

# City Commission Meeting Minutes

November 2, 2021

(DRAFT)

11/2/2021 - Minutes

1. INVOCATION

Dr. Moyer gave the invocation

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Eugene 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:** Mayor Eugene Fultz, Terrye Howell, Daniel Williams, Jack Hilligoss, Deputy Mayor Robin Gibson,

**Commission Members Absent:** Daniel Williams

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

5. PRESENTATION/REPORT

5.I. Commendations From The Police Department

Chris Velasquez, Police Chief, presented commendations to Dale Scott and Jerry Riner.

6. COMMENTS AND PETITIONS

Jim Taggart, resident, supported Danny Kreuger for the Census Redistricting Committee.

Danny Kreuger, resident, said we need a clinical study on the effectiveness of masks. He is concerned that they are not effective.

Austin Gravely, Frostproof resident, thanked the Commission for the commendation of Jerry Riner. he is a hero and saved a life while on suspension.

Becky Wynkoop, resident, discussed the pedestrian and traffic conflicts at Bok Academy. She recommended more traffic cones and signage. Police Chief Velasquez reported that new signage and message board is coming. Mayor Fultz said we could do more about keeping the public informed. Commissioner Howell said the goal for these changes was to keep children safe. Deputy Mayor Gibson said he drove through the area with no problem recently.

Becky Wynkoop asked about another shelter in the area. Mayor Fultz said we are working on this.

Becky Wynkoop recommended dropping the district numbers and just use seat numbers. Mayor Fultz said the Census redistricting Committee will consider that.

## 7. CITY CLERK

### 7.1. Board Appointments - Census Redistricting Committee

[Begin Agenda Memo]

**SYNOPSIS:** Appointments to fill vacancies on the Census Redistricting Committee

#### **RECOMMENDATION**

Staff recommends that the Mayor and Commission make the following appointments and reappointments

as deemed appropriate.

1. Appoint Danny Krueger to the Census Redistricting Committee

#### **BACKGROUND**

On October 5th the City Commission established a Census Redistricting Committee.

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).

#### Census Redistricting Committee (Res 2021-21)

The committee shall consist of 3-5 members, each of whom will serve until the board expires within the year once their recommendation to the City Commission is complete. A quorum shall require the presence of 3 members. Appointments - Each Commissioner shall recommend one appointment to the Mayor. The Mayor's appointments will then be subject to approval by the City Commission.

- Appointees must be electors and residents of the City of Lake Wales
- 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

Current Members: Dick Howell and Kajor Lawson

Applying for Appointment: Danny Krueger is applying for appointment and is recommended by Commissioner Hilligoss

#### **OPTIONS**

Do not appoint those that have applied.

## **FISCAL IMPACT**

None. This is a volunteer board.

[End Agenda Memo]

Mayor Fultz appointed Danny Krueger to the Census Redistricting Committee.

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

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0

## **8. CONSENT AGENDA**

Deputy Mayor Gibson requested that Items 8.3 Contract for General/Licensed Building Contractor Services, 8.5 Law Enforcement Vehicle Purchases, 8.7 Mobility Plan and Mobility Fee be pulled from the Consent Agenda.

Commissioner Howell requested that Item 8.6 purchase Authorization - Axon Enterprise, Inc. be pulled from the Consent Agenda.

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

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

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

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

8.I. Minutes - Agenda Workshop August 11, 2021

8.II. Contract Award – Tropic Oil Company

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval of the vendor selection of Tropic Oil Company for the purchase and delivery of gasoline and diesel fuel.

### **RECOMMENDATION**

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

1. Approve the contract with Tropic Oil Company, 1130 N. Scenic Highway, Lake Wales, FL, for the purchase of gasoline and diesel fuel.
2. Authorize the City Manager to execute the contract on behalf of the City.

### **BACKGROUND**

City staff advertised a Request for Proposals RFP 21-495(2) for the purchase and delivery of fuel as the City's current fuel delivery contract expired September 30, 2021.

