

# City Commission Minutes

June 21, 2022

(APPROVED)

6/21/2022 - Minutes

1. INVOCATION

Rev JJ Pierce gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

**Commission Members Present:** Terrye Howell, Danny Krueger, Deputy Mayor Robin Gibson, Daniel Williams, Mayor Jack Hilligoss

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - JUNETEENTH DAY

Mayor Hilligoss proclaimed June 19, 2022 as Juneteenth Day. Curtis Gibson, Dorothy Scott Wilson, Tonya Stewart, Rev JJ Pierce and Narvell Peterson accepted the proclamation.

6. COMMENTS AND PETITIONS

John Barnett said he owns property nearby and would like to be incorporated into Lake Wales. Mayor Hilligoss directed him to speak with our City Manager to address that.

Charlene Bennett, resident, spoke in favor of requiring developers to install electric charging stations. She explained that electric vehicles are becoming more common. She spoke against the proposed proclamation policy. She does not think that only the Mayor should make decisions about proclamations.

Dr. Debra Wright Hudson, Principal of McLaughlin Middle School, gave an update on the end of school and some of the activities over the summer. She said student orientation is August 8.

Dr. Sherree Timons, Principal of Spook Hill Elementary, introduced herself, reviewed their end of their school year and said their orientation is August 9.

Tammy James, resident, said she loves the diversity of Lake Wales. She would like our community to maintain its small town friendliness as we grow. She encouraged the Mayor to unite the community and

avoid further divides.

Bill Young, resident, said our country was founded on Judeo-Christian values. We need to not be antagonistic and come together. We can be equal without being the same. He hopes we can live together and be civil with each other. He doesn't like being yelled at but we need to mind our own business and respect each other.

Kyra Love, resident, discussed the proposed policy on proclamations. She recommended the core values be included in the policy. She reviewed the values listed in the Ordinance and explained why the Polk Pride proclamation should be issued. She said a reason should be given as to why a proclamation is denied.

Jim Taggart, non-resident, said the LGBTQ community is a small minority that wants special rights. They do not have the right to promote this lifestyle. LGBTQ rights are not the same as civil rights. keep private life private.

David Jones, resident, shared examples of LGBT people serving our country honorably who are recognized during Pride monthly. Polk County has issued a Pride Proclamation. We need to put out the welcome mat for people to come.

Becky Wynkoop, resident, recommended having light pole banners with veterans' photographs on them similar to what a few other towns do. It looks bad in Lake Wales that we are the only ones that didn't do a proclamation. The LGBT community faces discrimination in various areas. We should lead by example and through love.

Timothy Ratliff, resident, expressed support for the Message board purchase.

## 7. CITY CLERK

### 7.I. Board Appointments To Various Boards And Commissions

[Begin Agenda Memo]

#### **RECOMMENDATION**

Staff recommends that the Mayor and Commission make the following appointments and reappointments as deemed appropriate.

1. Reappoint Clarke Gerard to the Airport Authority to a new term to expire July 1, 2025
2. Reappoint Nancy Baker to the Board of Zoning Adjustment and Appeals to a new term to expire July 1, 2025
3. Reappoint Sue Marino to the Board of Zoning Adjustment and Appeals to a new term to expire July 1, 2025
4. Reappoint Narvell Peterson to a new term on the Citizens and Police Community Relations Advisory Committee to expire July 1, 2024.
5. Reappoint Tiffany Davis to a new term on the Citizens and Police Community Relations Advisory Committee to expire July 1, 2024
6. Review other applications for the Citizens and Police Advisory Committee for possible appointment.
7. Reappoint Bruce Austell to the Code Enforcement Board to a new term to expire July 1, 2025.

8. Reappoint Ralph Marino to the Code Enforcement Board to a new term to expire July 1, 2025.
9. Reappoint Rodney Cannon to the Code Enforcement Board to a new term to expire July 1, 2025.
10. Appoint Curtis Gibson to serve as an alternate to the Code Enforcement Board for a term to expire July 1, 2025.
11. Appoint Tammy James to fill a partial term on the Historic District Regulatory board for a term expiring July 1, 2024
12. Reappoint Helen Walters to a new term on the Housing Authority for a term expiring July 1, 2026
13. Appoint 3 of 6 applicants to the Planning and Zoning Board. Two for terms to expire July 1, 2025, One to expire July 1, 2023.

