

City Commission Meeting Minutes
June 1, 2021
(Approved)

6/1/2021 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

Commission Members Present: Eugene Fultz - Mayor, Terrye Howell, Kris Fitzgerald, Daniel Williams, Robin Gibson

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Polk Pride Month

Deputy Mayor Robin Gibson proclaimed June LGBT Pride Month and presented the proclamation to David Jones with Polk Pride.

6. COMMENTS AND PETITIONS

David Jones, resident, asked the City Commission to reconsider the Ordinance repealing the mask ordinance. He said he knows it cannot be enforced due to the Governor's executive orders. Many Polk residents have not been vaccinated yet. Repealing the mask Ordinance sends the wrong message and puts many at risk.

7. ATTORNEY - CLIENT SESSION - In Accordance With §286.011(8), Florida Statutes. The City Commission, City Manager, And City Attorney Will Hold A Meeting Which Is Exempt From The Statutory Public Meeting Requirements.

Mayor Fultz recessed the meeting at 6:18 p.m. to go into the Shade meeting.

The meeting was reconvened at 6:40 p.m.

8. CONSENT AGENDA

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

By Voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - April 7, 2021 April 14, 2021, May 18 2021

8.II. Park Water Company Purchase Amendment 1 To Loan Agreement DW530390

[Begin Agenda Memo]

SYNOPSIS: The Purchase of Park Water Company is now completed and the State Revolving Loan Fund (SRF) agreement DW530390 has to be closed out. Amendment 1 to loan agreement DW530390 finalizes the loan proceeds taken for the purchase.

RECOMMENDATION

Staff recommends the City Commission consider taking the following action:

1. Approve Amendment 1 to Loan Agreement DW530390 for the purchase of Park Water Company for a total amount of \$5,077,503.68.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

The Commission, at its October 20, 2020 city commission meeting approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund for the purchase of Park Water Company. The purchase of Park Water Company was completed on February 18, 2021. The State Revolving Loan Fund Agency has submitted the appropriate documents for the final close out of the purchase. The final amount received from SRF was \$5,077,503.68. This amount consisted of \$4,977,503.68 for purchase and \$100,000 for capitalized interest and fees.

Staff recommends the commission authorize Amendment 1 to SRF contract DW530390, and authorize the Mayor to execute the appropriate documents associated with the close out of agreement DW530390.

FISCAL IMPACT

Agreement DW530390 Amendment 1 finalizes the funds the City received from SRF for the purchase of Park Water Company. The semiannual payment amounts to \$139,816.47 for a term of 20 years (40 payments).

OTHER OPTIONS

None.

[End Agenda Memo]

8.III. Comprehensive Annual Financial Report For Fiscal Year Ended September 30, 2020.

[Begin Agenda Memo]

SYNOPSIS: Comprehensive Annual Financial Report for fiscal year ended September 30, 2020.

STAFF RECOMMENDATION:

Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2020 and independent auditors' report as presented.

BACKGROUND:

In the independent auditors' report for the fiscal year ending September 30, 2020, the auditors (Carr, Riggs & Ingram) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2020, and the respective changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$60,465,864 (net position). As of September 30, 2020, the City reports an unrestricted net position of \$2,812,070 as compared to \$2,920,779 in the prior year.
- The City's total net position increased by \$3,635,409. The governmental activities and business-type activities increased their net positions by 5% and 7%, respectively.
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$9,269,067; an increase of \$1,100,794 for the year. Approximately 39% of total fund balance is available for spending at the government's discretion (unassigned) compared to 40% in the prior year.

