

# City Commission Workshop Minutes

July 27, 2022

(DRAFT)

7/27/2022 - Minutes

## 1. CALL TO ORDER & ROLL CALL

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

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

## 2. City Manager Comments

James Slaton, City Manager, reported that the draft budget books will be ready by noon tomorrow. The next budget workshop is August 10. The budget is balanced at rollback rate.

Mr. Slaton said there is a vacancy on the Airport Authority. We had two applicants but both withdrew their applications. He encouraged the Commissioners to look for possible applicants. Commissioner Krueger said only one had withdrawn his application. Jennifer Nanek, City Clerk, said Mr. Clegg withdrew his application as he did not wish to appear before Commission. Mr. Slaton asked if this person needed to live in the City. Ms. Nanek confirmed this.

Mr. Slaton said the contractors for the Park Avenue project asked for a 30 day deadline extension to submit proposals as the project is so extensive. Deputy Mayor Gibson asked how many contractors are involved. Mr. Slaton said 6 are shortlisted.

## 3. ORDINANCE 2022-38 - Multi-Modal Transportation Impact Fee Ordinance 1st Reading

[Begin Agenda Memo]

**SYNOPSIS:** The proposed Multi-Modal Transportation Impact Fee will provide the City of Lake Wales with a funding source to address transportation needs.

**RECOMMENDATION** Staff recommends that the City Commission approve Ordinance 2022-38 on first reading.

**BACKGROUND** Many local governments adopt transportation impact fees to mitigate impacts caused on road networks from new development. Currently, the City collects a County Transportation impact fee, and forwards the funds on a monthly basis (less a 3% administrative fee).

While roads are considered the primary method of transportation, there are other methods to move people and vehicles. The term "Multi-Modal" is a more encompassing term that covers all forms of transportation (known as "modes"), such as walking, bicycling, transit, micro-mobility/low-speed vehicles, shared mobility, and motor vehicles.

The Lake Wales Connected Plan contains numerous transportation-related requirements. In addition, several new residential developments are in various stages of approval, with building construction expected in the next few years. To implement Lake Wales Connected, and address the expected transportation impacts from new development, the Multi-Modal Transportation Impact Fee is proposed.

In October 2021, the City Commission authorized staff to direct NUE Urban Concepts to prepare a Mobility Fee and Plan. A Mobility Fee is an alternate funding system that is different in that it is intended to replace transportation concurrency and proportionate-share requirements. However, because of the additional obligations for local governments to complete transportation improvements in the Mobility Fee option, the project was revised to instead create the Multi-Modal Transportation Impact Fee. Attached with this memorandum is the proposed Ordinance (with Fee Schedule).

The proposed ordinance amends the existing section of Chapter 23, Article 7, Division 4, regarding impact fees, and revises the existing text to include Multi-Modal Transportation Impact Fees. A new Section, titled "Multi-Modal Transportation Impact Fees", is also proposed.

This impact fee will be a one-time charge assessed on new development. As shown on Schedule C, the Fee is based on specific land uses, with the unit of measure being either per dwelling unit, room, space/lot, square feet, or per acre.

If approved by the Commission, the Ordinance will become effective 90 days after adoption. This is required per Chapter 163.31801(4)(d), Florida Statutes.

The proposed Multi-Modal Transportation Impact Fee is an opportunity to obtain funding to address transportation impacts caused by new development that cannot be addressed through the development review process. It will also provide a funding mechanism to promote redevelopment through the provisions of Lake Wales Connected.

**OTHER OPTIONS** Decline to approve the Ordinance.

**FISCAL IMPACT** If approved, the Multi-Modal Transportation Impact Fee will provide additional revenues for funding various transportation-related projects.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item. He introduced Jonathan Paul with New Urban Concepts to discuss the proposed Mobility Plan and Multi-modal Transportation impact fee. He has done these in several other communities in Florida as they want to move away from funding just roadways.

Jonathan Paul, New Urban Concepts, said he is presenting the City's new mobility Plan and Multi-modal Transportation Impact Fee. The mobility plan is a forward looking vision on how we are going to move people in our community in the future. He has been doing this in Florida for 25 years. They are working on 15 of these throughout Florida. We will be first in Polk County to have a multi-modal Transportation Impact Fee. There are several steps to developing a fee. We inserted an update into the comprehensive plan establishing intent to pursue funding for transportation. We developed a mobility plan consistent with the Land Use element and the Lake Wales Connected Plan. The administration of the fee will be the next steps of this plan.