**BACKGROUND** On July 1st many terms on the various boards, Commissions and Authorities are expiring. Here are those applying for appointment or reappointment to new terms. The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term) The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

-There is no interview process requirement for applicants applying for appointment to this board.

-Members are not required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 3 Vacancies due to expiring terms Current Members:

Fred Halde, resident 08/04/21--07/01/24, 1

Herb Gillis, non-resident, 07/01/21--07/01/24, P+1

Clarke Gerard, non-resident chair 06/05/18--07/01/22, P+1

Charles N. Clegg, resident 06/19/16--07/01/22, 1

AJ Goin, non resident 08/04/21--07/01/24, 1

Phillip Weikert, non-resident 11/17/20--07/01/23, 1

Barbara Pelisek, non-resident 07/01/20--07/01/23, P+2 Commissioner

Danny Krueger, non-voting member 05/03/22 - 05/07/24,

The Airport Authority did not have a quorum at last meeting to provide a recommendation but 2 members supported Clarke Gerard for reappointment.

Applying for reappointment: Clarke Gerard, non-resident for a term expiring on 7/1/2025.

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancies

Current Members: James Boterf, resident 10/04/11 – 07/01/23, 4

Crystal Higbee, resident 07/01/21 – 07/01/23, P

Sue Marino, resident 07/01/19 – 07/01/22, P+2

Nancy Baker, resident 11/17/20 - 07/01/22, P

Warren Turner 07/05/17 - 07/01/23, 2

Applying for Appointment: Sue Marino for a term expiring on 7/1/2025 Nancy Baker for a term expiring on 7/1/2025 The board recommends their reappointments.

Citizens and Police Community Relations Advisory Committee (Res 2020-05) – The board consists of 6 members. Terms are 2 years. One member shall be an active police officer serving in the Lake Wales Police Department and shall be appointed by the chief of police. Each Commissioner shall recommend one appointment to the Mayor.

- There are currently 3 vacancies Current Members: Andy Oguntola (Seat 1) 7/01/2021 – 07/01/2023 P+1

Tiffany Davis (Seat 2) 8/4/2020 – 7/1/2022 1

Narvell Peterson (Seat 3) 8/4/2020-7/1/2022 1

Al Goldstein (Seat 4) 9/21/2021 – 7/1/2023 1

Dwight Wilson (Seat 5) 8/4/2020 – 7/1/2022 1

Michael Smith (Police Chief Appointment) 5/20/21

Applying for Reappointment – Narvell Peterson for a term to expire July 1, 2024. Commissioner Howell recommends this appointment. Tiffany Davis for a term to expire July 1, 2024. Commissioner Williams recommends this appointment. Timothy Ratliff, William Dunkleberger, Troy Schulze have also submitted applications.

**Code Enforcement Board (City Code Sec. 2-56)** – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor. Members must be residents. (3-year term) 2 alternates can also be appointed.

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 3 vacancies, residents; 2 alternate seats There are three vacancies on the Code Enforcement Board due to expiration of terms.

Current Members: Dwight Wilson, resident 07/01/21 – 07/01/24 2

Courtney Schmitt, resident 07/01/21 – 07/01/24, 1

Rodney Cannon, resident 02/04/2020 – 07/01/2022, P

Ralph E. Marino, resident 07/01/19 – 07/01/2022 P

Bruce Austell, resident 02/04/2020 – 07/01/2022 P

Julia Paul 02/18/20 – 07/01/23 P

Sara Jones, resident 07/01/21 – 07/01/2024 1 No Alternates

**Applying for Appointment:** Rodney Cannon has applied to be reappointed to a term expiring on July 1, 2025

Ralph Marino has applied to be reappointed to a term expiring on July 1, 2025

Bruce Austell has applied to be reappointed to a term expiring on July 1, 2025

Curtis Gibson has applied to serve and staff recommends that he be appointed to serve as an alternate for a term to expire July 1, 2025.