[End Agenda Memo]

8.IV. Force Main Extension With Septic To Sewer Conversion Amendment 1

[Begin Agenda Memo]

SYNOPSIS: Kimley Horne and Associates Engineering services will design the force main extension with a septic to sewer conversion for a neighborhood that is within the city limit along with the extension of a new force main on South Scenic Highway for an additional fee of \$52,000.00.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Approve Engineering services with Kimley Horn and Associates Engineering through the utilization of Amendment 1 in the amount of \$52,000.00
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City of Lake Wales requested 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 new force main will continue northerly along Buck Moore Road past the Sunset Drive and Buck Moore Road intersection and connect to a new pump station per the attached conceptual site plan. The exact size of the line has not yet been determined, but it is anticipated to extend approximately 5440 LF of 6" force main and approximately 870 LF of new 8" force main with the point of connection being the existing 12" force main at Sunset Point Drive and Buck Moore Road. It is the intention of the City to extend gravity sewer up these two roads and connect to the new pump station. The gravity system is anticipated to be approximately 2000 LF of new 8" gravity sewer line with manholes as required. The new sewer mains would be extended down the middle of the roadway or to one side of the roadway within the grassed area if right-of-way exists.

The Commission at its April 7, 2021 city commission meeting, the Commission approved entering into an agreement with Kimley Horn and Associates to begin design on the project referenced above. Staff saw an additional opportunity to include additional area for design consideration that had not been previously included in the original task order. To include this additional area for design it will be an additional amount of \$52,000.00. The additional design area will include the extension of a new force main to be installed in the right-of-way of South Scenic Highway, for extension to Winston or Grove Avenue with a septic conversion component for residents that currently reside inside the city limits in that particular service area. Staff recommends the Commission take the following action, approve amendment for the additional design area, to be performed Kimley Horn and Associates for \$52,000.00, 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

2020-2021 Capital Improvements Plan has budgeted \$1,400,000 for engineering and construction costs.

[End Agenda Memo]

8.V. Wastewater Manhole Rehabilitation

[Begin Agenda Memo]

SYNOPSIS:

Staff recommends the City Commission approve Engineered Sprayed Solutions, LLC to epoxy coat ten manholes using polyurethane coating method.

STAFF RECOMMENDATION

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

1. Approve Engineered Sprayed Solutions, LLC to complete manhole rehabilitation on ten manholes using polyurethane coating method for \$64,876.00.

BACKGROUND

The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch

Gravity Sewer Line and 75 Miles of 2 to 16 inch Force Mains. The collection system is connected by a series of manholes which aid in the transportation of the collected waste to the wastewater treatment plant for processing. Due to the corrosive nature of raw sewage gases, it becomes necessary to perform periodic maintenance on these manholes to ensure they continue to function as intended.

On July 7, 2020, the Commission approved piggybacking Sarasota's contract with Engineered Sprayed Solutions, LLC for manhole and structure rehabilitation. Engineered Sprayed Solutions, LLC will spray coat ten manholes with epoxy. Staff recommends the commission authorize the expenditure of funds for \$64,876.00 to complete the ten manholes with epoxy coating by the polyurethane coating method.

OTHER OPTIONS

None. Maintenance of these wastewater system components becomes necessary from time to time to maintain the integrity of the system

FISCAL IMPACT

The Wastewater Department has placed \$65,000.00 for manhole rehabilitation in the FY 21'-22'.

[End Agenda Memo]

8.VI. Lake Wales Wastewater Treatment Plant Operating Permit Renewal

[Begin Agenda Memo]

SYNOPSIS:

Staff recommends entering into an agreement with Kimley Horne & Associates for engineering services related to the renewal of the wastewater treatment plant permit for \$33,550.00.