This plan focuses on moving people and not cars and providing choices. The plan includes micro mobility, shared mobility, as well as pedestrians, bicyclists and motorists. Each form of transit moves at different speeds and are not considered as part of traditional transportation fees and plans. There is a technical report that will be available Friday that documents each of the 18 steps to implementing the fee.

Mr. Paul said the community has done a lot of work already with the Lake Wales Connected Plan. This Mobility Plan goes beyond Lake Wales Connected in that it is city-wide. Projects already identified are incorporated into this Mobility Plan. The plan establishes different service standards for the multi-modal transportation network. It considers how someone gets from point A to point B. The plan includes the utility service area of Lake Wales which includes areas that might annex in later.

Mr. Paul said we need a basis for charging new development this fee. The first basis is the need to accommodate future growth. Lots of growth is projected for Lake Wales and surrounding areas. We evaluated the entire network for capacity. We can't charge for areas that are backlogged or over capacity

already. The overall Lake Wales area is about at 50% capacity today. By 2045 they project we will be at 65% capacity. State Road 60 and US HWY 27 are on the schedule for improvements. They identified over 100 projects in Lake Wales to be funded by the fee. They also incorporated plans for the Northwest neighborhood such as trees, bicycle lanes, sidewalks and road widening. They identified new corridors to be expanded and enhanced with this fee. He showed a map and a list of projects with a list of costs. He shared some possible projects south of SR 60 where lots of growth is anticipated. He gave Grove Avenue as an example as a transportation corridor that can be enhanced and what improvements can be done. He reviewed some of the various proposed projects. The City will have all of this information in an electronic format for future planning use. Transit circulators and transit stop upgrades were looked at. The benefits to the community of each project are included.

Mr. Paul said this impact fee is a way for new development to pay transportation impacts similar to other impact fees. A one time fee on new development and redevelopment if there are additional impacts. The fee is based on the plan and future needs. They tried to integrate the fees with current fee structure. He shared the fee structure and compared it to current road impact fees from Polk County. The improvements need to be shown to benefit the people that pay the fee. The technical detail is needed for legal reasons. He reviewed the fees for different residential and commercial categories. He shared about similar efforts around the state. Some fees are paid both at the City and County areas.

Mr. Slaton said at first the plan was to get the transportation fees from the county. The County is not making major improvements in Lake Wales but now the County is planning to improve Thompson Nursery Road soon. We need their fees for these improvements to be completed. With this fee we may have funds to help encourage other improvements. This will not be a disincentive for any development in Lake Wales. Mr. Paul agreed saying this money can help projects go above the bare minimum. The plan can help get more funding for the listed projects.

Mark Bennett, Development Services Director, said that as the County's Transportation Organization develops its new long-range transportation plans for 2050 it is a good time to bring this plan to the county staff and ask that it be incorporated. This will set the stage to get these items accomplished.

Mr. Paul said this will increase likelihood of getting funded. Without the plan the county will just do the basic or what they have money for. These projects may get funded by money from elsewhere than the mobility fee. He showed a map of the assessment area which is the City limits but areas outside the limits are identified so the map does not need to be updated if some areas annex in.

Mr. Slaton asked Mr. Paul what the window of time is between adoption and when the fee can be collected. Mr. Paul said 90 days either from adoption or from the first advertisement. Mr. Bennett said the current Ordinance draft says 90 days from adoption. Mayor Hilligoss asked why that 90 day window. Mr. Bennett said its easier, cleaner and simpler. Mr. Slaton said we, staff, look forward to the implementation of this as no building permits are expected for awhile.

Commissioner Krueger asked if these fees are competitive with surrounding communities. Mr. Paul said definitely. Lakeland's are very high. Osceola County's are a bit less. He reviewed the fees in other areas in Central Florida. Its in keeping with Polk County's fees. A question was asked if they were high enough. Mr. Slaton said these are formula based. Mr. Paul said its a sound fee based on the list of projects. Mayor Hilligoss asked if it could be increased someday. Mr. Paul said there are restrictions unless there is a finding of extraordinary circumstance. As the City grows such a finding might be possible. There may be a phase requirement. If the plan is updated regularly then we can increase it appropriately. Increases for inflation are allowed.