### **Historic District Regulatory Board**

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.

- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 3 vacancies, resident or own property in City;

Current Members: Lawrence (Larry) Bossarte, business owner 02/04/20 – 07/01/22, 1

Jonathan Kaufman, resident 09/22/20 – 7/1/2022, P

Robert Harriage, resident 12/01/20 – 07/01/21, P

Brandon Alvarado, resident 12/18/18 - 07/01/24, 2

Scott Crews, resident 02/05/19 – 07/01/24, 2

Applying for Appointment: Tammy James, resident, for a partial term expiring on 07/01/24 Staff has interviewed the applicant and recommends her appointment.

**Housing Authority (F.S. 421.04)** – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- An interview process is necessary for new applicants only.

- Members are required to file an annual Form 1, Statement of Financial Interests -

Current Vacancies: 1 vacancy due to expired term Primary Duties: Manage and control the city's low-rent housing units. Current Meeting Schedule: 3rd Wednesday @ 6:00 PM;

Housing Authority Current Members:

Michelle Threatt, resident 07/01/21 – 07/01/25, 1

Narvell Petersen, resident Chair 07/01/20 – 07/01/24, 1

Wanda Lawson, resident 07/01/21 – 07/01/25 3

Durinda Wells 07/01/21 – 07/01/25, 2

**Helen Walters, housing resident 07/01/18 – 07/01/22, 2**

Albert Kirkland, Jr., Ex-officio n/a

Commissioner Terrye Howell, City Liaison 05/05/20 – 05/02/23

**Applying for Re-Appointment: Helen Walters for a new term to expire 07/01/2026**

The Housing Authority and staff recommends this appointment.

**Planning & Zoning Board (City Code Sec. 23-205.2)** – The board consists of seven (7) members. At least four (4) members must reside in the City and three (3) members must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.

- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 3 vacancies, must reside in or own real property in the City

Current Members: Kyra Love Harriage, Resident 7/1/21 – 07/1/24 2

Casey McKibben, resident 03/02/21 – 07/01/24, P+1

**Charlene Bennett, resident 02/16/10 – 07/01/22, 4**

**Betty Wojcik, resident 09/08/21 – 07/01/23, P resigned**

Christopher Lutton, resident 07/05/17 – 07/01/23, 2

**John Gravel, property owner 07/01/19 – 07/01/22, 1**

Eric Rio, property owner 08/03/2021 - 07/01/24, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

**Rules of procedure** (City Code Sec. 23-205.3): The planning board shall elect from its membership one (1) member to serve as chairman and one (1) to serve as vice-chairman. a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election. b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda. Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein: 1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions; 2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission; 3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations; 4. To perform any other duties which are lawfully assigned to it by the city commission

Applying for Appointment: Eugene Fultz, Larry Bossarte, Courtney McCrystal, Juanita Zwaryczuk, Curtis Gibson, Bueford Colburn

Planning and Zoning Board Recommendation – Emailed to 6 Board Members Eugene Fultz - 1 yes, 1 no, 1 wants a new application, 3 not responded Larry Bossarte - 2 yes, 1 no, 3 not responded Courtney McCrystal - 2 yes, 1 no, 3 not responded Juanita Zwaryczuk -3 yes, 3 not responded Curtis Gibson and Bueford Colburn were not sent to the Board as their applications arrived later.

**OPTIONS** Do not appoint those that have applied.

**FISCAL IMPACT** None. These are volunteer boards.

[End Agenda Memo]

Mayor Hilligoss thanked all those who have applied to serve on the various boards and invited applicants to share with the board some of their background and why they wish to serve.

Juanita Zwaryczuk, resident and applicant for the Planning and Zoning Board, shared her back ground and why she wanted to serve on this board.

Eugene Fultz, resident, and applicant for the Planning and Zoning Board, shared his back ground and why he wanted to serve on this board.

Larry Bossarte, property owner and applicant for the Planning and Zoning Board, shared his back ground and why he wanted to serve on this board.

Curtis Gibson, resident and applicant for the Code Enforcement and the Planning and Zoning Boards, shared his back ground and why he wanted to serve on these boards.

