

City Commission Meeting Minutes

June 7, 2022

(APPROVED)

6/7/2022 - Minutes

1. INVOCATION

Rev Scott Markley 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

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

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Responsible Fatherhood Month

Mayor Hilligoss proclaimed June as Responsible Fatherhood month. Daniel DeJesus from the Lake Wales Athletic and Education Association Inc or the Seahawks and Rev Scott Markley from the Business, Civic, and Ministry Coalition accepted the proclamation.

6. COMMENTS AND PETITIONS

Buford Cloburn "Bud", resident, spoke on the separation of church and state. He said this idea was not meant to restrict religious practices or keep God out of government. He cited several examples of the Founding Fathers allowing religion in government. He applauds the courage of the City Commission.

Juanita Zwaryczuk, resident, said she agreed that government should not favor one religion or another. She spoke in favor of Pride Month and against the removal of the Pride Proclamation from the agenda. She said the commission should separate their religious opinions from government duties.

Bob Nickel, taxpayer, said that more of America is becoming accepting of LGBTQ families and spoke in opposition to the removal of the Pride Proclamation.

Jim Taggart, non resident, said he was glad to see the Responsible Fatherhood Month Proclamation tonight. He spoke against homosexual behavior. He said it is a choice. He is tired of this sinful behavior

being shoved down our throats.

Heather Mankowski, resident, read the Pride Proclamation presented by the City of Davenport.

Kyra Love, resident, spoke against the removal of the Pride Proclamation from the agenda.

Charlene Bennett, resident, said the City should stand in solidarity with the LGBTQ community and spoke against the removal of the Pride proclamation.

David Jones, resident, shared an example of discrimination he has experienced and how he was helped by others in the community.

Tim Ratliff, resident, spoke against the Pride Proclamation and was in favor of invocations.

Jodie Clark, resident, thanked the Commission for the Responsible Fatherhood proclamation. He has family members who are LGBT. We should respect each other. We should come together as Americans.

Mandy Cilliers, resident, shared examples of discrimination among races in South Africa. Discrimination brings hate. Lake Wales has always been inclusive. LGBT people are part of our City.

Cheryl Millet, utility customer, is an LGBT person. She cares about the young people of the community and the image of Lake Wales. We should be more inclusive.

David Price, resident and President of Bok Tower Gardens, said they welcome all at Bok Tower Gardens. Making everyone welcome will make us a stronger community.

Tiffany Davis, resident, shared her military experience and serving with LGBT members of the Armed Forces. She loves everyone.

Kevin Respress, resident, commended the leaders of the City. We have a good City. Words have power. He applauded the City Commission for taking a stand. He is glad that the Commission proclaimed this month for fatherhood.

Melissa Hulen, resident, thanked the commission for proclaiming this as Fatherhood month. The family unit is under attack in this country and is responsible for every issue in our country. She commended fathers and said we can't celebrate that enough.

Anna Clarke, taxpayer, shared concerns about her safety. Everyone should be welcome in Lake Wales. She supports fatherhood. In the past there have been 5 proclamations in one meeting. There's a lot of ideas and love here. We should be hospitable and kind.

7. CONSENT AGENDA

Deputy Mayor Gibson made a motion to approve the Consent Agenda. Commission Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

7.I. Minutes - January 18, 2022 & June 1, 2022 Work Session

7.II. WWTP Chlorination Tanks Replacement

[Begin Agenda Memo]

SYNOPSIS:

Staff seeks commission approval to expend funds for the replacement of an Aurora split case horizontal pump for Water Treatment Plant #2 (WTP #2) from Barney's Pumps for \$26,246.00.

STAFF RECOMMENDATION It is recommended that the City Commission:

1. Approve the expenditure of funds of \$26,246.00 for the replacement of a split case pump for WTP #2 from Barney's Pumps.

BACKGROUND Split-case pumps are the workhorses of industrial and municipal applications. They are more expensive than end-suction or vertical inline pumps, and not as flexible or adaptable as vertical turbines. However, what they lack in low-cost flexibility they make up for in durability, efficiency, and dependability. The pump that is installed is leaking, and has been for some time now. No methods deployed to fix the pump have been effective. This pump is original to the plant, has been in operation for 25+ years, and is at the end of its useful life. Staff recommends the commission take the following actions; approve the expenditure of funds to Barney's Pumps for \$26,246.00 for the replacement of the split case pump to be installed at WTP #2.

OPTIONS The Commission could chose to not approve the purchase and allow the current pump to continue to leak.

FISCAL IMPACT \$150,000.00 was budgeted in the Water Division's FY '21-'22 M & R Treatment Plants Operating Budget for this purpose.

[Begin Agenda Memo]

7.III. Elevated Water Storage Tank Maintenance

[Begin Agenda Memo]

SYNOPSIS: Staff is seeking commission approval for the expenditure of funds or \$127,500.00 for maintenance and inspection for the City's for water storage towers by Tank Rehab.

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

1. Approve the expenditure of funds for \$127,500.00 for tank maintenance by Tank Rehab, LLC.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND In August 2003, the Florida Department of Environmental Protection instituted more stringent regulations regarding the maintenance of water storage tanks. These regulations require annual inspections of the tanks to insure protection of the water source from contamination and identify any structural problems that may need repair. The regulations also require that, at least once every five

years, the tanks be cleaned on the inside and outside and that all work on the tanks be performed by a contractor under the responsible charge of a professional engineer licensed by the State of Florida. It is time in the maintenance schedule to have the Mall Tower and Southside Elevated Tower taken offline for an interior renovation. Washout the Market Street Tower and High school Tower, and have an inspection performed on the newly acquired Standpipe Tower in the Park service area. Staff is recommending the City Commission approve the expenditure of funds for \$127,500.00 to Tank Rehab, LLC to perform the maintenance, utilizing the current annual contract, on the City's water storage towers.

OTHER OPTION None. This is a required service by DEP.

FISCAL IMPACT \$150,000.00 is included in the Water Division's FY21'22 M&R Storage Tanks budget line item to cover this vital maintenance service.

