

City Commission meeting minutes

May 2, 2023

(APPROVED)

5/2/2023 - Minutes

1. INVOCATION

Rev Herb Schlenker 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

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

5. OLD BUSINESS

- 5.1. ORDINANCE 2023-11 Amendment To Chapter 23, Zoning, Land Use, And Development Regulations
2nd Reading And Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Ordinance 2023-11 amends Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts 2nd Reading and Public Hearing – Notice requirements have been met

RECOMMENDATION Staff recommends adoption at second reading, following a public hearing.

At a regular meeting on March 28, 2023, the Planning and Zoning Board voted 4 to 1 to keep the Special Exception Use Permit requirement for Manufacturing – Heavy in the I-1 zoning district, therefore recommending denial of the correction to the clerical error in Ordinance 2022-45.

BACKGROUND At a regular Planning and Zoning Board Meeting on January 25, 2022, Staff advanced a memo to the Board which included proposed changes to Table 23-421, stating, “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.” According to the signed meeting minutes, the following Board members were present: Christopher Lutton, Charlene Bennett, John Gravel, Eric Rio, Kyra Love, and Betty Wojcik. The Board unanimously voted to recommend the amendment.

As a result, Staff advanced Ordinance 2022-06 to City Commission, which included the amendment to the Permitted Use Chart to change Manufacturing – Heavy from S-Special Exception to P-Permitted. According to the signed meeting minutes from March 1, 2022, City Commission adopted Ordinance 2022-06 by a unanimous 5-0 vote, effectively making Manufacturing – Heavy permitted on lands within the city designated I-1 Industrial.

As standard practice following the adoption of an ordinance, the City Clerk submits the changes to the City’s codification platform for publishing city code, E-Laws. This action was taken by the City Clerk on March 16, 2022. City Staff uses the most updated code as published by E-Laws while continuing to advance ordinance changes as it relates to City Code.

On October 4, 2022, Planning Staff advanced Ordinance 2022-45 to City Commission for adoption, which revised and moved a note under Table 23-421 related to lot of record provisions within the CRA areas; the Table was included for context with that Ordinance. In February of 2023, the City Attorney rendered an opinion that the Table used in preparing Ordinance 2022-45 did not reflect the adopted changes per Ordinance 2022- 06, and therefore was controlling and inadvertently changed Manufacturing – Heavy back to a Special Exception Use Permit level of approval. Meeting minutes from the October 4, 2022 City Commission meeting do not demonstrate that City Commission knowingly and intentionally reversed the previous action taken to enact Manufacturing – Heavy as Permitted in the I-1 zoning district. Ordinance 2023-11 prepared by counsel hired by the City, Thomas A. Cloud, Esquire, proposes a correction to the clerical error in Table 23-421 which restores the intentional action taken by both the Planning and Zoning Board and City Commission, to allow Manufacturing – Heavy as a Permitted use in the I-1 zoning district.

Staff Findings:

1. On January 25, 2022 the Planning and Zoning Board intentionally and unanimously made a recommendation of approval to City Commission, to amend Table 23-421 so to allow Manufacturing – Heavy as Permitted in the I-1 Industrial zoning district.
2. On March 1, 2022 City Commission intentionally and unanimously voted to approve Ordinance 2022-06, which amended Table 23-421 so to allow Manufacturing – Heavy as Permitted in the I-1 Industrial zoning district.
3. On March 16, 2022, the City Clerk submitted the adopted code changes to the City’s codification platform; however, the adopted Table was not properly codified.
4. On October 4, 2022, City Commission adopted Ordinance 2022-45, intentionally moving a note related to lots of record from beneath Table 23-421 to Table 23- 422A; however, because the Table which did not reflect the changes adopted under Ordinance 2022-06, City Commission unintentionally reversed the changes to Table 23-421 adopted under Ordinance 2022-06, effectively changing Manufacturing – Heavy back to a Special Exception Use Permit

level of approval in the I-1 zoning district.

5. The unintentional change to Table 23-421 for Manufacturing – Heavy in the I-1 zoning district under Ordinance 2022-45 did not provide legal notice to the public nor to the owners of land within I-1 zoning districts indicating that the level of approval for Manufacturing – Heavy in the I-1 would be changed.