STAFF RECOMMENDATION

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

1. Accept the consulting services authorization from Kimley Horne & Associates for \$33,550.00 to provide all engineering services related to the renewal and re-rating of the operating permit for the wastewater treatment plant.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

Domestic wastewater, commonly referred to as sanitary wastewater or sewage, is wastewater derived principally from dwellings, business buildings, institutions, and the like. In an effort to protect both surface and ground waters, the Florida Department of Environmental Protection ("FDEP") requires that discharges of both domestic and industrial wastewater be permitted and monitored. Any wastewater facility proposing to discharge wastewater to surface or ground waters or into the distribution system for irrigation, must demonstrate to the DEP that all required minimum levels of treatment will be provided and that all water quality standards will be met. If this demonstration is made, the FDEP will issue a permit to the wastewater facility, which will include conditions for monitoring the discharge, as well as conditions for reporting the monitoring results (Discharge Monitoring Reports). The permit the City currently holds is set to expire April 19, 2022. The current permit period was from April 20, 2017 to April 19, 2022. FDEP suggests that the renewal

process can begin as early as a year from permit expiration, but in no instance shall start the renewal process no less than six months prior to permit expiration.

Staff recommends the commission authorize the approval to enter into a contract with Kimley Horne & Associates in the amount of 33,550.00 to provide and perform analysis that staff is not equipped to perform for the renewal and rerating of this permit, and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION

None. A permit is required by FDEP for the operation of the wastewater treatment plant. Staff is not equipped to perform all the necessary components for the renewal and re-rating of this permit.

FISCAL IMPACT

\$33,550.00 will be placed in the Wastewater Division's FY '20-'21 budget for this purpose.

[End Agenda Memo]

8.VII. Annual Contract For Force Main Cleaning Services

[Begin Agenda Memo]

SYNOPSIS: Staff is recommending the commission consider approving the piggyback agreement and to expend funds for \$78,729.72 for the force main cleaning services provided by Professional Piping Services.

STAFF RECOMMENDATION

Staff recommends the City Commission consider taking the following action:

1. Approve entering into a piggyback agreement with Professional Piping Services for force main cleaning.
2. Approve the expenditure of funds for \$78,729.72 for force main cleaning to be performed by Professional Piping Inc.

BACKGROUND

The Eagle Ridge Mall Force main and the Southside Force main requires annual cleaning due to the distance this line has to travel to reach the wastewater treatment plant and the low flow conditions that exist due to the lack of development in this area. Sediment such as sand, plastics, and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. The method proposed for the cleaning of these sections of force main is called the progressive poly pig procedure.

Each time staff has gone out to bid for these services, the amount of responsive bidders has been less each year. This year staff chose to piggyback on an agreement that had already been bid out by Manatee County. Professional Piping Services was awarded the contract. In addition, Professional Piping Services (PPS) has performed this cleaning for the past several years. Staff had previously piggybacked the Pinellas County contract.

This contract has expired and Staff is seeking to piggyback on the Manatee County Contract for the same services. Staff has been satisfied with both the performance and the reports submitted, which are a required component of this contract. Staff is recommending the City Commission approve the signing of the piggyback agreement with Professional Piping Services, and approve the expenditure of funds in the amount of \$78,728.72

OTHER OPTION

None. Without this required annual cleaning, the force main would become plugged and become inoperable. This in turn would cut off the sewer service for the subdivisions being serviced north of the city center.

[End Agenda Memo]

8.VIII. Edward Byrne Memorial State And Local Law Enforcement Assistance Grant

[Begin Agenda Memo]

Synopsis:

Approval of this item will allow the police department to apply for and receive grant funding then purchase a mobile electronic variable message board in FY20/21.

Recommendation:

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to accept funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant, then purchase a mobile electronic variable message board from All Traffic Solutions using GSA contract pricing.

Background:

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$12,800.00 and if approved would be included in the 2021/2022 budget.

The Lake Wales Police Department proposes to purchase a variable message display board to provide vital information to residents and area visitors. This system will be portable and easily moved using a standard vehicle mounted trailer hitch. Variable message boards are vital pieces of equipment for highway safety projects or when redirecting traffic. They alert motorists regarding changes in traffic patterns, where to park for special events and other important information the police department may need to convey quickly. They also provide crucial safety benefits when used in construction zones or other areas with potential hazards.

The proposed budget of the Lake Wales Community Safety Program includes:

\$11,882.79 - One (1) variable message display board. This package will include all, hardware, software, accessories, licensing, shipping and training.

