

# Commission Workshop

## Meeting Minutes

(APPROVED)

2/23/2022 - Minutes

### 1. CALL TO ORDER & ROLL CALL

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

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

Mayor Fultz called the meeting to order at 10:00 a.m.

### 2. City Manager Comments

James Slaton, City Manager, thanked the Commission for accommodating his need to change the meeting time today.

### 3. Presentation - Citrus Connection

Erin Kinlaw, Citrus Connection, gave a public transit update. She reviewed the routes in Lake Wales that serve 53 stops. These stops were used by passengers 29,777 times since October 2019. She reviewed the new route between Bartow and the Health Department. She shared that the city share for transit service is \$143,182 or 20%. In October 2022 costs will go up to cover the new route. She reviewed the cards and apps used by riders.

Mayor Fultz asked if we can look into covering areas with new subdivisions. Ms. Kinlaw said yes we can work with the City on this.

Commissioner Howell asked about connecting to Sunrail. Ms. Kinlaw said riders can get a bus to a Sunrail station at Posner Park.

### 4. Presentation - Center For Public Safety Management

Dr. Carol Rasor-Cordero, Center for Public Safety, thanked the Mayor and Commission for allowing her to present the report. She commended the leadership and the Police Department for having a positive attitude and being willing to look at themselves critically. These recommendations can enhance the service the Police Force is providing. Lake Wales has an excellent Police Department. They conducted focus groups with the Commission and within the Police Department. She presented a slideshow and reviewed the recommendations.

[Begin Recommendations List]

#### *Staffing*

1. CPSM recommends that the department create a diversity plan for future recruitment efforts.
2. CPSM recommends the city conduct a salary comparison to determine if the pay of Lake Wales Police

Department is sufficiently competitive to attract qualified applicants. According to the figures provided by Lake Wales Police Department, the department has the second-lowest starting pay in the area. Efforts should be made to increase starting salaries and as well to review pay steps and comparison of pay with other police departments for supervisory positions.

3. CPSM recommends adding to the department website a video presentation by the Chief of Police as well as videos of police officers providing positive testimonies about working at the department and interacting with the community. These videos will create an inviting and engaging environment and will showcase the positive benefits of working at the Lake Wales Police Department, which will enhance recruitment efforts.

#### ***Community Liaison Officer***

4. When the crime analysis position is filled, the Community Liaison Officer should initiate neighborhood watch programs to deliver crime prevention programs and to communicate what types of crimes are occurring in the community.

5. The Community Liaison Officer could create a calendar of department events planned for the year and post it on the website.

6. The Community Liaison Officer could help maintain the department social media by being present at events and ensuring the efforts of the department are being communicated to the community via social media.

7. The Community Liaison Officer could produce a short video for the department's website informing the community of the department's proactive efforts for community engagement and collaboration.

8. CPSM recommends that the Community Liaison Officer collects all statistics on their workload and showcase these statistics on the website and in the annual report.

#### ***Workload /Demand***

9. Create a CFS working group to explore the potential of eliminating workload demands and non-emergency CFS from patrol workload.

10. Explore web-based reporting and deferred service responses.

#### ***Schedule and Staffing***

11. Staff each primary patrol shift at 2019 levels with one sergeant and five police officers.

12. Deploy additional officers to the power shifts staffed with specialized personnel working flexible hours.

#### ***Patrol Supervision***

13. Discontinue the Officer-in-Charge model of patrol supervision and require personnel in the rank of Sergeant or above to supervise patrol operations at all times.

#### ***K9***

14. Eliminate two K9 positions; deploy those officers to patrol shifts.

15. Redeploy the two remaining K9 officers to the new power shift with a flexible shift schedule.

#### ***Criminal Investigations***

16. The position of Lieutenant of Investigation is now a vacant position. CPSM recommends filling the position as it has significant responsibilities of overseeing the Criminal Investigations Unit, Crime Analysis, Crime Suppression Unit, Traffic Officers, Property and Evidence Unit, and Crime Scene Unit.

17. CPSM recommends that the Criminal Investigations Division create a reporting system that captures all workload, not just cases, but the full complement of other duties that personnel must perform.

18. CPSM recommends adding an additional detective to be trained in digital forensics investigations; this person could also develop intelligence and assist other detectives when needed.
19. CPSM recommends having a section in the annual report displaying the workload and case successes of the Criminal Investigations Division.
20. The department should consider conducting a deeper analysis of each investigator's performance over time by capturing the clearance rates of each investigator by crime category. This would provide insight into the detective's performance over time, by crime type, and would also benchmark the unit's success.
21. CPSM supports the recommendation of acquiring tablets in lieu of desk computers if greater efficiency in the field is derived from tablets. This recommendation should be reviewed by the city's IT staff to ensure functionality with the future RMS system.
22. Currently, the department pays each detective \$30 a month towards their personal cell phones to be utilized for department phone calls. CPSM recommends the department purchase department cell phones for the detectives instead of providing a stipend for using their personal cell phones. This would offer greater integrity for department business.

### **Crime Analysis**

23. CPSM recommends the Lake Wales Police Department fill the vacant, budgeted crime analysis position with a civilian Crime Analyst to fulfill the duties and responsibilities proactively. The civilian crime analyst will have to receive training to be competent and serve the growing commercial and residential growth of the city of Lake Wales.

### **Crime Scene**

24. CPSM recommends that the Crime Scene Technician capture workload information on all crime scene calls for service and duties to determine if a full-time crime scene technician is warranted.

