

City Commission Workshop Minutes

February 15, 2023

(APPROVED)

2/15/2023 - Minutes

1. CALL TO ORDER & ROLL CALL

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

Member Absent: Robin Gibson

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

Mayor Hilligoss called the meeting to order at approximately 2:00 p.m.

2. City Manager Comments

James Slaton, City Manager, said that the website for Lake Wales Envisioned has gone live. The kick-off event is March 20 at Bok Tower Gardens.

3. Presentation - EDC/Chamber Of Commerce

Skip Alford, Director of the Lake Wales Area Chamber of Commerce and EDC gave a presentation on recent Chamber activities. He shared a slide with an income statement. They finished 2022 with a balanced budget and a bit of surplus. They made some improvements at the Chamber building and they plan to use funds to enhance their website this year.

Mr. Alford said they are working with land owners and grove owners to get parcels shovel ready for development. They are competing for some good leads. They are looking to bring in clean industry and manufacturers. Mr. Alford announced that Webber is granting a 30% tuition discount to chamber members. This will help keep talent in Lake Wales. Mr. Alford reported on a recent economic Q&A on ADS to be sure that this new development is fully understood. There is now an education committee to help improve the literacy rate in Lake Wales. Mr. Alford shared a pie chart showing the spread of jobs in Lake Wales. He shared information on some of the leads he is working on. We are looking for high caliber companies to bring in skilled jobs. Manufacturing leads to more jobs created in the community especially middle class jobs. We need a balanced approach to economic development to avoid urban sprawl.

Mr. Alford shared some upcoming events including the State of the City Address in March.

4. Ordinance 2023-11 Table 23-421 Permitted Uses

[Begin Agenda Memo]

Synopsis: The subject Ordinance 2023-11 is for the purpose of correcting a clerical error in Ordinance 2022-45 which was adopted on October 5, 2022. The error came to light in the process of approval of a project proposed by Advanced Drainage Systems, Inc., ("ADS") to be located on property currently owned by Hunt Brothers, Inc.

Historical analysis: The subject property owned by Hunt Brothers, Inc., was annexed in to the City in the year 2007 and was given I-1 Industrial zoning.

On March 2, 2022, the City Commission adopted Ordinance 2022-06. The agenda Memorandum dated February 15, 2022, a copy of which is appended hereto, specifically addressed a change to Table 23-421 Permitted Uses to provide that Manufacturing–Heavy is a permitted use. The justification set forth in the Memorandum provides as follows: “2.) In order to open up the city’s industrial zones to heavy manufacturing, it is proposed to change Manufacturing–Heavy, from S (special exception use permit), to P (permitted), in the I-1 zoning district.” The change is reflected on Page 15 of 20 of the adopted Ordinance 2022-06.

On October 5, 2022, the City Commission adopted Ordinance 2022-45. The agenda Memorandum dated September 20, 2022, a copy of which is appended hereto, addressed changes to Table 23- 421. None of the suggested changes involved any revision to Manufacturing–Heavy. Although no change to this permitted use was suggested, Table 23-421 as found on Page 7 of 17 of the adopted Ordinance shows an S rather than the previously adopted P as set forth in Ordinance 2022-06. The S is not underlined to indicate it is a change to the prior designation. The change is a clerical error which may be corrected by adoption of Ordinance 2023-11. A clerical error is defined as an error on the part of an office worker, often a secretary or personal assistant, which should be corrected as soon as it is identified.

The City’s Development Services Division initially believed the ADS project required a special exception use permit due to requested outside storage. The special exception use permit requires a Public Hearing before the City’s Planning and Zoning Board. A Hearing was scheduled for February 9, 2023. A Notice of Hearing was published. Subsequent to the publication, attorney Andrew J. Hand, identified as Special Counsel for the Village of Highland Park, raised several objections to the special exception process and to the notice as being legally insufficient.

City staff then brought in the City Attorney concerning the issues raised. After review of relevant documentation, an opinion was rendered by the City Attorney, a copy of which is appended hereto. Albert C. Galloway, Jr., advised that in light of Ordinance 2022-06 designating Manufacturing–Heavy as a permitted use, along with other relevant portions of the City’s development regulations, special exception permitting for the project was not required. The opinion was subsequently provided to Mr. Hand who then brought up Ordinance 2022-45 which had changed Table 23-421 designating Manufacturing–Heavy as a use requiring a special exception permit.

The City Attorney then provided a follow up letter, a copy of which is appended hereto, rescinding the prior opinion.