Deputy Mayor Gibson asked if this impact fee is from the impact caused by new construction or substantial renovation and that's where the money comes from and these projects retrofit current infrastructure to accommodate the population growth or additional demand. Mr. Paul and Mr. Slaton confirmed this. Deputy Mayor Gibson said some of this is tied to the Lake Wales Connected Plan. Mr. Paul confirmed this. Mr. Paul said the Lake Wales Connected Plan is a good vision. We had to assign a capacity increase and a definitive cost to the Lake Wales Connected Plan projects. They had to be quantified as multi-modal capacity. The Lake Wales Connected Plan is referenced with the projects. We took the plan one step forward to ensure we can legally collect for those improvements.

Deputy Mayor Gibson asked Mr. Paul to what extent he can help our staff as far as designing new subdivisions so that these things are built in to what we do? Then the next part is adding to what is in the new subdivisions to accommodate these new transportation requirements. More people and new ways to get from one place to another. He has driven through new county subdivisions and there is not much as far as multi-modal facilities. They are just houses and roads. Mr. Paul said the next steps are "Complete Streets" plans and can help staff to design development standards for new developments to build facilities as the City needs. Mr. Bennett said this plan can help staff direct developers on the trails or facilities the City wants. Deputy Mayor Gibson said this can help ensure quality growth. Some might prefer to go where its cheaper.

Mr. Paul reviewed the prices of nearby areas and said the Lake Wales area is a desirable area. We can control what we allow in. This plan allows for some safeguards.

Mayor Hilligoss asked if we are selling ourselves short. Mr. Paul explained how the fees were arrived at and they are based on our identified needs. We are not upgrading major roads as other cities are. Mayor Hilligoss said he agrees about building so we don't have to retrofit. Mr. Paul said this plan provides a strong basis to address this. Some of the land development regulations will need changing to reflect this plan especially on internal streets.

Deputy Mayor Gibson said Let me mention one other thing. You know, we're all crazy for volunteering to do these jobs and especially when you hear what's down the road and what's got to be decided. We represent not the people that are coming we represent the people that are here. Our folks are, and this is a generalization but I think it pretty well holds true, our folks are interested in quality of life. They do not want to deteriorate our living circumstances. We have a Mission Statement now. Most cities don't have mission statements. The core of our mission statement is "Make you the world a bit better or more beautiful for your having been here" The term is better. Whatever it takes to make it better. Better than what it is or what it might be. Better. That word is not bigger and it's not smaller it's better. So that's our charge, our people voted on that. Ok you want to do all this stuff do it as long as you make our living circumstances better than they are now. Then you fulfilled your charge based on the mission we've given you. So that's where we are. Imposing these standards that you're talking about on the new construction seems to me fundamental to that. And one other thing, and I'm just one of five, I don't think Lake Wales is for everybody. You want urban sprawl? There's plenty of it out there. Go! We got something here to protect and make better. Ok design folks go to it as long as it's better.

Jonathan Paul said that something that I talk with a lot of communities on, there's some communities that I work in, Naples, Palm Beach Gardens, Panhandle Seaside, they are very attractive communities with high level amenities and one of the reasons is because the governments require it. If you don't require it they are not going to build it. I'm sorry. As much as they say that "we are going to build pretty things" they are going to hire their engineer and their planner and they are going to say "what's the minimum that we got to build"? And they are going to build to the minimum. Maybe they will do a clubhouse or a nice entrance features and all like that. If you don't tell them that you want a sidewalk or a multi-use path they're not going to give you one. Tell them that you want shaded street trees. You tell them you want an attractive community. You put it in your standards. Then that's what they build to and that's what they design to. If you don't put it in there then as you mentioned they are gonna give you a driveway and a home and a lot and you gotta be in a vehicle. As I stress to communities throughout the state you really, to the extent the state legislature still allows you to do it, you still control your comprehensive plan, you still control your land development regulations. Um I don't know that's going to be true 20 years from now or 10 years from now the way you know control gets usurped sometimes. I've seen it. I've been dealing with this 25 years now from all levels. I've seen more and more how the legislature is getting involved in these day to day decisions. But, by and large, you still control what the quality of your development coming into your community looks like. It's really up to you. I don't envy you. You've got tough decisions you got to make on these things. There's costs if you're gonna do it. On the developer's side I say the best thing is communities don't get in there and negotiate back and forth. If you want something put it in your standards and saying this is what we want done. If you want a turn lane, tell them you want a turn lane. If you want a traffic signal, tell them you want a traffic signal. If you want a roundabout, you want connections to parks, you want connections to schools put it in your standards saying this is what you gotta do. Absent that they're gonna build you..you know if you see something that's built in the last year and you don't like it. They built to your design