\$917.21 - Spare trailer hitches, police department graphics and traffic cones. Matching funds are not required for this project.

Other Options:

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant or purchase this equipment.

Fiscal Impacts:

The Finance Department has reviewed this application and attached a fiscal impact statement. There are no reoccurring costs other than general maintenance and repair when needed.

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. Ordinance 2021-09 Zoning Amendment – Chapter 23 Zoning, Land Use And Development – 2nd Reading - PUBLIC HEARING

[Begin Agenda Memo]

SUBJECT: Ordinance 2021-09 Zoning Amendment – Chapter 23 Zoning, Land Use and Development – 2nd Reading - PUBLIC HEARING

SYNOPSIS: Ordinance 2021-09 proposes amendments to areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances). These amendments are necessary to address the growth and needs of the community, better align with current best practices, and facilitate a more business-friendly approach to development in Lake Wales.

RECOMMENDATION

Staff recommends adoption after second reading of Ordinance 2021-09 following a public hearing.

The Planning and Zoning Board made a recommendation of approval at a regular April 27, 2021 meeting.

This ordinance was approved at 1st reading on May 18, 2021.

BACKGROUND

Amendments are proposed to the following sections:

- a. Sec. 23-223 – Land Subdivision
- b. Table 23-421 Permitted Uses
- Sec. 23-223 – Land Subdivision

During a recent review of the City's LDRs, it was discovered that there are no provisions in place to guarantee facilities and other improvements that are dedicated to the public. Typically, most LDRs have provisions that require a maintenance bond, surety, or some form of guarantee that any recently dedicated public improvements will not immediately fall into disrepair. A similar example of this concept is obtaining a warranty when purchasing a new car.

To address this issue, the following language is proposed:

Sec. 223-4 Final subdivision plat and supplementary information.

- d. Review and Certification Process. Each final-subdivision plat shall be subjected to a standard review and certification process as follows.

4. Maintenance Bonds.

a. Public Improvements - To ensure that any improvements dedicated to the City (such as, but not limited to, streets, drainage, water, reclaimed water, sanitary sewer, storm sewer facilities, street lights and traffic signs) do not contain construction, design, or material defects or failures, a letter of credit or other surety shall be required. The surety shall be 10% of the cost of the improvements, based on the engineer's cost estimate approved by the City. Said surety

shall be reviewed and approved by the City prior to final plat. The surety shall be held by the City for a minimum of 24 months. The City reserves the right to hold the surety for a maximum of 60 months if special conditions encountered during design or construction make normal inspection and testing insufficient to assure structural integrity. Examples of special conditions include the use of marginal soils in construction, application of geotextile material precludes the removal of unsuitable material, and construction practices resulting from experimental design concepts.

b. Project Landscaping – A letter of credit or other surety shall be required in order to ensure that landscape improvements in project common areas remain viable and are not diseased, damaged or dying. The surety shall be for 120% of the total landscaping cost, based on the review and approval of the project costs by the Administrative Official. Said surety shall be reviewed and approved by the City prior to final plat. The surety shall be held by the City for a minimum of 24 months. The City reserves the right to hold the surety for a maximum of 60 months to ensure that the project common area landscaping remains healthy and viable.

Table 23-421 Permitted Uses

Amend the Permitted Use Chart to allow eat-in and take-out restaurants in the Limited Commercial Industrial (LCI) District. If approved, this request will spur economic development opportunities by allowing for possible restaurant locations.

Also proposed is to allow the following Industrial Uses as permitted by Special Exception Use Permit in the C-3 Highway Commercial zoning district: Assembly & Fabrication, Manufacturing-Light, and Warehouse/Distribution.

