

City Commission Meeting Minutes

February 21, 2023

(APPROVED)

2/21/2023 - Minutes

1. INVOCATION

Rev. Walter Nelson gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

Commissioner Absent:

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Black History Month

Mayor Hilligoss proclaimed February Black History Month. Tiffany Davis accepted the proclamation.

6. COMMENTS AND PETITIONS

Charlene Bennett, resident, spoke against Ordinance 2023-11 correcting a scrivener's error. Heavy industry should not be allowed near residential areas without a public hearing.

Juanita Zwaryczuk, resident, announced that the AAUW and Lake Wales Woman's Club are partnering to host a candidate forum on March 13. All candidates have agreed to attend. She thanked the Mayor for having the board members listed on the website. She said many in the community would like more scientific information on possible impacts of the ADS plant.

Mary Salisbury, non resident, said she moved here 5 years and cautioned Lake Wales to plan for what they want to look like years from now. She shared concerns about the ADS plant and cautioned against changing the Ordinance.

James Salisbury, non-resident, spoke against the change to the ordinance to allow the ADS Plant. There needs to be a public hearing.

Cassandra Richards, non resident, spoke against the ADS plant. She expressed concerns about noise, pollution, smell and possible health issues. She recommended a meeting at the Mary Campbell Center in Highland Park Manor.

Catherine Price, resident, spoke against the ADS plant. She expressed concerns about emissions and possible fire.

Allan Tatum, resident and business owner, shared a packet of information with the Commission with examples of downtown signage. He spoke against possible changes to the downtown sign ordinance. They aren't business friendly.

Bruce Francis, non resident, said we need more information on the ADS plant and possible impacts to the area. This needs more study.

Becky Wynkoop, resident, recommended a different location for the plant. She said its difficult to call City Hall during the day for may people. She expressed support for Kris Fitzgerald to be restored to her seat. She said downtown needs a parking garage.

7. CONSENT AGENDA

Commissioner Krueger made a motion to approve the consent agenda. Commissioner Williams seconded the motion.

by voice vote

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

7.I. Minutes - February 7, 2023, February 15, 2023 And February 17, 2023

7.II. 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]

- 7.III. 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 Wailes 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]

7.IV. 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]

8. OLD BUSINESS

8.I. Ordinance 2022-54 Hunt Brothers Annexation – 2nd Reading & Public Hearing | Annexation 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27

This item is continued to the next meeting.

8.II. Ordinance D2022-35 Hunt Brothers SS CPA – 2nd Reading & Public Hearing | Small Scale Future Land Use Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27

This item is continued to the next meeting.

8.III. Ordinance D2022-36 Hunt Brothers Zoning – 2nd Reading & Public Hearing |Zoning Map Amendment For Approximately 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27

This item is continued to the next meeting.

- 8.IV. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-04** by title only.

ORDINANCE 2023-04 (Small-Scale CPA/Future Land Use Map Amendment for

approximately 6.51 acres of land south of Grove Avenue East and east of 1st 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 6.51 ACRES OF LAND SOUTH OF GROVE AVENUE EAST AND EAST OF 1ST STREET SOUTH, FROM CITY OF LAKE WALES DESIGNATION LDR TO MEDIUM DENSITY RESIDENTIAL MDR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Becky Wynkoop, resident, said more information about these items should be on the front page of the agenda for those who aren't computer savvy.

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-04** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.V. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-05** by title only.

ORDINANCE 2023-05 (Zoning Map Amendment for approximately 6.51 acres of land south of Grove Avenue East and east of 1st Street South.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 6.51 ACRES OF LAND SOUTH OF GROVE AVENUE EAST AND EAST OF 1ST SOUTH, FROM CITY OF LAKE WALES DESIGNATION R-1B TO R-1C; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-05** 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.

9. NEW BUSINESS

- 9.I. Ordinance 2023-09 Vacation Of A Portion Of Harding Avenue Right-Of-Way. First Reading And Public Hearing
[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 goes 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]

Jennifer Nanek, City Clerk read ORDINANCE 2023-09 by title only.