### **Crime Suppression Unit**

25. Assign the Traffic and Property and Evidence units to other supervisors in the LWPD and require the CSU to receive direct supervision.
26. When the CSU Sergeant is unavailable for duty for any reason, officers assigned to CSU must be assigned to uniformed duty.
27. Staff the Crime Suppression Unit with one Sergeant and three police officers.

### **Traffic Unit**

28. Staff the power shifts with one officer each assigned as a traffic officer.
29. Require that the officers develop and implement a strategic plan to improve traffic safety utilizing education, engineering, and enforcement.
30. Ensure that all officers on patrol have an active role in the traffic safety plan.

### **Property and Evidence**

31. Add to General Order 9.19, Evidence Collection and Submission, the following International Association of Property and Evidence (IAPE) standards: 15.1 Inventories, 15.2 Audits and Inventories, 8.7 Security Alarms, 9.4 Drug Storage, 10.4 Money Storage, and 11.4 Firearms Storage. Implement these standards into daily practices and procedures.
32. Ensure temperature sensors are put in the refrigerators.
33. Ensure that any individuals entering the property and evidence room are escorted by the Property and Evidence Custodian and sign the entry log.
34. Consider having a meeting with the State Attorney's Office to discuss the need for timely destruction orders as the property and evidence room has limited capacity for more items.
35. The most important recommendation for property and evidence accountability and integrity is to hire a full-time Property and Evidence Custodian.

### **Accreditation**

36. Continue to strive to reach the goal of Commission for Florida Law Enforcement Accreditation.

### **School Resource Officers**

37. The SROs perform numerous other activities in addition to arrests. Information on these other activities is not being captured at present. CPSM recommends capturing information on the other activities the SROs perform such as attending school activities both during school and after school, meetings with faculty or parents, and special events in addition to the provided incidents, arrests, and reports. This will assist in determining the future needs of additional SROs based upon the growth of the city and the schools.

38. CPSM recommends that due to the workload of the Sergeant who is already responsible for accreditation and policy development, the SRO program be moved to patrol operations and the SROs report to the day shift sergeants. This would promote a closer working relationship and the sharing of intelligence. Additionally, patrol and the SROs could train together for different types of incidents including active shooter drills.

### **Training**

39. Training costs have increased, and new training courses are being placed on the market to improve officers' performances. CPSM recommends that the Chief continue to increase the training budget due to increasing training costs and the growth of the department.

40. To enhance recruitment strategies for minorities and women, CPSM recommends the department consider sponsoring qualified individuals to attend the police academy. This could enhance the number of minorities and women in the department.

### **Body-Worn Cameras**

41. Deploy BWCs on all operational personnel in the LWPD.

### **Promotional Process**

42. Consider using outside (non-LWPD) law enforcement officers to assist with the promotional process.

43. Consider the use of an independent vendor to develop and administer elements of the promotional processes.

### **Records**

44. Discontinue the acceptance of cash at the public window as a payment option for services. However, if the decision is made to continue to accept cash, a comprehensive and periodic audit should be conducted.

45. Records personnel receive very little if any training. CPSM recommends that the LWPD conduct a training needs assessment for this position(s) and provide the appropriate training for personnel.

46. Records personnel commit a substantial amount of time transcribing interviews/interrogations from audio to text. Consideration should be given to identify either a professional transcription service or software application that transcribes audio to text automatically.

### **Strategic Planning**

47. Develop and follow a three- to five-year strategic plan, the ultimate goals of which are to reduce crime and enhance the quality of life in Lake Wales.

[End Recommendations list]

Dr. Carol Rasor-Cordero reviewed some of the responses from the internal focus groups.

Deputy Mayor Gibson asked about hiring an expert on a contract basis to serve as a crime analyst. He suggested an outside first-rate analyst might have more objectivity. Dr. Rasor-Cordero suggested that the police department needs real time data. They need information on a daily

basis on where crimes are occurring. This information can help develop crime prevention programs.

Commissioner Howell asked if the focus groups included citizens. Dr. Razor-Cordero said no just internal. She said her neighborhood is a high crime. She suggested our department needs more outside training. If the training is just internal then the problems will stay the same. Our officers need different ways of doing things. In regards to more pay she doesn't not see officers do much in her area. Commissioner Howell said there is too much nepotism in the Police Department. police Officers should not harass people not doing anything wrong but focus on high crime areas. The Police Department has gotten better maybe having a microscope on them helps but the Police Department still isn't great. Some issues still need to be addressed.

Dr. Carol Razor-Cordero said the Police needs more engagement with the community. Down the road we will need more liaison officers and crime analysis staff. There needs more collaboration between the police and the community. There needs to be more crime prevention efforts. There needs to be outreach in all the neighborhoods. Some leaders in the high crime area to help communicate with the department. This takes more work and staffing. Sometimes residents want to be part of the solution.

Deputy Mayor Gibson said we need to make things better and go where the problems are so we can address them. We need to analyze the turmoil. Dr. Carol Razor-Cordero said that is a different project or contract. This project was an operational assessment and a data report focused on the internal. We can do another project and focus on the community. its good to have internal ducks in a row before we review community needs.

Commissioner Hilligoss said some of these things will need to be done. Our Department should be equipped properly to handle things objectively in the future. We certainly need to look at pay. He would like to reduce unnecessary calls and where are those calls coming from. These will cost money. We need a plan to implement these.

James Slaton, City Manager, said he intends to fully implement these recommendations. As we improve internal operations we can go into a new phase and do more external analysis.

Commissioner Williams said he agrees with taking these first steps to improve our Police Department. Data is important but experience is important. We need decency to do the right thing. We need more intentional training. He shared a personal negative experience with our police officers. We need more diversity and cultural understanding. We need to stop talking about it and start doing.