TABLE 23-421
PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project
R- R-
1A 1B R-1C R-1D R-2 R-3 PF C-1/ C-1A C-2 C-2R C-3 C-4 C-51 LCI BP I- I- 1
2 CN R

FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)

Bar, wine and beer 7	P	C-1-A	only																
Catering facility	S	P	S	P	S	P	S	P	S	P	P	Food							
processing				P	S	P	P												
Restaurants, eat-in 5,	S	P	P	P	S	P	P	P	P	P	P	P	P	P	P				
Restaurants, drive-up				S				P											
Restaurant, outdoor cafe 7	S	P	P	P	S	P	P	P	P	P	P	P	P	P					
Restaurant, take-out 5	P	P	P	S	P	P	P	P	S	S	S	P	P						
INDUSTRIAL USES																			
Assembly and fabrication	MDP			S	P	P	P	P	Laundry and dry cleaning plants										
MDP	P	S	P	P															
Manufacturing—Light	MDP	P	P	P	P	S													
Manufacturing—Heavy		S	S																
Warehouse /Distribution	MDP		S	P	P	P	P	P											

OTHER OPTIONS

Decline to amend the Land Development Regulations.

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-09** by title only.

ORDINANCE 2021-09

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 SECTION 23-223 LAND SUBDIVISION AND TABLE 23-421 PERMITTED USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-09** after 2nd Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 9.II. ORDINANCE D2021-01 CPA Future Land Use Designation – Bundy Property 2nd Reading And Public Hearing

[Begin Agenda Memo]

SUBJECT: Ordinance D2021-01 CPA Future Land Use Designation – Bundy Property
Ordinance D2021-02 Zoning Designation – Bundy Property 2nd Reading and Public Hearing
PID: 27-29-14-000000-033020 & 27-29-14-860590-000501

SYNOPSIS: Ordinance D2021-01 proposes the assignment of LDR Low-Density Residential Future Land Use;
Ordinance D2021-02 proposes the assignment of R-1A Single-Family Residential Zoning; of 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.

RECOMMENDATION

Staff recommends adoption after 2nd reading of Ordinances D2021-01 and D2021-02, following a

public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

At a March 16, 2021 meeting, City Commission approved the transmittal to DEO of Ordinances D2021-01 and D2021-02. On April 20, 2021, DEO sent a letter addressed to the Mayor. In this document, DEO stated, "We have no comment on the proposed amendment".

BACKGROUND

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residence subdivision.

The next step is to assign Future Land Use and Zoning to the property.
Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1A Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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.

OTHER OPTIONS

None.

FISCAL IMPACT

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-01** by title only.

ORDINANCE D2021-01

(CPA/Future Land Use Map Amendment Bundy Property – 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 29.42 ACRES OF LAND LOCATED EAST OF SCENIC HIGHWAY FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION LDR RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-01** after 2nd Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.III. ORDINANCE D2021-02 Zoning Designation – Bundy Property 2nd Reading And Public Hearing

[Begin Agenda Memo]

SUBJECT: Ordinance D2021-01 CPA Future Land Use Designation – Bundy Property
Ordinance D2021-02 Zoning Designation – Bundy Property 2nd Reading and Public Hearing
PID: 27-29-14-000000-033020 & 27-29-14-860590-000501

SYNOPSIS: Ordinance D2021-01 proposes the assignment of LDR Low-Density Residential Future Land Use;
Ordinance D2021-02 proposes the assignment of R-1A Single-Family Residential Zoning; of 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.

RECOMMENDATION

Staff recommends adoption after 2nd reading of Ordinances D2021-01 and D2021-02, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

At a March 16, 2021 meeting, City Commission approved the transmittal to DEO of Ordinances D2021-01 and D2021-02. On April 20, 2021, DEO sent a letter addressed to the Mayor. In this document, DEO stated, "We have no comment on the proposed amendment".

BACKGROUND

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residence subdivision.

The next step is to assign Future Land Use and Zoning to the property.
Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1A Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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.

OTHER OPTIONS

None.

FISCAL IMPACT

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-02** by title only.

