

## City Commission Meeting

February 1, 2022

(APPROVED)

2/1/2022 - Minutes

### 1. INVOCATION

Charlene Bennett gave the invocation.

### 2. PLEDGE OF ALLEGIANCE

### 3. CALL TO ORDER

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

### 4. ROLL CALL

**Commission Members Present:** Mayor Eugene Fultz, Terrye Howell, Jack Hilligoss, Deputy Mayor Robin Gibson

**Commission Members Absent:** Daniel Williams

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

### 5. COMMENTS AND PETITIONS

Danny Krueger, resident, thanked the Commission for the time and effort they give to the community.

Ben Wiles, resident, commended the Commission on their decisions regarding the Grand Hotel. In the end this will be the best for the city. He expressed concern with the forthcoming Hunt Brothers development.

Al Goldstein, resident, reported that the dinner for the forthcoming superintendent candidates was canceled but there will be a meet and greet event coming up.

Michelle Threatt, resident, shared concerns about traffic at Janie Howard Wilson Elementary School at Florida Avenue and Scenic Highway at the time that school lets out. Commissioner Howell said she had expressed concerns about traffic there previously. She asked the City Manager to work with the Police Department on this. James Slaton, City Manager, said this is primarily an FDOT concern and we are working with them to address this. Deputy Mayor Gibson said the schools need to play a part in this as well.

Terry Christian, Property Owner, said he attended the recent Police and Citizens Community Relations Advisory Committee. He said that there are some questions that were not answered or conflicting answers were given. That board is not working. He also asked about possibly amending the charter. Deputy Mayor Gibson said that amending the charter comes from the residents. He recommended that Mr. Christian get with staff to review the process. Terry Christian commended the proactive building department and encouraged other departments such as parks to be proactive too.

Wanda Lawson, resident, said that Burns Avenue light at the High School is a dangerous traffic area.

6. CONSENT AGENDA

Deputy Mayor Gibson asked for item 6.4, Agreement with Cobb Construction, to be pulled.

Commissioner Howell made a motion to approve the rest of the Consent Agenda. Deputy Mayor Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

6.I. Minutes - November 16, 2021

6.II. 2022 Lake Wales Art Show At Lake Wailes Park Special Event Permit Application

[Begin Agenda Memo]

**SYNOPSIS:** Approval of this Special Event Application will allow the 51st Annual Lake Wales Art Show to be held in Lake Wailes Park Friday, March 11, 2022 to Sunday, March 13, 2022.

RECOMMENDATION

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

1. Approve the Special Event Permit Application for the 51st Annual Lake Wales Art Show to be held March 11 – March 13, 2022 in Lake Wailes Park.
2. Approve the request to allow for a designated area for alcohol consumption.
3. Approve the hours as follows: March 10 - set up at 7:00 a.m. and evening festivities beginning on March 11 at 6:00 p.m. and ending at 5:00 p.m., March 12 and March 13 – 10:00 a.m. to 5:00 p.m.
4. Approve the request for set up by the artists on Friday March 11, 2022 at approximately 10:00 a.m.

**BACKGROUND**

The Lake Wales Art Council, Inc. submitted a Special Event Permit Application for the 51st Annual Lake Wales Art Show to be held March 11 to March 13, 2022 in Lake Wailes Park. This event would begin on Friday evening, March 11, 2022 at 6:00 p.m. with a barbecue and musical entertainment and it will conclude at 8:00 p.m. This event includes a designated area to sell and consume alcohol.

On Saturday and Sunday activities will begin at 10:00 a.m. and end at 5:00 p.m. The Special Event Permit Application includes a request for the artists to set up on Friday, March 11 at approximately 10:00 a.m.

The Art Council will be using the services of off-duty officers from the Lake Wales Police Department each evening during the entire event. This will be paid at 100% by the Art Council. The Field Operations Division will be providing clean up services on Saturday and Sunday with the Arts Council paying 25% of those costs. The Arts Council will also be responsible for site set up, obtaining tent permits, providing licensing for food vendors, acquiring sanitary facilities and dumpsters and providing liability insurance for the event.

#### **OTHER OPTIONS**

Do not approve the event

#### **FISCAL IMPACT**

In-kind services provided by the City were budgeted for FY21-22 in the amount of \$1218. The Arts Council will be responsible for 25% or \$304. Private security will be provided by the Lake Wales Police Department and will be paid at 100% by the Arts Council.

[End Agenda Memo]

### 6.III. Special Event Permit: Wine Downtown

[Begin Agenda Memo]

#### **SYNOPSIS**

This is a request by Main Street to have a wine walk event called Wine Downtown on Thursday, February 10, 2022 from 5:00 p.m. – 8:00 p.m. The event will include alcohol.