ORDINANCE 2023-09 (Vacation of Right-of-Way – Harding Avenue)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION OF HAMLIN AVENUE RIGHT-OF-WAY LOCATED BETWEEN E STREET AND D STREET, AND OWNED BY MANWELLO BROWN, AS SHOWN ON “ATTACHMENT A” AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE 2023-09** 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.

9.II. Ordinance 2023-10 Vacation Of A Portion Of Findley Drive Right-Of-Way. First Reading And Public Hearing

[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]

Jennifer Nanek, City Clerk read ORDINANCE 2023-10 by title only.

ORDINANCE 2023-10 (Vacation of Right-of-Way – Findley Drive)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION OF FINDLEY DRIVE RIGHT-OF-WAY LOCATED EAST OF SCENIC HIGHWAY NORTH, AND OWNED BY RISE PROPERTIES, AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN

EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE 2023-10** after 1st 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.

9.III. 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]

Jennifer Nanek, City Clerk, read RESOLUTION 2023-04 by title only.

RESOLUTION 2023-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ESTABLISHING POLICIES TO GOVERN THE COMMENTS AND PETITIONS PORTIONS OF PUBLIC MEETINGS; ESTABLISHING A LIMITATION ON PERSONS WHICH MAY SPEAK DURING THOSE PORTIONS OF THE MEETING WHICH ALLOW FOR PUBLIC COMMENTS; ESTABLISHING A TIME LIMIT FOR ADDRESSING

PUBLIC MEETINGS; LIMITING THE SPEECH TO RELEVANT AND LEGITIMATE INQUIRIES AND DISCUSSION BY THE PUBLIC; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell asked about the changes in this version. She asked if everyone can speak no matter where they live.

Mayor Hilligoss confirmed the changes.

Commissioner Krueger made a motion to adopt **RESOLUTION 2023-04**. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported on a final hearing for a foreclosure on Dr. J A Wiltshire. One that happens it can be transferred to the CRA for their use.

Mr. Galloway said there will be a redevelopment agreement for a property on D Street on the March 7 agenda.

11. CITY MANAGER

James Slaton, City Manager, reported that the Art Show is this weekend and that there will be a LakeNight Cinema event on Saturday night.

Mr. Slaton said the City will apply for a Recreation Trail Program grant for a Trail in Kiwanis Park. There will be a public hearing on Monday on this project.

The kickoff for Lake Wales Envisioned is March 20 at Bok Tower. The website is www.lakewalesenvisioned.com

11.I. Commission Meeting Calendar

12. CITY COMMISSION COMMENTS

Commissioner Krueger shared backgrounds on African-American history figures Frederick Douglass and Josiah Thomas Walls for Black History month.

Commissioner Williams said his research on the ADS plant has been limited. He said he has family lives near the proposed plant location. He said that neither he nor the Commission would make decisions to

harm residents in Lake Wales. asked for any possible studies or research on their organization.

Commissioner Howell spoke in favor of business friendly sign regulations. She said the residents, especially the ones in Highland Park Manor, need more information on the ADS plant project.

Commissioner Howell asked about the body cam video. Mr. Slaton said he called and asked the Sheriff's office and said it will be released when the investigation is closed. Commissioner Howell said the family wants this closed. She will pursue this.

Commissioner Howell said she is glad for additional lights and signs near the bus stop. We need to keep working on improving the lighting in Lake Wales.

Commissioner Howell asked if staff can call and check with the Governor's office about Kris Fitzgerald being restored to office.

Deputy Mayor Robin Gibson said he would like to discuss the recent mediation of the Grand Hotel with the Commission. It was declared an impasse. He asked for a shade meeting to discuss this matter. Mr. Galloway reviewed shade meetings and made a request for a shade meeting. After discussion there was consensus to have it during the next work session on March 1.

13. MAYOR COMMENTS

Mayor Hilligoss thanked everyone for their comments tonight.

14. ADJOURNMENT

The meeting was adjourned at 7:17 p.m.

Mayor

ATTEST

City Clerk