[End Agenda Memo]

7.IV. Mountain Lake Cutoff Rd Watermain Extension

[Begin Agenda Memo]

SYNOPSIS: Staff proposes to install approximately 2100 ft of 12" water main to assist in the expansion of the water system along Mountain Lake Cutoff Road.

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

1. Approve expending funds of \$83,319.00 to Lopez Underground Construction, Inc. for labor and \$150,559.66 to Fortiline Waterworks for the purchase of materials to extend the watermain along Mountain Lake Cutoff Road.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND As a part of serving the residents of the City of Lake Wales, and expanding the existing water system, the City frequently looks for properties within the City's service area that does not currently have water service. The purpose of this project is to install 2,100 hundred linear feet of 12" watermain by open cut along Mountain Lake Cutoff Road to expand the water system. In an effort to save time and money this project is a labor only contract. Given the current industry and lead times for material staff will purchase material through a City vendor and supply material to the contractor for installation. Staff solicited quotes and allowed the contractor to determine the method for installation. The lowest bidder provided a bid for open cut installation.

Staff recommends the Commission take the following action, approve expending funds of \$83,319.00 to Lopez Underground Construction, Inc. for labor and \$150,559.66 to Fortiline Waterworks for the purchase of materials for the watermain extension on Mountain Lake Cutoff Road and authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could deny the expenditure of funds to facilitate the expansion of the water system along Mountain Lake Cutoff Road

[End Agenda Memo]

7.V. DW53037 Northwest Water Main Extension Application Submittal

[Begin Agenda Memo]

SYNOPSIS:

The funds for this project have been committed by the State Revolving Loan Fund Agency (SRF). It is

now time for City Staff to submit the application for drafting of the contract for the Mayor's signature.

STAFF RECOMMENDATION Staff recommends the City Commission take the following action: 1. Approve the submittal of the application for project DW53037-Northwest Water Main Extension. 2. Authorized the Mayor to sign all documents related to this project.

BACKGROUND

The main purposes of the Northwest Watermain Extension project is to replace existing water main that has reached the end of its useful service life and to improve fire flow capabilities in the area. The City of Lake Wales authorized CHA Engineering to prepare construction plans and specifications to extend a larger water main to the Northwest section of town. The project consist of the installation of approximately 5,450 LF of 12" C900 PVC Water Main between East Sessoms Avenue and the intersection of Washington Avenue and E street areas. The water main will be parallel to N 1st Street, Dr. JA Wiltshire Avenue, B Street and Washington Avenue. The project was bid and awarded and is now at the next step in the process for funding. A request for inclusion was submitted to SRF as a part of the request for funding.

The City's request was approved and placed on the SRF funding list that was announced on February 23, 2022. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion and all other accompanying documentation as required. The resolution was approved at the May 17, 2022 City Commission meeting. Staff is recommending the City Commission approve the submittal of the SRF application for project DW53037, and authorize the Mayor to sign all documents related to the this project.

OPTIONS None. Without the submittal of the application, the contract documents cannot be prepared by SRF, and the City would forfeit the funds awarded.

FISCAL IMPACT The total for the construction and the associated construction phase services approved by SRF is \$2,549,100.00. This project also qualifies for loan forgiveness of \$501,630.00.

[End Agenda Memo]

7.VI. Southside Force Main Cleaning

[Begin Agenda Memo]

SYNOPSIS: Staff is recommending the approval to expend funds for \$51,399.60 for the force main cleaning services provided by Professional Piping Services.

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

1. Approve the expenditure of funds for \$51,399.60 for force main cleaning performed by Professional Piping Inc.

BACKGROUND The Southside Force Main requires annual cleaning due to the distance this line has to travel to reach the wastewater treatment plant and the low flow conditions that exist due to the lack of development in southeastern part of the City's service area. Sediment such as sand, plastics, and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. As a result, the force main would be clogged, crippling the collections system for the service area. The method proposed for the cleaning of these sections of force main is called the progressive poly pig procedure.

Each time staff has gone out to bid for theses services, the amount of responsive bidders has been less each year. A piggyback agreement that had already been bided out by Manatee County is in force. In

addition, Professional Piping Services (PPS) has performed this cleaning for the past several years. Staff has been satisfied with both the performance and the reports submitted, which are a required component of this contract. Staff is recommending the City Commission approve the expenditure of funds for \$51,299.60 to Professional Piping Inc. for the cleaning of the Southside Force Main.

OTHER OPTION None. Without this required annual cleaning, the force main would become plugged and become inoperable. This in turn would cut off the sewer service for the subdivisions that are in service southeast of the city center.

FISCAL IMPACT \$150,000.00 is budgeted in the Wastewater Division's FY '21-'22 M & R Lines and Mains Operating Budget for this purpose.

[End Agenda Memo]

7.VII. WTP #2 Aurora Split Case Pump Replacement

[Begin Agenda Memo]

SYNOPSIS: Staff seeks commission approval to expend funds for the replacement of an Aurora split case horizontal pump for Water Treatment Plant #2 (WTP #2) from Barney's Pumps for \$26,246.00.

STAFF RECOMMENDATION It is recommended that the City Commission:

1. Approve the expenditure of funds of \$26,246.00 for the replacement of a split case pump for WTP #2.

BACKGROUND Split-case pumps are the workhorses of industrial and municipal applications. They are more expensive than end-suction or vertical inline pumps, and not as flexible or adaptable as vertical turbines. However, what they lack in low-cost flexibility they make up for in durability, efficiency, and dependability. The pump that is currently leaking has been in operation for 25+ years and is at the end of its useful life. The Staff recommends the commission take the following actions; approve the expenditure of funds to Barney's Pumps Chemical for \$26,246.00 for the replacement of the split case pump at WTP #2.

OPTIONS The Commission could chose to not approve the purchase and allow the current pump to continue to leak.

FISCAL IMPACT \$150,000.00 was budgeted in the Water Division's FY '21-'22 M & R Treatment Plants Operating Budget for this purpose.