ORDINANCE D2021-02

(Zoning Map Amendment - Bundy Property 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON 29.42 ACRES OF LAND LOCATED EAST OF SCENIC HIGHWAY TO R-1A SINGLE-FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-02** after 2nd Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 9.IV. ORDINANCE D2021-03 CPA Future Land Use Designation – K&M Groves 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Ordinance D2021-03 proposes the assignment of LDR Low-Density Residential Future Land Use;
Ordinance D2021-04 proposes the assignment of R-1D Single-Family Residential Zoning; of 16.96 acres located south of Mountain Lake Cut Off Road and west of Hwy 27

RECOMMENDATION

Staff recommends adoption after second reading of Ordinances D2021-03 and D2021-04, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

At a March 16, 2021 meeting, City Commission approved the transmittal to DEO of Ordinances D2021-03 and D2021-04. On April 20, 2021, DEO sent a letter addressed to the Mayor. In this document, DEO stated, "We have no comment on the proposed amendment".

BACKGROUND

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residential subdivision.

The next step is to assign Future Land Use and Zoning to the property.
Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1D Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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.

OTHER OPTIONS

None.

FISCAL IMPACT

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-03** by title only.

ORDINANCE D2021-03

(CPA/Future Land Use Map Amendment - K&M Groves – 16.96 acres located south Mountain Lake Cut Off Road and west of Hwy 27)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 16.96 ACRES OF LAND LOCATED SOUTH OF MOUNTAIN LAKE CUTOFF ROAD FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES

DESIGNATION LDR LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Sarah Case, K&M Groves, introduced herself, reviewed their project and said she was available for questions.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-03** after 2nd Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.V. ORDINANCE D2021-04 Zoning Designation – K&M Groves, 2nd Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Ordinance D2021-03 proposes the assignment of LDR Low-Density Residential Future Land Use;

Ordinance D2021-04 proposes the assignment of R-1D Single-Family Residential Zoning; of 16.96 acres located south of Mountain Lake Cut Off Road and west of Hwy 27

RECOMMENDATION

Staff recommends adoption after second reading of Ordinances D2021-03 and D2021- 04, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

At a March 16, 2021 meeting, City Commission approved the transmittal to DEO of Ordinances D2021-03 and D2021-04. On April 20, 2021, DEO sent a letter addressed to the Mayor. In this document, DEO stated, "We have no comment on the proposed amendment".

BACKGROUND

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residential subdivision.

The next step is to assign Future Land Use and Zoning to the property.
Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1D Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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.

OTHER OPTIONS

None.

FISCAL IMPACT

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

OPENED PUBLIC HEARING

Sarah Case, K&M Groves, introduced herself, reviewed their request and said she was available for questions.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-04** after 2nd Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10. NEW BUSINESS

- 10.I. ORDINANCE 2021-10 Annexation – 1st Reading And Public Hearing 61 Acres North Of Mammoth Grove Road

[Begin Agenda memo]

SUBJECT: Ordinance 2021-10 Annexation – 1st Reading and Public Hearing
61 acres north of Mammoth Grove Road PID: 28-29-29-937600-040161, 020210,
020272, 020271, 020273, 020222, 020190, 020221, & 020291

SYNOPSIS: Ordinance 2021-10 proposes the voluntary annexation of approximately 61 acres of land located north of Mammoth Grove Road, east of Masterpiece Road, and contiguous to the incorporated City limits.

RECOMMENDATION

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2021-10 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

Everything and All LLC, owner, petitioned annexation into the corporate city limits of Lake Wales on May 13, 2021.

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

OTHER OPTIONS

Decline to annex the property.

FISCAL IMPACT

The annexation will add to the City's tax roll. The combined properties are valued at \$229,217, which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-10** by title only.

ORDINANCE 2021-10

(Annexation – 60.09 acres of land north of Mammoth Grove Road and east of Masterpiece Road)

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 60.09 ACRES OF TERRITORY, 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

Rick McGill, resident and business owner, said he has lived in Lake Wales 67 years. He lives on Mammoth Grove Road and has lived in Country Oaks. He said he is concerned that putting too many homes in that area will ruin the character of that neighborhood. He reviewed the history of the property. He said a development will add to the traffic level. He is in favor of growth and understands the need for growth. He asked the Commission to consider these concerns.