Dr. Carol Razor-Cordero said the City needs to back up what they promise to the neighborhood. They need staffing in place.

Commissioner Hilligoss said we do need community leaders to step up and work with our police department.

Commissioner Howell said she wants this work. She is not criticizing anyone but she knows what people are telling her.

Deputy Mayor Gibson said he would like to address community needs and avoid contentious meetings as they have had in the past.

Mr. Slaton said that we are pioneers in Polk County in having body cameras and for bringing in CPSM to help our Police Department be the best around and that we are looked up to.

Mayor Fultz said this is a first step on a path to travel to get where we need to be. We need to be sure voices are heard. These steps won't change hearts of individuals. Training may not help in every case. As our community grows these issues need to be resolved right away. Hopefully we can find citizens willing to step out and help with the process. Lets not stop the progress we have made.

5. Polk Regional Water Cooperative Implementation Agreement

[Begin Agenda memo]

**RECOMMENDATION**

It is recommended that Commission take the following action:

1. Approve the award of bid #22-501 to MG Underground for construction services for the installation of the forcemain extension with a septic to sewer conversion component for \$2,770,079.40.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

**BACKGROUND**

The City of Lake Wales authorized Kimley-Horn and Associates, Inc. to prepare construction plans and specifications to extend a force main, design a new pump station and bring sanitary sewer to an unsewered area within the City limits of Lake Wales. The project was went out to bid on January 11, 2022, with a bid open date of February 15, 2022. There were four responsive bidders, with MG Underground presenting with the lowest responsive bid. Kimley Horn and Associates made contact with the contractor's references and is recommending MG Underground for the award of bid.

Staff recommends the Commission take the following action, approve entering into a contract with MG Underground for \$2,770,079.40 to perform the construction installation and to authorize the City Manager to execute the appropriate documents, on the City's behalf.

**OTHER OPTIONS**

The Commission could chooses not to approve the contract listed above, in turn putting the septic to sewer conversion off to a later time and delay further expansion of the City's sewer system.

**FISCAL IMPACT**

This project was submitted to the State Revolving Loan Fund for funding (SRF). Once staff has received the final contract from SRF, it will be brought back before the commission for approval.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

Commissioner Williams asked if staff is fine with this. James Slaton, City Manager, said yes we are. The changes don't really impact us. It will allow us time to do our due diligence on our own project in the meantime. We can join as a participant later.

Mayor Fultz said he is glad this has come before the Commission so he can sign off at the next meeting. No changes to us. We are not affected by the changes. We can buy back in later. We are moving along fairly well in our exploration. We will have sole access to this water. The cost to participate will be high. Ms. Kirkland said we don't really know what the numbers are. mayor Fultz said we are in the best position we can be in. Commissioner Williams will step in as representative when he gets off the Commission.

Ms. Kirkland said we will bring more information on our AWS project at a future workshop.

6. Award Of Bid #22-501 Force Main Extension With Septic To Sewer Conversion

[Begin Agenda Memo]

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**RECOMMENDATION**

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The Commission could chooses not to approve the contract listed above, in turn putting the septic to sewer conversion off to a later time and delay further expansion of the City's sewer system.

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This project was submitted to the State Revolving Loan Fund for funding (SRF). Once staff has received the final contract from SRF, it will be brought back before the commission for approval.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

7. High Point Church Water Main Reimbursement

[Begin Agenda Memo]

**SYNOPSIS:** To facilitate the connection to the City's water system, High Point Church upsized and extended the water main in the Scenic Highway right of way.

**RECOMMENDATION**

It is recommended that the Commission take the following action:

1. Approve expending funds of \$45,624.00 for the reimbursement to High Point Church for the water main upsize and extension.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

While going through the plan review process for the construction of the new High Point Church located at 4025 Scenic Highway North, staff saw the opportunity to begin the systematic expansion of the water main to this area. It is anticipated and planned in the 5-year Capital Improvements budget for the extension of a 12" water main and ground storage tank construction in the northeast portion of the city's utility service area. This extension allows for the looping of the system and will help alleviate the pressure problems the Dinner Lake area is currently experiencing. While High Point only needed an 8" water main for their design, staff requested they upsize it to a 12" and extend the main to their southern property line. Staff felt this was the most economical way for this portion of the extension to occur. This project already had the water main installation permit and the FDOT right of way permit, which would have been a process staff would have had to repeat if the upsize occurred later.

Staff recommends the Commission take the following action, approve the reimbursement to High Point Church for \$45,624.00, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **OTHER OPTIONS**

None. The line has been installed and it helps to facilitate the systematic expansion of the water main down Scenic Hwy, which will assist with the volume and pressure issues in the Dinner Lake area.

## **FISCAL IMPACT**

The total for this reimbursement is \$45,624.00. The funds for the reimbursement will come from the FY'21-'22 M & R Water mains budget line item. The total allotted for this budget line is \$175,000.00.

[End Agenda Memo]

Albert Galloway, Jr., City Attorney, said Commissioner Hilligoss will have to recuse himself on this vote during the meeting Tuesday.

Sarah Kirkland, Utilities Director, reviewed this item.

## 8. Lift Station #2 Diesel Pump Purchase

[Begin Agenda Memo]

### **SYNOPSIS:**

Staff is recommending the commission approve the expenditure of funds in the amount of \$69,798.00 for the purchase of a diesel pump to be installed at lift station 2 (LS#2).

### **STAFF RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:



1. Approve the expenditure of funds for \$69,798.00 for the purchase of a diesel utilizing State Contract #FSA20-EQU18.0.

