a grant application for \$150,000 towards improvements to the Soccer Complex on Hunt Brothers Road. These funds will be for additional lighting on two fields. Deadline for submittal is October 31. There is a \$50,000 match requirement which can be spent next fiscal year.

### **RECOMMENDATION**

Staff recommends that City Commission take the following action:

1. Approve the Florida Recreation Development Assistance (FRDAP) grant application to be submitted to the Department of Environmental Protection for lighting improvements to the Soccer Complex.
2. Authorize the City Manager to execute the applications on the City's behalf.

### **BACKGROUND**

When the Soccer Complex was completed in 2008 only 25% (approximately) of the necessary field lighting was installed. As a result, the majority of the complex is not usable after daylight hours. The fields that are currently lit require much more maintenance as they are overused due to the unavailability of the lights on the remaining fields. This next phase of lighting will be strategically installed in the center of the complex in an effort to light as many of the fields as possible, maximizing the dollars spent. This complex facilitates recreation for approximately 600 children annually.

This application is for the first phase of an effort to light all of the fields. If awarded, the City will receive the grant agreement in July 2015. The 25% required match can be spent in the next fiscal year. If this effort is successful, Phase 2 will be applied for in the future to complete the lighting of the fields.

### **OTHER OPTIONS**

Do not submit the application.

### **FISCAL IMPACT**

A match of \$50,000  
Prepared by the Finance Department and attached.

[End Agenda Memo]

Commissioner Howell made a motion to approve the consent agenda. Commissioner Wojcik seconded the motion.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Deputy Mayor Lutton	"YES"

The motion carried 3-0.

## **OLD BUSINESS**

### **Agenda Item 8. Ordinance 2014-13, Amendment to Emergency Management Procedures – 2<sup>nd</sup> Reading & Public Hearing**

[Begin Agenda Memo]

## **SYNOPSIS**

The adoption of Ordinance 2014-13 provides an amendment to the Lake Wales Code of Ordinances, Chapter 9, Emergency Management. The amendment is necessary to allow for a broader approach to Emergency Management functions in the city.

## **RECOMMENDATION**

The recommendation of the City Commission is to adopt Ordinance 2014-13 after second reading and public hearing.

The City Commission approved Ordinance 2014-13 after first reading on October 7, 2014. Public hearing notice requirement has been met.

## **BACKGROUND**

The current ordinance is primarily for civil disturbances. The proposed ordinance includes other events that might prompt activation of the city's Emergency Management System.

## **OTHER OPTIONS**

None; this is a housekeeping ordinance which conforms the City Code to the requirements of Florida Statutes and actual practice.

## **FISCAL IMPACT**

The only fiscal impact is codification of Ordinance 2014-13.

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE 2014-13** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 9, EMERGENCY MANAGEMENT, WHICH INCLUDES REPEALING ORDINANCE 2011-20, REGULATION OF FIREARMS, SECTIONS 9-2, 9-3, AND, 9-4; AND REPEALING ORDINANCE 2006-26, ESTABLISHING THE POSITION OF EMERGENCY**

**MANAGEMENT DIRECTOR AND ESTABLISHING DUTIES AND RESPONSIBILITIES OF SAID DIRECTOR, SECTION 9-9; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED PUBLIC HEARING**

There were no comments from the public.

**CLOSED PUBLIC HEARING**

Commissioner Wojcik made a motion to adopt **ORDINANCE 2014-13**, after second reading and public hearing. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Howell	"YES"
Deputy Mayor Lutton	"YES"

The motion carried 3-0.

**NEW BUSINESS**

**Agenda Item 9. Preliminary Residential PDP Plan, Serenity at Lake Wales Apartments, Equinox of Florida, LLC – Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS**

The request is for approval of a preliminary residential planned development project (PDP) on approximately 20 acres located north of Chalet Suzanne Road and east of US Highway 27 and Shoppes on the Ridge. The proposal is for an apartment complex with 335 units in thirteen three-story walk-up buildings. Several other parcels, including a 20-acre wetland parcel to the east which will remain undeveloped as open space, and the proposed access road from Chalet Suzanne Road will be counted as acreage for density calculations.

**RECOMMENDATION**

Staff recommends approval of the preliminary planned development project (PDP) plan for "Serenity at Lake Wales Apartment Home Community" dated October 1, 2014 by JSK Consultants. The plan reflects a revision requested by the Planning Board to expand the park northwest of buildings 12 and 13.