[End Agenda Memo]

7.VIII. WW53036 Septic To Sewer Force Main Ext. SRF Funding Application

[Begin Agenda Memo]

SYNOPSIS:

The funds for this project have been committed by the State Revolving Loan Fund Agency (SRF). It is now time for City Staff to submit the application for drafting of the contract for the Mayor's signature.

STAFF RECOMMENDATION Staff recommends the City Commission take the following action:

1. Approve the submittal of the application for project WW53036-Septic to Sewer Conversion with Force main Extension. 2. Authorized the Mayor to sign all documents related to this project.

BACKGROUND As part of serving the residents of the City of Lake Wales, and expanding the existing wastewater system, the City frequently looks for opportunities to extend sewer service to unsewered areas within the city's service boundary. The Hillcrest Avenue and Grove Avenue project is located in the southern part of the City of Lake Wales and includes 1,250 LF of 8" PVC gravity sewer and 3,300 LF of 6" PVC force main. The purpose of this project is to switch residential houses from septic to public gravity sewer and route the flow to an existing lift station. This project also includes an extension connecting to an existing 16" force main south along US 17 from Grove Avenue to a planned development Parcel 27301100000022060. This force main would be within the Right of Way with no easements required. Design of this extension would include open cut and directional drill of the force main across roadways.

The Del Ombre project is located in the eastern part of the City of Lake Wales and includes 2,750 LF of 6" force main, 2,600 LF of 8" force main, 1,000 LF of 10" force main, 1,200 LF of 8" gravity sewer line, 7 manholes, and a pump station. The purpose of this project is to switch approximately 22 homes along Del Ombre Circle from septic to public gravity sewer, to extend the force main northerly along Buck Moore Road past the Sunset Drive and Buck Moore Road intersection to a proposed lift station, and to extend the force main easterly on Sunset Drive to Evergreen Drive. It is expected for two single-family developments to flow to the new lift station and one single-family development to connect to the extended force main on Sunset Drive. The project was bid and awarded and is now at the next step in the process for funding.

A request for inclusion was submitted to SRF as a part of the request for funding. The City's request was approved and placed on the SRF funding list that was announced on February 23, 2022. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion and all other accompanying documentation as required. The resolution was approved at the May 17, 2022 City Commission meeting. Staff is recommending the City Commission approve the submittal of the SRF application for project WW53036, and authorize the Mayor to sign all documents related to the this project.

OPTIONS None. Without the submittal of the application, the contract documents cannot be prepared by SRF, and the City would forfeit the funds awarded.

FISCAL IMPACT The total for the construction and the associated construction phase services approved by SRF is \$2,947,895.

[End Agenda Memo]

7.IX. Daly Pines Final Plat Approval

[Begin Agenda Memo]

SYNOPSIS: The Daly Family requests approval of the Daly Pines Final Plat.

RECOMMENDATION Staff recommends approval of the Final Plat. Neither a recommendation from the Planning Board, nor a public hearing is necessary for approval of a final plat. Provided the plat meets all of the requirements of state statutes and local ordinances, approval by the City Commission is a formality.

BACKGROUND The subject property is located on the west side of Tower Boulevard and north of Lakeshore Boulevard North. The property is adjacent to the City Trail on the southernmost boundary. The owner intends to sell the three lots for potential development of three single-family homes. The property abuts Tower Boulevard, an existing street, and no improvements are needed for water, sewer, or drainage as individual lots will tie into existing utilities during the process of building permit review. Pursuant to Section 23-223.1.a.3 of the City's Land Development Code, the Development Review Committee determined Daly Pines as a minor subdivision, waving the preliminary subdivision review to permit a final plat to be presented to City Commission for approval.

FISCAL IMPACT Approval of the final plat enables the construction of 3 new single-family homes. The property is currently valued at \$76,551, and subdividing the property for development could potentially increase property values. Estimating a taxable value of \$300,000 per unit, could result in \$900,000 in taxable value, and generate over \$6,000 in ad valorem taxes. *Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

7.X. Community Firework Display – 4th Of July

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider a piggyback agreement to Collier County contract for the 4th of July Firework Display.

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 piggyback agreement on behalf of the City.

BACKGROUND The City of Lake Wales has identified a need to select a vendor to provide the firework display for the City's annual 4th of July Fireworks event that will be held Monday, July 4, 2022 at Lake Wailes Park. Due to lack of availability by other vendors such as Zambelli Firework Manufacturing Company and Sky Candy Fireworks, the City recommends the piggyback agreement with Exposhow, Inc.

OTHER OPTIONS The Commission can choose not to approve the piggyback agreement with Exposhow, Inc.

FISCAL IMPACT \$26,500 was approved by the City Commission for FY'21-22. The cost for a 21-minute show with a 2-minute grand finale is \$23,800.

[End Agenda Memo]

7.XI. Lake Wales Public Library Treasure Hunt Event

[Begin Agenda Memo]

SYNOPSIS The Lake Wales Public Library is requesting a special event permit for a Treasure Hunt Sand & Foam Party event to be held on July 14th, 2022 from 10:30 a.m. - 11:30 a.m. This event will close Cypress Garden Lane and the parking lot west of the Library across Cypress Garden Lane.

RECOMMENDATION Staff recommends approval of the special event permit for the Treasure Hunt Sand & Foam Party event and for Cypress Garden Lane to be closed from 8:30 a.m. - 12:30 p.m.

BACKGROUND As part of their summer programming the Lake Wales Public Library is hosting a Touch-a-Truck event on Thursday July 14th from 10:30 a.m. - 11:30 a.m. This will involve a large sand pile and other setup. This will require that Cypress Garden Lane, where the library is located be closed during the event. The parking lot west of the Library will also be closed.

OTHER OPTIONS Do not approve the event permit or the road closure.

FISCAL IMPACT None

[End Agenda Memo]

7.XII. Lake Wales Public Library Touch-A-Truck Event

[Begin Agenda Memo]

SYNOPSIS The Lake Wales Public Library is requesting a special event permit for a Touch a Truck event to be held on July 21st, 2022 from 10:30 a.m. - 11:30 a.m. This event will close Cypress Garden Lane and the parking lot west of the Library across Cypress Garden Lane.