Tropic Oil Company, the City's current provider, was the only qualified bidder to respond with a proposal. Tropic Oil Company submitted a proposal with a firm markup of \$0.2099 per gallon of Unleaded Gasoline, On Road Diesel and Off Road Diesel.

In addition to delivering fuel to the City's fuel sites and generators, Tropic Oil Company offers the following benefits to the City:

- A terminal located within Lake Wales. This reduces the delivery fees and provides the City with an additional fuel site if needed during a disaster event.
- Five fuel outlets located within the city limits. Each of these retail outlets can be made available for City use during a disaster event if needed.
- A full service, in-house, maintenance department. Tropic Oil maintenance staff can repair City-owned fuel tanks, pumps, hoses, meters, etc.
- The ability to provide 90 Rec non-ethanol gasoline. The use of non-ethanol gasoline in small-engine equipment has reduced the maintenance requirements of the equipment.

### **OTHER OPTIONS**

The City Commission may choose not to award this contract to Tropic Oil Company and direct staff to

re- advertise the Request for Proposals.

### **FISCAL IMPACT**

The City will expend an estimated \$222,000 for fleet fuel during FY 21 '22.

[End Agenda Memo]

### 8.III. Contract For General/Licensed Building Contractor Services

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider awarding contracts to SEMCO Construction, Inc. and Miller Construction Management, Inc. for annual General/Building contractor services.

### **RECOMMENDATION**

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

1. Approve the award of RFP 21-494 to SEMCO Construction, Inc.
2. Approve the award of RFP 21-494 to Miller Construction Management, Inc.
3. Authorize the City Manager to execute the contracts on behalf of the City.

### **BACKGROUND**

The City intends to contract with a general/licensed building contractor for a 3-year term to perform construction, repair, re-construction and remodeling service work on City facilities as needed. City staff advertised a request for sealed proposals (RFP 21-494) and received two proposals on September 16, 2021.

After independent evaluations were conducted by City Staff members the proposals were ranked as follows:

Firm 1: Semco Construction, Inc.

Firm 2: Miller Construction Management, Inc.

The City has several facilities in need of capital repairs that are beyond the capabilities of our in-house facilities maintenance staff. Securing a contract with a licensed general/building contractors will ensure that all our current and future maintenance needs are addressed.

Additionally, these contracts will allow for the consultation on and construction of future initiatives during the term of the contracts.

### **OTHER OPTIONS**

The City Commission may direct staff to re-advertise the Request for Proposals.

### **FISCAL IMPACT**

There is no fiscal impact to have these contracts in place. All facility-related construction projects will be budgeted independently within each department's Capital Improvement Plan annually.

[End Agenda Memo]

Deputy Mayor Gibson asked if there are protections against over payments.

Stephanie Edwards, Support Services Manager, reviewed this item and that we have price sheets with the bids..

8.IV. Digital Copier Lease With Ricoh USA, Inc.

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider entering into a lease agreement with Ricoh USA, Inc. for 13 Multi-Function copiers and 2 wide format multi-function copier.

**RECOMMENDATION**

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

1. Approve the 48-month lease agreement with Ricoh, USA, Inc. for thirteen multifunction copiers and two wide format copiers.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

**BACKGROUND**

The lease agreement for the existing Ricoh multi-function copier fleet and the wide format multi-function copier has expired. City staff is requesting an additional wide format copier for the Development Services department.

Ricoh USA, Inc. is the City's current multi-function device vendor. The proposed lease pricing is based on the Master Lease Agreement NASPO Contract #140602 & State of Florida Contract PA 44000000- NASPO-19-ACS. Section 2-404 of the City Code exempts the City from competitive bid requirements when piggybacking another public entity's previously competitively bid pricing. Utilizing the piggyback option will allow the City to capitalize on State of Florida's economy of scale.

**OTHER OPTIONS**

The Commission may elect to, not approve the lease with Ricoh USA, Inc. at this time.