Nancy Baker, resident and applicant for the Board of Zoning Adjustments and Appeals,

introduced herself and why she wanted to serve.

Bud Colburn, resident and applicant of the Planning and Zoning Board, introduced himself and why he wanted to serve on the board.

William Dunkleberger, resident and applicant to the Citizens and Police Community Relations Advisory board, introduced himself and why he was willing to serve.

Narvell Peterson, resident and applicant to the Citizens and Police Community Relations Advisory board, introduced himself and why he was willing to serve.

Helen Walters, resident and applicant to the Lake Wales Housing Authority, introduced herself and why she was willing to serve.

Timothy Ratliff, resident and applicant to the Citizens and Police Community Relations Advisory board, introduced himself and why he was willing to serve.

Tammy James, resident and applicant to the Historic District Regulatory board, introduced herself and why she was willing to serve.

Tiffany Davis, resident and applicant to the Citizens and Police Community Relations Advisory board, introduced herself and why she was willing to serve.

Mayor Hilligoss made the following appointments and reappointments:

Bruce Austell to the Code Enforcement Board to a new term to expire July 1, 2025.

Ralph Marino to the Code Enforcement Board to a new term to expire July 1, 2025.

Rodney Cannon to the Code Enforcement Board to a new term to expire July 1, 2025.

Tammy James to fill a partial term on the Historic District Regulatory board for a term expiring July 1, 2024.

Nancy Baker to the Board of Zoning Adjustment and Appeals to a new term to expire July 1, 2025.

Sue Marino to the Board of Zoning Adjustment and Appeals to a new term to expire July 1, 2025.

Helen Walters to a new term on the Housing Authority for a term expiring July 1, 2026.

Clarke Gerard to the Airport Authority to a new term to expire July 1, 2025

Eugene Fultz to the Planning and Zoning Board to a partial term that expires July 1, 2023

Larry Bossarte to the Planning and Zoning Board to a new term that expires July 1, 2025

Courtney McCrystal to the Planning and Zoning Board to a new term that expires July 1, 2025

Curtis Gibson as an alternate to the Code Enforcement Board to a new term that expires July 1, 2025.

Bueford "Bud" Colburn as an alternate to the Code Enforcement Board to a new term that expires July 1, 2025.

Narvell Peterson to a new term on the Citizens and Police Community Relations Advisory Committee to expire July 1, 2024.

Tiffany Davis to a new term on the Citizens and Police Community Relations Advisory Committee to expire July 1, 2024

Deputy Mayor Robin Gibson recommended Troy Schulze for appointment to the Citizen and Police Community Relations Advisory Committee.

Mayor Hilligoss appointed Troy Schulze to a new term on the Citizens and Police Community Relations Advisory Committee to expire July 1, 2024.

Commissioner Krueger made a motion to confirm the appointments. Commissioner Howell seconded the motion.

By voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

#### 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 Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.I. Minutes June 7, 2022, January 26, 2022, February 9, 2022, June 15, 2022

8.II. Second Amended And Restated Implementation Agreement For The Southeast Wellfield

[Begin Agenda Memo]

**SYNOPSIS:**

The changes to the Implementation Agreement are to establish anchor partners at the recommendation of the lending partners, WIFIA (EPA) and SRF (FDEP).

**RECOMMENDATION** It is recommended that the Commission take the following action:

1. Approve signing the Polk Regional Water Cooperative (PRWC) Second Amended and Restated Implementation Agreement for the Southeast Wellfield
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

**BACKGROUND** It is anticipated there will be a need for additional supply given future expected development and system expansion. Alternatives for future additional supply may potentially include bulk water purchases from the PRWC (Polk Regional Water Cooperative). While the City is a participant of the PRWC who is developing the Southeast Wellfield Project, the status of the City to the Southeast Wellfield project is listed as Project Associate. Signing the implementation agreement as a Project Associate allows the City time to perform some due diligence as to the feasibility of a City funded Alternative Water Source project. The Commission approved for the City to be represented as a project associate at the April 20, 2021 city commission meeting. The agreement is being brought back before the commission because of some minor changes made to the agreement. While there have been changes to the agreement, it does not affect the city's position to continue as a project associate at this time. The changes to the Implementation Agreements are minor and are being made to comply with edits provided to the PRWC by the lending partners, WIFIA (EPA) and SRF (FDEP). The most significant change is the concept of "anchor project participants". For the Southwest Wellfield the anchor project participants are Auburndale, Davenport, Haines City, Winter Haven, and Polk County. As provided for on page 21 of the redlined version attached, there can be no reduction of an anchor project participants water allocation without approval of the lender. This change was made to maintain the overall credit worthiness of the project.