Ordinance 2023-11 has been prepared In order to restore the original intent of the City Commission in establishing Manufacturing–Heavy as a permitted use by right. The only revision to Table 23-421 is found on Page 8 of 13. The Ordinance serves to correct the clerical error which occurred in preparation of Ordinance 2022-45 for consideration and adoption by the City Commission.

Recommendation: That the City Commission adopt Ordinance 2023-11.

[End Agenda Memo]

Albert Galloway, Jr., City Attorney, reviewed this item.

Autumn Cochella, Interim Director of Development Services, reviewed the history of this issue. She showed slides of the different versions of the permitted use charts.

Commissioner Howell asked when we voted on this change it did not get in the chart? Ms. Cochella confirmed that it was in the chart but the change was not reflected on the website. James Slaton, City Manager, said that elaws, the company that has our ordinances did not have it updated correctly. He is not sure how this happened. We will put in quality control measures to ensure this doesn’t happen again.

Mayor Hilligoss said this issue can be traced through minutes. Why does the site overrule our minutes and actions? Mr. Galloway said it doesn't but Ordinance 2022-45 was approved by the Commission and is controlling although it was done for different reasons. So it needs to be fixed.

Commissioner Krueger said the 2nd Ordinance overrode the 1st one. We have to reinstall the first one. Mr. Galloway said we have to adopt this corrected one to put things back the way it was.

Commissioner Williams said the staff does great work and we trust them. Even though it was an error and it was explained we need to be sure things are done correctly and that we are above reproach. He asked Mr. Alford to talk about his recent visit to ADS plant.

Skip Alford, Chamber of Commerce/EDC, reported that he, Ellis Hunt and Larry Bossarte took a tour of the ADS plant in Sebring. It was a clean operation. There's no smell, pollutants, or smoke. Safety is important. There is a lot of misinformation out there. Wages were \$20/hour or higher with benefits. This project is a gift for Lake Wales. This is what we want in Lake Wales.

Commissioner Krueger said there needs to be attention to detail. We need to be sure this doesn't happen again.

Ms. Cochella said there will be trees and landscaping so passersby won't see outside equipment. Mr. Alford said people might not even know its there.

Mayor Hilligoss asked about traffic impacts. Will there be a great difference? Mr. Alford said no.

Commissioner Howell said we have had scriveners errors for ever. This is not the first time. She is glad about jobs, the minimal impacts to the environment and buffers. Most of the public don't know about this project.

Mayor Hilligoss asked about why there was secrecy. Mr. Alford said he gets the land use maps and looks where businesses can go. We need confidentially to get companies to come to Lake Wales. He uses the resources available and follows the rules to pursue the leads as best he can. He will try to share information as much as possible when he has it. He will try to alleviate concerns of the public with the facts.

Mayor Hilligoss asked Mr. Slaton about a state statute concerning confidentiality. Mr. Slaton confirmed that there is a Florida State Statute 288 protecting confidentiality of companies as they plan to move or expand.

Mr. Slaton said this item will be on the March 7th agenda to allow for public notice.

Commissioner Howell asked if there will be efforts to educate the public on this. Mr. Slaton said he will work on this.

5. Resolution 2023-04 Comments And Petitions

[Begin Agenda Memo]

SYNOPSIS Resolution 2023-04 revises comments and petitions to allow residents outside the City limits within Lake Wales zip codes to speak during Comments and Petitions and Public Hearings

RECOMMENDATION Staff recommends adoption of Resolution 2023-04 Comments and Petitions.

BACKGROUND At the request of the Commission Resolution 2023-04 revises Resolution 2022-34 to allow residents within certain zip codes to speak at City Commission meetings.

OTHER OPTIONS Do not adopt Resolution 2023-04.

FISCAL IMPACT None.

[End Agenda Memo]

Albert Galloway, Jr. City Attorney, reviewed this item.

6. Approval Of Contract For Law Enforcement Services: Lake Wales Housing Authority

[Begin Agenda Memo]

Synopsis: Commissioners will consider approving a contract with the Lake Wales Housing Authority to continue providing supplemental law enforcement services at the Grove Manor and Sunrise Park public housing complexes.

RECOMMENDATION It is recommended that the City Commission:

1. Authorize the Mayor to execute a Contract for Services with the Lake Wales Housing Authority for Fiscal Year 2022-2023.

BACKGROUND Since 2011/2012 the CRA Board of Commissioners have approved funding a law enforcement officer position to provide supplemental law enforcement services toward designated CRA areas and the Lake Wales Housing Authority, Grove Manor Complex.