6. The City has a limited inventory of land zoned industrial.

7. The re-assignment of additional land within the city as I-1 Industrial, would require a recommendation from the Planning and Zoning Board (Public Hearing), and two readings of an Ordinance before City Commission (two Public Hearings).

8. The 2022 action by the Planning and Zoning Board and City Commission to “open up the city’s industrial zones to heavy manufacturing” by changing Manufacturing– Heavy from a Special Exception Use Permit, to Permitted, is consistent with the following Policies and Objectives found within the City’s Comprehensive Plan:

Objective XI.1.4 The City of Lake Wales, through a cooperative effort between the Lake Wales Area Chamber of Commerce and existing governmental institutions of the City and County, shall ensure that land is allocated for future agricultural, commercial, and industrial land uses to allow for proper economic growth.

Policy XI.1.4 The City, through a cooperative effort with the Chamber shall work with the citrus industry to study the feasibility of utilizing citrus lands for uses that would further enhance the Lake Wales economic bases through commercial/industrial development

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-11** by title only.

ORDINANCE 2023-11

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA; AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES, FLORIDA; PROVIDING RECITALS CONSTITUTING LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING TABLE 23-421, PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, FOR CORRECTION OF A CLERICAL ERROR IN ORDINANCE 2022-45 AS TO PROPERTY ZONED I-1 INDUSTRIAL TO CLARIFY THAT MANUFACTURING—HEAVY IS A PERMITTED USE AND NOT A SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Charlene Bennett, resident said the placement of the ADS plant near an African American Community is racist. This would not be placed near a white community whose residents were opposed to it.

Javier Marin, Vice-President of the Central Florida Development Council. He spoke on industry

diversification. We need more manufacturing in Polk County. We need more jobs in Polk County. Manufacturing leads to more jobs than those just employed by manufacturing.

Becky Wynkoop, resident, suggested keeping it light industrial but allow outdoor storage. She hopes this will be hidden from the road.

Cassandra Richards, non resident, spoke against ADS plant being in their neighborhood. There are not enough workers available for these jobs.

Catherine Price, resident, spoke against the Ordinance. The permit process is important to determine compatibility with the area. This protects the people in the area.

Katherine Lamar, non-resident, said this issue has brought unity to those against this. This project may bring unintended consequences.

Ruth Search, non resident, spoke against the ADS plant. This will greatly change Lake Wales now and the future.

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-11** after second 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.

5.II. ORDINANCE 2023-15 Vacation Of An Alley Right-Of-Way 2nd Reading And Public Hearing [Begin Agenda Memo]

SUBJECT: Ordinance 2023-15 Vacation of an Alley Right-of-Way 2 nd Reading and Public Hearing Notice Requirements have been met

SYNOPSIS: Monty Palma, authorized agent for owner, has petitioned for the vacation of a portion of an alley right-of-way (ROW) located east of E Street and north of DR J A Wiltshire Avenue W.

RECOMMENDATION Adoption at second reading, following a public hearing, to vacate the right-of-way as described in Ordinance 2023-15.

BACKGROUND The subject ROW is located east of E Street, north of DR J A Wiltshire Avenue West, south of Lincoln Avenue, and west of D Street. The portion of the alley to be vacated is directly east of Roosevelt Academy, between parcels 272935-880000-002070 and 272935-

880000-003120. Monty Palma, on behalf of property owner, is requesting to vacate the right of way with the intent to build homes on the infill lots.

This item was brought before the Development Review Committee in July of 2022. The Utilities Department confirmed the vacation would not be problematic regarding the existing sewer line, as they are requesting the existing sewer line within the alleyway be removed, and the applicant has agreed. The Police Department was in support of the vacation and the contemplated homes to keep vehicular traffic from cutting through portions of private property that are currently being utilized by the public today. Vacation of the portion of the alleyway, as shown in Attachment A, would not obstruct access for emergency services. In addition, all other outside, private utility agencies have not identified any issues regarding the vacation of this portion of right-of-way.

FISCAL IMPACT Vacation of the ROW described in Attachment A will encourage infill development of the adjacent properties.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-15** by title only.