Staff recommends the Commission take the following action, approve the signing of Second Amended and Restated Implementation Agreement and authorize the Mayor to execute the appropriate documents, on the City's behalf.

**OTHER OPTIONS** None

**FISCAL IMPACT** Becoming a Project Associate will not obligate the City for any of the debt at this time. If at any time the City changes its position and chooses the option to become a Project Partner of the Southeast Wellfield project, it is at that time financial responsibility will be determined.

[End Agenda Memo]

8.III. Purchase Of Excavator

[Begin Agenda Memo]

**SYNOPSIS:**

Staff is requesting Commission approval to purchase (1) Caterpillar 303 Mini Hydraulic Excavator under the Florida Sheriffs Contract FA20-EQU18.0.

**RECOMMENDATION**

It is recommended that the City Commission take the following action(s): 1. Approve the purchase of (1) Caterpillar 303 Mini Hydraulic Excavator.

**BACKGROUND** City Commission approved \$52,000 in the Streets Capital budget for Heavy Equipment. Staff recommends the purchase of (1) Caterpillar 303 Mini Hydraulic Excavator in the amount of \$53,134.00.

**OTHER OPTIONS** Commission may choose to not approve the purchase of the Caterpillar 303 Mini Hydraulic Excavator.

**FISCAL IMPACT** A budgeted amount of \$52,000 is included in the FY 2021/2022 budget. The additional \$1,134.00 will be covered from funds allocated in the Street's Operating Supplies – Equipment.

[End Agenda Memo]

#### 8.IV. Purchase Of Message Sign

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval to purchase (1) PCMS-1500 Trailer-Mounted Message Sign under the Florida Sheriffs Contract FA20-EQU18.0.

**RECOMMENDATION** It is recommended that the City Commission take the following action(s): 1. Approve the purchase of (1) PCMS – 1500 Trailer-Mounted Message sign.

**BACKGROUND** City Commission approved \$22,000 in the Streets Capital budget for a new message board. Staff recommends the purchase of (1) PCMS-1500 Trailer-Mounted Message sign in the amount of \$21,230.00. The City's current message sign is continuously at Fleet for maintenance and no longer reliable.

**OTHER OPTIONS** Commission may choose not to approve the purchase of the PCMS-1500 Trailer-Mounted Message Sign

**FISCAL IMPACT** A budgeted amount of \$22,000 is included in the FY 2021/2022 budget.

[End Agenda Memo]

#### 8.V. Special Event Permit The Vibe Food Truck Rally

[Begin Agenda Memo]

**SYNOPSIS:** A special event permit application to sponsor a Food Truck Rally on July 16th from 5:00 p.m. – 8:00 p.m. This event will require the closing of Lincoln Avenue from B Street to D Street from 8:00 a.m. to 9:30 p.m.

**RECOMMENDATION** Staff recommends approval of the Special Event permit for the Vibe Food Truck Rally on the 16th of July, and the closure of Lincoln Avenue from B Street to D Street from 8:00 a.m. to 9:30 p.m.

**BACKGROUND** The Lincoln Community Development Corporation has submitted a special event permit application to sponsor a food truck event on July 16th on Lincoln Avenue from 5:00 p.m. to 8:00p.m. This event will require the closing of Lincoln Avenue from B Street to D Street and C Street at Lincoln Ave. from 8:00 a.m. to 9:30 p.m. The event will include a DJ.

**OTHER OPTIONS** Do not approve the permit.

**FISCAL IMPACT** This is a budgeted event for the 2021-2022 Fiscal year.

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. ORDINANCE D2022-12 2nd Reading And Public Hearing Zoning Map Amendment For 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[Begin Agenda Memo]

**SYNOPSIS:** Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 10.02 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to reassign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022:

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: R-1A The first reading to reassign zoning by City Commission was approved at a regular meeting on June 7, 2022.