#### **RECOMMENDATION**

Staff recommends that the City Commission approve the permit request to allow Main Street to host an event in the downtown on Stuart and Park Avenue and Scenic HWY and First Street to include the serving of alcohol on Thursday, February 10, 2022 from 5:00 p.m. – 8:00 p.m.

#### **BACKGROUND**

Lake Wales Main Street is planning to host a wine walk type of event on Thursday, February 10, 2022 from 5:00 p.m. – 8:00 p.m. This event will allow participants to stroll through downtown with alcohol.

Police officers will be present for the event. No streets will be closed.

#### **OTHER OPTIONS**

Do not approve the Special Event Permit.

#### **FISCAL IMPACT**

None. Lake Wales Main Street will cover the cost of off-duty officers.

[End Agenda Memo]

#### 6.IV. Agreement With Cobb Construction For Construction Of The Park Avenue Connector Trail.

[Begin Agenda Memo]

##### **SYNOPSIS:**

The City Commission will consider entering into an agreement with Cobb Construction related to building the Park Avenue Connector Trail.

##### **RECOMMENDATION**

It is recommended the City Commission consider the following action(s):

1. Approve the agreement with Cobb Construction regarding the Park Avenue Connector Trail.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.
3. Authorize an expenditure in the amount of \$1,474,290.72.
4. Authorize a budget amendment in the amount of \$374,290.72.

##### **BACKGROUND**

The City is considering the construction of the Park Avenue Connector Trail, a project first proposed in early 2020. The trail connects Lake Wailes Park Trail to Historic Downtown Lake Wales.

Key components of the project include:

- Narrowing Park Avenue between Lakeshore Blvd. & North 3rd St. from two lanes to one lane
- Maintaining Park Avenue as a one-way east to west street
- Allowing the space gained by the narrowing of the street to be rebuilt as the trail
- Complete reconstruction of Park Avenue from curb to curb
- Adding six parallel parking spaces along Park Avenue to serve residents, park users and trail users

The City of Lake Wales held a public open house on August 20, 2020 to receive and incorporate feedback from the community. Additionally, the City held office hours to work directly with impacted residents that live along Park Avenue. Significant concern was raised regarding the loss of existing on-street parking. In order to mitigate the concern, the City incorporated six parallel parking spaces located in two locations along Park Avenue.

The ultimate goal of this trail is to integrate and connect Historic Downtown Lake Wales, Crystal Lake Park, and Lake Wailes Park as recommended in the Dover Kohl "Lake Wales Connected" plan (page 101, Near-Term Action Step 3).

Construction of this project was competitively bid (ITB #21-490), Cobb Construction was the lowest-qualified bidder of two total bids received. Staff met with a representative from Cobb Construction and identified two primary areas to reduce costs associated with the project. These cost saving areas include:

1. Substitution of lighting – The project originally called for the custom lights to be utilized in the Park

Avenue Streetscape and 1st Street Streetscape. Due to the significant cost related to the manufacturing of these custom lights and concern that they may not be cohesive with the existing design in Lake Wailes Park, staff recommends substituting the lights. The substitute light product the Lake Wailes Park trail and Downtown Linear Park trail.

2. Landscaping – In October 2020, the City of Lake Wales and Lake Wales Community Redevelopment Agency authorized the creation of a City Horticulture Department and hiring of a staff horticulturist. Over a year into the program, the City’s Horticulture Department has excelled faster than anticipated. Due to the high unit cost of the selected plant material, staff recommends eliminating the landscaping from the contract with Cobb Construction and rather install all plant material in-house at a reduced cost.

The City Commission will need to authorize a budget amendment in the amount of \$374,290.72. There are sufficient funds available to cover the amount needed via budget amendment, shown below in the Fiscal Impact Overview chart. Staff attributes cost overruns due to a number of circumstances, including COVID- 19 related supply chain issues, inflation, and the significant amount of work available.

### **OTHER OPTIONS**

The City Commission may direct staff to not move forward with the Park Avenue Connector Trail.

### **FISCAL IMPACT**

Cobb Construction will be compensated a fixed fee of \$1,474,290.72. The project will be funded via several avenues, as broken down below:

Overview of Park Avenue Connector Trail Funding:

Funding

State Grant	\$	200,000.00
Recreation Impact Fees	\$	300,000.00
Loan via CRA	\$	750,000.00
CRA Fund Balance	\$	74,290.72
Utilities	\$	50,000.00
Streets	\$	100,000.00
Total Cobb Construction	\$	1,474,290.72

\*\*Staff anticipates an additional \$28,000.00 to be expended from CRA Fund Balance to fund the installation of the Park Avenue Connector Trail landscaping. This expenditure will be brought before the Community Redevelopment Agency at a future date.\*\*

[End Agenda Memo]

Deputy Mayor Gibson reviewed this item and said its a big first step of the Lake Wales Connected. James Slaton, City Manager, agreed and reviewed this project.