RECOMMENDATION Staff recommends approval of the special event permit for the Touch a Truck event and for Cypress Garden Lane to be closed from 9:30 a.m. - 12:30 p.m.

BACKGROUND As part of their summer programming the Lake Wales Public Library is hosting a Touch-a-Truck event on Thursday July 21st from 10:30 a.m. - 11:30 a.m. This will involve several large trucks being on site. This will require that Cypress Garden Lane, where the library is located be closed during the event. The parking lot west of the Library will also be closed.

OTHER OPTIONS Do not approve the event permit or the road closure.

FISCAL IMPACT None

[End Agenda Memo]

8. OLD BUSINESS

8.I. ORDINANCE D2022-03 – Second Reading And Public Hearing: Future Land Use For 236.57 Acres Of Land South Of Belleview Drive, East Of Scenic Highway South, North Of Passion Play Road, And West Of 11th Street South

[Begin Agenda Memo]

SYNOPSIS:

Dave Schmitt Engineering, authorized agent for owners, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcels totaling approximately 236.57 acres of land.

RECOMMENDATION Approval at first reading, and adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on February 22, 2022: Current Land Use: Polk County RS/TCC Proposed Land Use: LDR The first reading to reassign land use by City Commission was approved at a regular meeting on March 15, 2022. The large-scale land use amendment was submitted to DEO for review and no impertinent comments have been returned on the amendment request.

BACKGROUND The subject property is located south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South. These parcels are between the Belle Lago and Whispering Ridge subdivisions. The property owner petitioned annexation into the corporate city limits of Lake Wales on December 9, 2021 and was officially annexed on February 1, 2022. The next step in the process is to assign Land Use and Zoning which has been presented to the Planning and Zoning Board at a regular meeting on February 22, 2022. The request was approved at first reading by City Commission at a regular meeting on March 15, 2022. These parcels will become part of a larger residential development that will come before the Planning Board for recommendation of approval to City Commission for a Planned Development Project on May 24, 2022, contingent upon land use and zoning approvals. A Future Land Use Designation of LDR – Low Density Residential is compatible with the surrounding area.

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 Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-03** by title only.

ORDINANCE D2022-03

(Large-Scale CPA/Future Land Use Map Amendment for approximately 236.57 acres of land south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th 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 236.57 ACRES OF LAND LOCATED SOUTH OF BELLEVIEW DRIVE, EAST OF SCENIC HIGHWAY SOUTH, NORTH OF PASSION PLAY ROAD, AND WEST OF 11TH STREET SOUTH, FROM POLK COUNTY RESIDENTIAL SUBURBAN AND TOURISM COMMERCIAL CENTER TO CITY OF LAKE WALES DESIGNATION LDR LOW-DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-03** after second reading and public hearing. Commissioner Krueger seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.II. ORDINANCE D2022-06 Second Reading And Public Hearing - Zoning For 236.57 Acres Of Land South Of Belleview Drive, East Of Scenic Highway South, North Of Passion Play Road, And West Of 11th Street South

[Begin Agenda Memo]

SYNOPSIS: Dave Schmitt Engineering, authorized agent for owners, requests approval of City

Commission to amend the Zoning Map on the above-mentioned parcels totaling approximately 236.57 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on February 22, 2022: Current Zoning: Polk County RS/TCC Proposed Zoning: R-1B The first reading to reassign zoning by City Commission was approved at a regular meeting on March 15, 2022.

BACKGROUND The subject property is located south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South. These parcels are between the Belle Lago and Whispering Ridge subdivisions. The property owner petitioned annexation into the corporate city limits of Lake Wales on December 9, 2021 and was officially annexed on February 1, 2022. The next step in the process is to assign Land Use and Zoning which has been presented to the Planning and Zoning Board at a regular meeting on February 22, 2022. This request was approved at first reading by City Commission at a regular meeting on March 15, 2022. These parcels will become part of a larger residential development that will come before the Planning Board for recommendation of approval to City Commission for a Planned Development Project, and will be contingent upon land use and zoning approvals. A Zoning designation of R-1B is compatible with the surrounding area.

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

FISCAL IMPACT Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-06** by title only.

ORDINANCE D2022-06 (Zoning Map Amendment for approximately 236.57 acres of land south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 236.57 ACRES OF LAND LOCATED SOUTH OF BELLEVIEW DRIVE, EAST OF SCENIC HIGHWAY SOUTH, NORTH OF PASSION PLAY ROAD, AND WEST OF 11TH STREET SOUTH, FROM COUNTY DESIGNATION RS AND TCC, TO CITY OF LAKE WALES DESIGNATION R-1B; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-06** after second reading and public hearing. Commissioner Krueger seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.III. ORDINANCE D2022-04 Second Reading And Public Hearing - Future Land Use For 97.35 Acres Of Land South Of Chalet Suzanne Road And East Of US Highway 27

[Begin Agenda Memo]

SYNOPSIS: Charles Millar with Atwell, authorized agent for owners Lake Wales Realty Investors LLC and Star Lake Inc., requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcels totaling approximately 97.35 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on February 22, 2022: Current Land Use: RAC Proposed Land Use: MDR The first reading to reassign land use by City Commission was approved at a regular meeting on March 15, 2022. The large-scale land use amendment was submitted to DEO for review and no impertinent comments have been returned on the amendment request.

BACKGROUND The subject property is located south of Chalet Suzanne Road and east of US Highway 27. This parcel is between Eagle Ridge Mall and Carlsburg Estates, across the street from the Preserve townhomes.

The property owner petitioned annexation of 0.16 acres into the corporate city limits of Lake Wales on December 2, 2021 and was officially annexed on February 15, 2022. The Planning and Zoning Board recommended approval to city commission to reassign land use and zoning designations at a regular meeting on February 22, 2022. The request was approved at first reading by City Commission at a regular meeting on March 15, 2022.