**FISCAL IMPACT**

The annual lease cost of the proposed Ricoh USA, Inc. equipment is \$23,424 (\$1,952.00 /monthly). Which has been appropriated in the fiscal year 2021-2022 budget.

**ATTACHMENTS**

- Ricoh Multi-function Copier Lease Agreement FY21-22.pdf
- Quote provided by Ricoh, USA, Inc. for Multi-function Copiers and Wide Format Copiers
- Ricoh Participating Addendum State of Florida

[End Agenda Memo]

## 8.V. Law Enforcement Vehicle Purchases

[Begin Agenda Memo]

### **SYNOPSIS:**

Ford Credit's Municipal Lease Plan and purchase 2 (two) Police vehicles using Police Service Impact Fees.

### **RECOMMENDATION**

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

1. Approve the 60 (sixty) month lease-purchase of seven (7) fully equipped 2021 Ford Police Interceptor vehicles from Bartow Ford based upon Florida Sheriff's Association Fleet competitive bid pricing.
2. Approve the purchase of 2 (two) fully equipped 2021 Ford Police Interceptor vehicles from Bartow Ford utilizing Police Service Impact Fees.
3. Authorize the City Manager to execute the necessary documents on behalf of the City
4. Authorize a budget amendment in the amount of \$85,698.00
5. Authorize staff to dispose of the below listed surplus vehicles.

### **BACKGROUND**

Within the FY 2021/22 annual budget, the City Commission approved \$258,000.00 for six (6) Police Department vehicles. Due to a felonious assault on an officer during a vehicle pursuit, the city's insurance provider declared one of the department's current K-9 vehicles a total loss. As a result, the department needs an additional vehicle to replace the totaled K-9 unit. In FY 2021/22, seven (7) vehicles, totaling \$305,000.00 would be lease-purchased rather than purchased outright with Commission approval. The two (2) additional vehicles, totaling \$85,698.00 would be purchased outright utilizing Police Service Impact Fees with Commission approval. These vehicles are needed due to new officer positions previously approved by the City Commission.

Staff recommends the lease-purchase of 7 (seven) vehicles, purchase of 2 (two) vehicles utilizing Police Service Impact Fees and disposal of surplus vehicles for the following reasons:

- The seven (7) fully equipped 2021 Ford Interceptor vehicles can be lease-purchased using the Florida Sheriff's Association competitive bid pricing. The capital cost of these vehicles, if purchased outright, would be \$304,455.00. Under the lease-purchase agreement, the monthly lease payment is \$5,530.17 for sixty (60) months, with a total cost of \$331,814.95. These vehicles will replace marked and unmarked police vehicles removed from service through reassignment, sale or other means of disposal.
- Under the Ford Credit Municipal Finance Agreement, the annual cost of these vehicles is \$66,362.99 with an overall cost of \$331,814.95 at the end of 60 months. A full purchase would result in a current-year decrease in cash flow of \$304,455.00 as compared to \$66,362.99 per year.
- Ford Credit Municipal Finance's proposal has an APR of 4.4% over the sixty (60) month term with a one (\$1) dollar residual buyout per vehicle at the end of the lease.

- The 2 (two) fully equipped 2021 Ford Interceptor vehicles can be purchased using the Florida Sheriff's Association competitive bid pricing with funding from Police Service Impact fees totaling \$96,394.00.
- The vehicles to be disposed of will be sold via an online auction or traded for equivalent value in future vehicle equipment. Based upon the anticipated sale price of the vehicles to be disposed of this year, the expected revenue is approximately \$20,500.00.
- In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete, the continued use of which is uneconomical or inefficient, or which serves no useful function or purpose.
- The vehicles outlined below no longer serve any useful purpose to City

Year	Make	Model	VIN
2010	Ford	Crown Victoria	2FABP7BV3AX124245
2010	Ford	Crown Victoria	2FABP7BVXAX124257
2010	Ford	Crown Victoria	2FABP7BV6AX124255
2010	Ford	Crown Victoria	2FABP7BV1AX124258
2010	Ford	Crown Victoria	2FABP7BV7AX124247
2010	Ford	Focus	1FAHP3ENXAW173324

#### **OTHER OPTIONS**

- 1) Purchase the nine (9) public safety vehicles outright at a cost of \$390,153.00
- 2) Retain the existing vehicles.