The Planning Board held a public hearing on the request September 23, 2014 and voted unanimously to recommend approval with conditions of the preliminary PDP plan for "Serenity at Lake Wales Apartment Home Community" dated September 8, 2013 by JSK Consulting. A public hearing is required. Notice requirements have been met.

**BACKGROUND**

Equinox proposes an apartment complex with 335 units located on a 20-acre property north of Chalet Suzanne Road and east of US 27 at Shoppes on the Ridge. Several other parcels, including a 20-acre wetland parcel to the east which will remain undeveloped for open space, and the access road from Chalet Suzanne Road will be counted as acreage for density calculations.

Overall density on a total of 46.48 acres is 7.2 units per acre.

The 13 apartment buildings are 3-story walk-ups arranged in a village style setting along a circular roadway. Parking areas will be behind and beside buildings and parallel parking is proposed along the roadway. A rendering of the proposed apartment buildings is provided.

The 20-acre apartment site was recently rezoned to R-3 Multi-family, consistent with the Future Land Use Map classifications on the property. PDP-Planned Development Project approval is required for a multi-family development with 12 or more units. In addition, a number of waivers from development standards are requested. Waivers may be granted under a PDP to allow for creativity in layout, provided public safety is not compromised. Upon approval of the preliminary PDP plan by City Commission, the developer may submit engineering plans for construction without further board reviews.

*Location:* The apartment site is located adjacent to the city's largest commercial area at Chalet Suzanne Road and US 27. The site was part of the Starr Lake Inc. property, which unfortunately has been divided and developed (Home Depot and Shoppes on the Ridge) without a master plan for well-planned locations for various uses and cross-connections among parcels.

*Site characteristics and parcels:* The property is comprised of several parcels totaling 46.48 acres: two main 20-acre parcels, a 90'-wide right-of-way for the access road and a 3.10-acre flood plain compensatory storage site. The apartments will be on the western 20 acres which is the upland portion of the acreage. The eastern 20 acres are wetlands of which the majority will remain untouched. A recreation trail to an observation deck is proposed. Changing the zoning designation on the 20-acre wetland parcel to Conservation is recommended prior to commencement of construction.

The northeast and east portions of the apartment site are in the 100-year FEMA floodplain. Fill will be used to meet the required base flood elevation of 120' and the required compensatory storage will be provided on a separate site.

*Frontage and road access:* The site currently has no road access or frontage. The developer proposes construction of a minor collector road from Chalet Suzanne Rd. to the apartment complex. (See sheet C102 of plans.) The intersection at Chalet Suzanne Road will line up with the westernmost mall entrance. At this time the road will serve only this development. In the future, the roadway can be extended for further development and intersect with connector roads on each side of Home Depot, about 1,000 feet to the north. Right-of-way to extend the road to the northern boundary of the Equinox property is to be provided.

The access road from Chalet Suzanne Rd. will meet city standards and will be elevated above the base flood elevation. The applicant proposes to request acceptance of the road by the city upon completion of construction. An easement at the road's intersection of Chalet Suzanne Rd. for a sign for the apartment complex may also be requested at that time.

*Second entrance:* A residential development of 50 units or more requires more than one access point. The developer is requesting a waiver to allow their secondary entrance located in the northwest corner of the property to be pedestrian and emergency vehicle access only. The secondary entrance is proposed to connect at the southern boundary of the Shoppes on the Ridge II development. (See aerial for location.)

*Residential density:* The site is appropriate for multi-family development, being close to US 27 and a County highway (Chalet Suzanne Rd.) and major commercial facilities. The western 9.31 acres of the proposed apartment property is in the RAC-Regional Activity Center which allows up to 12 units per acre. The remaining 10.89 acres of the apartment site is in the MDR-Medium Density Residential, allowing up to 6 units per acre. All other parcels, including the 20-acre wetland parcel, totaling 37.17 acres, are also MDR. Total acreage is 46.68 acres. This allows a total of 335 units by right.

*Layout:* The development is laid out in an oval with thirteen buildings. Three of the apartment buildings and clubhouse are in the center of the oval with the remaining buildings to the outside of the ring road. Interconnected parking areas are located behind and to the sides of the buildings. The ring road has parallel

parking and sidewalks on both sides of the street. There is an extensive sidewalk system that provides access throughout the development.

*Recreation and open space:* The requirements for parks and open space are met with the clubhouse, two neighborhood parks and several mini parks. (See sheet C102 for park details and a table on the cover sheet.). There are active recreation opportunities at the clubhouse/pool area, the play park in the northwest area, and a court surface in the southwest area. A 6' trail within a 25' easement will provide access to the East Park, part of the 20-acre wetland site. This park will be approximately one acre of open natural area with an elevated pedestrian trail and observation deck. There are also several opportunities for passive recreation provided throughout the site. Final amenity layout will be done with the final landscaping plan approval during the construction phase.