## **BACKGROUND**

The city of Lake Wales proposes to install a bypass pump at a critical need lift station located at 319 Lakeshore Boulevard (LS#2). The city of Lake Wales have already received a quote from a sole-source vendor (Thompson Pump) utilizing State Contract # FSA20-EQU18.0. During significant hurricane, power is oftentimes lost to utility assets in the affected region. For example, a storm as large as Hurricane Irma, even areas that were not directly impacted from the eyewall of the storm lost power due to sustained winds throughout the state. In Polk County during Irma, over 80% of the county lost power for sustained amounts of time. Power was not restored to the entire county for over a week after the Hurricane struck. Since Hurricane Irma impacted the entire state from the Keys through the panhandle, power restoration crews were stretched thin and unable to restore service to the lift station for a significant amount of time. Lake Wales was among the utilities that did not recover power quickly and had the majority of its lift stations go down as a result. All the water treatment plants have generators onsite. Therefore, they continued to supply water to the community, which in turn led to the community filling the lift stations with waste. The City of Lake Wales has 39 lift stations, but only ten have permanently mounted generators. The city of Lake Wales has a small number of portable generators, but since the storm was so widespread, staff had to maneuver those generators between all of the lift stations that do not have a stand-by generator. The purpose of this project is to provide permanent protection for the lift station during future storm or hazard events. As previously stated, this particular lift station is deemed critical infrastructure due to the source of its inflow and it cannot afford to go offline. Since loss of the lift station would result in an overflow and contamination of the surrounding area and groundwater, continued operation of the lift station is critical to the community.

Staff is recommending the City Commission authorize the expenditure of funds in the amount of \$69,798.00 for the purchase of a diesel pump to be installed at LS#2.

## **OTHER OPTION**

The risks to the environment and community would remain in the event of a storm or hazard event.

## **FISCAL IMPACT**

\$150,000 is budgeted in the Wastewater Division's FY '21-'22 Capital Improvements Plan Budget for this purpose. Funding source for this activity is the utilities operating revenue.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

9. Village Of Highland Park Fire Flow Connection

[Begin Agenda Memo]

**SYNOPSIS:** The Village of Highland Park has a fire flow problem and approached City staff and requested connection.

## **RECOMMENDATION**

It is recommended that the Commission take the following action:

1. Approve expending funds of \$97,073.56 for the purchase of materials and labor for the connection to the Village of Highland Park for their fire flow connection.

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

## **BACKGROUND**

The Village of Highland Park had their annual fire flow inspection and was notified that they were lacking in what was required for fire flow protection for the residents living in that area. At the recommendation of the Lake Wales Fire Chief, Brian Updike approached city utility staff to inquire if the city could assist them in meeting their fire flow requirement. Staff worked with Mr. Updike and his staff to come up with a viable and cost effective plan to achieve their required fire flow. The cost of materials, construction, and permitting have been submitted to the Village of Highland Park for their review and approval. Mr. Updike has approved the attached cost and would like to move forward. Once the Commission has approved the expenditure, Staff would not move forward until such time all fees have been collected from the Village of Highland Park.

Staff recommends the Commission take the following action, approve expending funds of \$97,073.56 for the purchase of materials and labor for the connection to the Village of Highland Park and authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **OTHER OPTIONS**

The Commission could deny the connection to the Village of Highland Park for fire flow protection.

## **FISCAL IMPACT**

There is no fiscal impact for the City. The Village of Highland Park will bear the entire cost of connection.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item. She emphasized that this won't happen until the City is paid first.

Albert Galloway, Jr., City Attorney, said he will prepare an Interlocal Agreement between the two entities that will also waive any conflict of interest on his part as he serves both the Village and the City. This will be on a future agenda.

10. Land Use Study Agreement

[Begin Agenda Memo]

**SYNOPSIS:** The proposed Lake Wales Land Use Study will plan the future of the land within the City's utility service area. This process will explore land use scenarios and future expansion opportunities, resulting in a land use plan to guide future growth and development.

## **RECOMMENDATION**

Staff recommends the following:

1. Approval of the Lake Wales Land Use Study Agreement.
2. Authorize funding of the Study at an amount not-to-exceed \$118,801.

## **BACKGROUND**

In anticipation of future growth and development expected to occur in eastern Polk County, staff recognized the need to conduct future land use planning for lands on the periphery of the current city limits. To accomplish this goal, staff requested a Scope of Services from S&ME, one of the City's planning

consulting firms. S&ME is very familiar with the City, having completed the City's CRA Plan update in 2018 and the Comprehensive Plan update in 2020.

The proposed Scope of Services for this project includes the following items:

- Stakeholder Engagement – Numerous meetings are proposed with potential stakeholders, such as landowners, community leaders, property owners associations, and other active community groups. S&ME will create a project website to allow for public input, and provide information about the project as needed. As part of the Plan's creation process, a Public Open House will occur.
- Land Use Scenarios – Concurrent with the stakeholder engagement process, staff and the consultant, with the assistance of other planning consultants, will create 3 to 5 different land use scenarios. These scenarios, which will take into account items such as environmental factors, existing land uses, and plans of other agencies, will provide options for consideration. The scenarios will also consider certain urban planning techniques, such as the transfer of development rights, conservation easements, and /or agricultural conservation easements as possible methods to protect and preserve certain areas while also addressing potential concerns about property rights.
- Final Land Use Plan – The final product from this Study will be a Land Use Plan. This plan will then be used as a guide for future decisions about annexations and land uses in the service area. The Plan can also be used as a basis for future infrastructure planning (such as for transportation and utilities) in the area. This document can serve as the document to engage the County about the possibility of entering into a Joint Planning Agreement.