ORDINANCE 2023-15

(Vacation of Alley – 0 E Street)

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 RIGHT-OF-WAY LOCATED EAST OF E STREET AND NORTH OF DR J A WILTSHIRE AVE 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 adopt **ORDINANCE 2023-15** after second 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.

6. CITY CLERK

6.I. Plaque Award - Terrye Howell

Jennifer Nanek, City Clerk, presented outgoing Commissioner Terrye Howell with a plaque thanking her for her service on the Commission.

6.II. OATH OF OFFICE: Robin Gibson

Jennifer Nanek, City Clerk, swore in Robin Gibson for a new term on the Commission.

6.III. OATH OF OFFICE: Keith Thompson

Judge Bobby Williams swore in Keith Thompson for a new term on the Commission.

7. ROLL CALL

Commissioners Present: Robin Gibson, Keith Thompson, Danny Krueger, Mayor Jack Hilligoss, Daniel Williams

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

8. COMMENTS AND PETITIONS

Steve Wiezorek, resident, spoke on the YMCA. He offered suggestions to use the facility. He recommended setting up an advisory board to assist with this.

Bud Colburn, resident, spoke on the history and importance of the National Day of Prayer.

Michael Richards, resident, spoke on the YMCA. There is potential there. He knows there is a high cost but suggested that the City run it itself. He offered various suggestions for use. Don't let it turn into the hotel.

Terry Christian, property owner, spoke on the ADS project. There needs to be more transparency on that project. Regarding the YMCA he said it should not be closed. We need more recreation facilities and programs.

9. CONSENT AGENDA

Commissioner Krueger made a motion to approve the consent agenda. Deputy Mayor Gibson seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Approved 5-0.

9.I. Minutes - April 18, 2023 And April 26, 2023

9.II. Approval Of Agreement For School Resource Officer: Lake Wales Charter Schools
[Begin Agenda Memo]

Synopsis: Commissioners will consider approving an agreement with Lake Wales Charter Schools to provide a School Resource Officer at Bok Academy North.

RECOMMENDATION It is recommended that the City Commission:

1. Authorize the Mayor to execute the agreement with the Lake Wales Charter Schools for Fiscal Year 2022-2023.

BACKGROUND Since 2004, the Lake Wales Police Department and Lake Wales Charter Schools have partnered to ensure the safety and security of students and staff at Lake Wales High School through our school resource officer (SRO) program. The Lake Wales Charter Schools currently pays \$5,000.00 monthly to the city for the school resource officer at Lake Wales High School. Lake Wales Charter Schools has requested to add a school resource officer position to provide services at their Bok Academy North campus beginning in the 2024 school year.

The Lake Wales Charter Schools has agreed to pay the city for this SRO at the same rate of \$5,000.00 monthly.

The department has adequate personnel to provide SRO services during this fiscal year and will budget an additional position for the 2023-2024 budget year. This agreement will automatically renew each year and funding will be addressed through a separate memorandum of understanding executed annually.

ATTACHMENT: School Resource Officer Agreement

[End Agenda Memo]

9.III. Chastain-Skillman, Inc – Proposal For Professional Engineering & Survey Services For NW Neighborhood CDBG Project
[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider a proposal from Chastain-Skillman, Inc. for professional engineering and survey services for the NW Neighborhood Pedestrian Sidewalk Project.

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

1. Approve the proposal with Chastain-Skillman, Inc.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND The City of Lake Wales plans to use CDBG-CV funds in the amount of \$1,193,660 to construct sidewalk improvements as a means to help address the economic,

social, and health impacts of the Coronavirus pandemic. Improvements will include repairing existing sidewalks and constructing new ones. The sidewalks will be widened to promote social distancing where feasible. The proposed sidewalk improvements are needed so that they can be used to slow the spread of the coronavirus by promoting social distancing.

The new and rehabilitated sidewalks are located in the City's Northwest Neighborhood which is a low income, African American neighborhood. The COVID-19 pandemic has had a disproportionate impact on low income and minority populations, so it is fitting that this population should benefit from a significant share of COVID-19 assistance. The primary users of the new and rehabilitated sidewalks will be the residents that live in the surrounding neighborhood. Since many of the residents lack reliable transportation due to low incomes, the provision of new and improved sidewalks will allow for improved mobility of the residents in a safe manner.