These parcels are part of a larger residential development that was presented to the Planning Board for recommendation of approval to City Commission for a Planned Development Project, at a special meeting, on April 12, 2022. The Planned Development Project was approved by City Commission at a regular meeting on May 17, 2022, contingent upon approvals of the reassignment for land use and zoning designations. A Future Land Use Designation of MDR – Medium Density Residential is compatible with the surrounding area and will act as a transitional land use from RAC to LDR.

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 Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-04** by title.

ORDINANCE D2022-04 (Large-Scale CPA/Future Land Use Map Amendment for approximately 97.35 acres of land south of Chalet Suzanne Road and east of US Highway 27)

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 97.35 ACRES OF LAND LOCATED SOUTH OF CHALET SUZANNE ROAD AND

EAST OF US HIGHWAY 27, FROM CITY OF LAKE WALES DESIGNATION REGIONAL ACTIVITY CENTER (RAC) TO MDR MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Wes Landis, resident, asked if an environmental study will be done and if it will be available to the public. Mark Bennett, Development Services Director, said one will be done and yes the public will be able to read it.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-04** after second reading and public hearing. Commissioner Krueger seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.IV. ORDINANCE D2022-07 Second Reading And Public Hearing - Zoning For 97.35 Acres Of Land South Of Chalet Suzanne Road And East Of US Highway 27

[Begin Agenda Memo]

SYNOPSIS:

Charles Millar with Atwell, authorized agent for owners Lake Wales Realty Investors LLC and Star Lake Inc., requests approval of City Commission to amend the Zoning Map on the above-mentioned parcels totaling approximately 97.35 acres of land.

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 regular meeting on February 22, 2022: Current Zoning: C-2 Proposed Zoning: R-3 The first reading to reassign zoning by City Commission was approved at a regular meeting on March 15, 2022.

BACKGROUND The subject property is located south of Chalet Suzanne Road and east of US Highway 27. This parcel is between Eagle Ridge Mall and Carlsburg Estates, across the street from the Preserve townhomes. The property owner petitioned annexation of 0.16 acres into the corporate city limits of Lake Wales on December 2, 2021 and was officially annexed on February 15, 2022. The Planning and Zoning Board recommended approval to city commission to reassign land use and zoning designations at a regular meeting on February 22, 2022. The request was approved at first reading by City Commission at a regular meeting on March 15, 2022. These parcels are part of a larger residential development that was presented to the Planning Board for recommendation of approval to City Commission for a Planned Development Project, at a special meeting, on April 12, 2022. The Planned Development Project was approved by City Commission at a regular meeting on May 17, 2022, contingent upon approvals of the reassignment for land use and zoning designations. A Zoning

designation of R-3 is compatible with the surrounding area and serves as a transitional zoning from commercial to residential.

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

FISCAL IMPACT Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-07** by title only.

ORDINANCE D2022-07

(Zoning Map Amendment for approximately 97.35 acres of land south of Chalet Suzanne Road and east of US Highway 27)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 97.35 ACRES OF LAND LOCATED SOUTH OF CHALET SUZANNE ROAD AND EAST OF US HIGHWAY 27, FROM CITY OF LAKE WALES DESIGNATION C-2 TO R-3; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-07** after second reading and public hearing. Commissioner Krueger seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.V. **ORDINANCE D2022-11** Second Reading And Public Hearing - Future Land Use Amendment For 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[Begin Agenda Memo]

SYNOPSIS: Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 10.02 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on April

26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR The first reading to reassign land use by City Commission was approved at a regular meeting on May 17, 2022.

BACKGROUND The subject property is located north of Linda Street and east of Tangelo Street. This parcel is adjacent to city limits on its western boundary and is located approximately one mile south of Walmart. The owners petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022 and have requested that the annexation, land use amendment, and zoning amendment be presented together. The Planning and Zoning Board recommended approval to city commission to reassign the land use designation at a regular meeting on April 26, 2022. The request was approved at first reading by City Commission at a regular meeting on May 17, 2022. There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes. A Land Use designation of LDR is appropriate with existing land use to the west and compatible with the existing county development to the south.

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 Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-11** by title only.

ORDINANCE D2022-11 (Small-Scale CPA/Future Land Use Map Amendment for approximately 10.02 acres of land north of Linda Street and east of Tangelo Street)

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 10.02 ACRES OF LAND NORTH OF LINDA STREET AND EAST OF TANGELO STREET, FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION LOW-DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-11** 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 passed 5-0.

8.VI. ORDINANCE 2022-12 Annexation – 2nd Reading And Public Hearing 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-12 proposes the voluntary annexation of approximately 10.02 acres of land north of Linda Street and east of Tangelo Street, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends adoption after second reading of Ordinance 2022-12 following a public hearing. Public Hearing notice requirements have been met. City Commission approved Ordinance 2022-12 at first reading on May 17, 2022. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND The Murphy Family petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western boundary.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City's tax roll. The property is valued at \$82,171, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-12** by title only.

ORDINANCE 2022-12

(Annexation – 10.02 acres of land north of Linda Street and east of Tangelo Street) Parcel ID: 283018-000000-011030

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 10.02 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-12** 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 passed 5-0.

- 8.VII. ORDINANCE 2022-17 2nd Reading Public Hearing - Repealing And Reenacting Subsections (A) And (B) Of Section 20-3 Of The City's Code Of Ordinances Dealing With Obstruction Of Public Streets, Highways And Roads, Which Cited Sections Allegedly Run Afoul Of The Constitution's First Amendment Free Speech Provisions

[Begin Agenda Memo]

SYNOPSIS: On April 18, 2022, the City received correspondence from Southern Legal Counsel asserting that § 20-3 of the Lake Wales Code of Ordinances runs afoul of the free speech provisions of the United States Constitution. The letter cites numerous recent cases which have found Code provisions similar to those of the City which are unconstitutional.

RECOMMENDATION: That the City Commission adopt Ordinance 2022-17 to rescind and replace Subsections (a) and (b) of § 20-3 of the Lake Wales Code of Ordinances with language which will not impact free speech as alleged.

FISCAL IMPACT: None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-17** by title only.