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

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

#### 6.V. CCTV System Purchase

[Begin Agenda Memo]

##### **SYNOPSIS:**

Staff recommends the commission approve expending funds of \$15,613.00 to Texas Underground for the purchase of CCTV equipment replacement.

##### **STAFF RECOMMENDATION**

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

1. Approve expending funding of \$151,613.00 to Texas Underground for the purchase of CCTV equipment to replace the old outdated system currently in operation.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

##### **BACKGROUND**

Video inspection is invaluable for the identification and documentation of deficiencies such as dips, offset joints, cracks, roots, blockages, infiltration, and more. Accurate assessment of pipeline condition can help prevent faulty installations, predict potential failure points, and identify deficiencies in need of repair. The camera staff is currently using is inefficient and outdated. Repair parts are hard to find, so the camera is out of services for long periods. This equipment will replace the old out dated equipment staff is currently using. Staff recommends the commission take the following action, approve the expenditure of funds for \$151,613.00 for the purchase of CCTV camera equipment, and authorize the City Manager to execute any documents on the City's behalf.

##### **OTHER OPTION**

The commission could chose not to approve the purchase for the replacement of a new CCTV camera system used for the inspection of sewer infrastructure.

##### **FISCAL IMPACT**

\$181,500 is budgeted in the Utilities Capital Equipment '21-'22 Budget

[End Agenda Memo]

#### 6.VI. Water Supply Facilities Work Plan Task Order #5

[Begin Agenda Memo]

## **SYNOPSIS:**

Hoyle Tanner & Associates, Inc. will prepare the Water Supply Facilities Work Plan (Plan) update due to the Southwest Florida Management District by May 17, 2022.

## **RECOMMENDATION**

It is recommended that the Commission take the following action:

1. Approve Engineering services with Hoyle Tanner & Associates, Inc. for \$65,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water service area. The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration and chlorination at several water treatment facilities. The City's ability to withdraw groundwater from the current source, the Upper Floridan Aquifer, is limited by the City's Water Use Permit (WUP).

Besides the withdrawal limits, the WUP contains 24 special conditions requiring, among other things, a regulatory permit review in early 2022 that could result in changes to the limits and other aspects of the WUP. To prepare for this upcoming review, Task Order #2 and Task Order #3 provided a review of these special conditions and the City's compliance as well as the development of a preliminary water supply and permitting strategy for the upcoming review and required reports.

Task Order #4 deals with Hoyle Tanner's specific interaction with SWFWMD and the approach taken in preparation for the WUP permit review.

Task, Order #5 deals with the preparation of an updated Water Supply Facilities Work Plan. Last December, the Southwest Florida Water Management District (SWFWMD) alerted water suppliers within its jurisdiction, that a local Water Supply Facilities Work Plan (Plan) update would be due on May 17, 2022. The requirements for this Plan are outlined in various technical assistance documents published by the state and the water management districts and the Plan should be consistent with SWFWMD's Regional Water Supply Plan. The elements of the Plan include: population and water demand projections; identification of the service area within and outside the City jurisdictional area; an inventory and capacity analysis of existing water supply and treatment facilities including reuse; a determination of whether additional water supplies and facilities are needed to meet future demands; an identification of anticipated, major capital improvements; incorporation and expansion of water conservation and reuse programs; and the City's relevant goals, objectives and policies. A certain amount of the information required by the Plan has already been developed by Hoyle Tanner and included in the 2020 Potable Water Master Plan report. Submission of this Plan would mark the first time that the City presents its current thinking regarding future water supply to SWFWMD and will likely open the door to extended discussions with them. By its nature, the Plan would address the City's future water supply options including whether to commit to the Polk Regional Water Cooperative (PRWC) regional water supply program.

Staff recommends the Commission take the following action, approve entering into a contract with Hoyle Tanner for the update of the Water Supply Facilities Work Plan to be submitted to the Southwest Florida Water Management District by May 17, 2022, and authorize the City Manager to execute the appropriate documents, on the City's behalf for \$65,000.00.

## **OTHER OPTIONS**

None. The Water Supply Facilities Work Plan update is due on May 17, 2022. It is a requirement of the Southwest Florida Water Management District.