The proposed agreement with Chastain-Skillman, Inc. will provide planning and design services and produce site work construction drawings with permit application packages for the proposed NW Neighborhood CDBG sidewalk grant project. Included in the project are the following streets: Florida, Harding, Washington, Jackson, Lincoln, Booker, JA Wiltshire, Alabama, "F", Jewell, Pearl, "E", "G", and the alley between Washington to Lincoln.

OTHER OPTIONS Do not approve Chastain-Skillman, Inc. for professional engineering and survey services.

FISCAL IMPACT The fixed fee amount is \$153,660.

[End Agenda Memo]

9.IV. Redevelopment Of The 226 W. Stuart Avenue Parcel

[Begin Agenda Memo]

Synopsis: The City of Lake Wales and Tricia Hohn, the owner of the subject property, have negotiated a Redevelopment Agreement for the property located at 226 W. Stuart Avenue which was subject to a Code Enforcement Demolition Order. The Redevelopment Agreement incorporates the Memorandum of Understanding ("MOU") for the redevelopment of distressed properties which was previously approved by the City and the Lake Wales Community Redevelopment Agency. Upon approval of the Redevelopment Agreement, the sum of \$6,990.00 will be deposited with the City to be disbursed as redevelopment occurs in accordance with the provisions of the MOU and the Redevelopment Agreement.

Recommendation: That the City Commission approve the Redevelopment Agreement and authorize the Mayor to sign it on behalf of the City.

Fiscal impact: Redevelopment of this distressed property should result in an increase in ad valorem tax revenue. Alternatives: None which will result in the anticipated benefits of redevelopment of the subject property.

Attachments: Redevelopment Agreement with the incorporated MOU

[End Agenda Memo]

9.V. Hale Innovations, LLC. - Grant Writing And Grant Administration

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider a piggyback agreement to Monroe County Board of County Commissioners' contract for grant writing and grant administration.

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

1. Approve the piggyback agreement.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND Hale Innovation, LLC provides grant writing and grant administration services for municipal capital projects. The City is currently working with Hale Innovation on various projects as a sub-consultant under a Continuing Services Contract with Chastain Skillman. The scope of service for this proposed agreement will include the following:

- Writing and management of the overall grant process, including administrative compliance with technical construction activities,
- Identifying and recommending possible grant opportunities to the City and assistance with writing the grant applications; and
- Assisting with reporting requirements, reimbursement requests, verifying compliance documents, and closeout documentation.

For each project, Hale Innovation will prepare a scope of services with an assumed quantity of hours for the effort, and then prepare the grant application in conjunction with City Staff. The hourly rates below will be used to determine a lump sum fee to pursue grants.

Name Role/Title Company Rate

Lee Hale, PE Project Manager Hale Innovation \$145.00

Hilary Waers Grant Writer Hale Innovation \$80.00

Jim Downey Senior QC Specialist Hale Innovation \$200.00

Tommy Marion Research Specialist Hale Innovation \$60.00

Dina Bautista, PE, CFM Senior Grant Manager AC Disaster Consulting \$180.00

Madeleine Gorman Resiliency & Historic Preservation AC Disaster Consulting \$125.00

Dan Curico State & Federal Grant Manager AC Disaster Consulting \$125.00

Ericka Porter Mitigation Specialist AC Disaster Consulting \$125.00

Marla Nance Civil Rights Auditor MTN Resources \$219.33

Michele Maloney Resident Compliance Specialist Manager MTN Resources \$114.06

OTHER OPTIONS Do not approve Hale Innovations, LLC. to perform grant writing and grant administration.

FISCAL IMPACT Funds will be committed on a project-by-project basis.

[End Agenda Memo]

9.VI. Invasive Plant Removal (Water Hyacinths & Brazilian Peppers) From Lake Weaver

[Begin Agenda Memo]

SYNOPSIS: Staff recommends the commission authorize the expenditure of \$37,000 to S&J Aquatics Weed Removal LLC (S&J) for removal of Water Hyacinths and Brazilian Peppers from Lake Weaver.