**BACKGROUND** The subject property is located north of Linda Street and east of Tangelo Street. This parcel is adjacent to city limits on its western boundary and is located approximately one mile south of the Walmart. The owners petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022 and have requested that the annexation, land use amendment, and zoning amendment be presented together. The Planning and Zoning Board recommended approval to city commission to reassign the land use and zoning designations at a regular meeting on April 26, 2022. The request to reassign land use was approved at first reading by City Commission at a regular meeting on May 17, 2022 and approved at second reading on June 7, 2022. The first reading to reassign zoning was approved at a regular meeting on June 7, 2022. There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes. A Zoning designation of R-1A is appropriate with existing R-1A zoning to the west and compatible with the existing county development to the south.

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

**FISCAL IMPACT** Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-12** by title only.

**ORDINANCE D2022-12 (Zoning Map Amendment for approximately**

**10.02 acres of land north of Linda Street and east of Tangelo Street) AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 10.02 ACRES OF LAND NORTH OF LINDA STREET AND EAST OF TANGELO STREET, FROM POLK COUNTY RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES DESIGNATION R-1A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt ORDINANCE D2022-12 after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

10. NEW BUSINESS

10.I. Approval Of Addendum 1 To The 1995 Lease Agreement With Florida Midland Railroad

[Begin Agenda Memo]

**SYNOPSIS:** Commission approval to authorize the addendum required for improvements to the Scenic Highway Gateway Corridor.

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

1. Approve the addendum agreement
2. Authorize the City Manager to execute the agreement on the City's behalf

**BACKGROUND** This addendum shall serve to clarify improvements contemplated by Lessee bound by the Right of Way Lease by and between Lessor and Lessee dated July 19, 1995. In accordance with the Lake Wales Connected plan, the City has designed significant landscape improvements along Scenic Highway from East Sessoms Avenue to East Johnson Avenue. This area is being branded as the "Scenic Highway Gateway Corridor" as it truly functions as the gateway to Historic Downtown Lake Wales. Phase I of these improvements is addressed in this addendum and covers the area between East Sessoms Avenue and Park Avenue. Design plans call for cathedral live oaks, canary island date palms, Japanese privet, slash pines, hollies, and crepe myrtles, along with various shrubs, small palms, grasses, and perennials. Coupled with the City's Park Avenue Streetscape, 1st Street Streetscape, Park Avenue Connector Trail and Market Plaza enhancement, these landscape improvements will help achieve the City's goal of becoming a "City in a Garden",

**OTHER OPTIONS** The City Commission may decide to reject the addendum.

**FISCAL IMPACT** There is no fiscal impact directly related to the addendum.

[End Agenda Memo]

Michael Manning, Assistant to the City Manager, reviewed this item.

Deputy Mayor Gibson asked if the Railroad has agreed to this. Mr. Manning said yes. Deputy Mayor

Gibson expressed support for more trees and sculpture downtown. Mr. Manning reviewed plans for additional public art downtown.

Commissioner Howell asked if the Railroad is charging us. Mr. Manning said the only fiscal impact would be more trees and their maintenance.

James Slaton, City Manager, praised the City's new horticulture efforts. This was discussed.

Commissioner Krueger made a motion to approve this agreement. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

10.II. ORDINANCE 2022-13 Annexation – 1st Reading And Public Hearing 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-13 proposes the voluntary annexation of approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South, and contiguous to the incorporated City limits. **RECOMMENDATION** Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-13 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** The McKenna Family petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northern and eastern boundaries.

**OTHER OPTIONS** Decline to annex the property.

**FISCAL IMPACT** The annexation will add to the City's tax roll. The properties are valued at a total of \$194,022, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE 2022-13** by title only.