In an effort to continue providing these supplemental law enforcement services to the Lake Wales Housing Authority, Grove Manor and Sunrise Park Complex residents, the Lake Wales Police Department seeks approval to enter into a new contract for FY2022/2023. This contract for supplemental law enforcement services provides for a monthly payment due the City in the amount of \$3,185.00 from the Housing Authority.

The Lake Wales Housing Authority Board approved the contract for services during their last meeting, held on January 18, 2023. This is a 6-month contract to continue services while we prepare a multi-year contract that is mutually agreeable.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

7. Ordinance 2023-09 Vacation Of A Portion Of Harding Avenue Right-Of-Way. Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

SYNOPSIS: Manwello Brown, property owner, has petitioned for the vacation of a portion of Harding Avenue located north of Harding Avenue, west of D Street, and south of 415 D Street.

RECOMMENDATION Approval at first reading, following a public hearing, to vacate the Harding Avenue right-of-way (ROW) described in Ordinance 2023-09.

BACKGROUND The subject ROW is located north of Harding Avenue, west of D Street, and south of 415 D Street. The owner petitioned to vacate the ROW in October of 2022.

The section of Harding Avenue in between E Street and D Street was once a part of a railroad right-of-way. In 2004, a portion of the south side of Harding Avenue right-of-way adjacent to Shiloh Baptist Church was closed and vacated at the request of the property owner.

The right-of-way is not necessary to allow access to the property it serves, as there would be appropriate access from D Street. No impacts of vacating said portion of Harding Avenue have been identified. Water lines are located on the south side of Harding Avenue and go north along the alley between E Street and D Street, where the vacation would not interfere. The sewer lines are also running north along the alleyway between E Street and D Street. Outside, private utility agencies have not identified any issues regarding the vacation of this portion of Harding Avenue.

FISCAL IMPACT Vacation of the ROW would relieve the city from maintaining a portion of Harding Avenue.

[End Agenda memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

8. Ordinance 2023-10 Vacation Of A Portion Of Findley Drive Right-Of-Way. Public Hearing – Notice Requirements Have Been Met

[Begin Agenda memo]

SYNOPSIS: Kendall Phillips, authorized agent for owner, has petitioned for the vacation of a portion of Findley Drive located east of Scenic Highway North.

RECOMMENDATION Approval at first reading, following a public hearing, to vacate the Findley Drive right-of-way as described in Ordinance 2023-10.

BACKGROUND The subject ROW is located east of Scenic Highway North, and adjacent to Pamlico Air and Patton Tire Inc. Kendall Phillips, P.E. with L P Engineering Services requested to vacate a portion of Findley Drive as authorized agent for Rise Properties LLC in November of 2022.

The portion of Findley Drive to be vacated does not impact access to other properties other than Pamlico Air, as the road terminates within property owned by Rise Properties LLC. The applicant requested to vacate a portion of the right-of-way in order to better facilitate an expansion of their existing manufacturing facility. There is a water line that extends along Findley Drive from Scenic Highway North to Old Scenic Highway. The City's Utility Department has requested that the owner provide a 30' utility easement on the north side of Findley Drive regarding the request to vacate. All other outside, private utility agencies have not identified any issues regarding the vacation of this portion of Findley Drive.

FISCAL IMPACT Vacation of the ROW would relieve the city from maintaining a portion of Findley Drive.

[End Agenda memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

9. Ordinance 2023-04 Future Land Use Amendment For 6.51 Acres Of Land South Of Grove Avenue East And East Of 1st Street South. 2nd Reading And Public Hearing – Notice Requirements Have Been Met

[Begin Agenda memo]

SYNOPSIS: Mathews Properties & Development Inc request an approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 6.51 acres.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a special meeting on January 5, 2023.

Current Land Use: LDR

Proposed Land Use: MDR City Commission approved ordinance 2023-04 at first reading on February 7, 2023.

BACKGROUND: The subject property is located south of Grove Avenue East and east of 1st Street South. The property is situated just west of McLaughlin Middle School and south of the Publix Plaza. The parcel is currently within the city limits and surrounded by existing development.

There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before the Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat.

A Land Use designation of Medium Density Residential MDR would be appropriate as the area supports a mix of uses from single family homes to assisted living facilities and multifamily complexes. Properties such as the Water's Edge Living Facility, McLaughlin Middle School and the Apartments along 3rd Street South have land use designations of MDR.

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 The properties are valued at a total of over \$60,546 dollars, bringing in additional property taxes. Assignment would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

10. Ordinance 2023-05 Zoning Map Amendment For 6.51 Acres Of Land South Of Grove Avenue East And East Of 1st Street South. 2nd Hearing And Public Hearing – Notice Requirements Have Been Met.