At the request of the Planning Board, Neighborhood Park West has been enlarged with the removal of 9 parking spaces northwest of buildings 12 and 13. A stabilized surface will be provided for emergency access to the parking area.

*Parking:* Proposed are 573 parking spaces, 63 spaces above the 510 required for the development. The applicant is requesting that 72 spaces be allowed at a reduced size from our standard.

*Buildings:* The apartment buildings proposed are three-story walk-ups with open corridors on the ground floor. Apartments will be 1 to 3-bedroom units, ranging from 795 sq. ft. to 1,500 sq. ft. Final configuration of units within the buildings has yet to be determined. A conceptual rendering of a proposed building is provided.

***Conditions as recommended by the Planning Board:***

- A. An access road meeting the standards for a minor collector roadway and having a right-of-way width of a minimum of 90 feet shall be constructed from Chalet Suzanne Rd. to approximately 40 feet north of the project entrance, as shown schematically on Sheet C102 of the plans. A minimum of 90 feet of right-of-way shall be set aside along the full eastern boundary of the apartment site for future extension of the roadway.

B. Waivers

1. Waiver to allow 72 parking spaces to be 9'x18' where 10'x20' is the code requirement. (Sec. 23-306.2.e) *(Numbers were modified by staff to reflect the reduction in parking for enlargement of Neighborhood Park West requested by the Planning Board.)*
2. Waiver to reduce the required 25' buffer along a retention area abutting a roadway to 12' at the entrance area and along the entrance drive in two pinch point areas. (Sec. 23-307.4)
3. Waiver to reduce the required distance (length of entrance road) from the apartment site entrance to the first cross street from 300' to 250'. (Sec. 23-303.4)
4. Waiver to reduce required 3-foot grass strip between sidewalk and back of curb to 2 feet along access road for up to 1/3 of the access road length. (Sec. 23-303.9.c)
5. Waiver to reduce curve radius from 500' to 320' on the access road to conform to city roadway specifications. (Sec. 23-303.10)
6. Waiver to allow secondary entrance to be emergency vehicle only with pedestrian access. (Sec. 23-303.4.a.2)
7. Roads within the 20-acre apartment site will be private. (Sec. 23-303.14)

**OTHER OPTIONS**

Conditions of approval may be modified. The City Commission can deny a PDP plan with specific reference to the land development regulations.

[End Agenda Memo]

Margaret Swanson, Planning Director, reviewed this item.

Deputy Mayor Lutton asked about the emergency roadway if it is one way or gated. Ms. Swanson confirmed that it would be gated. Kenneth Fields, City Manager, added that it would be gated for vehicles but would allow pedestrian access to the shopping center.

Matthew Johnson from USK Consulting introduced Kelsey Kohl also from USK consulting, Steve Boyington the architect with Wallis Murphy and Tyler King who is a representative from Equinox the developer.

Tyler King, representative of Equinox, gave some background on his company and other projects they have done. He also provided the history of this project.

Mr. Johnson reviewed the plan for the Serenity Apartment Complexes.

Mr. Boyington shared the plans and described the improvements to create a sense of place. This is a mix, not just apartments.

Commissioner Wojcik asked if residents can walk to Publix. Mr. Boyington confirmed that they could and described the various walkways in the complex.

Deputy Mayor Lutton asked about one of the parcels. Mr. Johnson said it was a retention pond.

Commissioner Wojcik asked if there are any garages. Mr. Boyington said no and described the parking in detail and explained that it is designed to be an intimate streetscape.

Deputy Mayor Lutton asked about a yellow square on one of the plans. Mr. Johnson said it was a turn-around area and discussed the open space in the complex.

Commissioner Wojcik asked how many apartments are in each building. Mr. Boyington said there are 26.

Deputy Mayor Lutton asked about dumpsters' location. Mr. Johnson said there are six sites throughout the complex that are required to be screened.

Commissioner Howell commended the look and shape of it as well as the open space.

Deputy Mayor Lutton asked about the space near the 25 ft wide trail. Kathy Bangle, Assistant Director of Planning and Development, explained that it was property retained by the majority property owner. Ms. Swanson explained the past plans for the property, that that parcel is zoned commercial.

Commissioner Howell made a motion to approve the PDP with the listed conditions. Commissioner Wojcik seconded the motion.

#### **OPENED PUBLIC HEARING**

There were no comments from the public.