### **FISCAL IMPACT**

The 2020-21 Utilities Capital Improvement Plan line item for the exploration of alternative water supply sources.

[End Agenda Memo]

### 6.VII. Supervisory Control And Data Acquisition (SCADA) Equipment Lease Agreement Through Data Flow Systems.

[Begin Agenda Memo]

### **SYNOPSIS:**

Equipment Corporation for the rotor replacement in the oxidation ditch located at the wastewater treatment plant.

### **STAFF RECOMMENDATION**

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

1. Approve expending funding of \$91,780.00 to Lakeside Equipment Corporation for the rotor replacement in the oxidation ditch.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

### **BACKGROUND**

The oxidation ditch in the wastewater treatment process consists of a large holding tank in a continuous ditch with an oval shape similar to that of a racetrack. The ditch is built on the surface of the ground and is lined with an impermeable lining. This allows the wastewater to have plenty of exposure to the open air for the diffusion of oxygen. Cylindrical brush rotors in the oxidation ditch turn, aerating the liquid and causing it to move within the track. The liquid from the oxidation ditch then flows to a final clarifier. The City's wastewater treatment plant, originally built around 1986, has five brush rotors in its oxidation ditch. While the plant can continue to operate with the remaining four rotors, it is not advised to do so for an extended period. These rotors have been in service since 1986 and usually there is no warning when one is about to fail until it happens. The commission approved, at the January 4, 2022 City Commission meeting, the purchase for a replacement rotor. Staff prepared to add the replacement of the final two rotors from 1986 in the 2022-2023 maintenance and repair budget. Since that time, an additional rotor has failed. Since the crane equipment is on site and not take the chance of the third original rotor failing, Staff recommends the commission take the following action, approve the expenditure of funds for \$91,780.00 for the purchase of two replacement rotors from Lakeside Equipment Corp., and authorize the City Manager to execute any documents on the City's behalf.

### **OTHER OPTION**

The commission could chose not to approve the purchase for the replacement rotor and proceed at a later date, which could affect the wastewater treatment plant operations.

[End Agenda Memo]

## 6.VIII. Rotor Replacement For Oxidation Ditch

[Begin Agenda Memo]

### **SYNOPSIS:**

Equipment Corporation for the rotor replacement in the oxidation ditch located at the wastewater treatment plant.

### **STAFF RECOMMENDATION**

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

1. Approve expending funding of \$91,780.00 to Lakeside Equipment Corporation for the rotor replacement in the oxidation ditch.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

### **BACKGROUND**

The oxidation ditch in the wastewater treatment process consists of a large holding tank in a continuous ditch with an oval shape similar to that of a racetrack. The ditch is built on the surface of the ground and is lined with an impermeable lining. This allows the wastewater to have plenty of exposure to the open air for the diffusion of oxygen. Cylindrical brush rotors in the oxidation ditch turn, aerating the liquid and causing it to move within the track. The liquid from the oxidation ditch then flows to a final clarifier. The City's wastewater treatment plant, originally built around 1986, has five brush rotors in its oxidation ditch. While the plant can continue to operate with the remaining four rotors, it is not advised to do so for an extended period. These rotors have been in service since 1986 and usually there is no warning when one is about to fail until it happens. The commission approved, at the January 4, 2022 City Commission meeting, the purchase for a replacement rotor. Staff prepared to add the replacement of the final two rotors from 1986 in the 2022-2023 maintenance and repair budget. Since that time, an additional rotor has failed. Since the crane equipment is on site and not take the chance of the third original rotor failing, Staff recommends the commission take the following action, approve the expenditure of funds for \$91,780.00 for the purchase of two replacement rotors from Lakeside Equipment Corp., and authorize the City Manager to execute any documents on the City's behalf.

### **OTHER OPTION**

The commission could chose not to approve the purchase for the replacement rotor and proceed at a later date, which could affect the wastewater treatment plant operations.

### **FISCAL IMPACT**

\$150,000 is budgeted in the Wastewater Division's FY '21-'22 Operating Budget M&R Treatment Plants line item to address any needed repairs to the treatment plant throughout the budget year. A budget transfer will be required to ensure the budget line item has sufficient funds to cover this replacement.

[End Agenda memo]

## 7. OLD BUSINESS

- 7.I. ORDINANCE 2022-01 Annexation – 2nd Reading And Public Hearing 29.94 Acres Of Land South Of Old Scenic Highway And East Of Scenic Highway North

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-01 proposes the voluntary annexation of approximately 29.94 acres of land located south of Old Scenic Highway, east of Scenic Highway North, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2022-01, following a public hearing.