[Begin Agenda Memo]

SYNOPSIS: Mathews Properties & Development Inc. request an approval of City Commission to amend the Zoning Map of the Comprehensive Plan on parcels of land totaling approximately 6.51 acres.

RECOMMENDATION Approval at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on January 5, 2023.

Current Zoning: R-1B

Proposed Zoning: R-1C City Commission approved ordinance 2023-05 at first reading on February 7, 2023.

BACKGROUND The subject property is located south of Grove Avenue East and east of 1st Street South. The property is situated just west of McLaughlin Middle School and south of the Publix Plaza. The parcel is currently within the city limits and surrounded by existing development.

There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before the Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat A zoning designation of R-1C would be appropriate as the area supports a mix of uses from single family homes to assisted living facilities and multifamily complexes. The single-family homes just west of the project site have a zoning designation of R-1C.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

FISCAL IMPACT The property is valued at a total of \$60,546 dollars, bringing in additional property taxes. Assignment would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Autumn Cochella, Interim Director of Development Services, reviewed this item.

11. Ordinance 2022-54 Hunt Brothers Annexation. 2nd Reading & Public Hearing

James Slaton, City Manager, said this item will be continued to another meeting.

12. Ordinance D2022-35 Hunt Brothers SS CPA. 2nd Reading & Public Hearing

James Slaton, City Manager, said this item will be continued to another meeting.

13. Ordinance D2022-36 Hunt Brothers Zoning. 2nd Reading & Public Hearing

James Slaton, City Manager, said this item will be continued to another meeting.

14. 2023 Lake Wales Art Show At Lake Wailes Park Special Event Permit Application

[Begin Agenda memo]

SYNOPSIS: Approval of this Special Event Application will allow the 52nd Annual Lake Wales Art Show to be held in Lake Wailes Park Friday, February 24, 2023 to Sunday, February 26, 2023.

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

1. Approve the Special Event Permit Application for the 52nd Annual Lake Wales Art Show to be held February 24 – February 26, 2023 in Lake Wailes Park.
2. Approve the request to allow for a designated area for alcohol consumption.
3. Approve the hours as follows: February 23 - set up at 7:00 a.m. and evening festivities beginning on February 24 at 6:00 p.m. and ending at 5:00 p.m., February 25 and February 26 – 10:00 a.m. to 5:00 p.m.
4. Approve the request for set up by the artists on Friday February 24, 2023 at approximately 10:00 a.m.

BACKGROUND The Lake Wales Art Council, Inc. submitted a Special Event Permit Application for the 52nd Annual Lake Wales Art Show to be held February 24 to February 26, 2023 in Lake Wailes Park. This event would begin on Friday evening, February 24, 2023 at 6:00 p.m. with a barbecue and musical entertainment and it will conclude at 8:00 p.m. This event includes a designated area to sell and consume alcohol.

On Saturday and Sunday activities will begin at 10:00 a.m. and end at 5:00 p.m. The Special Event Permit Application includes a request for the artists to set up on Friday, February 24 at approximately 10:00 a.m.

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

OTHER OPTIONS Do not approve the event

FISCAL IMPACT In-kind services provided by the City were budgeted for FY22-23 in the amount of \$1725. The Arts Council will be responsible for 25% or \$431. Private security will be provided by the Lake Wales Police Department and will be paid at 100% by the Arts Council.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

15. Olmsted Day In The Park – Lake Wales Heritage Inc Special Event Permit Application

[Begin Agenda Item]

SYNOPSIS: Approval of this Special Event Application will allow the Lake Wales Heritage organization to sponsor an Olmsted Day at the Park on April 29, 2023

RECOMMENDATION Staff recommends that the City Commission consider taking the following action: 1. Approve the Special Event Permit Application for the Olmsted Day at the Park event on Saturday April 29, 2023 from 10:00 a.m. – 6:00 p.m. 2. Approve the request to allow alcohol within designated boundaries during the event.

BACKGROUND The Lake Wales Heritage Inc. has applied to host a festival type of event in Lake Wales Park on April 29, 2023. The event will include alcohol.

OTHER OPTIONS Do not approve the event

FISCAL IMPACT In-kind services were budgeted for this event. Costs will be paid at 25% by Lake Wales Heritage Inc.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

16. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Williams asked about the memo from Catherine Price regarding the Comments and Petitions Resolution. Mr. Galloway said he just received it and will review it.

17. ADJOURN

The meeting was adjourned at 2:56 p.m.

Mayor

ATTEST

City Clerk