standards that are in the book. And so if you want something that's attractive put it in there. We're talking right now to the City of Port St. Lucie going through the exact same discussion. If you want the type of facilities use these standards as your basis and that's what you require developers to build.

Deputy Mayor Robin Gibson said that setting the standard one thing we gotta be prepared for, we're gonna catch some flak. Because it doesn't matter whether you want higher quality or more quantity and lower quality you're gonna get flak either way. We just gotta decide what our consensus is in this community.

Mr. Paul said that once they build these homes, you know there are homes in this community over 100 years old. These single-family homes aren't going anywhere. You are going to be looking at what you are looking at for the next 50, 75 years plus.

Commissioner Terrye Howell said Hold on I'm just happy that we're doing this. I think because Mark told us some time ago about what Haines City was trying to do. I forgot the scenario. I think that its good that we're getting some of this money. Because if we are gonna send 97% of the money to the county and we only get 3%. So therefore we give little because we get little. If it was 70/30 then we'd get 30% of theirs but we are only getting 3%. I'm happy that we are trying to combat that "with we want more". And I like what the gentleman just said about asking for what we want. I said that the other day at whatever meeting. All the developers are asking for variances, asking for another way to do things and so we are granting that to them. This is fine because I'm told we are giving them something. But now we can tell a developer in my mind because they have to pay this extra money to build a gym. If they want 6 houses on an acre then build a gym or build a soccer field. That's what I'm thinking. That may not be the right thing but that's what I'm thinking. Ask for what you want. Go ahead. That's it. Thank you. Mark, are you gonna answer to something I was saying?

Mr. Bennett said yeah. The 97% and 3% that's the County impact fee. We collect on behalf of the County. We keep a 3% administrative fee and then every month I have to review and the City Manager has to sign to send a check that we send to Bartow for all those fees. So with this we are going to get our own pot of money to facilitate transportation needs and improvements. I would say if a developer is not willing to pay an additional two grand a unit to be in Lake Wales so be it. To be blunt we are going to need every dime we can get to facilitate transportation improvements so I would ask that we do this post haste.

Commissioner Williams said if the amount can be increased he would support that. Mr. Slaton said they would look into this.

4. ORDINANCE 2022-30 LDR Updates Chapter 23 Land Development Regulations – 2nd 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 23-421 Permitted Uses b. Section 23-302 Definitions

**RECOMMENDATION** Staff recommends adoption of Ordinance 2022-30, following a public hearing at second reading. 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. On June 19, 2022, at a regular meeting, City Commission approved Ordinance 2022-30 at first reading.

**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.

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 23-421 Permitted Uses Section

23-302 Definitions

**FISCAL IMPACT** None

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

5. ORDINANCE 2022-36 LDR Updates Chapter 23 Land Development Regulations – 2nd 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 23-303 Streets b. Section 23-348 Home Based Businesses c. Section 23-802 Definitions

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

At a regular meeting on June 28, 2022, the Planning Board made a recommendation of approval for the proposed changes to the Land Development Regulations. City Commission approved Ordinance 2022-36 at first reading on July 19, 2022.

**BACKGROUND** Areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments.

**Sec. 23-303 Streets** *The current code access requirement calls for building frontage and primary access directly from a local street. For smaller developments of only a few lots, Staff brought code language before the Development Review Committee (DRC), which mirrors that of the City of Haines City's, allowing a private access road connecting to a local road approvable by City Commission. The DRC had no objections to the code change, finding that emergency access would not be restricted.*

Every building hereafter erected or moved shall be on a lot with a minimum width of 20 feet adjacent to or abutting on a paved public street, or with access to a paved public street by means of a private street approved by the City Commission, which has a minimum of 24 feet wide right-of-way or easement. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection and related emergencies and required off-street parking.

**Section 23-348 Home Based Businesses** *The City's "Home Occupations" Section 23-348 is critically outdated due to several legislative changes that have taken place at the State-level, which have redefined how local governments can regulate these uses. The City hired Merle Bishop, FAICP, Planning Consultant with Pennoni through our Master Consulting Agreement to have this section revised. Based on legislative changes to Section 559.955, Home-Based Businesses, Government Restrictions, and after reviewing other local ordinances, the Consultant recommends a new Section 23-348 entitled Home-Based Businesses. Staff Supports the recommended changes.*

**Section 23-348. Home-Based Business**

a. The purposes of this section are to:

1. Permit the residents of the City of Lake Wales a choice in the use of a limited area of their home as a place of livelihood and the production or supplementing of personal and family income;
2. Permit no-nuisance commercial businesses within residences while maintaining a residential area or neighborhood without excessive noise, light, or other nuisances that undermine the purpose and character of the residential district;
3. Protect residential properties from any adverse impacts associated with home-based businesses;
4. Ensure that the rights of neighbors and other residents are not compromised by intrusive, hazardous, or environmentally degrading business activities;

5. Protect residential property values;

6. Permit "Cottage Food Operations" consistent with the provisions of the "Home Sweet Home Act" (Chapter 500, F.S.);

7. Ensure consistency with Section 559.955, F.S. (Home-based businesses); and

8. Establish performance criteria and standards for home-based businesses that will provide fair and equitable administration and enforcement of this section.

b. Home-based businesses shall include the following types or categories of activities:

1. Home occupation – a business, personal services, digital services, professional services, on-line teaching or training to individuals or groups, computer services such as repair or assembly, an occupation or trade conducted by the occupant of a dwelling as a secondary use. Usually conducted in a home office space, studio or defined workspace.

2. Telecommuting/Telework – a "work at home" arrangement between an employer and employee for performing work at a location other than the primary work location, such as at the home of an employee, and sending and receiving material by phone, email or other electronic means.

3. Cottage Food Operation – a natural person or entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity, and sells such products in accordance with Section 500.08, F.S. (Chapter 500, F.S.)

4. Home-based cottage industry – a small-scale, light manufacturing business carried on at home by family members using their own equipment. Typically referred to as handmade, handcrafted or artisan items made using hand tools, mechanical tools and electronic tools for the manufacture of finished products or parts that are valued for their uniqueness, handmade qualities, artistic value or traditional characteristics.

c. A home-based business shall be allowed in any residence provided such home-based business is clearly incidental and secondary to the use of the dwelling as a residence and provided there are no external appearance of a business or commercial activity. Any person operating a home-based business is required to obtain a local business tax receipt pursuant to Chapter 19 of the Lake Wales Code of Ordinances.

#### **1. Employment:**

i. The home-based business shall be conducted by a member of the immediate family residing on the premises and up to a maximum of two (2) non-resident employees or independent contractors on-site at any time. [§559.955(3)(a), F.S.]

ii. A cottage food operation may employ a person who does not reside on the premises provided the residence is occupied by a person who has an ownership interest in the home-based business. [§500.03(j), F.S.]

iii. The home-based business may have additional remote employees that do not work on premise at the residential dwelling.

#### **2. Location and area:**

i. Regardless of the location of the home-based business, the principal dwelling unit on the property shall be the bona fide residence of the home-based business practitioner. The home-based business shall be clearly incidental and secondary to the property's use for residential purposes.

ii. The floor area devoted to a home-based business shall not exceed twenty-five (25) percent of the gross floor area of conditioned air space of the dwelling. iii. A home-based business may be conducted from a

completely enclosed accessory structure with the approval of a special exception use permit pursuant to the requirements of Section 23-216 of this Code.

**3. Outward Appearance:** As viewed from any travelway, the use of the residential property shall be consistent with the uses of any surrounding residential uses. Outdoor storage, displays or equipment associated with a home-based business other than those that are customarily associated with a residential use are prohibited. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

**4. Customers and clients:** Visits to the premises by customers and clients of the home-based business shall occur only by scheduled appointment and no more than two (2) customers or clients may visit the premises at one time.

**5. Signage:** One non-illuminated business identification sign, mounted flush to the dwelling unit and not more than two (2) square feet in area shall be allowed.

**6. Nuisances:** A home-based business shall not create noise, vibration, glare, fumes, odors, dust, heat, or smoke.

**7. Electronic Interference:** No equipment, electrical devices or processes shall be used which may cause electromagnetic disturbances, electrical interference or create visual or audible interference in any radio, television, or satellite receiver or telephone, which violates FCC standards, or which causes fluctuation in off-site voltages.

**8. Hazardous Substances:** No highly toxic, explosive, flammable, combustible, corrosive, radioactive, volatile organic chemical compounds or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use. No chemicals or chemical equipment shall be used or stored, except those that are used for domestic or normal household purposes.

**9. Vehicle Traffic:** Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential area or neighborhood. Any increase to existing traffic created by the home-based business shall not exceed ten (10) additional trips per day. Based on the assumption that a single-family residence generated ten (10) vehicle trips per day, and residence with a home-based business will not exceed a total of twenty (20) vehicle trips per day.

**10. Truck traffic:** Delivery and shipping of merchandise, goods, or equipment, to the site of the home-based business shall be made by a vehicle typically employed in residential deliveries and shipping, such as, passenger vehicles, mail carriers, or step vans (i.e. UPS, Federal Express, etc.). No deliveries or shipping to the site of the home-based business by semi-tractor/trailer truck or vehicles having more than two (2) axles shall be permitted. Deliveries of any kind shall not exceed one (1) per day.

#### **11. Parking:**

i. Home-based businesses shall provide adequate parking spaces for any and all anticipated increase in vehicles at the dwelling including residents, employees, visitors, clients and customers of the home-based business. Such parking shall be provided in a manner and style that does not diminish the residential quality of the surrounding area and does not create adverse parking impacts on the adjacent street or properties.

ii. All vehicles shall be parked within the driveway or in a designated parking space(s) that is located on the lot of the home-based business other than a required front yard and not within the road right-of-way unless on-street parking is legally authorized.

iii. Sufficient lane widths on the adjacent roadway shall be maintained free of parked vehicles for the safe flow of through traffic.

iv. Vehicles shall not be parked over a sidewalk or on any unimproved surfaces at the residence.

**12.Sales of services or products:**

i. Retail sales on-site shall be made by appointment only and are limited to services which are provided on-site; goods which are manufactured, assembled, or grown on site; or products which are directly related to the goods or services rendered by the home-based business.

ii. There shall be no sales of services or products on the premises which are not provided or produced on the premises, except those sales which are incidental to the business.

iii. The home-based business and the address of the premises shall not be advertised in such a manner that would encourage customers or salespersons to come to the property without an appointment.

iv. A cottage food operation may sell, offer for sale, and accept payment for cottage food products over the Internet or by mail order. Such products may be delivered in person directly to the customer, or a specific event venue, or by United States Postal Service or commercial mail delivery service. A cottage food operation may not sell, offer for sale, or deliver cottage food products at wholesale. [§500.80(2), F.S.]

v. All other retail or wholesale sales shall be made via telephone, Internet, or mail order. Products shall be delivered in person directly to the customer, a specific event venue, by United States Postal Service or a commercial delivery service.

**13.Prohibited Business Activities:** The following shall not be permitted as a home-based business:

i. Music instruction for groups of more than two (2) clients or students at one time;

ii. Group consultation or giving group instruction of any type for more than two (2) people at one time;

iii. The use of any machinery, tools, or equipment that in scale, size or numbers beyond what is typically found in a home;

iv. Beauty shop/salon or barbershop

v. Private club;

vi. Antique or gift shop;

vii. Commercial kennel;

viii. Nursery school or pre-school;

ix. Public dining facility or tearoom;

x. Automotive work of any type, including that of recreational vehicles; and

xi. Repair of equipment that takes place outdoors.

**Sec. 23-802 Definitions** Necessary to update our Definitions section of the code in support of the new Section 23- 348 Home-based businesses.

Home-based business means any occupation, professional activity, business, profession, or commercial activity conducted entirely within a dwelling unit and carried on by a member or members of the immediate family or household occupying the dwelling and up to a maximum of two (2) non-resident employees or independent contractors on-site at any time. A home-based business is clearly incidental and secondary to

the use of the property for residential purposes and does not change the appearance or character of the dwelling. Home-based business includes: home occupation, telecommuting/telework, cottage food operations, and home-base cottage industry.

#### **CODE REFERENCES AND REVIEW CRITERIA**

Section 23-303 Streets

Section 23-348 Home Based Businesses

Section 23-802 Definitions

**FISCAL IMPACT** None

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

6. ORDINANCE D2022-25 Future Land Use Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road.

[Begin Agenda Memo]

**SYNOPSIS:** Sarah Case, authorized agent for owner, request approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 17.23 acres of land.

**RECOMMENDATION** Continue Ordinance D2022-25 to the City Commission Meeting on September 7, 2022 for first reading and second reading on September 20, 2022.

**BACKGROUND** The legal description listed in the annexation Ordinance, brought to the board for second and final reading on June 5, 2022, was listed incorrectly, and included a description of a parcel that is not meant to be included in the annexation. Staff is taking corrective actions to bring the annexation ordinance back to City Commission, with the revised Ordinance reflecting the corrected legal description. Therefore, the request to continue Ordinance D2022-25 will help correct the discrepancy in legal descriptions.

**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** Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

7. ORDINANCE D2022-26 Zoning Map Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road.

[Begin Agenda Item]

**SYNOPSIS:** Sarah Case, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 17.23 acres of land.

**RECOMMENDATION** Continue Ordinance D2022-26 to the City Commission Meeting on September 7, 2022 for first reading and second reading on September 20, 2022.

**BACKGROUND** The legal description listed in the annexation Ordinance, brought to the board for second and final reading on June 5, 2022, was listed incorrectly, and included a description of a parcel that is not meant to be included in the annexation. Staff is taking corrective actions to bring the annexation ordinance back to City Commission, with the revised Ordinance reflecting the corrected legal description. Therefore, the request to continue Ordinance D2022-26 will help correct the discrepancy in legal descriptions.

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

**FISCAL IMPACT** Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Mark Bennett, Development Services Director, reviewed this item.

8. ORDINANCE 2022-39 Discussion To Increase Commissioner Salaries

[Begin Agenda memo]

**SYNOPSIS:**

Ordinance 2022-39 will increase Commissioner Salaries by adding an expense allowance of \$200 monthly.

**RECOMMENDATION** Staff has no recommendation.

**BACKGROUND** In a recent meeting with the City Manager, a Commissioner expressed a desire to be reimbursed for mileage incurred in the performance of local official duties. Staff is recommending an expense allowance of \$200 monthly that will increase City Commission salaries from \$6,323.27 to \$8,723.27 and will increase the Mayor's salary from \$9,484.91 to \$11,884.91. Ordinance 2022-39 is presented for discussion and your consideration for adoption. In accordance with the City Charter, "The commission may determine the annual salary of commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the commission member(s) elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months."

**OTHER OPTIONS** Do not approve the Ordinance.

**FISCAL IMPACT** Commission member salaries will increase by \$2,400.00 annually.

[End Agenda memo]

James Slaton, City Manager, reviewed this item.

Commissioner Howell confirmed that this can reimburse meeting costs. Mr. Slaton said yes. Commissioner Howell asked if this would be automatic. Mr. Slaton said yes. A few other Cities handle it this way. Sandra Davis, Director of Human Resources, explained that conference travel can still be reimbursed separately upon request. If this is not approved then expenses can be submitted for reimbursement instead.

Commissioner Krueger asked about staff time to process reimbursements. Mr. Slaton said that can depend on how many and how frequent and reviewed the paperwork required. Commissioner Krueger expressed support for this proposal.

Commissioner Williams expressed support for this as well.

Mayor Hilligoss asked when the last time salaries were adjusted. Commissioner Howell said a few years ago. Mr. Slaton said in 2020. This can be handled however the commission preferred.

Deputy Mayor Gibson said he would not put up with the headache of requesting reimbursement. He supports this as he knows what the job takes.

Commissioner Krueger asked if the amount is similar to other cities. Ms. Davis said only a few other cities do something similar. Mr. Slaton said the amount of the other cities for incidentals is about the same and given our population size the total amount is within the same salary range. Commissioner Krueger asked if we are pretty solid in supporting this amount. Mr. Slaton said yes. Mayor Hilligoss asked if the increase has to wait until the next election. Ms. Davis said yes and that is addressed in the memo.

#### 9. Board Appointments To Tree Advisory Board

[Begin Agenda memo]

**SYNOPSIS:** Appointment to fill vacancies on the Tree Advisory Board

**RECOMMENDATION** Staff recommends that the Mayor and Commission make the following appointments as deemed appropriate.

1. Appoint Howard Preston Troutman to the Tree Advisory Board to a new term to expire July 1, 2025
2. Appoint Mandy Cilliers to the Tree Advisory Board to a new term to expire July 1, 2025
3. Appoint Robert Connors to the Tree Advisory Board to a new term to expire July 1, 2024
4. Appoint David Price to the Tree Advisory Board to a new term to expire July 1, 2024

**BACKGROUND** On April 7th 2022 the City Commission approved the creation of the Tree Advisory Board. The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06). Tree Advisory Board (City Code Sec. 2-201) – The board consists of five (5) voting member. A majority of the members must reside or own property within the City limits. 1 member shall be a current or retired professional arborist, landscape architect or landscape planner. One member shall be a current or retired real estate investor, developer or equivalent. Terms are 3 years but the first appointments must be staggered.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 5 Vacancies due to this is a newly created board.

Current Members: None Applying for Appointment:

Howard Preston Troutman for a term to expire July 1, 2025

Mandy Cilliers for a term to expire July 1, 2025

Robert Connors for a term to expire July 1, 2024

David Price for a term to expire July 1, 2024

**OPTIONS** Do not appoint those that have applied.

**FISCAL IMPACT** None. These are volunteer boards.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Robert Connors, non resident, shared why he wished to serve on this board.

10. Special Event Permit For Circle Of Friends Friendsgiving Event

[Begin Agenda Memo]

**SYNOPSIS:** Circle of Friends has submitted Special Event application to host a Friendsgiving event on November 19, 2022 from 11:00 a.m. – 4:00 p.m. This application requests the closure of Stuart Avenue between First Street and Market Street.

**RECOMMENDATION** Staff recommends approval of the application and closure of Stuart Avenue between First and Market Streets from 8:00 a.m – 5:00p.m on Saturday November 19, 2022.

**BACKGROUND** The Circle of Friends organization wants to host a community event called Friendsgiving. This event will include food, games, vendors, DJ and other activities. Set up will begin at 8:00 a.m. This portion of Stuart Avenue between First Street and Market Street will be closed between 8:00 a.m. and 5:00 p.m. The sponsor will provide sanitary facilities, dumpster and will notify area businesses of the closure.

**OTHER OPTIONS** Do not approve the application.

**FISCAL IMPACT** Sponsor will reimburse the city 100% of its costs.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

11. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Howell asked about repaving Wiltshire before school starts. Mr. Slaton said they will work on this.

Deputy Mayor Gibson said he was impressed with what the Florida Development Corporation (FDC) has done in Tampa and the new home that they built. He is concerned about facades and public appearances. The building on Lincoln needs a new façade to set the standard for Lincoln. He will sponsor the architecture fee to redo the façade according to Main Street's store front guidelines. The funds will come from a grant from the Robin and Jean Gibson Givewell Foundation as a grant to the CRA to go to the FDC. Commissioner Krueger asked about the cost and suggested the extra \$2500 the FDC gave back to the City be directed to the structural part of it. Deputy Mayor Gibson said he wasn't sure about the cost but expressed support for that idea.

Mayor Hilligoss thanked staff for the land use study update as it made him feel more optimistic. He looks forward to seeing how that plays out. He said the ribbon cutting on Monday for the house was a blast.

Mayor Hilligoss commended Polk State College for the Start Right Campaign event on Saturday. He thanked the Police Department for their help during the event.

12. ADJOURN

The meeting was adjourned at 3:45 p.m.

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Mayor

ATTEST:

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City Clerk