ORDINANCE D2022-17

(Zoning Map Amendment for approximately 195.23 acres of land north of Chalet Suzanne Road and east of US Highway 27)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 195.23 ACRES OF LAND NORTH OF CHALET SUZANNE ROAD AND EAST OF US HIGHWAY 27, FROM CITY OF LAKE WALES DESIGNATION R-1B TO R-3; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-17** after second reading and public hearing. Commissioner Krueger seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.VIII. ORDINANCE D2022-17 Second Reading And Public Hearing - Zoning Map Amendment For 195.23 Acres Of Land North Of Chalet Suzanne Road And East Of US Highway 27

[Begin Agenda Memo]

SYNOPSIS: Hillpointe LLC, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 195.23 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to reassign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Zoning: R-1B Proposed Zoning: R-3 The first reading to reassign the zoning designation was approved at a regular meeting on May 17, 2022 by City Commission.

BACKGROUND The subject property is located north of Chalet Suzanne Road and east of US Highway 27. This parcel is adjacent to the Serenity Apartments and north of the Eagle Ridge Mall. Approximately 14.42 acres of the parcel, south of the Serenity Apartments along Chalet Suzanne Road, is zoned C-3 and will remain unchanged. The remainder 195.23 acres is the subject portion of property that is requesting to be rezoned. This request was recommended by Planning and Zoning Board on April 26, 2022, and was approved at first reading on May 17, 2022 by City Commission. A portion of the site is contemplated for multifamily development; however, plans have not yet been submitted for review. Plans for a multifamily residential development will require a Planned Development Project that would be presented to Planning Board for recommendation to City Commission. A Zoning designation of R-3 is appropriate as adjacent property to the east is zoned R-3. The zoning designation serves as a more appropriate transitional zoning from commercial to the west and residential to the east.

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

FISCAL IMPACT Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-17** by title only

ORDINANCE D2022-17 (Zoning Map Amendment for approximately 195.23 acres of land north of Chalet Suzanne Road and east of US Highway 27)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 195.23 ACRES OF LAND NORTH OF CHALET SUZANNE ROAD AND EAST OF US HIGHWAY 27, FROM CITY OF LAKE WALES DESIGNATION R-1B TO R-3; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-17** after second reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Krueger "NO"

Mayor Hilligoss "YES"

Motion passed 4-1.

9. NEW BUSINESS

9.I. ORDINANCE D2022-12 – First Reading And Public Hearing - Zoning Map Amendment For 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[Begin Agenda Memo]

SYNOPSIS: Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 10.02 acres of land.

RECOMMENDATION Approval at first reading, and adoption at second reading, following a public hearing to reassign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Zoning: Polk County Residential Suburban (RS) Proposed Zoning: R-1A

BACKGROUND The subject property is located north of Linda Street and east of Tangelo Street. This parcel is adjacent to city limits on its western boundary and is located approximately one mile south of the Walmart.

The owners petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022 and have requested that the annexation, land use amendment, and zoning amendment be presented together. The Planning and Zoning Board recommended approval to city commission to reassign the land use and zoning designations at a regular meeting on April 26, 2022. The request to reassign land use was approved at first reading by City Commission at a regular meeting on May 17, 2022.

There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes.

A Zoning designation of R-1A is appropriate with existing R-1A zoning to the west and compatible with the existing county development to the south.

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

FISCAL IMPACT Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-12** by title only.

ORDINANCE D2022-12 (Zoning Map Amendment for approximately 10.02 acres of land north of Linda Street and east of Tangelo Street)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 10.02 ACRES OF LAND NORTH OF LINDA STREET AND EAST OF TANGELO STREET, FROM POLK COUNTY RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES DESIGNATION R-1A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2022-12** after first reading and public hearing. Commissioner Krueger seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9.II. ORDINANCE 2022-30 LDR Updates Chapter 23 Land Development Regulations –1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Staff proposes amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances):

- a. Section 23-306 Off-street and vehicular areas
- b. Section 23-421 Permitted Uses
- c. Section 23-302 Definitions

RECOMMENDATION At a regular meeting on April 26, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. Staff recommends approval at first reading, following a public hearing.

Sec. 23-306 Off-street and vehicular access

Background and justification: Members of the Planning and Zoning Board have expressed an interest in including requirements for Electric Vehicle Charging Facilities within the parking code. Proposed is to require new multi-family sites to provide a minimum of 10% of the overall required parking, as EV charging station spaces. Other uses may be included in the future.

Sec. 23-306.4 ELECTRIC VEHICLE CHARGING FACILITIES.

a. It is the intent of this section to establish minimum standards for electric vehicle charging facilities.

1. Parking Spaces

A. Electric vehicle charging facilities shall be provided in off-street parking areas for specific uses as noted in Table 23-306B.

B. Off-street electric vehicle charging facility spaces shall be included in the calculation of minimum required off-street parking spaces.

C. Off-street electric vehicle charging facility spaces may be reserved for the parking and charging of electric vehicles only.

D. A minimum of one (1) electric vehicle installed space shall be located adjacent to an ADA designated space to provide access to the charging station.

2. Charging Equipment

A. Battery charging equipment, outlets and connector devices shall be mounted on walls or pedestals located outside of the confines of the designated parking space and shall be designed and located as to not impede pedestrian travel or create trip hazards.

B. Battery charging equipment, outlets and connector devices shall be protected from damage by vehicles by bollards, curbing or other means.

C. Electric vehicle charging facilities shall be posted with signs identifying applicable operating instructions and safety warnings including the voltage and amperage levels of the charging equipment.

D. Signs may be posted identifying any applicable restrictions including whether parking in the electric vehicle charging facility space is restricted to electric vehicles, hours of operation, length of time a vehicle may use the charging equipment or other restrictions.

TABLE 23-306B MINIMUM AUTOMOBILE OFF-STREET PARKING SPACE REQUIREMENTS

Notes: *Except for in residential uses, the administrative official may waive up to twenty-five (25) percent of required minimum parking spaces. ** Electric vehicle charging facilities shall be provided in off-street parking areas.