Because the City is experiencing unprecedented growth and development, it is essential that the City take the initiative to direct how this future growth and development will occur. A Land Use Plan for the City's service area will accomplish this goal.

#### **OTHER OPTIONS**

Decline to approve the execution of the agreement.

#### **FISCAL IMPACT**

Funds for Professional Services for this study are in the FY 2021/2022 Development Services Department budget. Because this project will extend into the following fiscal year, funds will be requested in the 2022/2023 budget to complete this project.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item. James Slaton, City Manager, said this will be a long term deal. It won't get done quickly.

11. ORDINANCE 2022-06 LDR Updates Chapter 23 Land Development Regulations – 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):

- Sec. 23-303 Streets
- Sec. 23-307 Landscaping

- Table 23-421 Permitted Uses
- Table 23-422B Dimensional and Area Standards
- Sec. 23-443 Residential PDPs
- Sec. 23-767 Exemptions

## RECOMMENDATION

At a regular meeting on January 25, 2022, 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 proposed changes to the Land Development Regulations at first reading on February 15, 2022. Staff recommends approval at second reading, following a public hearing.

## BACKGROUND

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

### Sec. 23-303 Streets

Background and justification:

Traffic Impact Studies are required for all new development. The intent of this appendix to the code, according to the language prepared by the City's consulting transportation planning firm, is: to define the requirements, procedures and methodology for the preparation and submission of a traffic impact study (TIS) in the City of Lake Wales and to provide equitable, consistent and systematic means of determining the future impact of proposed developments while maintaining the adopted service levels on all roadways. (See attached ordinance).

### Sec. 23-307 Landscaping

Background and justification:

During the review of recent Site Development Plans for residential projects, there has been a question of interpretation regarding street trees. Specifically, some developers are stating that they will have one of the required trees (per Sec. 307.2.a.3.) to serve as the required street tree. However, the staff's intent is that the required street tree be in addition to the tree density standards. To clarify this requirement, the proposed standards are suggested.

### Sec. 307.2 Landscaping standards.

a . Tree density.

2. Non-residential density requirement.

A minimum of two (2) three (3) trees shall be required for each one-quarter ( $\frac{1}{4}$ ) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

3. Residential density requirements.

Lots less than 10,000 s/f: two, three two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree

to ensure that each frontage has at least one street tree. Lots 10,000 s/f or greater: three, four two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting.

Definitions:

Root Barrier – Typically used for Street Trees, Root Barriers are structures and/or materials that redirect tree roots down and away from hardscapes, preventing costly root damage while preserving the health and functionality of trees.

Street Tree – A tree that is currently located or proposed for planting along streets or highways.

Such tree can be located on private property or on publicly held land. Street trees are typically planted in a linear fashion and provide spatial enclosure as well as other technical and aesthetic benefits (Wildwood Mo.)

Table 23-421 Permitted Uses

Background and justification:

- 1.) In order to reduce automobile dependency for short trips, a change to the Permitted Use Chart to allow all new residential developments to provide support non-residential uses within a portion of the development (mixed-use) through the PDP process is proposed. A note is added to ensure that such non-residential uses may be those only consistent with the C-4 Neighborhood Commercial zoning district.
- 2.) In order to open up the city's industrial zones to heavy manufacturing, it is proposed to change Manufacturing – Heavy, from S (special exception use permit), to P (permitted), in the I-1 zoning district.
- 3.) Within the LCI Limited-Commercial zoning district, a district designed to promote a mix of commercial and industrial uses, Staff proposes to allow small grocery or convenience stores, with or without gasoline sales, by right.
- 4.) Allow manufactured home communities through the PDP process only, in residential districts. This provision does not allow individual infill or subdivided lots to place a manufactured home.

Note added:

Non-residential uses are permitted as a subordinate part of a residential Planned Development Project and are limited to those uses permitted in the C-4 Neighborhood Commercial zoning district.

TABLE 23-422B

DIMENSIONAL AND AREA STANDARDS—NONRESIDENTIAL DISTRICTS\*

Background and justification:

Table 23-422 guides land development by requiring standard dimensional and area standards, including building height and setbacks, maximum lot coverage, and maximum building coverage. Currently, front building setbacks are determined by one of three factors: what is standard to the zoning district, what is in keeping with the surrounding area (infill development), or the right-of-way width of the roadway on which it fronts.

Current note below the setback table: The minimum front setback shall be as designated or one-half (&1/2;)

the width of the required right-of-way for the street on which the lot fronts, whichever is larger. For infill lots, the administrative official may grant a waiver allowing a reduction of the front yard setback requirement, provided the reduction is compatible with building setbacks in the immediate vicinity.

Proposed: The minimum front setback shall be as designated or one-half (&1/2;) the width of the required right-of-way for the street on which the lot fronts, whichever is larger. For development fronting on an arterial highway, the minimum front setback shall be 50 feet. For infill lots, the administrative official may grant a waiver allowing a reduction of the front yard setback requirement, provided the reduction is compatible with building setbacks in the immediate vicinity.

This change primarily affects development on County and State roads where the right-of-way widths are wider, and change periodically. Currently, US Highway 27 has a (newly increased, without the City's knowledge) right-of-way width of 200 feet; therefore, new development along this corridor would now be subject to a 100-foot front setback. This new setback requirement may potentially create unbuildable vacant commercial lots along our commercial corridors. It also encourages site design where buildings are setback so far, that a sea of asphalt parking is the prominent site feature, rather than street-oriented architecture and landscaping.