Public Hearing notice requirements have been met.

Commission approved Ordinance 2022-01 at first reading on January 18, 2022. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

### **BACKGROUND**

Story Family Limited Partnership LLLP, owner, petitioned annexation into the corporate city limits of Lake Wales on November 22, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western boundary.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE 2022-01** by title only.

### **ORDINANCE 2022-01**

**(Annexation – 29.94 acres south of Old Scenic Hwy and east of Scenic Highway North)**

**Parcel ID: 272935-000000-031030**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 29.94 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

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-01** after second reading and public hearing. Commissioner Hilligoss seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

- 7.II. Ordinance 2022-02 Annexation – 2nd Reading And Public Hearing 236.57 Acres Of Land South Of Belleview Drive, East Of Scenic Highway South, North Of Passion Play Road, And West Of 11th Street South

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-02 proposes the voluntary annexation of approximately 236.57 acres of land located south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2022-02, following a public hearing.

Public Hearing notice requirements have been met.

Commission approved Ordinance 2022-02 at first reading on January 18, 2021. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

### **BACKGROUND**

Hunt Bros, Inc., owner, petitioned annexation into the corporate city limits of Lake Wales on December 9, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City

Limits along its northeastern boundaries.

### **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 \$2,469,512, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential residential development.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-02** by title only.

### **ORDINANCE 2022-02**

**(Annexation – 236.57 acres south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South.)**

**Parcel ID: 273013-000000-011010, 273013-000000-011020, 273013-000000-011030, 273013-000000-011040, 273013-000000-013010, 273013-000000-013030, 273013-000000-013020, 273013-000000-013040, 273012-000000-024000, 273013-000000-031000, 273013-000000-033010, 273013-000000-**

033020, 273013-000000-033030, 273012-000000-042010

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 236.57 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

CLOSED PUBLIC HEARING

Deputy Mayor Gibson discussed strategic density in regards to development. People are concerned as he is. This checks all the boxes

Commissioner Hilligoss made a motion to adopt **ORDINANCE 2022-02** after second reading and public hearing. Commissioner Howell seconded the motion.

by Roll call vote:

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

7.III. Ordinance 2022-03 Land Development Regulation Updates – 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Staff proposes amendments to the following sections of the Land Development Regulations

(LDRs) (Chapter 23, Lake Wales Code of Ordinances):

- Table 23-242 Establishment of review fees
- Section 23-303 Streets

**RECOMMENDATION**

At a regular meeting on November 30, 2021, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. City Commission approved the proposed changes at first reading.

**BACKGROUND**

Areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments.

1. Table 23-242 Establishment of review fees

Through the Request for Qualifications process with the City's Purchasing Department, the Planning Division retains professional planning firms for consulting services. Such disciplines include specialties like Historic Preservation, Environmental, Transportation, and Comprehensive Planning on an as-needed basis. As development in the city continues to intensify, City planning staff has recognized the increased potential need for professional consulting to supplement and assist staff. In order to share these development-related consulting costs with the developer, Staff recommends the following note under the fee table regarding "Extraordinary expenses":

**\*\*\* EXTRAORDINARY EXPENSES. In addition to the fee schedule set forth above, the applicant shall also be responsible for the payment of any and all extraordinary expenses, which may be incurred by the City in analyzing or reviewing all or any part of an application. These expenses may include the City's retention of a third party consultant. These expenses will be billed at-cost, separately from and in addition to the development review fees set forth herein. The applicant will be advised of the necessity of such expenses prior to such expenses being incurred. The owner/developer and the Development Director, with the advice and consent of the City Manager, shall jointly approve in writing an estimated cost amount before these charges can be authorized. The cost for any such expenses shall be paid in advance to the City prior to incurring such expenses. Upon request of the owner/developer, the City Commission may review such expenses as to the necessity and amount.**

2. Section 23-303 Streets

Staff has recognized an increase in development interest in areas south of State Road 60 East, and east of 11th Street where many groves and unimproved "grove roads" exist. As residential growth continues in this area, a roadway network will need to be created through a partnership of contributions between the City and developers over time. The attached ordinance to this memo illustrates the City's future transportation plan to help distribute traffic throughout this area by mapping future minor and major collector roads.

Collector roads gather traffic from local roads and funnel them to an arterial road network, or in this case, State Road 60. Staff proposes to include the SR 60 /11th Street Roadway Network Map within our Streets code section.

CODE REFERENCES AND REVIEW CRITERIA

- Table 23-242 Establishment of review fees
- Section 23-303 Streets

**FISCAL IMPACT**

Adoption of a fee for extraordinary expenses may relieve some of the City's expenses incurred from utilizing contracted consulting firms to assist in reviewing certain development projects.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-03** by title only.