#### **FISCAL IMPACT**

The Police Department proposes to use Police Services Impact Fees to purchase two (2) of the vehicles. The fully equipped marked vehicle's cost is \$85,698.00.

The proposed FY21/22 lease obligation of \$33,181.50 (6 months) provided by Ford Credit is based upon a lease-purchase option for public safety vehicles. The City will receive an additional \$20,500.00 or more during the first year based upon sale of the vehicles removed from service. Additionally, a reduction in fleet maintenance and fuel costs will occur upon replacement of the aged vehicles currently in use.

If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$66,362.99 for the sixty (60) month leases. If revenues are insufficient in future years, the City has the option to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option the Police Department would suffer the loss of the vehicles.

[End Agenda Memo]

Chris Velasquez, Police Chief, reviewed this item.

Commissioner Howell asked what type of vehicles we are getting. Chief Velasquez said Interceptors.



They got a good deal on Tahoes last year which they prefer but he decided to get the cheaper Interceptors this time. Mayor Fultz asked if impact fees are being used. Chief Velasquez said yes for two vehicles.

#### 8.VI. Purchase Authorization - Axon Enterprise, Inc.

[Begin Agenda Memo]

#### RECOMMENDATION

1. Authorize the purchase of replacement Tasers from Axon Enterprise, Inc. in the amount of \$20,008.29
2. Authorize the police department to execute the five-year agreement with Axon Enterprise, Inc.

#### BACKGROUND

The Lake Wales Police Department is committed to providing exceptional law enforcement services to our community. Violent and combative offenders are a clear danger to our law enforcement officers. The Lake Wales Police Department, along with the other law enforcement agencies throughout Polk County utilize conductive energy weapons as an effective non-lethal defense system to protect our officers and the community we serve. Taser from Axon Enterprises, Inc. currently provides the departments conductive energy weapons technology.

These Tasers are in excess of 10 years old, no longer under warranty and their technology is now obsolete. Like any technological product, especially high-tech electronic devices, the Taser's high voltage capacitor and other electronic components wear out over time and may not operate as expected, increasing the risk of it failing in the field.

The Police Department has worked with Axon Enterprises, Inc. to develop a proposal that will enable us to trade in our obsolete equipment, replacing it with the latest equipment and technology. This package will provide a total of 32 new Taser 7 conductive energy weapons, training, licensing, mounts, cartridges, holsters and extended warranties. The now required Cloud storage eliminates the need for computer servers to store Taser related data, while ensuring critical evidence and documentation remain securely preserved for future access. Additionally, the new technology works in conjunction with our current body worn cameras, turning them on automatically whenever the Taser activates. This feature is crucial for capturing critical evidence for criminal prosecutions while at the same time reducing liability and promoting transparency.

#### FISCAL IMPACT

The department planned and budgeted the funds necessary to purchase this technology in the FY21/22 operating budget. The total cost of the program over a five-year term is \$100,041.37. The first expenditure this year will be \$20,008.29 then \$20,008.27 each of the remaining four years.

#### OPTIONS

The City Commission may chose not to approve the purchase the Tasers and related services.

[End Agenda Memo]

Chris Velasquez, Police chief, reviewed this item. He said the technology for tasers is constantly changing. Activating a Taser will automatically turn on all the body cameras.

## 8.VII. Mobility Plan And Mobility Fee

[Begin Agenda Memo]

**SYNOPSIS:** The proposed Mobility Plan & Mobility Fee will provide the City of Lake Wales with a funding source to address transportation needs created by new development and redevelopment.