**ORDINANCE 2022-13 (Annexation – 23.66 acres of land south of Passion Play Road and west of 11th Street South)**

**Parcel ID: 273013-000000-012010 & 273013-000000-012020 AN ORDINANCE PROVIDING FOR THE**

**ANNEXATION OF APPROXIMATELY 23.66 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2022-13** after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

10.III. ORDINANCE D2022-09 - 1st Reading And Public Hearing Future Land Use Amendment For 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

**SYNOPSIS:** The McKenna Family requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 23.66 acres.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to re-assign to re-assign the following land use designations, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR & NAC

**BACKGROUND** The subject property is located west of 11th Street South, south of Passion Play Road, and north of Hunt Brothers Road. This parcel is adjacent to city limits on its eastern and northern boundaries and is located south of the Congregation of Jehovah's Witness. The owners petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021 and has requested that the annexation, land use amendment, and zoning amendment be presented together. There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes. Approximately 10 acres in the northwestern portion of the site, along Passion Play Road, will have a land use designation of LDR (Low-Density Residential). The remaining 13.66 acres of the site along 11th Street South and Hunt Brothers Road will have a land use designation of NAC (Neighborhood Activity Center). Neighborhood commercial uses at the corner of 11th Street South and Hunt Brothers Road provides a transition from the existing residential homes on the west from the industrial lands to the east. It will also provide support commercial uses for the growing residential communities in the surrounding areas north of the site. The portion designated as low-density residential is compatible with the assigned land use and zoning north of Passion Play Road.

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 redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-09** by title only.

**ORDINANCE D2022-09 (Small-Scale CPA/Future Land Use Map Amendment for approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 23.66 ACRES OF LAND SOUTH OF PASSION PLAY ROAD AND WEST OF 11TH STREET SOUTH, FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR) AND NEIGHBORHOOD ACTIVITY CENTER (NAC); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

Commissioner Howell made a motion to approve **ORDINANCE D2022-09** after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

10.IV. **ORDINANCE D2022-10 1st Reading And Public Hearing - Zoning Map Amendment For 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South**

[Begin Agenda Memo]

**SYNOPSIS:** The McKenna Family requests approval of City Commission to amend the Zoning Map on parcels of land totaling approximately 23.66 acres.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to re-assign to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Zoning: Polk County Residential Suburban (RS) Proposed Zoning: R-1A & C-4

**BACKGROUND** The subject property is located west of 11th Street South, south of Passion Play Road, and north of Hunt Brothers Road. This parcel is adjacent to city limits on its eastern and northern boundaries and is located south of the Congregation of Jehovah's Witness. The owners petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021 and has requested that the annexation, land use amendment, and zoning amendment be presented together. There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes. Approximately 10 acres of land on the northwestern portion of the site, along Passion Play Road, will have a zoning designation R-1A, allowing the least intensive residential zoning district. The remaining 13.66 acres of the site, along 11th Street South and Hunt Brothers Road, will have a zoning designation of C-4. The portion zoned for residential is compatible with the existing homes along Hunt Brothers Road and the lands zoned residential to the north. Neighborhood commercial uses at the corner of 11th Street South and Hunt Brothers Road provides a transition from the existing residential homes on the west from the industrial lands to the east. It will also provide support commercial uses for the growing residential communities in the surrounding areas north of the site.

**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 redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-10** by title only.

**ORDINANCE D2022-10**

**(Zoning Map Amendment for approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South) AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 23.66 ACRES OF LAND SOUTH OF PASSION PLAY ROAD AND WEST OF 11TH STREET SOUTH, FROM POLK COUNTY RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES DESIGNATION R-1A AND C-4; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

Commissioner Krueger made a motion to approve **ORDINANCE D2022-10** after 1st reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

10.V. ORDINANCE 2022-21 Annexation – 1st Reading And Public Hearing 102.6 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-21 proposes the voluntary annexation of approximately 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-21 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** Lake Wales II Property Holdings, LLC and Lake Wales III Property Holdings, LLC applied for annexation on April 12, 2022. The previous owners petitioned annexation into the corporate city limits of Lake Wales on June 4, 2021 and June 7, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northern and western boundaries.

**OTHER OPTIONS** Decline to annex the property.

**FISCAL IMPACT** The annexation will add to the City's tax roll. The properties are valued at a total of \$298,634 which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-21** by title only.