TYPES OF BUILDING & USES MINIMUM NUMBER OF PARKING SPACES REQUIRED

RESIDENTIAL (See also LODGINGS)

One, Two-family dwelling 2 per dwelling unit

Multi-family dwelling ** 1.5 per dwelling unit Sec. 23-307 Landscaping *Background and justification:* Make root barriers waive-able.

Sec. 307.2 Landscaping standards. a. Tree density. Credit shall be granted toward tree density requirements for trees preserved on site. Replacement ratios in Table 23-302A shall be used to calculate credit. 3. Residential density requirements.

NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting, unless waived by City staff.

Sec. 23-421 Permitted Uses

Background and justification: new amendments to the Permitted Use Chart are proposed in order to strengthen the intent of recent code changes affecting the placement of manufactured and modular homes within the city. The intent of the code is to allow manufactured homes through the PDP approval process only, to prohibit them on infill or individual lots, and to distinguish between housing types.

TABLE 23-421

PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project MDP - Master Development Plan R-1A R-1B R-1C R-1D R-2 R-3 P F PDM U C-1/ C-1A C-2C-2R C-3 C-4 C-5 1 L CI B P I - 1 I - 2 C N R

RESIDENTIAL

Dwelling: Single-family P P P P P PMDP P P

Dwelling: Two-family P P P MDP P P

Dwelling: Multi-family (up to 12 units on one parcel) P P MDP P P P P P

Dwelling: Multi-family (more than 12 units/parcel) PDP P D P MDP PD P PD P PD P PDP PD P

Dwelling unit for caretaker employed on premises S MDP S S S S S S S SSS

Dwelling, accessory to single-family house* S S S S S S MDP P S S S S S

Mixed-use - residential and nonresidential PD P PD P PD P PD P PD P PD P S MDP P P S PDP 2 PD P

Manufactured and Modular Homes (individual lots)

Manufactured Home and Modular Home Parks Community PD P PD P PD P PD P PD P PDP

Modular Home Subdivisions PD P PD P PD P PD P PD P PDP Manufactured Home Subdivisions

Section 23-802 Definitions *Background and justification:* The proposed definition changes should add clarity to the City’s intent behind distinguishing between dwelling unit construction types. Definitions are also included to support the Electronic Vehicle parking changes.

Dwelling unit. Quarters, including sleeping, kitchen, and bathroom facilities, for one (1) household. (See also household.) *Accessory dwelling unit* means an apartment or guest house incidental to the principal structure on a lot.

Caretaker dwelling unit means an apartment or house incidental to the principal structure and use on a lot and used primarily by a person or persons responsible for the upkeep of the property.

Multi-family dwelling means a building providing quarters for three (3) or more households.

Single-family dwelling means a building providing quarters for one (1) household. For the purpose of this Chapter, a manufactured home, modular home, or shipping container shall not be considered a single-family dwelling.

Two-family dwelling means a building providing separate quarters for two (2) households.

Modular Home shall not mean a manufactured home but refers to a unit partially constructed off-site (such as trusses and wall sections) and assembled at the site as a standard home or building unit, meeting all the Southern Building Standard Code requirements. For the purposes of this Chapter, a modular home shall not be considered a single-family dwelling. Modular homes are indistinguishable from site-built homes.

Modular home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more modular home lots for rent or sale.

Electric vehicle means any vehicle that operates, either partially or exclusively, on electrical energy.

Electric vehicle charging facility means a public or private parking space that is served by battery charging equipment for the purpose of charging electric vehicles.

Community Buildings means a place, structure, area, and/or other facility used for and providing religious, fraternal, social, and recreational programs. They are not operated for profit, and neither alcoholic beverages nor meals are normally dispensed or consumed. Also known as amenity centers, these facilities are typically located in manufactured & modular parks and subdivisions.

Community Centers means a building to be used as a place for place of meeting, recreation, or social activity. Community Centers are typically owned or operated by a government agency. Shipping container means a container with strength suitable to withstand reuse as an article for the intermodal shipment and storage of goods.

CODE REFERENCES AND REVIEW CRITERIA

Section 23-306 Off-street and vehicular areas

Section 23-421 Permitted Uses

Section 23-302 Definitions

FISCAL IMPACT None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-30** by title only.

ORDINANCE 2022-30

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-306 OFF-STREET AND VEHICULAR AREAS, TABLE 23-421 PERMITTED USES, AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Tim Ratliff, resident, asked how to get a copy of what the changes are. James Slaton, City Manager, said the back up materials are on the website.

CLOSED PUBLIC HEARING

Mayor Hilligoss said the requirement to have electric vehicle charging stations is a hang up for him. He asked if they have to be voted on as a package. James Slaton, City Manager, said the Commission can vote to remove that section if they wish and approve it as amended. Albert Galloway, City Attorney, Jr., explained that if they did they the ordinance would have a different title and would have to go back for 1st and 2nd readings.

Deputy Mayor Gibson said he felt it ought to be on the checklist. We could move to table this and ask for it to come back.

Mr. Slaton asked Mr. Bennett to review the changes that were made. Mark Bennett, Development Services Director, reviewed the item and changes in the ordinance since the work session.

Commissioner Krueger said he did not think that it was the responsibility of the City to require developers to install charging stations.

Deputy Mayor Gibson said that some mandates he is in favor such as a tree ordinance that enhance our property values and tax base. Mandating charging stations is not in that category. If a developer of an apartment house includes charging stations they will attract those customers.

Mayor Hilligoss said the way its packaged we have to vote on the whole thing. Mr. Galloway confirmed this. Mayor Hilligoss said we will vote on the whole thing.

Commissioner Howell made a motion to approve **ORDINANCE 2022-30** after first reading and public hearing. There was no second.

The motion died for lack of a second.

9.III. RESOLUTION 2022-14, Preliminary Rate Resolution – Brookshire Street Lighting District.

[Begin Agenda Memo]

SYNOPSIS: Preliminary Rate Resolution for the Brookshire Street Lighting District

RECOMMENDATION It is recommended that City Commission adopt Resolution No. 2022-14 providing the Preliminary Rate Resolution for the Brookshire Street Lighting District.