### **RECOMMENDATION**

Staff recommends the following:

1. Approval of the Mobility Plan & Mobility Fee Scope of Services with NUE Urban Concepts, Inc., and authorize the City Manager to execute an agreement.
2. Authorize funding of the Plan and Fee at an amount not-to-exceed \$126,000.

### **BACKGROUND**

Many local governments adopt transportation impact fees to mitigate impacts caused on road networks from new development. Currently, the City collects a transportation impact fee for the County Commission, and forwards the funds on a monthly basis (less a 3% administrative fee). Although Lake Wales does not collect a separate city transportation impact fee, several cities in Polk County exercise this option.

Chapter 163.3180 of the Florida Statutes, regarding Concurrency, contains numerous references to the terms "Mobility Plans" or "Mobility Fees". The term "Mobility" is a more encompassing term that covers all forms of transportation, such as walking, bicycling, transit, micro-mobility/low-speed vehicles, shared mobility, and motor vehicles. These types of transportation are also known as "modes". In contrast, transportation impact fees usually focus instead on primarily vehicles.

The Lake Wales Connected Plan contains numerous transportation-related requirements. In addition, several new residential developments are in various stages of approval, with building construction expected in the next few years. To implement Lake Wales Connected and address the expected transportation impacts, staff has researched potential funding sources, and is recommending pursuing a Mobility Plan/Mobility Fee.

The proposed Mobility Plan will provide a basis for implementing a Mobility Fee. Key components of the Mobility Plan include the following:

- Establish Quality of Service (QOS) Standards
- Identify Projects & Costs
- Calculate Capacities for Transportation Modes
- Create Person Miles of Travel Factors & Person Travel Demand Rates
- Backlog and New Growth Evaluations
- Updates to the Comprehensive Plan
- Public Workshops and Meetings

Work related to the Mobility Fee will include the following:

- Evaluate Existing Funding Sources
- Develop a Mobility Fee Schedule
- Create a Mobility Fee Ordinance

If approved, the Mobility Plan and Fee should be ready for consideration by the Commission by April/May 2022. This schedule will ensure that Mobility Fees are in place to begin collect from new development, and possibly provide funding to implement the relevant transportation improvements in Lake Wales Connected.

NUE Urban Concepts will be the consultant for this project. They are a leading firm in the field of Mobility Plans/Fees. They have conducted similar work for 30 cities and 18 counties throughout the State. Using his spending authority, the City Manager already authorized NUE Urban Concepts during the previous fiscal year to start data collection and analysis.

The Mobility Plan and Mobility Fee represent the best opportunity to obtain funding to address transportation impacts caused by new development. It will also provide a funding mechanism to promote redevelopment through the provisions of Lake Wales Connected.

#### **OTHER OPTIONS**

Decline to approve the execution of the agreement.

#### **FISCAL IMPACT**

Funds for Professional Services in the amount of \$126,000 for this study are in the FY 2021/2022 Development Services Department budget.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Gibson asked if this is a fee and how is it generated. Mr. Bennett said yes and is development related. Deputy Mayor Gibson said new residents will all be mobile. Mayor Fultz said we don't see much of the transportation fees from the County. Deputy Mayor Gibson said the Lake Wales Schools see very little of school impact fees.

Commissioner Howell asked to confirm that more transportation fees would come to Lake Wales? James Slaton, City Manager, said that is a best case scenario. Worst case is that these will be added to transportation fees. We do not know how the county will react to this plan.

Mayor Fultz thanked Commissioner Hilligoss for serving on the Transportation Planning board.

#### 8.VIII. Special Event Permit - Mardi Gras 2022

[Begin Agenda Memo]

**SYNOPSIS:** Approval of the Special Event Permit Application for the Lake Wales Mardi Gras Celebration, Parade and 5K Run on Friday and Saturday, February 25-26, 2022.