#### Sec. 23-443 Residential PDPs

##### Background and justification:

Staff recommends removal of a code provision which gives developers open space credit for private residential yards, in order to achieve the required 20% minimum site-wide open space. Credit for open space should only be considered in common and public areas of the development.

Sec. 23-443.1 Minimum design standards—Residential PDPs. The preliminary plan for a residential PDP shall demonstrate that the site design complies with the minimum design standards of this section.

a. Density. The number of units per acre shall not exceed the maximum as allowed for the classification of the property under the Future Land Use Element of the Comprehensive Plan. Acreage for density calculations shall not include areas of open water or lands within the "Conservation" classification of the Future Land Use Map.

b. Open space. Excluding roadways and parking areas open space shall make up a minimum of twenty (20) percent of the site area. If open space is provided as private yards for individual units, such yards shall make up only fifty (50) percent of the open space required. The remaining fifty (50) percent shall be common open space in the form of recreation area, pedestrian or bicycle paths, or landscaped common areas. The recreation area required under section 23-310 may be included to meet the open space requirement except that recreation buildings and parking areas shall not be included.

#### Sec. 23-767 Exemptions

##### Background and justification:

Current code provides for the exemption from the payment of impact fees for the redevelopment of sites which have been vacant less than three years. Staff proposes to increase the window of opportunity to five years, which mirror's the County's code provision.

The following shall be exempted from payment of impact fees:

a. Alterations, expansions or replacement of an existing dwelling unit which do not increase the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

b. The alteration or expansion of an accessory building or structure which will not create additional dwelling

units or will not increase the usable square footage space associated with the principal building on the land.

c. The replacement of a dwelling unit or building with a new dwelling unit or building of the same size and use and which will not increase the square footage associated therewith; provided that the replacement of a dwelling unit or building which has been destroyed or otherwise rendered uninhabitable must be replaced within three (3) five (5) years of the date it was destroyed or rendered uninhabitable in order to be exempted from the payment of impact fees.

#### **CODE REFERENCES AND REVIEW CRITERIA**

- Sec. 23-303 Streets
- Sec. 23-307 Landscaping
- Table 23-421 Permitted Uses
- Table 23-422B Dimensional and Area Standards
- Sec. 23-443 Residential PDPs
- Sec. 23-767 Exemptions

#### **FISCAL IMPACT**

None

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

12. Ordinance D2021-20 Hunt Club Grove North Large-Scale CPA Of The Future Land Use Map For 68.06 Acres Of Land – Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmitt Engineering, Inc, agent for owners, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on above- referenced parcels of land.

#### **RECOMMENDATION**

At a regular meeting on October 26, 2021, the Planning and Zoning Board made a recommendation of approval at first reading, and adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations:

Hunt Club North

Current Land Use: Polk County RL-1 Residential Low Proposed Land Use: LDR low-Density Residential

The first reading to reassign land use by City Commission was approved at a regular meeting on November 16, 2021. The large-scale land use amendment was submitted to DEO for review and no impertinent comments have been returned on the amendment request.

#### **BACKGROUND**

Hunt Club Grove North has a project area of about 130 acres of vacant grove land, and it is planned for

residential development. Approximately 62 acres of land were petitioned for annexation into the City and it was approved at first reading on October 19, 2021 and was adopted on November 2, 2021.

The Planning and Zoning Board has recommended approval of reassigning land use and zoning designations at a regular meeting on October 26, 2021. The request to reassign land use was approved at first reading by City Commission at a regular meeting on November 16, 2021.

#### **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**

Re-assignment would enable the development of both properties and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 1,149 dwelling units based on what's conceptually proposed, it could potentially result in over \$229 million in taxable value, and generate \$1.5 million in ad valorem taxes.

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

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Commissioner Howell asked if we are annexing to square off the City. Mr. Slaton said somewhat. In some places we are but we are capitalizing where opportunities present themselves. Mayor Fultz said we are filling in vacant areas. Mr. Slaton said we are not annexing with intention.

13. ORDINANCE D2021-21 Hunt Club Grove North Zoning Map Amendment For 68.06 Acres Of Land – Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmitt Engineering, Inc, agent for owners, requests approval of City Commission to amend the Zoning Map on the above-referenced parcels of land.

#### **RECOMMENDATION**

At a regular meeting on October 26, 2021, the Planning and Zoning Board made a recommendation of approval at first reading, and adoption at second reading, following a public hearing, to re-assign the following zoning designation:

Hunt Club North

Current Zoning: Polk County RL-1 Residential Low Proposed Zoning: R-1C

The first reading to reassign the zoning designation by City Commission was approved at a regular meeting on November 16, 2021. The reading of the zoning amendment is held in contingency with the land use approval.

#### **BACKGROUND**



Hunt Club Grove North has a project area of about 130 acres of vacant grove land, and it is planned for residential development. Approximately 62 acres of land were petitioned for annexation into the City and it was approved at first reading on October 19, 2021 and was adopted on November 2, 2021.

The Planning and Zoning Board has recommended approval of reassigning the zoning designation at a regular meeting on October 26, 2021. The request to reassign zoning was approved at first reading by City Commission at a regular meeting on November 16, 2021.

#### CODE REFERENCES AND REVIEW CRITERIA

The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

#### FISCAL IMPACT

Re-assignment would enable the development of both properties and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 1,149 dwelling units based on what's conceptually proposed, it could potentially result in over \$229 million in taxable value, and generate \$1.5 million in ad valorem taxes.

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

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

14. ORDINANCE D2021-22 Hunt Club Grove South Small-Scale CPA Of The Future Land Use Map For 24.66 Acres Of Land – Second Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmitt Engineering, Inc, agent for owners, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on above- referenced parcels of land.

