

**City Commission Workshop  
Meeting Minutes  
February 24, 2021  
(APPROVED)**

**This meeting was conducted partially via teleconference**

2/24/2021 - Minutes

1. CALL TO ORDER & ROLL CALL

**Commissioners Present:** Terrye Howell, Curtis Gibson, Robin Gibson, Mayor Eugene Fultz

**Commissioners Absent** - Al Goldstein

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

Mayor Fultz called the meeting to order at 4:00 p.m. Mayor Fultz read a statement:

The Governor's Executive Order 20-246 allowing for meetings of a Municipality's governing boards without having a quorum of its members present physically or at any specific location has expired as of Nov. 1.

However due to the ongoing State of Emergency, while a majority of Commission Members must be present in the Chambers, members of the staff and public may still participate in our meetings virtually.

Members of the public are welcome to come into the Commission Chambers to attend our Commission Agenda Work Session Meetings. We ask that everyone be mindful of social distancing and sit in designated seating.

Any member of the public may register to attend our meetings virtually at [WWW.LAKEWALESFL.GOV/REGISTER](http://WWW.LAKEWALESFL.GOV/REGISTER)

Additional Information and Procedures for public participation will be explained by the City Attorney shortly.

Albert Galloway, Jr., City Attorney, read a statement on Procedures for this partial virtual Public Meeting.

Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

2. City Manager Comments

3. Discussion - Communications And Petitions

Mayor Fultz said that Deputy Mayor Robin Gibson has recommended that this be changed to Comments and Petitions as Communications and Petitions indicates that there will be back and forth conversation between the person speaking and the commission. This is not so. Mayor Fultz said he is in favor of this change. James Slaton, City Manager, said we can change this so the Commission is not on the spot. Deputy Mayor Robin Gibson said the purpose of this, Comments and Petitions, is to inform the Commission on issues of concern that may or may not be acted on in the future. Commissioner Howell said that this was a great idea.

4. ORDINANCE D2020-04 Comprehensive Plan Adoption 2nd Reading And Public Hearing.

[Begin Agenda Memo]

**SYNOPSIS:** At least every seven years, local governments must determine whether or not amendments are needed to the Comprehensive Plan. The current plan had a horizon of 2015 and was critically out of date. The proposed updated plan will have a horizon of 2040.

**RECOMMENDATION**

Staff recommends adoption of the 2040 Comprehensive Plan on second reading, following a public hearing.

At a regular meeting on September 29, 2020, the Planning and Zoning Board made a recommendation to City Commission to adopt the proposed City of Lake Wales 2040 Comprehensive Plan. City Commission approved the ordinance at the October 6, 2020 transmittal hearing. The Plan was then sent to the Florida Department of Economic Opportunity and other state agencies.

The City received an Objections, Recommendations, and Comments (ORC) Report on December 22, 2020 from DEO with four items to review (see attached report). The State's comments have been addressed and the Plan is ready for adoption.

**BACKGROUND**

The City of Lake Wales Comprehensive Plan guides future development of the City and presents a future vision. The Plan includes the following elements: Future Land Use, Transportation, Housing, Utilities, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Historic Preservation, Economic Development, and School Concurrency.

Keeping the City's Plan up-to-date is crucial, as it is the centerpiece of local planning efforts and creates a healthy framework which guides development. It gives guidance to landowners and developers and establishes long-range goals for the City.

S&ME is the consulting firm that assisted the City with this effort. The City and S&ME hosted a public workshop on Wednesday, July 8th of this year via Zoom, where the public was able to contribute to the conversation, discussing long-term visions and priorities for the City's growth.

The following questions were discussed in the form of "breakout sessions":

- What are our opportunities?
- What is Lake Wales' future?
- Where should we be in 10 to 20 years?
- How do we get there?

Key Updates and changes:

Residential maximum densities have been adjusted throughout the Future Land Use element by category in the following ways:

- Mixed-Use development in the RAC Regional Activity Center shall not exceed 6 12 units per acre.
- Multi-family and mixed commercial/residential use of structures is permitted in the DD Downtown District up to 12 25 dwelling units per gross acre. Residential densities of up to 75 dwelling units are permitted with special approval.
- Residential uses in the NAC Neighborhood Activity Center district permitted up to 6 12 units per acre.
- Residential uses in the RO Residential Office district permitted up to 6 12 units per acre.
- LDR Low Density Residential: 3 5 units per acre.
- MDR Medium Density Residential: 6 12 units per acre.

- HDR High Density Residential: 12 25 units per acre.

These changes are proposed to restore the original densities that were in the Comprehensive Plan from its initial adoption in 1990-91 to when significant changes occurred in 2005-06. By increasing potential residential densities, the intent is to promote intensive development that is appropriate for a municipality.