#### **RECOMMENDATION**

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

- Approve the Special Event Permit application for the 2022 Lake Wales Mardi Gras Celebration to take place on Friday evening, February 25, 2022 from 5:00 p.m. until 11:00 p.m. and on Saturday, February 26, 2022 from 11:00 a.m. until 11:00 p.m. in Lake Wailes Park with set-up beginning 8:00 a.m. on Thursday February 24, 2022.
- Approve the serving of alcohol in Lake Wailes Park during the Mardi Gras Event.
- Approve the request for the temporary closing of Central Avenue from First Street to Second Street beginning at 10:00 a.m. until the parade on Saturday February 26, 2022 for a performance at Polk State College JD Alexander Center.
- Approve the Mardi Gras 5K Run to be held on Friday evening, February 25, 2022 from 6:00 p.m. to 8:00 p.m. which will include use of Sunset Drive and Lake Shore Blvd.
- Approve the temporary street closings on Saturday, February 26, 2022 between the hours of 2:00 p.m. and 5:00 p.m. for the Mardi Gras parade.

Lineup will be on First Street north of Park Avenue. Parade will start on park Avenue and go to Scenic HWY then South to Stuart Avenue. Stuart Avenue to First Street, First Street to Central Avenue Central Avenue east to Lake Shore Blvd. then to Lake Wailes Park where parade will end.

- Approve the temporary closing of North First Street at 11:30 a.m. on Saturday February 26th for parade line-up.

## **BACKGROUND**

Denny Wittman, Vice-President of the Lake Wales Mardi Gras, has submitted a Special Event Permit Application for the 2022 Lake Wales Mardi Gras Celebration, Parade and 5K Run to be held Friday, February 25, 2022 and Saturday, February 26, 2022 in Lake Wailes Park. This application includes a request to hold a 5K Run on Friday night from 6:00 p.m. to 8:00 p.m. and for the temporary closing of several streets in the downtown area for the parade.

The events of Mardi Gras such as the food, vendors, children's activities and alcohol will take place in Lake Wailes Park this year. The parade will go through downtown streets.

Activities for the 2022 Lake Wales Mardi Gras are proposed as follows:

1. Friday evening, February 25, 2022, 5:00 p.m. to 11:00 p.m. - food and craft vendors, alcohol and musical entertainment will be in Lake Wailes Park. Set up of the dumpster and sanitary facilities would begin on Thursday, February 24, 2022 and set up of the tents and vendors will begin on Thursday February 24, 2022 at 8:00 a.m.
2. Friday evening, February 25, 2022, 6:00 p.m. to 8:00 p.m. – 5K Run beginning at the Basketball Court in Lake Wailes Park. The route goes around Lake Wailes including Sunset Drive and Lake Shore Blvd..
3. Saturday, February 22, 2022 - the activities will continue in Lake Wailes Park beginning at 11:00 a.m. with craft and food vendors. Kids' activities, musical entertainment and alcohol sales will take place in Lake Wailes Park. These activities will conclude at 11:00 p.m.
4. Saturday, February 26, 2022 - the Mardi Gras Parade will begin at 3:00 p.m. which will line up and start on First Street, North from Park Avenue and make its way through the downtown area concluding at Lake Wailes Park at approximately 5:00 p.m.

The parade route involves the following streets:

First Street to Park Avenue, Park Avenue to Scenic Highway, Scenic HWY to Stuart Avenue, Stuart Avenue to First Street, First Street to Central Avenue, Central Avenue east to Lake Shore Blvd. then to Lake Wailes Park where parade will end.

The Police Department, VOICE and the Streets Department will coordinate control of vehicular and pedestrian traffic for the parade. The Streets Department will handle all street closings. Trash barrels with bags will be placed along the parade route and in the areas of the pre-parade and after parade activities in Lake Wailes Park. Sanitary facilities, dumpsters, site set up, tent permits, certificates of liability insurance, FDOT road closing permits and the alcohol beverage permit from the Department of Alcohol Beverage & Tobacco will be the responsibility of the Lake Wales Mardi Gras Executive Committee. Off duty officers will be scheduled for the street crossings for the 5K Run and these costs will be paid by the Lake Wales Mardi Gras.

The 2022 event will end at 11:00 p.m. on both nights.