#### RECOMMENDATION

At a regular meeting on October 26, 2021, the Planning and Zoning Board made a recommendation of approval at first reading, and adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations:

Hunt Club South

Current Land Use: LDR Low-Density Residential Proposed Land Use: MDR Medium-Density Residential

The first reading to reassign land use by City Commission was approved at a regular meeting on November 16, 2021. The small-scale land use amendment is not reviewed by DEO, but the adopted amendment is sent upon approval. This request was taken with the Hunt Club North Large-Scale Land Use Amendment.

#### BACKGROUND

Hunt Club South has a total project area of 104 acres of vacant grove land and is planned for residential development. These parcels did not require annexation as they were already incorporated; however, a land use change on 24.66 acres of the site from LDR Low-Density Residential, to MDR Medium-Density Residential is requested.

Low-Density Residential = 5 units per gross acre Medium-Density Residential = 12 units per gross acre

The Planning and Zoning Board has recommended approval of reassigning land use designations at a regular meeting on October 26, 2021. The request to reassign land use was approved at first reading by City Commission at a regular meeting on November 16, 2021.

#### CODE REFERENCES AND REVIEW CRITERIA

The City Commission assigns Future Land designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted, approved ordinance is sent to the Department of Economic Opportunity (DEO) for small-scale amendments but does not require review.

#### FISCAL IMPACT

Re-assignment would enable the development of both properties and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 1,149 dwelling units based on what's conceptually proposed, it could potentially result in over \$229 million in taxable value, and generate \$1.5 million in ad valorem taxes.

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

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

15. Approve Professional Engineering Services Agreement With Hoyle, Tanner And Associates, Inc.

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approving an agreement with Hoyle, Tanner and Associates, Inc. for professional engineering services pertaining to the engineering design and bid of an aviation fuel farm at the Lake Wales Municipal Airport.

#### RECOMMENDATION

1. Authorize the mayor to execute an agreement with Hoyle, Tanner and Associates, Inc. in the amount of \$31,100.00 for professional engineering services for the design and bid of an aviation fuel farm at the Lake Wales Municipal Airport.

#### BACKGROUND

At the regular commission meeting on February 15, 2022 the Commission approved Resolution 2022-02, accepting a transportation grant from the Florida Department of Transportation (FDOT) for the design, bid and construction of an aviation fuel farm at the Lake Wales Municipal Airport. Approval of the agreement with Hoyle, Tanner and Associates, Inc. will accomplish the design and bid phase of the project.

#### OTHER OPTIONS

The City Commission has accepted funding from the Florida Department of Transportation (FDOT) for the design, bid and construction of this project.

#### FISCAL IMPACT

This project is funded 100% by the Florida Department of Transportation.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item. Mayor Fultz said that as we grow this airport it will become something we can really be proud of.

16. Commission Chambers Audio Visual (A/V) Equipment Purchase

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission will consider approving the purchase agreement of new Audio Visual (A/V) equipment for the commission chambers with the vendor AVI-SPL.

**RECOMMENDATION**

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

1. Approve the purchase agreement for new Audio Visual (A/V) equipment for the commission chambers with the vendor AVI-SPL in the amount of \$69,694.10.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

**BACKGROUND**

The current Audio Visual (A/V) equipment in the commission chambers is outdated and needs to be refreshed. The new equipment will modernize the chambers and allow the City to take advantage of new technology to improve both in person and streamed meetings.

City staff recommends working with the vendor AVI SPL. If approved AVI SPL will begin a six phase implementation process as outlined below:

1. Consultation
2. System design
3. Equipment Procurement
4. Installation
5. Configuration
6. Training for staff.

The proposed pricing is derived from the Omnia Program contract pricing. Omnia leverages nationwide competitively bid contracts, which the city can utilize to capitalize on nationwide economy of scale. The city is already a registered participant of the Omnia Program.

**OTHER OPTIONS**

The Commission may elect not to approve the purchase agreement for new Audio and Video equipment.

**FISCAL IMPACT**

The total cost of the aforementioned items is \$69,694.10. A \$75,000 capital expenditure has been

appropriated in the fiscal year 2021-2022 budget for this project.

[End Agenda Memo]

Kevin Sunderland, IT Manager, reviewed this item. He described some of the new equipment that will be part of this purchase.

Mayor Fultz said this is something he has wanted for a long time. This will bring us up to date. Commissioner Howell asked if the new cameras will allow those watching to see the speaker's face. Mr. Sunderland explained the cameras will view who is talking and the image will be more clear. Commissioner Howell said she is happy we are doing this.

#### 17. Approval Of Ranked Housing Applications

[Begin Agenda Memo]

**SYNOPSIS:** Approve the ranked list of housing applications for the City of Lake Wales CDBG housing rehabilitation program.

#### **RECOMMENDATION**

Staff recommends approval of the ranked list of housing applications for the City of Lake Wales CDBG housing rehabilitation program.

#### **BACKGROUND**

On August 12, 2021, the City of Lake Wales was notified that it had been awarded a \$750,000 grant from the CDBG program to rehabilitate or demolish and replace up to 11 owner-occupied houses in the Northwest Neighborhood. In addition, the City has agreed to contribute \$50,000 in CRA funds to the project as local match.

In September 2021, the City placed a notice in the Ledger to announce that it was accepting housing rehabilitation applications from residents in the Northwest Neighborhood. There were 7 applications that were submitted, which were then ranked in accordance with the City's housing rehabilitation procedures manual. The ranking procedure gives the highest priority to applications from elderly, handicapped and very low income households, while households with less of these characteristics are given a lower priority (see attached ranking sheet and housing application ranking criteria).