STAFF RECOMMENDATION It is recommended that the City Commission consider taking the following action:

1. Authorize the expenditure for removal of Water Hyacinths and Brazilian Peppers from Lake Weaver to S & J Aquatic Weed Removal, LLC for \$37,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND In an attempt to improve the overall health of Lake Weaver, Staff is recommending the Commission approve the expenditure of \$37,000.00 for the removal of Water Hyacinths and Brazilian Peppers. The removal process will consist of S & J applying herbicide to hardier vegetation and completing the removal by mechanical harvesting. This practice will improve the lake's overall health by removing the vegetation from the lake rather than spraying and allowing the plants to sink to the bottom, which causes build-up on the lake bed.

Staff approached three aquatic weed removal companies to obtain quotes for the invasive plant removal: S & J Aquatic Weed Removal LLC, Applied Aquatics Management Inc., and Texas Aquatic Harvesting. Texas Aquatic Harvesting was unresponsive in providing a quote. Staff recommends the Commission take the following action, approve the expenditure of \$37,000.00 to S&J Aquatic Weed Removal, LLC, and authorize the City Manager to execute the appropriate documents on the City's Behalf.

OTHER OPTION The commission could choose not to remove the Water Hyacinths and Brazilian Peppers from Lake Weaver, and the invasive plants will continue to invade the lake. The Water Hyacinths recently overtook the water fountain damaging electrical components and resulted in needed repairs.

FISCAL IMPACT \$125,000 was placed in the '22-'23 capital Stormwater budget for Lake Cleaning

[End Agenda Memo]

10. NEW BUSINESS

10.I. Appointment Of Deputy Mayor

Mayor Hilligoss nominated Robin Gibson to be Deputy Mayor. Commissioner Krueger seconded the nomination.

by voice vote:

Mayor Hilligoss "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson Abstained.

Motion approved 4-0.

10.II. Appointment Of A Representative To The Housing Authority

Mayor Hilligoss asked Commissioner Williams if he would be willing to serve as representative to the Housing Authority. Commissioner Williams agreed.

Mayor Hilligoss nominated Commissioner Williams to serve as representative to the Housing Authority. Deputy Mayor Gibson seconded the nomination.

by voice vote:

Mayor Hilligoss "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Motion approved 5-0.

10.III. Appointment Of A Representative To The Ridge League Of Cities

Mayor Hilligoss asked Commissioner Krueger if he would be willing to serve as representative to the Ridge League of Cities. Commissioner Krueger agreed.

Mayor Hilligoss nominated Commissioner Krueger to serve as representative to the Ridge League of Cities.. Commissioner Williams seconded the nomination.

by voice vote:

Mayor Hilligoss "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Motion approved 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that the City will acquire title to 610 Dr. JA Wiltshire Blvd. We should receive it in 10 days.

Mr. Galloway stated that he has reached out to the Sheriff's office concerning the Borders video but has received no response.

Mr. Galloway said the Governor's office and has provided information on the Kris Fitzgerald question. So they are working on this.

12. CITY MANAGER

James Slaton, City Manager, reported that we received the Bond proceeds Monday to the tune of \$18.5 million.

Mr. Slaton said the lighting assessment by Duke Energy is complete. There are 14 bus stops that need more lighting. Duke Energy has been authorized to move forward on these.

Mr. Slaton said that they are working on the YMCA issue. Many organizations have contacted the City on this.

12.I. Commission Meeting Calendar

13. CITY COMMISSION COMMENTS

Commissioner Thompson thanked everyone for support. He wants to give back to this community and serve it with honor and integrity. He promised to treat everyone with respect and asked everyone to do the same. He looks forward to serving with fellow commissioners.

Commissioner Krueger reported on his visit to speak to young people at Lake Aurora Christian Camp on Constitutional issues.

Deputy Mayor Gibson thanked the Mayor and Commission for reappointing him as Deputy Mayor and to serve as chair of the CRA.

Deputy Mayor Gibson shared concerns and ideas on what to do about the YMCA. He would like to keep it as it is by partnering with a non profit and the City providing seed money.

14. MAYOR COMMENTS

Mayor Hilligoss said he is concerned about the YMCA. He is anxious to see what we can do.

Mayor Hilligoss thanked the IT team for the new audio/video system installed.

15. ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Mayor

ATTEST:

City Clerk