Other significant changes include the following:

- Lake Wales Connected – Policies have been included to support the implementation of this Plan.
- Future Extraterritorial Planning - Policies are proposed to promote future planning area studies to establish future land use patterns, transportation, utilities and economic development issues, plus explore the possibility of a Joint Planning Agreement with Polk County.
- Information Technology – A policy is proposed to explore the feasibility placing fiber optics and similar infrastructure throughout the City.
- Several Policies related to the recognition of property rights.
- Elimination of Transportation Concurrency in the CRA – this is intended to further promote redevelopment in the Core Area by eliminating a potential barrier.
- Future Bike/Pedestrian Planning – policies to promote the future planning and development of these other modes of transportation are included.
- After the transmittal hearing in October, policies have been added with the intent to adopt a Mobility Plan and implement a Mobility Fee in order to fund roadway and streetscape improvements.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

James Slaton, City Manager, said this is the beginning of a process to adopt and implement a mobility fee plan. These are more flexible than transportation plans in the past. Transportation plans have been narrowly focused on roads. Mobility Fees are all about moving people. They are not commonly used. They would be in lieu of transportation impact fees. They could help implement the Lake Wales Connected Plan. Currently transportation fees go to the county first before us. They are looking to see if these fees can come directly to the City. its a new concept but we are moving in that direction. we will talk more about this in the coming months. We are looking for grants to help with this but we are not there yet.

Deputy Mayor Robin Gibson said school impact fees have similar problems. He asked if we get the transportation impact fees from the county. Mr. Slaton said the funds have to be spent within a transportation district. We have to do groundwork on this to see if we can keep the money in Lake Wales. Mr. Bennett reviewed the next steps after approval of this Ordinance.

## 5. RESOLUTION 2021-04 Railroad Crossing Safety Program Upgrade

[Begin Agenda Memo]

Synopsis: The City Commission will consider approving Resolution 2021-04, with FDOT and Florida Midland Railroad to upgrade the Lincoln Avenue railroad crossing and Florida Midland Railroad to upgrade the Lincoln Avenue railroad crossing.

### **RECOMMENDATION**

1. Approve Resolution 2021-04, authorizing an agreement between the City of Lake Wales and the Florida Department of Transportation and Florida Midland Railroad for the Railroad Reimbursement Grade Crossing Traffic Control Devices upgrade for the Lincoln Avenue railroad crossing.
2. Authorize the Mayor to execute the agreement.

**BACKGROUND**

The Florida Department of Transportation notified the city that they would be upgrading the railroad crossing at Lincoln Avenue to a Class III railroad crossing. The upgrade will include new flasher and gate type signals equipped with LED lights and pole mounted bells, wired shelter and all required and miscellaneous materials to complete the new signal system. The cost of \$209,890.00 for the upgrade will be borne by FDOT.

After the upgrade, the city's annual maintenance responsibility will be \$3,600.00 annually. Resolution 2021-04 authorizes the mayor to execute the agreement on behalf of the city.

**FISCAL IMPACT**

The current fiscal year 20/21 budget is not affected. The fiscal year 21/22 budget will reflect the additional cost for the railroad-crossing program.

**OTHER OPTIONS**

The City already has an agreement with FDOT and Florida Midland Railroad for the annual maintenance of railroad crossings in the City.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

**6. Resolution 2021-02 State Of Emergency Declaration**

[Begin Agenda Memo]

**SYNOPSIS:**

Resolution 2021-05 declares a State of Emergency for Lake Wales in response to concerns related to COVID-19. This will be in effect from March 2, 2021 until April 2, 2021.

**RECOMMENDATION**

Staff recommends adoption of Resolution 2021-05 State of Emergency Declaration from March 2nd 2021 until April 2th 2021.

**BACKGROUND**

In response to the threat of COVID-19 Mayor Fultz issued a State of Emergency on March 13th for seven days and issued three more 7 day States of Emergency after that. The current state of emergency was extended throughout 2020. The current State of Emergency, which was approved by the Commission on January 19, 2021 expired February 19th.

According to Chapter 9 in our Code of Ordinances, the City Commission must approve a State of Emergency to last 30 days.

**OTHER OPTIONS**

Do not approve Resolution 2021-05.

**FISCAL IMPACT**

There is no fiscal impact from the resolution itself. There will be some costs to the City as we

respond to this threat. These costs are being tracked. A declared State of Emergency will allow the City to seek possible reimbursement for those costs.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

## 7. Board Appointments - Board Of Zoning Adjustments And Appeals

[Begin Agenda Memo]

**SYNOPSIS:** Appointment to fill a vacancy on the Board of Zoning Adjustment and Appeals

### **RECOMMENDATION**

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

1. Appoint Crystal Higbee for a term on the Board of Zoning Adjustment and Appeals expiring on 7/1/2023

### **BACKGROUND**

There is a vacancy on the Board of Zoning Adjustment and Appeals due to resignations or expiring 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).