Rory said he lives next door to this property. He has horses on his property. He is not opposed to expansion. He is concerned about 4 houses per acre on that property. He is concerned about additional noise and traffic disrupting his horses. He suggested a house every 5 acres like County Oaks.

CLOSED PUBLIC HEARING

Mayor Fultz said this is the first reading for this item and will come back for a second reading.

Deputy Mayor Gibson said he isn't opposed to growth but wants to guard against urban sprawl. He asked Mr. Bennett if we can mitigate urban sprawl and have a demarcation between City and county.

Mark Bennett, Development Services Director, reviewed the land development process. Annexation is the first step, establishing a zoning designation will be next. The applicant has not submitted a site plan yet. They have indicated plans for houses and possible commercial so it would be mixed use. Mixed Use is a good factor against urban sprawl. Lots will not be that small to have 240 units. The City has a 12 inch water line on Masterpiece Road so they connect to existing utility but no sewer out there. That ensures larger lots will be required. The property is contiguous to the City across the road. For those reasons this is not urban sprawl. There will be a clear separation between urban and rural. Deputy Mayor Gibson asked about the possibility of getting sewer out there. Mr. Bennett said there are no plans to extend sewer out there. Deputy Mayor Gibson said right now we are just voting on annexation. Mr. Bennett confirmed this. Mr. Bennett said we have flexibility in site design as we go through the process. Deputy Mayor Gibson asked if the property owner would be upset if they don't like the zoning. Mr. Bennett said that they have to annex if they wish to develop the property because the City has water. Deputy Mayor Gibson asked if we promised them anything at this point. He doesn't want to trick anyone. Mr. Bennett said no, no promises or expectations.

Mayor Fultz said he agreed with going forward with the annexation and he is sure we didn't make any false promises.

Commissioner Howell asked if different lot sizes in the project layout would be allowed. Mr. Bennett said there are several techniques to site plan the project to make it compatible with the surrounding area.

Commissioner Williams said he did not want to hinder the staff from doing their job.

James Slaton, City Manager, said we haven't gotten any site plans or traffic studies. This will all come later and we will have time to discuss them.

Commissioner Howell made a motion to approve **ORDINANCE 2021-10** after 1st Reading and Public Hearing. Deputy Mayor Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "NO"

Mayor Fultz "YES"

Motion passed 4-1.

- 10.II. ORDINANCE 2021-11, Section 21-27. – Connection To Sewer System And Section 21- 71 Connection To Water System. 1st Reading

[Begin Agenda memo]

SYNOPSIS:

The City Commission will consider Ordinance 2021-11 amending the Lake Wales Code of Ordinances, Chapter 21, Section 21-27. – Connection to Sewer System and Section 21-71 Connection to Water System.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Approval of Ordinance 2021-11 after first reading.

BACKGROUND

Construction is on the rise and the City limits continue to expand as the Commission approves requests for annexations. This amendment is necessary to ensure that developers connect to the City's utilities system. Current provisions call for connection to be made if public utilities are within a ¼ mile, however, this has caused the potential for inside City limit residential developments to develop without public access. Due to the minimal distance requirement, development continues to prosper and the possibility for septic tank installations increase placing the cost of sewer maintenance on the homeowner. Requiring land developers to connect to the sewer system enables the City to expand its sewer system and make public access sewer available to new development and existing water only customers.

In an effort to be consistent with the distance requirement for connecting to the public utility system staff has elected to amend the distance requirement for connection to the water system. Distance for both water and sewer connection availability will now reflect one mile (five thousand two hundred and eighty (5,280) feet) of an existing public utility.