#### **CLOSED PUBLIC HEARING**

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Deputy Mayor Lutton	"YES"

The motion carried 3-0.

Deputy Mayor Lutton asked when they will break ground. Mr. Johnson answered that it would be 6 to 18 months.

**Agenda Item 10. Resolution 2014-14, Supplemental Joint Participation Agreement Number Two**

[Begin Agenda Memo]

**SYNOPSIS**

The adoption of Resolution 2014-14 authorizes the execution of an agreement with the Florida Department of Transportation (FDOT) for the Airfield Improvements Construction Phase at the Lake Wales Municipal Airport.

**RECOMMENDATION**

The recommendation is for the City Commission to adopt Resolution 2014-14 authorizing the execution of Supplemental Joint Participation Agreement Number Two by the Mayor with the Florida Department of Transportation (FDOT) for \$92,042.00.

**BACKGROUND**

In 2013, the City Commission adopted Resolution 2013-10, which provided funding for the engineering design phase for airfield improvements at the Lake Wales Municipal Airport for \$8,100.00.

Then in 2014 the City Commission adopted Resolution 2014-08 the Supplemental Joint Participation Agreement which provided funding for the construction phase of the airfield improvements at the airport in the amount of \$210,089.00 bringing the total share of the project cost for FDOT to \$218,189.00.

The total participation fund share from FDOT for the construction phase of this project is not sufficient to complete the project. Resolution 2014-14 will provide the additional funding from FDOT in the amount of \$92,042.00 bringing FDOT's total participation share to \$310,231.00 (\$8,100.00 for design and \$302,131.00 for construction) the funding required to complete the project.

**FISCAL IMPACT**

Funding is as follows:

FAA	\$2,480,010.00	(FY14)
FAA	\$150,000.00	(FY15)
City	\$184,179.00	(current budget)
State	\$210,089.00	(FY13)
State	\$92,042.00	(FY14)

Project total: \$3,116,320.00

**OPTIONS**

The City Commission has already accepted the grant offer from the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT) for the engineering design phase and construction phase for this project.

[End Agenda Memo]



City Clerk, Clara VanBlargan, read Resolution 2014-14 by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA), ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 434822 1 94 01 (REHABILITATE AN AIRPORT ROAD, PERFORM RUNWAY 24 SAFETY IMPROVEMENTS AND REALIGN TAXIWAY A WEST) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.**

Teresa Allen, Assistant Director of Public Services, reviewed the item.

Deputy Mayor Lutton asked if Resolution 2014-14 required public comment before voting and the City Attorney answered no.

Commissioner Howell made a motion to adopt Resolution 2014-14. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Deputy Mayor Lutton	"YES"

The motion carried 3-0.

#### **CITY MANAGER**

##### **Agenda Item 11. City Commission Tracking Report:**

Kenneth Fields, City Manager, said that all projects are moving forward. The Scenic Highway work is beginning. The first phase is storm water work on 1st Street, which will be closed and require detours.

Deputy Mayor Lutton asked about the completion of the trail and if something will be done by Pioneer Days. Teresa Allen, Assistant Director of Support/Public Services, said that the construction will not interfere with Pioneer Days. Deputy Mayor Lutton recommended smoothing out some of the ridges along the trail to be sure it is safe.

Deputy Mayor Lutton asked about the completion of the cemetery. Tom Moran, Utilities Director, responded that it will be open in January. The cemetery project was discussed.

##### **Agenda Item 12. City Commission Calendar**

Mr. Fields reported on the Central Florida Water Initiative Workshop to be held in Haines City on October 29<sup>th</sup> to discuss water management supply issues. This will include several water management districts.

Mr. Fields announced that Florida's Natural Growers awarded the City a grant for AEDs in the Administration Building. The reception for the presentation of these awards is Monday, November 3<sup>rd</sup>.

##### **Agenda Item 13. Annual Reporting – Boards, Commissions, and Committees**

There were no comments made.

#### **CITY COMMISSION COMMENTS**

**CITY MANAGER COMMENTS**

Mr. Fields reported that the car issued to the Mayor is unreliable and recommended a \$200 a month car allowance, which will result in a cost savings as it costs more to maintain the vehicle he is using.

Commissioner Howell made a motion to authorize the \$200 a month car allowance for the Mayor. Commissioner Wojcik seconded the motion.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Deputy Mayor Lutton	"YES"

The motion carried 3-0.

**MAYOR COMMENTS**

The meeting was adjourned at 6:42 p.m.

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Mayor/Deputy Mayor

ATTEST:

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City Clerk Clara VanBlargan, MMC