**ORDINANCE 2022-03**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING TABLE 23-242 ESTABLISHMENT OF REVIEW FEES, AND SECTION 23-303 STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-03** after second reading and public hearing. Commissioner Hilligoss seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

## 8. NEW BUSINESS

- 8.1. Ordinance 2022-04 Annexation – 1st Reading And Public Hearing 217.94 Acres Of Land South Of Lake Mabel Loop Road, East Of Scenic Highway North, North Of Masterpiece Road, And West Of Tower Road

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-04 proposes the voluntary annexation of approximately 217.94 acres of land located south of Lake Mabel Loop Road, east of Scenic Highway North, north of Masterpiece Road, west of Tower Road, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-04 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

### **BACKGROUND**

Gardinier Florida Citrus, Inc., owner, petitioned annexation into the corporate city limits of Lake Wales on November 30, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western 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

\$1,690,775, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential residential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-04** by title only.

#### **ORDINANCE 2022-04**

**(Annexation – 217.94 acres of land south of Lake Mabel Loop Road, east of Scenic Highway North, north of Masterpiece Road, and west of Tower Road.)**

**Parcel ID: 272914-000000-000502, 272914-000000-000513, 272914-000000-031030, 272914-000000-031040, 272914-000000-031010, 272914-860590-013300, 272914-860590-013201, 272914-860590-012900, 272914-000000-013030, 272914-000000-013020, 272914-000000-013010, 272914-000000-011000, 272914-860590-008100**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 217.94 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

Shelton Rice, Non-Resident and attorney for the Gardiniers, reviewed this item.

Deputy Mayor Gibson said this is a large parcel. We have not established a city footprint and does not have a good feel where this property fits in. Mr. Rice reviewed this project phase and the future phases. The plans for development are in the works.

Mark Bennett, Development Services Director, shared a slideshow and reviewed this project. Mr. Bennett said the footprint will be determined as part of the land use study process. We will look at the entire service area and see where development should go. He reviewed nearby developments. Its appropriate to expand the footprint in this area. Deputy Mayor Gibson said that the footprint hasn't been established yet. Mr. Bennett said the Commission can decide to annex on a case by case basis.

Deputy Mayor Gibson said that we should grow where infrastructure exists. We need to offer incentives where there is already development. Mr. Slaton said there are no tracts of land in the City to allow large developments. Deputy Mayor Gibson asked about growing inside rather than expanding. Mr. Slaton said we are doing both concurrently. Deputy Mayor Gibson said he wants to be cautious with growth.

Commissioner Howell said we need to be sure our infrastructure is contiguous to everything. Mr. Bennett shared the utility map showing the service available in the area. Commissioner Howell asked if they will have our water. Mr. Bennett said yes.

Mayor Fultz asked about the future phases of the project for the next twenty years. Mr. Rice reviewed this phase and the next phases of the overall project. Mayor Fultz said he agreed that we need to develop inside too. But we need to annex so we have control over it.

Commissioner Hilligoss agreed that we want to be in control of what is happening. We need to make long term plans to determine what is best for the city. We need to come at this from a less reactionary place.

Deputy Mayor Gibson said we need a positive working relationship with the county. We need a joint use plan. Commissioner Hilligoss said we need to consider the property owners too.

Mayor Fultz said he doesn't want to lose this opportunity to expand our footprint.

Deputy Mayor Gibson said he hopes the Gardiniers will work with us regardless of the decision made.

Ben Wiles, resident, encouraged coordination with the county on these annexations.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2022-04** after second reading and public hearing. Commissioner Hilligoss seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "NO"

Mayor Fultz "YES"

Motion passed 4-0.

#### 8.II. Ordinance 2022-05 Annexation – 1st Reading And Public Hearing 0.16 Acres Of Land North Of Hickory Hammock Road And West Of Nursery Road

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-05 proposes the voluntary annexation of approximately 0.16 acres of land located north of Hickory Hammock Road, west of Nursery Road, and contiguous to the incorporated City limits.

#### **RECOMMENDATION**

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-05 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

#### **BACKGROUND**

Star Lake Inc., owner, petitioned annexation into the corporate city limits of Lake Wales on December 2, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western boundary.

#### **OTHER OPTIONS**

Decline to annex the property.

## **FISCAL IMPACT**

The annexation will add to the City's tax roll. The property is valued at \$4,495, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential residential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-05** by title only.