Staff recommends the commission approve Ordinance 2021-11 an ordinance of the City of Lake Wales, Polk County, Florida, amending Lake Wales code of ordinances Chapter 21 Utilities, Section 21-27 and 21-71 amending the Connection to Sewer System and Connection to Water System; providing for severability; providing for an effective date.

FISCAL IMPACT

No fiscal impact. The land developer will incur the cost of extending the sewer system.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-11** by title only.

ORDINANCE 2021-11

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF

ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE REQUIREMENT FOR CONNECTION TO THE SEWER SYSTEM;

AMENDING THE REQUIREMENT FOR CONNECTION TO THE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2021-11** after 1st Reading. Commissioner Howell seconded the motion.

By Roll Call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.III. ORDINANCE 2021-12 Repealing ORDINANCE 2020-15 Wearing Masks.

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider adopting ORDINANCE 2021-12 repealing Ordinance 2020-15 requiring face coverings in certain public places.

RECOMMENDATION

Staff recommends the City Commission approve Ordinance 2021-12 after 1st reading.

BACKGROUND

On August 18, 2020, the City Commission of the City of Lake Wales approved and adopted Ordinance 2020-15 requiring persons that live, work, visit or do business in the City of Lake Wales, Florida, wear face coverings in certain public places to stop or slow the spread of COVID-19.

On May 3, 2021, the Governor of the State of Florida entered Executive Order 21-102 which eliminated and superseded any existing emergency order or ordinance of a county or municipality which imposed restrictions or mandates due to the COVID-19 emergency.

At the workshop on May 26, 2021 City Commission directed staff to put an Ordinance on the agenda to repeal Ordinance 2020-15 as it is no longer in effect.

OTHER OPTIONS

Do not approve Ordinance 2021-12

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-12** by title only.

ORDINANCE 2021-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA,

**RELATING TO
PUBLIC HEALTH; REPEALING ORDINANCE 2020-15 REQUIRING PERSONS THAT LIVE,
WORK, VISIT OR DO
BUSINESS IN THE CITY OF LAKE WALES, FLORIDA, TO WEAR FACE COVERINGS IN CERTAIN
PUBLIC PLACES TO
STOP OR SLOW THE SPREAD OF NOVEL CORONA VIRUS DISEASE 2019 (COVID-19); MAKING
FINDINGS; PROVIDING AN EFFECTIVE DATE.**

Mayor Fultz said the mask ordinance has no teeth because of the Governor's executive orders. Those wearing masks are being cautious. We can't enforce the mask ordinance. Nothing will change in the City.

Commissioner Howell asked if our numbers go back up can we put this back in place. Mayor Fultz said no.

Deputy Mayor Robin Gibson said as our 14 day average is under 5% that was our original threshold for repealing the Ordinance so its time despite the governor's actions.

Mayor Fultz said everyone needs to make the best judgement for themselves in regards to wearing masks.

Commissioner Howell made a motion to approve **ORDINANCE 2021-12** after 1st Reading. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, had no report.

12. CITY MANAGER

James Slaton, City Manager, reported that there was an article in the Ledger on the Lake Wales Connected Plan. The Plan has gotten lots of positive attention lately so we are doing something right.

Mr. Slaton said we are starting a volleyball program in partnership with the YMCA. He also said that we will be having a 4th of July celebration this year.

12.I. Tracking Report

Mr. Slaton said the Recreation Master Plan Community wide surveys have been mailed out.

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

Next week is the CRA meeting and we will have a presentation on the CRA for elected officials.

The next Commission workshop is Wednesday June 9th at 2pm.

13. CITY COMMISSION COMMENTS

Commissioner Fitzgerald said she would like to find ways to reach out to Hispanic communities and encourage them to be more involved with the City. Mayor Fultz said we have tried this with not much success. He encouraged everyone to engage them and their congregations and encourage them to be involved.

14. MAYOR COMMENTS

Mayor Fultz said he is glad the City is moving in the right direction. This will be a city we can all be proud of.

15. ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Mayor

ATTEST:

City Clerk