### **OTHER OPTIONS**

Do not approve the two day event, 5K Run or street closings.

### **FISCAL IMPACT**

In-Kind services from the City were budgeted in the FY2021/2022 budget in the amount of \$9,205.

The Lake Wales Mardi Gras Committee is responsible for 25% or \$2301. Any off duty officers requested will be paid at 100% by the sponsor.

[End Agenda Memo]

## **9. OLD BUSINESS**

### **9.I. ORDINANCE 2021-25 Amending Ch 23 Land Development Regulations – 2nd Reading And Public Hearing**

[Begin Agenda Memo]

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

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

- Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts
- Section 23-802 Definitions

### **RECOMMENDATION**

Adopt Ordinance 2021-25 Amending Ch 23 Land Development Regulations after 2nd reading and public hearing

### **BACKGROUND**

At a regular meeting on September 28, 2021, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. The

ordinance was approved at first reading on October 19, 2021.

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

#### 1.) Permitted Use Chart

a) Currently under the Land Development Regulations, the City only lists the

following residential dwelling types:

Single-Family

Two-family (duplex) Multi-Family

Dwelling unit for caretaker employed on premises Accessory dwelling unit Mixed-use residential and non-residential

Current code does not regulate the placement of mobile, manufactured, or modular homes in any zoning districts within the city. Historically, these dwelling types have been approved as single-family homes, so long as they meet the dimensional and area standards found in the Land Development Code, and so long as they meet the Florida Building Code requirements for a dwelling. Staff has received consistent feedback from the community, as well as Planning and Zoning Board members, regarding the compatibility issues with allowing mobile home-type dwellings to be placed in any residential zoning district.

Part one of addressing these concerns entails defining or re-defining these dwelling types within the definitions section of the code, and then adding it to the Permitted Use Chart as a residential dwelling type not currently permitted in any existing zoning districts. The purpose of creating the category within the chart, but not permitting these dwelling types in any zoning districts, is to impose a short moratorium on new mobile home sets within the city until standards are in place.

Part two will be to develop standards and regulations for manufactured homes, and to denote within the Permitted Use Chart the zoning districts in which manufactured homes may be approved as single-family homes. Once Staff has developed these regulations, the Planning and Zoning Board will review the language for a separate recommendation to City Commission.

b) Lots of record

Code Definition: A lot which is duly recorded in the office of the clerk of the circuit court or a parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of these zoning regulations or of prior zoning and subdivision regulations governing the creation of lots.

Staff proposes to add Note 12 to the Permitted Use Chart, which will allow lots of record within the CRA III to be subdivided to its originally-platted dimensions, considered buildable single-family lots, so to encourage new single-family development on infill lots and the creation of more affordable housing opportunities.

Because minimum lot widths in current code are in excess of what was originally platted, code prohibits the re-subdivision of lots which would create non-conforming, unbuildable lots under today's dimensional and area standards.

Staff proposes the following language:

Within CRA3, Lots of Record shall be allowed to have one single-family residence, based on the R-1D

zoning district standards. Approval of this use shall be granted by an Administrative Waiver, approved by the City Manager, using the criteria contained in Section 23-422.

## 2.) Definitions

Section 23-802 Definitions, currently defines Manufactured Home as: a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes part trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Under the definitions code section for Mobile Home: See manufactured home.

Modular homes are not defined.

### Proposed Definitions

Manufactured Home: (aka mobile home) shall mean a structure, transportable in one (1) or more sections, which, in the traveling mode, is twelve (12) body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards (§ 320.01, F.S. 1992 supplement)

Modular Home: shall not mean a manufactured home (aka mobile home) but refers to a unit partially constructed off-site (such as trusses and wall sections) and assembled at the site as a standard home or building unit, meeting all the Southern Building Standard Code requirements. Modular homes are indistinguishable from site-built homes.