## **ORDINANCE 2022-05**

**(Annexation – 0.16 acres of land north of Hickory Hammock Road and west of Nursery Road)**

**Parcel ID: 272915-864200-007120**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.16 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

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked about the location. Mark Bennett, Development Services Director, showed the map on the screen and where the site is.

Commissioner Howell made a motion to approve **ORDINANCE 2022-05** after first reading and public hearing. Deputy Mayor Gibson seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

- 8.III. Future Land Use & Zoning For 8.84 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27

[Begin Agenda memo]

**SYNOPSIS:** Laurent Meyer, authorized agent for owners, requests approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan to the above-mentioned parcel totaling approximately 8.84 acres of land.

## RECOMMENDATION

Approval at first reading, and adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations, as recommended by the Planning and Zoning Board at a regular meeting on January 25, 2022:

Current Land Use: LCI Current Zoning: LCI

Proposed Land Use: HDR Proposed Zoning: R-3

## BACKGROUND

The subject property is located north of Mountain Lake Cutoff Road and west of US Highway 27, just west of the Sizzling Grill. The existing site is known as the Green Gables Inn. Land Use and Zoning amendments have been presented to the Planning & Zoning Board at a regular meeting on January 25, 2022.

This parcel will become part of residential redevelopment; however, development plans have not yet been submitted to the City. The redevelopment plans would need to go through the Planned Development Project procedure to be approved.

A Future Land Use Designation of HDR – High Density Residential at 25 units per gross acre, and a Zoning designation of R-3 is compatible with the surrounding area and will complement the built environment.

## 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. 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

Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

- 8.III.i. ORDINANCE D2022-01 (CPA/Future Land Use Map Amendment For Approximately 8.84 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27) 1st Reading And Public Hearing

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-01** by title only.

### **ORDINANCE D2022-01**

**(CPA/Future Land Use Map Amendment for approximately 8.84 acres of land north of Mountain Lake Cutoff Road and west 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 DESIGNATION ON APPROXIMATELY 8.84 ACRES OF LAND NORTH OF MOUNTAIN LAKE CUTOFF ROAD AND WEST OF US HIGHWAY 27, FROM CITY OF LAKE WALES DESIGNATION LIMITED**

**COMMERCIAL-INDUSTRIAL (LCI), TO DESIGNATION HDR HIGH-DENSITY RESIDENTIAL;  
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2022-01** after first reading and public hearing. Commissioner Hilligoss seconded the motion.

by Roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

- 8.III.ii. **ORDINANCE D2022-02** (Zoning Map Amendment For Approximately 8.84 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27) 1st Reading And Public Hearing

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-02** by title only.

**ORDINANCE D2022-02**

**(Zoning Map Amendment for approximately 8.84 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATION ON APPROXIMATELY 8.84 ACRES OF LAND NORTH OF MOUNTAIN LAKE CUTOFF ROAD AND WEST OF US HIGHWAY 27, FROM CITY OF LAKE WALES DESIGNATION LIMITED COMMERCIAL-INDUSTRIAL (LCI), TO DESIGNATION R-3 RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Hilligoss made a motion to approve **ORDINANCE D2022-02** after first reading and public hearing. Commissioner Howell seconded the motion.

by Roll call vote:

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

9. RESOLUTION 2022-01 Spratt Road Transfer Agreement

[Begin Agenda Memo]

**SYNOPSIS:** The Spratt Road Transfer Agreement contemplates the transfer of Spratt Road, a public County road, to the City of Lake Wales.

**RECOMMENDATION**

The City Commission authorize the Mayor to execute the Agreement.

**BACKGROUND**

Spratt Road, an unimproved County grove road, is located west of US Highway 27, and southwest of Mountain Lake Cutoff Road. The road extends into a Planned Development Project (PDP) called Harper Estates (formally known as K&M Groves), approved by City Commission in 2021 for a 67-lot single-family residential subdivision. The plan was recommended by the Planning and Zoning Board, and approved by City Commission, with the understanding that Spratt Road would be transferred to the City and later vacated.

**OTHER OPTIONS**

Decline to approve the Agreement.

**FISCAL IMPACT**

Because the road will be vacated during the plat process, there should be no costs incurred to the City for the maintenance of Spratt Road.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-01** by title only.