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

Deborah Solow, resident 02/19/20 – 07/01/20, P

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

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

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

Applying for Appointment: Crystal Higbee for a term expiring on 7/1/2023

The board recommends her reappointment.

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber [The meeting time could be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of

these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;

3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;

4. Perform any other duties which are lawfully assigned to it by the city commission.

## **OPTIONS**

Do not appoint those that have applied.

## **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

James Slaton, City Manager, asked if this appointment would fill the board. Ms. Nanek confirmed that if this appointment is made we will have a full board.

Deputy Mayor Robin Gibson asked how often the board meets. Mark Bennett, Development Services Director, said recently the board has been meeting.

## 8. Appointment Of Alternate Canvassing Board Members

[Begin Agenda Memo]

### **SYNOPSIS:**

It is necessary for the Commission to appoint alternate members to serve on the City of Lake Wales Canvassing Board.

### **RECOMMENDATION**

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

1. Appoint residents Jim Reddick, James Weaver, Jennifer Leeks and Rodney Cannon to serve as alternate members to the Lake Wales Canvassing Board.
2. Designate the City Clerk and/or Deputy City Clerk to represent the Canvassing Board at the Pre- election Logic and Accuracy Testing of Tabulating Equipment (L&A) on Tuesday, March 30, 2021 at 4:00 p.m. The City Clerk is required to attend the L&A Testing but if unavailable it is necessary to authorize a person to attend on behalf of the City Clerk if a Canvassing board member is unavailable to attend the L&A Testing.

### **BACKGROUND**

The City Commission serves as the Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. However, there are legal rules that apply. No member can serve if he or she is a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an intentional effort to demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07.

There are two seats up for election and two of the Commission members are incumbents in the

election so those members do not qualify to serve on the Canvassing Board. One Commissioner has excused himself for scheduling reasons. Three members are necessary for a quorum. Even with three members it is still necessary for the Commission to appoint alternate members to serve on the Canvassing Board if a lack of a quorum is created on the Canvassing Board due to the legal rules that applies or any other unavoidable cause. In accordance with Sec. 8-26, Lake Wales Code of Ordinances, the City Commission may appoint the city manager, city attorney, or a resident/s to serve as a member to the Canvassing Board in the absence of the Commission member creating the lack of quorum.

Jim Reddick, Rodney Cannon, Jennifer Leeks, and James Weaver have served on other City boards. The City Clerk recommends their appointment.

Per Florida Statute, Canvassing Board members are required to attend the following meetings.

Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A)

Tuesday, March 30, 2021; 4:00 p.m.

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway).

At least 1 member of the Canvassing Board or representative must attend the L&A Testing.

Election Night Canvassing of Ballots

Tuesday, April 6, 2021, time to be scheduled by SOE (5:00 p.m. or later)

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present and must remain until all ballots are tabulated.

Certification of Election

City of Lake Wales Municipal Administration Building Thursday, April 8, 2021; 5:30 p.m.

-A Quorum must be present.

Post-Election Manual Audit

Date & Time to be determined – Tuesday April 13, 2020

Elections Operations Center 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

9. Rescheduling 1st Commission Meeting In April.

[Begin Agenda Memo]

**SYNOPSIS:** It is necessary for the City Commission to reschedule its first meeting in April due to the April 6, 2021 Municipal Election

**RECOMMENDATION**

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

1. Reschedule the first City Commission meeting in April from 6:00 p.m., Tuesday, April 6, 2021 to 6:00 p.m., Wednesday, April 7, 2021 due to the April 6, 2021 Municipal Election.

**BACKGROUND**

Pursuant to authority provided by F.S. § 100.3605, the City adopted the first Tuesday in April as the date for all regular city elections to fill the office of city commissioner. The City's election this year is on Tuesday, April 6, 2021, which is the same day as the first regular scheduled Commission meeting in April. It is necessary for the Commission to reschedule its first Commission meeting in April from 6:00 p.m., Tuesday, April 6, 2021 to 6:00 p.m., Wednesday, April 7, 2021.

#### **OTHER OPTIONS**

The Commission could choose another date.

#### **FISCAL IMPACT**

There is no fiscal Impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

#### **10. CITY COMMISSION AND MAYOR COMMENTS**

Commissioner Curtis Gibson asked when the item regarding Communications and Petitions was put on today's agenda. Jennifer Nanek, City Clerk, said it was on the agenda when it was posted yesterday around 5pm. Commissioner Curtis Gibson asked about evaluating the City Attorney. James Slaton, City Manager, said the evaluation forms are in the Commissioners' boxes.

Albert Galloway, Jr., City Attorney, said the transaction of the two B Street lots have closed. The transaction from the CRA to Keystone is in process.

#### **11. ADJOURN**

The meeting was adjourned at 4:23 p.m.

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Mayor

ATTEST:

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City Clerk