**ORDINANCE 2022-21**

**(Annexation – 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27) Parcel ID: 272928-000000-031020; 272928-000000-031010; 272928-000000-032000; 272928-000000-041010**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 102.06 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED PUBLIC COMMENT**

Jessica Broward, resident, asked about getting utilities to this area. Her and a few others nearby. Mark Bennett, Development Services Director, said we don't have plans to answer that question yet. Their road goes to the property. They are concerned about the managing of the road.

Bart Allen, attorney for Petersen and Myers representing the owners, reviewed the project. They will work with City staff to get utilities to the property. There are no specific designs yet for utilities. Deputy Mayor Gibson said the City had a good relationship with the previous owners and asked if the new owners understood what the City is looking for. Mr. Allen said they are sensitive to those issues and will be doing community outreach. Mr. Allen said they will not be using that road, referenced by Ms. Broward, as an access point.

**CLOSED PUBLIC COMMENT**

Commissioner Krueger made a motion to approve **ORDINANCE 2022-21** after 1st reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

10.VI. **ORDINANCE 2022-24 Annexation – 1st Reading And Public Hearing 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road**

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-24 proposes the voluntary annexation of approximately 17.23 acres of land south of Waverly Road and west of C F Kinney Road, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-24 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** Ford Groves, LLC petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western boundary.

**OTHER OPTIONS** Decline to annex the property.

**FISCAL IMPACT** The annexation will add to the City's tax roll. The property is valued at \$182,817, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-24** by title only.

**ORDINANCE 2022-24 (Annexation – 17.23 acres of land south of Waverly Road and west of C F Kinney Road) Parcel ID: 272910-000000-044040**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 17.23 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

Commissioner Howell made a motion to approve **ORDINANCE 2022-24** after 1st reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

10.VII. Resolution 2022-22 - Support For Expansion Of The Central Polk Parkway East

[Begin Agenda memo]

**SYNOPSIS**

Adopt a Resolution of Support for Expansion of the Central Polk Parkway East

**RECOMMENDATION** – Approve Resolution 2022-22 in support of the expansion of the Central Polk Parkway East

**BACKGROUND** - The US 27 Advocacy Group met last month and encouraged each municipality to adopt a Resolution in support of the expansion of the Central Polk Parkway East as it will impact and improve traffic flow in the eastern portion of Polk County. The City of Davenport has already adopted a similar resolution. Once approved, a copy will be provided to the Florida Department of Transportation to demonstrate a united front from the eastern cities in Polk County.

**OTHER OPTIONS** - Approve or deny the Resolution 2022-22.

**FISCAL IMPACT** - There is no Fiscal Impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-22** by title only.

**RESOLUTION 2022-22 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA; SUPPORTING THE CENTRAL POLK PARKWAY EAST POLK COUNTY AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Krueger made a motion to adopt **RESOLUTION 2022-22**. Commissioner Howell seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion Approved 5-0.

#### 11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that the demolition of the Estes building is underway. Mr. Estes quit fighting this.

Deputy Mayor Gibson asked if it was all coming down. Mr. Galloway said yes. Deputy Mayor Gibson asked who will own the property. Mr. Galloway said Mr. Estes will still own it but the demolition costs will be a lien on the property.

#### 12. CITY MANAGER

James Slaton, City Manager, said there will be more to come on demolition.

Mr. Slaton announced the 4th of July festivities on July 4th at 3pm and fireworks will begin at 9pm.

##### 12.I. Commission Meeting Calendar

James Slaton, City Manager, said there is a work session Wednesday June 29th.

#### 13. CITY COMMISSION COMMENTS

Commissioner Krueger shared history on Fredrick Douglass.

Commissioner Williams said he pledged to Listen Learn and Love and he has tried to listen to other views. He loves others even if views are different. We can move forward and do great things together. Some of the comments against the Mayor and other foolishness on social media is uncalled for.

Deputy Mayor Gibson said he has opposed some of his best friends that he has respect for. We can disagree on issues but can still have respect for each other. He will miss the 29th work session but will try to listen in on the discussion.

#### 14. MAYOR COMMENTS

#### 15. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

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Mayor

ATTEST:

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City Clerk