On February 14, 2022, the Citizen Advisory Task Force (CATF) met and reviewed the ranked list of housing applications. The CATF then voted to recommend the list to the City Commission.

#### **OTHER OPTIONS**

1. Do not approve the list.
2. Recommend changes to the list.

#### **FISCAL IMPACT**

\$50,000 in CRA funds to the project as local match.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item. Andy Easton, CDBG Grants Manager, reviewed the list and criteria.

Commissioner Howell said that some of the houses have been rehabilitated already. James Slaton, City Manager, said some of this work will be more internal than work previously done.

18. Special Event Permit Application - Lake Wales Car Show February 2022- January 2025

[Begin Agenda Memo]

**SYNOPSIS:** Approval of the Special Event Permit Application will allow the "Lake Wales Car Show" to continue their event on the fourth Saturday of each month in the downtown area for the next three years.

**RECOMMENDATION**

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

1. Approve the Special Event Permit application for the "Lake Wales Classic Car Show" to take place the fourth Saturday of each month between the hours of 4:00 p.m. and 8:30 p.m. beginning February 26, 2022 and ending January 25, 2025.
2. Approve the temporary closing of the Marketplace, Stuart Avenue from First Street to Scenic Highway, partial closure of S. Market Street from Stuart Avenue to Central Avenue and the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue (west side of SR17).

**BACKGROUND**

Mr. Larry Bossarte, Lake Wales Main Street Inc. submitted a Special Event Permit Application to continue holding the "Lake Wales Car Show " in the downtown area the fourth Saturday of each month beginning on February 26, 2022 and ending on January 25, 2025. The event hours would be from 4:00 p.m. to 8:30 p.m. which includes set up and take down. This event will showcase custom, classic and antique cars which will be located along Stuart Avenue. Musical entertainment and food vendors will be set up in the Marketplace and/or on a portion of S. Market Street between Stuart Avenue and Central Avenue. They are requesting the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue, closing of Stuart Avenue from First Street to SR17 and a portion of S. Market Street from Central Avenue to Stuart Avenue.

The sponsor is responsible for all requirements for site preparation, site clean up, food vendor licensing, and sanitary facilities. Proof of liability insurance will be provided to the City.

In 2012, 2016, and 2019 the Lake Wales Main Street was granted 3 year permits for the Car Show to continue until January 2022. There have been no problems associated with this event.

**OTHER OPTION**

Do not approve this special event permit application.

**FISCAL IMPACT**

There will be no cost to the city associated with this event.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

19. Canvassing Board Appointments

[Begin Agenda Memo]

## **SYNOPSIS:**

It is necessary for the Commission to appoint alternate members to serve on the City of Lake Wales Canvassing Board.

## **RECOMMENDATION**

It is recommended that the City Commission take the following action:

1. Appoint residents Al Goldstein, Jim Weaver, Jennifer Anderson-Leeks and Rodney Cannon to serve as alternate members to the Lake Wales Canvassing Board.
2. Designate the City Clerk and/or Deputy City Clerk to represent the Canvassing Board at the Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A) on Tuesday, March 29, 2022 at 3:30 p.m. The City Clerk is required to attend the L&A Testing but if unavailable it is necessary to authorize a person to attend on behalf of the City Clerk if a Canvassing board member is unavailable to attend the L&A Testing.

## **BACKGROUND**

The City Commission serves as the Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. However, there are legal rules that apply. 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.

There are two seats up for election and one of the Commission members is running in the election so those members do not qualify to serve on the Canvassing Board. Three members are necessary for a quorum. Even with three members it is still necessary for the Commission to appoint alternate members to serve on the Canvassing Board if a lack of a quorum is created on the Canvassing Board due to the legal rules that applies or any other unavoidable cause. In accordance with Sec. 8-26, Lake Wales Code of Ordinances, the City Commission may appoint the city manager, city attorney, or a resident/s to serve as a member to the Canvassing Board in the absence of the Commission member creating the lack of quorum.

Al Goldstein, Rodney Cannon, Jim Weaver and Jennifer Anderson Leeks have served as canvassing board members previously and on other City boards. The City Clerk recommends their appointment.

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 1 member of the Canvassing Board or representative 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.)

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 – Tuesday April 12, 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.

20. Commission Meeting Date Change

[Begin Agenda Memo]

**SYNOPSIS:** It is necessary for the City Commission to reschedule its first meeting in April due to the April 5, 2022 Municipal Election

**RECOMMENDATION**

It is recommended that the City Commission take the following action:

1. Reschedule the first City Commission meeting in April from 6:00 p.m., Tuesday, April 5, 2022 to 6:00 p.m., Wednesday, April 6, 2022 due to the April 5, 2022 Municipal Election.

**BACKGROUND**

Pursuant to authority provided by F.S. § 100.3605, the City adopted the first Tuesday in April as the date for all regular city elections to fill the office of city commissioner. The City's election this year is on Tuesday, April 5, 2022, which is the same day as the first regular scheduled Commission meeting in April. It is necessary for the Commission to reschedule its first Commission meeting in April from 6:00 p.m., Tuesday, April 5, 2022 to 6:00 p.m., Wednesday, April 6, 2022.

**OTHER OPTIONS**

The Commission could choose another date.

**FISCAL IMPACT**

There is no fiscal Impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

21. CITY COMMISSION AND MAYOR COMMENTS

Deputy Mayor Gibson requested a resolution expressing support for the new Charter Schools superintendent and the selection.

22. ADJOURN

The meeting was adjourned at 12:22 p.m.

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Mayor

ATTEST:

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City Clerk