**RESOLUTION 2022-01**

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE TRANSFER OF A PUBLIC COUNTY ROAD, SPRATT ROAD, FROM DEAD END SOUTH, NORTH TO MOUNTAIN LAKE CUT-OFF ROAD, TO THE CITY OF LAKE WALES FOR MAINTENANCE AND OPERATIONAL RESPONSIBILITIES, AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN.**

Commissioner Hilligoss made a motion to approve **RESOLUTION 2022-01**. Commissioner Howell seconded the motion.

by Roll call vote:

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

## 10. CITY CLERK

### 10.I. 2022 Municipal Election & Canvassing Board Information

[Begin Agenda Memo]

#### **2022 MUNICIPAL ELECTION INFORMATION**

The regular Municipal Election of the City of Lake Wales is Tuesday, April 5, 2022. We will elect a Mayor for Seat 1 (at-large) to serve a term of three years, and an Interim Commissioner for Seat 4 (District 27) to complete a term of two (2) years at most beginning May 3, 2022. 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 1 (at-large)            Mayor Eugene Fultz

Seat 4 (District 27)        Commissioner Jack Hilligoss

The Mayor elected to Seat 1 must reside in the City Limits, and the Commissioner elected to Seat 4 must reside in District 27.

The qualifying period for a person to qualify as a candidate is from 12:00 p.m., noon, Monday, February 14 through 12:00 p.m., noon, Friday, February 18. Candidate packets are available in the City Clerk's office beginning 9:00 a.m., Friday, February 4. 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 18 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 5, 2022, 7 a.m. to 7 p.m. The City Commission will reschedule its first meeting in April from 6:00 p.m., Tuesday, April 5 to 6:00 p.m., Wednesday, April 6.

Contact the Supervisor of Elections at 863-534-5888 to request an Vote-By-Mail ballot.

Voter registration deadline is March 7, 2022.

#### **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 29, 2022; 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 5, 2022, 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 7, 2022; 5:00 p.m.

-A Quorum must be present.

Post-Election Manual Audit

Date & Time to be determined – April 13, 2022 through April 15, 2022 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. She asked the commission members if they were willing to serve on the Canvassing Board. Mayor Fultz, Deputy Mayor Gibson and Commissioner Howell agreed to serve on the Canvassing Board. Alternate Canvassing Board Members will be brought to the

commission for approval at a later date.

## 11. CITY ATTORNEY

### 11.I. Conclusion Of The Seminole Hotel Foreclosure

[Begin Agenda Memo]

A Warranty Deed transferring title to the City of Lake Wales was recorded on January 19, 2022, if Official Records Book 12078, at Page 453, of the Public Records of Polk County, Florida.

A Warranty Deed transferring title from the City of Lake Wales to the Lake Wales Community Redevelopment Agency was sent to the Clerk of the Circuit Court for recording on January 20, 2022.

All taxes on the property have been paid and Releases of the Code Enforcement Liens sued upon have been sent for recording in the Public Records of Polk County.

A Notice of Voluntary Dismissal, as required by the Mediated Settlement Agreement reached between the City of Lake Wales and Henry Kebabjian, was filed in the Tenth Judicial Circuit Court on January 20, 2022, effectively concluding the litigation.

The City's Owner's Policy of Title Insurance will be issued shortly.

The Lake Wales Community Redevelopment Agency will now be able to seek a responsible party to redevelop the property.

[End Agenda Memo]

Mayor Fultz reviewed this item.

## 12. CITY MANAGER

James Slaton, City Manager, confirmed that a complaint against the Dixie-Walesbilt was filed Friday afternoon.

Mr. Slaton said the work on the Austin Community Center Roof will begin at the end of February.

Mr. Slaton said CRA staff are working on a public art proposal for the Highway 60 underpass. The social media post on this got a lot of views.

Ridge League of Cities Dinner is Thursday the 10th.

The final report from CPSM concerning the Police Department is complete. We will have it soon and it will be presented at a future work session.

### 12.I. Tracking Report

### 12.II. Commission Meeting Calendar

James Slaton, City Manager, reported that the joint CRA/Housing Authority is scheduled for February 8th at the Library.

## 13. CITY COMMISSION COMMENTS

Deputy Mayor Gibson asked if the RFP for the Seminole Hotel will incorporate the provisions of the MOU. James Slaton, City Manager, said it could. Mr. Gibson asked if the transfer to the CRA has

been done. Mr. Slaton reviewed the memo and confirmed that it was.

Commissioner Howell asked to confirm that 9000 homes and commercial are coming in soon. Mr. Slaton said its hard to tell and reviewed some of the new homes coming. The goal is retail, commercial, industrial and residential we want all of it.

Commissioner Howell asked about efforts to lighten the City at night. Mr. Slaton said we are reviewing what areas need lights and how much.

14. MAYOR COMMENTS

Mayor Fultz said that he is glad we are moving forward.

15. ADJOURNMENT

The meeting was adjourned at 7:31 p.m.

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Mayor

ATTEST:

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City Clerk