## CODE REFERENCES AND REVIEW CRITERIA

- Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts
- Section 23-802 Definitions
- Section 23-422 Dimensional and Area Standards

## FISCAL IMPACT

The lot of record provision would allow for new residential development on infill lots within the CRA III, resulting in an increase in property values.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-25** by title only.

## ORDINANCE 2021-25

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING TABLE 23-421 PERMITTED USES; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

## CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2021-25** after 2nd Reading and Public Hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

### 9.II. Ordinance 2021-26 Annexation – 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-26 proposes the voluntary annexation of approximately 62.8 acres of land located south of State Road 60, east of Hamlin Street, and contiguous to the incorporated City limits.

#### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance 2021-26, following a public hearing.

Public Hearing notice requirements have been met.

Commission approved Ordinance 2021-26 at first reading on October 19, 2021. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

#### **BACKGROUND**

Hunt Bros, Inc, CBD Real Estate Investments, LLC, Richard McKinley, and Estate of Vivian Pennachio, owners, petitioned annexation into the corporate city limits of Lake Wales on September 17, 2021.

"Attachment A" to the ordinance shows the properties' locations. The parcels abut one another and are contiguous to the City Limits along multiple 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 \$474,299, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential residential development.

[End Agenda Memo]



Jennifer Nanek, City Clerk, read **ORDINANCE 2021-26** by title only.

**ORDINANCE 2021-26**

**(Annexation – 62.8 acres south of State Road 60 E and east of Hamlin Street) Parcel ID:**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 62.8 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, AS SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked if this was a Hunt Brothers Property. Mayor Fultz confirmed that it was. Deputy Mayor Gibson commended Hunt Brothers as good citizens and said we need to support them.

Deputy Mayor Gibson asked if utilities are available for this property. James Slaton, City Manager, confirmed that they were.

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2021-26** after 2nd Reading and Public Hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

10. NEW BUSINESS

10.I. Ordinance 2021-27, FY20'21 Budget Amendment #1, 1st Reading

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider approval of the first amendment of FY 20'21 Budget that was adopted on September 22, 2020.

**RECOMMENDATION**

It is recommended that the City Commission approve Ordinance 2021-27 after first reading.

**BACKGROUND**

Ordinance 2020-12 estimating revenues and appropriating funds for Fiscal Year 2020'21

was adopted by the City Commission September 22, 2020.

We are presenting Ordinance 2021-27 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B.

#### **OTHER OPTIONS**

This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

#### **FISCAL IMPACT**

See Exhibit A and Exhibit B attached to Ordinance 2021-27

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-27** by title only.

#### **ORDINANCE 2021-27**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2020-12 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2020-2021 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Dorothy Abbott, Finance Director, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2021-27** after 1st Reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 4-0.

11. CITY ATTORNEY

Albert Galloway, Jr. gave an update on the Estes/Blue Goose case. Mr. Estes has filed an appeal to the dismissal of the case. Mayor Fultz said he is trying to draw things out.

12. CITY MANAGER

James Slaton, City Manager, said the last Legacy housing project will be dedicated on Friday the 12th at 10:30 am on D Street.

The 39-mile Yard Sale is this Saturday. The Lake Wales History Museum is the official sponsored location.

Mr. Slaton reported that the missing Wiltshire Sign was ordered by the county and will be replaced soon.

12.I. Tracking Report

12.II. Commission Meeting Calendar

13. CITY COMMISSION COMMENTS

Commissioner Hilligoss reported on attending the Florida Redevelopment Association annual meeting where he learned about CRAs. He said it was a good experience and he learned a lot.

Commissioner Howell asked if we are still replacing lights with LED lights around the City. She asked about repainting arrows on the streets. Mr. Slaton said the City is working with Duke Energy. They are working on improving the lighting in Lake Wales.

Deputy Mayor Gibson said he is establishing his priorities concerning growth and preventing urban sprawl.

14. MAYOR COMMENTS

Mayor Fultz said he attended and enjoyed the recent Pioneer Days event. It was well attended.

15. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

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Mayor

ATTEST:

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City Clerk