BACKGROUND In 2010, the City of Lake Wales received a petition requesting the creation of a Street Lighting District for the Brookshire subdivision. The District includes the thirty-one (31) decorative street lighting poles. Eighty-seven (87) platted lots are within the street lighting district and the estimated annual street lighting costs are \$13,175. The estimated annual charge per plated lot is \$155 based on the 85 billable parcels.

OTHER OPTIONS Do not approve Brookshire Street Lighting District special assessment.

FISCAL IMPACT Annual estimated assessment revenue of \$13,175 is expected to pay all street lighting costs relating to the services, facilities and programs within the Brookshire Street Lighting District.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-14** by title only.

RESOLUTION 2022-14

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE FUNDING OF

STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; DESCRIBING THE METHOD OF ASSESSING STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Deputy Mayor Gibson made a motion to adopt RESOLUTION 2022-14. Commissioner Howell seconded the motion.

By roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9.IV. RESOLUTION 2022-15 Preliminary Rate Resolution Fire Assessment

[Begin Agenda Memo]

SYNOPSIS: Preliminary Rate Resolution for Fire Protection Services Assessment

RECOMMENDATION It is recommended that City Commission adopt Resolution 2022-15 providing the Preliminary Rate Resolution for Fire Protection Services Assessment.

BACKGROUND It is recommended that the City Commission set the Preliminary Fire Protection Services Assessment rate and adopt Preliminary Fire Protection Service Assessment Resolution 2022-15 providing for Fire Protection Services Assessments for fiscal year beginning October 1, 2022. Staff is recommending the following rate scenario: Property Category Assessment Rate Single-Family Per dwelling unit \$146 Multi-Family Per dwelling unit \$ 72 Mobile Home Per dwelling unit \$129 Property Category Assessment Rate Commercial Per Sq Ft \$.06 Industrial/Warehouse Per Sq Ft \$.01 Institutional Per Sq Ft \$.08

OTHER OPTIONS Rely solely on the ad valorem taxes to fund fire protection services, equipment, and programs.

FISCAL IMPACT The estimated net revenue is \$1,168,837.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-15** by title only.

RESOLUTION 2022-15

(Preliminary Assessment Resolution)

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF

FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; PROVIDING AUTHORITY, PURPOSE, AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSMENT COSTS AGAINST PROPERTIES WITHIN THE CITY OF LAKE WALES; DETERMINING THE FIRE PROTECTION ASSESSED COST AND INITIAL FIRE PROTECTION ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREFOR; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Commissioner Howell made a motion to adopt RESOLUTION 2022-15 by title only. Commissioner Krueger seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- g.v. Resolution 2022-11 – Resolution To Utilize The Uniform Method Of Collecting Non-Ad Valorem Assessments And Adopting The Special Assessment Roll.

[Begin Agenda memo]

SYNOPSIS: Resolution 2022-11 declares the City's intent to utilize the uniform method of collecting non-ad valorem assessments and adopts the assessment roll for 2022.

RECOMMENDATION Staff recommends adoption of Resolution 2021-11 after a public hearing, as required by Florida Statutes. Public notice requirements have been met.

BACKGROUND In February 2013, the City Commission adopted Ordinance 2013-04 – Abatement and Violation Assessment (Chapter 17.5), providing for the uniform method of collecting non-ad valorem special assessment for service liens. The City's intent is to collect service liens that are the result from services provided by the City to clean properties, repair or demolish buildings and the like, such services being a special benefit to the property owner. This does not include fines or administrative liens. Ordinance 2013-04 established the City of Lake Wales in its entirety, as its city boundaries exist on the date of enactment and as they may be expanded or contracted from time to time as the special assessment district for the purposes of abatement and violation correction. The resolution has been noticed per Florida Statute at least twenty (20) days in advance of the public hearing. Staff published a potential list of properties in the notice and provided by first class mail a letter to every property owner that may be affected by this action. On January 18, 2022, The City Commission approved a contract with Ray and Sons Lawn Service, LLC to provide abatement services (see attached agreement).

OTHER OPTIONS Decline the adoption of Resolution 2022-11

FISCAL IMPACT This will provide for reimbursement of funds expended in the course of abating and correcting violations of the municipal code.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-11** by title only.

RESOLUTION 2022 - 11 A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; ADOPTING THE SPECIAL ASSESSMENT ROLL FOR ABATEMENT OF CODE VIOLATIONS FOR CALENDAR YEAR 2021; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Commissioner Krueger made a motion to adopt RESOLUTION 2022-11 by title only. 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 passed 5-0.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported on property foreclosures. The property at 138 E Street will go to a public sale later this month. The city will take title and probably transfer it to CRA. At the last Code board meeting two additional foreclosures were authorized.

11. CITY MANAGER

James Slaton, City Manager, reported on possible funding of \$1million from a federal program with the help of Congressman Soto's office.

11.I. Commission Meeting Calendar

James Slaton, City Manager, said next week is the CRA meeting and Commission Work Session.

12. CITY COMMISSION COMMENTS

Commissioner Krueger read excerpts from a book explaining why America was founded on Christian principles.

Commissioner Howell said we need to correct our rules concerning proclamations. This should be covered so this should not happen again. Proclamations should not be political or personal or anything to do with religion. We need to all be on the same page about Lake Wales.

Deputy Mayor Gibson said the Buck Moore Road study was excellent. Some things were similar to the design for 1st Street. Maybe we should have stayed with Dover-Kohl

Deputy Mayor Gibson said that Haines City has had trouble lately between the Administration and the Commission and suggested we be sure our rules are clear and that everyone understands them.

Deputy Mayor Gibson said our sound system should be better in the Commission chambers and for those watching on line. We need good communication.

Deputy Mayor Gibson said we need clear rules on proclamations. We had similar issues with speaking that were resolved.

13. MAYOR COMMENTS

Mayor Hilligoss said that procedures were not followed. Members of the staff misused their office causing unnecessary controversy. We don't have policy. He never saw the proclamation, his opinion wasn't asked about it. He is in favor of a policy and once adopted we need to abide by it. We need to talk about that. He agreed that our charter needs amending.

14. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk