

# City Commission Meeting Minutes

August 2, 2022

(APPROVED)

8/2/2022 - Minutes

1. INVOCATION

Rev Rob Quam 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 the pledge of allegiance.

4. ROLL CALL

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

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Captain Jack Davenport's 100th Birthday

Mayor Hilligoss presented a proclamation to Captain Jack Davenport in honor of his 100th Birthday.

5.II. PROCLAMATION - Water Professionals Month

Mayor Hilligoss proclaimed August as Water Professionals Month. Sarah Kirkland, Utilities Director, Damon Summers, Water Treatment Plant operator and Diego Chavez, Wastewater Treatment Plant operator accepted the proclamation.

6. COMMENTS AND PETITIONS

Charlene Bennett, resident, spoke in favor of wearing masks as Covid-19 cases are on the increase.

Juanita Zwaryczuk, resident, spoke against the proposed ordinance to increase commissioner salaries.

Tiffany Davis, resident and business owner, spoke about panhandling downtown and said it is a concern.

Al Goldstein, resident, said the issue about panhandling was discussed at the last Citizens and Police Community Relations Advisory Committee. He said this has happened to him and his wife and other residents. He also spoke in favor of the ordinance to increase Commissioner salaries.

Tim Ratliff, resident, spoke against the decision to terminate Joanna Abernathy and commended her recent

efforts at resolving an issue the library. He recommended a certificate of appreciation for her.

## 7. CITY CLERK

### 7.1. 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]

Ms. Mandy Cilliers introduced herself, shared her background and why she wished to serve on the board.

Mr. Preston Troutman introduced himself, shared his background and why he wished to serve on the board.

Mr. David Price introduced himself, shared his background and why he wished to serve on the board.

Mayor Hilligoss appointed Preston Troutman and Mandy Cilliers to terms ending July 1, 2025 and Robert Connors and David Price to terms ending July 1, 2024.

Deputy Mayor Robin Gibson made a motion to confirm the appointments. Commissioner 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.

#### 8. CONSENT AGENDA

Commissioner Krueger made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.I. Minutes- July 19, 2022, May 17, 2022, May 18, 2022

8.II. 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]

- 8.III. Special Event Permit Application From The Allen Temple AME Church For Their Super Saturday Event On Saturday August 13th, 9:00 A.m. – 4:00 P.m.

[Begin Agenda Memo]

**SYNOPSIS:** Approval of the special event permit application will allow the Allen Temple AME Church to host their event that will include a road closure of Washington Avenue from C Street to D Street on Saturday August 13th from 7:00 a.m. – 5:00 p.m.

**RECOMMENDATION:** It is recommended that the City Commission take the following action: 1. Approve the special event permit application from the Allen Temple AME Church to host a Super Saturday Health Fair event on Saturday August 13th 2022 from 9:00 a.m. – 4:00p.m.. 2. Approve the temporary street closing of Washington Avenue from C Street to D Street between the hours of 7:00 a.m. and 5:00 p.m.

**BACKGROUND:** Allen Temple AME Church has submitted a special event permit application for the church to host a “super Saturday” event that will feature a Health Fair and Garage Sale. The church has requested a road closure of Washington Avenue between C Street and D Street for mobile bus units that are attending. Staff has reviewed the application and has no issues with the street closing. The church is handling all site set ups, sanitary facilities, trash receptacles and trash clean up. Insurance has been provided as required.

**OTHER OPTIONS:** Do not approve the event or street closing.

**FISCAL IMPACT:** There is no cost to the City for this event.

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. 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 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]

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 TABLE 23-421 PERMITTED USES AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-30** after 2nd 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 approved 5-0

- 9.II. 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]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-36** by title only.

#### **ORDINANCE 2022-36**

**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 23-303 STREETS, SECTION 23-348 HOME OCCUPATIONS, AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell asked about classes at a private home like exercise class or a tutoring session. Mark Bennett, Development Services Director, said there are limitations on group activities in the Ordinance such as how many can participate. Mr. Bennett said the main concern is cars parked in the area or neighbor complaints. Unless their are neighbor complaints staff won't investigate possible business activities.

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-36** after 2nd 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.

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]

Commissioner Howell made a motion to table **ORDINANCE D2022-25** until September 7, 2022. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.IV. 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 Memo]

**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]

Commissioner Howell made a motion to table **ORDINANCE D2022-26** until September 7, 2022. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

## 10. NEW BUSINESS

### 10.I. 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]

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

**ORDINANCE 2022-38**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ARTICLE VII, DIVISION 4, "PUBLIC FACILITIES IMPACT FEES"; AMENDING SECTION 23-761 RELATING TO DEFINITIONS; SECTION 23-762 RELATING TO FINDINGS AND INTENT; AMENDING SECTION 23-763 ADOPTING THE MOBILITY PLAN AND MULTIMODAL TRANSPORTATION IMPACT FEE SCHEDULE; AMENDING SECTION 23-764 RELATING TO PAYMENT OF IMPACT FEES; AMENDING SECTION 23-765 RELATING TO ALTERNATIVE COLLECTION; AMENDING SECTION 23-766 RELATING TO ALTERNATIVE CALCULATION OF IMPACT FEES; AMENDING SECTION 23-767 RELATING TO EXEMPTIONS; AMENDING SECTION 23-768 RELATING TO CHANGE OF USE OR SIZE; AMENDING SECTION 23-769 RELATING TO VESTED RIGHTS; AMENDING SECTION 23-770 RELATING TO IMPACT FEE CREDIT; AMENDING SECTION 23-771 RELATING TO AFFORDABLE HOUSING; AMENDING SECTION 23-772 RELATING TO REVIEW HEARINGS; AMENDING SECTION 23-773 RELATING TO REFUNDS OF MOBILITY FEES; AMENDING SECTION 23-780 ESTABLISHING MULTIMODAL TRANSPORTATION IMPACT FEES BASED ON A MOBILITY PLAN; AMENDING AND**

**RENUMBERING SECTION 23-780 TO 23-781 RELATING TO ANNUAL ADJUSTMENT OF IMPACT FEES; AMENDING AND RENUMBERING SECTION 23- 781 TO 23-782 RELATING TO APPLICABILITY OF REVISED IMPACT FEES; AMENDING AND RENUMBERING SECTION 23-782 TO 23-783 RELATING TO REVIEW OF IMPACT FEES; AMENDING AND RENUMBERING SECTION 23-783 TO 23-784; PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2022-38** after 1st Reading. 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.

10.II. **ORDINANCE 2022-39 To Increase Commissioner Salaries – First Reading**

[Begin Agenda Memo]

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

**RECOMMENDATION** Staff recommends adoption of Ordinance 2022-39 on First Reading.

**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.

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]

Jennifer Nanek, City Clerk, read ORDINANCE 2022-39 by title only.

**ORDINANCE 2022-39**

**AN ORDINANCE ADJUSTING COMPENSATION FOR CITY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.**

Commissioner Howell said some commissioners travel more than others and what are other expenses besides mileage.

Deputy Mayor Gibson said he does not want flak about this. The Commission did not request this. This is an allowance for expenses. Tracking the expenses is not worth the effort.

Commissioner Krueger said the commission members are not overpaid. He shared his mileage thus far and costs expended during his time as a commissioner. The money paid does not cover expenses. This relieves staff keeping track of reimbursement paperwork.

Commissioner Williams said the Commissioner members are not doing this for the money and is in favor of the Ordinance.

Commissioner Howell said the ones that travel should just submit mileage. Mayor Hilligoss said staff would prefer not to have to deal with the paperwork.

James Slaton, City Manager, agreed and said this allowance can cover other expenses besides mileage such as lunches and events. This is for all of it.

Commissioner Krueger made a motion to approve **ORDINANCE 2022-39** after 1st Reading. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "NO"

Mayor Hilligoss "YES"

Motion passed 3-2.

#### 11. CITY ATTORNEY

no report.

#### 12. CITY MANAGER

James Slaton, City Manager, announced a groundbreaking for Keystone Phase 3 on Tuesday at 9:30 a.m. on B Street.

##### 12.I. Commission Meeting Calendar

James Slaton, City Manager, said that next Tuesday is the CRA Meeting and Wednesday is the Budget Workshop and Agenda Review Session.

#### 13. CITY COMMISSION COMMENTS

Commissioner Krueger said he did some research on masks and explained that they are not effective.



Commissioner Williams said that we are working on the panhandling ordinance.

Commissioner Howell said she wears a mask to protect others in case she has something.

Commissioner Howell asked if something can be done if a panhandler becomes too aggressive. Albert Galloway, Jr., City Attorney, said language about this is in the ordinance. How to best enforce it is the problem. Commissioner Howell asked if a person can be trespassed. Mr. Galloway said the sidewalk is public property. James Slaton, City Manager, said they are working on this problem. The Police Department is focused on this.

Deputy Mayor Gibson asked that the audio system issue in the chambers be addressed.

Deputy Mayor Gibson said that our Panhandling Ordinance should be enforced until there is noise or action filed. Our businesses need to be protected as much as possible.

Deputy Mayor Gibson said the presentation by Jonathan Paul last week was good. We need to do our best to enhance our quality of life and make things better in Lake Wales. We need good development standards in Lake Wales. Better means increased property values.

14. MAYOR COMMENTS

Mayor Hilligoss thanked staff for efforts on the Lake Wales Connected, the land development study and the multi-modal fee. All of these things help grow his confidence in the direction Lake Wales is headed.

Mayor Hilligoss shared that he has gotten to meet 2 World War II veterans turning 100 this year. It was a blessing to be part of events for both.

15. ADJOURNMENT

The Commission Meeting was adjourned at 7:14 p.m.

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Mayor

ATTEST:

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City Clerk